PREFACE

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

Contents of Code

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

Division of Code

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

Histories

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

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

Appendix

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

Disposition List

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

Index

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

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantive altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should
be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

**Adding new articles.** New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVI\textsubscript{A}). The section numbers would be as indicated above (e.g., if the new Article XVI\textsubscript{A} contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVI\textsubscript{A} should contain §§ 166-30.1 through 166-30.6).

**Supplementation**

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

**Acknowledgment**

The assistance of the Borough officials is gratefully acknowledged by the editor. The codification of the legislation of the Borough of California reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."
Tools for Finding Information – In addition to the municipality’s legislation, this publication contains tools to help locate information: table of contents, index, chapter outlines (schemes), and a disposition list.

Chapters – Chapters are generally discrete pieces of legislation, but can also be made up of several individual pieces on a related topic. In that case, the individual pieces are arranged into articles or parts within the chapter. The article or part titles can be found in the chapter scheme or by subject in the index. If you are familiar with a former number or title, look for it chronologically in the disposition list.

Reserved Chapters – In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of later enactments. Help in selecting an appropriate number for a new chapter is available from the editor. See also the “Instructions for Amending the Code” in the Preface.

Section Numbering – A chapter-related section-numbering system is employed. Each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the fourth section of Chapter 6 is § 6-4.

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

Page Numbers – A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral “1.” Thus, Chapter 6 begins on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.
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DISPOSITION LIST

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PART I

ADMINISTRATIVE LEGISLATION
Chapter 1
GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[An ordinance adopting the Code of the Borough of California and making certain substantive changes to existing ordinances of the Borough is presently proposed before the Borough Council. Upon final adoption, it will be included here as Article I of this chapter.]
Chapter 5
AUDITOR

§ 5-2. Appointment of independent auditor.

[HISTORY: Adopted by the Borough Council of the Borough of California 1-14-1980 by Ord. No. 352. Amendments noted where applicable.]

§ 5-1. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

INDEPENDENT AUDITOR — A certified public accountant registered in Pennsylvania, a firm of certified public accountants so registered, or a competent public accountant or a competent firm of public accountants.

§ 5-2. Appointment of independent auditor.
The Council of the Borough of California does hereby elect to appoint an independent auditor who shall be appointed annually by resolution before the close of the fiscal year. Said independent auditor shall make an independent examination of the accounting records of the Borough for such fiscal year. Such independent auditor shall also perform the other duties and exercise the powers as conferred upon him by Section 1196 of the Borough Code (53 P.S. § 46196).

§ 5-3. Office of elected auditor abolished.
From and after the date of enactment of this chapter, the office of elected Borough Auditor is hereby abolished although any Borough Auditor then in office shall continue to hold his office during the term for which elected but the Borough Auditors shall not audit, settle, or adjust the accounts audited by the independent auditor but shall perform the other duties of their office.
Chapter 8

AUTHORITIES, MUNICIPAL

ARTICLE I
Recreation Authority

§ 8-1. Intent and authority.

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

ARTICLE I
Recreation Authority

[Adopted 6-12-2003 by Ord. No. 481]

§ 8-1. Intent and authority.

The Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, hereby declares its intention to organize a municipality authority in said county and commonwealth under the Municipality Authorities Act of May 2, 1945, P.L. 382, as amended, 53 P.S. § 303.¹

§ 8-2. Articles of Incorporation.

In pursuance of said desire and intention, and in conformity with the terms and conditions of the Municipality Authorities Act and its subsequent amendments, the proposed Articles of Incorporation for the proposed Authority are hereby set forth in full as follows.²

§ 8-3. Implementation and filing.

The proposed Articles of Incorporation of the said Authority shall be executed by and on behalf of the Council of the Borough of California by the President of such Council, the Seal of the Borough shall be thereto affixed and attested by the Secretary/Treasurer. The Solicitor is authorized and directed to cause to be published the notice of intention to file the Articles of Incorporation as required under the Municipality Authorities Act, and when said Articles of Incorporation are properly executed by the incorporation municipality the same shall be filed with the Secretary of the Commonwealth.

¹ Editor’s Note: The Municipality Authorities Act of 1945 was repealed 6-19-2001 by P.L. 287, No. 22. See now 53 Pa.C.S.A. § 5601 et seq.

² Editor’s Note: The original Articles of Incorporation that followed here, along with any amendments thereto, are on file in the Borough offices.
Chapter 36

PENSIONS AND RETIREMENT

ARTICLE I
Police Pension Benefits

§ 36-1. Election to change benefits.
§ 36-2. Membership requirements.
§ 36-3. Credit for prior service.
§ 36-4. Payment for obligations.
§ 36-5. Provision of benefits; liability for unfundedness.
§ 36-6. Affirmative vote of plan members.
§ 36-7. Plan authorization; repealer.
§ 36-8. Filing; effective date.

ARTICLE II
Municipal Employees Pension Benefits

§ 36-9. Election to change benefits.
§ 36-10. Membership requirements.

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

GENERAL REFERENCES
Personnel policies — See Ch. 39.
Police Department — See Ch. 43.
Salaries and compensation — See Ch. 52.

ARTICLE I
Police Pension Benefits
[Adopted 12-13-2001 by Ord. No. 472]

§ 36-1. Election to change benefits.
California Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its police pension benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974,1 as amended, and does hereby agree to be bound by all the requirements and provisions of said law, and to assume all obligations,

1. Editor's Note: See 53 P.S. § 881.101 et seq.
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.

§ 36-2. Membership requirements.
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 or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

§ 36-3. Credit for prior service.
Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire or the expiration of the member’s probationary period if one so existed. Benefits provided to members in the agreement dated December 13, 2001, shall accrue based on all credited service granted and earned in accordance with this section.

§ 36-4. Payment for obligations.
Payment for any obligation established by the adoption of this article and the agreement between the System and California 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.

§ 36-5. Provision of benefits; liability for unfundedness.
As part of this article, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and California Borough, dated December 13, 2001. The passage and adoption of this article by California Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. California 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.

§ 36-6. Affirmative vote of plan members.
The Borough hereby acknowledges that an affirmative vote representing at least 75% of the plan members indicated the members were in agreement with the benefit change in the plan being administered by the Pennsylvania Municipal Retirement System.

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2. Editor's Note: Said agreement is on file in the Borough offices.
3. Editor's Note: See 53 P.S. § 895.101 et seq.
§ 36-7. Plan authorization; repealer.
California Borough intends this article to be the complete authorization of the Borough’s police pension plan and it shall become effective and specifically repeals the previous agreement and ordinance under Ord. No. 419.

§ 36-8. Filing; effective date.
A duly certified copy of this article 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 California Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of July 1994 with the revised plan structure reflected in the agreement dated December 13, 2001, effective the first day of January 2002.

ARTICLE II
Municipal Employees Pension Benefits
[Adopted 2-13-2003 by Ord. No. 479]

§ 36-9. Election to change benefits.
California Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its member 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 obligations, 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.

§ 36-10. Membership requirements.
Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employees of the Borough of California. 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 basis.

§ 36-11. Credit for prior service.
Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire or the expiration of the member’s probationary period if one so existed. Benefits provided to members in the agreement dated February 13, 2003, shall accrue based on all credited service granted and earned in accordance with this section.

4. Editor’s Note: See 53 P.S. § 881.101 et seq.
5. Editor’s Note: Said agreement is on file in the Borough offices.
§ 36-12. Payment for obligations.

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

§ 36-13. Provision of benefits; liability for unfundedness.

As part of this article, the Borough of California agrees that the System shall provide the benefits set forth in the agreement between the Board and the Borough of California, dated February 13, 2003. The passage and adoption of this article by the Borough of California is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. The Borough of California 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.

§ 36-14. Plan authorization; repealer.

The Borough of California intends this article to be the complete authorization of the Borough of California plan and it shall become effective and specifically repeal Ord. No. 384 either immediately or on August 1, 2002, which is the effective date of the amended agreement dated February 13, 2003, between the Pennsylvania Municipal Retirement System and the Borough of California, whichever is later.

§ 36-15. Filing; effective date.

A duly certified copy of this article and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of the Borough of California in the Pennsylvania Municipal Retirement System shall be effective the first day of January 1964, with the revised plan structure reflected in the agreement dated February 13, 2003, effective the first day of August 2002.

ARTICLE III
457 Deferred Compensation Plan  
[Adopted 8-14-2003 by Res. No. 03-113]

§ 36-16. Establishment of plan; contributions.

A. The Borough Council of the Borough of California hereby authorizes the establishment of a 457 Deferred Compensation Pension Plan for all Borough employees desiring to participate therein. Participation in the plan is noncompulsory, but is open to all full-time Borough employees.

6. Editor’s Note: See 53 P.S. § 895.101 et seq.
B. The Borough shall make no contribution to the 457 Deferred Compensation Pension Plan as to any employee enrolled hereunder, except as provided under this article. Any full-time employee may, however, participate and make such individual contributions as appropriate under the terms of the plan.

C. The Borough Secretary/Treasurer and any other officer or official of the Borough Council of the Borough of California are hereby authorized to execute any and all documents as necessary to establish a 457 Deferred Compensation Pension Plan through Keystone Insurers Group, as provided hereunder.

§ 36-17. Payments to plan by Borough.

A. The Borough of California recognizes that certain employees do not participate in any Borough-provided health insurance plan, by virtue of coverage available to said employees from other sources.

B. In recognition of the value to the Borough of the nonparticipation of certain employees, the Borough of California shall pay a sum equal to 2/3 the amount of premium per month which would otherwise be paid to enroll any such full-time employee in the Borough health insurance plan, to the 457 Deferred Compensation Pension Plan established hereunder, in the name of each such employee. Payments under this section may be made by the Borough only upon written request of the full-time employee and upon waiver by the employee of participation in the health insurance plan.

C. The Borough of California shall continue to pay 2/3 of the monthly health insurance premium amount into the 457 Deferred Compensation Pension Plan for each full-time employee who elects not to participate in Borough-provided health insurance coverage, for so long as such employee is not enrolled in any Borough-provided health insurance plan.

D. The enrollment or reenrollment in a Borough health insurance plan by any full-time employee who was receiving payments to 457 Deferred Compensation Pension Plan hereunder shall terminate any further payment by the Borough of any amounts provided hereunder, during such time as the employee is enrolled in a Borough-provided health insurance plan.
Chapter 39
PERSONNEL POLICIES

ARTICLE I
Drug and Alcohol Testing

§ 39-1. Definitions.
As used in this article, the following terms shall have the meanings indicated:

INTOXICANTS — Substances, including, but not limited to, alcoholic beverages, marijuana, narcotics, barbiturates, amphetamines, drugs, and any other controlled substance other than those taken under the direction and prescription of a duly licensed health care professional. Intoxicants also include legal drugs, whether or not taken under the direction and prescription of a duly licensed health care professional to the extent that their ingestion is inconsistent with their prescription or that their ingestion adversely affects, or may adversely affect, the safety of fellow employees or members of the public, the employee's job performance, or the safe or efficient operation of the Borough's business.

RANDOM SELECTION PROCESS — Intoxicant tests that are unannounced and that every employee of the Borough of California has an equal chance of being selected for testing within a given testing cycle.

§ 39-2. Establishment of policy.

§ 39-3. Scheduling of intoxicant testing.

§ 39-4. Testing procedures; notification of results; record keeping.

§ 39-5. Procedures following reasonable cause.

§ 39-6. Penalties for positive result.

§ 39-7. Refusal to cooperate.

ARTICLE II
Sexual Harassment


§ 39-10. Statement of prohibited conduct.


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

GENERAL REFERENCES
Pensions and retirement — See Ch. 36.
Police Department policies and procedures — See Ch. A209.

ARTICLE I
Drug and Alcohol Testing
[Adopted 10-14-1999 by Ord. No. 461]
§ 39-1

REASONABLE CAUSE — A belief by the Borough that the action or appearance or conduct of the employee is indicative or consistent with the use of any of the aforedefined intoxicants.

§ 39-2. Establishment of policy.

In keeping with the goal of the Borough of California, Washington County, in obtaining and maintaining a drug- and alcohol-free workplace, the Borough hereby issues and adopts the following as guidelines for employee behavior concerning the use of drugs, alcohol or intoxicants:

A. Involvement with intoxicants; penalties.

(1) The use, possession, purchase, sale, distribution, taking, carrying, transfer, handling or other involvement with intoxicants is prohibited in the following circumstances:

(a) Anywhere on or about the premises of the Borough of California. This includes areas within the immediate vicinity of the administrative offices of the Borough of California, such as the buildings and parking areas maintained as property of the Borough of California.

(b) Anywhere else where an employee is performing services as a representative of the Borough of California.

(2) Any employee found to be in violation of the above rules, except under procedures already provided herein, or subsequently adopted by resolution of the Council of the Borough of California, may be subject to disciplinary action up to and including dismissal.

B. The presence of any Borough employee at any Borough workplace, or at any other place where an employee is performing services as a representative of the Borough of California, while under the influence of any intoxicant as defined in this article is expressly prohibited and constitutes a violation of the drug and alcohol policy of the Borough of California.

§ 39-3. Scheduling of intoxicant testing.

A. The Borough of California shall be permitted to randomly schedule one intoxicant test per year for each employee of the Borough of California without cause.

B. The Borough of California shall be permitted to schedule an employee for intoxicant testing at any time upon reasonable cause as defined in this article.

C. All testing samples shall consist of a urine or blood specimen or combination of both whenever the employee is requested to provide the same at the direction of the testing facility, as such facility is designated by resolution of the Borough of California. The employee shall not be permitted to choose which specimen shall be submitted.
§ 39-4. Testing procedures; notification of results; record keeping.

A. Any employee required to report for intoxicant testing by notice duly served by the Borough of California shall do so at the time and location specified by the Borough, the same to be performed in an approved testing center as designated by resolution of the Council of the Borough of California.

B. The employee shall provide two samples of blood and/or urine extracted, one of which shall be tested at the Borough's direction and the other of which shall be maintained for a minimum of five days to permit the employee to have testing conducted on the second sample should the employee choose to do so. Upon written request to the Borough Secretary/Treasurer or President of Council, the Borough shall deliver the second sample to a testing facility designated by the employee and approved by the Borough for administration of appropriate testing.

C. The laboratory, as designated by resolution of the Council of the Borough of California, shall be instructed to check the seals on the shipping container and the specimen bottle and the chain of custody immediately upon receipt of said sample. When the urine test kit is received by a laboratory, one sealed specimen bottle shall be removed immediately for testing. The shipping container with the remaining sealed bottle shall be immediately placed in secure refrigerated storage.

D. The Borough shall notify the employee of the results of the test within 24 hours of receipt of same by the Secretary/Treasurer of the Borough of California or President of Council.

E. The Borough Secretary/Treasurer shall maintain the results of all intoxicant testing as provided under this article for a period of not less than two years.

F. Any employee who receives a test with positive results shall be entitled to request an independent test performed by an independent testing center, if the same is done within 24 hours of receipt of the test results by the employee from the Borough of California. Any independent testing as contemplated under this article shall be performed at the employee's expense.

G. Should the employee's test results contradict the results obtained by the Borough, the employee shall be required to provide an additional testing sample within 24 hours of notification of the results of the employee's independent test to the Borough of California.

H. The Council of the Borough of California shall hold a hearing to determine the validity of the Borough's original test when, as provided under this article, an employee's independent test has obtained a contradictory result from that obtained by the Borough, and where the second sample, as provided by the employee under this article, has been tested and reaches a similar contradictory result to that obtained through the original test. Upon determination by the Council of the Borough of California that the original test result as obtained by the Borough under the provisions of this article is invalid, no disciplinary action or other remedial measures may be taken against said employee by the Borough of California.
§ 39-5. Procedures following reasonable cause.

A. Upon determination by the Borough of California that reasonable cause exists, as defined under this article, against an employee of the Borough of California, the Council of the Borough of California shall provide written notice to said employee of the Borough's finding of the existence of reasonable cause. Upon receipt of written notice of the Borough's determination of the existence of reasonable cause, the employee may be requested at any time by the Borough of California to undergo intoxicant testing at a time and place as designated by the Borough of California. In addition, upon receipt of notice from the Borough of California that reasonable cause exists, any employee requested to be tested as a result of reasonable cause may be subject to indefinite leave without pay beginning with the date upon which written notice was served to the employee by the Borough of California of the existence of reasonable cause. The decision to place an employee on indefinite leave due to a finding of reasonable cause shall be solely at the discretion of the Borough of California.

B. Any employee placed on indefinite leave as a result of reasonable cause, as contemplated under this article, may be recalled to work at any time pending the receipt of test results, within the discretion of the Borough of California.

C. Subsequent to the testing of any employee for whom a finding of reasonable cause has been made by the Borough of California and who has been placed on indefinite leave, should the results of said test prove negative, the employee shall be immediately reinstated and be reimbursed for any lost time, including any missed overtime and other benefits to which said employee would be entitled had they not been placed on indefinite leave.

§ 39-6. Penalties for positive result.

A. Any employee who receives a positive test result as a result of a random or scheduled test as contemplated under this article shall be subject to a maximum of five days’ suspension without pay for said employee’s first positive test result.

B. Subject to the discretion of the Borough of California, subsequent positive test results of any employee after a first positive test result shall provide standing for the Borough of California to dismiss the offending employee.

C. Any employee who receives a positive test result shall be permitted to attend an alcohol and/or drug rehabilitation program not to exceed 30 days, at the expense of the employee. The Borough of California shall provide a period of unpaid leave and maintain all seniority rights of an employee exercising the within contemplated right to seek a period of rehabilitation at an approved alcohol and/or drug rehabilitation facility.

§ 39-7. Refusal to cooperate.

Any employee refusing to undergo testing or otherwise refusing to cooperate with any of the terms and conditions of the drug and alcohol policy, as set forth in this article, or any other action in connection with the testing as provided in this article, and as deemed appropriate by
§ 39-7 PERSONNEL POLICIES § 39-9

the Borough of California, may subject the employee, at the discretion of the Council of the Borough of California, to immediate dismissal.

The provisions of this article, so far as they are the same as those ordinances or regulations in force prior to the enactment of this article or deal with the same subject matter, are intended as a continuation of ordinances or regulations and not as new enactments. The provisions of this article shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any repealed ordinances, regulations or parts thereof.

ARTICLE II
Sexual Harassment
[Adopted 8-12-2004 by Res. No. 04-101]

A. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, sex, age or national origin. The Equal Employment Opportunity Commission (EEOC) issued guidelines affirming its position that sex-related harassment in the workplace is sex discrimination and, as such, is prohibited by Title VII of the 1964 Civil Rights Act.

B. Sexual harassment, according to EEOC, consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature where:

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

   (2) An employment decision is based on an individual’s acceptance or rejection of such conduct; or

   (3) Such conduct interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.

C. It is also unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about sexual harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual. Examples of conduct that would be considered sexual harassment or related retaliation are set forth in statement of prohibited conduct which follows. These examples are provided to illustrate the kind of conduct proscribed by this policy; the list is not exhaustive.

D. For the purposes of this policy, "employees" shall mean any employees, elected and appointed officials and volunteers of the Borough.

E. Sexual harassment is unlawful, and such prohibited conduct exposes not only the Borough as an employer, but also individuals involved in such conduct, to significant
liability under the law. Employees shall at all times treat other employees respectfully and with dignity in a manner so as not to offend the sensibilities of a coworker. Accordingly, the Borough is committed to enforcing its sexual harassment policy at all levels within all Borough departments.

§ 39-10. Statement of prohibited conduct.
The Borough considers the following conduct to represent some of the types of acts which violate the sexual harassment policy:

A. Physical assaults of a sexual nature, such as:
   (1) Rape, sexual battery, molestation or attempts to commit these assaults; and
   (2) Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poling along another employee's body.

B. Unwanted sexual advances, propositions or other sexual comments, such as:
   (1) A pattern of sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his/her presence is unwelcome.
   (2) Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
   (3) Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

C. Sexual or discriminatory displays or publications in the workplace, such as:
   (1) Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic;
   (2) Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace other than rest rooms and similar semiprivate locker/changing rooms.

D. Retaliation for sexual harassment complaints, such as:
   (1) Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation; and
§ 39-10 PERSONNEL POLICIES

(2) Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as described in Subsection D(1) above.

E. Other acts.

(1) The foregoing is not to be construed as an all-inclusive list of prohibited acts under this policy.

(2) Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described here is sexual harassment of anyone at whom it is directed or who is otherwise subjected to it. Each incident of harassment, moreover, contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purpose; accordingly, the employee who engages in such conduct should be and will be made to bear the full responsibility for such unlawful conduct.


A. Any employees' commission of acts of sexual harassment or retaliation against a sexual harassment complaint will result in appropriate sanctions, up to and including dismissal, against the offending employee, depending upon the nature and severity of the misconduct.

B. A written record of each action taken pursuant to this policy will be placed in the offending employee's personnel file. The record will reflect the conduct, or alleged conduct, and the warning given, or other discipline imposed.


A. Reporting claims.

(1) An employee who perceives the comments, gestures or actions of another employee to be sexually harassing should communicate to that person that such behavior is unwelcome, offensive and highly inappropriate. Failure to express unwelcomeness, however, does not prevent the employee from filing a complaint nor does it in any way exonerate the harasser.

(2) All complaints will be in writing using a form provided by the Borough. All information pertinent to the charges should be included. Complaints of acts of sexual harassment and retaliation that are in violation of the sexual harassment policy will be taken seriously and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation should report it to their immediate supervisor. In the event that it would be inappropriate to report such concerns to the supervisor, the report should be made to a member of Borough Council. In the event that a female employee would prefer to report a concern about sexual harassment or discrimination to another female, the report may be made to a
female member of the Borough Council, if one exists. In the event there are no female members on the Borough Council, another female employee of the Borough may be designated as the proper person to receive such communications.

(3) Only those who have an immediate need to know, including the person to whom a report was made, the alleged target of harassment or retaliation, the alleged harasser or retaliator, and any witnesses will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect and that any retaliation or harassment against any individual who has made a complaint or who has provided evidence in connection with a complaint is a separate actionable offense and subject to discipline under this policy.¹

B. Cooperation. An effective sexual harassment policy requires the support and example of personnel in positions of authority. The Borough agents or employees who engage in sexual harassment or retaliation or who fail to cooperate with Borough-sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other Borough employees and/or retaliate against sexual harassment complainants or witnesses may be immediately censured.

C. Process.

(1) A special committee of three members of Borough Council appointed by the Council President will take testimony of the accuser and any witnesses offered in support of the charge; the accuser and the accused will be provided an opportunity to review and respond to the charges for accuracy and/or clarification. The committee will then proceed to validate or dismiss the allegations. The committee's determination shall be transmitted in writing to both the accuser and the accused. Both accuser and accused will have the right of appeal to Borough Council, if requested in writing within 20 days of the committee's determination. Any hearing conducted by Borough Council shall be de novo and shall comply with the requirements of due process and the Administrative Code.²

(2) If no appeal is filed from the committee's determination, the Borough shall consider the matter closed.


Any Borough employee who makes an allegation of sexual harassment, knowing the allegation to be false, shall be subject to appropriate sanctions up to and including dismissal.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).
² Editor's Note: Refers to the Local Agency Law.
Chapter 43
POLICE DEPARTMENT

ARTICLE I
Establishment

§ 43-1. Police force established.

From and after January 6, 1937, the Borough of California shall maintain a regular full-time police force. The composition, salaries, regulations and procedures of the police force shall be as set from time to time by Borough Council.

ARTICLE II
Superintendent of Police

§ 43-2. Position created.

There is hereby created within the police force of the Borough of California the position of Superintendent of Police. The position of Superintendent of Police shall be and is hereby designated as an executive/managerial position.

The Superintendent of Police shall have full power and authority to act as a police officer of the Borough of California to the extent authorized by law, except as may heretofore or hereafter be limited by ordinances or other actions by the Council of the Borough of California, and shall have supervision over and provide instruction to the other officers within the Borough of California police force.

§ 43-4. Terms of employment.

The compensation, benefits and other terms and conditions of employment of the Superintendent of Police shall be such as is agreed upon by the Superintendent of Police and the Council of the Borough of California as is approved by motion of Council.

§ 43-5. Vacancies.

Should Borough Council desire to fill a vacancy in the office of Superintendent of Police, the Borough Council may nominate a person to the Borough of California Civil Service Commission for appointment to the position of Superintendent of Police. The Borough of California Civil Service Commission shall then subject said person to a noncompetitive examination. If such person is certified by the Borough of California Civil Service Commission as qualified, he may then be formally appointed to such position by the Borough Council.

§ 43-6. Modification of article.

The Council of the Borough of California is hereby and shall be authorized to provide any further provisions or parts to this article pertaining to the subject matter hereof and/or may supplement, amend or modify any provision herein as pertains to the subject matter hereof, by resolution of Borough Council.
Chapter 48
RISK MANAGEMENT

§ 48-1. Intent.
The Borough of California shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a member of the Association and entering into the intergovernmental contract which was adopted by reference with the same effect as if it had been set out verbatim in this section and a copy of which shall be filed with the minutes of the meeting at which this chapter was adopted.

§ 48-2. Participation authorized.
The Borough of California is authorized to enter into the intergovernmental contract for the purposes contained therein, as well as any amendments or modifications thereto as the same may be required from time to time. These actions are to be taken by the member(s) or employee(s) of the municipality designated for this purpose, pursuant to general or specific instructions by the governing body adopting this chapter.

§ 48-3. Custody of funds.
The Association is designated as having official custody of this municipality's funds which are invested by Association pursuant to the terms of the intergovernmental contract.

§ 48-4. Legislative findings.
As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

A. The conditions of the agreement are set forth in the intergovernmental contract referred to in § 48-1.

B. This municipality's participation in the Association shall be terminable at any time by ordinance subject to the terms and conditions set forth in the contract.

1. Editor's Note: See 53 P.S. § 481 et seq.
2. Editor's Note: Refers to the Pennsylvania Intergovernmental Risk Management Association.
C. The purposes and objectives of the agreement are set forth hereinabove and the intergovernmental contract and actions contemplated thereby and purposes and objectives contained therein are otherwise legal as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of intergovernmental cooperation.

D. It is not necessary to finance the agreement authorized herein from municipal funds except through the contribution of this municipality's basis rate (as such term is defined in the intergovernmental contract) to the Association.

E. The Association shall be managed by a Board of Commissioners or Executive Committee as set forth in the bylaws of said Association, a copy of which has been provided for review in connection with the adoption of this chapter.

F. All property, real or personal, shall be acquired, managed, or disposed of by the Association in accordance with the terms of the intergovernmental contract.
Chapter 52

SALARIES AND COMPENSATION

ARTICLE I
Mayor and Council

§ 52-1. Compensation established.

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

GENERAL REFERENCES

Pensions and retirement — See Ch. 36. Personnel policies — See Ch. 39.

ARTICLE I
Mayor and Council

[Adopted 11-15-1976 by Ord. No. 325; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 52-1. Compensation established.

A. The Mayor shall be compensated to the extent permitted under Section 1025 of the Borough Code (53 P.S. § 46025).

B. Members of Borough Council shall be compensated to the extent permitted under Section 1001 of the Borough Code (53 P.S. § 46001).
Chapter 55
SECRETARY AND TREASURER

§ 55-1. Appointment to both offices; compensation.

[HISTORY: Adopted by the Borough Council of the Borough of California 12-1-1966 by Ord. No. 254. Amendments noted where applicable.]

§ 55-1. Appointment to both offices; compensation.

Effective January 1, 1967, and thereafter, Council may appoint the same person to serve as Borough Secretary and Borough Treasurer, but shall not allow any compensation to be paid for any services performed in the capacity of Borough Treasurer.
PART II

GENERAL LEGISLATION
Chapter 67
AMUSEMENTS

ARTICLE I
Mechanical and Electronic Devices

§ 67-1. License required.
No person or persons, firm, corporation or association shall at any time have in their or its possession within the Borough of California any mechanical and/or electronic device, machine or apparatus whatsoever for the playing of games, for profit, amusement, or entertainment, whether operated by pins, pegs, or balls, or otherwise howsoever, by electric batteries, electric current, central lighting system or by any other device, or music boxes, phonographs or other similar music devices operated through or by the insertion therein of a coin or any metal disc or otherwise, without first having procured a license therefor as hereinafter provided.

§ 67-2. License application and issuance.
Any person or persons, firm, corporation or association using or operating or causing to be used or operated any such machine or musical device shall first make application for a license or licenses to the Borough Secretary/Treasurer, on forms provided by the Borough, which application shall set forth the name, residence, present and previous occupation of the applicant, place where such machine or machines are to be used or placed, number and kind of machines to be used or operated, and any other information which may be required in said application, and said application shall be referred to the Police Department of the Borough for investigation and approval, and after approval thereof, and if the same be approved, a license shall be issued the Borough Secretary/Treasurer for each such separate machine or mechanical and/or electronic device for the current license period.
§ 67-3. License renewal or transfer.
A similar application and a similar license shall be required for each license year or fraction thereof. In the event a machine has to be replaced for a portion of a license year for which the license has been paid or in the event there is a substitution of a similar machine for a period of time during which the license has been paid, there shall be no additional license imposed in accordance with the schedule of licensing hereafter set forth, but there shall be a permit or renewal or transfer fee to be paid in the amount of $1 and said transfer or substitution shall be made pursuant to application of forms to be provided by the Borough.

§ 67-4. License fees.
The license year shall be from January to January and the license fee for each and every mechanical and/or electronic device hereinabove set forth shall be the sum of $150, and for each music box or musical device as hereinabove set forth shall be the sum of $37.50 per year. However, should any such mechanical and/or electronic device or music box be installed and licensed after July 1 of any year, then, in such event, the license fee shall be $75 for each mechanical and/or electronic device as above set forth and $18.75 for each music box or other similar musical device.

§ 67-5. Display of certificate or tag.
Upon payment of the license fee herein provided, there shall be issued to the licensee a license certificate or tag, setting forth the number of the license for each machine or device so licensed, which certificate shall be attached to the respective machine or device or be displayed in some conspicuous place on the premises.

Nothing in this article shall be in any way construed to authorize, license, or permit any gambling device whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law, nor shall any such device be used or permitted to be used for gambling purposes.

It shall be the duty of the Police Department to regulate and supervise the operation of all said devices and to regularly inspect the premises where the same are being used and to require full compliance with the law and this chapter, so that the same shall not amount to a nuisance or be used in violation of any law.

§ 67-8. License revocation.
In the event that any such machines or devices are so operated as to constitute a nuisance or in violation of the laws of the commonwealth or ordinances of the Borough, then the license as to all machines and devices operated on the premises shall be revoked and there shall be no
rebate or return of any part of the license fee and at least two months shall elapse before another license may be granted to said person or persons, firm, corporation or association.


Any person or persons, firm, corporation or association violating any of the provisions of this article shall, upon conviction thereof before a Magisterial District Judge, be fined a sum of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, be subject to imprisonment of not more than 30 days. Each and every day that any machine or device, under the terms of this article, shall be operated and used in violation thereof shall constitute a separate and distinct offense under this article and shall be subject to a separate and distinct penalty thereunder.
Chapter 70

ANIMALS

ARTICLE I
Control of Animals

§ 70-1. Designation of authorized officer.
The Animal Control Officer of the Borough of California or such other person or entity hereafter designated by motion of Council is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

§ 70-2. Definitions.
The following words and phrases used throughout this article shall have the following meanings:

(ANIMAL) OWNER — Any person owning, keeping, feeding, harboring or having custody and/or control of animals, or who allows animals to reside or remain about his or her premises, shall be considered an animal owner.

ANIMALS — Considered to be dogs, cats, and other domesticated and nondomesticated animals kept as pets and/or for rodent control and/or protection.

VACCINATION — The practice of inoculations with a vaccine to afford protection from rabies, as required by the Pennsylvania Department of Environmental Protection or other agency, subdivision or department of the Commonwealth of Pennsylvania.

VICIOUS PROPENSITY — A propensity or tendency of animals to show any act which might endanger the safety of persons and/or property of others.
§ 70-3. Nuisances prohibited; responsibilities of owners.

A. It shall be unlawful for any animal owner or real estate owner to permit an animal to become a nuisance or present a health or safety hazard in the Borough. Acts of nuisance or a health or safety hazard shall include, but are expressly not restricted to, the following:

(1) Allowing any animal to run at large in this Borough, either upon the public streets or highways or upon property other than that of the owner of such dog, cat or other animal. If permitted to run free about the animal owner’s property, such animal shall be restrained by a fence or other enclosure which shall be adequate to prevent the animal’s access to public property and others. Any animal on the public streets or highways of the Borough shall be restrained on either a leash or another restraining device.

(2) Allowing any animal confined, kept, residing or remaining on that person’s premises to make any loud or harsh noise or disturbance which interferes with or deprives the peace, quiet, rest or sleep of any person within the Borough.

(3) Allowing an animal to defile, corrupt, deposit feces or urine upon, or otherwise desecrate any sidewalk, walkway or the property of another or to destroy or damage the property of another.

(4) Failing to remove all refuse, food and excrement as often as necessary to prevent unpleasant and/or offensive odors and/or conditions contributing to the breeding or collection of flies or vermin.

(5) Keeping any animal with a known vicious propensity and/or keeping in excess of four animals without compliance with any/all zoning regulations regarding licensing/maintaining a kennel.\(^1\)

(6) Allowing an animal to dig into flower beds, lawns, children’s sandboxes, gardens or other property, or to damage shrubbery, trees, lawns or personal property not belonging to the owner of the animal.

(7) Permitting an animal to enter upon any publicly owned park or playground.

B. All owners of animals shall comply with all rabies vaccination requirements of the laws and/or regulations of the Commonwealth of Pennsylvania Department of Environmental Protection or other agency, subdivision or department of the Commonwealth of Pennsylvania with regard to animals.

§ 70-4. Authority to remedy noncompliance; costs and penalty.

A. If the owner of animals in violation of this article or the owner of real property upon which a nuisance or health hazard is permitted to exist does not comply with a notice to abate the violations which constitute a nuisance or health hazard within the time period

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1. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
prescribed in such notice, the Borough shall have the authority to take measures to correct such conditions and violations.

B. If the Borough takes measures to correct such conditions and/or violations, it shall collect the cost of such correction plus 10% of all costs, plus reasonable attorney's fees incurred in such collection, in the manner provided by law for municipal claims against the owner of such real property, including but not limited to the filing and collection of such claim as a lien on such real property. Alternatively and/or additionally, the Borough shall have the right to collect such costs and expenses, including but not limited to attorney's fees, against the animal's owner and/or the owner of such real property as part of enforcement proceedings, together with a fine and/or by an action of assumpsit through the Magisterial District Judge and/or Court of Common Pleas of Washington County.

C. The Borough, in the event it takes corrective action, and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending person's premises to accomplish the powers recited in this article or otherwise available at law. The enforcement authority of this provision shall contain the right to use reasonable force and to use all other enforcement provisions of this article or as otherwise available at law to accomplish enforcement of the provisions of this article. The provisions of this article shall, however, be restricted to the extent that the Borough comply with the requirements of obtaining a search warrant to the extent prescribed by law.

§ 70-5. Complaint of nuisance; seizure, redemption and disposal; fees. [Amended 10-11-1998 by Ord. No. 452] A. Upon receipt of a written complaint that an animal is a public nuisance, the Borough's authorized officer will investigate said complaint. If it is found that this article has been violated, the Borough's authorized officer shall issue a notice to abate such violation to the animal's owner and the owner of such real property upon which a violation is found to exist. The notice shall direct compliance as the exigencies of the situation require as shall be set forth in the notice. If no owner can be located, and the animal cannot otherwise be captured, the authorized Borough officer may authorize the seizure of the animal by the issuance of a humane type of animal trap to trap said animal. Traps will only be set during daylight hours. Trapping at night is prohibited.

B. Traps/detention of animals.

(1) Any person who is issued a trap must notify the Borough's authorized officer as soon as possible after an animal is apprehended. The authorized officer and/or the person or agency designated by the governing body of the Borough will transport and deliver the animal to a licensed kennel approved for such purposes by the Secretary of the Pennsylvania Department of Agriculture for holding.

2. Editor's Note: Section II of this ordinance also provided as follows: "Ordinance No. 449 is further amended to the extent necessary so as to render the same compatible with the law of the Commonwealth of Pennsylvania, including but not limited to the Dog Law, as amended, and the Borough Code, as amended. The remainder of Ordinance No. 449 shall remain fully binding and enforceable to the extent not amended by this amendatory ordinance."
(2) If the kennel refuses or is unavailable to take the animal, the animal will be delivered to a veterinarian contracted with the Borough to be held in accordance with this article.

(3) Notwithstanding the foregoing or any other provisions of this article, any animal, other than a dog, may be held by any person or entity authorized by the Animal Control Officer or Council's designee during the detention period provided for by this article.

C. Disposal of animals when the owner is known.

(1) If such animal bears a proper license tag or permit identification, or if the owner is otherwise known, the authorized Borough officer shall cause immediate notice, by registered or certified mail, with return receipt requested, to the person in whose name the license was procured, or the animal's owner, or their agent, notifying such person that the animal has been seized and that they may claim such animal within five days after receipt thereof.

(2) If, five days after obtaining the postal return receipt, such animal has not been claimed, the Borough's officer shall dispense such animal by sale or by giving it to a Humane Society or association for the prevention of cruelty to animals.

(3) No dog bearing a proper license tag or permit identification is to be killed, unless otherwise authorized by law.

D. Disposal of animals when the owner is unknown.

(1) If an unlicensed animal is seized, and/or its owner is otherwise unknown, the authorized Borough officer shall cause the same to be detained, kept and fed for a period of 72 hours at any licensed kennel approved by the Secretary of the Pennsylvania Department of Agriculture for such purposes, except any animal seriously ill or injured or forfeited with the owner's permission. If the kennel refuses or is unavailable to take the animal, the animal is to be delivered to a veterinarian contracted with the Borough to be so held. Any person may view such detained animals during normal business hours.

(2) Any unlicensed animal remaining unclaimed after 72 hours may be humanely killed as authorized by law or given to a Humane Society or association for the prevention of cruelty to animals. If the Humane Society refuses or is unavailable to take the animal, the animal is to be delivered to a veterinarian contracted with the Borough and held for such 72 hours prior to being disposed of in a humane manner as may be authorized by law.

E. Calculation of detention period. If any part of the custodial period for unlicensed animals provided for in this article falls on a weekend or holiday observed by the Borough then the animal shall be held until at least 24 hours has elapsed during a work week, excluding Saturday, Sunday and such holiday, but in no event shall the custodial period be less than 72 hours, except for animals seriously ill or injured or forfeited with the owner's permission.
F. Transfer preferred to destruction; limitation on transfer of dogs. The sale or other transfer of an animal shall be preferred to its destruction; provided that no dog caught and detained pursuant to this article shall be sold or otherwise conveyed for the purpose of vivisection or research.

G. Disposition of money from sale of dogs. All monies derived from the sale of dogs pursuant to this article, after deducting the expenses of its detention, shall be paid through the Department of Agriculture to the State Treasurer for credit to the Dog Law Restricted Account.

H. Costs to be paid by owner. Any animal may be claimed by its owner at the kennel, the Humane Society or veterinarian during the custodial period. The owner shall pay all costs for the transportation, care, feeding, reasonable treatment, maintenance and disposal of said animal at the kennel, Humane Society or association or veterinarian's prevailing rate.

I. Disposition after custodial period. Any animal which has been seized pursuant to this article and which has not been reclaimed during the custodial period may be disposed of in a humane manner as authorized by law or in accordance with standards generally followed by the Humane Society or other association or as provided by the contracted veterinarian service; provided, however, that no dog bearing a proper license tag or permit identification is to be killed unless otherwise authorized by law.

J. Fines for owners of dogs. The owner or claimant of a dog detained pursuant to the provisions of this article shall be liable for and pay to the Borough of California a penalty of $15, in addition to all reasonable expenses incurred by reason of its detention before the dog is returned, in addition to all other costs and expenses provided for this article.

§ 70-6. Violations and penalties.

It shall be unlawful for any person to own, keep, feed or harbor any animal in violation of, or to otherwise violate the provisions of, this article. Any person found to violate the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, including but not limited to reasonable attorney's fees incurred in the prosecution of such offense, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. Each day that a violation continues after notice is given to an owner shall constitute a separate offense for which a per diem fine shall be assessed.
Chapter 76

BICYCLES AND PEDALCYCLES

§ 76-1. Short title; applicability of Vehicle Code.
A. This chapter shall be known as the "Bicycle and Pedalcycle Ordinance."
B. All provisions of the Pennsylvania Vehicle Code with respect to bicycles and pedalcycles are hereby incorporated herein by reference thereto, and in the event that any provision hereof in any way conflicts with any provision of the Motor Vehicle Code, the provisions of the Motor Vehicle Code shall control.

§ 76-2. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

BICYCLE or PEDALCYCLE — A vehicle propelled solely by human-powered pedals. The term does not mean a three-wheeled human-powered pedal-driven vehicle with a main driving wheel 20 inches in diameter or under and primarily designed for children six years of age or younger. 2

§ 76-3. Registration and licensing requirements.
A. Every pedalcycle or bicycle shall be registered with the Police Department, which registration shall consist of a record of:
§ 76-3 CALIFORNIA CODE § 76-3

(1) A description of the pedalcycle or bicycle.

(2) The name, address, and age of the owner.

(3) The names and address of the parents or person or persons in loco parentis to the owner, if the owner be less than 16 years of age.

B. No person shall ride or propel a pedalcycle or bicycle on any street or upon any public path set aside for the exclusive use of pedalcycles or bicycles unless such pedalcycles or bicycles have been licensed and a license tag is attached thereto as provided herein.

C. Application for a license and a license tag shall be made upon a form provided by the Borough and shall be made to the Police Department. An annual fee of $1 shall be paid to the Borough for each license or renewal thereof granted. Applications and all renewals made for pedalcycle or bicycle licenses shall be made on the first day of September of each year, or at such times set by the Police Department.

D. The Police Department, upon receiving proper application therefor, is authorized to issue a pedalcycle or bicycle license which shall be effective until one year from the date the license is issued.

E. The Police Department shall not issue a license for any pedalcycle or bicycle when it knows or has reasonable grounds to believe that the applicant is not the owner or entitled to the possession of such pedalcycle or bicycle, or the pedalcycle or bicycle is not equipped with light, reflectors, adequate brakes and safe tires, or of any pedalcycle or bicycle that is mechanically defective or unsafe.

F. The Police Department shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the pedalcycle or bicycle for which issued, and a record of all pedalcycle or bicycle license fees collected by it. At the time of issuing a license, the Police Department shall instruct the applicant regarding all rules and regulations applicable to the operation of a pedalcycle or bicycle, either orally or by furnishing to the applicant a copy of the rules and regulations.

G. The Police Department upon issuing a pedalcycle or bicycle license shall also issue a license tag bearing the license number assigned to the pedalcycle or bicycle, the name of the Borough, and the calendar year for which said license is issued and the expiration date.

H. The Police Department shall cause such license tag to be firmly attached to the rear mudguard or frame of the pedalcycle or bicycle for which issued in such position as to be plainly visible from the rear. In the case of theft or loss, a duplicate tag shall be issued for a fee of $0.50.

I. No person shall willfully deface or destroy any license tag. No person shall remove a license tag from a pedalcycle or a bicycle during the period for which issued except upon a transfer of ownership or in the event the pedalcycle or bicycle is dismantled and no longer operated upon any street in this Borough. Within 10 days after any pedalcycle or bicycle registered hereunder shall have changed ownership, or has been dismantled or taken out of operation, the person in whose name the pedalcycle or bicycle has been
registered shall report such information to the Police Department. In case of change of 
ownership, the registration shall thereupon be changed to show the name of the new 
owner. In case of dismantling and being taken out of operation, the registration shall be 
cancelled and the identification tag will be destroyed.

J. Upon the expiration of any pedalcycle or bicycle license the same may be renewed upon 
application and payment of the same fee as upon an original application.

§ 76-4. Violations and penalties.

A. No pedalcycle or bicycle shall be registered which is in an unsafe mechanical condition. 
The Police Department shall have the authority to suspend the registration of, and 
remove the license tag from, any pedalcycle or bicycle operated contrary to state law or 
Borough ordinance, or operated while in an unsafe mechanical condition. Such 
suspension and removal is to continue for a period not to exceed 30 days, provided that 
such registration shall not be reinstated or such license tag be replaced while such 
pedalcycle or bicycle is in an unsafe mechanical condition.

B. Any person operating an unlicensed or unregistered pedalcycle or bicycle in a manner 
considered dangerous to self, others, or property, or violating any provisions of this 
chapter shall be subject to a fine of not less than $100 nor more than $600, plus costs of 
prosecution, and, in default of payment of such fine and costs, by imprisonment for not 
more than 30 days. In addition to the foregoing penalties the Police Department may, in 
its discretion, confiscate the pedalcycle or bicycle involved in the violation, either 
permanently or for a fixed period of time.

C. Any violation of the rules and regulations set forth in this chapter shall constitute a 
violation of this chapter and punishable as above.

§ 76-5. Rental agencies and dealers.

A. Rental agencies. A rental agency shall not rent or offer any pedalcycle or bicycle for rent 
unless the bicycle is licensed and a license tag is attached thereto as provided herein and 
such pedalcycle or bicycle is equipped with the lamps and other equipment required.

B. Pedalcycle or bicycle dealers. Every person engaged in the business of buying or selling 
new or secondhand pedalcycles or bicycles shall make a report to the Police Department 
of every pedalcycle or bicycle purchased or sold by such dealer, giving the name and 
address of the person from whom purchased or to whom sold, a description of such 
pedalcycle or bicycle by name or make, the frame number thereof, and the number of 
license tag, if any, found thereon.

§ 76-6. Nonapplicability to other vehicles.

This chapter does not apply to any motorcycle, motorbicycle, motor scooter, or other vehicle 
required to be licensed and regulated by the Motor Vehicle Code of the Commonwealth of 
Pennsylvania.
Chapter 83
CABLE TELEVISION

§ 83-1. Definitions and word usage.
§ 83-2. Authorization to grant franchises.
§ 83-3. Grant of rights and privileges.
§ 83-4. Nonexclusive grant.
§ 83-5. Franchise fee.
§ 83-6. Easements and other requirements.
§ 83-7. Indemnification of Borough.
§ 83-8. Length of franchise.
§ 83-10. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of California 3-11-1985 by Ord. No. 369. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 184.

§ 83-1. Definitions and word usage.

When used in this chapter, unless the context otherwise requires, the following terms and their derivatives shall have the meaning herein given (and when not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular number include the plural):

ACCESS CHANNELS — Those channels set aside for specific access purposes.

APPLICATION — Includes all written proposals, in whatever form made by grantee to the Council concerning construction, rendition of services, maintenance, or any other matters pertaining to the cable television system contemplated herein.

BASIC CATV SERVICE — The distribution of broadcast (off the air) television signals by the grantee.

BASIC SUBSCRIBER REVENUES — All remuneration received directly by the company from subscribers in payment for regularly furnished basic CATV service, but shall not include any taxes imposed on services furnished by the grantee or imposed on any subscriber or user by any government, governmental unit, political subdivision, agency or instrumentality, and collected by the grantee.

BOROUGH — The Borough of California.

CABLE CHANNEL — A portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as "television channel" is defined by the Commission by regulation).
§ 83-1 CALIFORNIA CODE § 83-1

CABLE OPERATOR — Any person or group of persons:

A. Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system; or

B. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

CABLE TELEVISION SERVICE — The delivery by the grantee to television receivers, or any other suitable type of audio-video communication receivers, to all subscribers of all signals of over-the-air television broadcasters allowed, all FM radio stations carried on the system; local origination channels; pay television channels; and other services provided for in this agreement and grantee's application.

CABLE TELEVISION SYSTEM — A system of antennas, cables, wires, lines, towers, waveguides, or other conductors, converters, equipment or facilities designed and constructed for the purpose of producing, receiving, transmitting, amplifying and distributing audio, video and other forms of electronic and similar signals and impulses to or for subscribers and other users thereof.

CATV — A cable television system.

COUNCIL — The governing body of the municipality in such composition as determined by the rules governing this particular governmental entity.

FEDERAL COMMUNICATIONS COMMISSION or FCC — The administrative agency of the federal government responsible for cable television regulation on a national level or its lawful successor.

FRANCHISE — The permission, license, or authorization given hereunder to construct, operate and maintain a cable television system in the Borough of California.

FRANCHISE AREA — That area within the corporate limits of the municipality as now or hereafter constituted.

FRANCHISING AUTHORITY — Any governmental entity empowered by federal, state or local law to grant a franchise.

GRANTEE — The recipient of a franchise granted under the terms of this chapter, its successors, transferees or assigns.¹

GROSS ANNUAL SUBSCRIBER REVENUE — Any and all compensation and other consideration received directly by the grantee from subscribers in periodic payment for all furnished CATV services in the municipality, including revenues generated by Home Box Office (HBO) or a similar substitute service or other premium service. Gross subscriber revenues shall not include any taxes imposed on services furnished by the company or imposed directly on any other subscriber or user, by any municipality, state or other governmental unit and collected by the company for such governmental unit.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
§ 83-1  CABLE TELEVISION  § 83-3

MUNICIPALITY — The Borough of California in its present incorporated form as it may be changed by annexation.

NORMAL SERVICE INTERVAL — The period between the time that the grantee is notified by a subscriber of a service deficiency and the second close of business following the receipt of such notice, provided that the subscriber or his representative is available, during this period, at the premises to be serviced.

PERSON — Any individual or association of individuals, or any firm, corporation or other business entity.

PROPERTY OF GRANTEE — All property owned, installed or used by the grantee in the conduct of a CATV business in the municipality.

STREET — The surface of any space above and below any public street, way, place, right-of-way, road, highway, freeway, bridge, tunnel, lane, path, bike path, alley, court, sidewalk, parkway, drive, communications or utility easement, by whatever name called, now or hereafter existing as such within the franchise area.

SUBSTANTIAL UNIFORMITY — Having incorporated all terms and provisions of this chapter which may legally be contracted for between the Borough and grantee into the acceptance instrument.

§ 83-2. Authorization to grant franchises.

Upon proper motion, Borough Council of the Borough of California, through its President and Secretary/Treasurer, are hereby authorized to execute an agreement granting and giving to certain cable franchise operators (hereinafter called "grantee"), a nonexclusive franchise, consent and license to erect, maintain and operate transmission and distribution facilities for the purpose of transmission by cable and distributing television impulses and television energy for sale to the inhabitants of the Borough of California, in, under, over, along, across and upon the public streets, highways and other public places in said Borough and the consent to lease part of an existing system of transmission and distribution of electrical energy, whether for light, power, heat, telephone or telegraph or any other purpose, from any person or corporation.

§ 83-3. Grant of rights and privileges.

There is hereby granted by the Borough to the grantee the right and privilege to construct, operate and maintain a cable television system and related business operation in the Borough and for the purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street or streets laid out or dedicated and all extensions thereof and additions thereto in the franchise area, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, pedestals, amplifiers, appliance, attachments, and other property as may be necessary and appurtenant to the CATV system; and also for that purpose to lease or in any other manner obtain the use of towers, poles, lines, underground conduits and facilities of every kind from other persons, including but not limited to any public utility or other grantee franchised or permitted to do business in the Borough.
§ 83-4. Nonexclusive grant.

The right to use and occupy said streets for the purposes herein set forth shall not be exclusive in the grantee. The Borough shall, however, require a franchise agreement for any other individual or company engaging the CATV or similar business within any portion of the Borough.

§ 83-5. Franchise fee.

The Borough shall have the right and authority pursuant to the Cable Communications Act of 1984 to require the grantee to pay to the Borough a franchise fee not to exceed 5% of the grantee’s gross revenues per annum.

§ 83-6. Easements and other requirements.

The agreement provided for in § 83-2 of this chapter shall stipulate that the grantee shall procure any and all easements, rights-of-way, grants, certificates of approval, permits and agreements which may be required from any persons or corporations from any federal, state, municipal, or other governmental authority or from any utility companies presently operating in the Borough of California and with whom the grantee may connect any lines or with whom licensee may jointly use any poles, lines or other transmission or distribution facilities.

§ 83-7. Indemnification of Borough.

A. The grantee shall at all times protect and hold the municipality harmless from all claims, actions, suits, liability, loss, expense or damages of every kind and description, including investigation costs, court costs, and reasonable attorney’s fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence and alleged contractual dispute of the grantee in the ownership, construction, repair, replacement, maintenance and operation of said cable television system and by reason of any license, copyright, property right or patent of any article or system used in the construction or use of said system, provided the municipality gives the grantee prompt notice of any such claims, actions, and suits, without limitation, in writing. The grantee shall maintain in full force and effect during the life of any franchise, public liability and property damage insurance providing for an endorsement thereof in the name of the municipality in a minimum amount of at least $1,000,000 single limit liability from the time of commencement of construction of the CATV system.²

B. All such insurance may contain reasonable deductible provisions not to exceed $1,000 for any type of coverage. The municipality may require that any and all investigation of claims made by any person against the municipality arising out of any use or misuse of privileges granted to the grantee hereunder shall be made by, or at the expense of the grantee or its insurer. The grantee may bring its obligations to carry any insurance required hereby within the coverage of any so-called blanket policies of insurance now or hereafter carried by appropriate amendment endorsement or otherwise; provided, ²

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² Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
however, that the interest of the municipality shall be as fully protected thereby as if the
grantee had obtained individual policies or insurance.

§ 83-8. Length of franchise.

The authority to issue franchises shall commence and take effect immediately on the
enactment of the within chapter. Borough Council shall have the authority to issue franchises
for a period of time not to exceed 15 years. Upon application by the grantee to the
municipality, the franchise may be renewed for a ten-year period, provided that the company
has complied with the terms and conditions hereof.


It is the intent of this chapter to adopt the provisions of the Cable Communications Act of
1984 and any and all regulations and amendments adopted pursuant thereto.

§ 83-10. Violations and penalties.

A. From and after the effective date of this chapter, it shall be unlawful for any person to
construct, install or maintain within any public street within the physical limits of the
Borough, or within any other public property of the municipality or within any privately
owned area within the municipality which has not yet become a public street but is
designated or delineated as a proposed public street on any tentative subdivision that may
be approved by the municipality, any equipment or facilities for distributing any
television signals or radio signals through a CATV or similar system, unless a franchise
authorizing such use of such street or property or area has first been obtained, and unless
such franchise is in full force and effect.

B. It shall be unlawful for any person to make any unauthorized connection, whether
physically, electrically, acoustically, inductively, or otherwise, with any part of the
franchised CATV system within the physical limit of this Borough for the purpose of
enabling anyone to receive any television signal, radio signal, picture, or sound, without
payment to the grantee.

C. It shall be unlawful for any person, without the consent of the owner, willfully to tamper
with, remove or injure any cables, wires or equipment used for distribution or television
signals, radio signals, pictures, or sound.

D. Any person violating or failing to comply with any of the provisions of this section shall
be subject to a fine of not less than $100 nor more than $600, plus costs of prosecution,
and, in default of payment of such fine and costs, to imprisonment for not more than 30
days. In addition, grantee may pursue all other remedies for the above wrongful action
under the applicable criminal and civil law.
Chapter 89
CONSTRUCTION CODES, UNIFORM

ARTICLE I
UCC Administration and Enforcement

§ 89-1. Election to administer and enforce.
This municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 to 7210.1103, as amended from time to time, and its regulations.

§ 89-2. Adoption of standards.
The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this municipality.

§ 89-3. Methods of administration and enforcement.
Administration and enforcement of the code within this municipality shall be undertaken in any of the following ways as determined by the governing body of this municipality from time to time by resolution:

ARTICLE II
UCC Appeals Board

§ 89-7. Establishment; powers and duties; composition; proceedings; fees.
§ 89-8. Jurisdiction.
§ 89-9. Effect on prior provisions.
§ 89-10. Establishment of fees.
§ 89-11. Savings clause.

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

GENERAL REFERENCES
Property maintenance — See Ch. 156.
Zoning — See Ch. 205.
Subdivision and land development — See Ch. 187.

ARTICLE I
UCC Administration and Enforcement
[Adopted 5-3-2004 by Ord. No. 488]
§ 89-3  CALIFORNIA CODE  § 89-6

A. By the designation of an employee of the municipality to serve as the municipal code official to act on behalf of the municipality;

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the municipality;

C. By agreement with one or more municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;

D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this municipality;

E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

§ 89-4. Board of Appeals. 1

A Board of Appeals shall be established by resolution of the governing body of this municipality in conformity with the requirements of the relevant provisions of the code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

§ 89-5. Effect on prior provisions.

A. All building code ordinances or portions of ordinances which were adopted by this municipality on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.

B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this article and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.

C. All relevant ordinances, regulations and policies of this municipality not governed by the code shall remain in full force and effect.

§ 89-6. Fees.

Fees assessable by the municipality for the administration and enforcement undertaken pursuant to this article and the code shall be established by the governing body by resolution from time to time.

1. Editor's Note: See Art. II of this chapter.
§ 89-7  CONSTRUCTION CODES, UNIFORM  § 89-7

ARTICLE II
UCC Appeals Board
[Adopted 3-10-2005 by Ord. No. 05-100]

§ 89-7. Establishment; powers and duties; composition; proceedings; fees.

A. The Borough Council of the Borough of California does hereby establish a Uniform Construction Code Appeals Board, in accordance with the terms and conditions of Ordinance No. 488 of the Borough of California.\textsuperscript{2}


C. In accordance with 34 Pa. Code § 402.121(c), the composition of the California Borough Uniform Construction Code Appeals Board shall be governed by all of the following:

(1) The Uniform Construction Code Appeals Board shall be comprised of three members, whose qualifications shall be as set forth herein, and who shall be appointed for a term of not to exceed three years. The terms of office of the members of the Appeals Board shall be structured so that the term of one member expires each year.

(2) A member of the Appeals Board shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspector or plan reviewer.

(3) A member of the Appeals Board shall hold office at the pleasure of the Borough Council of the Borough of California.

(4) Members of the Borough Council of the Borough of California and the California Borough Code Enforcement Official may not serve or sit as a member of the UCC Appeals Board.

(5) The Borough Council may fill a position on the Appeals Board with a qualified person who resides outside of California Borough when no such person is available within the municipality who satisfies the requirements of this section.

D. Proceedings before the California Borough Uniform Construction Code Appeals Board shall be governed by the terms and conditions of 34 Pa. Code § 403.122, and such other terms and conditions of Pennsylvania law as deemed appropriate and applicable.

E. The Borough Council may, from time to time, establish fees and/or a fee schedule to govern applications for any matters properly brought before the California Borough Uniform Construction Code Appeals Board. Nonpayment of any fee as provided by the

\textsuperscript{2} Editor's Note: See Art. I of this chapter.
§ 89-7. Borough Council, and as set forth herein, shall act as a bar to consideration of the matter to be brought before the Board.

§ 89-8. Jurisdiction.

The California Borough Uniform Construction Code Appeals Board shall have jurisdiction over all appeals arising from or relating to the Uniform Construction Code, as adopted as the Pennsylvania Construction Code Act, 35 P.S. §§ 7210.101 to 7210.1103, as amended, as well as all such appeals arising from or relating to the Property Maintenance Code regulations of the Borough of California, as duly adopted by the Borough of California. In addition, the Uniform Construction Code Appeals Board shall have exclusive jurisdiction over any and all appeals arising from or relating to any and all other building code regulations or ordinances of the Borough of California, which may remain enforceable as such requirements equal or exceed the requirements of the Uniform Construction Code.

§ 89-9. Effect on prior provisions.

A. Any resolution or part of any resolution conflicting with the terms and conditions of this article is hereby repealed insofar as it conflicts with the provisions and terms of this article.

B. By adoption of this article, the Borough Council hereby expresses its intent that any and all prior existing BOCA Boards or any Appeal Board constituted to hear proceedings arising from or relating to building code regulations or property maintenance regulations in the Borough of California be disbanded and that the Uniform Construction Code Appeals Board established under this article shall constitute the sole Appeals Board for the Borough of California to hear appeals in matters relating to the jurisdiction of the Board set forth under this article.

§ 89-10. Establishment of fees.

A. The Borough Council of the Borough of California hereby establishes a fee schedule for the filing of applications for any matter properly brought before the California Borough Uniform Construction Code Appeals Board.

B. The fees established hereunder may, from time to time, be adjusted by subsequent resolution of the Borough Council of the Borough of California.

