

# CODE OF ORDINANCES

of the

## TOWNSHIP OF PENN

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Centre County, Pennsylvania

Published by Authority of the Township

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## OFFICIALS of the Township of Penn

### County of Centre, Pennsylvania

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ELECTED OFFICIALS	
BOARD OF SUPERVISORS	
Chairman	Robert J. Fox
Vice Chairman	David S. Braucht
Supervisor	Henry S. Beiler
Tax Collector	Lisa A. Auman
Auditors	Devra L. Wolfe
	Donna Martin
	Penny Royer
APPOINTED OFFICIALS	
Secretary/Treasurer	Barbara E. Shaffer
Codes Officer	Penns Valley Code Enforcement Agency
Solicitor	John R. Miller, III, Esquire
Engineer	Century Engineering, Inc.

## FEE SCHEDULE

SUBJECT		FEE
<b>BUILDING PERMIT (Chapter 4, §102; Chapter 8, §210)</b>		
Building Permit Fees		
Residential/open space	Current	\$50.00 plus \$.05 per square foot
	Anticipated	\$200.00 plus \$.05 per square foot (contingent upon municipality adopting Uniform Construction Code (PA Act 45))
Agricultural	Current	\$50.00 plus \$.05 per square foot (may vary dependent on zoning)
	Anticipated	\$200.00 plus \$.05 per square foot (contingent upon municipality adopting Uniform Construction Code (PA Act 45))
Commercial	Current	\$50.00 plus \$.15 per square foot
	Anticipated	\$200.00 plus \$.15 per square foot (contingent upon municipality adopting Uniform Construction Code (PA Act 45))
Industrial	Current	\$50.00 plus \$.15 per square foot
	Anticipated	\$200.00 plus \$.15 per square foot (contingent upon municipality adopting Uniform Construction Code (PA Act 45))
Permit Extension Fee		\$25.00
Failure to Acquire Permit		to be determined at next Agency meeting (1/15/04)
Road Occupancy		to be determined at next Agency meeting (1/15/04)
Logging Permit		\$50.00 plus \$1500.00 bond
Sign Permit		\$25.00
[Res. 2004-06]		
<b>JUNKYARDS (Chapter 13, §§106, 109)</b>		
License Fee		
Less than 15,000 square feet		
More than 15,000 square feet but less than 40,000 square feet		
More than 40,000 square feet		
The fee to be paid by an applicant to engage in the business of a junk dealer or maintain a junkyard for the initial issuance and for each annual renewal of a license. [Res. 2010-04]		\$50.00
Transfer Fee		\$10.00
<b>SEWERS</b>		
Application Fee (Chapter 18, §204)		\$175.00
2015 Sewage Enforcement Officer Fee Schedule		