C. The following fees shall apply for matters before the California Borough Uniform Construction Code Appeals Board:

   (1) Appeals for matters pertaining to the Uniform Construction Code: $650;

   (2) Appeals for matters pertaining to the Property Maintenance Code: $650;

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3. Editor's Note: See Ch. 156, Property Maintenance.
(3) Appeals for any other matter properly within the jurisdiction of the UCC Appeals Board: $650.

D. In addition to the fees above referred, the Borough Code Enforcement Officer is duly authorized and empowered to compile an invoice containing any and all additional charges, as allowed by law, including, but not limited to, court stenographic fees, engineering fees, and any other extraordinary expenses incurred during the pendency of an appeal before the California Borough Uniform Construction Code Appeals Board, and to submit such invoice to the applicant for payment in accordance with the terms of this article.

E. Failure of an applicant to pay any such additional invoices as submitted by the Code Enforcement Officer for charges relating to the prosecution of an appeal before the UCC Appeals Board shall constitute a violation of this article, and shall subject the defaulting applicant to such collection remedies as available to the Borough of California. The Solicitor of the Borough of California is duly authorized to commence such civil action as necessary to collect payment of any invoice submitted by the Code Official under this paragraph and not paid by an applicant.

§ 89-11. Savings clause.

Should any section, provision or other part of this article be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law. The Borough Council hereby declares its intention that should any section, provision or other part of this article be found to be illegal, unenforceable or void, it would have taken the foregoing action and made the foregoing resolutions without such part or with such part so modified so as to conform to the law.
Chapter 105
FEES, SPECIAL

ARTICLE I
Attorney Fees for Municipal Claims

§ 105-1. Applicability of article.
This article shall apply to all municipal claims allowed and authorized by the law of the commonwealth to be assessed by the Borough of California, including, but not limited to, liens for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewage rates, lighting rates and power rates to the fullest extent authorized by law (hereinafter "delinquent accounts"), whether heretofore or hereafter assessed or filed.

§ 105-2. Schedule of attorney fees.
The following schedule of attorney fees is to be utilized and followed in the assessment of attorney fees in the collection of any delinquent account and the corresponding fees shall be added and included in the collection of the same at the time of the filing of the municipal claim by or for the Borough of California or as soon thereafter as may be convenient or proper:

<table>
<thead>
<tr>
<th>Claim Amount</th>
<th>Attorney Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under $1,000</td>
<td>$250</td>
</tr>
<tr>
<td>$1,000 to $2,500</td>
<td>$500</td>
</tr>
<tr>
<td>$2,501 to $5,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>$5,001 to $7,500</td>
<td>$1,500</td>
</tr>
<tr>
<td>$7,501 to $10,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>$10,001 to $25,000</td>
<td>$2,500</td>
</tr>
<tr>
<td>Over $25,000</td>
<td>10% of the claim amount</td>
</tr>
</tbody>
</table>
§ 105-3. Notice of fee assessment.

Prior to assessing or imposing attorney fees in connection with a delinquent account, the Borough of California shall provide notice of the Borough's intention to assess or impose attorney fees in connection with this article as may be required by the Act of May 16, 1923, P.L. 207, No. 153, as amended or supplemented, 53 P.S. § 7106.

§ 105-4. Addition of interest.

In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this article, interest equal to 10% per annum shall be assessed and accrue on the claim from the date of the completion of the work after it is filed as a lien, and on claims for taxes, water rents or rates, lighting rates or sewer rates, from the date of the filing of the lien therefor; provided, however, that if a municipal claim is filed arising out of a municipal project which required the Borough to issue bonds to finance the project, interest shall accrue and be collectible on such claim at the rate of interest of the bond issue or at the rate of 12% per annum, whichever is less. No notice prior to the assessment or imposition of interest as set forth herein shall be required. Such interest shall be added to the municipal claim and collected therewith.

§ 105-5. Assessment of penalty.

In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this article, a penalty equal to 5% of the delinquent account shall be added to the municipal claim and collected therewith when the delinquent account remains unpaid for 90 days after the assessment shall have been levied, or as soon thereafter as may be convenient or proper. No notice prior to the assessment or the imposition of a penalty as set forth herein shall be required.

ARTICLE II
Reimbursement for Borough Response Services
[Adopted 11-13-2003 by Ord. No. 485]

§ 105-6. Definitions.

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

ACTOR — The person violating any ordinance of the Borough of California and/or any laws of the Commonwealth of Pennsylvania and/or those laws, rules and regulations designated as the Pennsylvania Crimes Code, Pa.C.S.A. Title 18, and Title 35, Chapter 6, in their entirety.

REQUEST FOR RESPONSE — Any communication to the Borough of California or County 911 Dispatch Center or to the police, Code Enforcement Officer, Zoning Officer, or other entity, indicating the possibility of the existence of the occurrence of a crime, the violation of a Borough ordinance, or other emergency situation warranting immediate action by the police and/or zoning and code enforcement officials.
REQUESTOR — Any person, tenant, resident, business organization, nonprofit organization, charitable institution, agent, servant or employee who makes a request for response.

RESPONSE — Any event which causes or necessitates the California Borough Police Department, the Borough of California Zoning Officer, the Borough of California Code Enforcement Officer, or the California Borough Animal Control Officer to utilize its communications systems, motor vehicles and/or personnel to arrive at any place designated by the requestor.

§ 105-7. Imposition of charges.
A. Any requestor who makes a request for response which causes a response to be made by an agent, employee or servant of the Borough of California, which subsequently results in the withdrawing of charges initiated as a result of the response, or any requestor who unreasonably makes multiple requests for response may be charged the cost of the response as set forth in § 105-8 of this article.

B. Any actor or perpetrator who it has been determined has violated the ordinances of the Borough of California or the laws of the Commonwealth of Pennsylvania as set forth in this article, said determination being made by the Court of Common Pleas of Washington County, including the minor judiciary of said county, by either judge, district justice, or jury, after trial or hearing; the agreement by the actor to a guilty plea, ARD agreement, plea of nolo contendere or no contest, probation or determination without verdict, and/or any adjudication, determination, or agreement regarding a juvenile under the Pennsylvania Juvenile Laws, shall be charged the costs of the response as set forth in § 105-8 of this article.

§ 105-8. Establishment of charges.
Any responses or determinations as set forth in § 105-7 of this article shall require the requestor or actor to reimburse to the Borough of California such fees, costs, and expenses as set forth by resolution of the Council of the Borough of California as well as any incidental costs, fees or expenses relating to a response.

§ 105-9. Collection of charges.
A. The Borough of California shall provide an invoice to those individuals creating the requirement of a police, zoning or code enforcement, and/or animal control response as set forth in § 105-7A of this article pursuant to the schedule of charges set forth by resolution of the Borough Council of the Borough of California.

B. The invoicing as designated above shall be provided by the Borough within 30 days of the date of the municipal response as set forth in this article. Thereafter, payment shall be made to the Borough of California for the aforesaid invoicing within 30 days of the date of the invoice.

C. Where the costs, expenses and fees claimed under this article for police, zoning, code enforcement or animal control arise from or relate to the prosecution of an actor, as
provided under § 105-7B, or the filing of any action for enforcement of an ordinance of the Borough, then such costs, expenses, and fees as provided by resolution of the Borough Council of the Borough of California pursuant to § 105-8 shall be included as restitution, costs of prosecution, or additional costs in any such prosecution or enforcement action.

D. The costs, fees, and expenses as provided under Subsection C, above, shall be collected through the appropriate magisterial district office and/or through the office of the Clerk of Courts of Washington County. It shall be the duty of the prosecuting officer or Borough officer bringing the enforcement proceeding to make appropriate claim for any amounts due under this article.

E. Failure to pay the aforesaid amounts shall cause the Borough of California to file a civil action, judgment and/or municipal lien against the invoiced party. The foregoing notwithstanding, the Borough of California, through its Police Department and/or zoning and code enforcement department, may request any court having competent jurisdiction over a requestor, actor or perpetrator to make restitution to the Borough of California consistent with the terms and conditions of this article.

F. Interest on the unpaid balance of any invoices of any fees shall carry an interest rate of 6% per annum of the unpaid balance. In addition, the Borough of California may assess attorney's fees.¹

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
Chapter 110

FIREWORKS

§ 110-1. Sale of fireworks prohibited.

§ 110-2. Supervised public displays permitted; permits.

§ 110-3. Violations and penalties.

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

GENERAL REFERENCES

Peace and good order — See Ch. 147.

§ 110-1. Sale of fireworks prohibited.

Except as hereinafter provided, or except as set forth in Act 204 of 2004, it shall be unlawful for any person, copartnership, association or corporation to offer for sale, expose for sale, sell at retail or use or explode any fireworks.

§ 110-2. Supervised public displays permitted; permits.

The Borough Council shall have power, under reasonable rules and regulations adopted by it, to grant permits for supervised public displays of fireworks to be held by the Borough, fair associations, amusement parks and other organizations or groups or individuals. Every such display shall be handled by a competent operator to be approved by the Borough Council and shall be of such a character and so located, discharged or fired as, in the opinion of the Chief of the Fire Department or such other officer as may be designated by the Borough Council, after proper inspection, shall not be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least 15 days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

§ 110-3. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days.
Chapter 122

INSURANCE

ARTICLE I

Fire Insurance Claims

§ 122-1. Definitions.

§ 122-2. Designated official.

§ 122-3. Limitation on payment to insurer.

§ 122-4. Certificates by Tax Collector; payment of delinquencies and costs.

§ 122-5. Security for costs.

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

ARTICLE I

Fire Insurance Claims

[Adopted 2-8-1996 by Ord. No. 429]

§ 122-1. Definitions.

The following terms in this article are defined as follows:

ACT 98 OF 1992 — The Commonwealth of Pennsylvania Act of July 9, 1992, P.L. 678, No. 98, Section 1, 40 P.S. § 638, as now or hereafter amended, modified and/or supplemented, and any legislative enactment as now or hereafter enacted which amends, replaces and/or supplements said Act.

BOROUGH — The Borough of California, Washington County, Pennsylvania.

BUILDING CODES — Any code or ordinance adopted, enacted, and/or in effect in and for the Borough of California concerning fitness for habitation, the construction, maintenance, operation, occupancy, use or appearance of any premises, building and/or fire prevention, housing standards, and municipal waste, including but not limited to all applicable federal and state codes and regulations. Also included within, but not limited by, this definition are the following which are in effect as of the date of codification of this article: International Building Code; International Plumbing Code; International Property Maintenance Code; International Fire Code; ICC Electrical Code; Sidewalk Maintenance Ordinance; 1 Ice Removal

1. Editor’s Note: See Ch. 184, Arts. III and IV.
Ordinance;\textsuperscript{2} Solid Waste and Recycling Ordinance;\textsuperscript{3} Zoning Ordinance;\textsuperscript{4} and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.\textsuperscript{5}

INSURING AGENT — Any insurance company, association or exchange.

\textbf{§ 122-2. Designated official.}

The Secretary/Treasurer of the Borough of California or such official’s designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

\textbf{§ 122-3. Limitation on payment to insurer.}

No insuring agent doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a building or structure located within the Borough of California where the amount recoverable for the fire loss to the structure under all policies exceeds $7,500, unless the insuring agent is furnished with a municipal certificate by the Borough’s Tax Collector pursuant to Section 508(b) of Act 98 of 1992, and unless there is compliance with Section 508(c) and (d) of Act 98 of 1992, and the provisions of this article.

\textbf{§ 122-4. Certificates by Tax Collector; payment of delinquencies and costs.}

A. The Tax Collector shall, upon written request of the named insured specifying the tax description of the property, name and address of the insuring agent and the date agreed upon by the insuring agent and the named insured as the date of the receipt of a loss report of the claim, furnish the insuring agent either of the following within 14 working days of the request:

(1) A certificate to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Tax Collector's certificate or verbal notification, no municipality has certified any amount as total costs insured by the municipality for the removal, repair or securing of a building or other structure on the property; or

(2) 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 request that have not been paid as of the date of the certificate and also showing, as of the date of the Treasurer's certificate, the amount of the total costs, if any, certified to the Tax Collector that have been incurred by a municipality for the removal, repair or securing of a building or other structure on the property. For the purposes of this subclause, the municipality shall certify to the Tax Collector the

\textsuperscript{2} Editor's Note: See Ch. 184, Art. II.
\textsuperscript{3} Editor's Note: See Ch. 175.
\textsuperscript{4} Editor's Note: See Ch. 205.
\textsuperscript{5} Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
total amount, if any, of such costs. A tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the municipality under applicable law.

B. Upon receipt of a certificate pursuant to Subsection A(1) of this section, the insuring agent shall pay the claim of the named insured in accordance with the policy terms, unless the loss agreed to between the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure. In the case of such a loss, the insuring agent, the insured property owner and the municipality shall follow the procedures set forth in § 122-5 of this article.

C. Upon receipt of a certificate and bill pursuant to Subsection A(2) of this section, the insuring agent shall return the bill to the Tax Collector and transfer to the Tax Collector an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill. The municipality shall receive the amount and apply or credit it to payment of the items shown in the bill.

§ 122-5. Security for costs.

If the loss agreed upon by the named insured and the insuring agent, or otherwise to be paid to the insured, equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the following procedures must be followed:

A. The insuring agent shall transfer from the insurance proceeds to the officer of the Borough designated pursuant to this article, in the aggregate of $2,000 for each $15,000 of a claim, or fraction thereof, such that if the claim is $15,000 or less, the amount transferred to the Borough shall be $2,000; or if, at the time of a loss report, the named insured has submitted a contractor’s signed estimate of the costs of removing, repairing and/or securing the building or other structure, in an amount less than the amount calculated under the foregoing formula, the insuring agent shall transfer to the municipality from the insurance proceeds the amount specified in the estimate.

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

C. After the transfer, the named insured may submit to the Borough a contractor’s signed estimate of the costs of removing, repairing and/or securing the building or other structure, and the Borough’s designated officer shall forward the amount of the funds transferred to the Borough in excess of the estimate, to the named insured if the Borough has not commenced to remove, repair and/or secure the building or other structure.

D. Upon receipt of proceeds under this article, the Borough shall do the following:

(1) The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, and/or securing the building or structure which are or may be incurred by the Borough of California. Such costs shall include, but are not limited to, any and all engineering, legal and/or administrative costs incurred by the Borough of California in connection
with such removal, repair and/or securing of the building or other structure or any proceedings related thereto.

(2) It is the obligation of the insuring agent when transferring the proceeds, to provide the Borough of California 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 Borough's designated officer shall contact the named insured in writing, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this article shall be followed.

(3) When repairs, removal or securing of the building or other structure damaged by fire have been completed in accordance with all applicable Borough codes, as certified by the Borough Code Enforcement Officer after an inspection by the Code Enforcement Officer, and the required proof of such completion has been received by the Borough's designated officer, and if the Borough has not incurred any costs for repairs, removal or securing the building or other structure, the fund shall be forwarded to the named insured. If the Borough has incurred or incurs costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Borough shall transfer the remaining funds to the named insured.

(4) To the extent that interest, if any, is earned on proceeds held by the Borough pursuant to this article, and the proceeds are not returned to the named insured, such interest shall belong to the Borough, as it was the Borough's funds which were originally expended for such repairs, removal and/or securing of the building or other structure. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are transferred to the insured.

E. The Borough shall be entitled to recover any deficiency in expenditures and/or costs it incurs whatsoever and nothing in this article shall be interpreted to modify its rights to do so under law or otherwise. Furthermore, the Borough and the named insured may enter into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated and agreed to by the Borough of California.

§ 122-6. Procedures, regulations and fees.

The Council may, by resolution, adopt procedures and regulations to implement Act 98 of 1992 and this article and may, by resolution, fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 and this article, including but not limited to issuance of certificates and bills, performance of inspections and opening and/or managing separate fund accounts.

§ 122-7. No assumption of liability.

Nothing in this article shall be construed to make any Borough public official, employee nor agent an insuring agent, nor to obligate the Borough of California or any public official,
employee or agent of the Borough to pay any property taxes, liens, costs or expenses, nor to take any action with regard to any property, except to the extent and only to the extent the Borough has expended funds from the insurance proceeds therefor.

§ 122-8. Filing with Department of Community and Economic Development.
The Borough’s designated officer shall forthwith file a copy of this article with the Pennsylvania Department of Community and Economic Development, together with the names, position and phone number of the Borough officer responsible for compliance with this article and Act 98 of 1992, and such other and further information, if any, as may be required to comply with Act 98 of 1992.

Any owner of property, any named insured, any insuring agent or any person acting on behalf of any of the above, violating any of the provisions of this article, or any person or entity providing or filing any false information required pursuant to this article, shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge, be subject to a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days.

§ 122-10. Joint and several responsibility.
If any structure is owned by more than one person, in any form of joint tenancy, as a partnership, or otherwise, or if any named insured or insuring agent consists of a partnership, corporation or other entity(ies), each person, including, but not limited to, all partners and officers of a corporate owner, named insured or insuring agent, shall be jointly and severally responsible for the duties imposed under the terms of this article, and shall be jointly and severally subject to prosecution and liability for a violation of this article.

§ 122-11. Liberal construction.
This article shall be liberally construed to accomplish its purposes to deter the commission of arson and related crimes, to discourage the abandonment of property, to prevent urban blight and deterioration and to protect and promote the health, safety and welfare of the citizens of the Borough of California.

§ 122-12. Effective date; applicability.
This article shall become effective on February 8, 1996, but only applies to fire losses that occur after adoption of this article.
Chapter 128
JUNKYARDS AND JUNK DEALERS

§ 128-1. Short title.
This chapter shall be known and may be cited as "California Borough Junkyard and Salvage Yard Ordinance."

§ 128-2. Definitions.
Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated:

COUNCIL — The Council of the Borough of California.
JUNK — Any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, plastics, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.
JUNK DEALER or SALVAGE YARD DEALER or SECONDHAND DEALER — Any person, persons, partnership, association, firm and corporation who shall engage in the business of selling, buying, salvaging, and dealing in junk, as hereinabove defined, and who maintains and operates a junkyard, salvage yard, or secondhand goods and materials yard within the Borough of California.
JUNKYARD, SALVAGE YARD or OTHER PLACES USED AND MAINTAINED FOR THE COLLECTION, STORAGE, AND DISPOSAL OF USED OR SECONDHAND GOODS AND MATERIALS — Any place where any junk, as hereinabove defined, is stored, disposed of, or accumulated.

LICENSE — The permit granted to a person who accumulates, stores or disposes of junk, as hereinabove defined.

PERSON — Includes any person, persons, partnerships, associations, firm and corporation.


No person shall establish or maintain any junkyard within the territorial limits of the Borough of California, excepting only those junkyards which were legally established and operating as going businesses prior to the adoption of the California Borough Zoning Code which was effective November 1, 1964.

§ 128-4. License required; fee.

No person shall engage in business as a junk dealer or maintain a junkyard without first obtaining a license from the Council, for which license a fee of $100 per year shall be paid to the Borough for the use of the Borough. The license shall be issued for the twelve-month period beginning the first day of January of each year, and ending the 31st day of December, and each license must be renewed annually on or before the first day of January of each year.

§ 128-5. Application for license.

The license provided for in this chapter shall be issued by the Council after written application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Council. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

§ 128-6. Issuance of license.

Upon receipt of an application by the Council, the Council shall issue a license or shall refuse to issue a license to the person applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Borough, both economic and aesthetic. In the event the Council shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this chapter as may be deemed necessary to carry out the spirit and intent of this chapter.
§ 128-7. Limitation on licensees.
No person licensed under this chapter shall, by virtue of one license, keep more than one place of business within the Borough, or maintain more than one junkyard for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junkyard in any place other than the place designated upon his license.

§ 128-8. Transfer of licenses.
No license issued by the Council shall be transferable by the licenser to any other person unless such a transfer is authorized by the Council. Any person desiring to transfer his license shall notify the Council in writing, which notification shall be accompanied by an application for a license, as described in § 128-5 of this chapter, by the transferee.

§ 128-9. Transfer fee.
In the event the Council shall approve the transfer of a license, the transferred shall immediately pay to the Borough a transfer fee of $10.

§ 128-10. Recordkeeping.
Every person licensed under this chapter shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase and the person from whom such article or material was purchased, received or handled by such person. Such records shall at all times be subject to the inspection of any official of the Borough.

Every person licensed under this chapter shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

§ 128-12. Regulations for operation.
Every person licensed under this chapter shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Council and in the manner prescribed by this section and any subsequent regulations adopted by the Council:

A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents or vermin.

B. No garbage or other organic waste shall be stored in such premises.
§ 128-12  CALIFORNIA CODE  § 128-14

C. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding 10 gallons may be stored above ground in said junkyards provided the same be placed in containers approved by the Council. All other gasoline which is kept in the premises shall be stored in a manner approved by the Council.¹

D. The manner of storage and arrangement of junk, and the drainage facilities of the premises, shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for fire-fighting purposes.

E. All junk kept, stored or arranged on the licensed premises shall at all times be kept, stored and arranged within the junkyard as described in the application for license hereunder, and as limited under Subsection D above.²

F. The premises to be licensed shall be set back a minimum distance of 25 feet from the right-of-way lines on all streets or roads and a minimum distance of 25 feet from all other property lines. The area between the setback line and the right-of-way line and all streets and roads and all other property lines shall be at all times kept clear and vacant.

G. When the Council shall deem it necessary and desirable, the premises to be licensed shall at the setback lines be enclosed by a fence of type and style to be determined by the Council or by evergreen screen plantings, or both. The Council may set forth the fence and planting requirement at the time of the issuance of a license or at the time of renewal or transfer of a license.


Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof by a summary proceeding, be sentenced to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. Each day upon which a junkyard shall be maintained in violation of the provisions of this chapter shall constitute a separate offense.


In addition to the remedies provided in § 128-13 above, any continued violations of this chapter which shall constitute a nuisance in fact or which shall in the opinion of the Council constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.

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

² Editor’s Note: Original Subsection f, permitting the burning of motor vehicles, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. I, General Provisions, Art. I).
Chapter 147
PEACE AND GOOD ORDER

§ 147-1. Offenses against public and private property.
   A. Against public and private property.
      (1) Injury or removal. No person in the Borough shall willfully, maliciously or wantonly injure, deface, destroy or remove real property or improvements thereto, or moveable or personal property, belonging to the Borough or to any person in the Borough.
      (2) Scattering rubbish. No person in the Borough shall throw or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any private property, any paper, waste, trash, refuse or other material of a like kind.
      (3) Posting notices. No person in the Borough shall fasten in any way any show-card, poster or advertising device upon public property in the Borough unless authorized to do so by Borough Council.
   B. Against public property.
      (1) Tampering. No person in the Borough shall tamper with, injure, deface, destroy or remove any sign, notice, marker, fire-alarm box, fire-plug, topographical survey monument or any other personal property erected or placed by the Borough.
      (2) Obstructing passageways. No person in the Borough shall place or erect upon a public way or passageway to any building an obstruction of any type, provided that this prohibition shall not prevent the duly authorized or required placing of temporary barriers of warning signs for the purpose of safeguarding the public.
      (3) Removal of earth. No person in the Borough shall move, disturb, or take any earth, stone or other material from any public street, alley, park, or other public ground.

§ 147-2. Conduct in parks.

§ 147-3. Violations and penalties.


GENERAL REFERENCES
Animals — See Ch. 70.
Fireworks — See Ch. 110.
Solid waste — See Ch. 175.

§ 147-1. Offenses against public and private property.
   A. Against public and private property.
      (1) Injury or removal. No person in the Borough shall willfully, maliciously or wantonly injure, deface, destroy or remove real property or improvements thereto, or moveable or personal property, belonging to the Borough or to any person in the Borough.
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      (3) Removal of earth. No person in the Borough shall move, disturb, or take any earth, stone or other material from any public street, alley, park, or other public ground.
§ 147-2. Conduct in parks.

A. Buildings and other property.

(1) Disfigurement and removal. No person in a park (defined for purposes of this chapter as a park, playground, beach, recreation center or any other area in the Borough, owned or used by the Borough, and devoted to active or passive recreation and including comfort stations) shall willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving materials, waterlines or other public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, or facilities or park property or appurtenances whatsoever, either real or personal.

(2) Rest rooms and washrooms. No person in a park in the Borough shall fail to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition.

(3) Removal of natural resources. No person in a park in the Borough shall dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs, or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

(4) Erection of structures. No person in a park in the Borough shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit.

B. Trees, shrubbery, and lawn.

(1) Injury and removal. No person in a park in the Borough shall damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(2) Climbing trees, etc. No person in a park in the Borough shall climb any tree, or walk, stand or sit upon monuments, vases, fountains, railing, fences or gun-carriages or upon any other property not designated or customarily used for such purposes.

C. Animals, birds, etc.

(1) Hunting. No person in a park in the Borough shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any time at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes, or other deadly reptiles, may be killed on sight.
(2) Feeding. No person in a park in the Borough shall give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

D. Sanitation.

(1) Pollution of waters. No person in a park in the Borough shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, bay or tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and trash. No person in a park in the Borough shall have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

E. Recreational activities.

(1) Bathing and swimming.

(a) Designated areas. No person in a park in the Borough shall swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the person in charge upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(b) Certain hours. No person in a park in the Borough shall frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the person in charge for such purposes for each individual area.

F. Behavior.

(1) Intoxicating beverages.

(a) Prohibition. No person in a park in the Borough shall have brought alcoholic beverages, nor shall any person drink alcoholic beverages at any time in the park.

(b) Drunkenness. No person in a park in the Borough shall be under the influence of intoxicating liquor.

(2) Fireworks and explosives. No person in a park in the Borough shall have brought, or have in his possession, or set off or otherwise cause to explode or discharge or
burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto.

(3) Closed areas. No person in a park in the Borough shall enter an area posted as "closed to the public," nor shall any person use or abet the use of any area in violation of posted notices.

(4) Games of chance. No person in a park in the Borough shall gamble, or participate in or abet any game of chance.

(5) Going onto ice. No person in a park in the Borough shall go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(6) Loitering and boisterousness. No person in a park in the Borough shall sleep or protractedly lounge on the seats, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace or tending to disturb others in their peaceful use and enjoyment of the park.

§ 147-3. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days.
Chapter 151
PEDDLING AND SOLICITING

[An ordinance establishing regulations for peddling, soliciting and other transient retail business in the Borough of California is currently under review before the Borough Council. Upon final adoption, said legislation will be included here.]
Chapter 156
PROPERTY MAINTENANCE

§ 156-1. Adoption of standards.
A certain document, a copy of which is on file in the offices of the Code Enforcement Department of the Borough of California, being marked and designated as the International Property Maintenance Code, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of California and the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for human occupation and use; and providing for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Code Enforcement Department are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with such amendments, additions, insertions and deletions, and changes, if any, as prescribed in § 156-2 of this chapter.

§ 156-2. Amendments, additions and deletions.
The following sections of the 2003 edition of the International Property Maintenance Code are hereby revised as follows:
A. Section 101.1: insert "Borough of California."
B. Section 103.5: delete.
C. Section 106.4: insert "Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, and, upon conviction thereof, may be fined not less than $300 nor more than $1,000, or, in default of payment thereof,
§ 156-2  

may be confined in the Washington County Correctional Facility for a period not to exceed 90 days. Each day that a violation continues after due notice has been served in accordance with this section shall be deemed a separate offense and may be punishable by per diem penalty as provided hereunder."

D. Section 302.4: insert "six inches."\(^{1}\)

E. Section 304.14: insert "May 1" and "October 1."

F. Section 602.3: insert "September 1" and "April 30."

G. Section 602.4: insert "September 1" and "April 30."

§ 156-3. Establishment of Appeals Board.

Any and all appeals arising under the 2003 edition of the International Property Maintenance Code, and as provided under Section 111 of the Property Maintenance Code regulations, shall be heard by the Uniform Construction Code Appeals Board of the Borough of California.\(^{2}\) The UCC Appeals Board shall have complete jurisdiction over all matters arising under the Property Maintenance Code regulations, and all references under Section 111 of the Property Maintenance Code to "Appeals Board" shall be construed to refer to the Borough of California UCC Appeals Board. The UCC Appeals Board shall exercise all such jurisdiction, authority and responsibility as provided under Section 111 of the Property Maintenance Code regulations.

§ 156-4. Effect on other provisions.

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance repealed by this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by the implementation and adoption of this chapter.

§ 156-5. When effective.

This chapter and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon adoption of this chapter by the Borough Council of the Borough of California.

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1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
2. Editor's Note: See Ch. 89, Art. II.
Chapter 160
RENTAL HOUSING

§ 160-1. Purpose.

The purpose of this chapter is to protect the public health, safety and general welfare of the residents of the Borough of California, including, but not limited to:

A. The protection of the character and stability of residential areas;
B. The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being, of persons occupying dwellings and adjoining or neighboring properties;
C. The prevention of the overcrowding of dwellings;
D. The prevention of slums and blight;
E. The preservation of the value of land and buildings throughout the Borough.


The following terms in this chapter are defined as follows:
BOROUGH — The Borough of California, Washington County, Pennsylvania.

BUILDING CODES — Any code or ordinance adopted, enacted, and/or in effect in and for the Borough of California concerning fitness for habitation, the construction, maintenance, operation, occupancy, use or appearance of any unit, premises or building and/or fire prevention, housing standards, and municipal waste, including but not limited to all applicable federal and state codes and regulations. Also included within, but not limited by, this definition are the following which are in effect as of the date of codification of this chapter: International Building Code; International Plumbing Code; International Property Maintenance Code; International Fire Code; ICC Electrical Code; Sidewalk Maintenance Ordinance; Ice Removal Ordinance; Solid Waste and Recycling Ordinance; Zoning Ordinance; and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

HOTEL — A building or structure operated in compliance with all applicable state and federal laws and regulations, and the operator of which is licensed by the state or county, which is held out to the public as a place where all transient persons who will come will be received as guests for compensation, and which actually operates as such, and which opens its facilities to the public as a whole rather than limited accessibility to a well-defined or limited private group. The definition includes a motel.

MOTEL — See "hotel."

OWNER — The owner or owners of the fee simple title of a rental unit, or of a beneficial and equitable interest therein or a lesser estate thereon. The following person, persons, firms or corporations are included in the definition of owner of a rental unit: a mortgagee or vendee in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent or any other person, firm, corporation, partnership or other entity directly or indirectly in control of a structure, dwelling, building in which a rental unit is located, or of an individual rental unit.

PERSON — A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

RENTAL UNIT — A room or group of rooms within a building or structure which is either rented, leased, let or hired out to be occupied or is occupied, for a consideration, as the temporary or permanent residence or house of one or more individuals. An owner-occupied unit can be a rental unit if any part thereof is rented, leased, let or hired out to be occupied or is occupied, for a consideration, as the temporary or permanent residence or house of one or more individuals.

TENANT — An individual which rents, leases, hires or occupies a rental unit, whether for a consideration or not, as a temporary or permanent residence.

1. Editor’s Note: See Ch. 184, Arts. III and IV.
2. Editor’s Note: See Ch. 184, Art. II.
3. Editor’s Note: See Ch. 175.
4. Editor’s Note: See Ch. 205.
5. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
§ 160-3. Registration statement; designation of managing agent.

A. Every owner of a rental unit as above defined shall file with the Borough Code Enforcement Officer, within 45 days after the adoption of this chapter, or, for new rental property, within 30 days of commencement of use as rental property, a written registration statement on forms to be supplied by the Borough Code Enforcement Officer, containing the following information:

1. A description of the rental unit by street number, tax ID parcel number and apartment number or other indicia sufficient to distinguish the rental unit from all others.

2. The name and residence and business address of such owner, together with his residence and business telephone number or, if such owner is a corporation, the name, telephone number and address of such corporation and the name, residence and business address of all officers thereof, together with the residence and business telephone numbers of the corporation’s officers.

3. The number of tenants the owner proposes to have occupy the rental unit.

4. Designation of managing agent:

   (a) The name, residence, business address and residence and business telephone numbers of a natural person, 21 years of age or over, who resides within the Borough or within 15 driving miles from the Borough and who shall be designated by such owners as a managing agent who may be accessible regarding maintenance and operation of such rental unit, and who shall be designated as the person upon whom process may be served on behalf of the owner.

   [1] The managing agent shall keep a current record of all the tenants and their names and addresses, who are renting, leasing or living in each rental unit on the premises. This list shall be available for inspection by the Code Enforcement Officer at reasonable times at a location within the Borough.

   [2] There shall be endorsed upon the registration statement a written consent to such designation as managing agent signed by such managing agent. An owner who is a natural person and who resides within the Borough or within 15 driving miles from the Borough and otherwise meets the requirements of this subsection may designate himself or herself as such managing agent.

   (b) Nothing contained in this section shall be construed as preventing a corporation, which is an owner of a rental unit, from designating as its managing agent with respect thereto any officer of such corporation who meets the requirements of this subsection as to the location of the residence of a managing agent.

6. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
(c) Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.

(5) Where, after the filing of any registration statement in relation to any rental unit under the applicable provisions of this chapter, the owner of such rental unit shall have granted or transferred his right, title or interest therein or in any part thereof, such owner shall file with the Borough Code Enforcement Officer, within 10 days after such grant or transfer, a written statement which shall contain the name, residence and business address, and residence and business telephone numbers, of the grantee, transferee or other successor of such right, title or interest, or, if such grantee, transferee or successor is a corporation, the name, telephone number and address of such corporation.

(6) Where, after the filing of any registration statement with the Borough Code Enforcement Officer pursuant to the applicable provisions of this section, any change, other than a designation of a different managing agent or a change of ownership or interest, occurs in any name, residence or business address, list of officers or telephone number(s) or any other information required to be included in such statement, the owner, within 10 days after such change, shall file, in duplicate, on forms to be furnished by the Borough Code Enforcement Officer, a statement setting forth the particulars of such change so as to supply the information necessary to make currently correct the last registration statement filed pursuant to the applicable provisions of this chapter.

(7) Any designation of a managing agent made pursuant to the applicable provisions of this chapter shall cease to be effective if such agent shall die or be judicially declared incompetent.

(8) Any owner may terminate the designation of a managing agent by filing with the Borough Code Enforcement Officer a written designation of a new managing agent made in conformity with the provisions hereinabove.

(9) If any owner shall fail to file a designation of a new managing agent with the Borough Code Enforcement Officer in conformity with the provisions herein and within the following time periods, such owner shall be guilty of a violation of this chapter: on or before the effective date of a notice of termination or within three business days after an owner receives a notice of termination from a managing agent or other termination of a written designation, or 15 days after any such agent shall die or be judicially declared incompetent.

B. Any registration statement or designation of a managing agent required to be filed with the Borough Code Enforcement Officer under the provisions of this chapter shall be signed by an owner or, if such owner is a corporation, by an authorized officer thereof.

C. Any such registration statement or designation of a managing agent shall be deemed prima facie proof of the statements therein contained in any prosecution or litigation instituted by the Borough or any department, commission, agency or authority thereof against the owner or managing agent of a rental unit.
§ 160-4. License required.

It shall be unlawful for any person, firm or corporation to conduct or operate, or cause or permit to be rented or occupied either as owner, lessee, agent or manager within the Borough, any rental unit without having first obtained a license or temporary certificate to do so as hereafter provided.

§ 160-5. Application for license.

A. Within 45 days after the effective date of this chapter, the owner of each rental unit existing on the effective date of this chapter shall make written application on forms prescribed therefor to the Borough Code Enforcement Officer, containing such information as necessary to administer and enforce and to insure compliance with the provisions of this chapter and the building codes, in their entirety. The application shall specify the rental unit the owner desires permission to operate or rent, as well as the total number of tenants the owner requests permission to have occupy the rental unit.

B. In addition, the owner of each rental unit constructed or proposed to be rented, occupied or used after the effective date of this chapter but not yet existing, rented or occupied as such shall make written application to the Code Enforcement Officer for a license as herein provided prior to any initial occupancy.


A. Upon receipt of a completed application for a license, for an existing and occupied rental unit with tender of the appropriate license fee as hereinafter provided, the Borough Code Enforcement Officer shall issue a "temporary certificate" indicating that a license has been duly applied for, and that such license shall be issued or denied after the building, including, but not limited to, interior portions thereof intended or used for human habitation, has been inspected for compliance with the provisions of this chapter and the building codes. A temporary certificate, as issued, shall authorize continued occupancy of such rental unit in actual existence and use on the effective date of this chapter, pending the issuance or denial of the applied-for license.

B. Units proposed to be rented, occupied or used or for which construction is to be completed, for use as or conversion to a rental unit, after the effective date of this chapter, but not yet so used or occupied, shall not be occupied for human habitation as a rental unit prior to issuance of a license.

§ 160-7. Issuance or denial of license.

A. Upon completion of the inspection of the building or buildings, if the Borough Code Enforcement Officer finds the requirements of this chapter and the building codes have been met, a license shall be issued. Such license shall identify the unit which is authorized for operation and occupancy as a rental unit as well as the total number of tenants which may lawfully occupy the rental unit. It shall be a violation of this chapter to occupy, use or permit the occupancy or use of a unit not covered by, or contrary to, a duly issued license.
§ 160-7. Expiration and renewal of license.

Unless sooner revoked or suspended for cause, each license shall expire on June 30 of each year and may be renewed for successive one-year periods.


A license issued hereunder is transferable, for a fee of $2, to any owner who has acquired ownership of a licensed rental unit for the unexpired portion of the one-year term for which it was issued or reissued, provided that the application to transfer such license is timely filed with the Borough Code Enforcement Officer for change of ownership and the licensed rental unit is in compliance with this chapter and Borough building codes. A license shall terminate upon failure to apply for its transfer within 30 days of the date of sale or transfer of ownership of the rental unit.

§ 160-10. Suspension or revocation of license.

A. A license shall be suspended upon a finding by the Borough Code Enforcement Officer that one or more of the requirements of this chapter or the building codes have been violated. The Code Enforcement Officer shall give written notice to the license holder of such violations. Service upon a managing agent shall be deemed service upon the license holder.

B. Said written notice may be served upon the owner, or such owner’s managing agent, by any of the following methods:

1. Personal service by hand delivery;

2. Certified mail, return receipt requested;

3. By handing a copy at the residence of the owner, or the managing agent, to an adult member of the family with whom such person resides; but if no adult member of the family is found, then to an adult person in charge of such residence;
(4) By handing a copy at any office or usual place of business of the owner or the managing agent to their agent or to the person for the time being in charge thereof.

C. Upon failure of the license holder to correct the violations stated in the notice of violation within 30 days, or such shorter time as designated by the Borough Code Enforcement Officer, the license may be revoked. A suspended license may be reinstated upon meeting the requirements of the building codes. Issuance of a new license after revocation shall be subject to payment of the full amount of the applicable license fee and the procedures for issuance set forth above.

§ 160-11. License availability.

Licenses issued under this chapter shall be prominently and publicly displayed on the premises of the structure, or produced on the request of a tenant or prospective tenant and shall be available at reasonable times for inspection by the Borough Code Enforcement Officer at a location within the Borough of California.\(^7\)

§ 160-12. Inspection of rental units and schedule of fees. [Added 12-16-1999 by Ord. No. 462]

A. Inspection required; fees established.

(1) The Borough Code Enforcement Officer shall, on an annual basis, conduct an inspection of all rental units having obtained a temporary certificate or requested a renewal license as contemplated under this chapter, to insure compliance with the terms and conditions of this chapter and with the property maintenance codes of the Borough of California. Nothing in this chapter shall be interpreted as limiting the authority of the Borough to conduct additional inspections, as deemed appropriate by the Borough, where the Borough has a reasonable basis to believe that a unit is in violation of this chapter or the property maintenance codes.

(2) The Borough Code Enforcement Officer shall, at the time of the application for license or request for license renewal, collect an inspection fee from each property owner in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Type of Property</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>$40</td>
</tr>
<tr>
<td>Multiple-family dwelling:</td>
<td></td>
</tr>
<tr>
<td>1 to 600 square feet</td>
<td>$40 (base fee)</td>
</tr>
<tr>
<td>601 to 900 square feet</td>
<td>Base fee plus $20</td>
</tr>
<tr>
<td>Each 300 square feet over 901</td>
<td>Additional $20</td>
</tr>
<tr>
<td>Rooming houses and special care facilities:</td>
<td></td>
</tr>
</tbody>
</table>

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\(^7\) Editor's Note: Original Section XII, Schedule of fees, which immediately followed this section, was repealed 12-16-1999 by Ord. No. 462.
Type of Property | Fee
---|---
1 to 600 square feet | $40 (base fee)
601 to 900 square feet | Base fee plus $20
Each 300 square feet over 901 | Additional $20

(3) A 15% variance on square footage calculation shall be allowed, adjusting the fee to the lower amount as provided above.

(4) No new rental unit license, as contemplated under this chapter, shall be issued until an initial inspection of the unit has been conducted by the Code Enforcement Officer and the appropriate fee paid to the Borough, as provided under this section.

B. Additional provisions. [Added 1-29-2001 by Ord. No. 470]

(1) Any singular property covered by Ordinance No. 428 and Ordinance No. 462 shall not be charged any annual inspection fee for any square footage in excess of 30,000 square feet.

(2) The license fee shall be subject to a 1% penalty per month, or any portion thereof, beyond the date due and payable. No refund of license shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a licensed rental unit to another person.

§ 160-13. Classification of units; modification of requirements.

Borough Council may, by resolution, categorize and/or classify and recategorize and/or reclassify rental units in the Borough and modify application or other deadlines under this chapter so as to stagger inspections of rental units.8


At the time of application for the rental unit license and all renewals, it shall be the duty of every owner of a rental unit within the Borough to certify to and file with the Borough Code Enforcement Officer a list of the names of all lessees, tenants and occupants, as well as their permanent addresses and the telephone number for such permanent addresses, for each rental unit, whether licensed or not. Where any change occurs in any tenant(s) or lessee(s) name or residence, the owner, within 10 days after such change, shall certify the same to the Borough Code Enforcement Officer, so as to supply the information necessary to make currently correct the last tenant list filed by the owner.


The obligation to apply for and obtain a license and pay a license fee for a rental unit license shall not apply to any owner currently holding a valid license under another Borough

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8. Editor's Note: Original Section XIV, Exemptions/exclusions, which immediately followed this section, was repealed 12-16-1999 by Ord. No. 462.
ordinance which is rescinded by the adoption hereof until the expiration or other termination of such current license; provided, however, that all other requirements under this chapter shall apply to and be complied with by all rental unit owners.

§ 160-16. Liability of owner.
A. Every owner of a rental unit in the Borough who willfully or negligently fails to register a rental unit, pay the license fee, license a rental unit or file a list of tenants and occupants shall be liable for, in addition to other penalties herein provided, the payment of all sewer rents and charges as levied by the Borough, together with all penalties, costs, interest and lien charges. This provision shall in no way modify or nullify any other persons’ or tenants’ liability for the same.

B. The Code Enforcement Officer shall not issue a license or temporary certificate as to such property until all such delinquent charges, penalties, costs, interest and lien charges have been paid in full.

§ 160-17. Violations and penalties.
Any owner violating any of the provisions of this chapter, or providing or filing any false information required pursuant to this chapter, shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge, be subject to a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. Each day that a tenant resides in an unlicensed rental unit shall constitute a separate violation.

If any rental unit is owned by more than one person, in any form of joint tenancy, as a partnership, or otherwise, each person, including each corporate officer of a corporate owner, shall be jointly and severally responsible for the duties imposed under the terms of this chapter, and shall be jointly and severally subject to prosecution and liability for a violation of this chapter.
Chapter 168
SEWERS AND SEWAGE DISPOSAL

ARTICLE I
Holding Tanks

§ 168-1. Purpose.
§ 168-4. Authority to adopt rules and regulations.
§ 168-5. Rules and regulations to conform to applicable law.
§ 168-6. Rates and charges.
§ 168-7. Exclusiveness of rights and privileges.
§ 168-8. Duties of improved property owner.
§ 168-10. Area of use.
§ 168-11. Violations and penalties.

ARTICLE II
Sewer Use


§ 168-17. Fees and charges.
§ 168-18. Direct connection required.
§ 168-19. Requirements for connection to system.
§ 168-20. Abandonment of private systems.
§ 168-22. Industrial discharges.
§ 168-23. Costs of damage.
§ 168-25. Grease traps required.
§ 168-28. Borough may do work and impose appropriate fees.
§ 168-29. Failure to connect.
§ 168-30. Vandalism.
§ 168-31. Violations and penalties.

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

GENERAL REFERENCES

Uniform construction codes — See Ch. 89.
Stormwater management — See Ch. 181.
Street openings — See Ch. 184, Art. I.
Subdivision and land development — See Ch. 187.
ARTICLE I
Holding Tanks
[Adopted 8-13-1990 by Ord. No. 395]

§ 168-1. Purpose.
The purpose of this article is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential, commercial or other uses and it is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

BOROUGH — The Borough of California, Pennsylvania.

HOLDING TANK — A watertight, receptacle, whether permanent or temporary, which receives and retains sewage by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. This definition shall include, but shall not be limited to, the following:

A. CHEMICAL TOILET — A toilet using chemicals that discharge to a holding tank.

B. RETENTION TANK — A holding tank to which sewage is conveyed 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 within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure sewage shall or may be discharged.

MUNICIPALITY — The Borough of California, Washington County, Pennsylvania.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough.

PERSON — Any individual, partnership, company, association, corporation, or other group or entity.

SEWAGE — Any substance that contains any of the waste products or excrement or other discharges 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 recreation.
The Borough is hereby authorized and empowered to oversee that the maintenance of holding tanks and the disposal, collection and transportation of sewage is performed satisfactorily and in accordance with all applicable laws, rules and regulations. The Borough will complete and retain annual inspection reports for each permitted tank.

§ 168-4. Authority to adopt rules and regulations.
The Borough is hereby authorized and empowered to adopt such rules and regulations concerning holding tanks which it may deem necessary from time to time to effect the purposes herein.

§ 168-5. Rules and regulations to conform to applicable law.
All such rules and regulations adopted by the Borough shall be in conformity with the provisions herein, all other ordinances of the Borough, all applicable laws, and all applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania and the United States.

§ 168-6. Rates and charges.
The Borough shall have the right and power by resolution to fix, alter, charge and collect reasonable and uniform rates, assessments, and other charges as authorized by applicable law for monitoring and inspecting holding tanks and reasonable and uniform rates, assessments, and other charges as authorized by applicable law for the disposal of sewage from the holding tanks in the event that the sewage is disposed at the municipality's sewage treatment facility.

§ 168-7. Exclusiveness of rights and privileges.
The collection and transportation of all sewage from all property utilizing a holding tank shall be done under the direction of the Borough. All collection and transportation shall be done in compliance with DEP regulations governing the use of such tanks. Disposal of all sewage shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

§ 168-8. Duties of improved property owner.
The owner of an improved property who desires to utilize a holding tank shall:
A. Obtain a permit from the Borough prior to the installment of any holding tank.
B. Prior to receiving the permit post a minimum performance bond in the amount of $100,000. Exception: In the case of an application for a permit by the commonwealth, a state agency or a subsidiary of the commonwealth, the Borough reserves the right to waive the posting of the performance bond. The bond may be waived for these entities due to the fact that the commonwealth, a state agency and a subsidiary of the
§ 168-8  commonwealth possess taxing resources sufficient so as to enable them to comply in the event of a violation.

C. Maintain the holding tank in conformance with this and any other ordinance of the Borough, the provisions of any applicable law, and the rules/regulations of the Borough and any administrative agency of the Commonwealth of Pennsylvania, including, but not limited to, the Department of Environmental Protection.

D. The property owner shall receive and retain pumping receipts from permitted holding tanks and shall provide the Borough with copies thereof within a reasonable time after receiving the same.


All holding tanks permitted under this article shall be in existence for a period not to exceed six years. At the end of the six-year period, the owner shall be responsible for replacing the holding tank with a sewage treatment plant or sewage system approved by the Department of Environmental Protection and the Borough.

§ 168-10. Area of use.

The use of holding tanks shall only be permitted in districts that are zoned Rural Agricultural (RA) by the Borough.

§ 168-11. Violations and penalties.

Any person who violates any provision of § 168-8 shall, upon conviction thereof by civil proceedings, be sentenced to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, including attorneys' fees incurred by the municipality as a result thereof, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. Each day that a violation of this article continues shall constitute a separate offense and subject the property owner to additional fines and costs as provided herein.


In addition to any other remedies provided in this article, any violation of § 168-8 above shall constitute a nuisance and shall be abated by the municipality or the Borough by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

ARTICLE II

Sewer Use

[Adopted 2-13-2003 by Ord. No. 480]


This article may be referred to as the "California Borough Sewage Ordinance of 2003."

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

BOROUGH — The Borough of California.

BUILDING SEWER — The service line connected to and running from one of the Borough's main service lines or any extension thereof, over private property to the structure provided with public sanitary sewer service.

CAPACITY-RELATED FACILITIES — Components of the sanitary sewer system relating to treatment, transmission, trunk, interceptors and mains, sludge treatment or disposal, interconnection or other general system facilities. As used herein, "capacity-related facilities" may include those such facilities that provide existing service and/or those that will provide future service.

CAPITAL RESERVE CHARGE — The charge fixed by the Borough for the purpose of providing funds at least in part, for additional capital expenditures necessary for the wastewater system, which expenditures shall include sewer line extensions and sewer line replacement at the end of the useful life, as defined herein. Said charge shall be separately identified to the user.

COLLECTION FACILITIES — Components of the sanitary sewer system related to the provision of collection services, including but not limited to mains and pumping stations. As used herein, "collection facilities" may include those such facilities that provide existing services and/or those that will provide future service.

COMMERCIAL USER — Without limiting the generality of the foregoing, all retail stores, restaurants, office buildings, laundries, and other private business and service establishments of any kind or nature, except those which are industrial users, single-family residential users, institutional users or government, public schools and university users, as those terms are defined herein.

CONNECTION FEE —

A. A fee imposed to recover the Borough of California's costs of:

   (1) Constructing facilities between a sewer main line and the property line of the property serviced or to be serviced, which fee shall not exceed an amount based on the actual cost of the service connection, lateral sewer and related costs, of the property extending from the sanitary sewer system's main line to the property line of the property so connected; and

   (2) Inspection of the facilities identified in Subsection A(1) above whether built by the sanitary sewer system or otherwise.

B. The part of this fee set forth in Subsection A(1) above shall be chargeable only in the event that the Borough itself incurs costs (other than costs of inspection) in the construction of the lateral.
CUSTOMER FACILITIES FEE —

A. A fee imposed to recover the Borough's cost of:

(1) Facilities installed between the property line of a property, and the building to which service is provided, which fee shall not exceed an amount based on the actual cost of the facilities servicing the connected property, from the property line to the dwelling or building to be served; and

(2) Inspection of the facilities identified in Subsection A(1) above whether built by the Borough or otherwise.

B. The part of this fee set forth in Subsection A(1) above shall be chargeable only in the event that, as a result of the property owner's failure to promptly and properly connect the building to the sanitary sewer system, in accordance with this article, the Borough is required to do so.

DEBT SERVICE CHARGE — The charge fixed by the Borough to pay for debt service on any and all loans, lines of credit, or other form of indebtedness incurred by the Borough in the construction of the wastewater system, which charge shall be separately identified to the user.

EPA — The United States Environmental Protection Agency.

EXISTING CUSTOMER — Individuals and/or entities who/which are users of the Borough of California's public wastewater system as of the effective date of the Schedule of Fees attached hereto and expressly incorporated herein.1

EXISTING FACILITIES — Those facilities which comprise part of the sanitary sewer system as of the effective date of this article; provided, however, that for purposes of calculation of the tapping fee imposed by this article, this term shall not include facilities contributed to the sanitary sewer system by any person, government or agency.

GARBAGE — The solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of food.

GOVERNMENT, PUBLIC SCHOOLS and UNIVERSITY — Include legislative, judicial, administrative and regulatory activities of the federal, state and local governments, agencies and authorities and similar users, and public schools and universities, which are users of the Borough of California's public wastewater system.

HISTORICAL COST — Except as otherwise provided herein, all costs associated with acquisition of real and personal property and/or construction rights, construction itself, related financing, engineering, legal and other professional fees, and other administrative expenses incurred in the acquisition and/or construction of any part of the existing facilities.

INDUSTRIAL USER — Includes any user of the publicly owned treatment works and/or sewerage system which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A, Agriculture, Forestry and Fishing; Division B, Mining; Division D,

1. Editor's Note: Said Schedule of Fees is on file in the Borough offices.
Manufacturing; Division E, Transportation, Communications, Electric, Gas and Sanitary; and Division I, Services. As used herein, "industrial user" shall also include any user who/which discharges wastewater containing toxic or poisonous substances or any substance(s) which cause(s) interference in wastewater facilities.

INSTITUTIONAL USER — Includes social, charitable and religious activities and organizations such as churches, hospitals, nursing homes, penal institutions and similar users.

INTERFERENCE — Inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation, which substantially contributes to a violation of applicable discharge permits.

MAINTENANCE AND OPERATION EXPENSES — Those expenditures made during the useful life of a sewer system for labor, materials, utilities, equipment, accessories and/or appurtenances and such other items as are necessary to manage and maintain the system capacity and performance and to provide the service for which the system was designed and constructed.

MULTIFAMILY DWELLING/MULTIUNIT DWELLING — Includes any apartment, apartment houses, doublehouses, townhouses, garden apartments, condominiums, hotels, motels, rooming houses, boardinghouses, high-rise dwellings, and similar buildings that are rented out to the public and/or provide lodging for the public.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake, or any other body of surface or ground water.

NONRESIDENTIAL USE — Any use other than a single-family residential use or government, public schools and university user.

NORMAL DOMESTIC WASTEWATER — Wastewater that has a BOD concentration of not more than 208 mg/l and a suspended solids concentration of not more than 220 mg/l, a pH of 7.0; an NH₃N of 15 mg/l and a phosphate concentration of 20 mg/l.

NPDES — National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the Commonwealth of Pennsylvania.

OWNER — The person or persons who legally own, lease, or occupy property with building sewers which discharge, or will discharge, into the Borough's wastewater system.

PERSON — Any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency, or group.

pH — The logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standard Methods.

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the wastewater system.

REIMBURSEMENT COMPONENT or REIMBURSEMENT PART — The amount necessary to recapture the allocable portion of facilities in order to reimburse the property owner who constructed the facilities, or at whose expense such facilities were constructed.
REPLACEMENT — Expenditures for obtaining and installing equipment accessories and appurtenances which are necessary during the useful life of the wastewater system to maintain the capacity and performance for which such system was designed and constructed.

SANITARY WASTEWATER — Includes wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

SEWER SERVICE EXTENSION LINE or EXTENSION LINE or LATERAL — A sanitary sewer designed and constructed as an extension to a main sewer line within the public right-of-way, to which a building sewer from individual properties of customers or potential customers are to be connected. As used herein, this term does not include any building sewer.

SINGLE-FAMILY RESIDENTIAL USE — Any buildings or portion thereof, room, group of rooms or enclosure, occupied or designed and intended exclusively for residence or occupancy as the separate living quarters of a person living alone or a family consisting of a father and/or mother and/or children related by blood, marriage, or adoption and living together and maintaining a common household. A single-family residential use shall not include multiunit homes, apartment buildings, townhouses, or any other similar structures, hotels or motels, or any other structure used for transient residence.

STATE — The Commonwealth of Pennsylvania.

STORM SEWER — A sewer for conveying storm, surface, and other waters, which are not intended to be transported to a treatment facility.

SURFACE WATER — Water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

TAP PERMIT — The written approval, if any, received by an applicant for connection to the public wastewater system, which allows the property to which the approval relates to be physically connected to the Borough's public wastewater system, and/or reserves capacity in the public wastewater system. Except as may otherwise be authorized by Borough ordinance, the tap permit shall automatically expire on the date that occurs two years after the date of issuance of the tap permit, which issuance date shall be identified on said tap permit, if the property to which the tap permit relates has not, as of that date, been physically connected to the Borough's wastewater system at that time, and satisfactory inspection of said connection has not been performed by or on behalf of the Borough, in accordance with ordinances or regulations.

TAPPING FEE — A fee initially payable to the Borough of California at the time of application for connection to the sanitary sewer system, which fee is identified on Schedule B attached to this article.2 The term "connection" includes:

A. The physical connection of the property to the sanitary sewer system; and/or

B. Resulting increases in water consumption in the Sanitary Authority attributable to a building or structure previously physically connected to which renovation, modifications, and/or additions are made.

2. Editor's Note: Schedules A, B, C and D, which originally accompanied this ordinance, are on file in the Borough offices.
USER CHARGE — That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater system, which charge shall be separately identified to the user.

WASTEWATER — A combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or stormwater that may be present.

WASTEWATER FACILITY — The combination of the wastewater sewers and treatment facilities.

WASTEWATER (SANITARY SEWERAGE) SYSTEM — Any devices and systems for the collection, transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment, treatment works and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works including site acquisition of the land that will be an integral part of any treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

WASTEWATER TREATMENT SYSTEM — The structures, processes, equipment and arrangements necessary to treat and discharge wastewater.


The purposes of this article are to provide for the maximum possible beneficial use of the sanitary sewer system through regulation of sewer construction, sewer use, and wastewater discharge; to provide for equitable and legally authorized distribution of the costs of the sanitary sewer system; to provide procedures for complying with requirements contained herein and to promote the general health, safety and welfare of the residents of the Borough.


The provisions of this article shall apply to the discharge of all wastewater to the sanitary sewer system. This article provides for the uses of the sanitary sewer system’s wastewater system; regulation of construction of sewers and/or treatment facilities; control of the quantity and quality of wastewater discharged to the sanitary sewer system; equitably and legally authorized distribution of costs among existing customers of the existing system, among existing customers with respect to future expansions or enhancements of the system, and among future customers; assurance that existing capacity needs of existing customers will not be preempted; approval of sewer, pump station and/or treatment facilities, construction plans; issuance of wastewater discharge permits, establishment of sewer connection standards, conditions and costs, and imposition of penalties and procedures applicable as a result of violation of this article.
§ 168-17. Fees and charges.

A. Except as otherwise provided herein, all fees and charges payable under the provisions of this article shall be paid to the Borough of California, such fees and charges as set forth in Schedule A and Schedule B, which are attached hereto and incorporated herein. The Borough of California shall have the right to periodically amend the fees and charges enumerated in Schedule A and Schedule B by resolution.

B. With the exception of tapping fees imposed pursuant to this article, all fees and charges collected under this article shall be used for the sole purpose of constructing, operating or maintaining the sanitary sewer system or the retirement of debt incurred for the same.

C. Except as otherwise provided, all fees and charges payable under the provisions of this article are due and payable upon receipt of notice of the fees and charges. Sewer rates and charges shall become payable, and shall become delinquent and/or subject to penalty and interest charges, in accordance with this article.

D. Any person who continues to violate the provisions of this article beyond the time limit provided herein may be charged with such violation and, upon conviction thereof, shall be sentenced to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days, for each day the violation continues, and shall be subject to disconnection from the Borough's water service facilities.

§ 168-18. Direct connection required.

Every owner of property in the Borough whose property either abuts with or is adjacent to any public wastewater sewer or whose property abuts with or is adjacent to a public street or right-of-way through which a public wastewater sewer has been, or will be, constructed shall, within 90 calendar days after notice to connect from the Borough, connect the house, building or other structure, and/or any subsequent additions thereto, located on said property with the aforementioned public wastewater sewers for the purpose of disposing of all acceptable sanitary wastewater emanating from said property.

A. In such event, a property owner shall be required to construct and to dedicate to the Borough that part of the sewer line between the property line and the sanitary sewer system’s main line, or any extension or lateral thereto, which is necessary to provide sanitary sewer service; the Borough and property owner shall both be responsible for 50% of the actual cost of the same, regardless of whether the work has been performed by the Borough or by a private contractor mutually agreed upon by the owner and the Borough. Any such construction performed by the property owner or a contractor retained by the property owner shall be in accordance with this article and Schedule C,

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3. Editor’s Note: Schedules A, B, C and D, which originally accompanied this ordinance, are on file in the Borough offices.

4. Editor’s Note: See also Res. No. 03-114, regarding sewage charges for condemned properties, which is on file in the Borough offices.
which is attached hereto and made a part hereof, the terms and conditions of any agreement between the Borough of California and the property owners resulting therefrom, and/or other reasonable rules and regulations of the Borough of California. The property owner shall pay to the Borough of California the inspection component of the connection fee identified on Schedule B attached hereto. The failure of a property owner to comply with the terms of this section shall result in imposition of a connection fee calculated as set forth in this article.

B. In such event, a property owner shall also be required, at his/its sole cost and expense, to construct the building sewer necessary to provide sanitary sewer service from the dwelling or other building proposed to be served to the lateral. The property owner shall pay to the Borough of California the inspection component of the customer facilities fee identified in Schedule B attached hereto. The failure of the property owner to comply with this obligation shall result in imposition of a customer facilities fee calculated as set forth in this article.

C. Separate physical connections to the sanitary sewer system, and corresponding separate tapping fees, shall be required for each building or structure for which public sanitary sewer service is required pursuant to this article. A separate tapping fee shall also be required for each renovation or modification (including the construction of additions) to any such building or structure, regardless of the date of the renovation or modification, where such modification or addition results in a designed increase in water consumption attributable to the building or structure. Where modifications or additions result in increased water consumption, the Borough reserves the right, in appropriate circumstances, to require separate physical connections as well. Under no circumstances, however, shall the Borough assume, or be construed as assuming, any obligation or responsibility for damages caused by or resulting from the imposition of such requirement. In any event, the property owner shall nonetheless remain obligated to pay tapping fees in the same amount and calculated in the same manner as otherwise would have been payable.

§ 168-19. Requirements for connection to system.

In addition to any of the requirements set forth in any other section of this article, no person, firm, or corporation shall uncover, use, alter or make or cause to be made any connection with any of the aforementioned public wastewater sewers until all of the following conditions have been fulfilled:

A. Application must be made to the Borough upon a permit form to be formulated and supplied by the Borough for permission to uncover, use, alter or connect to the aforementioned public wastewater sewers. Said permit form shall include, but not be limited to, a requirement that the applicant state the character and use of each structure and/or addition thereto located or to be located upon the property and the sewage rate classification attributable to the structure and/or addition thereto, as estimated at the time an application is submitted.

5. Editor's Note: Schedules A, B, C and D, which originally accompanied this ordinance, are on file in the Borough offices.
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B. There shall be three classes of permits for connections to the public wastewater sewer: Class I, Single-Family Residential; Class II, Multifamily Dwelling/Multiuser Dwelling/Nonresidential; and Class III, Government, Public Schools, and University. Each nonresidential use application shall be supplemented by any information required to administer this article. The Borough expressly reserves the right to change and/or amend the aforementioned classifications, along with rate changes to said classifications, by resolution.

C. At the time of application for permission to make a connection, the property owner shall pay a tapping fee for the structure, and/or addition thereto, located or to be located upon the property, as estimated at the time the application is submitted.

D. The amount of the tapping fee payable shall be as set forth in Schedule B attached hereto, and expressly incorporated herein, which Schedule is hereby adopted by the Borough. The tapping fees hereby imposed shall be in addition to any charges which might otherwise be assessed against the property as a result of the construction of the sewer main by the Borough, any sewer user rates and charges payable in accordance with this article and/or any customer facilities fees or connection fees imposed under this article.

E. No capacity in the sanitary sewer system shall be guaranteed for a property owner or owners until such time as tapping fees imposed hereunder have been paid or secured by other financial security acceptable to the Borough. Notwithstanding the foregoing, no work related to the physical connection of the structure, and/or addition thereto, to the aforementioned wastewater sewers shall commence before the payment of the tapping fees imposed hereunder have been received and the aforementioned connection permit has been issued.

F. Each property owner shall give the Borough at least 72 hours' notice of the time when the physical connection is to be made to the public wastewater sewers of the sanitary sewer system, pursuant to the aforementioned connection permit, to permit an individual duly authorized by the Borough to be present to inspect and approve the work of connection. The inspector shall signify his approval in writing on the aforementioned connection permit in the possession of the permittees.

G. At the time of inspection of the connection, the property owner shall permit an individual duly authorized by the Borough full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer shall be covered or in any manner concealed until after it has been inspected and approved by said inspector.

H. The costs and expenses incidental to the building sewer installation and connection to the sanitary sewer system shall be borne by the owner of the building sewer. The owner shall indemnify the Borough from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

6. Editor's Note: Schedules A, B, C and D, which originally accompanied this ordinance, are on file in the Borough offices.
I. The construction of all sewer lines shall be done in accordance with the current standards of the construction industry. All costs and expenses incurred in the making of the physical connection to the sanitary sewer system shall be borne by the property owner.

§ 168-20. Abandonment of private systems. 7

No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall hereafter be maintained upon any premises from which connection with any public sewer shall have been made. The Borough may, at its discretion, require every such privy vault, cesspool, septic tank, mine hole or other receptacle within 30 days after final enactment of this section, in the case of premises now connected with a sewer, and within 30 days after connection with a sewer, in the case of premises hereafter so connected, to be abandoned, cleansed and filled under the direction and supervision of the Borough. Any such privy vault, cesspool, septic tank, mine hole or other receptacle not abandoned, cleansed and filled as required by this section shall constitute a nuisance and such nuisance may be abated on order of the Borough as provided by law, at the expense of the owner of such property.


A. All discharge of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharge. Any connection, drain or arrangements which would permit any such waters to enter the Borough's public wastewater system shall be deemed to be in violation of this article.

B. No person shall discharge or cause to be discharged to any part of the Borough's wastewater system any substances, materials, waters, or wastes in such quantities or concentrations which will:

1. Create a fire or explosion hazard, including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Corrosion.

   a. Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater system, but in no case discharges with the following properties:

   [1] Having a pH lower than 5.0 or greater than 10.0 for more than 10% of the time in a twenty-four-hour period;

   [2] Having a pH lower than 3.5 or greater than 12.0 for any period exceeding 15 minutes.

   b. These requirements may be modified for facilities designed to accommodate greater ranges.

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7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
(3) Cause obstruction to the flow in sewers, or other interference with the operation of the sanitary sewer system due to accumulation of solid or viscous materials.

(4) Constitute a rate of discharge or substantial deviation from normal rates of discharge ("sludge discharge") sufficient to cause interference in the operation and performance of the sanitary sewer system.

(5) Contain heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities, but in no case shall the discharge of heat cause the temperature of the wastewater sewer to exceed 58° C. (150° F.) or the temperature of the influent to the treatment facilities to exceed 40° C. (104° F.) unless the facilities can accommodate such heat.

(6) Contain more than 100 milligrams per liter of nonbiodegradable oils of mineral or petroleum origin.

(7) Contain floatable oils, fat, or grease, except for domestic kitchen use.

(8) Contain noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to life.

(9) Contain radioactive or other toxic wastes in harmful quantities as defined by applicable state and federal regulations.

(10) Contain any garbage that has not been properly shredded.

(11) Contain any odor or color producing substances exceeding concentration limits which may be established by the Borough for purposes of meeting the applicable NPDES.

C. If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this article, the Borough establishes concentration limits to be met by an industrial user, the Borough, in lieu of concentration limits, shall establish mass limits of comparable stringency for an individual industrial user at the request of such user.

D. No person shall discharge or cause to be discharged to the sanitary sewer system wastewaters containing substances subject to an applicable Federal Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within three years of the date the standard is promulgated; provided, however, that compliance with a categorical pretreatment standard for new sources shall be required upon promulgation.

E. Upon application by a multifamily dwelling/multiuser dwelling/nonresidential industrial user (as that term is defined herein), the Borough shall revise any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. The revised discharge limit for specified substances shall be derived in accordance with federal law.
§ 168-21  SEWERS AND SEWAGE DISPOSAL  § 168-22

F. Upon application by a multifamily dwelling/multiunit dwelling/nonresidential industrial user (as that term is defined herein), the Borough shall adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such user which are fundamentally different from the factors considered by the Borough in the development of the pretreatment standard. Requests for and determinations of a fundamentally different adjustment shall be in accordance with federal law.

G. The Borough shall notify any multifamily dwelling/multiunit dwelling/nonresidential industrial user (as that term is defined herein) affected by the provisions of this article and establish an enforceable compliance schedule for each.

§ 168-22. Industrial discharges.

A. All multifamily dwelling/multiunit dwelling/nonresidential industrial users (as defined herein) shall file with the Borough wastewater information deemed necessary by said Borough for determination of compliance with this article, applicable NPDES permit conditions, and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Borough and by supplements thereto as may be necessary.

B. Where a multifamily dwelling/multiunit dwelling/nonresidential industrial user (as defined herein) owns, operates, or occupies properties which results in discharges at more than one location, separate information submittals shall be made for each location as may be required by the Borough.

C. When required by the Borough, the owner of any property serviced by a building sewer carrying industrial wastewater discharges shall provide suitable access and such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with the plans approved by the Borough. The access shall be provided and maintained at the owner’s expense so as to be safe and accessible at reasonable times.

D. The Borough shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, wastewater treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring such wastewater discharges shall be required.

E. Where the Borough determines access and equipment for monitoring or measuring such industrial wastewater discharges is not practicable, reliable, or cost effective, the Borough may specify alternative methods of determining the characteristics of the wastewater discharge which will, in the Borough’s judgment, provide an equitable measurement of such characteristics.

F. Measurements, tests, and analyses of wastewater to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association or such alternate methods approved by the Borough and which comply with
state and federal law. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Borough. The user shall have the option to use, at his own expense, more complete sampling methods, locations, times, durations, and frequencies than specified by the Borough.

G. Measurements, tests, and analyses of the characteristics of wastewater required by this article shall be performed by a qualified laboratory. When such analyses are required of a user, the user may, in lieu of using the Borough's laboratory, make arrangements with any qualified laboratory, including that of the user, to perform such analyses.

H. Monitoring of wastewater characteristics necessary for determination of compliance with applicable pretreatment standards shall be conducted on the basis of the following schedule, unless more frequent monitoring is required by authority other than this article, or if the Borough, in its judgment, determines that the characteristics of the specific discharge warrant a different frequency monitoring:

<table>
<thead>
<tr>
<th>Average Actual Daily User Discharge</th>
<th>Monitoring Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 100,000 gpd</td>
<td>Semiannually</td>
</tr>
<tr>
<td>100,000 to 999,999 gpd</td>
<td>Quarterly</td>
</tr>
<tr>
<td>More than 999,999 gpd</td>
<td>Monthly</td>
</tr>
</tbody>
</table>

I. Monitoring of wastewater characteristics for any purpose other than the determination of compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the Borough.

J. Upon demonstration by any person that the characteristics of the wastewater discharged by that person are consistent, the Borough may reduce the frequency as may be required by authority other than this article, except in no case shall the frequency of monitoring be less than semiannual for the determination of compliance with pretreatment standards.

K. In determining the discharge characteristics, factors such as continuous or batch operation, and seasonal operation and the information requirements of other provisions of this article shall be considered by the Borough. The Borough may obtain wastewater samples as required to verify the consistency of discharge characteristics.

L. Fees for any given measurement, test, or analysis of wastewater by this article and performed by the Borough shall be the same for all classes of users, regardless of the quantity or quality of the discharge, and shall reflect only direct cost. Costs of analysis performed by an independent laboratory at the option of user shall be borne directly by the user.

§ 168-23. Costs of damage.

If the drainage from any establishment causes a deposit, obstruction, or damage to any part of the sanitary sewer system, the Borough shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including
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materials, labor, and supervision, shall be borne by the person causing such deposit, obstruction, or damage.


A. While the Borough should initially rely upon the Federal Categorical Pretreatment Standards of this article to protect the wastewater systems or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the wastewater systems or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the Borough may:

(1) Require pretreatment to a condition acceptable for discharge to the wastewater sewers;

(2) Require control over the quantities and rates of discharge;

(3) Require payment to cover added cost of handling and treatment the wastewaters not covered by existing fees or charges;

(4) Require the development of compliance schedules to meet any applicable pretreatment requirements;

(5) Require the submission of reports necessary to assure compliance with applicable pretreatment requirements;

(6) Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;

(7) Obtain remedies for noncompliance by any user; such remedies may include injunctive relief, the civil penalties otherwise specified in this article, or appropriate criminal penalties; or

(8) Reject the wastewater, if scientific evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities.

B. When considering the above alternatives, the Borough shall assure that conditions of the applicable NPDES permit are met. The Borough shall also take into consideration cost effectiveness and the economic impact of the alternatives on the user. If the Borough allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Borough shall review and recommend any appropriate changes to the program, within 30 days of submittal.

C. Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

D. Persons required to pretreat wastewater as aforesaid shall provide a statement, reviewed by an authorized representative of the user and certified to by a qualified person, indicating whether applicable pretreatment requirements are being met on a consistent

A. Every owner of commercial eating establishments, restaurants, and/or food preparation facilities connected to the sanitary sewer system shall be required to install grease traps not more than 50 feet from the sink or drain. The traps shall be constructed from a watertight material and the liquid holding capacity of the tank shall equal 0.5 gallons per seat, with a minimum size of 10 gallons, and in accordance with Exhibit C attached hereto and made a part hereof.*

B. Grease traps shall be installed in every eating establishment, restaurant and/or food preparation facility within 90 days of the effective date of this article.

C. Cleaning and maintenance of the grease traps shall be the responsibility of the owner of the commercial eating establishment, restaurant and/or food preparation facility; and cleaning shall be done at least on a quarterly basis.

D. The Borough shall inspect said grease traps annually.

§ 168-25. Grease traps required.

A. Editor's Note: Exhibit C is on file in the Borough offices.


A. Where an extension of the sanitary sewer system is to be constructed at the expense of the property owner, the property owner shall have the right to construct the extension himself or through a contractor; provided, however, that the Borough shall have the right, at its option, to perform the construction itself if it is able to provide the extension at a lower cost and within the same timetable specified or proposed by the property owner or the approved subcontractor.

B. Construction of an extension to the facilities by the property owner or an approved subcontractor shall be subject to the following further conditions:

* Editor's Note: Exhibit C is on file in the Borough offices.
§ 168-26  SEWERS AND SEWAGE DISPOSAL  § 168-26

(1) Construction shall be in accordance with an agreement entered into between the Borough and the property owner prior to the commencement of such construction, which agreement shall be in writing and shall include, in addition to such conditions as might otherwise be deemed necessary and prudent by the Borough, provisions relating to the right of the property owner to be partially reimbursed as a result of subsequent connections to the sewer line to be constructed, in accordance with this article.

(2) Plans and specifications shall be approved in writing by the Borough prior to the commencement of construction.

(3) Construction shall be undertaken pursuant to such other existing regulations, requirements, rules and/or standards of the Borough of California applicable to such construction.

(4) Construction shall be subject to an inspection by an individual duly authorized to approve such construction and employed or retained by the Borough during such construction.

(5) Prior to such construction, the property owners shall deposit with the Borough of California an amount equal to the Borough's estimated reasonable and necessary costs for reviewing plans, construction, inspections, administrative service, and legal and engineering services. In addition, property owners shall post such other appropriate financial security as may be required by the Borough.

(6) Property owners shall reimburse the Borough of California for reasonable and necessary expenses incurred by the Borough as a result of the construction of the extension.

(7) No roof, foundation, parking lot, roadway, or other surface runoff or groundwater drains shall be connected in any manner to the sanitary sewer system. Rather, roof, foundation, parking lot, roadway or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers, in accordance with the requirements of the applicable building code or other applicable requirements of the Borough.

C. Upon completion of construction, the property owner shall dedicate, and the Borough shall accept, the extension into the sanitary sewer system; provided, however, that dedication of the facilities and the Borough's acceptance thereof shall be conditioned upon full compliance of construction of the facilities with the plans, specifications, and regulations of the Borough of California, and the agreement with the property owner.

D. Within the agreement with the property owner referenced above, the Borough shall notify the property owner of his right to partial reimbursement of the cost of construction of the extension of the system, in accordance with this article. Said agreement shall attach as an exhibit an itemized listing of all components of the sanitary sewer system for which reimbursement shall be available.

A. A property owner who constructs or causes to be constructed at his expense any extension of the sanitary sewer system shall be entitled to apply to the Borough of California for reimbursement of part of such expense if, within 10 days of the date of dedication to the sanitary sewer system of the extension constructed by the property owner, the owner(s) of another property or properties not situated in the development for which the extension was originally constructed connect(s) a building sewer directly to the extension. This reimbursement program shall apply only with respect to those lines for which the Borough has not previously paid.

B. The amount of reimbursement shall be equal to, but not in place of, the collection part of each tapping fee collected as a result of the subsequent connection(s), less a 5% fee to be retained by the Borough for administrative expenses and services rendered in calculating, collecting, monitoring and disbursing the reimbursement payments to the property owner(s) entitled thereto.

C. The total reimbursement to which a property owner shall be entitled shall not exceed the cost of all labor, material, engineering design, performance and maintenance bonds, Borough review and inspection charges, and flushing and televising charges, and any and all charges involved in the acceptance and dedication of such facilities by the Borough, less the amount which would be chargeable to such property owner based upon the collection part of the sanitary sewer system's tapping fee which would be applicable to all lands of the property owner served directly or indirectly through such extensions, if the property owner did not fund the extension.

D. Within 30 calendar days of the Borough’s receipt of a tapping fee resulting from a subsequent connection to the line constructed by the property owner, and with respect to which the property owner is eligible to receive a reimbursement in accordance with this article, the Borough shall notify the property owner, by certified mail addressed to the property owner’s last known address, of the payment of the tapping fee which entitles the property owner to such reimbursement. If the property owner does not claim the reimbursement within 120 calendar days of the date of mailing of the notice, the reimbursement to which the property owner would otherwise be entitled shall revert to, and become the sole property of, the Borough of California, and the Borough of California shall have no further obligation to reimburse the property owner vis-a-vis payment of that tapping fee. Nothing set forth herein shall obligate the Borough to notify such property owner of the payment of a tapping fee with respect to a connection to the line constructed by the property owner, where said connection occurs on a date more than 10 years after the date of dedication of the line to the sanitary sewer system, or where the Borough cannot in due diligence locate said property owner to give him the notice provided for herein within 30 days after the receipt of the tapping fee.

§ 168-28. Borough may do work and impose appropriate fees.

A. If the owner or owners of any occupied houses, buildings or structures in the Borough of California directly or indirectly connected to the sanitary sewer system shall neglect or refuse to comply with the provisions of this article, the Borough may perform or cause to be performed such work and labor, and furnish or cause to be furnished such material, as
may be necessary to comply with the provisions of this article, as a result of which the property owner(s) may be charged a connection fee and/or customer facilities fee as appropriate. As set forth on Schedule B attached hereto and expressly incorporated herein, any such connection fee or customer facilities fee shall be calculated on the basis of the actual cost of the work and labor incident thereto, together with an identified charge which shall represent the administrative and inspection costs incurred by the Borough in performing such work or causing such work to be performed, and such sum charged pursuant to this section shall be collected from said owner and/or owners for the use of the sanitary sewer system, in the same manner as other debts are by law collectable, or the Borough may file a municipal claim or lien therefor against said premises as otherwise provided by law.

B. Each user shall pay for the use of the sanitary sewer system provided by the Borough, on a quarterly basis, in accordance with the Sewer Rate Schedule of Charges, as set forth in Schedule A attached hereto and made a part hereof.

(1) For those users whose wastewater requires more treatment than normal domestic wastewater, an extra strength sum in addition to the normal charges will be collected.

(2) Any user who discharges any toxins which cause an increase in the cost of managing the effluent or the sludge from the treatment plant(s), or any user who discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the wastewater system shall pay for such increased costs. The charge for each such user shall be as determined by the Borough upon recommendation by its consulting engineer.

C. Bills or invoices (hereinafter "invoices") for said sewer service shall be submitted in the form and manner prescribed by the Borough. All bills for sewer service shall be directed to the owner of the premises to which sewer service is furnished unless the owner, in writing, otherwise directs. The owner of the property shall, however, in all cases, be liable for payment of such bills. As used herein, the term "user" includes, but is not limited to, the owner of the property to which service is provided.

(1) All charges shall be invoiced quarterly. Users are "delinquent" if any invoice is not paid within 30 days of the invoice date. A late payment charge of $5 per month shall be imposed if and when the account is delinquent.

(2) Upon the occurrence of delinquency, the following procedure may be utilized:

(a) Not more than five days after the delinquency date, the Borough will mail a delinquent notice to the delinquent user (and the owner of the property at issue, if different) requesting that the delinquent account be paid in full, or, in extenuating circumstances, the Borough, in its discretion, may establish a

9. Editor’s Note: Schedules A, B, C and D, which originally accompanied this ordinance, are on file in the Borough offices.

10. Editor’s Note: Schedules A, B, C and D, which originally accompanied this ordinance, are on file in the Borough offices.
payment schedule acceptable to the Borough, taking into consideration the length of the delinquency, the user's reasons therefor, and their ability to pay.

(b) In the event of the failure of a delinquent user (or owner of the property at issue, if different) to respond to the Borough's delinquent notice, or set up or fulfill a payment plan, at least 10 days prior to terminating service, the Borough shall mail to the delinquent user (and owner of the property at issue, if different), by first class mail, and also post the main entrance to the property at issue, with a notice in substantially the following form:

NOTICE OF INTENTION TO TERMINATE SERVICES
PLEASE TAKE NOTICE THAT THE BOROUGH OF CALIFORNIA WILL CAUSE YOUR WATER SERVICE TO BE TERMINATED BECAUSE THE BOROUGH ALLEGES THAT YOU HAVE FAILED TO PAY YOUR SEWER BILLS IN THE AMOUNT OF $__________.

SERVICE WILL BE TERMINATED AFTER 10 DAYS FROM THE DATE THIS NOTICE WAS POSTED ON YOUR PREMISES AND WILL REMAIN TERMINATED UNLESS YOU PAY THE AMOUNT OWED, PLUS SERVICE FEES AND CHARGES OF $__________ OR UNLESS YOU TAKE SUCH OTHER ACTION AS IS PROVIDED BY LAW.

(c) The Borough is authorized to charge and collect from delinquent users the following fees and charges:

[1] Water shut-off fees charged by the water company, plus 10% of these same fees;

[2] Water turn-on fees charged by the water company, plus 10% of these same fees;

[3] Return unpaid to the Borough of a user's/owner's check by the user's/owner's bank for any reason;

[4] Additional postage used to collect delinquent accounts;

[5] Costs of posting the premises pursuant to this section.

(d) When unpaid charges for any user's account exceed $200, the claim shall immediately be referred to the Solicitor of the Borough of California for the purpose of filing a municipal claim, or other collection effort. No such municipal claim filed under this section may be satisfied by the Borough Solicitor unless and until the user has paid the delinquent amount provided under the municipal claim, any and all current charges, and such filing fees and costs as incurred by the Borough in the preparation and filing of the claim. [Amended 3-11-2004 by Ord. No. 487]

(e) When a user's water service is terminated pursuant to this section, notice of such termination and a statement of charges, fees, and penalties then
§ 168-28. Outstanding shall immediately be referred to the Solicitor of the Borough of California for the purpose of filing a municipal claim or other collection efforts.

§ 168-29. Failure to connect.
In addition to the penalties otherwise identified in this article imposed as a result of the failure to connect within the time frame established herein, any property owner required to connect to the public wastewater system who fails to do so in the established time frame shall nonetheless be billed and be obligated to pay the same user charge, debt service charge, and capital reserve charge, and shall be subject to the same fines and penalties, as apply to owners whose properties have been so connected, as set forth herein.

§ 168-30. Vandalism.
No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Borough's wastewater facilities. Any person who violates this section shall, upon conviction, be required to make restitution for the same, to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, be subject to imprisonment for not more than 30 days.

§ 168-31. Violations and penalties.
In addition, any person, firm, or corporation violating any of the provisions of this article shall, upon conviction thereof before a Magisterial District Judge, be guilty of a summary offense and be fined not less than $100 nor more than $600, plus costs of prosecution, with each day of noncompliance constituting a separate offense, and, in default of payment of such fine and costs, be subject to imprisonment for not more than 30 days.
Chapter 175

SOLID WASTE AND RECYCLING

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[HISTORY: Adopted by the Borough Council of the Borough of California as indicated in article histories. Amendments noted where applicable.]
ARTICLE I
Recycling
[Adopted 8-20-1991 by Ord. No. 398]

§ 175-1. Short title.
The short title of this article shall be "Recycling Ordinance."

§ 175-2. Purpose.
The purpose of this article is to avoid public health hazards, environmental pollution, economic loss and irreparable harm to the public health, safety and welfare as a result of improper municipal waste practices.

§ 175-3. Definitions.
As used in this article, the following terms shall have the meanings indicated:

ALUMINUM — All empty aluminum beverage or food cans.

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

CLEAN RECYCLABLES — Those recyclables not exposed to foreign substance or conditions rendering them unusable for recycling.

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

COMMERCIAL ESTABLISHMENTS — Those properties used primarily for commercial or industrial purposes, and those multiple-dwelling residential buildings containing three or more dwelling units. ¹

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

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

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, automobile glass, light bulbs, blue glass and porcelain and ceramic products.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. I).
HIGH-GRADe OFFICE PAPER — All white paper, bond paper and computer paper used in commercial institutional and municipal establishments and in residences.

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

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

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

MULTIFAMILY HOUSING PROPERTIES — Any properties having three or more dwelling units per structure.

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

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

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

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

PLASTIC CONTAINERS — Recyclable empty plastic food and beverage containers.

RECYCLABLE MATERIALS — Materials generated by residences and commercial, municipal and institutional establishments which are specified by the Borough and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, leaf waste, plastics, and any other items selected by the Borough or specified in future revisions of Act 101. The recyclable material selected by the Borough may be revised from time to time as deemed necessary by the Borough.

2. Editor’s Note: See 35 P.S. § 6018.101 et seq.

3. Editor’s Note: See 53 P.S. § 4000.101 et seq.
§ 175-3  CALIFORNIA CODE  § 175-5  

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

RESIDENCES — Any occupied single-family or multifamily dwellings having up to three dwelling units per structure for which the Borough provides municipal waste collection service.

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

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

§ 175-4. Establishment of program; grant of power.
A. The Borough of California hereby establishes a recycling program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments located in the Borough for which waste collection is provided by the Borough or any other collector. Collection of the recyclable materials shall be made at least once per month by the Borough, its designated agent, or any other solid waste collectors operating in the Borough and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The recycling program shall also contain a sustained public information and education system.

B. Specific program regulations are provided as an attachment to this article. The Borough Council is empowered to make changes to program regulations as necessary, as described in § 175-10. Subsequent changes in the program regulations may be made through approval of the Borough Council and public notice and notification of all affected parties.

C. This article is ordained pursuant to 53 P.S. § 46202.

§ 175-5. Separation and collection.
A. All persons residing in the Borough of California shall separate all of those recyclable materials designated by the Borough from all other municipal waste produced at their homes, apartments, rooming houses and other residential establishments, store such materials for collection, and shall place the same for collection in accordance with the guidelines established hereunder.

(1) Persons in residences must separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided by the

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4. Editor's Note: Said regulations are on file in the Borough offices.
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Borough for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Borough and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Borough shall be responsible for returning the allocated container(s) to the Borough or shall pay the replacement cost of said container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this article.

(2) An owner, landlord or agent of an owner or landlord of a multifamily rental housing property with three or more units may comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. If recyclable materials are collected by a collector other than the Borough or its authorized agents, owners, landlords and agents of owners or landlords shall submit an annual report to the Borough reporting the tonnage of materials recycled during the previous year.

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

C. Persons must separate high-grade office paper, aluminum, corrugated paper, leaf waste and such other materials as may be designated by the Borough generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection. An individual may be exempted from this subsection based on a preapproved alternate recycling procedure. Such a procedure must be approved by the Borough before an individual is exempted from this subsection. An individual shall submit written documentation to the Borough indicating a procedure is being followed which ensures that recyclable materials are being recycled in an appropriate manner. After approval by the Borough and an individual is exempted from this subsection, said individual must annually submit documentation that the alternate procedure is being followed and recyclable materials are being recycled in an appropriate manner. If recyclable materials are collected by a collector other than the Borough or its authorized agent, occupants of said establishments shall submit an annual report to the Borough reporting the tonnage of materials recycled during the previous year.

§ 175-6. Ownership of recyclable materials.

All recyclable materials placed by persons for collection by the Borough or authorized collector pursuant to this article shall, from time of placement at the curb, become the property of the Borough or the authorized collector, except as otherwise provided by § 175-8 of this article. Nothing in this article shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection.
§ 175-7. Collection by unauthorized persons.

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

§ 175-8. Existing recycling operations.

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


Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this article. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated recyclable materials in landfills or to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Borough Council in writing.

§ 175-10. Enforcement and administration; violations and penalties.

A. The Borough Council is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this article as deemed necessary, including, but not limited to:

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

(2) Establishing collection procedures for recyclable materials.

(3) Establishing reporting procedures for amounts of material recycled.

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

(5) Establishing procedures and rules for the collection of leaf waste.
§ 175-10 SOLID WASTE AND RECYCLING § 175-15

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

C. Except as hereinafter provided, any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days, for each and every offense.

D. The Borough reserves the right not to collect municipal waste containing recyclable materials in combination with nonrecyclable materials.

§ 175-11. Franchise or license to collect.

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

§ 175-12. Modifications.

The Borough may, from time to time, modify, add to or remove from the standards and regulations herein and as authorized in § 175-10.

ARTICLE II
Waste Hauler Licensing
[Adopted 8-20-1991 by Ord. No. 399]


This article shall be known and referred to as the "Municipal Waste Hauler Licensing Ordinance."

§ 175-14. Purpose.

The purpose of this article is to avoid public health hazards, environmental pollution, economic loss, and irreparable harm to the public health, safety, and welfare as a result of improper municipal waste practices.

§ 175-15. Definitions and word usage.

A. As used in this article, the following terms shall have the meanings indicated:


⁵ Editor's Note: See 35 P.S. § 6018.101 et seq.

COLLECTOR or WASTE HAULER — Any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste.

COMMERCIAL ESTABLISHMENT — Any establishment engaged in nonmanufacturing or nonprocessing business, including shopping centers and theaters.

DEPARTMENT or DEP — The Pennsylvania Department of Environmental Protection.

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

INSTITUTIONAL ESTABLISHMENT — Any establishment or facility engaged in services, including but not limited to hospitals, nursing homes, schools, universities and rooming houses.

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

LICENSED COLLECTOR or LICENSED WASTER HAULER — Any municipal waste collector or hauler possessing a current license issued by California Borough pursuant to this article.

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

MUNICIPAL WASTE LANDFILL — Any facility that is designed, operated and maintained for the disposal of municipal waste and permitted by the Pennsylvania DEP for such purposes.

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

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

6. Editor's Note: See 53 P.S. § 4000.101 et seq.
SOLID WASTE AND RECYCLING

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

SCAVENGING — The unauthorized and controlled removal of any material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.

SOURCE-SEPARATED RECYCLABLE MATERIALS — Materials that are separated from municipal waste at the point of origin or generation for the purpose of recycling.

TRANSPORTATION — The off-site removal of any municipal waste at any time after generation.

B. For the purposes of this article, the singular shall include the plural.

§ 175-16. Prohibited activities.

A. It shall be unlawful for any person to collect and/or transport municipal waste from any residential, public, commercial, industrial or institutional establishment within California Borough without first securing a license to do so in accordance with the provisions of this article.

B. It shall be unlawful for any person to collect and/or transport municipal solid waste from any sources within California Borough in a manner not in accordance with the provisions of this article and the minimum standards and requirements established in Chapter 285 of the DEP’s Municipal Waste Management Regulations.

C. It shall be unlawful for any person to transport any municipal waste collected from within California Borough to any processing and/or disposal facility other than those facilities which are properly permitted by the Pennsylvania DEP or other applicable regulatory agency.

D. It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within California Borough without prior approval from the Borough.

§ 175-17. Standards for collection and transportation.

A. All collectors or waste haulers operating within the Borough must comply with the following minimum standards and regulations:

(1) All trucks or other vehicles used for collection and transportation of municipal waste must comply with the requirements of Act 97 and Act 101 and Department regulations adopted pursuant to Act 97 and Act 101, including the Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste.
§ 175-17. Licensing requirements.

A. No person shall collect, remove, haul or transport any municipal waste through or upon the streets of the Borough without first obtaining a license in accordance with the provisions of this article.

B. All collections and waste haulers shall be licensed by the Borough of California and designated as a "licensed waste hauler" or a "licensed collector."

C. The Borough of California shall reserve the right to designate specific municipal waste processing and/or disposal facilities where all licensed collectors must transport and dispose all municipal waste collected within the Borough of California.

D. Any person who desires to collect, haul or transport municipal waste within California Borough shall submit a license application and any application fee to the Borough or its designated licensing representative. The Borough shall have a minimum period of 30 calendar days to review any application and approve or deny.

E. The license fee shall be set by the Borough Council on an annual basis. All licenses are nontransferable and shall be issued for a period of one calendar year. There shall be no reduction or prorated fee for any license issued during the middle of any calendar year.

F. The license application form, which will be supplied by the Borough, shall set forth minimum information required to establish the applicant's qualifications for a license to collect and transport municipal waste, including, but not limited to:

   1) Name and mailing address of the applicant.

   2) Name and telephone number of contact person.
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(3) List of all collection vehicles to be covered under the license, including identification information for each vehicle, such as vehicle license number and company identification number.

(4) Type of municipal waste collected and transported.

(5) Certificate(s) of insurance to present evidence that the applicant has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by the Borough.

G. Any collector or hauler with an existing license shall submit a new license application and license fee to the Borough of California, at least 60 days prior to the expiration date of the existing license, if renewal of the license is desired. New license applicants must submit a license application and license fee at least 30 days before beginning collecting and transporting municipal waste in the Borough.

H. No new license or license renewal shall be approved and issued to any person who fails to satisfy the minimum standards and requirements of this article or is in violation of the provisions of this article.

§ 175-19. Reporting requirements.

A. All licensed collectors shall promptly report any significant changes in the collection vehicles or equipment covered under the license and insurance coverage to the Borough.

B. All licensed collectors shall maintain current, up-to-date records of the customers serviced within California Borough. Such records and customer lists shall be subject to inspection and made available to the Borough or its authorized agents upon request.

C. Each licensed collector shall prepare and submit a semiannual report to the Borough. The report for the first half of the year (January through June) shall be submitted on or before July 31 and the report for the second half of each year (July through December) shall be submitted on or before January 31 of the following year. At a minimum, the following information shall be included in each report:

(1) Total weight of each type of municipal waste collected from all sources within the Borough during each month of reporting period.

(2) Name of each processing/disposal facility used during the reporting period and total weight of each type of municipal waste delivered to each site during each month of the reporting period.

§ 175-20. Violations and penalties.

A. Any person who violates any provision of this article shall, upon conviction, be punishable by a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. Each day of violation shall be considered as a separate and distinct offense.
§ 175-20  B. The Borough of California shall have the right at any time, and without refund of any license fee, to suspend or revoke the license of any licensed collector or hauler for any of the following causes:

(1) Falsification or misrepresentation of any statements in any license application.

(2) Lapse or cancellation of any required insurance coverage.

(3) Collection and/or transportation of any municipal waste in a careless or negligent manner or in any other manner that is not in compliance with the requirements of this article.

(4) Transportation and disposal of any municipal waste collected within the Borough at any site that is not properly permitted by the Pennsylvania DEP or other applicable regulatory agency.

(5) Violation of any part of this article, any other applicable municipal ordinances or any applicable Pennsylvania laws or regulations.

§ 175-21. Injunctive powers.

The Borough of California may petition the Court of Common Pleas of Washington County for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this article.

ARTICLE III
Waste Collection and Disposal
[Adopted 8-20-1991 by Ord. No. 400]

§ 175-22. Short title.

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

§ 175-23. Purpose.

The purpose of this article is to avoid public health hazards, environmental pollution, economic loss and irreparable harm to the public health, safety and welfare as a result of improper municipal waste practices.

§ 175-24. Definitions and word usage.

A. As used in this article, the following terms shall have the meanings indicated:


7. Editor's Note: See 35 P.S. § 6018.101 et seq.

BULKY WASTE — Large items of solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches, stumps or other objects which may require special handling due to size, shape or weight.

COLLECTOR or WASTE HAULER — Any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste.

COMMERCIAL ESTABLISHMENT — Any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

CONTAINER — A portable device in which waste is held temporarily for storage or transportation.

COUNTY — The County of Washington or the Washington County Board of County Commissioners.

DEPARTMENT or DEP — The Pennsylvania Department of Environmental Protection (DEP).

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

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

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

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

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

LICENSED COLLECTOR or LICENSED WASTE HAULER — Any municipal waste collector or hauler possessing a current, valid municipal license issued by the Borough of California pursuant to Article II of this chapter.

8. Editor's Note: See 53 P.S. § 4000.101 et seq.
MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional waste supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source-separated recyclable materials.

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

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

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

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

SOLID WASTE — Any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

STORAGE — The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year shall constitute disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSPORTATION — The off-site removal of any solid waste at any time after generation.

B. In this article, the singular shall include the plural.

§ 175-25. Prohibited activities.

A. It shall be unlawful for any person to accumulate or permit to accumulate on any public or private property within the Borough any garbage, rubbish, bulky waste, or any other municipal or residual waste except in accordance with all applicable Department Rules and Regulations adopted pursuant to Act 97 and Act 101.

B. It shall be unlawful for any person to burn any solid waste within the Borough except in accordance with all applicable Department Rules and Regulations adopted pursuant to Act 97 and Act 101.
§ 175-25  SOLID WASTE AND RECYCLING  § 175-27

C. It shall be unlawful for any person to process and/or dispose any solid waste in the Borough except in accordance with all applicable Department Rules and Regulations adopted pursuant to Act 97 and Act 101.

D. It shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the Borough without a current, valid license to do so issued by the Borough of California.

E. It shall be unlawful for any person to salvage any materials from any solid waste that is stored or deposited for collection within the Borough without prior written approval from the Borough.

F. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Borough except at an approved and permitted resource recovery facility under any applicable Department Rules and Regulations adopted pursuant to Act 97 and Act 101.


A. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.

B. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.

C. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department’s Title 25, Chapter 285, Subchapter A Regulations for the Storage of Municipal Waste.

§ 175-27. Standards and regulations for collection.

A. All households, homeowners, commercial, industrial and institutional establishments within the Borough shall utilize the services of a licensed collector for disposal of their domestic waste or household waste.

B. All licensed collectors and waste haulers shall comply with the minimum standards for collection and transportation of municipal waste set forth in the Department’s Title 25, Chapter 285, Subchapter B Regulations for Collection and Transportation of Municipal Waste.

C. All municipal waste collected within the Borough shall only be conveyed or transported to a transfer station, processing facility, and/or disposal site permitted by the Department of Environmental Protection and/or other regulatory agencies pursuant to the approved Municipal Waste Management Plan for Washington County.
§ 175-28. Licensing requirements.
No person shall collect, remove, haul, or transport any solid waste upon or through any streets or alleys of the Borough without first obtaining a license from the Borough of California pursuant to the requirements of Article II of this chapter.

§ 175-29. Injunction powers.
The Borough may petition the Court of Common Pleas, Washington County, for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this article.

§ 175-30. Violations and penalties.
Any person who violates any provision of this article shall, upon conviction, be punishable by a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. Each day of violation shall be considered a separate and distinct offense.

ARTICLE IV
Arbitration Panel
[ Adopted 4-13-1992 by Ord. No. 405]

§ 175-31. Establishment.
A. Borough Council hereby creates an Arbitration Panel to be used to decide any controversies, including but not limited to rates, collection scheduling, etc., occurring between the collector of refuse, solid waste and recyclables and any commercial subscriber.

B. Upon request, the Borough of California Council President will appoint three Council members to serve as an Arbitration Panel. These three members will be chosen randomly and will be chosen each time a request is made by either the collector or subscriber.

§ 175-32. Request for arbitration.
A request for arbitration can be made by either the collector or commercial subscriber in the form of a written request to the Borough Council.

§ 175-33. Notice requirements.
Within 10 days of receipt of the written request, the Council President shall appoint three Council members to sit on the Arbitration Panel. Notice of the request for arbitration, the arbitrators selected and hearing date shall be sent to each party. The arbitrators shall hold a hearing on the request within 10 days of their appointment and render a written decision within 10 days of the hearing; said written decision shall be mailed to all parties.
§ 175-34. Decision of arbitrators.

A. Both collector and subscriber have the option to elect that the arbitrators’ decision be binding on both parties. Any election for binding arbitration must be in writing and signed by both parties prior to the commencement of the arbitration hearing. When this election is made, the decision of the arbitrators is final and binding upon both parties.

B. In the event either party does not elect binding arbitration, then either party has the right to appeal the decision of the Arbitration Panel to the Court of Common Pleas of Washington County, Pennsylvania, as set forth below.

§ 175-35. Appeal period.

In the event the parties have not elected binding arbitration, then any appeal must be taken to the Court of Common Pleas of Washington County, Pennsylvania, within 30 days of the written decision of the Arbitration Panel.
Chapter 181

STORMWATER MANAGEMENT

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Exhibit A


GENERAL REFERENCES
Sewers and sewage disposal — See Ch. 168.
Subdivision and land development — See Ch. 187.

ARTICLE I
General Provisions

§ 181-1. Statement of findings.

The Council of the Borough of California finds that:

A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed may increase flood flows and velocities, contribute to erosion and sedimentation, overtax the carrying capacity of streams and storm sewers, increase the cost of public facilities to carry and control stormwater, undermine floodplain management and flood control efforts in downstream communities, reduce groundwater recharge, and threaten public health, safety and welfare.

B. A stormwater management program, including regulation of development and activities causing accelerated erosion, is important to the public health, safety and welfare and the protection of the people of the Borough of California and all the people of the commonwealth, their resources and the environment.

§ 181-2. Purpose.

The purpose of this chapter is to promote the public health, safety and welfare by minimizing the damages described in § 181-1A of this chapter by provisions designed to:

A. Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.

B. Utilize and preserve the desirable existing natural drainage systems.

C. Encourage recharge of groundwaters.

D. Maintain the existing flows and quality of streams and watercourses in the municipality and the commonwealth.

The Borough of California is empowered to regulate these activities by the authority of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted December 21, 1988, P.L. 1329, No. 170, § 2, and the Pennsylvania Borough Code.²

§ 181-4. Applicability.

The following activities are included within the scope of this chapter:

A. All earthmoving/disturbance. [Amended 5-27-1997 by Ord. No. 440]

B. Land development.

C. Subdivision.

D. Agricultural operations.

E. Construction of new or additional impervious or semipervious surfaces, including, but not limited to, driveways and parking lots.

F. Construction of new buildings or additions to existing buildings.

G. Forest management operations.

H. Nursery operations.

I. Diversion or piping of any natural or man-made stream channel.

J. Installation of stormwater systems or appurtenances thereto.

K. Mining operations.

§ 181-5. Compatibility with other permit and ordinance requirements.

Permits and approvals issued pursuant to this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable law, code, rule, act, ordinance or orders. If more stringent requirements concerning regulation of stormwater or erosion and sedimentation control are contained in the other law, code, rule, act, ordinance or orders, the more stringent regulation shall apply.

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

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

The performance standards and design criteria attached hereto and made a part hereof as Exhibit A are hereby adopted and incorporated herein as if fully set forth at length. To the extent of any conflict between the provisions of Exhibit A and Ordinance Number 435, the provisions of Exhibit A shall take precedence.

ARTICLE II
Definitions


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

ACCELERATED EROSION — The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

CISTERN — An underground reservoir or tank for storing rainwater.

CONSERVATION DISTRICT — The Conservation District serving Washington County.

CULVERT — A pipe, conduit or similar structure including appurtenant works which carries surface water.

DESIGN STORM — The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., fifty-year storm) and duration (e.g., twenty-four-hour), and used in computing stormwater management control systems.

DETENTION BASIN — A basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin can be designed to drain completely after a storm event, or it can be designed to contain a permanent pool of water.

DEVELOPER — A person or persons (as defined herein), or any responsible person (as defined herein) therein or agent thereof, that undertakes the activities covered by this chapter.

DIVERSION TERRACE — A channel and a ridge constructed to a predetermined grade across a slope, and designed to collect and divert runoff from slopes which are subject to erosion.

DRAINAGE EASEMENT — A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

EROSION — The removal of soil particles by the action of water, wind, ice, or other geological agents.

FOREST MANAGEMENT OPERATIONS — All activities connected with growing and harvesting of forest products including the site preparation, cultivation and logging of trees, and the construction and maintenance of roads.

3. Editor's Note: Exhibit A is included at the end of this chapter.
GROUNDWATER RECHARGE — Replenishment of existing natural underground water supplies.

IMPERVIOUS SURFACE — A surface which prevents the percolation of water into the ground.

INFILTRATION STRUCTURES — A structure designed to direct runoff into the ground, including, but not limited to, french drains, seepage pits and seepage trenches.

LAND DEVELOPMENT —

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 buildings, or (2) 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, leasehold, condominiums, building groups or other features; or

B. A subdivision of land.

LAND DISTURBANCE — Any activity involving grading, tilling, digging or filling of ground, or stripping of vegetation, or any other activity which causes land to be exposed to the danger of erosion.

MUNICIPALITY — The Borough of California, Washington County, Pennsylvania.

NURSERY — A tract of land on which trees and plants are raised or stored for transplanting and sale.

PEAK DISCHARGE — The maximum rate of flow of water at a given point and time resulting from a specified storm event.

PERSON — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other entity whatsoever. Whenever used in any section prescribing or imposing a penalty, the term "person" shall include members of a partnership, the officers, members, servants and agents of an association and the officers, agents and servants of a corporation.

RUNOFF — That part of precipitation which flows over the land.


SEDIMENT — Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

SEDIMENT BASIN — A barrier, dam, retention or detention basin designed to retain sediment.

SEEPAGE PIT/SEEPAGE TRENCH — An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

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4. Editor's Note: Now known as the Natural Resources Conservation Service (NRCS).
SEMIPERVIOUS SURFACE — A surface, such as stone, rock, concrete or other materials, which permits some vertical transmission of water.


STORM SEWER — A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempt.

SWALE — A low-lying stretch of land which gathers or carries surface water runoff.

ARTICLE III
Stormwater Management Requirements

§ 181-8. General requirements.

A. Method of computation. Peak discharge and runoff shall be computed using:

(1) For drainage areas zero to five acres, the recommended method of peak discharge runoff computation is the Rational Method computing storm events for ten-year storm at ten-minute duration as per Pennsylvania Department of Transportation Design Manual 2, as now or hereafter amended.

(2) For drainage areas five acres to 0.5 square mile, the recommended method of peak discharge and runoff computation is the Soil Cover Complex Method, Urban Hydrology for Small Watersheds, Technical Release No. 55, as published by Soil Conservation Service, as now or hereafter amended. Compute storm events for twenty-five-year storm and twenty-four-hour duration.

(3) For drainage areas larger than 0.5 square mile, the recommended method of runoff computation is Procedure PSU-IV for Estimating Design Flood Peaks on Ungauged Pennsylvania Watersheds, as developed by Pennsylvania State University. Compute storm event for twenty-five-year flood.

B. Rainfall frequency data. Refer to the current data from U.S. Department of Commerce, National Weather Service, and Pennsylvania Department of Environmental Resources, now known as the Department of Environmental Protection, Research Publication Number 70, as now or hereafter amended.

C. Maintenance of natural drainageways. All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing
condition unless an alteration is approved by the Borough of California and its engineers in accordance with the provisions of this chapter. All encroachment activities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations, of the Pennsylvania Department of Environmental Resources, now known as the Department of Environmental Protection, as now or hereafter amended.

D. Method of stormwater runoff detention and control.

(1) The following is a listing of detention and control methods which may be utilized in stormwater management systems, if appropriate. The choice of control techniques is not limited to the ones appearing on this list.

(a) Detention basins.
(b) Rooftop storage.
(c) Parking lot and street ponding.
(d) Seepage pits, seepage trenches or other infiltration structures.
(e) Porous pavement and concrete lattice block surfaces.
(f) Grassed channels and vegetated strips.
(g) Cisterns and underground reservoirs.
(h) Routed flow over grass.
(i) Decreased impervious area coverage.

(2) The use of other control methods which meet the criteria in this section will be permitted when approved by the Municipal Engineer. Various combinations of methods should be tailored to suit the particular requirements of the type of development and the topographic features of the project area.

E. Design. The design is to be submitted to the Borough Engineer for review to determine compliance with this chapter.

ARTICLE IV
Plan Requirements

§ 181-9. General requirements.
Prior to the final approval of subdivision and/or land development plans, or the issuance of any permit, or the commencement of any land disturbance activity, the owner, subdivider, developer or any agent shall submit a stormwater management plan to the Borough and the Borough Engineer for approval thereof.
§ 181-10. Exemptions.

The following activities are specifically exempt from the plan preparation provisions of this chapter; however, stormwater management must be provided as otherwise specified in this chapter:

A. Land disturbances affecting less than 5,000 square feet of ground surface; however, an erosion and sediment control plan is still required. [Amended 5-27-1997 by Ord. No. 440]

B. Land disturbances associated with existing one- and two-family dwellings.

C. Land disturbances associated with a new one-family dwelling if the land development/disturbance creates less than 5,000 square feet of impervious surface. [Amended 5-27-1997 by Ord. No. 440]

D. Use of land for gardening for home consumption.

E. Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan prepared by the Conservation District.

F. Forest management operations which are following the Department of Environmental Resources’ (now known as the Department of Environmental Protection) management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sedimentation control plan.


The following items, where appropriate, shall be included in the plan:

A. General.

   (1) General description of project.

   (2) General description of erosion and sedimentation controls.

   (3) General description of stormwater controls both during and after development.

   (4) Expected project time schedule, including anticipated start and completion dates.

   (5) Training and experience of person(s) preparing the plan.

B. Map(s) of the project area showing:

   (1) The location of the project relative to highways, municipalities or other identifiable landmarks.

   (2) Existing contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.

   (3) Streams, lakes, ponds or other bodies of water within the project area, or which will be affected by runoff from the project.
§ 181-12. Plan submission.

A. The plan shall be accompanied by the requisite fee, as set forth in Article VII of this chapter.
§ 181-12. Five copies of the completed plan must be submitted to the Borough.

§ 181-13. Plan approval.
A. The municipality shall notify the applicant within 30 days from receipt of a complete plan submission of its decision, unless a longer period of time is agreed to.
B. A disapproval shall contain the reasons for disapproval and a listing of the plan deficiencies.
C. Failure of the municipality to render a decision within the thirty-day time limit shall be deemed an approval, unless a longer period of time is agreed to.

A modification to an approved stormwater management plan which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the approved application (as determined by the Municipal Engineer), shall be approved under the procedures contained in § 181-13 of this chapter. The Municipal Engineer shall notify the applicant when such plan modification is required.

ARTICLE V
Permit Requirements and Procedures

§ 181-15. Permit requirements.
All land disturbance activities as specified in § 181-4, except those specifically exempt from permit requirements by § 181-16, shall be conducted only after the issuance of a land disturbance permit.

The following activities are specifically exempt from the permit provisions of this chapter; however, they must otherwise manage stormwater in the manner specified in this chapter:
A. Land disturbances affecting less than 5,000 square feet of ground surface.
B. Land disturbance associated with existing one- and two-family dwellings.
C. Land disturbances associated with a new one-family dwelling if the land development/disturbance creates less than 5,000 square feet of impervious surface. [Amended 5-27-1997 by Ord. No. 440]
D. Use of land for gardening for home consumption.
E. Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Conservation District.
§ 181-16 STORMWATER MANAGEMENT § 181-21

F. Forest management operations which are following the Department of Environmental Resources' (now known as the Department of Environmental Protection) management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sedimentation control plan.

§ 181-17. Land disturbance activities as part of subdivision or land development.

The applicant shall obtain the required land disturbance permit after obtaining the required plan approval as specified in Article IV of this chapter. This land disturbance permit will be issued by the municipality concurrently with final subdivision and land development approval.

§ 181-18. Other land disturbance activities.

A. The applicant shall obtain the required land disturbance permit after obtaining the required plan approval as specified in Article IV of this chapter. This land disturbance permit will be issued by the municipality after the plan is approved.

B. The applicant must also comply with 25 Pa. Code, Chapter 102, Erosion and Sediment Control, and applicable federal NPDES nonpoint source regulations, and no land disturbance permit will be issued by the Borough of California until compliance is attained. [Added 5-27-1997 by Ord. No. 440]


A modification to an approved stormwater management plan, when required under § 181-14 of this chapter, shall require a new land disturbance permit. The permit shall be issued following approval of the revised plan.


All applications for permits required by this chapter shall be made on forms supplied by the municipality. Such application shall provide a brief description of the stormwater management controls and the land disturbance activity. This application shall become part of the plan submission required by Article IV of this chapter.


A. All land disturbance permits shall expire 24 months from the date of issuance unless construction is commenced prior to this date and is not abandoned within such time period. Otherwise, the permit shall expire 180 days from the date of the expected project completion date set forth in the stormwater management plan submitted to the Borough pursuant to Article IV of this chapter.

B. A renewal of an expired land disturbance permit may be issued by the municipality following a resubmittal of the permit application form, payment of the requisite fees, and approval by the Municipal Engineer.
§ 181-22. Suspension and revocation.

A. Any permit issued under this chapter may be suspended or revoked by the municipality for:

   (1) Noncompliance with or failure to implement any provision of the permit.

   (2) A violation of any provision of this chapter or any other applicable law, ordinance, rule, regulation or order relating to the project.

   (3) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, or which endangers the life, health, safety or property of others.

B. A suspended permit shall be reinstated by the municipality when:

   (1) The Municipal Engineer has inspected and approved the corrections to the stormwater management control measure(s), or the elimination of the hazard or nuisance; and/or

   (2) The municipality is satisfied that the violation of the ordinance, law, rule, regulation and/or order has been corrected.

C. A permit which has been revoked by the municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this chapter.

ARTICLE VI
Inspections


A. The Municipal Engineer or his designee shall inspect all phases of development of the site, including, but not limited to:

   (1) Completion of preliminary site preparation, including, but not limited to, stripping of vegetation, stockpiling of topsoil, and construction of temporary stormwater management and erosion control facilities.

   (2) Completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.

   (3) During construction of the permanent stormwater facilities, at such times as specified by the Municipal Engineer.

   (4) Upon completion of permanent stormwater management facilities, including established ground covers and plantings.
(5) Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with the approved plan and permit.

B. No work shall begin on a subsequent stage until the preceding stage has been inspected and approved by the Municipal Engineer.

C. It is the responsibility of the permittee to notify the Municipal Engineer 48 hours in advance of the completion of each identified phase of development.

D. Any portion of the work which does not comply with the approved plan must be corrected by the permittee within 48 hours. No work may proceed on any subsequent phase of the stormwater management plan, the subdivision or land development or building construction until the required corrections have been made.

E. If, at any stage of work, the Municipal Engineer determines that the soil or other conditions are not as stated or shown in the approved application, he may refuse to approve further work and the municipality may revoke existing permits until a revised plan is submitted and approved, as required by § 181-14 of this chapter.

ARTICLE VII
Fees and Expenses

§ 181-24. Establishment; payment prerequisite to permit issuance.

Land disturbance permit fees covering costs to the municipality for plan review, permit issuance and inspections shall be established by motion of the Borough Council. No permit to begin any work on the project shall be issued until the requisite fees have been paid.

§ 181-25. Modification of plans.

If it is determined that a modification to the existing stormwater management plan is required under § 181-14 of this chapter, a new land disturbance permit shall not be issued until the additional fees have been paid by the applicant.


The fees payable by an applicant shall at a minimum cover:

A. The review of the stormwater management plan.

B. The site inspection.

C. The inspection of required controls and improvements during construction.

D. The final inspection upon completion of the controls and improvements required in the plan.

E. Any additional work required to enforce the permit provisions, correct violations, and assure the completion of stipulated remedial actions.
§ 181-27. Performance guarantees.
The developer and landowner shall execute and submit a written performance guarantee to the Borough, insuring the performance of all control measures, which guarantee shall be acceptable to the Borough Solicitor, prior to any final approval of any work subject to the provisions of this chapter. The guarantee shall be accompanied by a bond from a surety company licensed to do business in the Commonwealth of Pennsylvania, or cash, in such amounts as the Borough Engineer shall designate as adequate to cover all costs and expenses to remedy any and all foreseeable failures of the control measures. The guarantee and bond shall guarantee performance of the control measures for a period of five years from final approval of the measures by the Borough Engineer. Any approval issued by the Borough Engineer shall not be final until this guarantee shall have been received by the Borough.

The developer and landowner shall execute and submit a written maintenance guarantee to the Borough, insuring the maintenance of all control measures, which guarantee shall be acceptable to the Borough Solicitor, prior to any final approval of any work subject to the provisions of this chapter. The guarantee shall be accompanied by a bond from a surety company licensed to do business in the Commonwealth of Pennsylvania, or cash, in such amounts as the Borough Engineer shall designate as adequate to cover all costs and expenses to maintain the control measures. The guarantee and bond shall guarantee maintenance of the control measures for a period of five years from final approval of the measures by the Borough Engineer. Any approval issued by the Borough Engineer shall not be final until this guarantee shall have been received by the Borough.

§ 181-29. Maintenance by private entity.
In cases where permanent control facilities are owned by a private entity, such entity shall be responsible for maintenance. In this case a legally binding agreement between the entity and the municipality shall be made providing for maintenance of all permanent control facilities, and allowing inspection by the municipality of all such facilities deemed critical to the public welfare at any reasonable time. A proposed agreement shall be submitted to the Borough for review and shall be subject to the approval of the Borough Solicitor.

§ 181-30. Maintenance by individual lot owners.
A. When stormwater management control measures are located on an individual lot, and when they are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.

B. If the municipality determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period
of time to take necessary action. If such action is not taken by the property owner, the municipality may cause work to be done and lien all costs and fees (including but not limited to legal fees) against the property.


Nothing in this chapter shall obligate the Borough of California to undertake corrective action, maintenance of control measures nor any other actions, except to the extent the Borough may be obligated to do so by applicable law.

ARTICLE IX
Enforcement and Penalties

§ 181-32. 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 investigate or ascertain the condition of the subject property in regard to any aspect regulated by this chapter.

§ 181-33. Notice of violation.

In the event that an owner, subdivider, developer, person, entity and/or its or his agent fails to comply with the requirements of this chapter, or fails to conform to the requirements of any permit issued thereunder, the municipality shall provide written notification of violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Upon failure to comply within the time specified, the owner, subdivider, developer, person, entity and/or its or his agent shall be subject to the penalty and enforcement provisions of this chapter (§ 181-34) and other penalty and enforcement provisions contained in the Pennsylvania Storm Water Management Act and Chapter 187, Subdivision and Land Development, where applicable.

§ 181-34. Violations and penalties.

A. Any person violating the provisions of this chapter shall, upon conviction, be subject to a fine of not less than $100 nor more than $600 for each violation, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. Each day that the violation continues shall be a separate offense.

B. In addition, the municipality may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

C. Any person found guilty of violating the provisions of this chapter shall also be required to pay the Borough's reasonable legal fees and expenses.
Any person aggrieved by any action of the municipality or its agent may appeal to the Borough Council within 30 days of the action complained of.

§ 181-36. Appeal to court.
Any person aggrieved by any decision of the Borough Council may appeal to the Court of Common Pleas of Washington County within 30 days of that decision.
ARTICLE III STORMWATER MANAGEMENT

§ 301. General requirements.

A. 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.

B. The existing points of concentrated drainage that discharge onto adjacent property shall not be relocated and shall be subject to any applicable release rate criteria specified in this ordinance.

C. Areas of existing diffused drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas.

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.

D. Where a development site is traversed by watercourses other than permanent streams, a drainage easement shall be provided conforming substantially 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 affect adversely the flow of stormwater within any portion of the easement. Also, maintenance and mowing of vegetation within the easement shall be required.

E. Any stormwater management facilities regulated by this ordinance that would be located on state highway rights of way shall be subject to approval by the Pennsylvania Department of Transportation (PADOT).

F. Any stormwater management facilities regulated by this ordinance that would be located in or adjacent to waters of the commonwealth or potential 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.
CALIFORNIA CODE

G. 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 PA DEP through the joint permit application process, or, where deemed appropriate by PA DEP, through the general permit process.

H. Sinkholes. Stormwater resulting from land development activities shall not be discharged into sinkholes.


A. General. The following general standards shall be applied to all development within the Borough of California to promote flow attenuation, erosion and sediment control and flood control.¹

1. All site development in the Borough of California creating or more square feet of impervious surface cover shall submit a drainage plan consistent with the provisions of this ordinance to the municipality for review and approval.

This criteria 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.

2. Runoff from impervious areas must be drained to pervious areas of the property.

3. Roof drains must not be connected to streets, sanitary or storm sewers or roadside ditches.

4. Runoff from the site shall not be concentrated or increased runoff discharged onto adjacent property without the written consent of the adjacent land owners in the form of a drainage easement.

B. Detention/infiltration standards.

1. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc. are encouraged, where soil conditions permit, to reduce the size or eliminate the need for detention facilities.

2. Postdevelopment rates of runoff from any regulated activity shall not exceed the peak rates of runoff prior to development for both the two- and ten-year design storms.

¹ Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
§ 303. Design criteria for stormwater management facilities.

A. Any stormwater management facilities required or regulated by this ordinance shall be designed to meet the performance standards presented in Section 302.B. of this ordinance. Compensatory stormwater management facilities shall not be permitted.

B. Any stormwater management facility required or regulated by this ordinance shall be designed to provide an emergency spillway to handle flow up to one-hundred-year postdevelopment conditions. The height of the embankment must be set to provide a minimum 1.0 foot of freeboard above the maximum pool elevation when the facility functions for one-hundred-year postdevelopment inflow. Should any stormwater management facility require a dam safety permit under PA DEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.

C. All stormwater facilities shall be based upon the following "downstream impact evaluation" requirements. Hydraulic capacity analysis shall be conducted in accordance with the following criteria to determine if adequate hydraulic capacity exists:

1. The developer shall submit to the municipality an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted streamflow, established with the concurrence of the municipality, downstream of a tributary of the following size:

   a. The first downstream tributary whose drainage area equals or exceeds the drainage area contributing to the detention basin; or

   b. The first downstream tributary whose peak discharge exceeds the largest designed discharge rate of the detention basin.

   c. The designated release rate of the structure shall be modified if any increase in flooding or stream channel erosion would result at a downstream dam, highway, structure, or point of restricted stream flow. The discharge rate of the detention facility shall:

      (i) Be reduced to a level that will prevent any increase in flooding or stream channel erosion at the downstream control point;

      (ii) Be not less than the one-year predevelopment peak development discharge rate.

2. If the first downstream tributary is situated in another municipality other than the municipality where the land development activity occurs, the land developer shall inform the affected municipality of the downstream capacity analysis and shall provide a copy of the drainage plan to that municipality containing the proposed capacity improvements for its review.
3. When any downstream capacity improvements are proposed to occur in a municipality other than the municipality where the land development activity will occur, the municipality, at its discretion may request the municipality where the development activity is occurring to incorporate its comments into the subdivision plan. Upon receipt of such a request, the municipality where the land development activity will occur shall furnish a written response to the other municipality within 30 days of the receipt of the request stating its decision.

D. The granting of any approval by the municipality where the land development activity will occur does not relieve the applicant from obtaining any permits or approvals from the municipality where the capacity improvements will occur as they relate to the design, installation or construction of the capacity improvements.

E. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands as described in PA DEP Chapter 105 regulations (as amended or replaced from time to time by PA DEP), shall be designed in accordance with Chapter 105 and will require a permit from PA DEP. 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 twenty-five-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a one-hundred-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of roadway. Any facility that constitutes a dam as defined in PA DEP Chapter 105 regulations may require a permit under DEP dam safety regulations. Any facility located within a PADOT right of way must meet PADOT minimum design standards and permit submission requirements.

F. Storm sewers must be able to convey postdevelopment runoff from a twenty-five-year design storm without surcharging inlets.

G. Storm sewer inlet spacing and road cross section design must ensure that postdevelopment runoff resulting from a ten-year design storm does not flood more than one half of a driving lane.

H. Easements along open channels shall be provided. The minimum width of the required easement shall be equal to the width of the one-hundred-year water surface (for postdevelopment condition), including a minimum 1.0 foot of freeboard.

I. In subareas where individual stormwater management facilities would be provided for each development site, the individual stormwater management facilities shall be designed to ensure that the postdevelopment peak discharge at the mouth of the subarea does not exceed the arithmetic product of the applicable release rate, specified on Plate [add designation] of this ordinance, and the predevelopment peak discharge at the mouth of the subarea.
J. For development sites that would be located in two or more subareas, the applicable release rate for the portions of the site located in different subareas shall be based on natural subarea drainage boundaries. The natural drainage boundaries between subareas shall not be modified, nor shall drainage from a development site be diverted or otherwise conveyed from one subarea to another subarea, except where runoff naturally crosses subarea drainage boundaries.

K. No harm option. For any development site, the developer has the option of discharging postdevelopment runoff at a higher rate than predevelopment runoff if the developer can prove that no harm would be caused to any person or property located upstream or downstream of the development site. The developer must assume that the entire subarea in which the site is located is developed. The type and amount of development that the developer must consider shall be either based on current zoning or established by the municipality, whichever results in a greater amount of imperviousness. Proof of no harm must demonstrate conformance with the hydraulic capacity criteria specified in this ordinance. Areas that drain through documented drainage problem areas would be precluded from any no harm based peak runoff increases, except where hydraulic capacity improvements would be provided, consistent with this ordinance.

L. Regional or subregional stormwater management facilities. For certain areas within the watershed, it may be more cost effective to provide one stormwater management facility for an entire subarea, group of subareas, or portion of a subarea incorporating more than one development site than to provide an individual stormwater management facility for each development site. The initiative and funding for any regional or subregional stormwater management alternatives are the responsibility of prospective developers. The design of any regional stormwater management facilities must assume development of the entire area that would drain to the regional facility. The type and amount of development that the developer(s) must consider shall be either based on current zoning or established by the municipality, whichever results in a greater amount of imperviousness. The peak outflow from a regional stormwater management facility would be determined on a case by case basis using TR 20. When regional or subregional stormwater management facilities are utilized, the effect of phased growth on stormwater runoff flows must be considered. At no time from the initial phase through ultimate development shall the peak runoff flows exceed the predevelopment peak multiplied by the applicable release rate.

M. Capacity improvements. If the developer could prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the existing drainage network, then adequate capacity improvements could be provided by the developer in lieu of stormwater management facilities on the development site. Any capacity improvements would be designed based on development of all areas tributary to the improvement and the capacity criteria specified in this ordinance. The type and amount of development that the developer must consider shall be either based on current zoning or established by the municipality, whichever results in a greater amount of imperviousness. It shall be assumed that all new development upstream of a proposed capacity improvement would implement applicable stormwater management techniques, consistent with this ordinance.
N. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.

O. Ponds and other similar water features that are not designed as stormwater management facilities shall be designed in accordance with U.S. Department of Agriculture, Soil Conservation Service (SCS), Ponds Planning, Design, Construction (as amended or replaced from time to time by SCS), and shall be treated as impervious surfaces for stormwater runoff computations.

P. 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 perpetuation of an adverse hydrologic or hydraulic condition within the watershed.

§ 304. Calculation methodology.

A. Any stormwater runoff calculations involving drainage areas greater than 20 acres, including on and off site areas, shall use any generally accepted calculation technique that is based on the SCS soil cover complex method. Table 1 below 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 municipality, upon the recommendation of its Engineer, may approve the use of the Rational Method to estimate peak discharges from drainage areas that contain less than 20 acres.

<table>
<thead>
<tr>
<th>Method</th>
<th>Method Developed by Applicability</th>
</tr>
</thead>
<tbody>
<tr>
<td>TR 20 (or commercial package based on TR 20)</td>
<td>USDA SCS</td>
</tr>
<tr>
<td></td>
<td>Applicable where use of full hydrology computer model is desirable or necessary.</td>
</tr>
<tr>
<td>TR 55 (or commercial computer package based on TR 55)</td>
<td>USDA SCS</td>
</tr>
<tr>
<td></td>
<td>Applicable for land development plans within limitations described in TR 55.</td>
</tr>
<tr>
<td>HEC 1</td>
<td>US Army Corps of Engineers</td>
</tr>
<tr>
<td></td>
<td>Applicable where use of a hydrologic computer model is desirable or necessary: simpler than TR 20</td>
</tr>
<tr>
<td>PSRM</td>
<td>Penn State University</td>
</tr>
<tr>
<td></td>
<td>Applicable where use of a hydrologic computer model is desirable or necessary: simpler than HEC 1</td>
</tr>
<tr>
<td>Rational Method (or commercial computer package based on Rational Method)</td>
<td>Emil Kuichling (1889)</td>
</tr>
<tr>
<td></td>
<td>For sites less than 20 acres, or as approved by the municipality and Municipal Engineer.</td>
</tr>
<tr>
<td>Other Methods</td>
<td>Varies</td>
</tr>
<tr>
<td></td>
<td>Other computation methodologies approved by the municipality and Municipal Engineer.</td>
</tr>
</tbody>
</table>
B. 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 shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

C. 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 on Figure [add number] in Appendix [add designation] of this ordinance. If a hydrologic computer model such as PSRM or HEC 1 is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours.

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 on Figure [add number] in Appendix [add designation] of this ordinance. Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, SCS, TR 55 (as amended or replaced from time to time by SCS). Times of concentration for channel and pipe flow shall be computed using Manning a equation.

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 [add designation] in Appendix [add designation] of this ordinance.

F. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table [add designation] in Appendix [add designation] 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. Where non uniform flow is anticipated, the hydraulic effects of backwater caused by hydraulic obstructions (e.g., culverts, bridges, dams, reservoirs, etc.) shall be evaluated using the standard step method for determining water surface profiles. Values for Manning's roughness coefficient (n) shall be consistent with Table [add designation] in Appendix [add designation] of this 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.
ARTICLE IV DRAINAGE PLAN REQUIREMENTS

§ 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.

§ 402. Exemptions.

A. Any regulated activity that meets the exemption criteria in Appendix A of this ordinance is exempt from the drainage plan preparation provisions of this ordinance. This criteria shall apply to the total development even if development is to take place in phases. Exemption shall not relieve the applicant from providing adequate stormwater management to meet the purpose of this ordinance.

B. Land disturbance associated with existing one and two family dwellings, subject to conditions described in Subsection A of this section.

C. Use of land for gardening for home consumption.

D. Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan prepared by the Conservation District. The agricultural activities such as growing crops, rotating crops, filling of soil and grazing animals and other such activities are specifically exempt from complying with the requirements of this ordinance when such activities are conducted in accordance with a conservation plan prepared by the County Conservation District. The construction of buildings, parking lots or any activity that may result in impervious surface which increases the rate and volume of stormwater runoff should comply with the requirements of this ordinance.

E. Forest management operations which are following the Department of Environmental Protection 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.
Appendix A

Stormwater Management Exemption Criteria

<table>
<thead>
<tr>
<th>Total Parcel Size</th>
<th>Minimum Distance* (feet)</th>
<th>Impervious Area Exemption (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1 acre</td>
<td>10</td>
<td>5,000</td>
</tr>
<tr>
<td>1-2 acres</td>
<td>100</td>
<td>10,000</td>
</tr>
<tr>
<td>2-5 acres</td>
<td>250</td>
<td>15,000</td>
</tr>
<tr>
<td>&gt; 5 acres</td>
<td>500</td>
<td>20,000</td>
</tr>
</tbody>
</table>

NOTE:
* The minimum distance between the proposed impervious area and/or stormwater controls/structure discharge point to the downslope property boundary.
Chapter 184
STREETS AND SIDEWALKS

ARTICLE I
Street Openings

§ 184-1. Permit required; fee.
§ 184-2. Application for permit; bond required.
§ 184-4. Term of bond; inspections; correction of defects.
§ 184-5. Work performed by property owners.
§ 184-6. Violations and penalties.

ARTICLE II
Snow and Ice Removal

§ 184-8. Authority for Borough to remove; collection of charges.

ARTICLE III
Sweeping and Cleaning of Sidewalks

§ 184-10. Responsibility of property owners, tenants or lessees.
§ 184-11. Time frame for sweeping.

ARTICLE IV
Sidewalk and Curb Standards

§ 184-12. Disposal of dirt, litter and debris.

ARTICLE V
Operation of Self-Propelled Devices on Sidewalks

§ 184-14. Permit requirements; fees.
§ 184-17. Other laws, rules and regulations.
§ 184-18. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of California as indicated in article histories. Amendments noted where applicable.]
§ 184-1. Permit required; fee. [Amended 2-13-1997 by Ord. No. 437]

From and after the passage and approval of this article, no person, firm or corporation, except as noted in § 184-5 of this article, shall make any opening, trench or excavation in any part of the public streets, alleys or sidewalks of the Borough of California without first obtaining a permit therefor from the Borough Secretary/Treasurer for which permit the sum of $100, or such amount as may hereafter be set by Borough Council by resolution, shall be paid into the Borough treasury.

§ 184-2. Application for permit; bond required.

A. All application for permits to make any opening, trench or excavation in any part of the streets, alleys or sidewalks of the Borough shall be in writing on a form to be furnished by the Borough. All applications shall set forth the location of the proposed openings, trenches, or excavations, the length, width and depth thereof, and every applicant shall furnish with each application a bond, the penalty of which shall be at the rate of $2 per square foot of excavation on improved streets, alleys or sidewalks in the Borough. In no event shall any bond be in a penal sum less than $200, and all bonds shall be in the form prepared by the Borough Solicitor, and be conditioned for the faithful compliance with all of the terms and conditions of this article. Public utility corporations operating and maintaining facilities in the Borough and being subject to regulation under the provisions of the public utilities laws of the commonwealth shall have the right to file an annual bond in a penal sum of $200 in lieu of an individual bond with each application, and such annual bond shall be security for the faithful compliance with all of the terms and conditions of this article and for all permits granted during the calendar year for which such bond is given.

B. All applications for permits and all bonds given for the faithful compliance with the terms and conditions of this article shall be signed by the applicant or applicants, and, in case of corporate applicants, all such applications and bonds shall be signed and executed by the corporate officers or by some person duly authorized in writing to sign and execute applications and bonds on behalf of such corporate applicants. Where an application for a permit is made by a contractor or contractors in the performance of any work for another, the bond required to be given shall be with one or more sureties to be approved by the Borough Secretary/Treasurer and Borough Solicitor.

All permits to be issued by the Borough Secretary/Treasurer pursuant to the provisions of this article shall be upon the following terms and conditions:

A. All permits must be at all times conspicuously posted at the scene of the work during and while said work is in progress, and in the event said permit becomes lost or destroyed before the completion of said work a duplicate permit shall be procured from the Borough Secretary/Treasurer for which an additional fee of $0.50 shall be charged.

B. Excavation material and equipment shall be so placed and operations so conducted that there may be no interference with the flow or water in any gutter, drain, pipe, ditch or waterway, and all surplus material shall be promptly removed.

C. In case it shall be necessary to cross any street with a conduit or trench, not more than 1/2 the width of such street shall be opened or obstructed at any one time. Movement of vehicular traffic shall at all times be kept open and if, in the opinion of the Mayor, it is necessary to employ one or more flagmen to regulate the movement of vehicular traffic at or along any excavation or trench, the person, firm or corporation to whom the permit is granted shall, at the request of the Mayor employ one or more flagmen to so regulate the movement of vehicular traffic, or the Mayor may, in the event of the failure or refusal to comply with the request, employ one or more flagmen, the cost or whose services shall be paid by the Borough and be recovered by appropriate action from the person, firm or corporation to whom the permit is given.

D. All openings, trenches and excavations shall be properly guarded and suitable barricades erected and red lights shall be displayed thereon from sunset to sunrise, so as to provide a sufficient safeguard to persons and vehicles lawfully using the streets, alleys or sidewalks.

E. The person, firm or corporation to whom a permit is granted shall at all times indemnify and save harmless the Borough of California of and from any and all claims for injury or damages suffered or sustained by others in or about the work.

F. All openings, trenches or excavations made in pursuance of this article and by virtue of a permit granted thereunder shall be refilled and replaced in the following manner: the ground shall be carefully filled in, rammed and tamped in layers of not more than eight inches in thickness as the work progresses, using mechanical tampers. In unimproved streets or alleys, the refilling and tamping shall bring the surface over the excavation to the grade of surface existing prior to such excavation. On the improved streets the refilling, laving and tamping shall be done so as to leave a subgrade 10 inches below the bottom of the brick, telford, or crushed stone base. On this subgrade shall be placed a layer of well rammed concrete composed of one part portland cement, two parts clean sharp sand and four parts of clean washed gravel or broken stone. This concrete slab shall be so laid as to extend a minimum of eight inches on either side of the opening, trench or excavation at its maximum width and shall have a minimum thickness of eight inches. The concrete so placed shall be properly cured and permitted to set not less than 48 hours, weather conditions governing, before further work proceeds. Then under brick streets covered with bituminous concrete a cushion of clean sharp sand 1 1/2 inches shall be spread, compacted and gauged by template to line, to receive the brick and upon this
cushion the surface shall be relaid with the same kind and quality of material and in the same manner as the original surface. Under streets laid with stone telford or crushed stone base a cushion of clean dry clay shall be used over the concrete, the clay to be rammed, compacted and gauged to receive the stone base. The stone base will then be replaced in exactly the same manner as the original installation, tamped and wedged firmly into place and covered with the bituminous course or asphaltic concrete of the same quality and material as the original paving. All openings in improved sidewalks shall be properly refilled and tamped and the surface replaced with the same kind and quality of material and in the same manner as the original sidewalk. No sand cushion shall be required in cases of concrete or bituminous type of construction.

G. On all streets paved with a concrete pavement or paved with brick on a concrete base, no opening shall be made in such pavement, but all work shall be done by means of tunneling; provided, however, that where in the opinion of the Street Commissioner tunneling in impractical openings may be made in such pavements, in case of tunneling, the work shall be done in such manner as to maintain the surface of the street in safe condition for travel. Permits for such excavations shall stipulate thereon that the work shall be done by tunneling and not by opening the surface. All dirt removed from tunnels shall be replaced and repacked by means of mechanical tampers, and additional dirt supplied to complete the refilling whenever necessary. When in the opinion of the Street Commissioner an opening at the curb is required to begin tunneling the permit shall stipulate thereon the exact length and width of the opening required and the work of tunneling and backfilling shall be carried out as hereinbefore stated. When backfilling and tamping has been completed as specified, the edges of the concrete shall be cut back eight inches from either edge of original excavation. The edge of concrete shall be cut neatly and to line by use of a pitching tool and concrete replaced to the exact thickness of the original using a mixture of one part portland cement, two parts clean sand and four parts clean washed gravel or crushed limestone. The surface shall be floated and finished to the exact surface line of original roadway.

§ 184-4. Term of bond; inspections; correction of defects.

Any bond required to be given in pursuance of § 184-2A of this article shall remain in full force and effect for a period of one year after completion of the work of refilling the opening, trench or excavation and the relaying of any pavement over the same, and in the case of annual bonds given by public utility corporations, for a period of one year after completion of the last work done in the calendar year for which said bond is given. It shall be the duty of the Street Commissioner to make such inspections of the work during its progress or after completion as he or she may deem necessary, and to report any settlements in paving or defective conditions found as a result of the work done. It shall be the duty of the Borough Secretary/Treasurer, upon instruction of the Street Commissioner or Council, to give prompt notice to any person, firm or corporation to whom the permit to make such opening, trench or excavation was issued, to repair or replace any such settlement in paving or defective condition within 30 days and, upon the failure or refusal of such person, firm or corporation to make the necessary repairs or replacements pursuant to such notice within 30 days, the Borough shall proceed to do the work and the cost, together with an attorney's fee of 5%, shall be collected from the person, firm or corporation obtaining such permit by appropriate
§ 184-4. Streets and sidewalks.

Legal action upon said bond, or against any sureties on said bond, or in any other manner provided by law.

§ 184-5. Work performed by property owners.

Openings, trenches and excavations between the curb and the property line may be made by any abutting property owner, his agent or agents, employee or employees, lessee or lessees, on a permit issued free to him, and without the necessity of furnishing bond, provided however, that all replacements, repairs and fills shall be made as herein or otherwise required.

§ 184-6. Violations and penalties.

Any person, firm, or corporation violating any of the provisions of this article, upon conviction thereof before a Magisterial District Judge, shall pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days.

ARTICLE II

Snow and Ice Removal

[Adopted 1-9-1961 by Ord. No. 198]


The owner, occupant or tenant of every property abutting upon any of the streets or public alleys in the Borough of California is hereby required to remove or cause to be removed from all the sidewalks in front of or along such property all snow and ice thereon fallen or formed, within 24 hours after the same shall have ceased to fall or to form; provided that the owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner or is unoccupied or vacant, or where such property is a multiple-business or multiple-dwelling property with a common frontage to all occupiers or tenants of said multiple-business or multiple-dwelling property; where such a property is a multiple-business or multiple-dwelling property in which each occupier or tenant has his or her own individual frontage, each occupier or tenant shall be responsible for conforming to the requirements of this section.

§ 184-8. Authority for Borough to remove; collection of charges.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of § 184-7 of this article within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent, and to collect the expenses, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to the fine or penalty imposed under § 184-9 of this article.

Any owner, occupant or tenant who shall fail to remove any snow or ice from any public sidewalk as required under § 184-7 of this article shall, upon conviction thereof before a Magisterial District Judge of the Commonwealth of Pennsylvania, be sentenced to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. Each day that a violation is shown to have been in effect shall constitute a separate offense. Provided that such fines and costs may be in addition to any expenses and additional amounts authorized by law, and as imposed as provided in § 184-8 of this article.

ARTICLE III
Sweeping and Cleaning of Sidewalks
[ Adopted 6-10-1968 by Ord. No. 281 ]

§ 184-10. Responsibility of property owners, tenants or lessees.

All property owners, or their tenants or lessees, in the Borough of California shall have the duty to keep the sidewalks adjoining said properties free and clear of dirt, litter and debris.

§ 184-11. Time frame for sweeping.

The said property owners, their tenants or lessees, shall sweep the said sidewalks, and remove all dirt, litter and debris, on or before 11:00 a.m. of each day of the week, excluding Sundays.

§ 184-12. Disposal of dirt, litter and debris.

Such dirt, litter and debris shall not be placed on the cartway of any street in said Borough, but instead shall be placed in a container by the property owner, his tenants or lessees, and disposed of in the same manner as he disposes of his other waste materials, at the sole cost and expense of the said property owner, his tenants or lessees.


Any property owner, tenant or lessee who shall violate the provisions of this article shall be liable to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days, for each offense. Each day's continuance of the offense shall constitute a new offense.
§ 184-14. Permit requirements; fees.

Any person, individual, company, corporation or other entity which shall construct, reconstruct, repair or replace any public sidewalk or public curb within the Borough of California shall conform to the following specifications:

A. Prior to opening an existing sidewalk, a permit shall be obtained from the Borough Secretary/Treasurer. The fee for said permit shall be $10 for the first 30 feet of construction and $6 for each additional 10 feet of construction, except that no permit fee is required for construction or repair done by or at the direction of the homeowner, for construction or repair to such homeowner’s dwelling, provided such dwelling is used only by the homeowner and his immediate family solely for dwelling purposes.

B. All sidewalks and curbs shall be constructed of concrete as specified herein and any replacement or repair shall be done only with concrete.

C. Any area off of the sidewalk which is used for a driveway or for parking may be surfaced with macadam or similar material.

D. All sidewalks and curbing shall conform to the specifications as detailed in §§ 184-15 and 184-16 of this article.

E. No person, individual or other entity, being the owner of any real estate within the limits of the Borough of California, shall permit the public sidewalk adjacent to said real estate to deteriorate so as to present a hazard or prevent the safe passage of pedestrians upon said sidewalk. Upon notice by the Borough of a violation of this section, the sidewalk must be repaired within a period of 45 days from the date of service of the notice upon such owner or their agent. This first notice is to be a warning citation carrying no fine or any other penalty. After a period of 45 days has elapsed from the service of the warning citation, a regular citation shall be issued if the unsatisfactory condition has not been abated. If the sidewalk remains in unsatisfactory condition 75 days after the issuance of the warning citation, the Borough may take any appropriate measure necessary for the abatement of the nuisance, charging the property owner for the costs of repair in addition to any fine or costs imposed by this article or to which any person, individual or entity may be subjected under law.


The following are the specifications for concrete sidewalks:

A. All concrete sidewalks shall be replaced in full slabs using three-thousand-five-hundred-pound-per-square-inch concrete six inches thick.

B. The foundation for the bed shall be formed at a depth of 10 inches below and parallel with the finished surface of the sidewalk unless otherwise indicated. Unsuitable material
shall be removed and replaced with approved material, and the foundation shall be thoroughly compacted and finished to a firm, even surface.

C. The aggregate shall be spread on the prepared foundation to form a compacted bed four inches in depth. This material shall be thoroughly compacted. Satisfactory outlet for draining the bed shall be provided.

D. Forms shall be of wood or metal, straight, free from warp and of sufficient strength when staked to resist the pressure of the concrete without springing. If wood, they shall be normal two-inch planks surfaced on the inside and the top; if of metal, they shall be of approved section. Forms shall have a depth equal to the depth of the concrete and shall be thoroughly cleaned and oiled before the concrete is placed against them. Forms that are worn, bent or damaged shall not be used.

E. Slabs.

(1) Sidewalks shall be constructed in separate slabs 32 feet in length except for closures. These slabs shall be separated by transverse premolded expansion-joint filler, 1/4 inch in thickness for the full depth of the concrete. Transverse premolded expansion-joint filler shall also be placed adjacent to existing structures where directed. The slabs between expansion joints shall be divided into blocks four feet in length, by scoring transversely. Where the slabs are more than five feet in width, they shall be scored longitudinally in the center. Transverse and longitudinal scoring shall extend for a depth of at least 1/4 of the thickness of the concrete slab.

(2) Premolded expansion-joint filler, 1/4 inch in thickness for the full depth of the concrete, shall be placed longitudinally where the sidewalk slab is to be constructed in contact with curbs. Where existing light standards, poles, fire hydrants and similar structures are within the limits of the sidewalk area, the concrete around such structures shall be scored in a block eight inches wider than the maximum dimension of the structure at the sidewalk elevation. Prior to placing the concrete around such structures, premolded expansion-joint filler, 1/4 inch in thickness, shall be placed around the structure for the full depth of the concrete in the sidewalk.

F. The concrete shall be proportioned, mixed and placed in accordance with Section 1001.3, Pennsylvania Department of Transportation Publication, Form 408, latest edition. The concrete shall be struck off, finished and tested as directed by the Borough Engineer. Unless otherwise directed, an edger having a radius of 1/4 inch shall be used for edging all joints. The concrete shall be cured and protected in accordance with Section 501.3(n), Pennsylvania Department of Transportation Publication, Form 408, latest edition.

G. Side forms shall not be removed within 12 hours after the concrete has been placed. After removal of the forms, minor honeycombed areas shall be filled with mortar composed of one part of cement and two parts of fine aggregate. Major honeycombed areas will be considered as defective work and shall be removed and replaced at no expense to the Borough.

H. All expansion joints and scoring cracks, where required, shall be sealed with joint sealing material.
I. After the concrete has cured for a period of not less than 72 hours, the spaces adjacent to the sidewalk shall be backfilled with approved material in layers of not more than four inches in depth, which shall be thoroughly compacted mechanically to the required elevation and cross section.

J. No new sidewalk shall be placed with a width of less than 48 inches. All replacement of existing sidewalk shall be at least as wide as the original section or sections replaced.


The following are the specifications for concrete curbs:

A. All curbs shall be Pennsylvania Department of Transportation Type A curb, seven by eight by 18 inches in cross section.

B. Forms for the curb shall be of metal, except wood forms may be used on sharp curves and short tangent sections when approved by the Borough Engineer. Forms shall be straight, free from warp and of sufficient strength, when staked, to resist the pressure of the concrete without springing. At least three stakes shall be provided for each 10 feet of form. Metal forms shall be approved sections and shall have a flat surface on top, and wood forms shall be nominal two-inch surfaced planks. These forms shall be of a depth equal to the depth of the curb, designed to permit secure fastenings of the face and back forms at the top. These fastenings shall be constructed in a manner that will not obstruct satisfactory finishing and edging of the top of the curb, but will permit removal of the inside or face forms. The outside or back forms shall be straight from top to bottom. The inside of the face forms shall have a batter from the top of the curb to the finished surface line of the pavement and shall be straight from this line to the bottom. Steel templates of 1/8 inch in thickness of the width of the curb shall be used to separate adjacent sections. All forms and templates shall be thoroughly cleaned and treated with an approved material as required to prevent the concrete from adhering thereto. Oil, bituminous paper or other material which will adhere to or discolor the concrete shall not be used. Forms and templates which are worn, bent, warped or broken shall not be used. The forms shall be accurately set to line and grade in a manner to prevent settlement or displacement.

C. Excavation shall be made to the required depth, and the material upon which the curb is to be constructed shall be compacted to a firm, even surface.

D. The concrete shall be placed in the forms in horizontal layers not to exceed five inches and spaded sufficiently to eliminate all voids. An approved vibrator may be used when permitted by the Borough Engineer. Where indicated or directed, drainage openings shall be made through the curb at the elevation and of the size required. The curb shall be depressed as indicated or directed. The top surface of the curb shall be finished true to line and grade in a smooth, neat and even manner by means of wood floats, and the edges of the face and back shall be rounded to a radius of not more than 3/4 inch and 1/4 inch, respectively, while the concrete is still plastic. The finished curb shall have a surface free from voids and honeycombs. Any additional surface finishing required shall be performed immediately after extrusion.
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E. The curb shall be constructed in uniform lengths or sections of 10 feet, except where shorter sections are necessary for closure or curves, but no section shall be less than four feet in length. Premolded expansion-joint filler, 1/4 inch in thickness and cut to conform to the cross section of the curb, shall be placed at the ends of sections of curved curb and at intervals of not more than 30 feet. Intermediate joints between sections shall be formed of two thicknesses of one-ply bituminous paper cut neatly to the cross section of the curb and one paper placed on each side of the template. If the method of handling the work is such that the template cannot be removed satisfactorily, the curb shall be constructed in alternate sections.

F. The forms shall not be removed within 12 hours after the concrete has been placed. No rubbing to correct irregularities will be permitted until the full curing period has elapsed. Any irregular surface shall be corrected by rubbing with a carborundum stone. Brush finishing or plastering will not be permitted, and all rejected curb shall be promptly removed and replaced at no expense to the Borough. All joints in the curb shall be opened from top to bottom immediately after the forms are removed, and the edges adjacent to the joints shall be sharp and clean cut. After the forms are removed, minor defects shall be filled with mortar composed of one part cement and two parts of fine aggregate.

G. The curb shall be cured and protected as specified in Section 1001.3(p), Pennsylvania Department of Transportation Publication, Form 408, latest edition, except that membrane curing will be permitted.

H. After the concrete has attained the required strength, the spaces in back of the curb shall be backfilled with approved material in layers of not more than four inches in depth, which shall be thoroughly compacted, mechanically, to the required elevation and cross section.

§ 184-17. Other laws, rules and regulations.

This article is not in lieu of, but in addition to, any other laws, rules or regulations which may apply to the construction, alteration or repair of sidewalks or curbs, including but not limited to requirements that curbing and sidewalks be constructed so as not to hinder the use thereof by handicapped individuals, in accordance with the criteria and standards set forth in the Americans with Disabilities Act of 1990. Whenever possible, easy access ramps shall be established for those individuals with disabilities.

§ 184-18. Violations and penalties.

A violation of the provisions of this article shall carry as a penalty a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days, plus the replacement of all work not meeting specifications, or the cost of such replacement.
ARTICLE V
Operation of Self-Propelled Devices on Sidewalks
[Adopted 12-12-2002 by Ord. No. 478]

The following words or phrases, unless the content clearly indicates otherwise, shall have the meaning ascribed to them in this section:

BICYCLE or PEDALCYCLE — A vehicle propelled solely by human-powered pedals. The term does not mean a three-wheeled human-powered pedal-driven vehicle with a main driving wheel 20 inches in diameter or under and primarily designed for children six years of age or younger. 1

SELF-PROPELLED — By human power.

SKATEBOARD or SCOOTER — Any motorized or self-propelled device intended or designed to carry a person upon a flat surface to which is mounted two or more wheels.

§ 184-20. Prohibited zones established.
A prohibited zone for the use of skates, skateboards, bicycles, scooters, tricycles, and other self-propelled vehicles is hereby established upon all public sidewalks in the following areas, except for such displays, demonstrations or contests approved in advance by the California Borough Police Department:

A. Any commercial zone as established under Chapter 205, Zoning, of the Code of the Borough of California.

B. California Technology Park.

A. It shall be unlawful for any person to use, ride, propel, or otherwise operate skates, skateboards, bicycles, scooters, tricycles, or any other self-propelled vehicle on the public sidewalk within the prohibited zone at any time.

B. Restricted hours.

(1) It shall be unlawful for any person to use, ride, propel, or otherwise operate skates, skateboards, bicycles, scooters, tricycles, or any other self-propelled vehicle on any public sidewalks within the Borough of California:

(a) Between sunset and sunrise on any day;

(b) At any other time when, due to insufficient light or unfavorable atmospheric conditions, persons are not clearly discernible from a distance of 100 feet.

1. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
§ 184-22. Obedience to traffic control devices and regulations.

A. A person engaged in operating skates, skateboards, bicycles, scooters, tricycles, or any other self-propelled vehicle in the Borough of California shall obey the instructions of a police officer or other appropriately attired person authorized to direct, control or regulate traffic.

B. A person engaged in operating skates, skateboards, bicycles, scooters, tricycles, or any other self-propelled vehicle in the Borough of California shall obey traffic and pedestrian control signals as provided under Pennsylvania Motor Vehicle Code, Section 3112 (relating to traffic control signals) and Section 3113 (relating to pedestrian control signals).

§ 184-23. Right-of-way to pedestrians.

Any person engaged in operating skates, skateboards, bicycles, scooters, tricycles, or any other self-propelled vehicle in the Borough of California shall yield the right-of-way to any pedestrian and may not overtake or pass a pedestrian while riding upon or propelling the self-propelled vehicle. The operator shall dismount from his self-propelled vehicle and shall pass or overtake the pedestrian on foot, or wait until the pedestrian passes, prior to remounting the vehicle.


No person engaged in operating skates, skateboards, bicycles, scooters, tricycles, or any other self-propelled vehicle in the Borough of California shall suddenly leave the curb, sidewalk, berm or street or any other place of safety and ride upon or propel any self-propelled vehicle into or toward the path of a vehicle which is so close as to constitute a hazard. Where there are no pedalcycle lanes, persons shall exercise due care when passing a standing vehicle or one proceeding in the same direction.

§ 184-25. Ramps and devices.

No person shall place a ramp, half-pipe or other structure used for skateboarding, skating or bicycling stunt riding in a public thoroughfare, street, upon any sidewalk or parking lot within the Borough of California.

§ 184-26. Violations and penalties.

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be subject to the following:

2. Editor's Note: See 75 Pa.C.S.A. §§ 3112 and 3113.
A. The skates, skateboards, bicycles, scooters, tricycles, or any other self-propelled vehicle of any person violating the provisions of this article shall be impounded by the Police Department of the Borough for a period not exceeding 30 days and said person shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. In the event said person is a minor, the item of said minor shall be impounded by the Police Department of the Borough for a period not exceeding 30 days and shall be released to the parent, guardian, or other person having legal custody of said minor.

B. In lieu of the penalties set forth in Subsection A, above, when the violation of the article is a first offense by the actor, the Police Department of the Borough of California may issue a written warning to the person violating the article. The skates, skateboards, bicycles, scooters, tricycles, or any other self-propelled vehicle used shall be impounded by the Police Department of the Borough of California for a period not exceeding 15 days when a written warning has been issued under the terms of this section. If the person violating the article is a minor, in addition to the confiscation of the item as aforementioned, the Borough police shall notify the parents, guardian, or other person having legal custody of said minor of the violation of this article and the impounding of the item. If the person violating the article is a minor, the item as aforementioned shall be released only to the parents, guardian, or other person having legal custody of said minor. In addition, said individual shall be provided with a copy of this article at the time of reclaiming of the item.

C. Any skates, skateboards, bicycles, scooters, tricycles, or any other self-propelled vehicle confiscated due to violation of the provisions of this article shall be released only upon proof of complete payment of any fines and costs incurred.
Chapter 187

SUBDIVISION AND LAND DEVELOPMENT

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§ 187-1. Title.

This chapter shall be known and may be cited as the "Borough of California Subdivision and Land Development Ordinance."


The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53 P.S. § 10101 et seq. ("MPC"), enables and authorizes governing bodies of municipalities to enact a subdivision and land development ordinance to regulate subdivisions and land developments situated within the municipality. All subdivisions and land development plats of land situated within the Borough shall be submitted to the Borough Planning Commission for review and comment in accordance with the provisions of this chapter and to the Council of the Borough of California for approval.


The purposes of this chapter are as follows:

A. Assisting in the orderly and efficient integration of subdivisions and land developments within the Borough as based on the Borough of California Comprehensive Plan.

B. Ensuring conformance of subdivision plans and land development plans with public improvement plans.

C. Ensuring coordination of intermunicipal public improvement plans and programs.
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D. Securing the protection of water resources and drainageways.

E. Facilitating the safe and efficient movement of people and goods.

F. Securing equitable handling of all subdivision and land development plans by providing uniform standards and procedures.

G. Regulating the subdivision and/or land development of land within any designated floodplain district in order to promote the general health, welfare and safety of the community.

H. Requiring that each subdivision lot in flood-prone areas be provided with a safe building site with adequate access, and that public facilities which serve such uses be designated and installed to preclude flood at the time of initial construction.

I. Protecting individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision and/or land development of unprotected lands within the designated floodplain district.

J. In general, promoting the greater health, safety, and welfare of the citizens of the Borough of California.¹

ARTICLE II
General Provisions

§ 187-4. Effect of chapter; compliance required.

No subdivision or land development of any lot, tract, or parcel of land shall be made and no public improvements or other improvements in connection therewith shall be laid out, 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 chapter.

§ 187-5. Stricter standards to govern.

Where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, or regulation, or other provision of law, the most restrictive provision or that provision imposing the higher standards shall govern.


Changes or amendments of the zoning, subdivision, or other governing ordinances or plan shall affect the approval of applications for preliminary or final plan approval as provided in Section 508(4) of the MPC.²

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

² Editor's Note: See 53 P.S. § 10508(4).
A. Effect on pending applications. From the time an application for approval of a preliminary or final plat is duly filed as provided in this chapter, and while such application is pending action by the Council of the Borough of California, the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans at the time the application was filed and shall not be subject to any changes to this chapter, zoning, or other governing ordinances or plans.

B. Effect on other applications; vested rights.

(1) Five-year protection period. When an application for preliminary or final plat approval has been approved, no subsequent change to the zoning, subdivision, or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval within five years of the date of such approval.

(2) Calculation of five-year protection period. When an approval of a final plat is preceded by approval of a preliminary plat, the five-year period shall be counted from the date of the preliminary plat approval. If there is any doubt as to the terms of a preliminary plat approval, the terms shall be construed in the light of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

(3) Protections afforded. When the applicant has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Council, no change to a Borough ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

(4) Protection periods for multiphase developments. In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply, provided that the applicant has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with applicant's schedule of submission of final plats for the various sections. For any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period, the protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.

(5) Loss of protections. If an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. Failure of the applicant to adhere to the schedule of submission of final plats for multiphase developments shall subject any such phase to any and all changes in zoning, subdivision, and other governing ordinance enacted by the Borough after the date of the initial preliminary plat submission.
§ 187-7. Fees.

A. Borough fees. All Borough fees for review of applications for subdivision and land development, for inspection of required improvements, and for other purposes in accordance with this chapter shall be assessed based on a specific fee schedule adopted by resolution of the Council and reflecting actual costs of the Borough. The review fees may include reasonable and necessary charges by the Borough's professional consultants or engineer for review and report on the application. The applicable fees must be paid in accordance with this chapter.

B. Effect of disputed fees. The applicant shall notify the Borough within 10 days of the billing date of any dispute of review fees charged. The Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

C. Dispute resolution. If the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Borough shall follow the procedure for dispute resolution set forth in Section 510(g) of the MPC.³

D. Form of payment. All fees due to the Borough shall be paid by a check or money order payable to the Borough of California. The Borough, in its sole discretion, may request a certified check or cashier's check.

§ 187-8. Compliance with other requirements.

A. Compliance with state and federal laws. Applicants must comply with any other relevant state and federal codes and regulations in addition to this chapter. The approval of any subdivision or land development application does not waive the need to obtain other relevant land development permits or approvals.

B. Scope of approval. Approval of a plan by the Borough shall not be construed as an indication that the plan complies with any standards, regulations, or requirements that are not contained in this chapter and imposed by private agreement or any local, state, or federal government agency; such approval indicates only that the plan complies with the requirements of this chapter.

C. Compliance with private restrictions, covenants, and agreements. The Borough shall not enforce compliance with private restrictions, covenants, and agreements.


A. Enactment following public hearing and notice. The Council may amend this chapter after holding a public hearing on the amendment pursuant to public notice. A brief summary setting forth the principal provisions of the proposed ordinance and a reference to the place in the Borough where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice.

³ Editor's Note: See 53 P.S. § 10510(g).
B. Planning Commission. The Council shall submit proposed amendments to this chapter to the Borough for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment, unless such proposed amendments shall have been prepared by the Planning Commission.

C. County Planning Commission review. The Borough shall submit the proposed amendment to the County Planning Commission for recommendations at least 30 days before the date fixed for the public hearing on such proposed amendment.

D. Publication, advertisement and availability of ordinance.

   (1) Notice of proposed enactment. Before enactment of an amendment, the Borough Secretary/Treasurer or the Borough Secretary/Treasurer's designated representative shall publish notice of proposed enactment of an amendment to this chapter. The notice of proposed enactment 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.

   (2) Publication of proposed enactment. The Borough or the Borough Secretary/Treasurer's designated representative shall publish the proposed amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or 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:

   (a) A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published; and

   (b) An attested copy of the proposed amendment shall be filed in the Washington County Law Library or other Washington County office designated by the Washington County Commissioners.

   (3) Substantial amendments to proposed amendments. In the event substantial amendments are made to the proposed amendment, before voting upon enactment, the Council shall, at least 10 days before 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.

   (4) Incorporation in ordinance books by reference. Subdivision and land development ordinance amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

E. File certified copy. Within 30 days after adoption, the Borough Secretary/Treasurer or the Borough Secretary/Treasurer's designated representative shall forward a certified copy of any amendment of the subdivision and land development ordinance to the County Planning Commission.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
§ 187-10. Interpretation.

Unless otherwise stated, the following terms shall have the meanings indicated as follows:

A. Singular and plural. Words in the singular include the plural and those in the plural include the singular.

B. Building and structure. The word "structure" includes "building" and the use of either word shall be construed as if followed by the phrase "or part thereof."

C. Shall, will, must, and may. The words "shall," "will," and "must" are mandatory, and the word "may" is permissive.


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

ADT (AVERAGE DAILY TRAFFIC) — The general unit of measure for traffic on a highway. It is the total traffic for the year divided by 365 days per year.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT — 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 a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

ARCHITECT — An architect registered by the Commonwealth of Pennsylvania.

BLOCK — An area bounded by streets.

BOROUGH — The Borough of California, Washington County, Pennsylvania, a municipal body having its principal address at 225 Third Street, California, Pennsylvania 15419.

BOROUGH ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Council as the engineer of the Borough of California.

BOROUGH SEWAGE ENFORCEMENT OFFICER — A sewage enforcement officer certified as such by the commonwealth and appointed by the Council as the official of the Borough who issues and reviews permit applications and conducts the investigations and inspections as are necessary to implement Act 537 and Chapters 71, 72, and 73 of the Pennsylvania Code.

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers used for human habitation.

5. Editor's Note: See 35 P.S. § 750.1 et seq.
BUILDING LINE — A line parallel to the front, side, or rear lot line set so as to provide the required distance between the right-of-way and any enclosed structure.

BUILDING SETBACK LINE — The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

CARTWAY or ROADWAY — That portion of a street which is improved, designated, or intended for vehicular use.

CHAIRMAN — The Chairman of the Borough of California Planning Commission.

CLEAR-SIGHT TRIANGLE — An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street center lines.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COUNTY — County of Washington, Pennsylvania.

CROSSWALK — A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CUL-DE-SAC — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

CUT — An excavation. The difference between a point on the original ground and a designated point of lower elevation of the final grade. Also, the material removed in excavation.

DEPARTMENT — Zoning Department of the Borough of California.

DESIGNATED FLOODPLAIN DISTRICTS — Those floodplain districts specifically designated in Chapter 205, Zoning, as being inundated primarily by the one-hundred-year flood.

DEVELOPER — Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations and the subdivision of land.

DEVELOPMENT PLAN — The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the
development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

DWELLING — A building designed and constructed for residential purposes in which people live.

DWELLING, MULTIFAMILY — A building used by three or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE-FAMILY ATTACHED (ROW) (TOWNHOUSE) — A building used by one family, and having two party walls in common with other buildings.

DWELLING, SINGLE-FAMILY DETACHED — A building used by one family, having one dwelling unit, and having two side yards.

DWELLING, SINGLE-FAMILY SEMIDETACHED — A building used by one family, having one side yard, and one party wall in common with another building.

DWELLING, TWO-FAMILY DETACHED — A building used by two families, with one dwelling unit arranged over the other, having two side yards.

DWELLING, TWO-FAMILY SEMIDETACHED — A building used by two families, with one dwelling unit arranged over the other, having one side yard, and having one party wall in common with another building.

DWELLING UNIT — One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one family or a single person.

EASEMENT, UTILITY — A right-of-way granted for the limited use of land for public or quasi-public purposes.

ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania.

ENGINEERING SPECIFICATIONS — The engineering specifications of California Borough regulating the installation of any required improvement or for any such facility installed by any owner, subject to public use.

EROSION — The removal of surface materials by the action of natural elements.

EXCAVATION — Any act where earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

FARM — Land used for agricultural use as defined in Chapter 205, Zoning, of the Code of the Borough of California.

FILL — Any act by which earth, sand, gravel, or rock is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in
elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

FLOODPLAIN — The area along a natural watercourse which may from time to time be overflowed by water therefrom.

IMPROVEMENTS — See "private improvements" and "public improvements."

LAND DEVELOPMENT —

A. Any of the following activities:

(1) 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 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

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

B. Land development shall not include:

(1) The addition of an accessory farm building on a lot or lots subordinate to an existing principal farm building; or

(2) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of the definition, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LAND DEVELOPMENT, MINOR — A land development which is a minor subdivision or a land development which is an addition to an existing building or which is an accessory building where the addition or accessory building will occupy less than 500 square feet of land area.

LANDOWNER — The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT — A landscape architect registered by the Commonwealth of Pennsylvania.
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, REVERSE FRONTAGE — A lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.

LOT, THROUGH OR DOUBLE FRONTAGE — A lot with front and rear street frontage.

MAJOR DRAINAGE — A term used in stormwater drainage that requires the use of a twenty-five-year storm frequency when computing runoff calculations. For the purpose of this chapter, it is considered a major area when a proposed highway crosses an existing defined watercourse.

MINOR DRAINAGE — A term used in stormwater drainage that requires the use of a ten-year storm frequency when computing runoff calculations. Minor drainage areas include all basic runoff from highways, paved and uniformly grassed or developed areas.

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 erection thereon of a single mobile home.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile homes.

MUNICIPALITY — A city of the second class A 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 be created by the General Assembly of the Commonwealth of Pennsylvania.

ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

PERSON — Any individual or group of individuals, partnership, corporation, unincorporated association, estate, or other legal entity.

PLAN ADJUSTMENT — Adjustments to recorded plans as follows:

A. Survey corrections.

B. Shifts in lot lines between adjacent lots where no new lots are created and public rights and access to a street, utility lines, storm sewer lines, and sanitary sewer lines are not affected.
C. Shifts in easements and right-of-way locations due to minor field changes during construction of required improvements.

D. Minor adjustments in location of buildings or other site improvements which comply with all zoning and subdivision and land development requirements and the conditions of the approval of a land development or conditional use approval or special exception approval as previously approved.

PLANNED RESIDENTIAL DEVELOPMENT — An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING COMMISSION — The California Borough Planning Commission.

PLAN, SKETCH — An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

PLAT — The map or plan of a subdivision or land development, whether preliminary or final.

PRIVATE IMPROVEMENTS — All streets, sidewalks, walkways, streetlights, street signs, gutters, curbs, sewers, waterlines, and other utilities or related facilities, but not including driveways and parking areas, to be operated and maintained by a private entity.

PUBLIC GROUNDS — Includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code.

PUBLIC IMPROVEMENTS — All streets, sidewalks, walkways, streetlights, street signs, gutters, curbs, sewers, waterlines, and other utilities or facilities to be dedicated to or maintained by a public agency, or any such existing facilities accepted by a public agency.


PUBLIC NOTICE — Notice published in accordance with 53 P.S. § 10107, in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing.

6. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

RENEWABLE ENERGY SOURCE — Any method, process or substance whose supply is rejuvenated through natural processes and including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RIGHT-OF-WAY, PRIVATE — The area dedicated to the use of a private street or other private purposes for use of owners, residents or visitors of a planned development or lot.

RIGHT-OF-WAY, PUBLIC — The area dedicated to and accepted by the Borough, county, or Commonwealth of Pennsylvania for a public street and other public purposes.

RUNOFF — The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SECURITY, MAINTENANCE — Method for developer to secure structural integrity and functioning of public improvements in accordance with the design and specifications depicted on the final plan approved by the Borough, for a period of time following the date of acceptance by the Council of dedication of such improvements. The maintenance security shall be in the form of a performance bond, federal or commonwealth chartered lending institution irrevocable letter of credit and restrictive or escrow accounts in such lending institutions or such other security as may be acceptable to the Council. 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.

SECURITY, PERFORMANCE — Method for developer to guarantee proper installation of public and private improvements specified in the final application; the performance security shall be in the form of a performance bond, federal or commonwealth chartered lending institution irrevocable letter of credit and restrictive or escrow accounts in such lending institutions or such other security as may be acceptable to the Council. 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.

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."

SIGHT DISTANCE — The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SLOPE — The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical distance in feet per 100 feet of horizontal distance.
SOIL STABILIZATION — Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve the engineering properties.

STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET, MAJOR —
A. ARTERIAL STREET — A major street or highway with fast or heavy volumes of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
B. COLLECTOR STREET — A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development.
C. LOCAL STREET — A street used primarily for access to abutting properties.
D. LIMITED ACCESS HIGHWAY — A major street or highway which carries large volumes of traffic at comparatively high speed with access at designated points and not from abutting properties.

STREET, MARGINAL ACCESS — A minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from through traffic.

STREET, PRIVATE — A street, including the entire private right-of-way, which is intended for private use and is a private improvement.

STREET, PUBLIC — A street, including the entire public right-of-way, which has been dedicated or devoted to public use by legal mapping, use or other lawful means.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, MINOR — A subdivision of one existing lot into three lots or less or a resubdivision which changes lot lines of legally created lots involving the creation of three additional new lots or less, whether done at one time or cumulatively, which does not involve any new street or easement of access or the extension or creation of any public or private improvements, which does not adversely affect the development of the remainder of the parcel or adjoining property, and which is not in conflict with any provisions of this chapter or Chapter 205, Zoning, of the Code of the Borough.

Where possible, without creating an undue administrative burden on the Borough's staff or decision-making bodies, simultaneous processing of applications for different approvals which may be required for the same development project shall be permitted in order to make the review process as short as possible for a development project. However, the differing timing procedures and sequencing requirements for certain types of applications may prevent simultaneous reviews.

7. Editor's Note: See 53 P.S. § 10509.

A. Purpose. The purpose of preapplication conferences with the Borough administrative staff is to provide the developer with guidance before entering into binding commitments or incurring substantial expense in application preparation. At the preapplication conference, waivers to application content requirements may be granted as provided in this section.

B. Administrative staff conference. Before submission of an application for preliminary or final subdivision and land development approval, it is recommended that the applicant meet with the Zoning Officer, the Borough Engineer, the Borough Solicitor, and other Borough administrative officials to determine the classification, feasibility, suitability, timing, and Borough requirements for the proposed development. The Zoning Officer may grant requests for waivers to application content requirements only for applications classified as minor subdivisions, minor land developments and plan adjustments.

C. Planning Commission conference. If the proposed development is classified as one which must be reviewed by the Planning Commission, then a preapplication conference with the Planning Commission is also recommended. The applicant must hold an administrative staff preapplication conference before having a Planning Commission conference. After the administrative staff preapplication conference and before submitting any application for preliminary or final approval, the applicant may request a preapplication conference by submitting a written request not later than five working days before the next scheduled meeting of the Planning Commission.

D. Waivers to application content requirements. At or following the preapplication conference the Zoning Officer or the Borough Solicitor may grant waivers to application content requirements only in order to tailor the requirements to the information necessary to review a particular application. If a preapplication conference is not held, the applicant must follow the provisions of Article IV, § 187-20, to request a modification to application content requirements. Waivers to application content requirements shall be granted in writing and shall expire automatically if an application is not filed within 180 days of the date when the waiver was issued.

E. Consultation with municipal authority. Prior to the preparation of any plans, it is suggested that prospective developers consult with the local water and sewage providers concerning water service and sewage disposal facilities.

F. Consultation with County Conversation District. Prospective developers should consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or land development.


The official filing date for a minor subdivision, minor land development, or plan adjustment application shall be the date that a complete submittal including payment of the applicable filing fee is filed. The official filing date for all other subdivisions and land developments shall be the date of the regular Planning Commission meeting next following the date the
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complete submittal including payment of the applicable filing fee is filed, provided that should
the said next regular meeting occur more than 30 days following the filing of the application,
the official filing date shall be the 30th day following the day the complete application is
filed.


A. Required. An application for preliminary approval of a subdivision and land development
is required for all subdivisions and land developments except those classified as plan
adjustments and except those applications exempted under the provisions of Article IV,
§ 187-14D.

B. Planning Commission authority. The Borough Planning Commission shall review and act
on all applications for approval of preliminary subdivision and land development plans
with the exception of those classified as minor subdivisions and minor developments,
which shall be reviewed by the Zoning Officer and acted on by the Council. Plan
adjustments are exempt from any preliminary review.

C. Application submission. All applications for preliminary approval of a subdivision or
land development shall be submitted to the Borough on any business day during regular
hours.

D. Determination of acceptance/rejection as incomplete. Within seven working days after a
preliminary plan application is submitted, the Zoning Officer shall certify the application
as substantially complete and accepted, thereby establishing the official filing date, or
incomplete and rejected. Within said time, the Zoning Officer shall notify the applicant
in writing that the application is essentially complete and accepted including the official
filing date and date of review by the Planning Commission, if applicable, or that the
application is incomplete and rejected, stating the deficiencies in the application and
returning the filing fee. The developer may reapply, submitting the fee and missing
material at any time.

E. Deemed acceptance. Failure of the Zoning Officer to make a determination of
acceptance/rejection shall result in deemed acceptance of the application for processing.
However, deemed acceptance for processing shall not constitute a waiver of any
deficiencies in the application or approval of the application.

F. Distribution. The Zoning Officer shall distribute one copy of the preliminary plan
application with the official filing date:

(1) To each of the following:

(a) Official Borough file;

(b) Borough Engineer;

(c) Borough Solicitor.

(2) To each of the following, as appropriate:
(a) Members of the Planning Commission.

(b) When an application may have special significant impacts, applications may be distributed to any other appropriate agency or individual, e.g., Federal Emergency Management Agency, Washington County Conservation District.

G. County Planning Commission review. Applications for subdivision and land development shall not be approved by the Planning Commission or Council until the County Planning Commission report is received or until the expiration of 30 days from the date the application was forwarded to the County Planning Commission.

H. Plan review by planning agency. The Planning Commission shall review all applications for approval of preliminary subdivision and land development plans, with the exception of those classified as minor subdivisions, minor land developments, or plan adjustments, which shall be reviewed by the Zoning Officer. The Planning Commission shall review the application at a public meeting. In its review, the Planning Commission shall consider the report of the Borough and all review agencies. The Zoning Officer may make a recommendation to the Planning Commission or Council, as applicable, for approval, approval subject to conditions, or disapproval of the application setting forth the reasons for the recommendations.

I. Decision.

(1) Authority. The Planning Commission shall make a recommendation to the Council on all applications for preliminary approval of a subdivision or land development except those classified as minor subdivisions, minor land developments, or plan adjustments, which shall be acted on by the Council.

(2) Decision deadline. Not later than 90 days after the official filing date, the Council shall render a decision on the application for approval of a preliminary subdivision or land development plan. All decisions shall be made at a public meeting.

(3) Extension of deadline. The applicant may agree in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision.

(4) Deemed approval. Failure to render a decision and communicate it within the prescribed period and in the required manner, or within any extension of time or in accordance with any change in required manner of communication, shall be deemed an approval of the application as presented.

(5) Actions. The Council shall take one of the following actions:

(a) Approve the application; or

(b) Approve the application with conditions subject to the applicant's consent; or

(c) Disapprove the application on the basis that it does not comply with specific standards and regulations set forth in this chapter.
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J. General standards for review of preliminary plans. The Council shall approve the preliminary plan if the preliminary plan complies with the standards and regulations set forth in this chapter.

K. Notification of decision. The Zoning Officer shall deliver written notice of the decision to the applicant personally or by certified mail, return receipt requested, with verified mailing receipt, within 15 days of the decision. If the decision is approval with conditions or disapproval, the written notification shall specify all defects in the application and shall cite with section numbers the provisions of this chapter that have not been satisfied. If the approval is subject to conditions, the notice of the decision shall include an acceptance block for the applicant to sign, date, and return signifying acceptance of the conditions of approval.

L. Conditional approval acceptance/rejection. The Council may approve an application for preliminary approval subject to conditions accepted by the applicant. Failure of the applicant to deliver to the Borough written acceptance of the conditions of approval within 15 days of receipt of the notification of decision shall result in automatic rescission of such approval and automatic conversion of the decision to denial as of the date of the original approval subject to conditions.

M. Effect of approval. After preliminary approval of a subdivision and land development plan, the plan shall be entitled to the protections afforded by Section 508(4) of the MPC and Article II, § 187-6, of this chapter.

§ 187-17. Final approval procedure.

A. Required. An application for final approval of a subdivision and land development is required for all subdivisions and land developments.

B. Application submission and types.
   (1) Filing date. Applications for final approval of a subdivision and land development shall be submitted to the Borough on any business day during regular business hours.
   (2) Approval for construction of required improvements with extension of time for delayed approval for recording following satisfactory completion of required improvements.

C. Determination of acceptance/rejection as incomplete. Within five working days after a final plan application is submitted, the Zoning Officer shall certify the application as substantially complete and accepted, thereby establishing the official filing date, or incomplete and rejected. Within said time, the Zoning Officer shall notify the applicant in writing that the application is essentially complete and accepted including the official filing date and date of review by the Planning Commission or that the application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The developer may reapply, submitting the fee and missing material at any time.

8. Editor's Note: See 53 P.S. § 10508(4).
D. Deemed acceptance. Failure of the Zoning Officer to make a determination of acceptance/rejection shall result in deemed acceptance of the application for processing. However, deemed acceptance for processing shall not constitute a waiver of any deficiencies in the application or approval of the application.

E. Distribution. The Zoning Officer shall distribute one copy of the final plan application with any required fee and with the official filing date:

(1) To each of the following:
   (a) Official Department file.
   (b) Borough Engineer.
   (c) Borough Solicitor.

(2) To each of the following as appropriate:
   (a) Members of the Planning Commission.
   (b) When an application may have special or significant impacts, applications may be distributed to any other appropriate agency or individual, e.g., Federal Emergency Management Agency, Washington County Conversation District.

F. County Planning Commission review. Applications for subdivision and land development shall not be approved by the Council until the County Planning Commission report is received or until the expiration of 30 days from the date the application was forwarded to the County Planning Commission.

G. Plan review by planning agency. The Planning Commission shall review all applications for approval of final subdivision and land development plans with the exception of those classified as minor subdivisions, minor land developments, or plan adjustments which shall be reviewed by the Zoning Officer. The Planning Commission shall review the application at a public meeting. In its review, the Planning Commission shall consider the report of the Borough Engineer and all review agencies. The Planning Commission shall make a written recommendation to the Council for approval, approval subject to conditions, or disapproval of the application. The Planning Commission shall set forth the reasons for its recommendations.

H. Decision.

(1) Authority. The Council shall act on all applications for final approval of a subdivision and land development. The Council shall render a decision at a public meeting.

(2) Revised plans. After the review of the application for final approval by the planning agency, 11 copies of the application, which may be revised as recommended by the Planning Commission, shall be submitted to the Zoning Officer and shall be forwarded to the Council. The Council shall consider the final plan at its next regular meeting, provided the copies of the plan are submitted to the Zoning Officer no later than seven days before the meeting date. If the revised
plan has substantial revisions from the revisions recommended by the Planning Commission, the Council may refer the revised plan to appropriate Planning Commission for review and recommendation.

3) Decision deadline. Not later than 90 days after the official filing date, the Council shall render a decision on the application for approval of a final subdivision or land development plan for recording or for construction with delayed approval for recording.

4) Extension of deadline. The applicant may agree in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision.

5) Deemed approval. Failure to render a decision and communicate it within the prescribed period and in the required manner, or within any extension of time or in accordance with any change in required manner of communication, shall be deemed an approval of the application as presented.

6) Actions on applications for approval for recording. The Council shall take one of the following actions:

   a) Approve the application; or

   b) Approve the application with conditions subject to the applicant's consent; or

   c) Disapprove the application on the basis that it does not comply with specific standards and regulations set forth in this chapter.

7) Actions on applications for approval for construction of required improvements with delayed recording pending satisfactory completion of required improvements.

   a) The Council shall take one of the following actions:

      [1] Approve the application for construction with approval for recording delayed for one year, or any extension granted by the Council pending the satisfactory completion of required improvements and compliance with requirements for approval of improvements; or

      [2] Approve the application for construction as in Subsection H(7)(a)[1], with conditions subject to the applicant's consent; or

      [3] Disapprove the application on the basis that it does not comply with specific standards and regulations set forth in this chapter.

   b) Following completion of all procedures for approval of required improvements in accordance with Article IV, § 187-22, the applicant shall submit a written request to the Department for final approval for recording. The request shall be considered by the Council at the next regular meeting of the Council, provided that the request is received by the Zoning Officer no later than seven days before the meeting date. The Council shall take one of the following actions:
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[1] Approve the plan for recording;
[2] Approve the plan for recording with conditions subject to the applicant’s consent; or
[3] Disapprove the plan for recording on the basis that it does not comply with specific standards of this chapter.

I. General standards for review of final plans. The Council shall approve the final plan if the final plan complies with the standards and regulations set forth in this chapter and the preliminary plan approval. Approval for recording shall be granted only when the public and private improvements have been satisfactorily completed or when a performance security shall be provided before release of the plan for recording.

J. Notification of decision. The Zoning Officer shall deliver written notice of the decision to the applicant personally or by certified mail, return receipt requested, with verified mailing receipt, within 15 days of the decision. If the decision is approval with conditions or disapproval, the written notification shall specify all defects in the application and shall cite with section numbers the provisions of this chapter that have not been satisfied. If the approval is subject to conditions, the notice of the decision shall include an acceptance block for the applicant to sign, date, and return signifying acceptance of the conditions of approval.

K. Conditional approval acceptance/rejection. The Council may approve an application for final approval subject to conditions accepted by the applicant. Failure of the applicant to deliver to the Borough written acceptance of the conditions of approval within 15 days of receipt of the notification of decision shall result in automatic rescission of such approval and automatic conversion of the decision to denial as of the date of the original approval subject to conditions.

L. Compliance with conditions of approval/municipal signatures. The applicant shall comply with all conditions of approval, including construction of required improvements or providing a performance security to guarantee satisfactory construction of required improvements, before the proper Borough officials execute the certifications on the final plan. When the conditions of the final approval have been met, the proper officers of the Borough shall sign the final plan for recording and shall affix the Borough Seal.

M. Effect of approval. Final approval of a subdivision and land development plan shall be effective for 90 days from the date of the Council’s approval unless the Council officially renews or extends the approval date. During this period, the applicant shall meet all conditions of approval, if any, including construction of required improvements or providing a performance security, and recording the plan as specified in this chapter. After the plan is recorded, the plan shall be entitled to the protections afforded by Section 508(4) of the MPC and Article II, § 187-6, of this chapter.

9. Editor’s Note: See 53 P.S. § 10508(4).

A. Minor subdivisions and land developments. Minor subdivisions and minor land developments shall be subject to review by the Zoning Officer, the Borough Solicitor and the Borough Engineer but shall be exempt from any review by the Planning Commission. Some application requirements may be waived by the Zoning Officer upon recommendation by the Borough Engineer in accordance with Article IV, § 187-14D. Minor subdivisions and minor land developments shall be acted on by the Council. Applications for preliminary and final approval may be combined.

B. Plan adjustments. Plan adjustments shall be reviewed by the Zoning Officer, Borough Solicitor and the Borough Engineer and shall be exempt from Planning Commission review. They shall be exempt from preliminary plan approval and shall have minimal application content requirements. Plan adjustments shall be acted on by the Council.


A. Permitted. The applicant may construct a subdivision or land development in separate phases over time in accordance with the standards for phased development set forth in Article VI, § 187-40.

B. Schedules for final plan submissions and modifications thereto. Where the applicant anticipates that he will not submit final plan applications for one or more phases of the overall development as depicted on the preliminary plan within five years of the date of preliminary plan approval, he shall file with his preliminary plan a schedule delineating all proposed phases as well as intended dates for filing final plan applications for each phase. The applicant shall update such schedules annually on or before the anniversary of the preliminary plan approval until such time as the Council has granted final plan approval for the final phase of the overall development as depicted on the preliminary plan. Any modification in the aforesaid schedule shall be subject to the approval of the Council in its sole discretion.

C. Modification of phasing. Any phase that does not comply with the preliminary plan approved by the Council will require complete resubmission of the preliminary plan application.


A. Authority to grant modifications. The Council may grant modifications to the requirements set forth in Article VI after review by the Planning Commission and the Borough Engineer if the following criteria are met:

(1) The literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question; and

(2) Such modification will not be contrary to the public interest; and

(3) The purpose and intent of the chapter is observed;
(4) The modification is the minimum modification necessary to afford relief from hardship; or

(5) An alternative standard can be demonstrated to provide equal or better results.

B. Authority to impose conditions. When granting modifications, the Council may impose conditions to ensure that the public interest is preserved and the intent of the chapter is observed.

C. Written requests for modifications. All requests for modifications shall be in writing and shall be submitted with and be a part of an application for preliminary plan approval or final plan approval, where preliminary plan approval is not required.

D. Record of action. The Council shall enter into the minutes of the meeting all actions on all requests for modifications setting forth the reasons which justified the modifications granted.


A. Time for recording. Within 90 days after the date of the final approval for recording, the developer shall record the final plan in the office of the Recorder of Deeds of the county. Upon written request by the developer, the approving body may grant an extension of the approval date, which extension shall be reflected on the final plan.

B. Effect of final plan recording on Official Map. After a final plan has been approved and recorded as provided in this chapter, all public streets and public grounds on such plan shall be and become a part of the Official Map of the Borough, if any, without public hearing.

C. Effect on acceptance of public improvements. Until final acceptance by ordinance, no property or other public improvements shown on the recorded final plan shall be deemed a part of the public improvements of the Borough, but the same shall be deemed to be private until and unless the same have been completed in accordance with this chapter and accepted in accordance with law.

§ 187-22. Inspection, completion and approval of improvements; release of performance security.

A. Inspections. The Borough shall make the inspections hereinafter required and shall promptly either approve that portion of the work which has been completed or notify developer wherein the same fails to comply with the provisions of this chapter. Site development plans, approved by the Borough, shall be maintained at the site during the progress of the site development until work has been approved. The developer shall notify the Borough in order to obtain inspection in accordance with the following schedule, and such notification shall be made by the developer at least 48 hours before the inspection is to be made:
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(1) Initial inspection: when work is about to be commenced.

(2) Rough grading: when all rough grading has been completed.

(3) Drainage facilities: when drainage facilities are being installed and before such facilities are backfilled.

(4) Sanitary facilities: when sanitary facilities are being installed and before and during backfilling such facilities in critical areas.

(5) Special structures: when excavations are completed for retaining and crib walls and when reinforcing steel is in place and before concrete is poured.

(6) Roadways: when roadways and parking areas are rough graded and when embankments are being constructed, and before final paving.

(7) Embankments: when large embankments of fill are being constructed.

(8) Additional inspections: when, in the opinion of the Borough, other inspections are necessary.

(9) Final inspection: when all work, including the installation of all drainage, landscaping, and other structures, has been completed.

B. Completion of required improvements; time requirement. Within two years of the final plat approval, the developer shall satisfactorily install and request approval of all required improvements in accordance with the approved final plan. Upon receipt of a written request for an extension of time to complete required improvements, including the reason for the request, the Council may grant an extension of time for the completion of required improvements.

C. Notification of completion by developer. When the developer has completed all of the required improvements, the developer shall notify the Council, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy thereof to the Borough Engineer(s). The developer shall also submit to the Zoning Officer one Mylar and four prints of the plans and profiles of the improvements certified to be as-built by the designing engineer. Datum shall tie into the State Plane Coordinate System if possible.

D. Inspection and report by the Borough Engineer(s). The Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer(s) to inspect all of the required improvements. The Borough Engineer(s) shall file a written report with the 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 Borough Engineer(s) of the aforesaid authorization from the Borough Council. Said report shall be detailed and shall indicate approval or rejection of the required improvements, either in whole or in part. If the Borough Engineer(s) reject any of the required improvements, said report shall contain a statement of reasons for such nonapproval or rejection.
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E. Borough's notification to developer. The Council shall notify the developer, within 15 days of receipt of the Borough Engineer(s)’ report, in writing, by certified or registered mail, the action of the Borough with relation thereto.

F. Completion of rejected required improvements. If any portion of the required improvements shall not be approved or shall be rejected by the Borough, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

G. No limitation of developer's rights. Nothing herein, however, shall be construed to be in limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Borough or the Borough Engineer(s).

H. Reimbursement for expense of inspections. The developer shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of the required improvements. See Article II, § 187-7.

I. Partial release of performance security. As the work of installing the required improvements proceeds, the developer may request the Borough to release or authorize the release of such portions of the performance security fairly representing the amount of work completed. The same procedure shall be followed for partial release of performance security as for a final release of performance security except that correspondence may be by regular mail and the action on the request shall be acted on within 45 days of receipt of the request. The Borough may, prior to final release at the time of completion and certification by the Borough Engineer(s), require retention of 10% of the estimated cost of the required improvements.


A. Request for acceptance. Within 30 days of receipt of the Borough’s notification of approval of the required improvements and not less than 10 days before the next regular meeting of the Council, at which action is requested, the developer shall request the Council in writing to accept the dedication of public improvements and post a maintenance security.

B. Maintenance security. The maintenance security shall be in a form acceptable to the Council and for a term of 18 months from the date of acceptance of dedication. The amount of maintenance security shall be 15% of the actual cost of the installation of such public improvements.

C. Acceptance by the Council. If the request for acceptance of public improvements and maintenance security as specified in this section are received by the Council more than 10 days before the next regular meeting of the Council, the Council may at its next regular meeting enact an ordinance accepting the public improvements as part of the Borough’s public facilities.

In the event that any improvements which may be required have not been installed as provided in this chapter or in accord with the approved final plan, the Borough may enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by such security, the 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 improvements. 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 purposes.

ARTICLE V
Application Content


In order to obtain the best guidance from the Borough staff and Planning Commission at a preapplication conference, it is recommended that the applicant provide the following:

A. General information. General information describing or outlining existing covenants, land characteristics, community facilities, and utilities, and information describing the proposed subdivision or land development such as the number of lots, typical lot width and depth, parking areas, business areas, playgrounds, park areas, common open space, other public areas, proposed protective covenants, proposed utilities and street improvements.

B. Property map. A property map, drawn to a scale of one inch equals 100 feet or less and showing the following:

(1) The proposed name of the subdivision or land development.

(2) Name of applicant.

(3) Name of the registered owner and evidence of ownership.

(4) North point, scale and date.

(5) Name of surveyor responsible for the map.

(6) Tract boundaries with bearings and distances.

(7) Approximate location of watercourses, tree masses, rock outcrops, existing buildings, and actual location of sewers, inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades.

(8) Adjacent streets.
§ 187-25. Sketch plan. Sketch plan, drawn on a print of the property map, showing in a simple sketch form the proposed layout of streets, lots, and other features, in relation to existing conditions.


All preliminary plan applications shall include the following, plus any additional copies as required by the Zoning Officer depending on optional distribution for review:

A. Application form. A minimum of 11 copies (five for a minor subdivision or minor land development or for a plat adjustment) of the application form provided by the Zoning Officer, completely and correctly executed.

B. Preliminary plan. A minimum of 11 copies (five for a minor subdivision or minor land development or a plat adjustment) of the preliminary plan which shall meet the following standards and show the following:

1. The entire parcel of land being subdivided or developed.

2. All sheet sizes shall be of standard size (18 inches by 24 inches, 24 inches by 36 inches, or multiples of these sizes) and at a scale no smaller than one inch equals 100 feet.

3. Existing contours at vertical intervals of five feet or less as required by the Borough.

4. The layouts, names, and widths of right-of-way, cartway, and paving of proposed streets, and easements.

5. The layouts of lots showing approximate dimensions, lot numbers, and approximate area of each lot.

6. Parcels of land and acreage intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semipublic or community purposes.

7. Borough site location map.

8. Name of engineer, surveyor, or other qualified person responsible for preparing the preliminary plan.

9. Location of any designated floodplain district including information on the one-hundred-year flood elevations.

10. Development within floodplains.

   a. Where the subdivision and/or land development lies partially or completely within any designated floodplain districts or where such activities border on any designated floodplain district, the preliminary plan shall include the following information:
[1] The location and elevation of proposed streets, utilities, and building sites, fills, flood or erosion protection facilities;

[2] The one-hundred-year flood elevations; and


(b) All such maps shall show contours at intervals of two or five feet depending upon the slope of the land and identify accurately the boundaries of the designated floodplain districts.

C. Additional data and maps. The preliminary plan shall be accompanied by a minimum of 11 copies (five for minor subdivisions and minor land developments or plan adjustments) of the following data and maps:

(1) A graphic showing grades of each street.

(2) Locations of existing and proposed utilities.

(3) A phasing schedule for filing applications for final approval of plans proposed to be developed in phases.

D. Request for and explanation of modifications and waivers. All design standards shall conform to the requirements contained herein or 11 copies (five of a minor subdivision or minor land development or plat adjustment) of a request for and explanation of modifications and waivers shall be submitted.

E. Fees. Except as stated herein, all fees shall be submitted when the application is submitted or the application will be considered incomplete.

§ 187-27. Final application requirements.

All final plan applications shall include the following, plus any additional copies as required by the Zoning Officer depending on optional distribution for review:

A. Application form. A minimum of 11 copies (five for a minor subdivision or minor land development or for a plat adjustment) of the application form provided by the Zoning Officer, completely and correctly executed. The applicant shall indicate on the form the type of application.

B. Final plan for recording. A minimum of one original drawn on reproducible Mylar or other reproducible material of equal quality and 11 copies (five for a minor subdivision or minor land development or for a plat adjustment) of a final plan for recording which shall meet the following standards and show the following information:

(1) The plan shall be drawn at a scale of not less than one inch equals 50 feet on sheets of 18 inches by 24 inches, 24 inches by 36 inches or multiples of these sizes. If the plan is on more than one sheet, a map of the entire subdivision or land development showing sheet match lines shall be provided on the plan.
(2) Primary control points, approved by the Borough Engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

(3) Tract boundary lines, right-of-way lines or streets, easements, and other right-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves.

(4) Names and right-of-way width of each street or other right-of-way.

(5) Location, dimensions, and purpose of easements.

(6) Number to identify each lot and/or site.

(7) Area of lot to nearest hundredth of an acre.

(8) Purpose for which sites other than residential lots are dedicated or reserved.

(9) Building setback lines on all lots and other sites.

(10) Locations and description of survey monuments. All permanent reference monuments shown on the plat.

(11) Owners of record of adjoining unplatted land.

(12) Reference to record subdivision plats of adjoining platted land by record name, date and number.

(13) Certification by a registered surveyor, licensed in the Commonwealth of Pennsylvania, certifying to accuracy of survey and plat.

(14) Borough site location on the recorded plan.

(15) Certification of title showing that applicant is the owner of land, agent of the landowner or tenant with permission of the landowner.

(16) Statement by owner dedicating streets, rights-of-way and any sites for public uses which are to be dedicated. (See Appendix 1.)

(17) Proposed protective covenants running with the land, if any.

(18) Proposed contours at vertical intervals of five feet, or less as required by the Planning Commission.

(19) The location and types of erosion and sedimentation control measures.

(20) Certificates as shown in Appendix 1 shall be inscribed on the plan, as quoted and shall be properly signed and attested when the plan is submitted to the Borough Council.

10. Editor's Note: Appendixes 1 and 2, which originally accompanied this ordinance, are on file in the Borough offices.
(21) A plan for minimizing erosion and sediment as outlined in Article VI, § 187-33.

(22) The location and types of erosion and sedimentation control measures prepared.

C. Construction plan data. A minimum of 11 (five for minor subdivisions and land developments or plan adjustments) copies of the following:

(1) Plans and profiles of streets showing grades.

(2) Cross sections of each street at critical stations (i.e., large cuts or fills, excessive cross grades).

(3) Typical cross sections of streets showing the width of right-of-way, width of cartway, locations and width of sidewalks, if required, and location and size of utility mains.

(4) Construction details.

(5) Highway cross sections every 100 feet or as directed by the planning agency.

(6) Plans and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated, location and size of stormwater impoundments and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

(7) Such other certificates, affidavits, endorsements or dedications as may be required by the Zoning Officer in the enforcement of this chapter.

D. Reviews and reports of other agencies. The applicant shall submit a minimum of 11 copies of the following as applicable (five for minor subdivisions and minor land developments or plat adjustments):

(1) Stormwater management review. In addition to all other material required under this section for a preliminary application and site plan review, the applicant shall submit two copies of a drainage map (showing drainage outlets, watersheds, watercourses, etc.), hydraulic calculations, and other analytical material as necessary to prove compliance with "zero stormwater runoff" as described in Article VI, § 187-36, of this chapter.

(2) Report of the Borough Sewage Enforcement Officer where septic tanks and/or wells are to be utilized.

(3) Reports of all affected public utilities who shall be requested by the applicant to make recommendations as to the suitability of the utility easements.

(4) Report of the Pennsylvania Department of Transportation where the subdivision or land development will front on existing or proposed state highways or has a proposed street entering on such highway.

(5) Report of the County Planning Commission or proof of submission of the plan and payment of the advisory review fee to the County Planning commission for review and report.
E. Fees. Except as stated herein, all fees shall be submitted when the application is submitted or the application will be considered incomplete.

(1) Borough Engineers' fees based on the Borough Engineers' estimates of the time to review plans and conduct all inspections and the Borough Engineers' approved hourly rates for services.

(2) Map update reimbursement fee. The developer shall reimburse the Borough for the reasonable and necessary expense incurred in updating the Borough maps. This fee shall be payable to the Borough within 30 days of notification of the amount of reimbursement due.

ARTICLE VI
Design Standards

Land subject to hazards to life, health or property such as quarry land, open ditches, floodplains, etc., shall not be subdivided for residential purposes until such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.

§ 187-29. Streets.
A. General standards. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Official Map and to the Comprehensive Plan, if one has been adopted, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in the appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Map or Comprehensive Plan, the arrangement and other design standards of streets shall conform to the provisions found herein, exist

B. Classification of streets. To aid in the proper selection of design elements as they relate to this chapter, streets have been classified according to their principal functions as arterial, collector, and local streets.

(1) Arterial. Arterial streets consist of main traffic carriers that usually connect communities, but do not directly serve residential areas [average daily traffic (ADT) over 3,000].

(2) Collector streets. Collector streets connect local streets to arterial streets. Collectors may penetrate neighborhood development and may carry some through traffic (ADT 800 to 3,000).

(3) Local streets. These streets provide direct access to abutting land and connections to higher classes of highway systems. Through traffic is usually discouraged by design or regulations (ADT less than 800).
C. Roadway right-of-way, cartway and shoulder widths. (See Appendix 2, Diagrams 1-4.\textsuperscript{11}) Minimum street right-of-way and widths shall be as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Right-of-Way Width (feet)</th>
<th>Cartway Width (feet)</th>
<th>Shoulder Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial streets</td>
<td>As determined by the Borough Engineer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collector streets</td>
<td>60</td>
<td>24</td>
<td>4 minimum; 8 desirable</td>
</tr>
<tr>
<td>Local streets</td>
<td>50</td>
<td>20</td>
<td>4 minimum; 8 desirable</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>50</td>
<td>18</td>
<td>2 minimum; 6 desirable</td>
</tr>
<tr>
<td>Turnaround of cul-de-sac (diameter)</td>
<td>100</td>
<td>80</td>
<td>4 minimum; 8 desirable</td>
</tr>
<tr>
<td>Marginal access streets</td>
<td>50</td>
<td>24</td>
<td></td>
</tr>
</tbody>
</table>

D. Horizontal alignment.

(1) Residential areas. Alignment in residential areas should fit closely the existing topography so as to minimize the need for cuts or fills. There is advantage in residential areas in purposely making the alignment of such nature as to discourage high-speed through traffic. Caution should be taken in the design of the alignment that the safety of the facility is not reduced.

(2) Commercial and industrial areas. Street alignment in commercial and industrial areas should be commensurate with the topography but should be as direct as possible.

(3) Curves. Street curves should be designed with as large a radius curve as feasible, with the following radius controls:

(a) Local street: 150 feet minimum, 400 feet desirable.

(b) Collector street: 400 feet minimum, 700 feet desirable.

(4) Superelevated curves. Where curves are superelevated, lower values apply, but the radius shall never be less than 115 feet for local streets and 275 feet for collector streets.

E. Vertical alignment.

(1) Vertical curves shall be used at changes of grade and shall be designated in relation to the extent of the grade change.

\textsuperscript{11} Editor’s Note: Appendixes 1 and 2, which originally accompanied this ordinance, are on file in the Borough offices.
F. Sight distance. Sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the center line, 4.5 feet above grade, the sight distance must be as follows:

(1) Minimum sight distance for collector street: 200 feet.
(2) Minimum sight distance for local street: 150 feet.

G. Intersections.

(1) Sight distance. Intersections should be designed with adequate corner sight distance and the area kept free of obstacles. The corner sight distance for collector streets should be a minimum of 300 feet and desirably should be 400 feet or more. For local streets the minimum corner sight distance should be a minimum of 200 feet and desirably should be 300 feet or more. In order to maintain the minimum sight distance, restrictions on height of embankment, locations of buildings and screening fences may be necessary. Any landscaping in the clear sight triangle should be low growing.

(2) Alignment. It is desirable that intersecting streets meet at approximately a ninety-degree angle. The alignment design should be adjusted so as to avoid an angle of intersection of less than 60°. Closely spaced offset intersections are undesirable. Intersections involving junctions of more than two streets are prohibited. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 150 feet between their center lines.

(3) Intersection curve radii.

(a) At intersections of streets, the radius of the curb or edge of pavement shall not be less than the following:

<table>
<thead>
<tr>
<th>Intersection Type</th>
<th>Minimum Radius of Curb or Edge of Pavement (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector street with collector street</td>
<td>35</td>
</tr>
<tr>
<td>Collector street with local street</td>
<td>25</td>
</tr>
<tr>
<td>Local street with local street</td>
<td>25</td>
</tr>
</tbody>
</table>

(b) Radius corners of diagonal cutoffs must be provided on the property lines substantially concentric with or parallel to the chord of the curb radius corners.

H. Street grades.

(1) The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:
(a) For arterial streets: minimum grade 1%; maximum grade 6%.

(b) For collector streets and minor streets: minimum grade 1%; maximum grade 12%.

(2) On minor streets, grades of 12% shall be not more than 400 feet in length.

(3) Vertical curves shall be used in changes of grade when the algebraic difference exceeds 1%, and shall be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas. Where the grade exceeds 7%, such leveling areas shall have a minimum length of 60 feet (measured from the intersection of the center lines wherein no grade shall exceed a maximum of 4%.

I. Slope of banks along streets. The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:

(1) For fills: one foot of vertical measurement for two feet of horizontal measurement.

(2) For cuts: one foot of vertical measurement for 1.5 feet.

J. Partial and half-streets. The dedication of half-streets at the perimeter of a new subdivision or land development is prohibited.

K. Names of streets. Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixes such as "land," "way," "drive," "court," or "avenue." In approving the names of streets, cognizance may be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing or platted street.

L. Street surfacing; pavements. Streets must be resurfaced to the grades and dimensions drawn on the plans, profiles, and cross sections submitted by the applicant and approved by the Borough Engineer. Before paving the street surface, the applicant must install the required utilities and provide, where necessary, adequate stormwater drainage for the street, acceptable to the Borough Engineer. The pavement base and wearing surface must be constructed according to the following specifications:

(1) Arterial streets.

   (a) Bituminous.

   Specifications
   Class 4 geotextile
   6-inch aggregate subbase
   7-inch bituminous concrete base course
   2-inch bituminous binder course, ID-2
   1-inch bituminous wearing course, ID-2
   After development is complete and before final acceptance: 1-inch bituminous wearing course ID-2
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(b) Concrete pavement.

Specifications
6-inch subbase
1/2-inch plain cement concrete

(2) Collector street.

(a) Bituminous.

Specifications
Class 4 geotextile
6-inch aggregate subbase
5-inch bituminous concrete base course
2-inch bituminous binder course, ID-2
1-inch bituminous wearing course, ID-2
After development is complete and before final acceptance: 1-inch bituminous wearing course ID-2

(b) Concrete.

Specifications
6-inch aggregate subbase
8-inch plain cement concrete pavement

(3) Local street.

(a) Bituminous.

Specifications
Class 4 geotextile
6-inch aggregate subbase
4 1/2-inch bituminous concrete base course
2-inch bituminous binder course, ID-2
1-inch bituminous wearing course, ID-2
After development is complete and before final acceptance: 1-inch bituminous wearing course, ID-2

(b) Concrete.
Specifications
6-inch aggregate subbase
5-inch plain cement concrete

M. Culs-de-sac. Culs-de-sac or dead-end streets, designed to be so permanently, shall not exceed 600 feet in length, and shall be provided with a turnaround having minimum dimensions for right-of-way and cartway widths as indicated in the preceding section. All culs-de-sac shall have a minimum radius of 40 feet.

N. Private streets. Private streets not dedicated to public use shall not be approved, nor shall a layout of lots abutting such streets be approved.

A. Design. The length, width and shape of blocks shall be determined with due regard to:
   (1) Provision of adequate sites for buildings of the type proposed.
   (2) Topography.
   (3) Requirements for safe and convenient vehicular and pedestrian circulation.

B. Length. Blocks should have a maximum length of 1,600 feet and, so far as practicable, a minimum length of 500 feet. In the design of blocks longer than 1,100 feet, special consideration shall be given to the requirements of satisfactory fire protection.

C. Depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering a major traffic street are used.

D. Pedestrian walks. Pedestrian interior walks may be required where necessary to assist circulation or provide access to any area within the community.

The arrangement and other design standards of lots shall conform to the following requirements:
A. Layout of lots. Every lot shall abut a public street which has been adopted into the Borough road system or may be approved by the governing body under the terms and conditions set forth herein. Side lot lines should be substantially at right angles or radial to street lines.

B. Double frontage. Double frontage lots shall be avoided, except that, where desired along limited access highways, reverse frontage lots may face on an interior street and back on such thoroughfares. Interior lots having frontage on two streets shall be avoided except where unusual conditions make it necessary.

C. Dimension and areas of lots. The dimensions and areas of lots shall conform to the requirements of Chapter 205, Zoning.

A. Minimum width and location. The minimum width of easements shall be 20 feet for underground public facilities, overhead public utility facilities, and drainage facilities, and, wherever possible, easements for public utilities shall be centered on side or rear lot lines. Additional width may be required by the Planning Commission depending on the purpose and use of the easement.

B. Drainage easements. Where a subdivision or land development is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainageway, channel or stream, and 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 stormwater sewer. The width of such easement shall be a minimum of 20 feet. Additional width may be required by the Planning Commission.

§ 187-33. Erosion and sedimentation control.

A. General standards.

(1) In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating, or the removal or destruction of the natural topsoil, trees, or other vegetation covering thereon, the developer shall submit to the Planning Commission for approval a plan for erosion and sedimentation controls, unless there has been a determination by the Planning Commission that such plans are not necessary.

(2) Erosion and sedimentation control measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the USDA Soil Conservation Service as adapted for use by the Washington County Soil and Water Conservation District, copies of which are available from the District.

(3) The developer, prior to final approval, shall have proof from the Washington County Soil Conservation District and/or Pennsylvania Department of Environmental Protection that all necessary permits have been obtained.

§ 187-34. Monuments.

A. Locations.

(1) Monuments must be set on long tangents.

(2) Monuments must be within sight of each other.

12. Editor's Note: Now known as the Natural Resources Conservation Service (NRCS).
§ 187-35. Storm drainage design. 

A. When required. Whenever the evidence available to the Planning Commission indicates that natural surface drainage is inadequate, the subdivider shall install storm sewers, culverts, and related facilities, as necessary to:

1. Permit the unimpeded flow of natural watercourses;
2. Ensure the drainage of all low points along the line of streets;
3. Intercept stormwater runoff along the streets at intervals reasonably related to the extent and grade of the area drained;
4. Provide positive drainage away from on-site sewage disposal facilities.

B. Drainage upon and on streets.

1. Where practical, storm sewers shall be located in the right-of-way at the edge of the cartway or curb, and shall be of sufficient size at all times to receive the water from the street as well as any adjoining plan where said water must necessarily drain through the plan.
2. All storm sewers within any plan shall be constructed so that all the stormwater and drainage in the plan shall be received and carried to the limits of the plan.
3. All storm sewer pipe in public roadways shall have a minimum diameter of 15 inches. All inlets in public roadways shall have a maximum spacing of 250.0 feet.

C. Drainage construction details. (See Appendix 2, Diagram 7-11.) All drainage improvements shall meet the design specifications as herein contained.

D. Storm drainage runoff quantities. Storm drainage runoff quantities for land areas less than 50 acres shall be computed using the Rational Method; for land areas greater than 50 acres, runoff shall be computed using the Hydrograph Method as described in "Urban Hydrology for Small Watersheds," Technical Release No. 55, U.S. Soil Conservation Service, January 1975. Design may all use Penn State University Method for drainage areas of 1.5 square miles.

E. Permits. The developer must obtain a dams and encroachments permit from the Pennsylvania Department of Environmental Protection for all active channel work.

13. Note: See Appendix 2, Diagrams 5-11, which are on file in the Borough offices.

14. Editor’s Note: Appendixes 1 and 2, which originally accompanied this ordinance, are on file in the Borough offices.

15. Editor’s Note: Now known as the Natural Resources Conservation Service (NRCS).
F. Storm frequencies. A twenty-five-year storm frequency will be used when calculating runoff for a major drainage area. A ten-year storm frequency will be used when calculating runoff for a minor drainage area (see definitions), to minor drainage areas storm duration of 10 minutes.

§ 187-36. Storm drainage management.

A. Purpose. The purpose of this chapter is to require land users to maintain existing surface water flows and subsurface water recharge, in order:

(1) To prevent damage to persons and property due to increased flood levels and increased channel erosion and sedimentation;

(2) To maintain the availability of surface and subsurface water supplies; and to conserve fish, forests, streams, and other ecological, recreational, and scenic resources.

B. Performance standards.

(1) Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are responsible necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:

(a) To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities; or

(b) To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

(2) Such water runoff should include any runoff from any portion of any existing surface drainage system into which water from the proposed land use drains, including but not limited to culverts, french drains, pipes, downspout, swales, ditches, manholes, inlets, gutters, lowlands, wetlands, watercourses, water bodies, hill slopes and land areas and any other device or method used to control or collect stormwater runoff.

(3) In calculating the above flows, the "Rational Method formula" or equal must be used in calculating conveyed flow, and "flood routing" or equal must be used in calculating storage and timing. All facilities proposed to make proposed land uses comply with these standards shall be designed to meet generally accepted standards and not to place any unusual maintenance burden upon the Borough. The burden of proof of compliance with these standards shall be upon the applicant.

§ 187-37. Curbs and gutters. 16

16. Note: See Appendix 2, Diagrams 1-3 and 11-15, which are on file in the Borough offices.
All subdivision streets shall have curbs. Curbs, gutters, or combination curbs and gutters shall be constructed according to the specifications set forth in Section 6411, Type A.C. and D, "Plain Cement Concrete Curb Gutter," in the Pennsylvania Department of Transportation PUB 408, latest edition (Appendix 2, Diagram 2).

A. Sidewalks.
   (1) When required. Sidewalks within a land development or subdivision may be required where necessary to assist circulation or provide access to any area within the community.
   (2) Location. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curbline.
   (3) Width. Sidewalks must be at least four feet wide. In the vicinity of shopping centers, schools, recreation areas, and other such facilities, sidewalks must be at least five feet wide and located within the street right-of-way.
   (4) Specifications. Sidewalks shall be constructed according to the specifications as set forth in Section 676, "Cement Concrete Sidewalks," in the Pennsylvania Department of Transportation Specifications, latest edition.
B. Other pedestrian walks.
   (1) When required. Other pedestrian walks within a land development or subdivision may be required where necessary to assist circulation or provide access to any area within the community.
   (2) Specifications. Pedestrian walks shall be constructed in accordance with the specifications required by the Planning Commission or the Council.

A. Sewers when required. Where a public sanitary sewer system is within 1,000 feet of a proposed subdivision or land development, the subdivider shall provide the subdivision or land development with a complete sanitary sewer system.
B. Water when required. Where a water main supply system is within 1,000 feet of, or where plans approved by the Borough provide for the installation of such public water facilities, the subdivider shall provide the subdivision with a complete water main supply system to be connected to the existing or proposed water main supply system in accordance with Borough specifications.

A. Preliminary plan approval to include all phases. Where an applicant proposes phased development of a project over time, the applicant shall comply with all requirements for
preliminary plan approval for all phases except where application content requirements have been waived in accordance with Article IV, § 187-14D, of this chapter.

B. Residential subdivision minimum phase size. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Borough Council in its discretion.

C. Independence of phases. Each phase of a development shall include the required improvements necessary to serve that phase of development as if it were the final phase of the development, independent of any proposed future phase of development.

ARTICLE VII
Enforcement

§ 187-41. Enforcement remedies; violations and penalties.

A. Civil enforcement action. When the Borough finds that any person, partnership, or corporation has violated any provision of this chapter or any condition imposed by the Borough pursuant to this chapter, or has proceeded without satisfying the requirements of this chapter, the Borough may institute civil enforcement proceedings. Magisterial District Judges shall have initial jurisdiction in proceedings brought under this section.

B. Judgment. Where a Magisterial District Judge finds the person, partnership, or corporation liable for such violations, the person, partnership, or corporation shall pay a judgment of not more than $500, plus all court costs, including reasonable attorney fees, incurred by the Borough. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge.

C. Enforcement of judgment. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

D. Continuing violations. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating the chapter to have believed that there was no such violation. In that 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 Magisterial District Judge; thereafter, each day that a violation continues shall constitute a separate violation.

E. Order of stay tolling per diem judgments. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of a violation and judgment.

§ 187-42. Preventive remedies.

A. Court actions. In addition to other remedies, the Borough may institute and maintain appropriate 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.

B. Permit denials. The Borough shall 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 chapter. This applies 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.


The provisions of this chapter, so far as they are the same as those ordinances or regulations in force prior to the enactment of this chapter or deal with the same subject matter, are intended as a continuation of ordinances or regulations and not as new enactments. The provisions of this chapter shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any repealed ordinances, regulations or parts thereof.
Chapter 192
TAXATION

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

ARTICLE I
Earned Income and Net Profits Tax

[Adopted 12-1-1966 by Ord. No. 257; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 192-1. Statutory authority.

This article is enacted under the authority of the Local Tax Enabling Act, 53 P.S. § 6901 et seq.

§ 192-2. Title.

This article shall be known and may be cited as the "Borough of California Earned Income and Net Profits Tax Ordinance."

§ 192-3. Definitions.

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

ASSOCIATION — A partnership, limited partnership or any other unincorporated group of two or more persons.

BUSINESS — An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association or any other entity.
CORPORATION — A corporation or joint-stock association organized under the laws of the United States, the Commonwealth of Pennsylvania or any other state, territory, foreign country or dependency.

CURRENT YEAR — The calendar year for which the tax is levied.

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

EARNED INCOME — Compensation as determined under Section 303 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," and regulations in 61 Pa. Code Part I, Subpart B, Article V (relating to personal income tax), not including, however, wages or compensation paid to individuals on active military service. Employee business expenses are allowable deductions as determined under Article III of the Tax Reform Code of 1971. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

EARNED INCOME AND NET PROFITS TAX OFFICER or OFFICER — That person, public employee, private agency or other entity designated by the Borough Council to collect and administer the tax on earned income and net profits.

EMPLOYER — A person, partnership, association, corporation, institution, governmental body or unit or agency or any other entity employing one or more persons for a salary, wage, commission or other compensation.

NET PROFITS — The net income from the operation of a business, profession, or other activity, except corporations, determined under Section 303 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," and regulations in 61 Pa. Code Part I, Subpart B, Article V (relating to personal income tax). The term does not include income which is not paid for services provided and which is in the nature of earnings from an investment. For taxpayers engaged in the business, profession or activity of farming, the term shall not include:

A. Any interest earnings generated from any monetary accounts or investment instruments of the farming business;

B. Any gain on the sale of farm machinery;

C. Any gain on the sale of livestock held 12 months or more for draft, breeding or dairy purposes; and

D. Any gain on the sale of other capital assets of the farm.

NONRESIDENT — A person, partnership, association or other entity domiciled outside the Borough.
PERSON or INDIVIDUAL — A natural person.

PRECEDING YEAR — The calendar year before the current year.

RESIDENT — A person, partnership, association or other entity domiciled in the Borough.

SUCCEEDING YEAR — The calendar year following the current year.

TAXPAYER — Person, partnership, association or any other entity required hereunder to file a return of earned income or net profits or to pay a tax thereon.

§ 192-4. Imposition of tax.

The following taxes are hereby imposed, for general municipal purposes and for retention by the Borough, under the authority of Act No. 511 of 1965, the Local Tax Enabling Act:\footnote{Editor’s Note: See 53 P.S. § 6901 et seq.}

A. One half of 1% of all earned income earned during the current year by residents.

B. One half of 1% of all earned income earned during the current year by nonresidents for work done or services rendered in the Borough of California.

C. One half of 1% of all net profits earned during the current year by businesses, professions and other activities conducted by residents.

D. One half of 1% of the net profits earned during the current year by businesses, professions and other activities conducted in the Borough of California by nonresidents.

§ 192-5. Exemption.

Persons whose total income from all sources is less than $12,000 per annum are hereby exempted from this tax.

§ 192-6. Declaration and payment of tax.

A. Net profits.

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

(2) Any taxpayer who first anticipates any net profit after April 15 of the current year shall make and file the declaration required on or before June 15 of the current year, September 15 of the current year or December 31 of the current

\footnote{Editor’s Note: See 53 P.S. § 6901 et seq.}
year, whichever of these dates next follows the date on which the taxpayer first anticipates such net profit and pay to the Officer in equal installments the tax due thereon on or before the quarterly payment dates which remain after the filing of the declaration.

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

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

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

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

B. Earned income.

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

(2) Earned income not subject to withholding. Every taxpayer who is employed for a salary, wage, commission or other compensation and who received any earned income not subject to the provisions relating to collection at source, shall make and file with the Officer on a form prescribed or approved by the Officer, a quarterly return on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, setting forth the aggregate amount of earned income not subject to withholding earned by him during the three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively, and subject to the tax, together with such other information as
§ 192-6 CALIFORNIA CODE § 192-7

the Officer may require. Every taxpayer making such return shall at the time of filing thereof pay to the Officer the amount of tax shown as due thereon.

§ 192-7. Collection at source.

A. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the Borough who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, who has not previously registered, shall, within 15 days after becoming an employer, register with the Officer his name and address and such other information as the Officer may require.

B. Every employer having an office, factory, workshop, branch warehouse or other place of business within the Borough who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, shall deduct at the time of payment thereof, the tax imposed by this article on the earned income due to his employee or employees and shall, on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a return and pay to the Officer the amount of taxes deducted during the preceding three-month period ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively. Such return unless otherwise agreed upon between the Officer and employer shall show the name and social security number of each such employee, the earned income of such employee during said preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employee, the total earned income of all such employees during such preceding three-month period and the total tax deducted therefrom and paid with the return.

C. Any employer who for two of the preceding four quarterly periods has failed to deduct the proper tax, or any part thereof, or has failed to pay over the proper amount of tax to the Borough, may be required by the Officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the Officer on or before the last day of the month succeeding the month for which the tax was withheld.

D. On or before February 28 of the succeeding year, every employer shall file with the Officer:

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

2. A return withholding statement for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year, setting forth the employee’s name, address and social security number, the amount of earned income paid to the employee during said period, the amount of tax deducted, the political subdivisions imposing the tax upon such employee and the amount of tax paid to the Officer. Every employer shall furnish two copies of the individual return to the employee for whom it is filed.
§ 192-7  TAXATION  § 192-8

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

F. Except as otherwise provided in Section 9 of Act 511 of 1965, every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for payment of the taxes which he was required to withhold to the extent that such taxes have not been recovered from the employee.

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


A. It shall be the duty of the Officer to collect and receive the taxes, fines and penalties imposed by this article. It shall also be his duty to keep a record showing the amount received by him from each person or business paying the tax and the date of such receipt.

B. The Officer, before entering upon his official duties, shall give and acknowledge a bond to the Borough in such amount and with such surety as designated from time to time by the Borough Council.

C. The Officer is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the reexamination and correction of declarations and returns and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred and to make refunds in case of overpayment, for any period of time not to exceed six years subsequent to the date of payment of the sum involved, and to prescribe forms necessary for the administration of this article. No rule or regulation of any kind shall be enforceable unless it has been approved by resolution of the Borough Council. A copy of such rules and regulations currently in force shall be available for public inspection.

D. The Officer shall refund, on petition of and proof by the taxpayer, earned income tax paid on the taxpayer's ordinary and necessary business expenses to the extent that such expenses are not paid by taxpayer's employer.

E. The Officer and agents designated by him are hereby authorized to examine the books, papers and records of any employer or of any taxpayer or of any person whom the Officer reasonably believes to be an employer or taxpayer, in order to verify the accuracy of any declaration or return or if no declaration or return was filed, to ascertain the tax due. Every employer and every taxpayer and every person whom the Officer reasonably believes to be an employer or taxpayer is hereby directed and required to give to the Officer, or to any agent designated by him, the means, facilities and opportunity for such examination and investigations, as are hereby authorized.

2. Editor's Note: See 53 P.S. § 6901 et seq.
F. Any information gained by the Officer, his agents or by any other official or agent of the Borough, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this article shall be confidential, except for official purposes and except in accordance with a proper judicial order or as otherwise provided by law.

G. The Officer is authorized to establish different filing, reporting and payment dates for taxpayers whose fiscal years do not coincide with the calendar year.

H. The Officer shall distribute earned income taxes to the appropriate political subdivisions within 60 days of the deadline for payment by an employer as set forth in § 192-7B. The political subdivisions shall not be required to request the Officer to distribute the funds collected but shall at least annually reconcile their receipts with the records of the Officer and return to or credit the Officer with any overpayment. A political subdivision shall not be required to pay a fee or commission to the other political subdivision or its tax officer for tax revenue distributed under this subsection. If the Officer, within one year after receiving a tax payment, cannot identify the taxing jurisdiction entitled to a tax payment, he shall make payment to the municipality in which the tax was collected. If earned income taxes are not distributed to the appropriate political subdivision within one year of receipt, the political subdivision may make a written demand on a tax officer or political subdivision for tax revenues collected and attributable to residents of the political subdivision making the demand. If the taxes attributable to residents of the political subdivision making the demand are not paid within 30 days from the date of the demand, the political subdivision, person, public employee or private agency designated by the political subdivision may enter into an arbitration agreement with the officer under 42 Pa.C.S.A. Ch. 73, Subch. A (relating to statutory arbitration), or bring an action in an appropriate court of common pleas in the name of the taxing district for the recovery of taxes not distributed in accordance with this subsection. The action must be brought within seven years of the collection of the taxes.

The Officer shall receive such compensation for his services and expenses as determined by the Borough Council.

§ 192-10. Suit for collection of tax.
A. The Officer may sue in the name of the Borough for the recovery of taxes due and unpaid under this article.

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

(1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under provisions of this article there shall be no limitation.
(2) Where an examination of the declaration or return filed by any person or of other evidence relating to such declaration or return in the possession of the Officer reveals a fraudulent evasion of taxes there shall be no limitation.

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

(4) Where any person has deducted taxes under the provision of this article and has failed to pay the amounts so deducted to the Officer, or where any person has willfully failed or omitted to make the deductions required by § 192-7, there shall be no limitation.

C. This section shall not be construed to limit the Borough Council from recovering delinquent taxes by any other means provided by law.

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

§ 192-11. Interest and penalties.

A. If for any reason the tax is not paid when due, interest at the rate of 6% per annum on the amount of said tax and an additional penalty of 1/2 of 1% of the amount of the said tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

B. Notwithstanding the provisions of Subsection A, the governing body may, by ordinance or resolution, establish a one-time period during which interest or interest and penalties that would otherwise be imposed for the nonreporting or underreporting of earned income tax liabilities or for the nonpayment of earned income taxes previously imposed and due shall be waived in total or in part if the taxpayer voluntarily files delinquent returns and pays the taxes in full during the period so established. The governing body may adopt regulations to implement the provisions of this subsection.

C. The provisions of Subsection B shall not affect or terminate any petitions, investigations, prosecutions or other proceedings pending under the provisions of this article or prevent the commencement or further prosecution of any proceedings by the proper authorities for violations of this article. No proceedings shall, however, be commenced on the basis of delinquent returns filed pursuant to Subsection B, if the returns are determined to be substantially true and correct and the taxes are paid in full within the prescribed time.

§ 192-12. Violations and penalties.

A. Any person who fails, neglects or refuses to make any declaration or return required by this article, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees or fails, neglects or refuses to deduct or withhold the tax
§ 192-12. Applicability.

This article shall not apply to any person or property as to whom or which it is beyond the legal power of the Borough to impose the tax or duties herein provided for.

ARTICLE II
Per Capita Tax
[Adopted 12-18-1972 by Ord. No. 304]


In addition to other taxes provided by law and levied and collected annually by the Borough of California, a per capita tax of $5 on each resident or inhabitant of the Borough of California over 18 years of age is hereby levied and assessed for the present fiscal year for general revenue purposes.


The said per capita tax shall be collected by such officer as the Borough of California shall by resolution hereinafter appoint.
The collector may sue for the recovery of the tax due and unpaid under this article. Where suit is brought for the recovery of said tax, the person liable therefor shall, in addition, be liable for the costs of collection, and for any interest and penalties imposed.

§ 192-17. Failure to pay tax; violations and penalties.
Any person who fails, neglects, or refuses to pay the said tax imposed by this article shall, upon conviction therefor before any Magisterial District Judge of California Borough, Washington County, Pennsylvania, be sentenced to pay a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days. The penalties imposed under this section shall be in addition to any other penalties imposed by any other applicable statutes and laws of the Commonwealth of Pennsylvania.

A. Persons whose total income from all sources is less than $12,000 per annum are hereby exempted from this tax. Proof of eligibility for exemption shall be the same proof acceptable under federal and state statutes or insurance applications. 3
B. Every taxpayer claiming exemption under this article shall file with the designated Borough official on prescribed forms all such information deemed necessary to ascertain eligibility.

ARTICLE III
Occupational Privilege Tax
[Adopted 1-8-1973 by Ord. No. 305]

§ 192-19. Definitions and word usage.
A. The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context or language clearly indicated or requires a different meaning:

CALIFORNIA BOROUGH — The geographic and corporate limits of the Borough of California, Washington County, Pennsylvania.

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

FISCAL YEAR — The twelve-month period beginning January 1 of any year and ending on December 31 of the same year.

3. Editor’s Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
§ 192-19. INDIVIDUAL. — Any person, male or female, engaged in any occupation, trade or profession within the geographic and corporate limits of the Borough of California.

OCCUPATION. — Any trade, profession, business or undertaking or any type, kind or character, including services, domestic or otherwise, carried on or performed within the geographic and corporate limits of the Borough of California for which compensation is charged or received, whether by means of salary, wages, commissions or fees for services rendered.

TAX. — The occupation privilege tax in the amount of $5 levied by this article.

TAX RECEIVER. — The tax receiver of the Borough of California, as appointed by the Council to collect occupation privilege taxes.

B. "He," "his" or "him" indicates the singular and plural number as well as male, female, and neuter gender.

§ 192-20. Imposition of tax; exemption.

A. The Borough of California hereby levies and imposes on each occupation engaged in by individuals within the geographic and corporate limits of the Borough during the fiscal year an occupational privilege tax. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Borough of California.

B. Persons whose total income from all sources is less than $12,000 per annum are hereby exempted from this tax. Proof of eligibility for exemption shall be the same proof acceptable under federal and state statutes or insurance applications. Every taxpayer claiming exemption under this article shall file with the designated Borough official on prescribed forms all such information deemed necessary to ascertain eligibility. [Added 4-27-1978 by Ord. No. 334; amended 12-28-1978 by Ord. No. 343]


Beginning 30 days after the enactment of this article, each occupation, as hereinbefore defined, engaged in within the geographic and corporate limits of the Borough of California shall be subject to an occupation privilege tax in the amount of $5 per annum, said tax to be paid by the individual so engaged.

§ 192-22. Returns.

Each employer shall prepare and file a return showing the compensation of the tax on forms to be supplied to him by the tax receiver.

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4. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. I).
§ 192-23. Dates for determining tax liability and payment.

A. Each employer shall use his employment records from the first day of January to the 15th day of May of each year for determining the number of employees from whom said tax shall be deducted and paid over to the tax receiver on or before June of each year. Supplemental reports shall be made by each employer, on August 15 and October 15 of each year, of new employees as reflected on his employment records from May 15 to August 15 and from August 15 to October 15. Payments on the supplemental reports shall be made on September 15 and November 15, respectively.

B. For the year 1973, each employer shall use his employment records beginning from 30 days after the enactment of this article to December 31, 1973, for determining the number of employees from whom to deduct said tax.


Each employer within the Borough of California, as well as those employers situated outside the Borough of California but who engage in business within the Borough of California, is hereby charged with the duty of collecting from each of his employees engaged by him and performing for him within the Borough of California the said tax of $5 per annum and making a return and payment thereof to the tax receiver. Further, each employer is hereby authorized to deduct the tax from each employee in his employ, whether such employee is paid by salary, wages, or commission, and whether or not part or all such services are performed within the Borough of California.

§ 192-25. Individuals engaged in more than one occupation.

Each individual who shall have more than one occupation within the Borough of California shall be subject to the payment of this tax on his principal occupation, and his principal employer shall deduct this tax and deliver to him evidence of deduction on a form to be furnished to the employer by the tax receiver, which form shall be evidence of the deductions having been made, and, when presented to any other employer, shall be authority for such employer to not deduct this tax from the employee’s wages, but to include such employee on his return by setting forth his name, address, and the name and account number of the employer who deducted this tax.

§ 192-26. Self-employed individuals.

All self-employed individuals who perform services of any type or kind, engage in any occupation or profession within the Borough of California, shall be required to comply with this article and pay the tax to the tax receiver on or before September 1, 1973, or as soon thereafter as he engages in any occupation.

§ 192-27. Employers and self-employed individuals residing beyond Borough limits.

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

A. It shall be the duty of the tax receiver to accept and receive payments of this tax, and to keep a record thereof showing the amounts received by him from each employer or self-employed person, together with the date the tax was received.

B. The tax receiver is hereby charged with the administration and enforcement of this article and is hereby charged and empowered to prescribe, adopt, and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination and correction of any return made in compliance with this article and any payment alleged or found to be incorrect, or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the tax receiver shall have the right to appeal to the Court of Common Pleas of Washington County, Pennsylvania, as in other cases provided.

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

§ 192-29. Suits for collection.
A. In the event that any tax under this article remains due or unpaid within 30 days after the due dates above set forth, the tax receiver may sue for the recovery of any such tax due or unpaid under this article together with interest and penalty.

B. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of said tax shall be calculated beginning with the due date of said tax and penalty of 5% shall be added to the first rate of said tax for nonpayment thereof. Where suit is brought for the recovery of this tax, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

§ 192-30. Violations and penalties.
Whoever makes any false or untrue statement on any return required by this article, or who refuses inspection of his books, records or accounts in his custody and control, setting forth the number of employees subject to this tax who are in his employment, or whoever fails or refuses to file any return required by this article shall, upon conviction before any Magisterial District Judge, be sentenced to pay a fine of not less than $100 nor more than $600, plus costs.
of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days, for each offense. It is further provided that the action to enforce the fine and penalty herein provided be instituted against any person in charge of the business of any employer who has failed or refuses to file a return required by this article.

§ 192-31. Saving clause.
A. Nothing contained in this article shall be construed to empower the Borough of California to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Borough of California under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

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

§ 192-32. When effective.
This article shall become effective 30 days from its adoption and remain in full force and effect for the balance of the year 1973, and thereafter pursuant to the revision of Act 511.5

ARTICLE IV
Occupation Tax
[Adopted 1-28-1980 by Ord. No. 354]

§ 192-33. Definitions and word usage.
A. Unless otherwise expressly stated, the following terms shall have, for the purpose of this article, the meaning herein indicated:

COLLECTOR — The person elected or designated by the Council of the Borough to collect or receive the taxes imposed by this article.

PERSON — Any natural person.

RESIDENT — Any person living or residing in the Borough of California.

TAXPAYER — Any person required to pay the occupation tax hereunder.

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

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5. Editor's Note: See 53 P.S. § 6901 et seq.
§ 192-34. Imposition of tax.

In addition to the other taxes provided by ordinance of the Borough of California, there is hereby imposed, for general revenue purposes, an annual tax of $5 upon every resident of the Borough of California who shall have attained the age of 18 years on or before the first Monday of January 1980, the first day of the fiscal year for which the tax is levied.

§ 192-35. Notice of tax due.

On or before the first day of March 1980, the collector shall send to every resident of the Borough of California over the age of 18 years a notice of the occupation tax due by such resident for the fiscal year 1980. Such notice shall be on a form prescribed by the Council of the Borough of California; provided, however, that the failure or omission of the collector to send, or of any taxpayer to receive, such notice shall not relieve such person from the payment of such tax; provided, further, that any person who shall become a resident of the Borough of California after the first Monday of January 1980 shall not be liable for the tax for that fiscal year; any person who shall cease to be a resident at any time after the first Monday of January 1980 shall be liable for the full amount of the occupation tax for such year.

§ 192-36. Discount and penalty.

All taxpayers subject to the payment of the tax under this article shall be entitled to a discount of 2% on the amount of such tax upon making payment of the whole amount thereof within two months after the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes imposed against them for four months after the date of the notice shall be charged a penalty of 5%, which penalty shall be added to the taxes by the collector and collected by him. The collector shall furnish a receipt to every person paying such tax.

§ 192-37. Recovery of tax.

All taxes levied under this article, together with all penalties, shall be recoverable by the collector in the manner authorized by law as provided in the Local Tax Enabling Act, No. 511.6

§ 192-38. Audit of accounts.

The collector to be appointed by the Borough for the collection of this tax shall have his accounts audited at least once every year by whomever performs the regular audit for the Borough of California.


Any person convicted before any Magisterial District Judge of violating or failing to carry out any of the provisions of this article; or failing, neglecting, or refusing to pay any taxes or

6. Editor's Note: See 53 P.S. § 6901 et seq.
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penalties; or of attempting to do anything whatsoever to avoid the payment of the whole or any part of the tax imposed under this article, shall be liable to a fine of not less than $100 nor more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, by imprisonment for not more than 30 days, for each and every offense; provided that such fine or penalty shall be in addition to any other penalty imposed by any other section of this article.

§ 192-40. Exemption. [Amended 2-12-1990 by Ord. No. 386]

A. Persons whose total income from all sources is less than $12,000 per annum are hereby exempted from this tax. Proof of eligibility for exemption shall be the same proof acceptable under federal and state statutes or insurance applications.

B. Every taxpayer claiming exemption under this article shall file with the designated Borough official on prescribed forms all such information deemed necessary to ascertain eligibility.

ARTICLE V
Realty Transfer Tax
[Adopted by Ord. No. 378; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 192-41. Short title.

This article shall be known as the "Realty Transfer Tax Ordinance of the Borough of California."

§ 192-42. Authority.

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

§ 192-43. Definitions.

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

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

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
CORPORATION — A corporation, joint-stock association, business trust, or banking institution which is organized under the laws of this commonwealth, the United States, or any other state, territory, foreign country or dependency.

DOCUMENT — Any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding 30 years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under § 192-48 of this article.

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

A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;
B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;
C. Fur farming;
D. Stockyard and slaughterhouse operations; or
E. Manufacturing or processing operations of any kind.

FAMILY FARM PARTNERSHIP — A partnership of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of the interests in the partnership are continuously owned by members of the same family. The business of agriculture shall include the leasing to members of the same family of property which is directly and principally used for agricultural purposes. The business of agriculture shall not be deemed to include:

A. Recreational activities, such as but not limited to hunting, fishing, camping, skiing, show competition or racing;
B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;
C. Fur farming;
D. Stockyard and slaughterhouse operations; or
E. Manufacturing or processing operations of any kind.
LIVING TRUST — Any trust, other than a business trust, intended as a will substitute by the settlor which becomes effective during the lifetime of the settlor, but from which trust distributions cannot be made to any beneficiaries other than the settlor prior to the death of the settlor.

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

ORDINARY TRUST — Any trust, other than a business trust or a living trust, which takes effect during the lifetime of the settlor and for which the trustees of the trust take title to property primarily for the purpose of protecting, managing or conserving it until distribution to the named beneficiaries of the trust. An ordinary trust does not include a trust that has an objective to carry on business and divide gains, nor does it either expressly or impliedly have any of the following features: the treatment of beneficiaries as associates, the treatment of the interests in the trust as personal property, the free transferability of beneficial interests in the trust, centralized management by the trustee or the beneficiaries, or continuity of life.

PERSON — Every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

REAL ESTATE —
A. All lands, tenements or hereditaments within the Borough of California including without limitation buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees, and other improvements, immovables or interests which by custom, usage or law pass with a conveyance or land, but excluding permanently attached machinery and equipment in an industrial plant.
B. A condominium unit.
C. A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY — A corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, 90% or more of the ownership interest in which is held by 35 or fewer persons and which:
A. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; or
B. Holds real estate, the value of which comprises 90% or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.
TITLE TO REAL ESTATE —

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

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

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

VALUE —

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

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

C. In the case of an easement or other interest in real estate the value of which is not determinable under Subsection A or B, the actual monetary worth of such interest; or

D. The actual consideration for or actual monetary worth of any executor agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.
§ 192-44. Imposition of tax; interest.

A. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay, for retention by the Borough, and in respect to the transaction or any part thereof, a tax at the rate of 1/2 of 1% of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company.

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

C. It is the intent of this article that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. § 6901 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Borough of California under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2 of the rate and such 1/2 rate shall become effective without any action on the part of the Borough of California, provided, however, that the Borough of California and any other political subdivision which imposes such tax on the same person or transfer may agree that, instead of limiting their respective rates to 1/2 of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.

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

§ 192-45. Exempt parties.

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

§ 192-46. Excluded transactions.

A. The tax imposed by section shall not be imposed upon:

(1) A transfer to the commonwealth, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation.
§ 192-46 CALIFORNIA CODE § 192-46

(2) A document which the Borough of California is prohibited from taxing under the Constitution or statutes of the United States.

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

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

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

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

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

(8) A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries that are entitled to receive the property or proceeds from the sale of the property under the trust, whether or not such beneficiaries are contingent or specifically named. A trust clause which identifies the contingent beneficiaries by reference to the heirs of the trust settlor as determined by the laws of the intestate succession shall not disqualify a transfer from the exclusion provided by this clause. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.

(9) A transfer for no or nominal actual consideration to a trustee of a living trust from the settlor of the living trust. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of the living trust instrument.

(10) A transfer for no or nominal actual consideration from a trustee of an ordinary trust to a specifically named beneficiary that is entitled to receive the property under the recorded trust instrument or to a contingent beneficiary where the transfer of the same property would be exempt if the transfer was made by the grantor of the property into the trust to that beneficiary. However, any transfer of
real estate from a living trust during the settlor's lifetime shall be considered for the purposes of this article as if such transfer were made directly from the settlor to the grantee.

(11) A transfer for no or nominal actual consideration from a trustee of a living trust after the death of the settlor of the trust or from a trustee of a trust created pursuant to the will of a decedent to a beneficiary to whom the property is devised or bequeathed.

(12) A transfer for no or nominal actual consideration from the trustee of a living trust to the settlor of the living trust if such property was originally conveyed to the trustee by the settlor.

(13) A transfer for no or nominal actual consideration from trustee to successor trustee.

(14) A transfer for no or nominal actual consideration between principal and agent or straw party; or from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this article. Where the document by which title is acquired by a grantee or agreement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.

(15) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this article.

(16) A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.

(17) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt or the grantee or a transfer to a nonprofit industrial development agency or authority.

(18) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:

(a) The grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and

(b) The agency or authority has the full ownership interest in the real estate transferred.
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(19) A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

(20) Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transfer or for commercial purposes.

(21) A transfer to a conservancy which possesses a tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, [68A Stat. 3, 26 U.S.C. § 501(c)(3)] and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities; or a transfer from such a conservancy to the United States, the commonwealth or to any of their instrumentalities, agencies or political subdivisions; or any transfer from such a conservancy where the real estate is encumbered by a perpetual agricultural conservation easement as defined by the act of June 30, 1981 (P.L. 128, No. 43), known as the "Agricultural Area Security Law," and such conservancy has owned the real estate for at least two years immediately prior to the transfer.

(22) A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least 75% of each class of the stock thereof.

(23) A transfer of real estate devoted to the business of agriculture to a family farm partnership by a member of the same family, which family directly owns at least 75% of the interests in the partnership.

(24) A transfer between members of the same family of an ownership interest in a real estate company, family farm corporation or family farm partnership which owns real estate.

(25) A transaction wherein the tax due is $1 or less.

(26) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

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

§ 192-47. Documents relating to associations or corporations and members, partners, stockholders or shareholders thereof.

Except as otherwise provided in § 192-46, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this
article, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

A. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90% or more of the total ownership interest in the company within a period of three years.
B. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this article.
C. A family farm partnership is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm partnership or when, because of transfer of partnership interests or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm partnership under this article.
D. Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

§ 192-49. Credits against tax.
A. Where there is a transfer of a residential property by a licensed real estate broker, which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of 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.
B. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.
C. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.
D. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

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

§ 192-50. Extension of lease.

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

§ 192-51. Proceeds of judicial sale.

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


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

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

C. On or before the 10th of each month, the Recorder shall pay over to the Borough of California all local realty transfer taxes collected, less 2% for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The two-percent commission shall be paid to the county.

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

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

§ 192-54. Civil penalties.

A. If any part of any underpayment of tax imposed by this article is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.

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

§ 192-55. Tax to become lien.

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

§ 192-56. Enforcement.

All taxes imposed by this article, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.
§ 192-57. Regulations.

The Borough Council of the Borough of California is charged with enforcement and collection of the tax and is empowered to regulate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. § 8101-C et seq. are incorporated into and made a part of this article.

ARTICLE VI
Local Taxpayers Bill of Rights
[Adopted 12-10-1998 by Ord. No. 455]

§ 192-58. Adoption and compliance.

Borough Council hereby generally adopts the provisions of the Local Taxpayers Bill of Rights and hereby mandates that Pennsylvania Municipal Service Co. ("PAMS") shall take all appropriate action to be in compliance with the provisions of the Local Taxpayers Bill of Rights when carrying out its duties as earned income and occupational privilege tax collector for the Borough of California.


The Council of the Borough of California does hereby adopt the form of Disclosure Statement of the Local Taxpayers Bill of Rights attached hereto and made a part hereof, as amended from time to time in order to be in compliance with applicable law, providing an explanation of taxpayer rights and the obligations of the Borough of California by and through said Pennsylvania Municipal Service Co.

§ 192-60. Administrative appeals procedures.

The Council of the Borough of California hereby adopts and establishes the Act 50 Administrative Appeals Procedures, attached hereto and made a part hereof, as amended from time to time in order to be in compliance with applicable law, providing for the right of taxpayers to receive determinations on petitions pertaining to the assessment, determination or refund of eligible taxes.

§ 192-61. Hearing officer.

The Council of the Borough of California hereby appoints and designates Pennsylvania Municipal Service Co. as hearing officer to adjudicate all taxpayer petitions pertaining to the assessment, determination or refund of the eligible taxes.

8. Editor's Note: The Disclosure Statement is on file in the Borough offices.

9. Editor's Note: The Act 50 Administrative Appeals Procedures are on file in the Borough offices.
§ 192-62. Taxpayer rights coordinator.

The Council of the Borough of California hereby appoints and designates Pennsylvania Municipal Service Co. as the taxpayer rights coordinator to act as a liaison between the taxpayer and the local taxing authority in any disputes or with regards to any complaints.

§ 192-63. Annual fee. 10

The annual fee of PAMS, as set from time to time, for the additional services to be rendered by it for purposes of taking all appropriate actions to be in compliance with the Local Taxpayers Bill of Rights, including, but not limited to, acting as hearing officer and acting as taxpayers rights coordinator, is hereby approved.

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
Chapter 199

VEHICLES AND TRAFFIC

[Comprehensive legislation regulating vehicles and traffic within the Borough of California is currently under review before the Borough Council. Upon final adoption, said legislation will be included here.]
Chapter 205
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[HISTORY: Adopted by the Borough Council of the Borough of California 12-8-2005 by Ord. No. 496.1 Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 89.
Junkyards and junk dealers — See Ch. 128.
Rental housing — See Ch. 160.
Sewers and sewage disposal — See Ch. 168.

Stormwater management — See Ch. 181.
Streets and sidewalks — See Ch. 184.
Subdivision and land development — See Ch. 187.

ARTICLE I
General Provisions

§ 205-1. Titles.

A. Long title: "An ordinance of California Borough, Washington County, Pennsylvania, to establish zoning regulations for the use of land, watercourses, other bodies of water, and structures; defining and regulating the size, height, bulk, location, erection, construction, repair, maintenance, alteration, demolition, area, intensity of use and dimensions of land, structures, and bodies of water for agriculture, business, environment, industry, residence, public service or other purposes; the density of population and intensity of use; the provision of design specifications and performance standards; the percentage of lot which may be occupied; the size of yards and other open spaces; the establishment of legislative, administrative, enforcement, and appeal procedures; and the prescribing of remedies for violations."

B. Short title. This chapter shall be known and cited as the "California Borough Zoning Ordinance of 2005."

§ 205-2. Compliance with Municipalities Planning Code.

This chapter has been written to reflect the provisions of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended)2 in that zoning ordinances shall be designed:

A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and the proper density of population; the provisions of adequate light and air; access to incident solar energy; police protection; vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of

1. Editor’s Note: The administrative provisions set forth in original Sections I through VI of this ordinance are on file in the Borough offices.

2. Editor’s Note: See 53 P.S. § 10101 et seq.
the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangement, mobile homes and mobile home parks; provided, however, that this chapter shall not be deemed invalid for the failure to provide for any other specific dwelling type.

E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development for a variety of residential dwelling types and nonresidential uses.


This chapter is enacted to promote an orderly plan of development according to the goals, objectives and recommendations of the California Borough Comprehensive Plan. The Comprehensive Plan includes data on existing conditions with reasonable consideration to the existing character of the various areas within the municipalities and the respective suitability to particular land uses.

§ 205-4. General purposes.

The general purposes, which are the basis for the provisions and regulations of this chapter, are set forth in the Borough Comprehensive Plan. The zoning regulations and districts set forth in this chapter are made in accordance with the Comprehensive Plan for the general welfare of the municipalities and the promotion of the health, safety, morals, convenience, and order of present and future residents of California Borough and are intended, but not limited, to achieving the following objectives:

A. To implement the policy goals and strategies of the Comprehensive Plan.

B. To promote a sustainable community by ensuring that future development meets the economic and social needs of the residents in a manner that does not destroy the productivity or health of its natural systems.

C. To promote and facilitate coordinated and practical community development in relation to infrastructure facilities.

D. To provide standards to control the amount of open space and impervious surfaces within a development and to control the intensity of development in areas of sensitive natural
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resources or natural features in order to reduce or eliminate adverse environmental impacts.

E. To reduce the financial burdens imposed on the community and protect the tax base by preventing excessive or inappropriate development or uses within the municipalities.

F. To attract new businesses that will complement the existing economic structure within the region.

G. To better utilize vacant and underutilized properties.

§ 205-5. Applicability.

The provisions of this chapter shall apply to all zoning districts, lots, structures, land developments and subdivisions within the municipal boundaries of California Borough, Washington County, Pennsylvania.

§ 205-6. Compliance with chapter.

A. In all districts, after the effective date of this chapter, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed as nonconforming and be subject to the nonconforming regulations of this chapter.

B. No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this chapter, and the subsequent lawful issuance of all permits and certifications required by this chapter.

§ 205-7. Interpretation.

In interpreting and applying the provisions of this chapter, these provisions shall be held to be the minimum requirements.

A. It is not intended by this chapter to interfere with, or abrogate or annul, any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued, except those specifically or implicitly repealed by this chapter, or any private restriction placed upon property by covenant, deed, or other private agreement, unless repugnant hereto.

B. Whenever this chapter imposes a greater restriction upon the use of buildings or premises, open spaces or lot areas, or imposes higher standards other than those which are required in, or under, any other statute, the provisions of the regulations made under the authority of this chapter shall govern.

C. Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for California Borough shall not be considered to be in conflict with the provisions of this chapter.
§ 205-8. Uses for which no provision is made.

Whenever, in any district established under this chapter, a use is not specifically permitted and an individual makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to, and compatible with, permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter or any provision permitting the same, provided that the same shall comply and follow all requirements of this chapter.


It is hereby declared to be the intent of the Borough Council of California Borough that:

A. If any provision, article, section, subsection, paragraph, sentence of phrase of this chapter is for any reason held to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter which shall continue to be separately and fully effective; and

B. If the application of any provision or provisions of this chapter to any lot, building or any other structure or tract of land is found to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy and the application of any such provisions to other persons, property or situations shall not be affected.

ARTICLE II
Definitions


For the purpose of this chapter the following rules shall apply:

A. The particular shall control the general.

B. The words "shall" and "will" are mandatory and not discretionary. The word "may" is permissive.

C. If there is a difference in meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

D. Words used in the present tense include the future tense.

E. The singular includes the plural and the plural the singular.

F. The terms "occupied" or "used" shall be construed to be followed by the words "or intended, arranged or designed to be occupied or used."

G. The word "person" includes an individual, corporation, partnership, unincorporated association or any other similar entity.
H. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.

I. The masculine shall include the feminine and the neuter.

§ 205-11. Meanings of words.

Unless otherwise expressly stated, the following words, for the purpose of this chapter, shall have the meaning herein indicated. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.


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

ABANDONED VEHICLE — Any vehicle that is not in a building or garage and which does not have a current Pennsylvania registration and/or a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land or upon the property of a state-authorized automotive repair facility.

ABANDONMENT — An intentional and absolute relinquishment and cessation of a use for any period of time without intention to resume said use or the voluntary discontinuance of a use for a continuous period of one year or more without reference to intent. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever occurs first, and residential abandonment shall be measured from the last date of occupancy.

ACCESSORY USE — An activity or use that is incidental to, and generally found in connection with, the principal use on the property. An accessory building contains an accessory use.

ADULT BOOKSTORE/VIDEO STORE — A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: (1) adult media that includes books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassette or video reproductions, slides or other visual representations which depict or describe specified sexual activity or specified anatomical areas; or (2) instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions; and meets at least one of the following criteria:

A. More than 30% of the floor area is devoted to adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions (not including storerooms, stock areas, bathrooms, basements, or any other portion of the business not open to the public);

B. More than 30% of the gross sales (including rentals) result from the sale or rental of adult media instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions;
C. More than 30% of the dollar value of all merchandise displayed at any time is attributable to adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions;

D. More than 30% of all inventory consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions at any time;

E. More than 30% of the merchandise displayed for sale consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions; or

F. More than 30% of the stock-in-trade consists of such items at any time.

ADULT CABARET — A nightclub, bar, restaurant or similar commercial establishment which features: persons who appear in the state of nudity; live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or by specified sexual activity.

ADULT DAY-CARE FACILITY — Any building, or portion of a building, other than the client's residence, in which services are provided or arranged to assist in meeting the needs, including personal care, social, nutritional, health, and educational needs for part of a twenty-four-hour day. Care is provided for more than six persons unrelated to the operator. The facility must be licensed by the commonwealth and conducted in accordance with commonwealth requirements.

ADULT ENTERTAINMENT — An exhibition of any adult-oriented motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. This also includes a live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers.

ADULT LIVE THEATER — A theater, affair, hall, auditorium, or similar commercial establishment which regularly features persons who appear in the state of nudity or seminudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ADULT MOTION-PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT-ORIENTED ESTABLISHMENT — Includes any use meeting the definition for this term in Title 68, Chapter 55, of the Pennsylvania Consolidated Statutes, as amended, and, without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores; adult motion-picture theaters; adult mini motion-picture theaters;
adult drive-in movie theaters; adult motels; massage parlors; any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member. "Motion pictures" shall include material, chat rooms and other material available through the Internet and motion pictures or videos available through cable, satellite or other television services on computers or equipment used in the establishment; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. The term "booths," "cubicles," "rooms," "studios," "compartments" or "stalls," for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

ADULT RETAIL ESTABLISHMENT — A business which offers for sale or rent instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with specified sexual activities, clothing that graphically depicts specified anatomical areas or any of the material sold or rented in an adult bookstore/video store, if a substantial or significant portion of such items are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. Substantial or significant portion shall be construed to meet at least one of the criteria established for adult bookstore/video store.

AGRICULTURAL BUILDING — A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. Such structure shall not be a place of human habitation or a year-round place of employment where agricultural products are processed, treated, or packaged; nor shall it be a building or structure open year-round for use by the public. A farmer's market building will be considered an agricultural building so long as it is located on the farmstead where the products are grown.

AGRICULTURAL OPERATION — An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AIRPORT — An area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings
and facilities thereon. Unless indicated otherwise, "airport" shall include heliports and public airports.

A. PRIVATE AIRPORT — An airport that is privately owned and which is not open or intended to be open to the public.

B. PUBLIC AIRPORT — An airport that is either publicly or privately owned and is open to the public.

AIR RIGHTS — The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development that is necessary or legally required for the full and free use of the ground surface.

ALLEY, LANE or WAY — Any roadway or public way dedicated for public use and 20 feet or less in width. No main building/structure shall have its frontage on an alley.

ALTERATION, STRUCTURAL — Any change or rearrangement of supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, enclosing walls, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMUSEMENT PARK — An establishment existing primarily for entertainment purposes and offering rides and exhibitions for a fee.

AMUSEMENT/RECREATION CENTER — An establishment that is not sexually oriented and offers recreation, entertainment, or games to the general public for a fee or charge.

A. INDOOR AMUSEMENT CENTER — An entirely enclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include bowling alleys, athletic courts, indoor swimming pool, movie theaters, playhouses, indoor golf centers, indoor batting cages or any other similar use.

B. OUTDOOR AMUSEMENT CENTER — A partially or entirely unenclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include miniature or pitch and putt golf courses, batting cages, swimming pools, athletic courts, or any other similar use.

ANIMAL EQUIVALENT UNIT — One thousand pounds of animal weight as designated under the Pennsylvania Nutrient Management Act.

ANIMAL FEEDING OPERATION (AFO) — An animal housing facility that stables, confines, and feeds or maintains animals for a total of 45 days or more in any twelve-month period including the facility areas that do not sustain vegetation.

ANIMAL HUSBANDRY — The raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility that is intended as a business or gainful occupation, or any keeping of animals for any reason beyond what is allowed in a permitted stable or kennel or under the keeping of pets. This term shall not

3. Editor's Note: The Nutrient Management Act was repealed 7-6-2005 by P.L. 112, No. 38. See now 3 Pa.C.S.A. § 501 et seq.
§ 205-12 ZONING § 205-12

include a bulk commercial slaughterhouse or a central commercial stockyard for animals awaiting slaughter.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT — 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 a building permit for the approval of a subdivision plan or for the approval of a development plan.

ARCHITECT — An individual registered by the Commonwealth of Pennsylvania as a licensed architect.

ARENA — A completely enclosed structure with fixed seating for not more than 20,000 persons, which is designed to accommodate sporting, entertainment and assembly events and which may include accessory dining and retail uses. An arena may be operated by a public or private agency, authority or corporation.

ART, CRAFT OR ANTIQUE SHOP — Retail establishments specializing in the sale of handmade, primitive, historical, and cultural items and artifacts.

ART GALLERY/MUSEUM — A facility used for the collection, display and/or distribution of objects of art or science and which is typically sponsored by a public or quasi-public agency and generally open to the public.

ASSISTED LIVING FACILITY — A facility designed to provide individual dwelling units for elderly persons who are independently mobile and are not in need of the level of service provided by a personal care home, which provides on-site supervision and assistance available to residents on occasional, "as needed" basis, and where at least one meal each day is provided in a common dining area and which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, transportation facilities, minimal housekeeping facilities, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

AUTOMOBILE CAR WASH — Any building, site or premises, or portions thereof, used for washing or reconditioning the interior or exterior of automobiles. An automobile car wash shall include self-operated facilities not requiring attendants or employees, but shall not include incidental one-bay washing facility in an automobile repair or service station where such facilities are incidental to the operation of said automobile repair or service station.

AUTOMOBILE REPAIR/SERVICE — Any building or lot used for the maintenance, servicing, repair or painting of vehicles.

AUTOMOBILE SALES — Any facility or lot used for the sale of automobiles.

BAKERY — An establishment used for the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site.
§ 205-12  CALIFORNIA CODE  § 205-12

BANK/FINANCIAL INSTITUTION — An establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses. This use does not include check-cashing businesses.

BANNER — A sign intended to be hung either with or without a frame possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind, excluding flags, emblems, and insignias or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.

BARBERSHOP/BEAUTY SALON — An establishment where one or more persons engage in the practice of barbering or cosmetology including, but not limited to, shampooing, cutting, and dressing hair, or other beauty treatments such as facials and manicures.

BASEMENT — That portion of a building or structure that is partly or completely below grade, but having half of its clear height below the average grade of the adjoining land.

BEACON — Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or site as the light source; also, any light with one or more beams that rotate or move.

BED-AND-BREAKFAST INN — An owner-occupied single-family dwelling that contains not more than 10 guest bedrooms used for providing overnight accommodations to the public, not to exceed 10 consecutive days, and in which breakfast is the only meal served and is included in the charge for the room.

BILLBOARD — An off-premises sign which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premises on which the sign is located through which the advertising matter of any character is printed, posted or lettered and may be either freestanding or attached to the surface of a building or other structure, or applied directly to the surface.

BOAT AND MARINE SALES/SERVICE — Any building or lot used for the maintenance, servicing, repair or painting of boats or other related watercraft.

BORE HOLES — Structures and appurtenant facilities to permit the introduction from the surface to underground mining operations, or in some cases the removal from underground mining operations to the surface, of electric power, water (with or without treatment facilities), rock dust for safety purposes, communicating lines, compressed facilitate the mining and removal of coal.

BOTTLE CLUB — An establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code. The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principal intended use.
BREWERY PUB — A facility where malt or brewed beverages are manufactured on site. The mini-brewery may sell, transport and deliver malt beverages to various off-site locations, however, the majority of the manufactured malt or brewed beverage products are sold and consumed on-premises. The facility must be licensed by the Commonwealth of Pennsylvania and conducted in accordance with commonwealth requirements.

BROADCASTING STUDIO (RADIO AND TELEVISION) — Any premises or station authorized by the appropriate regulating agency used for the purpose of providing broadcasting services for general reception.

BUFFER AREA — A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this chapter, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this chapter.

BUILDING — Any structure having enclosing walls and roofs and requiring a permanent location on the land.

A. ACCESSORY BUILDING — A detached building customarily incidental and subordinate to the principal building and located on the same lot.

B. PRINCIPAL BUILDING — A building in which is conducted the principal use of the site or lot on which it is situated. In all residential districts, any dwelling shall be deemed to be a principal building on the lot on which it is located.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to the front lot line to the highest point of the roof for flat roofs, to the deck line for mansard roofs, to the mean height between eaves and ridge for gable, hip and gambrel roofs. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof. See Figure 1 in the Appendixes.4

BUILDING MATERIAL FACILITY — A facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials either within or without an enclosed building.

BUILDING SETBACK LINE — An established line within a property defining the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way of a lot line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines. See Figure 2 in the Appendixes.5

BUSINESS SCHOOL — A commercial enterprise involving the teaching of business or related skills to adults.

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4. Editor’s Note: Figure 1 is on file in the Borough offices.

5. Editor’s Note: Figure 2 is on file in the Borough offices.
BUS/OTHER TRANSIT SHELTER — A covered structure at a bus or other transit stop providing protection against the weather.

BUS/OTHER TRANSIT STOP — A place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload.

BUS/OTHER TRANSIT TERMINAL, DEPOT AND PASSENGER STATION — A facility, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. This term shall include both public and private entities that provide transportation services primarily for people, but which may include freight transport services incidental to its principal service. This term shall not include bus or other transit passenger stops or the long-term parking of buses.

BUS/OTHER TRANSIT VEHICLE MAINTENANCE/STORAGE — A facility providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

CAMPGROUND — A publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents or recreational equipment/vehicles open to the public for free or for a fee.

CANOPY — A roof-like structure either projecting from a building facade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather-related elements.

CATERING BUSINESS — An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

CEMETERY/MAUSOLEUM — An area used, or intended to be used, for the burial of the deceased, including a columbarium, crematorium and mortuary.

CHILD DAY-CARE FACILITY — Any institution or place licensed by the Commonwealth of Pennsylvania which is maintained in whole or in part for the care of children, not of common parentage, apart from their parents or guardians, under the age of 16 during any part of a day with or without stated educational purposes. This definition shall include child day-care centers and family day-care homes but shall not apply to public, private or parochial school systems.

A. CHILD DAY-CARE CENTER — A facility in which care is provided for seven or more children at any one time where the childcare areas are not being used as a family residence.

B. FAMILY DAY-CARE HOME — Any single-family residence, other than the child's own home, in which child day care is provided at any time for up to six children who are not relatives to the care giver where the childcare areas are being used as a family residence.
CLEAR-CUTTING — The indiscriminate or complete removal of all trees on a site, or any portion thereof greater than 0.5 acre in a contiguous area, during a single timber harvesting operation or within a five-year period.

CLINIC — An establishment that provides patient care services, including but not limited to medical, dental, psychological, and/or social services on an outpatient basis.

CLOTHING/WEARING APPAREL SALES AND SERVICE — The retail sales and service of clothing and wearing apparel typically found in clothing stores, tailors, shoe stores, shoe repair stores, and jewelry stores.

CLUB — An association, corporation, person or persons that assemble for a common social, educational, or recreational nonprofit purpose, but not including groups organized primarily to render a service that is customarily carried on as a business. This definition includes the buildings and facilities owned and operated by the association, corporation, person or persons.

CLUSTER DEVELOPMENT — A form of single-family residential development which permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional development and provided, further, that the resultant land area is devoted to open space.

COAL MINING ACTIVITIES — Surface mining activities, underground mining activities, coal preparation activities or coal refuse disposal activities as defined in this chapter.

COAL PREPARATION ACTIVITY — An operation in which coal is subject to chemical or physical processing or cleaning, concentrating or other processing or preparation. This includes any facility associated with the coal preparation activity and the activity by which the land surface has been, or is, disturbed as a result of or incidental to coal preparation activity of the operator, including but not limited to private ways and roads appurtenant to the area, land excavations and loading facilities; storage and stockpile facilities; water treatment/storage facilities; settling basins and impoundments; and areas in which are situated facilities, equipment, machines, tools or other materials or property that result from or are used in the coal preparation activity.

COAL PROCESSING WASTE — Earth materials that are separated and wasted from the product coal during cleaning, concentrating or other processing or preparation of coal.

COAL REFUSE DISPOSAL — Any waste coal, rock, shale, slurry, culms, gob, boney, slate, clay and related materials, associated with or near a coal seam, which are either brought aboveground or otherwise removed from a coal mine in the process of mining coal or which are separated from coal during the cleaning or preparation operations. The term includes underground development wastes, coal-processing wastes, and excess spoil, but does not mean overburden from surface mining activities.

COAL REFUSE DISPOSAL ACTIVITIES — Activities whereby a plot of land is used as a place for disposing, dumping or storage of coal refuse. These areas may include land thereby affected, including, but not limited to, a deposit of coal refuse on or buried in the earth and intended as permanent disposal of or long-term storage of the material, but not including coal refuse deposited within an active mine itself or coal refuse never removed from a mine. The term includes activities in which the natural land surface has been disturbed as a result of or
incidental to the coal refuse disposal activities of the operator, including, but not limited to, private ways and roads appurtenant to the area, land excavations, workings, tailings, repair areas, storage areas, processing areas, shipping areas and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in coal refuse disposal activities are situated.

COAL TIPPLE (AND CLEANING PLANT) — Structures and facilities usable and useful for the bringing of coal and other substances from mines to the surface, for the storing of coal (including the separation of waste material and moisture therefrom), for the processing and classifying of coal and for the storage and loading of said coal for movement off the premises.

COMMUNICATIONS ANTENNA — Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

COMMUNICATIONS CO-LOCATION — The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

COMMUNICATIONS EQUIPMENT BUILDING — An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER — A structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennas and supportive structures for private, noncommercial and amateur purposes including but not limited to ham radios and citizen band radios.

COMMUNICATIONS TOWER HEIGHT — The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

COMMUNITY CENTER — A structure or area used for fraternal, social, cultural, and/or recreational programs generally open to the public and designed to serve significant segments of the local community.

COMPREHENSIVE PLAN — The adopted public document for California Borough, Washington County, Pennsylvania, prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality. The Comprehensive Plan is also known as the "California Borough Comprehensive Plan."

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) —

A. An operation that is:
(1) Any livestock or poultry facility with more than 1,000 animal equivalent units;

(2) An operation with 301 to 1,000 animal equivalent units that are CAO's; or

(3) Any other agricultural operation with a discharge to surface waters.

B. CAFO's fall under the authority of the Federal Clean Water Act and the National Pollutant Discharge Elimination System regulations and must have and implement nutrient management plans and erosion and sedimentation control plans.

CONCENTRATED ANIMAL OPERATION (CAO) — An operation owned or managed by a farmer with more than two animal equivalent units per acre of land suitable and available for manure application on an annualized basis. These operations must have and implement an approved nutrient management plan that has been approved by a county conservation district or the State Conservation Commission.

CONDITIONAL USE — A use permitted in a particular zoning district pursuant to the provisions in Article VI of the MPC and the provisions set forth within this chapter.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act.

CONTINUING CARE FACILITY — A residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, without reference to contiguous streets, containing two or more of the following services: assisted living facility; home and community based services facility; housing for the elderly; independent living facility; nursing home; personal care home; personal support services for a continuing care facility; skilled nursing facility.

A. HOME AND COMMUNITY BASED SERVICES FACILITY — A facility which provides services designed to assist elderly or disabled persons, including services such as a wellness center, therapeutic pool, geriatric assessment, rehabilitation, home health care, meals on wheels, and transportation services.

B. PERSONAL SUPPORT SERVICES FOR A CONTINUING CARE FACILITY — Services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities.

CONVENIENCE STORE — A retail establishment with a sales area of 5,000 square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals,
lottery tickets, film processing and the sale of liquefied petroleum gas and/or gasoline, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four fuel islands or more than eight fueling positions.

CONVENIENCE STORE SELLING GASOLINE — Retail establishments meeting the criteria for a convenience store that have more than four fuel islands or more than eight fueling positions on the premises.

COPYING AND PRINTING SERVICE — An establishment that provides copying, printing, typesetting and related clerical services and/or the retail sales of supplies used for copying and printing. This does not include commercial publishing or printing businesses or retail sales of copy machines.

CORRECTIONAL FACILITY — A publicly or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a federal, state or local probation, parole or corrections agency and/or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers and treatment centers.

COUNTRY INN — An establishment that contains not more than 20 guest bedrooms in which lodging, not to exceed 14 consecutive days, is provided for compensation and where breakfast and other meals for lodgers may also be provided. Restaurant facilities may be open to the general public.

COUNTY — Washington County, Pennsylvania.

COUNTY PLANNING COMMISSION — The Planning Commission of Washington County, Pennsylvania.

COURTYARD — An open, unoccupied and uncovered space partially or wholly surrounded by the walls of a building or a structure.

CROPLAND — Land used for the production of adapted crops for harvest, along or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops and other similar specialty crops.

DANCE STUDIO — A facility designed and operated to provide instruction within a classroom environment in the art of dance.

DECIBEL — A unit of measurement of the intensity (loudness) of sound.

DEVELOPABLE LAND — That land proposed for development which excludes therefrom all portions thereof:

A. Dedicated or to be dedicated or devoted for use as public or private streets;

B. Dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management facilities;

C. Defined by the Pennsylvania Department of Environmental Protection as wetlands;
D. Defined by appropriate federal or state agencies as being within a one-hundred-year floodplain; and

E. Having a slope in excess of 25%.

DEVELOPER — Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN — The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, way and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

DISTRIBUTION FACILITY — Any premises, or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

DOMICILIARY CARE HOME — A single-family dwelling certified by the commonwealth (Department of Aging) for the purpose of providing a supervised living arrangement in a homelike setting for no more than three adults who are disabled physically, mentally, emotionally or are aged persons and who are not relatives of the operator and are unable to live alone for a period exceeding 24 consecutive hours. These facilities must meet state and federal fire, safety, health, sanitary and program standards.

DORMITORY/RESIDENCE HALL — Any structure designed or used primarily (greater than 50% of occupancy capacity) or solely to provide housing for college or university students, with rooms containing a number of beds and serving as communal quarters, which may include communal cooking/eating and living quarters. The building may be publicly or privately owned, leased, managed, operated or otherwise controlled. Staff and other monitors may reside therein. Dormitories shall include fraternity and sorority houses.

DRIVEWAY — An impervious surface for vehicular access to a building, garage, parking facility or other vehicular facility, lot or parcel of land.

DRY CLEANER — An establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric, other than personal services directly to a consumer.

DWELLING — Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

A. SINGLE-FAMILY DWELLING — A detached building designated for, or occupied exclusively as, a residence by one family and containing not more than one dwelling unit.
B. TWO FAMILY DWELLING — A detached building occupied by two families only, independently of each other, including:

(1) DOUBLE HOUSE — A detached building containing two dwelling units attached side-to-side, with separate entrances and separated by an unpierced party wall.

(2) DUPLEX — A detached building containing two dwelling units, one above the other, each having a separate entrance.

C. MULTIFAMILY DWELLING — A dwelling or group of dwellings on one lot containing separate living quarters that is designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units. Such buildings shall consist of the following types:

(1) APARTMENT BUILDING — A multifamily dwelling with direct access from the outside or through a common hall, and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of each family.

(2) GARDEN APARTMENT — A grouping of one or more buildings, each containing not more than eight dwelling units per building, of which the principal feature of the development plan is composed of a building area, parking area, service area, landscape reservations and plantings, and other land features appropriate for its use as a dwelling, and which conforms to the standards and requirements of this chapter.

(3) ROW HOUSE — A detached building with the dwelling units attached side-to-side, with separate entrances and separated by an unpierced party wall.

DWELLING UNIT — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

A. APARTMENT — A portion of a building or a room or suite of rooms forming part of an apartment building and which is occupied or intended or designed to be occupied by one family for living and sleeping purposes, a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities permanently installed.

B. CONVERSION APARTMENT — Any dwelling unit created by combining space within an existing structure.

C. TOWNHOUSE — A dwelling contained within a multifamily residential building that has a separate entrance and sharing not more than two party walls in common with the other dwellings.

EASEMENT — A public or private right of use over the property of another.

A. CONSERVATION EASEMENT — An easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.

B. UTILITY EASEMENT — A right-of-way granted for limited use of land for public or quasi-public purpose.
EDUCATIONAL INSTITUTION — A structure or part of a structure designed and used for the training and teaching of children, youths and/or adults, including laboratories appurtenant thereto.

ENGINEER — A professional engineer licensed as such by the Commonwealth of Pennsylvania.

EQUESTRIAN FACILITY — Horse, donkey and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows and other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

EQUIPMENT RENTAL/REPAIR — A business providing typical household tools and lawn/garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedges, etc. This excludes vehicles, trucks and trailers licensed for street use.

ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY/SERVICE — A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESSENTIAL COMMUNICATIONS ANTENNA — Any communications antenna owned or operated exclusively by an agency or authority of the municipality or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency or any public utility whose rates are regulated, and are providing a service regulated by the Pennsylvania Public Utility Commission.

ESSENTIAL COMMUNICATIONS TOWER — Any communications tower used exclusively to support essential communications antennas.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, and their essential buildings, excluding communications towers and antennas as defined herein.

EXTRACTIVE INDUSTRY — The excavation or recovery of metallic, nonmetallic, or mineral fuels, including but not limited to coal, limestone, clay, sand, gravel or other mineral resources, through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods for sale or otherwise used for commercial purposes. It shall include the extraction of topsoil when such activities are undertaken or proposed to be undertaken as a distinct land use.

FAMILY — A single person occupying a dwelling unit; or two or more individuals living together on a nontransient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, or adoption, including foster children and including not more than two boarders, roomers, or lodgers; or a maximum of five children or adults requiring special care or supervision who are under the twenty-four-hour or full-time care of resident "parents" or persons acting in loco parentis; or not more than three individuals living together as a single housekeeping unit and doing their cooking in one kitchen on the premises; or any number of persons possessing a "handicap" within the meaning of the Fair Housing Act [42 U.S.C. § 3602(h)] who reside in one dwelling unit and live and cook together as a single housekeeping unit. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, group care facility, commune, or institution.

FAMILY CARE FACILITY — A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four to six residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs. A family care facility shall be considered a single-family detached dwelling and be permitted as such.

FARM — Any parcel of land which is gainfully used in the production of agricultural, horticultural, arboricultural, viticultural, and dairy products; and animal husbandry including the keeping of livestock, poultry and bee raising, including necessary farm structures and equipment.

FARMERS' MARKET — A place with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from more than one fruit or vegetable stand operated partially or wholly by persons who do not reside on the property.

FENCE — A barrier constructed for the purpose of protection, confinement, enclosure or privacy. The term "fence" shall include screening walls and shall also include hedges and evergreen shrubbery exceeding 36 inches in height.

A. PRIVACY FENCE — A fence erected or constructed to block the view of the enclosed property.

B. SECURITY FENCE — A fence erected or constructed to serve as a barrier to persons, animals or vehicles entering and leaving the property.

FILL — Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the finished grade; the material used to make a fill.
FINISHED GRADE — The resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

FLEA MARKET — A place where any person or group of vendors, whether professional or nonprofessional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. The term "flea market" does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as "garage sales" or "yard sales," providing that such sales do not occur more frequently than once every 60 days. The term "flea market" also shall not include any business or occupation which has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

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.
A. ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

FLOOD INSURANCE RATE MAP (FIRM) — A map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the flood risk premium zones applicable to the municipality.
A. SPECIAL FLOOD HAZARD AREA (SFHA) — An area subject to inundation by the base flood, designated zones A, A1-30, AE, AH, AO, V, V1-30, or VE on the Flood Insurance Rate Map.

FLOODPLAIN — The lands adjoining a river or stream that have been, or may be expected to be, inundated by floodwaters in a one-hundred-year frequency flood.

FLOOD-PRONE AREA — Any land area susceptible to being inundated by floodwater from any source.

FLOODWAY — The channel of a watercourse and portions of the adjoining floodplains reasonably required to carry and discharge the one-hundred-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 one-hundred-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.

FLOOR AREA — Sum of the gross livable area of several floors of a building or buildings measured from the face of the exterior walls, or from center lines of walls that separate two buildings. In particular, floor area includes but is not limited to the following:
A. Basement space, if the floor to ceiling measures seven feet or more.
B. Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight feet or more.
C. Roofed terraces, exterior balconies, breezeways or porches, provided that over 50% of the perimeter of these is enclosed.

D. Any other floor space used for dwelling purposes, no matter where located within a building.

E. Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.

F. Any other floor space not specifically excluded, excluding space used for air-conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

FLOOR AREA, BUILDING — The sum of the gross horizontal areas of all floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living sleeping or business areas, but including the area of roofed porches and roofed terraces.

FLOOR AREA, GROSS — The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

FLOOR AREA, HABITABLE — The sum of the floor area of all heated, furnished rooms within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which have been converted into an integral part of the living quarters; but does not include garages, porches whether roofed, unroofed, or enclosed; roofed terraces; unfinished and unheated basements; attics; cellars; garages, etc.

FLOOR AREA, NET USABLE — The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not intended to be occupied or leased, stairways, fire towers, elevator shafts, public lobby area, public rest rooms and mechanical rooms. For purposes of determining off-street parking requirements, under no circumstances shall the net usable floor area be less than 80% of the floor area of a building.

FLOOR AREA RATIO (FAR) — Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FLOOR AREA, RETAIL NET — All that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale but not to include office space and other general administrative areas.

FLORIST SHOP — An establishment for the retail sales of flowers, plants and accessories that may include the storage of merchandise inside of the building and the outside display of plants and flowers.

FOREST MANAGEMENT OPERATIONS — All activities connected with growing and harvesting of forest products, including site preparations, which include the construction and maintenance of roads, and the cultivation and logging of trees.
FORESTRY — The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. Forestry specifically does not include clear cutting.

FORTUNE TELLER; PSYCHIC; ASTROLOGER — A business offering personal services to individuals based on the art of astrology, palmistry, phrenology, fortune telling, clairvoyance, clairaudience, crystal gazing, prophecy, augury, necromancy and other similar practices.

FOUNDATION, PERMANENT — A full perimeter masonry or poured concrete foundation resting upon a suitable concrete footer, said footer to be at least three feet below finished grade. The foundation wall shall have a minimum width of six inches with the footer projecting at least three inches on each side.

FREIGHT TERMINAL — The premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

FRONT BUILDING LINE — A line parallel to the front lot line, at a distance measured perpendicular therefrom as prescribed in this chapter for a required yard. Where there is no required yard then the lot line shall be the front building line.

FRONT YARD — The open space extending across the entire width of the lot between the front line of the building and the street right-of-way. The front yard is measured perpendicular to the building at the closest point to the street right-of-way.

FRUIT AND VEGETABLE STAND — A place, with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from one fruit or vegetable stand.

FUELING POSITION — A location at which a single vehicle may be fueled from a fuel dispenser.

FUEL ISLAND — A concrete platform measuring a minimum of six inches in height from the paved surface on which fuel dispensers are located.

FUNERAL HOME (INCLUDING MORTUARIES) — A building or part thereof used exclusively for human burial services. Such building may contain space and facilities for:

A. Embalming and the performance of other services used in the preparation of the dead for burial;

B. The performance of autopsies and other surgical procedures;

C. The storage of caskets, funeral urns, and other related funeral supplies; and

D. The storage of funeral vehicles, but shall not include facilities for cremation.
§ 205-12  CALIFORNIA CODE  § 205-12

GARAGE — A building or portion thereof completely enclosed, designed and/or used for storage or servicing of vehicles, but not including automobile sales.

A. GARAGE, COMMUNITY — A group of private garages, detached or under one roof, arranged in a row or around a common means of access and erected for use of residents in the immediate vicinity.

B. GARAGE, PRIVATE — A garage for housing only with a capacity for not more than three motor vehicles. A garage exceeding a three-vehicle capacity, intended primarily for housing of cars belonging to the occupants of the premises, shall be considered a private garage if the lot whereupon such garage is located contains not less than 1,500 square feet for each vehicle capacity.

C. GARAGE, PUBLIC — A building structure or any portion thereof used for housing or repairing motor vehicles, including rooms for storing, exhibiting or showing cars for sale.

GARBAGE — Unwanted or discarded material, including animal and vegetable waste resulting from the handling, storage, sale and preparation, cooking and serving of food that has insufficient liquid content to be free flowing. This term includes refuse and rubbish.

GARDEN CENTER — Land and buildings where the wholesale or retail sale of nursery stock and garden supplies takes place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

GASOLINE SERVICE STATION — An establishment where the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel and no more than 15% of the floor area is used for convenience and variety goods. The premises may include, as an accessory use only, facilities for polishing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

GAS SUBSTATION — An assemblage of equipment for purposes other than generation or utilization, through which gas energy in bulk is passed for the purposes of switching or general public, provided that a gas substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing or repair crews.


GRADE — The average elevation of the proposed finished grade line of the ground at the front of street side of the proposed building.
GRADE, NEW OR FINISHED — The resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

GRADING — The stripping or excavation of any material; the filling of any existing ground with natural or man-made material; and/or the relation on any lot, tract or parcel of each or other material. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

GREENHOUSE — A structure consisting primarily of glass, clear plastic, or other light-transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings for research or instruction.

A. COMMERCIAL GREENHOUSE — An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants.

GROUP CARE FACILITY — A facility that functions as a single housekeeping unit providing shelter, counseling, and other rehabilitative services for more than six but fewer than 15 residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP CHILD DAY-CARE FACILITY — A facility, located in a single-family residence, that provides supervised care, protection and supervision for remuneration to more than six but less than 12 children who are unrelated to the operator and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. The term includes, but is not limited to, "family child day-care home" as defined by Title 55 of the Pennsylvania Code.

GROUP HOME — A residential facility used as living quarters by a maximum of five unrelated persons, consisting of children or adults requiring special care, and their attending supervisors. A group home is specifically designed to create a single-family residential setting. The individuals requiring special care must be deemed permanent residents and their supervisors must provide twenty-four-hour or full-time equivalent coverage of the facility. A group home in a residential district shall not be used for meetings by staff that is not on duty.

HABITABLE AREAS, BASEMENT — Any basement which meets the criteria for habitable space, which has a stairway as a means of ingress and egress, and in which the ceiling area at a height of 7 1/3 feet above basement floor is no less than 100 square feet.

HABITABLE AREAS, FLOOR — Any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a habitable floor.

HABITABLE AREAS, ROOM OR SPACE — Space in a structure for living, sleeping, eating or cooking, bathroom toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.
HALFWAY HOUSE — A dwelling for the supervision of transitionally institutionalized individuals, who are involved in drug or alcohol rehabilitation and/or individuals who have violated the law, and who are sent to a halfway house upon release from, or in lieu of being sent to, a penal institution or juvenile detention center.

HANDICAPPED INDIVIDUAL — A person with a physical or mental impairment (blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, mental illness, alcoholism, drug addiction, chronic fatigue, learning disabilities, and head injury) that substantially limits one or more major life activities (seeing, hearing, breathing, walking, working, speaking, caring for yourself, and learning).

HARDWARE/HOME IMPROVEMENT STORE — An establishment for the retail and/or service for hardware, building materials, tools, equipment, plumbing fixtures, tiles, paint, windows, etc.

HEALTH CLUB — Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

HELIPORT — Any area of land, water, or structure which is used or intended to be used for the landing or takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights-of-way, together with all heliport buildings and facilities thereon.

HORTICULTURE — Any use of a lot or parcel of land to cultivate, propagate, and grow trees, shrubs, vines, and other plants, including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

HOSPITAL — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

HOTEL/MOTEL — A building or group of buildings where, for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than 10 persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a boardinghouse and shall meet the requirements of that use.
HOUSING FOR THE ELDERLY — Multifamily, multistory dwelling designed for, and occupied by, persons 65 years of age or older and conforming to all requirements of state and federal laws and regulations pertaining to housing for the elderly.

IMPERVIOUS COVERAGE — That portion or percentage of the lot or lot area covered by buildings, paved areas, or other hard-surfaced areas, which do not absorb rainfall.

IMPERVIOUS SURFACE — Any material placed on or above the earth, the artificial impacting of the earth, or any material change in the natural surface of the earth which substantially reduces or prevents the natural percolation of water or which reduces the undisturbed open space areas on a lot which has a coefficient of runoff of 0.65 or greater. Area required to be left in pervious surfaces may be located in a different zoning district than the use, provided that such land area is abutting or adjacent and that is deed restricted from further development. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; parking areas (whether hard surfaced or not); driveways; sidewalks; patios and decks; sport courts; and pools.

IMPERVIOUS SURFACE RATIO — This is also the "maximum impervious coverage" and is measured by dividing the total areas of all impervious surfaces within the site by the total site area.

INCINERATOR — An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and that is equipped with a flue for the sole purpose of providing incineration service to the public.

INDEPENDENT LIVING FACILITY — A facility designed to provide individual dwelling units for elderly persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call services, common dining facilities, common laundry facilities, transportation services and similar supporting services for the convenience of the residents.

INDUSTRIAL PARK — An area of land arranged and/or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

INDUSTRY — A use engaged in the processing of raw materials or the manufacture of materials or products.

INSTITUTION — A residential property used by six or more unrelated occupants for a common, lawful purpose (i.e., educational, recreational, religious, therapeutic, rehabilitative, correctional) including, where necessary to serve such purpose, twenty-four-hour or full-time equivalent professional supervision. The term "institution" shall not include a religious use, primary or secondary school, or residential care facility for senior citizens.

INSTITUTIONAL HOME — A public or private charitable establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged or infirm persons; or members of a religious community. This definition shall not include almshouses, penal or reformatory facilities and nursing homes.
JUNK — Any worn, cast off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

JUNKYARD — An area or land, with or without buildings, where scrap, dismantled or discarded materials are bought, sold, exchanged, abandoned or stored.

KENNEL — A use of land and structures in combination wherein four or more domestic animals or pets six months or older are groomed, bred, trained and/or kept.

LABORATORY — A place where scientific studies are conducted, including testing, research, or analysis of a medical, chemical, physical, biological, mechanical, or electronic nature.

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 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;

B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features;

C. A subdivision of land; or

D. Development in accordance with Section 503(1.1) of the MPC.\(^8\)

LANDFILL — See "solid waste disposal area."

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she is authorized under the lease to exercise the right of the landowner, or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT — A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

LAUNDROMAT — A commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and/or dry clothing, apparel, or other fabric.

LIBRARY — Any premises, building or part of a building where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

LIVESTOCK INTENSIVE OPERATION (LIO) — Any agricultural operation in Pennsylvania in which the average animal density exceeds two animal equivalent units per acre of cropland, or per acre suitable for application of animal manure on an annualized basis.

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8. Editor's Note: See 53 P.S. § 10503(1.1).
LOADING SPACE — A space, accessible from a street or alley in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

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 acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For the purposes of compliance with minimum lot area requirements, the following shall be excluded: any area used for gas, oil, natural gas, electric, water or communications; or any area within a street or other transportation right-of-way, existing or proposed; or any area within a permanent drainage easement.

LOT, CORNER — A lot at the junction of and abutting two or more intersecting streets, where the interior angle of intersection is less than 135°. A lot abutting a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than 135°. Each yard abutting a street shall be considered a front yard. If a lot is adjacent to two intersecting streets, then a front yard shall be provided adjacent to each of those streets. Every corner lot shall include one rear yard, which shall be identified as the yard opposite the front yard as determined by the Zoning Officer.

LOT COVERAGE — The area of a lot or parcel that is covered by principal and/or accessory buildings or structures. See Figure 2 in the Appendixes.

LOT DEPTH — The average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way.

LOT, DOUBLE FRONTAGE — A lot with front and rear street frontage.

LOT, FLAG — A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street from the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of 50 feet.

LOT FRONTAGE — That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

LOT, INTERIOR — A lot where the side property lines do not abut a street.

LOT LINE — A line bounding a lot that divides one lot from another or from a street or any other public or private space. See Figure 2 in the Appendixes.

A. FRONT LOT LINE — The dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way, provided, where a future right-of-way

9. Editor’s Note: Figure 2 is on file in the Borough offices.
10. Editor’s Note: Figure 2 is on file in the Borough offices.
width for a road or street has been established, that width shall determine the location of
the street lot line.

B. REAR LOT LINE — Any lot line which is parallel to or within 45° of being parallel to a
street lot line, except for a lot line that is itself a street lot line, and except that in the
case of a corner lot the owner shall have the option of choosing which of the two lot
lines are not considered a rear lot line. In the case of a lot having no street frontage or a
lot of an odd shape, only the one lot line farthest from any street shall be considered a
rear lot line. Where there is only one lot line other than street lot lines, it shall be
considered the rear lot line.

C. SIDE LOT LINE — Any lot boundary line that is not a street lot line or a rear lot line.
In the case of a triangular lot those lot lines other than the street lot line shall be
considered side lot lines.

LOT MEASUREMENTS —

A. LOT DEPTH — The mean distance from the right-of-way line of the lot to its opposite
rear line measured in a direction parallel to the sidelines of the lot. Lot depth for
triangular lots shall be the mean distance from the street line to the point of intersection
of the side yards.

B. LOT, MINIMUM WIDTH — The minimum lot width at the building setback line.

C. LOT WIDTH — The distance measured between side lot lines, at the required building
setback line. In a case where there is only one side lot line, lot width shall be measured
between such side lot line and the opposite rear lot lines or street line.

LOT OF RECORD — A lot that has been recorded in the office of the Recorder of Deeds.

LOT, THROUGH — An interior lot in which the front line and rear line abut upon streets.
Where a single lot under individual ownership extends from a street to a street, the widest
street shall be deemed the street upon which the property fronts.

LOT WIDTH — The horizontal distance between side lot lines measured along a straight line
parallel to the front lot line at the minimum required building setback line.

LUMBERYARD — The principal use of land and structures involving the loading and
unloading, storage and sales of lumber and millwork materials.

MANUFACTURED HOME — A structure, transportable in one or more sections, which, in
the traveling mode, is eight body feet or more in width or 40 body feet or more in length,
when erected on site, is 640 or more square feet in floor area, and which is built on a
permanent chassis and designed to be used as a dwelling with or without a permanent
foundation when connected to the required utilities, and includes the plumbing, heating,
air-conditioning, and electrical systems contained therein; or a structure that otherwise comes
within the definition of a "manufactured home" under the National Manufactured Housing
MANUFACTURING — The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

A. HEAVY MANUFACTURING — Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs and products that, due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

B. LIGHT MANUFACTURING — Manufacturing that includes the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products that, by the nature of the materials, equipment and process utilized, is considered to be clean, quiet, and free of any objectionable or hazardous elements.

MEDICAL CENTER — A facility which, in addition to providing primary health services, also provides tertiary and quaternary care with an emphasis on subspecialty medical and surgical care of patients and medical education, and which may include ancillary activities such as laboratories, clinics, rehabilitation facilities, training facilities, conference facilities, vehicular ambulance service, pharmacies, cafeterias and gift shops as accessory uses and which are customarily incidental to and in direct support of the primary health care mission of the medical center.

MEDICAL CLINIC — An institution providing outpatient mental health services and medical or surgical care of the sick, handicapped or injured but not including health clinics and doctors’ offices.

METHADONE TREATMENT FACILITY — A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

MINE — Underground areas contained within a continuous barrier of undisturbed minerals and openings to the surface from those areas where the extraction of minerals or stones from the earth is used for commercial purposes.

MINERAL — Any aggregate or mass of mineral matter, whether or not coherent. This term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINERAL EXTRACTION — All or part of the process involved in the extraction and processing of petroleum products or natural gas and/or minerals such as coal, ores, rock, sand and gravel, including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

MINING ACCESSORY STRUCTURE — Any accessory structure to mining use, which is incidental, and subordinate thereto, including coal tipples, disposal areas, and ventilation shafts.

MINING, OPEN PIT — Includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials from an undesirable one, or to remove the strata or material which overlies or is
above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, rock, topsoil, limestone, sandstone, coal, clay, shale, and iron ore for commercial or industrial consumption.

MINING PORTAL — Structures and appurtenant facilities utilized for the access and egress of men and materials in deep mine operations.

MIXED USE STRUCTURE — A building or structure in which the configuration of the building includes a space for commercial use on the primary or first floor and additional upper floors dedicated to residential use.

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. These units do not qualify under the definition of a manufactured home in the National Manufactured Housing Construction and Safety Standards Act of 1974, as units categorized, as mobile homes are primarily those units built before 1976, when HUD standards became effective.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOVIE THEATER — A facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.

MPC — The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended).\(^\text{11}\)

MUNICIPAL FACILITIES — Any building, structure, or other facility designed or intended to facilitate the offering of municipal services to the Borough, including, but not limited to, municipal buildings, post offices, storage facilities, police stations, fire stations, ambulance stations, equipment garages, or other structures of similar purpose.

MUSEUM — A use or building that contains objects of art or history for public education where admission is generally charged.

NATURAL STATE — A condition of property in which it is substantially retained in the condition which exists at the time of submission of any preliminary site plan; provided, however, that any clearing, grubbing, planting, grading and filling within the area to be retained in its natural state shall be approved by the municipality and shall only be authorized if the municipality shall determine that the work would improve the buffering characteristics of the area to be retained in its natural state.

\(^{11}\) Editor's Note: See 53 P.S. § 10101 et seq.
NIGHTCLUB — A place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with the residential use.

NONCONFORMING BUILDING OR STRUCTURE — A building, structure or part thereof manifestly not designed to comply with the applicable use or extent of use provisions in this chapter or amendments heretofore or hereafter enacted, where such building or structure lawfully existed prior to the enactment of such chapter or amendment, or prior to the application of this chapter or amendments to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING LOT — A lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such chapter or amendment, or prior to the application of such chapter or amendment to its location by reason of annexation.

NUDITY/STATE OF NUDITY — The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, cleavage with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

NURSERY — Any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers and for the selling of plants and landscaping/gardening supplies. All merchandise, other than plants, is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form only.

NURSERY SCHOOL — A school designed to provide daytime care or instruction for two or more children of preschool age.

NURSING HOME — A facility licensed as a nursing home by the Commonwealth of Pennsylvania.

OFFICE — An establishment primarily engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture,
assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

A. PROFessional Office — An office in which business is conducted by physicians and surgeons, lawyers, members of the clergy, architects, insurance agents, insurance adjusters, realtors, engineers, or other similar professions.

Office Building — A building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business or for public or semipublic activities in whole or part are included in this definition.

Official Map — A map adopted by ordinance pursuant to Article IV of the MPC.  

Open Space — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

A. Common Open Space — A parcel of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

B. Private Open Space — Common open space held in common ownership in which the use is normally limited to occupants of a single dwelling or building.

C. Public Open Space — Lands dedicated to and/or owned by the Borough or other public entity and maintained by it for the use and enjoyment of the general public.

Parcel Delivery Facility — Any premises or part thereof used for courier and freight forwarding operations that involves collecting, temporary storage of, sorting and dispatching packages.

Park — A parcel of ground along with its buildings and fixtures intended primarily for beautification and aesthetic improvement and designated as recreational land.

A. Private Park For Public Use — Privately owned property available for use by the public and containing recreational uses authorized pursuant to this chapter.

Parking Facility — An open portion of land with an impervious surface designed and used for parking of vehicles including parking spaces, aisles and maneuvering areas.

A. Commercial Parking Facility — An open area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation for clients or customers.

B. Residential Parking Facility — An open area, other than a street or other public way, used for the parking of automobiles in residential zones and available to the public, whether for a fee, free or as an accommodation for residents of the municipality.

12. Editor's Note: See 53 P.S. § 10401 et seq.
PARKING SPACE — An all-weather surfaced area, not in a street or alley, having an area not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley.

PASSENGER TERMINAL — The premises or building(s) where the staging and transportation of passengers is conducted, including bus and rail depots and air terminals.

PATIO — An area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area, and not enclosed by a permanent roof or awning.

PERMIT — A document issued by the governing body authorizing an applicant to undertake certain activities.

A. BUILDING PERMIT — A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any building code that may be adopted by the municipality and authorizing an applicant to commence with construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit as required under the terms of this chapter.

B. OCCUPANCY PERMIT — A statement signed by the Zoning Officer setting forth either that a building or structure complies with this chapter or that a building, structure or parcel of land may lawfully be employed for specified uses of both.

C. ZONING PERMIT — A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this chapter and authorizing an applicant to proceed with said use, building or structure.

PERSONAL CARE FACILITY — A facility, licensed by the commonwealth and conducted in accordance with commonwealth requirements, providing health-related care and service provided on a regular basis to more than three patients who are resident individuals and who do not require hospital or skilled nursing care, but who, because of mental or physical conditions or age, require the services under a plan of care supervised by licensed and qualified personnel.

PERSONAL SERVICE ESTABLISHMENT — An establishment occupied by a business which performs services on-site related to the care of the personal self, household pets or the repair/maintenance of small home appliances, clothing, jewelry or other smaller items. Activities include but are not limited to barbershops; beauty parlors; self-service laundry and dry-cleaning establishments; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tattoo studios; tailor and dressmaking shops; and pet grooming with no overnight boarding. This does not include massage parlors or related services.

PET SHOP — A store where the primary business is the sale of animals to be used as pets, excluding boarding, veterinary and breeding services.

PHARMACY — A retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.
PHOTOGRAPHIC STUDIO — A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

PLACE OF PUBLIC ASSEMBLY — Any place designated for, or used in whole or in part for, the congregation or gathering of persons in one building whether such gathering is of public, restricted or private nature including an assembly hall, church, school auditorium, recreation hall, pavilion, place of amusement, dance hall, opera hall, motion-picture house, establishment for the consumption of food or drink, or other similar establishment.

PLACE OF WORSHIP/RELIGIOUS INSTITUTION — A church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

PORCH — A roofed or unroofed structure projecting from the front, side or rear wall of a building, not having walls more than 30 inches high, and open on all sides, except the side(s) adjoining the building.

A. OPEN PORCH — A roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood, or other material more than 30 inches above the floor thereof, except the necessary columns to support the roof.

PRESERVATION or PROTECTION — When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PUBLIC GROUNDS — Land designated or maintained for parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; or publicly owned or operated for scenic or historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by Borough Council intended to inform and obtain public comment, prior to taking action in accordance with the MPC.

PUBLIC MEETING — A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings). 13

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the public hearing.

PUBLIC UTILITY — An enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipally

13. Editor’s Note: See 65 Pa.C.S.A. § 701 et seq.
owned agency, that renders a public service deemed necessary for public health, safety, and welfare, excluding police, fire and similar emergency services and is required by law to:

A. Serve all members of the public upon reasonable request;
B. Charge just and reasonable rates subject to review by a regulatory body;
C. File tariffs specifying all of its charges; and
D. Modify or discontinue its service only with the approval of the regulatory agency.

PUBLIC UTILITY FACILITY/STRUCTURE — Any tank, structure, building or part of a building used for the provision of gas, electricity, broadcasting, television and telecommunication services to serve the local area.

PUBLIC UTILITY TRANSMISSION TOWER — A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

QUARRY; SAND PIT; GRAVEL PIT; BORROW PIT — Land or part thereof from which stone, sand, clay, gravel, or topsoil is or are extracted primarily for sale, but not including a lot which is graded in preparation for the construction of a building for which application for a building permit has been made.

RACE TRACK — A commercial establishment for the racing of animals or motor vehicles.

RECREATIONAL VEHICLE — A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include, but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, autos, buses or trucks adapted for vacation use, snowmobiles, minibikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

A. INDEPENDENT UNIT — A unit containing a built-in toilet, lavatory and kitchen sink connected directly to the park water supply and sewer system or to permanently installed water and holding tanks of not less than 20 gallons' capacity each. Any such unit, if occupied at any time during the months of December, January, or February, shall be considered a dependent unit.

B. DEPENDENT UNIT — Any unit other than an independent unit.

RECREATIONAL VEHICLE PARK — A plot of ground designed and laid out for occupancy by recreational vehicles, including tents on a temporary basis, to be used as living quarters.

RECREATION, PRIVATE — Developed or undeveloped open spaces and/or structures and facilities that are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

RECREATION, PUBLIC — Developed or undeveloped open spaces and/or structures and facilities that are provided by a governmental body for the purposes of play, amusement or
relaxation by the public that may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

RECREATION SPACE — Open space for active and passive recreation.

A. ACTIVE RECREATION AREAS — Include major paved pedestrian ways, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, play lots, playgrounds and playfields.

B. PASSIVE RECREATION AREAS — Include outdoor sitting areas such as sundecks, roofs, gardens, parks, natural areas for walking and picnicking and areas abutting minor pedestrian walkways.

RECYCLING FACILITY — A facility that accepts recyclable material from the public by donation, redemption, or purchase and separates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

RENEWABLE ENERGY SOURCE — Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RESEARCH AND DEVELOPMENT FACILITY — A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

RESOURCE RECOVERY FACILITY — A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

A. Any composting facility.

B. Methane gas extraction from a municipal waste landfill.

C. Any separation and collection center, drop-off or collection center from recycling, or any source separation or collection center for composting leaf waste.

D. Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.
RESTAURANT — That part or the whole of any building, structure or facility which is used for the preparation or processing of food for sale to the general public for the consumption on or off premises. Restaurants may be classified as:

A. CARRY OUT — An establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready-to-consume state, in edible or disposable containers, which is primarily consumed off the premises.

B. DRIVE THROUGH — A fast-food restaurant characterized by limited menu and catering to drive-through traffic.

C. FAST FOOD — An establishment whose principal business is the sale of food or beverages to the customer in a ready-to-consume state, either at seating facilities within the restaurant or carry-out consumption off the premises, and whose method of operation includes the serving of food in edible or disposable containers.

D. SIT DOWN, LOW TURNOVER — A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu. Included in this group are restaurants that serve cocktails or have cocktail lounges.

RETAIL STORE/SHOP — A building wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include drugstores; news stands; food stores and supermarkets; candy shops; dry goods, notions and clothing stores; boutiques and gift shops; hardware, home furnishings and household appliance and electronics stores; antique shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

RIGHT-OF-WAY — An easement for public or private use, usually granting the right to cross over the land of another and/or to install utilities such as gas, electric, sewer or water lines or communication systems.

RIPARIAN BUFFER — Any area within 100 feet of any stream bank.

SALVAGE YARD — An area more than 200 square feet outside of a building on any lot for the handling or storage of scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes automobile wrecking yards, used lumber yards, junkyards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

SCHOOL, PRIMARY OR SECONDARY — An educational institution licensed by, and meeting the requirements of, the Pennsylvania Department of Education that primarily provides education for students in kindergarten through 12th grade. This definition does not include any privately operated school of trades, vocations, avocations or business.

SCHOOL, TRADE — A facility that is clearly primarily intended for education of a work-related skill or craft or hobby and that does not primarily provide state-required education.
SCREENING — The use of plant materials, fencing and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them, and to provide privacy between two or more different land uses which abut one another.

SELF-SERVICE LAUNDRY — A business that provides home-type washing, drying or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

SELF-STORAGE FACILITY — An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and/or retail materials and/or products shall not be permitted.

SEMINUDE — A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEWAGE TREATMENT FACILITY — A place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

SEXUALLY ORIENTED BUSINESS — An adult arcade, adult bookstore/video store, adult cabaret, adult live theater, adult motel, adult motion-picture theater, adult retail establishment, escort agency, nude model studio, sexual encounter center, or viewing booths.

SHOPPING CENTER — A group of commercial establishments planned and developed as a unit.

SIGN — Any letter, numeral, symbol, emblem (including device, symbol, logo, or trademark), flag (including banner or pennant), or any other device, figure or similar character used to announce, inform, identify, advertise or otherwise make anything known which is visible from outside the building or structure.

A. BUILDING SIGN — A sign attached to and deriving its major support from a building.

(1) ARCADE SIGN — A building sign projecting beneath the underside of any structural overhang or passageway, either vehicular or pedestrian.

(2) AWNING SIGN — A building sign displayed on any structure made of cloth and metal frame attached only to a building and projecting from the same when so erected as to permit its being raised to a position flat against the building when not in use.

(3) CORNICE SIGN — A building sign attached or inscribed on a horizontal molded projection which crowns or finishes the wall of a building.

(4) MARQUEE SIGN — A building sign attached to a covered structure projecting from, or extended from, a building facade when such canopy, or covered structure, is supported by the building, including signs mounted on a cantilever where there is no other structural purpose for the cantilever.

(5) PARAPET SIGN — A building sign attached to a wall above the roofline or above any balcony line.
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(6) PLAQUE SIGN — A building sign consisting of flat plate or tablet intended only for orientation use for building or occupant notification, and containing only the name of the resident, title of person practicing or profession, name of building or name of agent.

(7) PROJECTING SIGN — A building sign that extends in excess of eight inches beyond any vertical surface of the building that supports it.

(8) ROOF SIGN — A building sign erected above the finished roof level of a building and attached to the roof structure.

B. DIRECTIONAL SIGN — A sign conveying instructions or directions with respect to the use of the premises or a portion of the premises on which it is maintained or a use or practice being conducted on the premises; or directional, informational, or public service signs such as those advertising availability of rest rooms, conveniences, and street address numbers.

C. FREESTANDING SIGN — A sign supported by upright structural members on or by supports on or in the ground, not attached to any building.

(1) BULLETIN BOARD SIGN — A freestanding sign listing the names, uses and location of various services, offices, or activities within a building or group of buildings of a public use; a charitable use; a professional or semiprofessional use; a medical center; a clinic or hospital; or signs listing church services and religious activities.

(2) BUSINESS DISTRICT IDENTIFICATION SIGN — A freestanding sign attached to a pole approved as a component of a business district streetscape plan and designed to announce the entrance to the business district.

(3) DOUBLE-FACED SIGN — A freestanding sign carrying the same message on two faces, only one of which is visible from any ground position, the faces of which are not separated by more than 18 inches.

(4) POST AND PANEL SIGN — A freestanding sign other than a pole sign which is supported by two posts placed in the ground not exceeding eight feet in total height from the most adjacent ground surface, and not attached to any building, including any object placed on the ground in any manner advertising a particular enterprise or parcel.

(5) OUTDOOR ADVERTISING SIGN — A freestanding sign on which is portrayed information that directs attention to a business or service not necessarily related to the other uses existing or permitted on the lot upon which the sign is located. Billboards are included in this definition.

(6) POLE SIGN — A freestanding sign greater than eight feet in height. Pole signs may be supported by a single pole structure, or by two or more uprights or braces placed in the ground.
(7) PYLON SIGN — A freestanding sign with a dimension character of narrow depth, medium width and tall height, and with a sign face having a vertical dimension in excess of its horizontal dimension.

D. INCIDENTAL SIGNS — A flag, sign, pennant, valance, or advertising display that is to be displayed for a limited time.

(1) FLAG — A display of fabric without frame which moves with the movement of the wind and which advertises no product, service, or entertainment. This shall not be deemed to include a flag or insignia of the United States, the Commonwealth of Pennsylvania, Washington County, or California Borough.

(2) PENNANT — A display of fabric which moves with the movement of the wind and which advertises a product, a service or an entertainment.

(3) TEMPORARY SIGN — A sign not permanently attached to a structure or the ground that can be easily transported to any location.

(4) TEMPORARY EXTERIOR SIGN — A sign which offers premises for sale, rent or development, advertises the services of professionals or building trades during promotional sales or events, construction or alteration of the premises upon which the sign is located or advertises a special nonrecurring event.

(5) TEMPORARY INTERIOR SIGN — A sign whose intended use is to promote products or services of special interest reduced process or notification to the public and which is being erected or affixed primarily to attract the public outside of the building.

(6) PORTABLE SIGN — A temporary sign that by its description or nature will be, or may be, moved from one location to another.

(7) SANDWICH SIGN — A temporary exterior sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured.

(8) VEHICLE-MOUNTED SIGN — A temporary sign painted or attached to a vehicle that is related to the business activity, use, service, or product of the owner of the vehicle or to the sale of the vehicle, and which sign is incidental to the primary use of the vehicle.

E. SNIP SIGN — A sign nailed or otherwise attached to any object, tree, or building or structure advertising any business commodity, service, facility, or entertainment sold or offered elsewhere than upon the same lot where the sign is located.

F. WALL SIGN — A sign attached to the wall of the building.

G. WINDOW SIGN — A sign attached to a display window, visible through a display window, or any sign regardless of its location or intent that can be read from the street or adjoining property on or through the window of an establishment.

SIGN FACE — The plane upon, against or through which an advertisement or display is illustrated.
SIGN, GROSS SURFACE AREA OF — The entire area with a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. The gross surface area of signs having more than one surface visible to the public (double-faced or multiple-faced signs) shall have only one side considered, provided that both faces are identical and not more than 36 inches apart. If the interior angle formed by both faces of a double-faced sign is greater than 45°, both sides of the sign shall be used in computing the sign area.

SIGN HEIGHT — The vertical distance measured from ground level to the highest point on the sign and its supporting structure.

SKILLED NURSING FACILITY — A facility which provides nursing care and related medical or other personal health services on a continuous twenty-four-hour basis for individuals not in need of hospitalization but who, because of age, illness or other infirmity, require high-intensity comprehensive planned nursing care. The facility shall be licensed by the appropriate state agency.

SLAUGHTERHOUSE — A place where livestock is slaughtered and may be cut, packaged, and/or processed.

SLOPE — The face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per 100 feet of horizontal distance.

SOLID WASTE DISPOSAL AREA — An area permitted for use for the disposal of solid waste under the Solid Waste Management Act (35 P.S. §§ 6018.101 to 6018.1003).

SPECIAL EXCEPTION — A use permitted in a particular zoning district granted by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the MPC and this chapter.

SPECIFIED ANATOMICAL AREAS — The human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES —

A. Includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(3) Excretory functions as a part of or in connection with any of the activities set forth in Subsection A(1) or (2).

B. The term does not include any of the following: medical publications or films or bona fide educational publications or films; any art or photography publications which devote

14. Editor's Note: See 53 P.S. § 10601 et seq. and § 10901 et seq., respectively.
at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; any news periodical which reports or describes current events and which from time to time publishes photographs of nude or seminude persons in connection with the dissemination of the news; or any publication or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or seminudity is indigenous to the populations.

STABLE — A building, structure or portion thereof which is used for the shelter or care of horses, cattle or other similar animals either permanently or transiently.

A. COMMERCIAL BOARDING STABLE — A building and premises used for the keeping and/or riding and training of horses or other similar animals for the purpose of monetary gain but prohibiting their rental to the general public.

B. PRIVATE STABLE — A detached accessory building for the keeping of not more than two animals, horses, cattle or other similar animals, owned by the occupants of the premises and not kept for hire or sale.

C. RIDING/RENTAL STABLE — A building and premises used for the keeping and/or riding and training of horses or other similar animals, which exceed a total number of 10 animals per acre, for the purpose of monetary gain, including the rental of animals and instruction in the art of horseback riding to the general public.

STORY — The portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between such floor and the ceiling above it.

A. STORY, HALF — A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the finished floor of such story.

STREET — A 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.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

A. ACCESSORY STRUCTURE — A detached structure customarily incidental and subordinate to the principal structure and located on the same lot.

B. PRINCIPAL STRUCTURE — The structure or portion thereof housing the main use of the land.

C. TEMPORARY STRUCTURE — Any structure which is erected to be in place for not more than 12 months, including but not limited to tents, air-supported structures, portable
bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character.

STUDIO, DANCING OR MUSIC — The use of a premises by a teacher of music and/or dance where students are taught these arts for a fee and where more than one student may be taught in a class at one time. This term is synonymous with "dancing school" and "music school" and similar terms.

SWIMMING POOL — Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or nonportable, containing in excess of six inches of water.

A. COMMERCIAL SWIMMING POOL — A swimming pool operated for profit and open to the public upon payment of a fee.

B. PRIVATE SWIMMING POOL — A swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.

C. PUBLIC SWIMMING POOL — A swimming pool operated by a unit of government for the general public.

D. SEMIPUBLIC SWIMMING POOL — A swimming pool that is an accessory structure appurtenant to a multiple-family dwelling, hotel, motel, church, club, etc., and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

TAVERN/DRINKING ESTABLISHMENT — An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than 50% of its gross revenues from the sale of food and beverages for consumption on the premises. This term also includes "bar."

TELEPHONE EXCHANGE BUILDING — A building, and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, but in a residential district not including public business facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews.

TEMPORARY SHELTER — A structure, or part thereof, operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

THEATER — A building or part of a building devoted to the showing of movies, musical performances, dance or theatrical productions, usually on a paid admission basis.

THEATER, DRIVE-IN — An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of movies or to theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.
TRANSFER FACILITY — A facility that receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

TRANSPORTATION SERVICES — A facility for private taxicab, limousine, bus service and similar passenger service.

TRAVEL PLAZA — A facility that provides auto and/or truck fuel and convenience items and includes more than four fuel islands and more than eight fueling positions; or facilities that are intended for use by cargo transportation. Accessory activities may include the operation of no more than two arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing, showers, and restaurants.

TRAVEL TRAILER — A portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers that can be attached to the bed of pickup trucks.

TRUCK TERMINAL — A facility where trucks load and unload goods, products, cargo and/or other materials to be broken down or aggregated in different size loads and reshipped to other destinations.

USABLE OPEN SPACE — A portion of a lot used for residential purposes, exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

USE — Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

VARIANCE — Relief granted pursuant to the provisions of this chapter and Articles VI and IX of the MPC.  

VEHICLE — Any device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks.

VEHICLE SALES, RENTAL AND SERVICE — A facility for the sales, rental and service of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

VETERINARY OFFICE/ANIMAL HOSPITAL — A facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

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15. Editor's Note: See 53 P.S. § 10601 et seq. and § 10901 et seq., respectively.
VIEWING BOOTH — Booths, stalls, portions of a room, rooms or other enclosures that are available for viewing:

A. Films, movies, videos, or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas; or

B. Persons who appear in a state of nudity or seminudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.

WAREHOUSE — A structure primarily used for the storage of goods and materials.

WETLANDS — Lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and/or the U.S. Army Corps of Engineers. Such areas are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WILD OR EXOTIC ANIMAL — Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal that is wild, fierce, dangerous, noxious or naturally inclined to do harm. "Wild animals," however domesticated, shall also include but not be limited to:

A. Dog family (Canidae): all except domesticated dogs, including wolf, fox, coyote, dingo, wolf hybrids, etc.;
B. Cat family (Felidae): all except commonly accepted domestic cats, including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.;
C. Bears (Ursidae): all bears, including grizzly bears, brown bears, black bears, etc.;
D. Weasels (Mustelidae): all, including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc.;
E. Raccoons (Procyonidae): all raccoons and civets;
F. Porcupine (Erethizontidae): all porcupines;
G. Skunks;
H. Snakes: all venomous and constricting snakes;
I. Venomous lizards;
J. Crocodilians: all alligators, caimans, crocodiles, gavials, etc.;
K. Venomous fish and piranha; and
L. Venomous invertebrates.

WINERY — A facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes that produces less than 50,000 cases of wine a year.
WHOLESALE ESTABLISHMENT — An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies.

YARD — An open space at grade between the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

A. FRONT YARD — A yard extending along the full width along the front lot line and back to a line drawn parallel to the front lot line at a horizontal distance therefrom equal to the depth of the required front yard. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.

B. REAR YARD — A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance therefrom equal to the depth of the required rear yard.

C. SIDE YARD — An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line.

YARD SALE — A sale of limited duration conducted from the yard, porch or garage of a single-family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than 12 days or any part of a day in a calendar year.

ZONING APPROVAL — Approval under the provisions of this chapter certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this chapter.

ZONING HEARING BOARD — The Zoning Hearing Board of California Borough.

ZONING MAP — The California Borough Zoning Map together with all amendments subsequently adopted.

ZONING OFFICER — The person appointed by the governing body of California Borough, having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this chapter and such other ordinances that may be assigned by the governing body.
ARTICLE III
Establishment of Districts, Map and General Regulations

The municipality is divided into the zoning districts hereunder and shown by the zoning district boundary lines on the zoning district map:

- A-1 Agricultural District
- R-1 Single-Family Residential District
- R-2 Multifamily Residential District
- C-1 Commercial District
- C-2 Mixed Use Commercial District
- MU Special Mixed Use District
- M-1 Industrial District
- I Institutional District

In addition to the zoning districts, this chapter establishes overlay districts. The overlay districts shall be superimposed where applicable over the basic districts. The overlay district is designed to reflect two or more zone districts regulating the same area. The uses permitted by the underlying district are to be allowed subject to the additional regulations imposed by the overlay district, which are as follows:

- F-P Floodplain Area Overlay District
- H Historic Preservation Overlay District

A map entitled the "California Borough Municipal Zoning Map" is or may be adopted as part of this chapter that identifies the boundaries of the zoning districts. The zoning district map and all notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if they were all fully set forth or described herein. The original, properly attested zoning district map shall be available for examination at the California Borough municipal building and shall be reviewed annually by the governing body, the Zoning Hearing Board and others as applicable, and amended as deemed necessary by the governing body. All approved changes to zoning districts shall be recorded on the Zoning Map and shall adhere to the requirements set forth under this chapter.

§ 205-16. Interpretation of district boundaries.
A. The district boundaries on the zoning district map are intended to follow property lines; center lines of roads, watercourses, or railroads; other identifiable physical features; or measured distances from property lines, center lines or identifiable physical features.
B. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, said district boundary line should be determined as follows:

(1) The district boundaries are center lines of public rights-of-way unless otherwise shown, and where the indicated boundaries on the Zoning Map are approximately public rights-of-way, said center lines of public rights-of-way shall be construed to be the boundaries.

(2) Where the district boundaries shown are not on or approximately on public rights-of-way but are on or approximately on lot lines of property that has been or is hereafter subdivided, the district boundaries shall be construed to be such lot lines; provided, however, that where such district boundaries substantially deviate from such lot lines the district boundary line as shown on the Zoning Map shall control.

(3) In unsubdivided property, the district boundary lines, unless otherwise shown, shall be determined by use of the scale on the Zoning Map.

(4) A street, way, alley, lane, railroad or railroad right-of-way, watercourse, channel, or body of water included on the Zoning Map shall, unless otherwise indicated, be included within the district of the adjoining property on either side thereof; and where such street, way, alley, lane, railroad or railroad right-of-way, watercourse, channel, or body of water serves as the boundary between two or more districts, a line midway in such street, way, alley, lane, railroad or railroad right-of-way, watercourse, channel, or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between districts.

(5) In the event that a street, way, alley, or lane shown on the Zoning Map is vacated, the property formerly in said street, way, alley or lane shall be included within the district of the adjoining property on either side of said vacated street, way, alley or lane. In the event said street, way, alley, or lane was a boundary of one or more districts, said new district boundary or boundaries shall be the former center line of said vacated street, way, alley, or lane.

C. The following shall apply when a district boundary line divides a lot held in single or separate ownership at the effective date of this chapter:

(1) Where the lot is large enough to be subdivided into two or more lots, each with a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require a subdivision; or

(2) The permitted use on the lot is limited to those uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the zoning ordinance provisions where the largest portion of the lot is located.

(3) Where this section creates an undue hardship, the Zoning Hearing Board has jurisdiction to grant such relief as deemed necessary.
§ 205-17. Zoning district regulations.

A. The provisions, restrictions, and controls intended to regulate development in each district are set forth in the following sections and apply to all zoning districts and all lots. Except when stated, all provisions of this chapter shall apply to all uses.

B. All approved changes to zoning districts shall be promptly recorded on the Zoning Map and these changes must follow the procedures established in this chapter.

C. Any land that is annexed into the municipalities after the effective date of this chapter shall be automatically classified as an R-1 Residential District, and shall remain so classified until the governing body has adopted a zoning plan for the annexed area.

§ 205-18. Explanation of use categories.

The following are classifications of zoning uses established in this chapter, which vary in their impact upon the municipalities and in the procedures by which the uses are authorized:

A. Uses by right: Authorized uses for which zoning approval will be issued by the Zoning Officer upon review of the application and certification of compliance with this chapter. Principal uses within each district, the purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building, other structure, or tract of land.

B. Conditional uses: Authorized uses that are permitted by approval of the governing body in accordance with this chapter and the requirements of the MPC.

C. Special exceptions: Authorized uses that are permitted by approval of the Zoning Hearing Board in accordance with this chapter and the requirements of the MPC.

D. Uses not specifically listed: Where a use is proposed, which is similar in nature and intent to those already listed in a zoning district, but not actually listed therein, the Zoning Officer shall refer the request to the Zoning Hearing Board who shall approve or deny the request based upon:

   (1) The purpose and intent of this chapter; and
   (2) The similarity of the use to the listed uses and intent of the district.


A. No building or land shall be used or occupied and no building or part shall be erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.

B. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other space on one lot shall be considered as providing a yard or open space for a building on any other lot.
C. Uses in each category shall be according to the definitions set forth in Article II of this chapter. For those uses not defined in this chapter their meanings shall be according to the common meaning of the term.

D. Only one principal use per lot in any district shall be permitted.

§ 205-20. Permitted uses, special exceptions and conditional uses.

A. The permitted uses, special exceptions and conditional uses for each district are found in Tables 4-1 through 4-8.16

B. The permitted uses, special exceptions and conditional uses for the overlay districts are found in Table 5-1.17

C. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this chapter and the Pennsylvania Municipalities Planning Code.

D. Conditional uses may be granted or denied by the governing body in accordance with the express standards and criteria of this chapter and the Pennsylvania Municipalities Planning Code.

§ 205-21. Lot, yard and height requirements.

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be as specified herein. See Appendix 1.18

ARTICLE IV
Zoning District Regulations

§ 205-22. A-1 Agricultural District.

A. It is the intent of the A-1 Agricultural District to encourage and protect land suitable for farming, dairy, livestock, forestry operations and other agricultural activities while providing for limited, low-density residential development; protect land used for food production and other agricultural uses from encroachment by untimely and unplanned development; protect the rural character of the land and encourage rural conservation by preserving natural features, such as watersheds, forests and watercourses, to perpetuate the rural atmosphere, open space and scenic landscapes; preserve productive agricultural land resources; and encourage residential development that will blend with agricultural uses.

16. Editor's Note: See Art. IV, Zoning District Regulations.

17. Editor's Note: See § 205-37.

18. Editor's Note: Appendix 1 is included at the end of this chapter.
B. Authorized uses by right, special exception and/or conditional use are listed in Table 4-1. Area and bulk regulations are listed in Appendix 1.\textsuperscript{19} Parking and other regulations shall conform to the requirements established in Article VI of this chapter.

<table>
<thead>
<tr>
<th>Table 4-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses, Special Exceptions and Conditional Uses</td>
</tr>
<tr>
<td>A-1 Agricultural District</td>
</tr>
</tbody>
</table>

**Permitted Uses**
- Accessory uses
- Agricultural building
- Agricultural operation
- Animal feeding operation (AFO)
- Animal husbandry
- Animal raising and care
- Bed-and-breakfast inn
- Campground
- Cemetery/mausoleum
- Communications antenna
- Communications equipment building
- Communications tower
- Country inn
- Domiciliary care home
- Essential communications antenna
- Essential communications tower
- Essential services
- Equestrian facility
- Fairground
- Farm
- Farmer's market
- Flea market
- Forest management operations
- Forestry
- Fruit and vegetable stand
- Greenhouse
- Greenhouse (commercial)
- Group care facility
- Home occupation

\textsuperscript{19} Editor's Note: Appendix 1 is included at the end of this chapter.
Table 4-1
Permitted Uses, Special Exceptions and Conditional Uses
A-1 Agricultural District

**Permitted Uses**
- Horticulture
- Kennel
- Manufactured home
- Mobile home (park)
- Nursery
- Public parks/grounds
- Recreational vehicle park
- Renewable energy source
- Riding stable school (public/private)
- Single-family dwelling
- Stables
- Swimming pool (private)
- Veterinary clinic
- Winery

**Special Exceptions**
- Airport (private)
- Airport (public)
- Assisted living facility
- Club
- Coal mining activities
- Coal tipple (and cleaning plant)
- Drive-in theater
- Educational institution
- Essential communications antenna
- Essential communications tower
- Extractive industry
- Family child day care
- Mining/mineral extraction
- Places of public assembly
- Places of worship/religious institution
§ 205-22 ZONING § 205-24

Table 4-1
Permitted Uses, Special Exceptions and Conditional Uses
A-1 Agricultural District

Conditional Uses
Concentrated animal operation (CAO)
Concentrated animal feeding operation (CAFO)
Livestock intensive operation (LIO)

C. The development of any parcel of ground in this zoning district shall conform with the requirements established in this chapter and any other adopted policies or ordinances related to land development in the municipalities.

§ 205-23. Residential districts.
In addition to the goals set forth in § 205-4, General purposes, the districts established in these regulations are intended to achieve the following:

A. To provide sufficient space for a variety of housing types adequate to meet the needs of the present and projected population of the municipalities consistent with the policies set forth in the Comprehensive Plan.

B. To assure light, air and privacy by controlling the spacing and height of buildings.

C. To protect residential areas against the hazards of fire, offensive noise, vibration, smoke, odors, glare, and other objectionable influences.

D. To prevent congestion and environmental blight by regulating the density of population and the bulk of buildings.

E. To make provisions for public and private educational, recreational, health and similar facilities serving the needs of the residents in an effective and efficient manner.


A. It is the intent of the R-1 Single-Family Residential District to provide for the development and maintenance of single-family residential neighborhoods within the Borough, together with such activities that are compatible and normally associated with residential neighborhoods.

B. Authorized uses by right, special exception and/or conditional use are listed in Table 4-2. Area and bulk regulations are listed in Appendix 1. Parking and other regulations shall conform to the requirements established in Article VI of this chapter.

20. Editor's Note: Appendix 1 is included at the end of this chapter.
Table 4-2
Permitted Uses, Special Exceptions and Conditional Uses
R-1 Single-Family Residential District

**Permitted Uses**
- Accessory uses
- Child day-care center
- Essential services
- Family child day care
- Greenhouse
- Home occupation
- No-impact home-based business
- Planned residential development
- Single-family dwelling
- Swimming pool (private)

**Special Exceptions**
- Bed-and-breakfast inn
- Bus stop
- Cemeteries
- Country inn
- Educational institution
- Fruit and vegetable stand
- Nursery
- Places of worship/religious institutions

C. The development of any parcel of ground in this zoning district shall conform to the requirements established in this chapter and any other adopted policies or ordinances related to land development in the municipalities.

§ 205-25. R-2 Multifamily Residential District.

A. It is the intent of the R-2 Multifamily Residential District to provide various alternatives to single-family development within areas that have acceptable levels of infrastructure and access and to maintain the appropriate density of development for the region. The Multifamily Residential District shall serve to support the community of California University of Pennsylvania by providing housing opportunities to support off-campus
living by students of the University, and shall provide the residents of the Borough a more diverse array of housing opportunities within the community.

B. Authorized uses by right, special exception and/or conditional use are listed in Table 4-3. Area and bulk regulations are listed in Appendix 1.\(^{21}\) Parking and other regulations shall conform to the requirements established in Article VI of this chapter.

### Table 4-3
**Permitted Uses, Special Exceptions and Conditional Uses**

#### R-2 Multifamily Residential District

<table>
<thead>
<tr>
<th>Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>All uses as permitted in the R-1 District</td>
</tr>
<tr>
<td>Bed-and-breakfast inn</td>
</tr>
<tr>
<td>Country inn</td>
</tr>
<tr>
<td>Educational institution</td>
</tr>
<tr>
<td>Group care facility</td>
</tr>
<tr>
<td>Housing for the elderly</td>
</tr>
<tr>
<td>Independent living facility</td>
</tr>
<tr>
<td>Multifamily dwelling</td>
</tr>
<tr>
<td>Public parks/grounds</td>
</tr>
<tr>
<td>Public utility service structure</td>
</tr>
<tr>
<td>Row house</td>
</tr>
<tr>
<td>Two-family dwelling</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment building</td>
</tr>
<tr>
<td>Assisted living facility</td>
</tr>
<tr>
<td>Athletic club</td>
</tr>
<tr>
<td>Barbershop/beauty salon</td>
</tr>
<tr>
<td>Bus stop</td>
</tr>
<tr>
<td>Community center</td>
</tr>
<tr>
<td>Continuing care facility</td>
</tr>
<tr>
<td>Domiciliary care home</td>
</tr>
<tr>
<td>Funeral home/mortuary</td>
</tr>
<tr>
<td>Nursery school</td>
</tr>
</tbody>
</table>

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\(^{21}\) Editor's Note: Appendix 1 is included at the end of this chapter.
Table 4-3
Permitted Uses, Special Exceptions and Conditional Uses
R-2 Multifamily Residential District

Special Exceptions
- Personal care facility
- Places of public assembly
- Places of worship/religious institution
- Public utility service facility
- Skilled nursing facility/nursing home
- Transportation services

Table 4-3
Permitted Uses, Special Exceptions and Conditional Uses
R-2 Multifamily Residential District

Conditional Uses
- Amusement and recreation service

C. The development of any parcel of ground in this zoning district shall conform to the requirements established in this chapter and any other adopted policies or ordinances related to land development in the municipalities.

In addition to the goals set forth in § 205-4, General purposes, the districts established in these regulations are intended to achieve the following:

A. To provide sufficient space for a variety of commercial and service establishments including the adequate provision for merchandising requirements and off-street parking facilities while insuring safe circulation of pedestrian and vehicular traffic.

B. To encourage land uses and building development that promote commercial development, enhance the character of commercial areas, protect nearby residential districts and conserve the value of land and buildings, and promote increased tax revenues.

§ 205-27. C-1 Commercial District.
A. It is the intent of the C-1 Commercial District to create an economically viable district providing a range of commercial and service activities oriented to the immediate community and contiguous vicinity served by highway systems; provide for the development of uses which are intended and designed to serve the local traveling public; prevent areas near interchanges from developing at an intensity which is beyond the capability of the intersecting roadways serving the highway to accommodate traffic.
generated by such development; and enhance public safety by preventing excessive curb cuts, regulating the location and spacing of ingress and egress points, and establishing appropriate sight distances along intersecting roadways serving the highways.

B. Authorized uses by right, special exception and/or conditional use are listed in Table 4-4. Area and bulk regulations are listed in Appendix 1.22 Parking and other regulations shall conform to the requirements established in Article VI of this chapter.

Table 4-4
Permitted Uses, Special Exceptions and Conditional Uses
C-1 Commercial District

Permitted Uses
Amusement and recreation service
Art gallery/museum
Athletic club
Automobile repair/service
Automobile sales
Bakery
Bank/financial institution
Bus and other transit terminal, depot and passenger station
Bus stop
Car wash/automobile car wash
Catering business
Child day-care center
Clinic
Clothing/wearing apparel sales and service
Club
Convenience store
Convenience store selling gasoline
Copying/printing service
Dance studio
Dry cleaner
Electric sales and contracting
Essential communications antenna
Essential communications tower
Essential services
Farmer's market
Flea market

22. Editor's Note: Appendix 1 is included at the end of this chapter.
Table 4-4
Permitted Uses, Special Exceptions and Conditional Uses
C-1 Commercial District

**Permitted Uses**
- Florist shop
- Fortune teller/psychic/astrologer
- Funeral home/mortuary
- Gasoline service station
- Greenhouse (commercial)
- Hardware/home improvement store
- Health club
- Hospital
- Hotel/motel
- Library
- Movie theater
- Municipal facilities
- Nursery school
- Parking facilities (commercial)
- Pharmacy
- Photographic studio
- Places of public assembly
- Places of worship/religious institution
- Professional offices/group practices
- Public parks/grounds
- Public utility service structure
- Restaurant
- Retail stores less than 5,000 square feet
- Shopping center
- Tavern/drinking establishment
- Transportation services
- Travel plaza
- Veterinary clinic

**Table 4-4**
Permitted Uses, Special Exceptions and Conditional Uses
C-1 Commercial District

**Special Exceptions**
- Communications antenna
Table 4-5

Permitted Uses, Special Exceptions and Conditional Uses
C-2 Mixed Use Commercial District

Permitted Uses
Accessory uses
Apartment building

Special Exceptions
Communications equipment building
Communications tower
Community center
Continuing care facility
Domiciliary care home
Family child day care
Housing for the elderly
Independent living facility
Personal service establishment
Self-storage facility

C. The development of any parcel of ground in this zoning district shall conform to the requirements established in this chapter and any other adopted policies or ordinances related to land development in the municipalities.


A. It is the intent of the C-2 Commercial District to promote the development of land within the established commercial areas of the Borough, traditionally referred to as the "downtown" or "business district" areas, by permitting a mix of land uses that will be compatible with the established character of the community, the existing nature of the buildings and structures located in the area, and provide development potential for commercial sites to serve the immediate daily needs of the surrounding neighborhoods. These areas shall be limited in size and activity and not be permitted to expand into area-wide centers.

B. Authorized uses by right, special exception and/or conditional use are listed in Table 4-5. Area and bulk regulations are listed in Appendix 1.\textsuperscript{23} Parking and other regulations shall conform to the requirements established in Article VI of this chapter.

Table 4-5
Permitted Uses, Special Exceptions and Conditional Uses
C-2 Mixed Use Commercial District

Permitted Uses
Accessory uses
Apartment building

\textsuperscript{23} Editor's Note: Appendix 1 is included at the end of this chapter.
### Table 4-5
Permitted Uses, Special Exceptions and Conditional Uses
C-2 Mixed Use Commercial District

**Permitted Uses**
- Art, craft or antique shop
- Art gallery/museum
- Assisted living facility
- Athletic club
- Automobile car wash
- Bakery
- Bank/financial institution
- Barbershop/beauty salon
- Bed-and-breakfast inn
- Boat and marine sales/service
- Bottle club/brew pub
- Bus and other transit terminal, depot and passenger station
- Bus stop
- Catering business
- Child day-care center
- Clinic
- Clothing/wearing apparel sales and service
- Club
- Community center
- Continuing care facility
- Convenience store
- Copying/printing service
- Dance studio
- Dry cleaner
- Educational institution
- Electric sales and contracting
- Equipment rental/repair
- Essential services
- Farmer's market
- Flea market
- Florist shop
- Fortune teller/psychic/astrologer
- Fruit and vegetable stand
- Funeral home/mortuary
- Garage
<table>
<thead>
<tr>
<th>Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garden center</td>
</tr>
<tr>
<td>Gasoline station</td>
</tr>
<tr>
<td>Group care facility</td>
</tr>
<tr>
<td>Hardware/home improvement store</td>
</tr>
<tr>
<td>Health club</td>
</tr>
<tr>
<td>Home occupation</td>
</tr>
<tr>
<td>Hotel/motel</td>
</tr>
<tr>
<td>Housing for the elderly</td>
</tr>
<tr>
<td>Independent living facility</td>
</tr>
<tr>
<td>Laundromat</td>
</tr>
<tr>
<td>Library</td>
</tr>
<tr>
<td>Medical facility</td>
</tr>
<tr>
<td>Mixed use structure</td>
</tr>
<tr>
<td>Movie theater</td>
</tr>
<tr>
<td>Multifamily dwelling</td>
</tr>
<tr>
<td>Municipal facilities</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Nursing homes</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Parking facilities (commercial)</td>
</tr>
<tr>
<td>Personal care home</td>
</tr>
<tr>
<td>Personal services</td>
</tr>
<tr>
<td>Pet shop</td>
</tr>
<tr>
<td>Pharmacy</td>
</tr>
<tr>
<td>Photographic studio</td>
</tr>
<tr>
<td>Plumbing sales/contracting</td>
</tr>
<tr>
<td>Places of public assembly</td>
</tr>
<tr>
<td>Places of worship/religious institution</td>
</tr>
<tr>
<td>Professional offices/group practices</td>
</tr>
<tr>
<td>Public parks/grounds</td>
</tr>
<tr>
<td>Public utility service structure</td>
</tr>
<tr>
<td>Restaurant</td>
</tr>
<tr>
<td>Retail stores less than 5,000 square feet</td>
</tr>
<tr>
<td>Retail stores greater than 5,000 square feet</td>
</tr>
<tr>
<td>School (public/private)</td>
</tr>
</tbody>
</table>
Table 4-5
Permitted Uses, Special Exceptions and Conditional Uses
C-2 Mixed Use Commercial District

Permitted Uses

- Single-family dwelling
- Skilled nursing facility
- Tavern/drinking establishment
- Transportation services
- Two-family dwelling
- Vehicle sales/rental and service

C. The development of any parcel of ground in this zoning district shall conform to the requirements established in this chapter and any other adopted policies or ordinances related to land development in the municipality.

§ 205-29. MU Special Mixed Use District.

A. It is the intent of the MU Special Mixed Use District to create an area for development of an integrated land use region, including the existing California Technology Park and surrounding land, which will promote flexible and innovative land use in this region of the Borough. The Special Mixed Use District shall permit the development of commercial, and light industrial uses, as well as higher density, nontraditional housing in a harmonized manner, and shall encourage the integration of services and other uses which support the Special Mixed Use District. These areas shall be limited in nature and shall contain regulations to protect the public safety and encourage orderly land use development.

B. Authorized uses by right, special exception and/or conditional use are listed in Table 4-6. Area and bulk regulations are listed in Appendix 1.24 Parking and other regulations shall conform to the requirements established in Article VI of this chapter.

Table 4-6
Permitted Uses, Special Exceptions and Conditional Uses
MU Special Mixed Use District

Permitted Uses

- Accessory uses
- Assisted living facility
- Athletic club
- Automobile car wash
- Bakery
- Bank/financial institution

24. Editor's Note: Appendix 1 is included at the end of this chapter.
Permitted Uses

Barbershop/beauty salon
Bus and other transit terminal, depot and passenger station
Bus stop
Cluster development
Convenience store
Copying/printing service
Distribution plant/parcel delivery facility
Dry cleaner
Essential services
Florist shop
Garden apartment
Group care facility
Home occupation
Hotel/motel
Industrial park
Institutional home
Laboratory
Medical facility
Municipal facilities
Nursing homes
Office
Parking facilities (commercial)
Personal care home
Personal services
Pharmacy
Places of public assembly
Places of worship/religious institution
Professional offices/group practices
Public parks/grounds
Public utility service structure
Radio and television broadcasting studio
Research and development
Restaurant
Retail stores less than 5,000 square feet
Retail stores greater than 5,000 square feet
Table 4-6
Permitted Uses, Special Exceptions and Conditional Uses
MU Special Mixed Use District

Permitted Uses
- Row house
- School (public/private)
- Shopping center
- Skilled nursing facility
- Swimming pool (public)
- Two-family dwelling

Table 4-6
Permitted Uses, Special Exceptions and Conditional Uses
MU Special Mixed Use District

Special Exceptions
- Clinic
- Club
- Community center
- Continuing care facility
- Dance studio
- Gasoline station
- Lumber/building material yard
- Manufacturing
- Manufacturing (light)
- Massage therapy business
- Movie theater
- Public utility service facility
- Warehouse
- Wholesale establishment
- Winery

C. The development of any parcel of ground in this zoning district shall conform to the requirements established in this chapter and any other adopted policies or ordinances related to land development in the municipality.

§ 205-30. Industrial district.
In addition to the goals set forth in § 205-4, General purposes, the district established in these regulations is intended to achieve the following:
A. To provide sufficient space for the development of activities to support the economy of the municipalities through the creation of employment opportunities, the processing, manufacturing, distribution, storage, and trade of goods and services.

B. To minimize the impacts to surrounding districts and to the municipal infrastructure system.

C. To ensure that public improvements are consistent with the anticipated developments in these districts.

D. To promote high standards for landscaping and design of buildings and structures.

E. To provide a mix of uses within these districts to ensure future sustainability of the municipal tax base.

§ 205-31. M-1 Industrial District.

A. It is the intent of the M-1 Industrial District to provide a flexible zoning district in specific areas to allow for a variety of planned industrial and commercial uses, as well as industrial activities of an intrusive nature which are normally not compatible with, or which detract from the viability of, other uses due to high levels of traffic generation, noise, vibrations, odor, aesthetic and/or related considerations; provide areas within the municipality where earth extraction shall be a permitted use; and reduce conflict in residential, commercial and agricultural areas, and provide for design to enhance public safety by preventing excessive curb cuts, regulating the location and spacing of ingress and egress points, and establishing appropriate sight distances along intersecting roadways serving the highways.

B. Authorized uses by right, special exception and/or conditional use are listed in Table 4-7. Area and bulk regulations are listed in Appendix 1.25 Parking and other regulations shall conform to the requirements established in Article VI of this chapter.

Table 4-7
Permitted Uses, Special Exceptions and Conditional Uses
M-1 Industrial District

**Permitted Uses**
- Accessory uses
- Automobile car wash
- Boat and marine sales/service
- Bus and other transit terminal, depot and passenger station
- Bus and other transit vehicle maintenance/storage
- Bus station
- Coal mining activities
- Communications antenna

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25. Editor's Note: Appendix 1 is included at the end of this chapter.
### Table 4-7

**Permitted Uses, Special Exceptions and Conditional Uses**  
**M-1 Industrial District**

**Permitted Uses**

- Communications equipment building
- Communications tower
- Convenience store
- Correctional facility
- Distribution plant/parcel delivery facility
- Domiciliary care home
- Electric sales and contracting
- Equipment rental/repair
- Essential communications antenna
- Essential communications tower
- Essential services
- Extractive industry
- Greenhouse
- Greenhouse (commercial)
- Group care facility
- Group home
- Halfway house
- Hardware/home improvement store
- Incinerator
- Junkyard
- Lumber/building material yard
- Manufacturing
- Meat packing house
- Methadone treatment facility
- Mining/mineral extraction
- Municipal facilities
- Parking facilities (commercial)
- Public utility service facility
- Public utility service structure
- Quarry, sand pit, gravel pit
- Railroad yard/terminal facility
- Recycling facility
- Resource recovery facility
- Salvage yard
- Sewage treatment facility
Table 4-7
Permitted Uses, Special Exceptions and Conditional Uses
M-1 Industrial District

Special Exceptions
Adult uses
Airport
Amusement and recreation service
Automobile repair/service
Automobile sales
Concrete/aggregate manufacturing
Heliport
Industrial park
Kennel
Salvage yard
Sexually oriented business
Slaughterhouse
Transfer facility
Truck terminal
Warehouse
Wholesale establishment

Table 4-7
Permitted Uses, Special Exceptions and Conditional Uses
M-1 Industrial District

Conditional Uses
Solid waste disposal area

C. The development of any parcel of ground in this zoning district shall conform to the requirements established in this chapter and any other adopted policies or ordinances related to land development in the municipality.

§ 205-32. I Institutional District.
A. It is the intent of the Institutional District to provide zoning regulations and to authorize land use on property owned by and/or comprising California University of Pennsylvania, including the property commonly referred to as the University Main Campus and the Roadman Park College Farm. Institutional District regulations are intended to complement the necessary functions of the University community by providing for necessary land uses within the district, while preventing land use in conflict within the remainder of the community or which would permit land use not otherwise compatible with the community zoning scheme.
B. Authorized uses by right, special exception and/or conditional uses are as provided herein in Table 4-8. Area and bulk regulations are listed in Appendix 1. Parking and other regulations shall conform to the requirements of Article VI of this chapter.

Table 4-8  
Permitted Uses, Special Exceptions and Conditional Uses  
I Institutional District

Permitted Uses

- Apartment building
- Arena
- Broadcasting studio
- Bus and other transit terminal, depot and passenger station
- Bus stop
- Clinic
- Convenience store
- Copying/printing service
- Dormitory
- Educational institution
- Essential services
- Municipal facilities
- Office
- Office building
- Parking facilities (commercial)
- Places of public assembly
- Public parks/grounds
- Public utility structure
- Recreation (public)
- Retail stores less than 5,000 square feet
- Student food service
- Swimming pool (private)
- Swimming pool (public)
- Theater

C. The development of any parcel of ground in this zoning district shall conform to the requirements established in this chapter and any other adopted policies or ordinances related to land development in the municipalities.

26. Editor’s Note: Appendix 1 is included at the end of this chapter.
ARTICLE V
Overlay District Regulations

§ 205-33. Establishment of overlay districts.
In addition to the zoning districts established and delineated on the zoning district map, all areas containing or characterized by the features listed hereunder are established as overlay districts in accordance with the Municipalities Planning Code.

§ 205-34. Overlay zoning maps.
Location of each overlay district is delineated on a map depicting that overlay feature. These maps are adopted as a part of the zoning district map.27

A. Accuracy of overlay districts. Overlay districts may not include all land or sites subject to the special features of the overlay district; and not all land within the overlay district may actually contain the special or limiting feature.

B. Areas not included in overlay districts. It is the intent of this chapter that the limitations on development, which are imposed by the overlay district regulations, shall apply to all parcels, which include the regulated feature, whether or not the land is shown in the overlay districts. It shall be the responsibility of the applicant to establish the presence or absence on the proposed site of all features subject to regulation in this article.

§ 205-35. Interpretation of overlay districts.
If the zoning district map or list is questioned, the burden of proof shall be upon the developer, who shall submit information from a qualified professional or other expert acceptable to the municipality to demonstrate that the site in question can be used in the manner proposed without violation of this chapter.

§ 205-36. Application of overlay district regulations.
A. The regulations contained in this article shall apply to the use of parcels and structures in each overlay district and the restrictions shall be in addition to the regulations provided in this chapter.

B. The amount of site area used or occupied by development is restricted as specified and as further restricted by the overlay district regulations in this article.

C. Limitations on authorized uses in overlay districts. Uses in overlay district may be authorized by right, by conditional use, regulations, and as previously stated in the overlay district.

D. All uses by right in any zoning district which are prohibited because of the regulations of any overlay district may be permitted by conditional use in any overlay district; and uses

27. Editor's Note: Said maps are on file in the Borough offices.
permitted by conditional use may be permitted by conditional use in any overlay district provided the use complies with the regulations of the particular overlay district.

E. All uses by special exception in any zoning district which are prohibited because of the regulations of any overlay district may be permitted by special exception in any overlay district; and uses permitted by special exception may be permitted by special exception in any overlay district provided the use complies with the regulations of the particular overlay district.

F. All uses by planned residential development in any zoning district which are prohibited because of the regulations of any overlay district may be permitted by planned residential development in any overlay district provided the use complies with the specific regulations of any overlay district; and uses permitted by planned residential development may be permitted by planned residential development in any overlay district provided the use complies with the regulations of the particular overlay district.

§ 205-37. F-P Floodplain Overlay District.

A. It is the intent of the F-P Floodplain Overlay District to protect environmentally sensitive areas such as stream valleys, riparian buffers, and/or wetlands; allow uses which will not suffer from areas that carry and discharge the peak flood flow; eliminate loss of life, health hazards and property damage which may be caused by floods; and encourage the use of flood-prone land for open space uses.

B. Authorized uses by right, special exception and/or conditional use are listed in Table 5-1. Parking and other regulations shall conform to the requirements established in this chapter.

<table>
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**Permitted Uses**
- Agriculture
- Forestry
- Horticulture
- Parking areas
- Public parks/grounds

**Special Exceptions**
- Essential communications antenna
Table 5-1
Permitted Uses, Special Exceptions and Conditional Uses
F-P Floodplain Area Overlay District

Special Exceptions
- Essential communications tower
- Essential services
- Extraction of minerals
- Marinas

C. The development of any parcel of ground in this zoning district shall conform to the requirements established in this chapter and any other adopted policies or ordinances related to land development in the Borough.

D. The identified floodplain area shall be those areas of the Borough that are subject to the one-hundred-year flood, as identified in the Flood Insurance Study (FIS), or most recent revision thereof.

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

1. FW (Floodway Area): The areas identified as "Floodway" in the AE Zone in the FIS. The term shall also include floodway areas that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS.

2. FF (Flood-Fringe Area): The remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the FIS, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the FIS.

3. FA (General Floodplain Area): The areas identified as Zone A in the FIS for which no one-hundred-year flood elevations have been provided.

F. When available, information from other federal, state, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible.

G. When no other information is available, the municipality shall require the applicant to determine the one-hundred-year flood elevation and to delineate a floodway area using hydrologic and hydraulic engineering techniques. Only professional engineers shall undertake hydrologic and hydraulic analyses or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

H. The identified floodplain area may be revised or modified by the Borough where studies or information provided by a qualified agency or person documents the need for such
revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

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

J. Any use authorized in any zoning district may be authorized by the appropriate procedure provided the use is in compliance with this chapter except for the following:

1. The following uses shall be prohibited within any identified floodplain area:

   a. Mobile buildings and mobile homes.
   b. Hospitals.
   c. Intermediate-care facility, personal-care home, and skilled nursing facility.
   d. Jails, prisons, and detention centers.
   e. Mobile home parks and campgrounds having spaces for recreation vehicles.
   f. Maintenance of a supply of any amount of Class A or B poison, water-reactive liquid or solid, etiologic agents or radioactive material, as defined by the United States Department of Transportation Hazardous Materials Tariff.
   g. Production, storage of use of any hazardous materials identified by the United States Department of Transportation Hazardous Materials Tariff.

2. The following uses shall be restricted within certain quantity limits within any identified floodplain area:

   a. Maintenance of a supply of any hazardous materials identified by the United States Department of Transportation Hazardous Materials Tariff.

K. Standards for development in floodplain overlay districts.

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection. In addition, the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

2. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations. No approval shall be issued until this determination has been made. It shall be the responsibility of the applicant to obtain all such necessary other governmental permits.
L. Within any FW (Floodway Area), the following provisions apply:

1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands.

M. Within any FA (General Floodplain Area), the following provisions apply:

1. No new construction or development shall be permitted within the area measured 50 feet landward from the top bank of any watercourse unless obtaining all required federal and state permits.

2. Any new construction or development, which would cause any increase in flood heights, shall be prohibited within any floodway area.

3. Within any identified floodplain area, all buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow and height of floodwater.

4. Within any identified floodplain area, all materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, shall be stored at or above the regulatory flood elevation and shall be floodproofed to the maximum extent possible.

5. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

N. Structures and uses existing in any identified floodplain area prior to the enactment of this chapter may continue subject to the following provisions:

1. No expansion or enlargement of an existing structure or use shall be allowed within any identified floodway that would cause any increase in the elevation of the one-hundred-year flood.

2. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.


A. It is the intent of the Historic Preservation Overlay District to provide for the ongoing preservation of structures located within the Borough, which possess such historic, architectural, or intrinsic significance as to render the structures of continued value to the history of the municipality.
B. The Zoning Officer shall maintain a Register of Historic Properties, and shall include in such register any property or structure identified by the Zoning Officer as possessing such traits as identified in Subsection A of this section. The Zoning Officer shall note in the Register such information as required to identify the date of construction of the structure and its architectural or historical significance. Upon designation of such a property as historic, the Zoning Officer shall serve notice, as provided hereunder, to the property owner that the property has been included by the Borough in the Register, and shall provide the property owner with a copy of these regulations.

C. In addition to the foregoing, any property owner may make application to the Zoning Officer for registration of a property or structure in the Register of Historic Properties. Upon finding by the Zoning Officer that such proposed entrant meets the criteria required under this chapter, the Zoning Officer shall register such property or structure in the Register.

D. Once a property or structure has been registered under these regulations, no modification to the land, property or structure may be undertaken which would change or alter the essential character of the property or which would modify greater than 10% of the aggregate area of the property or structure. Historic properties may not be modified under these regulations so as to alter the existing use of the land or structure.

E. No building permit or zoning permit may issue by the Zoning Officer for any property registered under this section, unless the applicant has provided a certification by an appropriate architect or engineer that the work proposed under the permit will not violate the provisions of this chapter, and that the property or structure will retain its existing features and historic qualities after completion of the proposed construction. Such certification shall be required in all instances where a permit may issue, including restoration and renovations, as well as structural modification.

F. Any property registered under this section shall remain in the Register of Historic Properties and shall not be removed upon transfer of the property or otherwise. Any property substantially destroyed by fire, flood, disaster or other act of God, as determined by the Zoning Officer, may be removed from the Register upon request of the property owner.

G. The Zoning Hearing Board shall have jurisdiction to hear applications by any property owner seeking removal of a property or structure from the Register. No such property shall be removed absent a showing of competent evidence that the property possesses no historic significance to the community or that the inclusion of the property in the Register shall work undue hardship upon the property owner.

H. The Zoning Officer shall caused to be issued a plaque or certificate to each property entered in the Register, indicating that the property has been included in the California Borough Register of Historic Properties, and denoting the date such property was entered in the Register. Such plaque or certificate shall be openly displayed at the property.
ARTICLE VI
Supplementary Regulations

A. Corner lots: For corner lots, the required front yard setback will be required for the short side which fronts upon a street; the yard requirements on the long side shall be reduced by 30%.

B. Where a structure exists on an adjacent lot and is within 150 feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.

C. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in this section. Cornices, eaves, gutters, balconies, steps, stoops, bay windows or chimneys may project into required space provided such projection is not more than 24 inches.

D. A retaining wall or fence up to six feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Only decorative fencing may be erected in the front yard of any property.

E. In any residential district, no building to the rear of, and on the same lot, with a principal building shall be erected and used for residence purposes.

F. Location of any accessory building shall adhere to the side yard requirements and shall be no less than five feet from any rear lot line.

§ 205-40. Temporary structures.
Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period.

§ 205-41. Height limitations.
When the following conditions are met, height limits may be increased:

A. Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one foot for each additional foot of height; however, such increase shall be limited to no more than 10 additional feet.

B. The following structures are exempt from height regulations, provided they do not constitute a hazard: communications towers, church spires, chimneys, elevator bulk
heads, smoke stacks, conveyors, flag poles, standpipes, elevated water tanks, derricks and similar structures.

C. However, for the above structures, all yard and setback requirements must be met; in addition, any structure with a height in excess of 50 feet will first be referred to the Municipal Engineer relative to public safety considerations.

D. For all residential uses, accessory buildings shall not exceed 24 feet in height.

§ 205-42. Basement structures.
Residing in basements or foundation structures before any structure is complete shall not be permitted.

§ 205-43. Lot area measurements.
The measurement of lot area shall conform to the definition of "lot area" found in Article II of this chapter.

§ 205-44. Performance standards.
No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the municipality. Furthermore, every use of land or structure in any district must observe the following performance requirements:

A. Fire protection. Fire-protection and -fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

B. Electric disturbance. No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.

C. Noise. Noise, which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled. In no event shall any steady-state noise be permitted in excess of 70 decibels, as measured at the property line. In residential districts, no such noise shall be permitted in excess of 65 decibels, as measured at the property line. These regulations shall not apply to fire sirens and related apparatus used solely for public safety purposes.

D. Smoke. To be governed by the standards of the Department of Environmental Protection.

E. Odors. To be governed by the standards of the Department of Environmental Protection.

F. Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

G. Erosion. No erosion by wind or water shall be permitted which carries objectionable substances onto neighboring properties.
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H. Water pollution. The discharge of all wastewater shall be in accordance with the standards of the Pennsylvania Department of Environmental Protection and/or the municipality, and comply with any and all applicable regulations of the United States. Wastewater discharge shall be acceptable under the provisions of the United States. Wastewater discharge shall be acceptable under the provisions of Pennsylvania Act 537, and other state and municipal regulations as the same may be amended from time to time.

§ 205-45. Swimming pools.
Swimming pools are permitted in accordance with the following requirements:

A. A swimming pool, which is owned and operated by private persons, firms, corporations, associations, charity, or other entity other than a municipality, department, authority or subdivision thereof, which persons, firms, corporations, associations, charity, or other entity is not organized for profit and for the enjoyment of which no individual admission charge is made, shall be subject to the terms and conditions of this chapter.

B. No swimming pool may be located within 10 feet of any property line, nor shall any swimming pool be located in any front yard on any property within the Borough.

C. The swimming pool shall be walled or fenced so as to prevent uncontrolled access from the street or from an adjacent property and said fence shall not be less than four feet in height and shall be maintained in good condition. An aboveground pool that has a top edge four feet above the ground completely around the perimeter of the pool will not require an additional fence. Access to an aboveground swimming pool is to be removed or locked when the swimming pool is unattended.

D. Each swimming pool must provide minimum lighting of at least 400 watts.

E. Swimming pools shall be equipped with an adequate filtration system.

F. Adequate screening shall be provided as required by the Zoning Officer.

§ 205-46. Camping or recreational vehicle storage.
Trailers, including travel trailers, pick-up coaches, motorized homes and boat trailers, may be parked or stored subject to the following requirements:

A. At no time shall such parked or stored camping and recreation equipment be occupied or used for living, sleeping, or housekeeping purposes.

B. This equipment shall be limited to a maximum of one consecutive two-week period in any one calendar year.

C. Parking and storing of camping and recreational equipment shall be limited to the interior of automobile garages, other available on-lot accessory building or to that portion of the lot to the rear of the principal building.
D. All recreational vehicles parked on a residential lot shall have current registration and state inspection.

E. Recreational vehicles shall only be parked on property owned by the registered owner of the vehicle. No recreational vehicle may be parked on a public street or alley within the Borough.

§ 205-47. Exotic animals.

Exotic animals are prohibited within the municipality; because of the imminent threat to the health, safety and welfare of the public, the keeping or harboring of any animals defined as an exotic animal within the municipality.


Commercial equipment, including trucks, one-ton capacity or larger, tandems, tractor-trailers, tractors, buses, recreational vehicles in excess of 25 feet, or other commercial or construction and cargo moving vehicles or equipment, shall not under any conditions be stored or parked overnight in any residential district.

§ 205-49. Gasoline service stations and other drive-in uses.

A. Equipment above surface or ground for the service of motor vehicles shall be no closer than 15 feet to any property line.

B. The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed 30 feet at its intersection with the curbline or edge of pavement.

C. No two driveways leading from a public street to such service station or other drive-in use shall be within 15 feet of each other at their intersection with the curb or street line.

D. Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.

§ 205-50. Motor vehicle repair garage.

A. All repairs must be conducted entirely within a building.

B. The exterior walls of the building must not be less than 100 feet from a residential district.

C. There shall be no dismantling or repairing outside of the building.

D. All discarded parts must be stored at the rear of the building and barricaded from sight by such fencing and/or shrubbery approved by the Zoning Officer.

E. All discarded parts must be removed from the premises within 30 days.
F. Salvage parts must be stored inside the building.

§ 205-51. Individual mobile homes/manufactured homes.

A. A manufactured home shall be placed on a permanent foundation within 30 days of arrival on its lot. This period may be extended an additional 30 days by the Zoning Officer upon good cause shown for the need for additional time to permit the placement of the home on a foundation. The foundation shall be at least four masonry piers set on a concrete footer, with a continuous masonry peripheral wall. The bottom of the mobile home shall be securely tied to its foundation by over-the-top or built in steel straps or cables sufficient to hold the mobile home to its foundation under high wind conditions. The spacing between the home's floor and the ground below shall be well ventilated and the continuous masonry wall maintained in good condition.

B. Before a mobile home can be occupied, the Zoning Officer shall inspect the premises and shall determine that the sewage disposal and water supply systems have been installed and are in working order before issuing an occupancy permit.

C. Before a mobile home is removed from its lot, the occupant shall present to the Zoning Officer receipts showing that all local, county, state and school district taxes have been paid in full. When a mobile home has been removed, and a second mobile home shall not immediately replace it on the same foundation, the lot owner shall backfill the site to the original grade within 60 days after removal of the home.

D. Any mobile home brought into the municipality after the effective date of this chapter shall display evidence that it complies with the National Manufactured Housing Construction and Safety Standards Act, and amendments thereto.

E. A solid weatherproof material shall continuously skirt any mobile home lawfully preexisting this chapter with appropriate cross ventilation and maintained in good condition.

§ 205-52. Communications towers and antennas.

A. The height regulations of this chapter may be increased provided that every yard is increased by one foot for each one foot of height above the maximum height. The communications towers shall not at any time exceed 200 feet. Equipment that is mounted or attached to the communications tower shall not exceed this two-hundred-foot maximum height.

B. Communications towers shall be erected within the minimum yard and building setback requirements of the districts in which they are to be built. Any guide anchor must meet the minimum yard and building setback requirements of the zoning district in which it is located.

C. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a 1/4 mile radius of
the proposed tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

(1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

(2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

(3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(5) A commercially reasonable agreement could not be reached with the owners of such structures.

D. Communications towers shall be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightning, and other natural forces. Additionally, documentation shall be provided by a professional engineer demonstrating that the communications tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the communications tower and what the maximum load limits are for the structure.

E. An annual inspection performed by a professional engineer and paid for by the owner of the communications tower shall be required for all communications towers. An annual inspection report shall be submitted to the municipality by June 1 of each calendar year.

F. All communications towers shall have a finish that reduces the visibility of the structure. Communications towers shall not have strobe lights or any illumination unless required by the Federal Aviation Administration.

G. The communications tower and all equipment shall be enclosed by a chain link fence 10 feet high with three strands of barb wire constructed on the top of the chain link fence. The communications tower shall be shielded or guarded against climbing of unauthorized personnel. Access to the site shall be restricted and remain locked. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties with a natural screening no higher than six feet. Structures related to the communications tower shall be equipped with a twenty-four-hour security system.
H. The communications tower and related equipment shall be promptly removed if the communications tower is not used for communication purposes for any continuous one-year period.

I. The communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.

J. Recording of a plat of subdivision shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

K. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

L. The foundation and base of any communications tower shall be set back from any adjacent property line (not lease line) in any district at least 100 feet.

M. The base of a communications tower shall be landscaped so as to screen the foundation, base and communications equipment building from abutting properties.

N. The communications equipment building shall comply with the required yards and height requirements of the industrial zone for an accessory structure.

O. The applicant shall submit certification from a registered Pennsylvania structural engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association, and applicable requirements of the municipality's building code.28

P. The applicant shall demonstrate that the location of the proposed communications tower is safe and that tower structure failure, falling ice or other debris will not adversely affect surrounding areas.

Q. All guide wires associated with guided communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

R. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

S. Communications towers shall be protected and maintained in accordance with the requirements of the municipal building code.

T. One off-street parking space shall be provided within the fenced area.

U. In January of each year, the owner or operator of a communications tower shall submit written verification to the municipality that there have been no changes in the operating

28. Editor's Note: See Ch. 89, Construction Codes, Uniform.
characteristics of the communications tower as approved at the time of approval of the use by special exception, including, at a minimum:

(1) Copy of the current Federal Communications Commission license.

(2) Name, address and emergency telephone number for the operator of the communications tower.

(3) Copy of certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence covering the communications tower and communications antennas.

(4) At any time during the calendar year, if an amendment to the Federal Communications Commission license is issued, a copy of the amended license shall be submitted to the municipality.

A. No additional residential use may be established on land designated for operation as a kennel.

B. The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity and number of animals so specified.

C. Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of 150 feet from any principal structure on adjacent lots.

D. The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of five feet in height, accessible only through a self-latching gate.

E. Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.

F. No kennel may be established within 1/2 of a mile of an existing kennel.

§ 205-54. Off-street parking.
A. All building and structures erected and all uses of land established after the adoption of this section shall be provided with off-street parking spaces as set forth in this section.

B. The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure.

C. Whenever a building or structure constructed before the effective date of this section is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. If a building or structure existing prior to the effective date of this section is enlarged to the extent of 50% or more in floor area or number of housing units it shall then and thereafter comply with the full parking requirements set forth herein.
D. Off-street parking facilities in existence on the effective date of this chapter and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this section.

E. The following regulations shall govern the location of off-street parking spaces and areas:

   (1) Parking spaces for all detached residential uses shall be located on the same lot as the use that they are intended to serve. Each required off-street parking space shall have direct access to a public right-of-way.

   (2) Parking spaces for apartments, dormitories or similar residential uses shall be located not more than 300 feet from the principal use.

   (3) Nonresidential off-street parking shall not be located within the first 40 feet from the right-of-way adjoining such lot or site. No portion of said 40 feet shall be paved for any reason except for access drives to the site and pedestrian walkways.

F. A parking space shall have minimum rectangular dimensions of not less than nine feet in width and 18 feet in length, exclusive of driveways, aisles and other circulation areas. Parallel parking spaces shall have a dimension of eight feet in width and 23 feet in length.

G. Driveways and traffic aisles serving individual parking spaces shall not be less than 25 feet wide for ninety-degree parking, 12 feet wide for parallel parking, 17 1/2 feet for sixty-degree parking and 13 feet for forty-five-degree parking. If lines indicate parking spaces with angles other than 90°, then traffic lanes shall be restricted to one-way, permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than 12 feet in width.

H. Pedestrian walkways. In parking lots over 10 parking spaces, separate pedestrian walkways shall provide safe access from buildings to parking lots, adjacent properties and sidewalks. These walkways shall be generally oriented perpendicular to and between parking bays. The following guidelines apply to the development of walkways:

   (1) One walkway can serve as a collector for up to four parking bays of parked cars.

   (2) Walkways shall be constructed in accordance with the standards established by the municipality.

   (3) Walkways shall be integrated with existing sidewalks and pedestrian ways.

I. Common shared parking lots:

   (1) Common shared parking lots are preferred and encouraged. The required off-street parking spaces for two or more uses may be provided collectively on one lot if the total number of spaces is not less than the sum of the spaces required for each use individually.

   (2) The developer shall provide a reciprocal parking and access easement agreement between owners and operators of the facilities generating the need for common shared parking lots.
(3) Any modification to the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such duties. The modification shall be granted by the Zoning Hearing Board.

J. The required off-street parking spaces for any number of separate buildings, structures or uses may be provided collectively on one lot, provided that the total number of such spaces shall not be less than the sum of the requirements for the various individual buildings, structures, or uses computed separately in accordance with this section.

K. On development sites where a combination of large scale assembly uses requiring parking for 2,000 vehicles or more, including at least one commercial recreation use, are permitted, parking requirements may be met for each use through a reciprocal parking and access easement agreement between the owners and operators of the facilities generating the need for such parking. In such cases, at the governing body's discretion, each facility shall provide on site a minimum of 50% of the required number of off-street parking spaces determined at peak utilization for each use.

L. A parking needs analysis shall be submitted to the municipality which documents anticipated parking needs based on the combined utilization of all facilities on site simultaneously. Said analysis shall be prepared by a person or firm trained or certified to perform such studies.

M. When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.

N. All off-street parking lots required by this section shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than 48 hours.

O. Every parcel of land hereafter used as a public or private off-street parking lot capable of accommodating five or more vehicles shall be developed and maintained in accordance with the following requirements:

1. Each off-street parking space shall have direct access to an aisle or driveway, and all required off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.

2. All off-street parking lots including loading areas and service areas shall be paved with asphalt or concrete and shall be provided with bumper guards or barrier curbs where needed.

3. The number of off-street parking spaces required is set forth in Table 6-1 of this section. In the case of any building, structure, or premises which is not specifically mentioned herein, the Zoning Hearing Board shall determine the amount of off-street parking required.
### Table 6-1

**Off-Street Parking Requirements**

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Required Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banks</td>
<td>1 space for each 300 square feet of floor</td>
</tr>
<tr>
<td>Beauty parlors and barbershops</td>
<td>1 space for each chair</td>
</tr>
<tr>
<td>Bowling lanes</td>
<td>5 spaces for each lane</td>
</tr>
<tr>
<td>Churches, synagogues and religious use</td>
<td>1 space for each 5 seats except as noted in Subsection E</td>
</tr>
<tr>
<td>Community buildings, country clubs, social halls, lodges, fraternal organizations and similar uses</td>
<td>1 space for each 500 square feet of floor area occupied by all principal and accessory structures</td>
</tr>
<tr>
<td>Day-care centers</td>
<td>1 space for every 2 teachers and employees</td>
</tr>
<tr>
<td>Doctors and dentists in other than office buildings</td>
<td>3 spaces for patients' use for each doctor's office</td>
</tr>
<tr>
<td>Dormitory (rooming house)</td>
<td>1 space for each resident</td>
</tr>
<tr>
<td>Funeral homes and mortuaries</td>
<td>5 spaces for each parlor</td>
</tr>
<tr>
<td>High schools, colleges universities or other institutions of higher learning</td>
<td>1 space for every 2 teachers, employees or administrators, 1 space for each 10 students</td>
</tr>
<tr>
<td>Home occupation uses other than those listed</td>
<td>1 space per employee in addition to 1 space for each 300 square feet of home occupation use</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 space for every 2 beds, 1 space for every 3 employees, plus 1 space per doctor</td>
</tr>
<tr>
<td>Laundromats</td>
<td>1 space for each 2 washing machines</td>
</tr>
<tr>
<td>Manufacturing, industrial, and general commercial uses not otherwise specified herein</td>
<td>1 space for each 2 employees in the maximum working shift</td>
</tr>
<tr>
<td>Motels and hotels</td>
<td>1 space for each unit</td>
</tr>
<tr>
<td>Multifamily dwellings</td>
<td>2 spaces for each dwelling unit</td>
</tr>
<tr>
<td>Nursing, convalescing, old age and rest homes</td>
<td>1 space for each 3 beds</td>
</tr>
<tr>
<td>Offices</td>
<td>1 space for every 500 square feet of floor area</td>
</tr>
<tr>
<td>Restaurants, bars and cafes</td>
<td>1 space for each 3 seats</td>
</tr>
<tr>
<td>Retail stores, store groups, shops, etc.</td>
<td>1 space for each 300 square feet of floor area where the floor area exceeds 1,000 square feet</td>
</tr>
<tr>
<td>Schools, elementary, public and private</td>
<td>2 spaces for every 3 teachers, employees or administrators, 1 additional space for every 6 seats in assembly hall</td>
</tr>
</tbody>
</table>
§ 205-55. Off-street loading and unloading.

In any district, in connection with every building, or building group or part thereof hereafter erected, which is to be occupied by manufacturing or commercial uses for distribution by vehicles of material or merchandise, where required, there shall be provided and maintained, on the same lot with such building, off-street loading berths in accordance with the requirements of Table 6-2. Each loading space shall be not less than 10 feet in width, 45 feet in length, exclusive of access or turning lanes, and have a minimum clearance of 14 feet and may occupy all or any part of any required yard.

Table 6-2
Off-Street Loading and Unloading Requirements

<table>
<thead>
<tr>
<th>Uses</th>
<th>Square Feet of Total Floor Area</th>
<th>Required Off-Street Loading Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospitals (in addition to space for ambulances)</td>
<td>From 10,000 to 30,000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>For each additional 30,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
<tr>
<td>Offices; hotels; retail, commercial, wholesale, manufacturing, storage, and miscellaneous uses</td>
<td>From 10,000 to 25,000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>From 25,000 to 40,000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>From 40,000 to 60,000</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>From 60,000 to 100,000</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>For each additional 50,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
<tr>
<td>Schools</td>
<td>15,000 or more</td>
<td>1</td>
</tr>
<tr>
<td>Undertakers and funeral parlors</td>
<td>5,000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>For each additional 5,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

§ 205-56. Joint facilities for parking or loading.

Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Hearing Board in accordance with the purposes and procedures set forth herein.
§ 205-57. Developments and maintenance of parking areas, structures and loading areas.

Every parcel of land hereafter used as a public or private parking area for five or more cars, or structure used as a parking garage or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the requirements of this article. Plans for such areas shall be reviewed by the Zoning Officer to ensure compliance with the following regulations:

A. Off-street parking areas and structures for five or more vehicles and off-street loading areas shall be effectively screened by a fence or hedge. The screening shall be on the sides that adjoin, abut, are adjacent to or face premises situated in any residential zones or institutional buildings.

B. No off-street loading area or parking area or part thereof for five or more vehicles shall be closer than 10 feet to any dwelling, school, hospital or institution for human care located on an adjoining or adjacent lot.

C. Any off-street parking or off-street loading area shall be surfaced with an asphalt or portland cement, concrete, pavement or similar durable and dustless surface. All areas shall be marked so as to provide for the orderly and safe loading, parking and storage of automobiles or trucks.

D. Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect the light away from adjoining premises. Off-street parking facilities for multifamily structures containing three or more families shall be adequately lighted.

E. Any off-street parking area and off-street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.

F. Parking shall be permitted on the roof of any structure, provided that a four-foot reinforced masonry wall is constructed around the perimeter of the roof.

G. Maximum grade of parking floors shall be 6%.

H. Maximum grade of ramps shall be:

   (1) Covered ramps shall have a maximum grade of 15%.

   (2) Uncovered ramps shall have a maximum grade of 12%.

I. Minimum number of elevators on multilevel facilities shall be one for each 250 parking spaces.

J. Number and location of ingress/egress shall be determined by municipality governing body based upon a traffic analysis.

K. Minimum ramp and aisle width and other design requirements shall be the same as for other parking lots.
§ 205-58. Accessible parking requirements.

Accessible parking spaces for the physically challenged shall be provided for multiple-family and nonresidential uses as follows:

A. Minimum number of spaces. The minimum number of required accessible parking spaces shall be as outlined in Table 6-3.

<table>
<thead>
<tr>
<th>Total Parking Spaces in Lot</th>
<th>Minimum Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total</td>
</tr>
<tr>
<td>Over 1,000</td>
<td>20, plus 1 per 100 over 1,000</td>
</tr>
</tbody>
</table>

B. A minimum of 25% of the required accessible parking spaces shall be van accessible.

C. The minimum number of van accessible parking spaces shall be one.

D. Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act Architectural Guidelines and include the following:

   (1) Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

   (2) Accessible parking spaces shall be at least eight feet wide.

   (3) One parking access aisle of no less than five feet in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three feet in width to the building or facility entrance. A parking access aisle may be shared between two accessible parking spaces. Access aisles shall be clearly designated and identifiable by line painting, curbing, and other similar means.
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(4) Van accessible parking spaces shall be at least eight feet wide with an access aisle of no less than eight feet in width.

(5) Parking spaces and access aisles shall be level with surface slopes not exceeding 2% in all directions.

(6) Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle in the space.

§ 205-59. Sexually oriented business permit applications.

A. No sexually oriented business shall be in operation without an approved permit.

(1) An application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer of the municipality. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn marked with dimensions of the interior of the premises to any accuracy of plus or minus six inches.

(2) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Zoning Officer and the Fire Chief.

(3) A person, who wishes to operate a sexually oriented business as an individual, must sign the application for a permit as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has 10% or greater interest in the business must sign the application for a permit as an applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for a permit as applicant.

(4) The fact that a person possesses another type of municipal permit does not exempt the person from the requirement of obtaining a sexually oriented business permit.

B. Issuance of permit.

(1) The municipal Zoning Officer shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:

(a) An applicant is overdue in his/her payment to the municipality of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.
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(b) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.

(c) The premises to be used for the sexually oriented business have been reviewed and have been disapproved by either the Zoning Officer or Fire Chief as not being in compliance with the applicable laws and ordinances.

(d) The permit fee required by this chapter has not been paid.

(e) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(f) An individual applicant or any individual holding a direct or indirect interest or more than 10% of a corporate applicant, or any of the officers and directors of the corporate applicant, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subsection, the person's or persons' convictions or release in connection with the sexual misconduct offense must have occurred within two years of the date of application in the event of a misdemeanor and within five years of the date of application in the event of a felony.

(2) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(3) The Zoning Officer and Fire Chief shall complete their certification that the premises are in compliance or not in compliance within 20 days of receipt of the application by the Zoning Officer. The certification shall be promptly presented to the Zoning Officer.

C. The annual fee for a sexually oriented business permit will be set by resolution of the governing body.

D. Inspection.

(1) An applicant, or permittee, shall permit representatives of the Police Department, Fire Department, Zoning Officer, or other municipal departments or agencies to inspect the premises of a sexually oriented business for the purpose of insure compliance with the law, at any time that the sexually oriented business is occupied or open for business.

(2) If the municipal Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that, after 90 days have elapsed since the date of denial, the applicant may be granted a permit if the
Zoning Officer finds that the basis for denial of the renewal permit has been corrected or abated.

E. Suspension of permit.

1. The Zoning Officer shall suspend a permit for a period not to exceed 30 days if he/she determines that a permittee or employee of a permittee has:
   
   a. Violated or is not in compliance with any section of this chapter.
   
   b. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.
   
   c. Refused to allow inspection of the sexually oriented business premises as authorized by this chapter.
   
   d. Knowingly permitted gambling by any person on the sexually oriented business premises.

F. Revocation of permit.

1. The Zoning Officer shall revoke a permit if a cause of suspension set forth in this chapter occurs and the permit has been suspended within the preceding 12 months.

2. The Zoning Officer shall revoke a permit if he/she determined that:

   a. A permittee, or any persons specified in this chapter, is or has been convicted of the offenses specified.
   
   b. A permittee gave false or misleading information in the material submitted to the municipality during the application process.
   
   c. A permittee or an employee of a permittee has knowingly allowed possession, use, or sale of a controlled substance on the premises.
   
   d. A permittee or an employee of a permittee has knowingly allowed prostitution on the premises.
   
   e. A permittee or an employee of the permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended.
   
   f. A permittee is delinquent in payment to the municipality or state of any taxes or fees related to the sexually oriented businesses.

3. When the Zoning Officer revokes a permit, the revocation shall continue for one year, and the premises shall not be issued a sexually oriented business permit for one year from the date the revocation became effective, except that if the revocation is pursuant to any provisions of the chapter otherwise specified, the revocation shall be effective for two years in the event of a misdemeanor or five years in the case of a felony.
(4) After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.

G. A permittee shall not transfer his permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

H. Exemptions.

(1) It is a defense to prosecution under this chapter that a person appearing in a state of nudity did so in a modeling class operated:

(a) By a proprietary school licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation;

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(d) Where, in order to participate in class a student must enroll at least three days in advance of the class; and

(e) Where not more than one nude model is on the premises at any one time.

I. Minimum spacing and proximity requirements.

(1) No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business.

(2) No sexually oriented business shall be located within specified distances of certain land uses as set forth below:

(a) No such establishment shall be located within 1,000 feet of a dwelling.

(b) No such establishment shall be located within 1,000 feet of any parcel of land which contains any one or more of the following specified land uses: amusement park, camps (for minors' activities), child care facilities, church, library, community center, museum, park, playground, school and school bus stops, and other lands where minors congregate.

(3) The distance between any two sexually oriented businesses shall be in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment and any land use specified in this chapter; shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the sexually oriented business to the closest on the property line of said land use.
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§ 205-60. Signs.
A. The following regulations shall apply to all permitted signs in all zoning districts:

(1) No sign hereafter shall be erected, moved, enlarged, replaced, illuminated or altered except in accordance with the provisions of this chapter and any other ordinances and/or regulations enacted by the municipality. The completion of an application and the subsequent issuance of a permit by the Zoning Officer are required.

(2) General repair and maintenance of any sign shall not, in and of itself, be considered an alteration.

(3) All such applications must be accompanied by the appropriate fee, plans in duplicate, drawn to scale, showing the exact size, shape and dimensions of such signs and their proposed location or placement upon any land, building, structure or premises.

(4) Any application for a permit for the erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the Codes Enforcement Officer. All specifications for each sign and all parts thereof (including framework, supports, background, anchors, and wiring systems) must meet, at a minimum, the requirements as set forth in the building (BOCA), electrical, and fire prevention codes adopted by the municipality, as they now exist or as they may hereafter exist. In the absence of an electrical ordinance, the National Electrical Code shall be used as the standard for all wiring systems.29

(5) A person shall not erect, install, remove or replace any sign for which a permit is required under the provisions of this chapter until proof of liability insurance coverage in an amount not less than $50,000 for injury to one person and $100,000 for injury to two or more persons caused by or resulting from said sign has been filed. A person shall not maintain any sign for which a permit is required under the provisions of this chapter until there has been filed with coverage naming the municipality as additional insured, in an amount of not less than $100,000 for injury to two or more persons caused by or resulting from said sign.

(6) All signs shall conform to the minimum yard requirements of the zone in which they are permitted.

(7) No signs except those deemed as official traffic signs by the municipality, county or state, on streets within their respective jurisdiction, shall be erected within two feet of any street, or within any public right-of-way. All signs located on properties adjacent to the legal right-of-way shall allow adequate clearance for motor vehicles and pedestrians. Signs, architectural projections, or sign structures projecting over vehicular access areas must be, at a minimum, 17 feet six inches above the finished grade, which conforms to the minimum height clearance limitations, set forth in PennDOT regulations. Any signs over pedestrian access areas must be at least seven feet above the finished grade.

29. Editor’s Note: See Ch. 89, Construction Codes, Uniform.
(8) Signs as referred to in this section or elsewhere in this chapter shall be constructed of durable materials and shall be kept in good condition and repair. Permitted signs shall be adequately maintained so as to not show evidence of deterioration, which includes, but is not limited to, peeling, rust, dirt, fading, discoloration or holes. Signs requiring illumination will be illuminated as specified in the chapter. All signs located in a commercial district may be illuminated internally or by directed or reflected light, provided that the source of light is not visible and does not directly illuminate the adjoining premises, and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. The lighting shall not be directed towards a residential zoning district or residential building or be located less than 100 feet from the boundary line of the residential zoning district.

(9) All signs shall be located on the property containing the land use identified by the sign.

(10) No sign shall have flashing or intermittent illumination, change colors, vary in intensity or hue or emit any sound. Signs shall be nonmoving stationary structures and shall have nonmoving components. Signs which contain sound, audible messages and music are also prohibited.

(11) No sign shall be erected containing information that states or implies that a property may be used for any purpose not permitted under the provision of this chapter.

(12) Nonconforming signs. Any sign which was lawfully in existence prior to the effective date of this chapter, or of any amendment to such chapter heretofore or hereafter enacted; or prior to the application of such chapter or amendment thereto to its location by reason of annexation, and which did not conform or comply with the provisions of the said chapter or amendment at the time of their enactment, shall be considered a legal nonconforming sign and may continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

(a) Alteration or moving. A nonconforming sign of any type shall not be moved to another position or location upon the building, structure or lot on which it is located, nor shall the size or area of such nonconforming sign be altered or increased or its structure or construction be altered or changed.

(b) Damage, destruction or replacement. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50% of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this chapter.

(c) Discontinuance. Whenever a nonconforming sign is discontinued for a continuous period of more than six months, then such nonconforming sign, together with its panel cabinet, supports, braces, anchors, and electrical equipment, shall be removed within 14 days from the end of the aforesaid six-month period and the use of the signs upon such building, structure or
land shall not be resumed except in accordance with the provisions of this chapter.

(13) No permit for any advertising sign, light string, exterior portable sign or an exterior wind or power device of display or flags or pennants used for gaining attention shall be issued.

(14) A temporary interior sign shall cover a maximum of 25% of the window area on which the sign is affixed.

(15) A business or identification sign mounted to the face of a building shall conform to the following standards:

(a) A minimum letter, number or symbol area of 50% of the sign area.

(b) The maximum height of a letter, number or symbols shall be 10% of the height of the first story or 2 1/2 feet, whichever is less.

(c) The sides of individual back-lighted letters, numbers or symbols shall be constructed of an opaque material that is different from the material used for the front of the letter, number or symbol.

(16) Real estate signs related to prospective sale, rent or lease of the land or building in any zoning district within the municipality, provided that the sign area on one side of a single face sign not to exceed six square feet, or one double-face sign not to exceed a total of 12 square feet. Such signs shall be removed within 15 days following the sale of the building or property.

(17) All political signs must be removed within seven days after the date of either the primary or general election.

B. Sign area.

(1) The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This will not include any supporting framework and bracing that are incidental to the display itself. The computation of the sign area will be the smallest rectilinear, circular, or triangular shape, or the sum of the combination of regular geometric figures, which comprise the sign face.

(2) Where the sign consists of individual letters, numerals or symbols attached to or painted on a surface, building, wall or window, the sign area shall be that of the smallest rectangle or other regular geometric shape that can enclose such letters or symbols.

(3) In computing the area of a double-face sign, the requirements found in the definition of gross surface area of a sign shall be used.

C. Prohibited signs.
(1) The following devices and locations are prohibited in all districts:

(a) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. Also, signs that make use of words such as "Stop," "One Way," "Danger," "Yield" or similar words, phrases or symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.

(b) Except as provided for elsewhere in this Code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

(c) Portable signs except as permitted as temporary signs.

(d) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

[1] The primary purpose of such vehicle or trailer is not the display of signs.

[2] The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

[3] The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets and actively used or available for use in the daily function of the business to which such signs relate.

[4] Vehicles and trailers shall not be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

D. Signs in residential districts. Signs as hereafter provided are permitted in residential districts:

(1) Identification signs for public, charitable, educational and religious uses: one sign not over 20 feet in area.

(2) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(3) House numbers: minimum three inches, maximum six inches in letter height.

(4) Nameplates not exceeding two square feet in area, bearing only the resident's name.

(5) Nameplates of multifamily dwelling complexes, either illuminated or nonilluminated, not exceeding six square feet in area, bearing only the complex name and no advertising matter.
(6) Nonconforming signs. No sign may be enlarged or altered in a way that increases its nonconformity.

E. Signs in the commercial districts. Signs as hereafter provided are permitted in the Commercial or Mixed Use Districts:

(1) One nonilluminated, nonflashing business sign, directly relating to a use conducted on the premises and mounted on the wall of the building, may be permitted on each business, provided that the total area in square feet of such sign shall not exceed two times the linear feet of street frontage, or one nonilluminated, nonflashing and one illuminated, nonflashing business sign, directly related to a use conducted on the premises and mounted on the wall of the building, may be permitted on each business establishment, provided that the total area in square feet of such sign shall not exceed two times the linear feet of street frontage and shall not extend more than 12 inches therefrom.

(2) No sign shall project over a public right-of-way. Projecting of freestanding signs on private property shall be permitted within the total sign area permitted in this chapter, provided that the maximum area of the sign does not exceed 32 square feet.

(3) No sign shall exceed 28 feet in height.

F. Signs in the Industrial District. Signs as hereafter provided are permitted in the Industrial Districts:

(1) One nonilluminated, nonflashing business sign, directly relating to a use conducted on the premises and mounted on the wall of the building, may be permitted on each business, provided that the total area in square feet of such sign shall not exceed two times the linear feet of street frontage, or one nonilluminated, nonflashing and one illuminated, nonflashing business sign, directly related to a use conducted on the premises and mounted on the wall of the building, may be permitted on each business establishment, provided that the total area in square feet of such sign shall not exceed two times the linear feet of street frontage and shall not extend more than 12 inches therefrom.

(2) No sign shall project over a public right-of-way. Projecting of freestanding signs on private property shall be permitted within the total sign area permitted in Subsection B, provided that the maximum area of the sign does not exceed 32 square feet.

(3) No sign shall exceed 28 feet in height.

G. Signs exempt from regulation under this chapter.

(1) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.

(2) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located.
(3) Works of art that do not include a commercial message.

(4) Holiday lights and decorations with no commercial message, but only between October 31 and January 31.

(5) Traffic control or incidental signs on private property, such as "Stop," "Yield," and similar signs, the face of which meet Pennsylvania Department of Transportation standards and which contain no commercial message of any sort.

(6) Emergency warning signs erected by governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

(7) Memorial signs or tablets denoting the date of erection of a building.

(8) Signs and banners erected by a governmental body or under the direction of the governing body.

(9) Flags in residential districts, provided that they do not exceed 15 square feet, do not promote or advertise the sale of products or merchandise, and do not contain pornographic, obscene or offensive language or symbols.

(10) Signs located in the Institutional District.

§ 205-61. Sign permits.

A. One permit is good for the life of the sign.

B. Any changes made to an existing sign, even if already permitted, require a new sign permit.

C. All signs currently in use are permitted under this chapter; however, any modifications to the signs require the filing of a sign permit and must be in conformance with this chapter.

D. Each application for a sign permit shall be accompanied by a drawing showing the design proposed and the size, character, and color of letters, lines, and symbols and the method of illumination and the exact location of the sign in relation to the building and property, and details and specifications for construction. The appropriate fee shall accompany each application for a sign permit.

§ 205-62. Illumination.

The following requirements shall apply to the illumination of signs, advertising structures and premises:

A. Area lighting used in parking areas and yard areas shall be designed and used to eliminate glare on public streets and ways and/or other private property.

B. All signs and advertising structures, except hereinafter modified, may be illuminated internally or by reflected light, provided the source of light is not directly visible and is
so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

C. No illumination involving movement or causing the illusion of movements by reason of the lighting arrangement or other devices shall be permitted.

§ 205-63. Methadone treatment facilities.

A. A methadone treatment facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship prior to the proposed methadone treatment facility.

B. The provisions established in Subsection A shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

C. Notwithstanding Subsection A, a methadone treatment facility may be established and operated closer than 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the governing body votes in favor of the issuance of an occupancy permit or certificate.

D. Prior to the governing body voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one or more hearings regarding the proposed methadone treatment facility location shall be held within the municipality following public notice.

E. All owners of property located within 500 feet of the proposed location shall be provided written notice of said public hearings at least 30 days prior to the public hearings occurring.

F. The provisions above shall not apply to a methadone treatment facility that is licensed by the Department of Health prior to May 15, 1999.

§ 205-64. Grading.

A. No earthmoving shall be permitted in the Borough without a permit for such work having been issued by the Zoning Officer.
§ 205-64 CALIFORNIA CODE § 205-64

B. A grading permit shall be issued only where such grading will be done as part of the preparation of a property to receive new or additional improvements for which a building permit has been issued or will be issued concurrently with a grading permit, or where such grading is necessary to place public facilities, such as streets or utility lines, or to prepare lots in an approved subdivision plan for sale for development.

C. All applications for grading permit must include a scaled drawing of the property to be graded, indicating the exact location and extent of the area to be affected and the proposed maximum grades at completion of the work, together with the location of surface drainage systems and proposed treatment of graded surfaces where not paved or otherwise occupied by structures. Whenever applicable, the application must demonstrate compliance with all Borough stormwater management ordinances and/or regulations, be accompanied by an approved stormwater management plan, and demonstrate approval by any relevant county or state environmental regulatory agency.

D. Graded slopes shall not exceed the following maximums:

1. Where earth materials are excavated from areas where the surface has not been altered for at least two years, the maximum grade shall not exceed one foot vertical rise to each 1 1/2 feet of horizontal run (1:1.5).

2. Where earth materials are placed upon previously undisturbed soil or grading is carried out in areas where previous earthmoving has occurred less than two years before, the maximum grade shall not exceed one foot vertical rise to each two feet of horizontal run (1:2).

3. Where soil conditions apparently will tolerate steeper grades without risk to the stability of the graded slope and the areas the slope supports, the developer shall provide a report by a registered professional engineer, bearing his Pennsylvania seal, attesting that the soil conditions in the area to be disturbed will tolerate grades up to a maximum slope established by the engineer, and which may exceed the limits provided hereunder.

E. Areas to be built up through grading shall be keyed in to preexisting undisturbed earth and well compacted in layers not to exceed eight inches in thickness. The toe of a slope shall be either graded to a natural existing drainageway or storm drain system. Where a slope continues upward beyond the limits of grading, the top of the graded area shall be protected from the accumulation of stormwater by a bench sloped to a storm drain system.

F. Slope areas not to be paved or built upon shall be planted with erosion-resisting plant materials immediately upon completion of grading work. Areas of the property not to be occupied by buildings or paved surfaces shall be landscaped and maintained upon completion of development.

30. Editor’s Note: See Ch. 181, Stormwater Management.
ARTICLE VII
Nonconforming Lots, Structures and Uses

§ 205-65. Intent and purpose.
A. If there exist lots, structures, or uses that were lawful prior to the enactment of this chapter, that would be prohibited or restricted under the requirements established by this chapter, it is the intention of the Borough to permit these lots, structures or uses to continue as they existed prior to the enactment, or any subsequent amendments, of this chapter. However, all changes in such lots, structures, or uses shall only be as allowed in this article.

B. Whenever a nonconforming use, in or on the land, or within a building or structure or portion thereof, has been discontinued for a continuous period of more than 12 months, such discontinuance shall be deemed to be an abandonment of such nonconforming use. Any subsequent use thereof shall conform to the applicable provisions of this chapter or any amendments and the prior nonconforming use shall not thereafter be resumed, unless it is in accordance with the applicable provision of this chapter or any amendments.

C. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this chapter or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this chapter or its amendments, and the prior nonconforming use shall not thereafter be resumed; provided, however, that if any subsequent amendments to this chapter should make the use as so changed or altered nonconforming with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or noncompliance.

D. Any use for which a conditional use or special exception is approved in accordance with the applicable requirements found in this chapter shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use in such zoning district.

E. One-family dwellings existing at the effective date of this chapter are not to be considered as nonconforming uses, but may not be enlarged to decrease yard areas below the minimum authorized by this chapter or to increase height above the maximum authorized by this chapter.

A. Any existing lots in any district where single-family dwellings are permitted may be used for the erection of a single-family dwelling, residential garages, additions and accessory buildings, even though its area and width is less than the minimum requirements. Front, rear and side yards for existing lots of record shall not be less than three feet or rear yards less than five feet.

B. Where two or more adjacent lots of record with less than the required area and width are held by one owner, on or before the date of enactment of this chapter, the request for a permit shall be referred to the Zoning Hearing Board which shall require replotting to fewer lots, which would comply with the minimum requirements of this chapter.

A. Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is performed within 12 months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Zoning Hearing Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located, and in such cases it must meet the off-street loading and parking requirements of this chapter.

B. In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reasons, and the landowner has shown intent to abandon the use, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this chapter.

C. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this chapter. A nonconforming building or structure may, with the approval of the Zoning Hearing Board, be extended, enlarged or replaced if such structures meet the minimum yard coverage regulations and height restrictions of the district in which the structure is located. The use must meet all off-street parking and loading requirements of this chapter.

D. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this chapter and where construction is complete within six months from the date of issuance of the permit.

E. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this article shall also apply to any uses that thereby become nonconforming.

§ 205-68. Nonconforming uses.

A. A nonconforming use, which occupies a portion of a structure or premises, may be extended within such structure or premises as they existed when the provision to prohibit the use took effect, but not in violation of the area and yard requirements of the district in which structure or premises is located.

B. The Zoning Hearing Board may approve an enlargement or expansion of the use if it is deemed to be necessary as part of the natural expansion and growth of trade of the nonconforming use.

C. The Zoning Hearing Board may impose such conditions as deemed necessary for the protection of adjacent property and public interest. No changes of a nonconforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.
D. Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

§ 205-69. Repairs and maintenance.

A. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the municipality.

B. Any modification, alteration, structural alteration, reconstruction, or improvement of any kind to an existing structure located within a one-hundred-year floodplain, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

ARTICLE VIII
Administrative Provisions

§ 205-70. Appointment of Zoning Officer.

The municipality shall appoint the Zoning Officer who shall administer and enforce the provisions of this chapter, and shall do so in accordance with the provisions of the Pennsylvania Municipalities Planning Code (MPC). No zoning permit of any kind shall be granted by the Zoning Officer except in compliance with the literal provisions of this chapter. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment granted by the municipality.

§ 205-71. Duties of Zoning Officer.

The Zoning Officer shall have such duties and powers as are conferred on him by this chapter and are reasonably implied for that purpose. It shall be the duty of the Zoning Officer to:

A. Receive, examine and process all applications for building, occupancy and zoning permits for all uses including signs.

B. Issue permits only where there is compliance with the provisions of this chapter, with other municipal ordinances, and with the laws of the commonwealth and the federal government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits for conditional uses requiring approval by the municipality shall be issued only after receipt of approval from the governing body.

C. Receive applications for conditional uses, curative amendments and zoning changes, forwarding such requests to the governing body, or other appropriate agencies.

D. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for actions thereupon.
§ 205-71  CALIFORNIA CODE  § 205-72

E. Examine, or cause to be examined, all structures and/or land for which an application has been filed for a zoning permit, and he may conduct such inspections from time to time, during and at completion of the work for which a zoning permit has been issued.

F. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter.

G. Issue stop, cease and desist orders, and order, in writing, correction of all conditions found to be in violation of the provisions of all applicable regulations. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this chapter. It shall be unlawful for any person to violate any such order issued lawfully by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this chapter.

H. With the approval of the governing body or when directed by them, institute in the name of the municipality any appropriate actions or proceedings to:

   (1) Prevent unlawful erection, construction, reconstruction, alteration, repair, conversion maintenance or use of a building, structure or property;

   (2) Restrain, correct or abate any such violation so as to prevent the occupancy or use of any such building, structure or land; and/or

   (3) Prevent any illegal act, conduct, business or use in or about such premises.

I. Revoke any order or zoning permit issued under mistake of fact, or contrary to the law, of the provisions of this chapter.

J. Record and file all applications for zoning permits with accompanying plans and documents.

K. Maintain a map or maps showing the current zoning classification of all land in the municipality.

L. Keep an up-to-date list of all nonconforming uses in accordance with Article VII of this chapter.

M. Keep and maintain an up-to-date Register of Historic Properties within the Borough.


A. Until the Zoning Officer has issued a zoning permit applicable thereto, no person shall:

   (1) Occupy or use any vacant land.

   (2) Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged.

   (3) Change the use of a structure or land to a different use.

   (4) Change or alter a nonconforming use.
B. The zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this chapter. In accordance with the provisions of this chapter, owners of nonconforming uses, structures, or lots or their agents, may apply for zoning approval. Issuance of such zoning approval by the Zoning Officer shall constitute registration of the nonconforming use, structure, and/or lot.

C. Application fees. Each applicant for a zoning permit shall present, with the application, a plan of the property showing clearly and completely the location, dimensions and nature of any structure involved and any other information the Zoning Officer may require so as to comply with this chapter, together with a filing fee in accordance with the schedule of the same.

D. Records. The Zoning Officer shall maintain a permanent file of all zoning permits and applications as public record.

E. A zoning permit shall expire one year from the date of issuance; provided, however, that the same might be extended for a period not to exceed an additional one year.

F. All zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit display shall occur within five days of permit issuance or prior to the commencement of actual work on the site, whichever comes first. The zoning permit shall be displayed continuously until a certificate of occupancy is issued for the subject property.

§ 205-73. Certificates of occupancy.

A. No use of vacant land shall be made, nor shall any building or structure hereafter constructed, erected, or structurally altered be occupied or used, nor shall any existing use of a building, structure, or land be changed until a certificate of occupancy shall have been issued by the Zoning Officer.

B. In the event that a building permit is required for the construction, erection or structural alteration of any building or structure, an application for a certificate of occupancy shall be made simultaneously with the application for the building permit. The applicant shall notify the Zoning Officer of the date on which such construction, erection, or structural alteration shall have been completed in conformity with the provisions of this chapter and the Zoning Officer shall examine the building or structure involved within 10 days of the completion. If the Zoning Officer finds that the construction, erection, or structural alteration has been completed in accordance with the provisions of this chapter, a certificate of occupancy shall be issued.

C. Temporary certificate of occupancy. The Zoning Officer may issue a temporary certificate of occupancy which may permit the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection. The temporary certificate shall be valid for a period of six months from its issuance and shall be subject to such restrictions and provisions that may be deemed necessary by the Zoning Officer to
adequately insure the safety of persons using or occupying the structure, building, or land involved.

D. All applications for certificates of occupancy shall be made on forms provided by the Zoning Officer and the municipality and shall contain accurate information as to the size of and location of the lot, the locations of the buildings and structures on the lot, the dimensions of all yards and open spaces, and such other information that is required by the Zoning Officer as necessary to provide for the enforcement of this chapter.

E. No building permit or other permit for excavation or for the erection, construction, repair or alteration of a building or structure shall be issued before application has been made for a certificate of occupancy.

F. The Zoning Officer shall act on applications for certificate of occupancy in a manner established by requirements of the state or the municipality.

G. No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with this chapter.

H. The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this chapter.

§ 205-74. Building permits.

A. Until the Zoning Officer has issued a building permit applicable thereto, no person shall:

(1) Build, construct, or otherwise modify any structure or accessory structure.

(2) Build, construct or otherwise modify any driveway, sidewalk or patio.

(3) Renovate, remodel, or perform any construction activity, as defined under the Uniform Construction Code, at any location within the Borough.

B. The building permit shall state that the proposed structure or modification conforms to the requirements of this chapter, and to any other requirements provided under federal or state law. No permit may issue until the applicant has submitted a complete application, as provided by the Borough, including all such accompanying material as deemed necessary and appropriate by the Zoning Officer.

C. Application fees. Each applicant for a building permit shall present with the application a filing fee, as may be required, in accordance with the schedule of the same.

D. Records. The Zoning Officer shall maintain a permanent file of all building permits and applications as public record.

E. A building permit shall expire six months from the date of issuance; provided, however, that the same might be extended for a period not to exceed an additional six months.

F. All building permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit display shall occur within five days of permit issuance or
prior to the commencement of actual work on the site, whichever comes first. The permit shall be displayed continuously until a certificate of occupancy is issued for the subject property.

§ 205-75. Enforcement procedures; violations and penalties.

A. When it appears to the municipalities or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. 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 the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

(1) The name of the owner of record and any other person against whom the municipality intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements that have not been met, citing, in each instance, the applicable provisions of the chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) 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 chapter.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation.

B. In any appeal of an enforcement notice to the Zoning Hearing Board, the municipality shall have the responsibility of presenting its evidence first.

C. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party’s favor.

D. 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 chapter, the municipality, the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his/her 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 violation. When a landowner or tenant institutes any such action, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body. No such action may be maintained until such notice has been given.
E. Magisterial District Judges shall have initial jurisdiction over proceedings brought under this section.

F. Any persons, or the partners, owners, managers or members of any partnership or corporation, who or which have violated or permitted violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than $500, plus all court costs, including reasonable attorney fees incurred by the municipality 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality 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 Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the chapter 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 Magisterial District Judge 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 chapter shall be paid over to the municipality.

G. Fines levied for violation of this chapter shall be paid over to the Borough of California.

H. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the municipality, its Solicitor, its Code Enforcement Officer or its Zoning Officer the right to initiate or prosecute any action for enforcement pursuant to this section.

§ 205-76. Appeals.

A. The procedure and time limitations for appeal from any ordinance, decision, determination or order of the governing body, Zoning Officer, Zoning Hearing Board, or other applicable agency or officer of the municipality, in the enactment of administration of this chapter, shall be in conformance with the provisions of the MPC.

B. Any person or municipal official aggrieved or affected by any provision of this chapter or by any determination of the Zoning Officer may appeal to the Board within 30 days, as provided by the rules of the Zoning Hearing Board, by filing a notice of appeal specifying the grounds thereof. The Zoning Hearing Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Officer in the administration of this chapter.

C. Where the Zoning Hearing Board has jurisdiction over a matter, it shall also hear appeals that an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Zoning Hearing Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon, as provided in Section 908 of the
§ 205-77. Fees.
A. The Borough shall determine a schedule of fees, to be adopted by resolution, as well as a collection procedure for permits and applications for variances, special exceptions, amendments and other matters pertaining to this chapter.

B. The Borough shall reevaluate the fee schedule from time to time and make the necessary changes to it. These changes shall not be considered an amendment to this chapter and may be adopted at a public meeting by resolution.

C. All fees shall be paid to the treasury of the Borough of California. Special exceptions, variances and amendments shall be acted upon only after the required fees have been paid in full and the Zoning Hearing Board shall not take any action on appeals until the necessary charges have been paid in full.

§ 205-78. Zoning Hearing Board established.
A. In accordance with Article IX of the MPC, a Zoning Hearing Board shall be appointed and organized. This Zoning Hearing Board shall hold meetings, keep minutes, and, pursuant to public notice, conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions, all as required by law. For filing of any appeal or proceeding with the Zoning Hearing Board, a fee shall be charged in accordance with the schedule.

B. Except as provided in the MPC, the Zoning Hearing Board shall have no power to pass upon the validity of any provisions of an ordinance or a map.

§ 205-79. Zoning Hearing Board administration and procedures.
A. Membership and organization. The membership and organization of the Board and the appointment of alternate members to the Board shall be as follows:

(1) The membership of the Board shall be three persons, who are residents of the Borough of California and who may hold no other elected or appointed Borough office. Members of the Board shall be appointed to staggered three-year terms, so that the term of one member expires the first Monday of January each year. Members may be reappointed at the discretion of the Borough Council, and Council may make appointments to fill the unexpired term of any member upon the occasion of a vacancy.
(2) Members of the Zoning Hearing Board shall organize and shall elect from their members a Chairman and Vice Chairman, and may appoint a Secretary, who may be a member of the Board or a clerical employee.

(3) The Borough Council may appoint one alternate member, who shall meet the qualifications required for Board membership, and who may, at the call of the Chairman, replace a regular member who is unable to participate in the disposition of a matter pending before the Board. During such proceedings, the alternate member shall function with the full authority of a regular member of the Board.

B. Rules and regulations. The Board may make, alter and rescind rules, regulations, and forms for its procedures such as are consistent with the Borough Code and the laws of the commonwealth. Copies of rules, regulations and forms adopted by the Board shall be prepared and shall be made available for inspection by any interested persons in the offices of the Board and the municipalities.

C. Notice hearing and decisions. The Board shall conduct hearings and render decision, after giving such notice as required by law, in the manner prescribed by the MPC, as now established or hereafter amended.

D. Jurisdiction of the Zoning Hearing Board. The jurisdiction of the Zoning Hearing Board shall be as set forth in the MPC, as amended, and other applicable law.

E. All appeals and applications made to the Zoning Hearing Board shall be in writing on forms prescribed by the governing body.

F. Every appeal or application shall refer to the specific provision of the chapter involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought or the details of the variance should be granted.

G. The hearings shall be conducted in accordance with Section 908 of the MPC. The Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Zoning Hearing Board and accept the decision of the hearing officer as final.

H. The Borough Council shall appropriate such funds to the Board as necessary to provide secretarial, stenographic, legal, technical, or other consulting services incident to the business of the Board.

I. No attorney retained as Municipal Solicitor to the Borough may provide legal services to the Zoning Hearing Board.

§ 205-80. Special exceptions.

In any instance where the Board is required to consider a special exception in accordance with the provisions of this chapter, the Board shall apply the following standards:

33. Editor's Note: See 53 P.S. § 10908.
A. The Board shall determine if the applicant has shown that the proposed special exception will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood, and that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.

B. The Board shall determine if the applicant has shown that the proposed special exception will serve the best interests of the Borough, the convenience of the community and the public welfare.

C. The Board shall determine if the applicant has shown that the effect of the proposed special exception will facilitate the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.

D. In granting a special exception, the Board may attach such reasonable conditions and safeguards, which conditions may include, but are not limited to, harmonious design of buildings, plantings and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation, as it may deem necessary to implement the purpose of this chapter.

§ 205-81. Variances.

In accordance with Section 910.2 of the MPC, the Zoning Hearing Board, upon appeal, shall have power to authorize variances from the provisions of this chapter. The applicant must provide evidence to the Zoning Hearing Board of the need for the variance based upon all the following criteria and the Zoning Hearing Board may grant a variance provided that all of the findings 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 chapter in the neighborhood or district in which the property is located.

B. That, because of such physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter 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.

34. Editor's Note: See 53 P.S. § 10910.2.
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.

§ 205-82. Nonconforming uses.

The Zoning Hearing Board shall have the power to authorize changes in lawful nonconforming uses as follows in accordance with this chapter:

A. A nonconforming use, which occupies a portion of a structure or premises, may be extended within such structure or premises as they existed when the provision to prohibit the use took effect, but not in violation of the area and yard requirements of the district in which structure or premises is located.

B. The Zoning Hearing Board may impose conditions deemed necessary for the protection of adjacent property and public interest. No changes of a nonconforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

§ 205-83. Mediation option.

In accordance with Section 908.1, Mediation option, of the MPC, authorized parties may utilize mediation as a method to facilitate such proceedings.

§ 205-84. Conditional uses.

A. Within this chapter it is provided that certain uses may be permitted as conditional uses and must be approved by the governing body of the municipality. These conditional uses may be allowed or denied by the governing body pursuant to the standards, criteria and conditions set forth in this chapter or incorporated herein by reference.

B. In addition to the information required on the zoning permit application, the conditional use application must show ground floor plans and elevations of proposed structures, names and addresses of adjoining property owners including those directly across a public right-of-way, a scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter, and a written description of the proposed use in sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this chapter.

C. No conditional use shall be approved except pursuant to public notice and hearing held on the application for any such use by the governing body.

D. The applicant shall provide photographs of the present site and the surrounding contiguous area of up to 200 feet from the property line.

E. The applicant must demonstrate compliance with the following:

(1) The proposed use shall be consistent with the purpose and intent of this chapter as well as the Comprehensive Plan.

35. Editor's Note: See 53 P.S. § 10908.1.
(2) The proposed use will not impact or change the character of the surrounding neighborhood.

(3) Adequate public facilities are available to serve the proposed use.

(4) If the development is in a designated floodplain, it complies with all necessary requirements.

(5) The proposed use will not be detrimental to the community.

F. The governing body may attach reasonable conditions and safeguards that are considered necessary to protect the public welfare, that may be more restrictive than those established for uses in the same zoning district. The governing body may require that such conditions be incorporated into a plan of lots or other appropriate recordable form and filed in the Washington County Recorder of Deeds' office. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in this chapter. Each situation shall be deemed to be separate and individual, and the disposition made by the governing body shall apply only to that particular application and in no way be construed to establish precedent.

G. During the evaluation of the conditional use application, the governing body shall consider the effect and overall compatibility of the proposed use based on:

(1) Density of population.

(2) Height, shape, size, and location of proposed buildings/structures.

(3) Adequacy and location of off-street parking facilities.

(4) Potential for increased traffic.

(5) Existence and location of natural and artificial buffering.

(6) Lighting.

(7) Odors and noise.

(8) Signs and other display devices.

H. Unless otherwise specified by the governing body, or by law, a conditional use permit shall expire if the applicant fails to obtain a zoning permit within 12 months from the date of authorization thereof by the governing body or by the court if such conditional use approval has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration, or change in use authorized by the conditional use approval within 18 months from the date of authorization thereof by the governing body or by the court if such conditional use approval has been granted after an appeal. The Zoning Officer may extend the approval for an additional period of up to one year in the event that the applicant has shown good cause for the delay.
§ 205-85. Amendments to chapter.
A. The municipality may introduce and/or consider amendments to this chapter and to the Zoning Map, as proposed by a member of the Borough Council, or by a petition of a person residing or owning property within the Borough.

B. All amendments shall conform to Section 609, Enactment of zoning ordinance amendments, and Section 610, Publication, advertisement and availability of ordinance, of the MPC and all subsequent amendments to the MPC (including Acts 67 and 68). The notification of proposed amendments shall be in accordance with (Act 2 of 2002) of the MPC.

C. Petitions for amendments shall be filed with the Zoning Officer and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with the fee schedule. The Zoning Officer, Borough Engineer, Borough Solicitor, and the Washington County Planning Commission shall review the proposed amendment and report their findings and recommendations in writing to the Borough Council.

D. Before acting upon a proposed amendment, the Borough Council shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published once a week for two consecutive weeks in a newspaper of general circulation in the municipality. The first publication shall be not more than 30 days and the second publication not less than seven days from the date of the hearing.

§ 205-86. Landowner curative amendments.
A landowner who desires to challenge on substantive grounds the validity of this chapter or map, or any provision thereof, which prohibits or restricts the use of development of land in which he/she has an interest, may substitute a curative amendment to the Borough Council with a written request that his/her challenge and proposed amendment be heard and decided as provided in Section 609.1, Procedure for landowner curative amendments, and Sections 916.1 and 610 of the MPC. As with other proposed amendments, the curative amendment shall be referred to the Zoning Officer, Borough Engineer, Borough Solicitor and the Washington County Planning Commission at least 30 days before the hearing is conducted.

§ 205-87. Municipal curative amendments.
In the instance that municipalities would determine that this chapter or the Zoning Map, or any provision thereof, is substantially invalid, the municipality can take action as provided for in Section 609.2, Procedure for municipal curative amendments, of the MPC.

36. Editor's Note: See 53 P.S. §§ 10609 and 10610, respectively.
37. Editor's Note: See 53 P.S. §§ 10609.1, 10610 and 10916.1.
38. Editor's Note: See 53 P.S. § 10609.2.
# ZONING

## Borough of California

### Appendix 1

**Lot Dimensional Requirements**

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<th>A-1</th>
<th>R-1</th>
<th>R-2</th>
<th>C-1</th>
<th>C-2</th>
<th>MU</th>
<th>M-1</th>
<th>I</th>
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</thead>
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<tr>
<td>Minimum lot area</td>
<td>1 acre</td>
<td>10,000 sq. ft.</td>
<td>7,500 sq. ft.</td>
<td>8,000 sq. ft.</td>
<td>N/A</td>
<td>5,000 sq. ft.</td>
<td>N/A</td>
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<tr>
<td>Minimum lot width</td>
<td>200</td>
<td>100</td>
<td>65</td>
<td>50</td>
<td>25</td>
<td>50</td>
<td>100</td>
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<tr>
<td>Minimum front yard setback</td>
<td>75</td>
<td>30</td>
<td>25</td>
<td>N/A</td>
<td>N/A</td>
<td>25</td>
<td>25</td>
<td>25</td>
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<tr>
<td>Minimum side yard setback</td>
<td>40</td>
<td>15</td>
<td>10</td>
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<td>N/A</td>
<td>10</td>
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<td>Minimum rear yard setback</td>
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<tr>
<td>Maximum structure height</td>
<td>45</td>
<td>30</td>
<td>30</td>
<td>50</td>
<td>50</td>
<td>30</td>
<td>50</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum lot cover (as % of total area)</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>50</td>
<td>50</td>
<td>40</td>
<td>50</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### NOTES:

“N/A” means not applicable or no requirement.

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

All of the dimensional requirements of the MU Special Mixed Use District may be adjusted to accommodate innovative development in the district, upon proper approval of a land development plan by the Zoning Hearing Board.
APPENDIX
Chapter A208

FIRE DEPARTMENT, RECOGNITION OF

§ A208-1. Authorized duties and activities.

The purpose and objective of this resolution is to recognize California Volunteer Fire Department as the duly recognized volunteer fire department for California Borough and to designate those duties and activities which the municipality shall authorize either by approval under formal governing procedures or by approval following application by the Fire Department to the municipality for written approval, in accordance with terms hereof, of the ancillary activities and duties which the fire company desires to perform. These duties and activities are as follows:

A. The Volunteer Fire Department recognized by the municipality is authorized to actively engage in fire fighting within the boundaries of the municipality and to respond to out-of-jurisdiction calls only pursuant to the authorization of a written mutual aid agreement or a written agreement for first call service approved by the municipality.

B. A volunteer fire fighter may engage only in those acts which are recognized as fire-fighting activities. Such acts are limited to the following activities of a fire fighter while actually engaged as a fire fighter:

(1) The fire fighter's act of going to or returning from any fire which the fire company of which they are a member shall have attended;

(2) The fire fighter's participation in fire-fighting instruction and fire drills which the fire company of which they are a member shall have attended;

(3) The fire fighter's participation in repair and/or other work on fire apparatus, buildings and grounds of the fire company or fire department, which work is specifically authorized by the chief of the fire company or fire department; and

(4) The fire fighter's performance in responding to any emergency call for any purpose, or while riding upon the fire apparatus owned or used by the fire company of which they are a member.

§ A208-2. Ancillary duties and activities.

A duly authorized volunteer fire company may only participate in certain ancillary activities or duties after obtaining the separate written approval of the municipality following official action by the governing body granting such approval.
Chapter A209

POLICE DEPARTMENT POLICIES AND PROCEDURES


[HISTORY: Adopted by the Borough Council of the Borough of California 5-13-2003 by Res. No. 03-103. Amendments noted where applicable.]

GENERAL REFERENCES

Personnel policies — See Ch. 39.  Police Department — See Ch. 43.

§ A209-1. Adoption of regulations.
A. The Borough Council hereby promulgates regulations governing the Borough Police Department, and particularly the following general areas of police procedure:

(1) Standards of conduct.
(2) Off-duty conduct and powers of arrest.
(3) Use of force.
(4) Firearms.
(5) Pepper-aerosol restraint spray.
(6) High-speed pursuit driving policy/vehicular pursuit.
(7) Transportation of prisoners.
(8) Holding/detainment facilities.
(9) Juvenile enforcement and custody.
(10) Motor vehicle searches.
(11) Strip and body cavity searches.
(12) Investigating sexual assault.
(13) Investigating child abuse.

B. The foregoing policies are set forth in their entirety and attached hereto as Exhibits 1 through 13 of this resolution. The terms, conditions and contents of Exhibits 1 through 13 are on file in the Borough offices.

1. Editor's Note: Exhibits 1 through 13 are on file in the Borough offices.
§ A209-2. Repeal of prior inconsistent policies and procedures.

Any and all policies previously adopted by the Borough Council of the Borough of California, which same conflict with the policies and procedures adopted hereunder, are hereby repealed and declared to be null and void and of no force or effect insofar as they conflict with the policies and procedures adopted hereunder. In addition, any and all policies promulgated by the Police Department and implemented without approval by the Borough Council of the Borough of California are hereby repealed in their entirety, and shall be of no further force or effect.


If any provision or part of this resolution is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this resolution as a whole or any part or provision not adjudged to be invalid or unconstitutional.

§ A209-4. When effective.

The policies and procedures adopted hereunder are hereby effective immediately. The Borough Police Department and its officers are hereby directed to implement the policies adopted hereunder effective with the date of adoption.
Chapter A210

RECORDS, ACCESS TO

§ A210-1. Methods of requesting access.
All requests for access to public records of the Borough of California shall be made in writing, verbally (in person or telephonically), or by facsimile.

§ A210-2. Designated officials to manage requests.
A. All requests for access to public records of the Borough of California shall be directed to the Borough Secretary/Treasurer, Borough of California Municipal Building, 225 Third Street, California, Washington County, Pennsylvania 15419; telephone: 724-938-8878; facsimile: 724-938-8881.

B. All requests for access to public records of the Police Department of the Borough of California shall be directed to the Police Secretary, Borough of California Municipal Building, 225 Third Street, California, Washington County, Pennsylvania 15419; telephone: 724-938-3233; facsimile: 724-938-0703.

C. The Secretary/Treasurer or Secretary shall have the authority to review and respond to requests for public records, as contemplated hereunder, and may, in his/her discretion, consult with such other Borough officials as required to adequately respond to such requests.

§ A210-3. Decision to grant or deny request.
When a request is received for access to public records, the Borough shall make a determination, within five business days of receipt of the request, to grant or deny the request. The person or entity requesting the information shall be promptly notified of the Borough’s decision.

A. If, after receiving a request for access to public records, the Borough determines any of the following circumstances exist, the person or entity requesting access to the records shall be issued a notice that the request is being reviewed:

1. The request for access requires redaction of a public record;
2. The request for access requires retrieval of a record stored in a remote location;
3. A timely response to the request for access cannot be accomplished due to bona fide and specified staff limitations;
4. A legal review of the request is necessary to determine whether the record is a public record subject to access under the Act;
5. The person or entity requesting access to the public record has not complied with the Borough's policies regarding access to public records; or
6. The person requesting access to the record refuses to pay applicable fees as contained herein.

B. The person or entity requesting access to the record shall be informed in writing as to the specific reason that their request is being reviewed. Requests subject to review under this section shall, in any event, be approved or denied, as provided hereunder, within 90 days of receipt by the Borough.

§ A210-5. Notice of denial.

If a request for access to public records is denied, the person or entity requesting the records shall be informed of the reason that the request has been denied and shall be given the authority relied upon by the Borough for denying access. The notice of denial shall contain the name of the person making the decision to deny access to the public record, the date of the denial, and shall include the signature of the person denying access, along with an explanation of the procedures for appealing the Borough's denial of access to the record in question.

§ A210-6. Fees.

The following fees shall be applicable to requests for access to public records:

A. Photocopying fees: $0.50 per page;
B. Certification of a public record: $4.75 for the first page per record certified and $1.75 for each additional page;
C. Copying records onto electronic media: $20 plus actual cost of materials and media used for copying; and
D. Copying off-site of subdivision, land development or other plans: $50 plus actual cost incurred.
§ A210-7. Prepayment for certain requests.
If the estimated costs of duplication of a public record is expected to exceed $100, the Borough may require the person or entity requesting the record to prepay the estimated fees authorized by this policy, prior to providing access to the public record. Access to the records requested shall be postponed until prepayment is received.

§ A210-8. Request form.
The Borough shall utilize the form attached hereto as Exhibit A to process all requests for access to the Borough’s public records. When completed, a copy of the form shall be given to the person requesting the information and a copy shall be retained by the Borough.

Any resolutions or parts of resolutions inconsistent herewith are hereby repealed.

1. Editor’s Note: Exhibit A is on file in the Borough offices.
DISPOSITION
LIST
Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Borough of California adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was Ord. No. 496, adopted 12-8-2005.

§ DL-1. Disposition of legislation.

<table>
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<th>Subject</th>
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