All application fees paid in advance to municipality prior to scheduling work.		
Permit Application Activities (DEP Reimbursable)	SEO Fee	Application Fee
Conventional systems (approved or denied)	\$575.00	\$575.00
Alternate systems (non-drip, IRSIS AB or Eljen)	\$575.00	\$575.00
Replacement/repair to existing system	\$575.00	\$575.00
Repairs to existing system (no probe or perc required)	\$275.00	\$275.00
Septic tank replacement	\$275.00	\$275.00
Holding tank/privy structure	\$375.00	\$375.00
Inspections (plus mileage)	\$130.00	\$130.00
Permit reissue or transfer	\$125.00	\$125.00
Minor modification permits	\$125.00	\$125.00
Drip irrigation applications	\$675.00	\$675.00
Drips, IRSIS AB & Eljen applications	\$675.00	\$675.00
All fees are plus mileage not to exceed approved State rate. All applications are subject inspection fees.		
Land Development Activities Non-Reimbursable (All fees paid by Developer)		
Residential:		
Site evaluation and soil probes (4 per lot)**		\$200.00 per lot (\$45/probe over 4)
Percolation tests (max. 8 hole set)**		\$300.00 per lot (no replacement area)
Replacement area perc testing		\$200.00 per perc test.
Planning module review		At hourly rate (\$100.00 minimum fee )
Subsequent reviews, planning related meetings, and certain "general" activities requested by the local agency, or services not set forth in the fee schedule will be provided at the rate of \$55.00 per hour. All fees are plus mileage not to exceed the approved State rate.		
All application fees are subject to a fee surcharge to the applicant if the amount of work exceeds that normally required to complete the services requested. Such surcharges will be charged in accordance with the hourly rate schedule.		
** Site evaluation, soil testing, perc testing and support work of nonresidential subdivisions will be charged on an equivalent dwelling unit basis in accordance with the 2015 SEO Fee Schedule.		
Nonresidential:		
The application fee for nonresidential land development will be determined by the proposed sewage flow based on an equivalent dwelling unit of 400 gallons per day equals one lot. This fee will be paid in advance of the scheduling of work. Said fee will be used as escrow against charges to be incurred. Applicant will receive a monthly billing of cost incurred and account balance.		
Should costs exceed the application fee, the applicant will be surcharged monthly for all costs in accordance with the rate schedule.		
Enforcement Activities and General Municipal Consultation		
These activities include, but are not limited to, malfunction complaints, permit revocation, meetings, hearings, research. general consultation, and other associated activities necessary to carry out the enforcement or implementation of the sewage facilities program for the local agency.		
Activities and services in this category will be compensated in accordance with the hourly rate schedule.		
HOURLY RATE SCHEDULE		
Certified S.E.O.		\$55.00 per hour
Administrative Assistant		\$55.00 per hour

Percolation Technician	\$35.00 per hour	
Clerical/Secretarial	\$30.00 per hour	
Mileage: Current approved State Rate	\$0.56.5 per mile	
Copies/Postage/Prints/etc., charged at actual cost plus any applicable time charges.		
Preparation of perc holes (digging per set of six) plus mileage	\$150.00	
Supply water per set of six perc holes plus mileage	\$140.00	
Conduct pre-soak (per set of six) plus mileage	\$75.00	
<b>SYSTEM INSPECTION/MONITORING FEES SCHEDULE</b>		
1. Four quarterly inspections during first year or operation, \$400.00 per year, payable at first quarterly inspection (plus mileage).	SEO Fee: \$400.00	
2. Two semi-annual inspections in subsequent years, \$200.00 payable at first semi-annual inspection (plus mileage).	SEO Fee: \$200.00	
3. Additional inspections as deemed necessary by SEO, \$120.00 payable at time of each inspection (plus inspection).	SEO Fee: \$130.00	
4. Permittee to pay all lab fees. Additional work not covered in the application fees will be charged in accordance with the hourly rate schedule and surcharged to the applicant by the municipality.		
5. Pre-operational inspections (plus mileage).	\$130.00/inspection	
<b>ON-LOT MANAGEMENT</b>		
1. All inspections, and other services relating to any phase of implementation or enforcement of the on-lot management program shall be completed at the scheduled hourly rate plus mileage.		
<b>OTHER PERMIT ACTIVITIES</b>		
	SEO Fee	Application Fee
1. Re-issuance of expired permits or permit transfers which require no changes.	\$125.00	\$125.00
2. Re-issue of expired permits or permit transfers that require design changes or modifications, and no site testing.	\$275.00	\$275.00
3 Permit revocations.		\$275.00 (Minimum)
4. General consultation, malfunction investigations, hearings, or any activities not specified will be charged at applicable hourly rates plus mileage.		
<b>DESIGN SERVICE</b>		
General consultation, system design or any activities not specified will be charged at applicable hourly rate for SEO, or clerical/secretarial plus postage, copies and mileage at the prevailing State rate. Said invoice will be payable to the Township.		
[Res. 2015-01]		
<b>SOLID WASTE (Chapter 20, §103)</b>		
Collectors License		\$25.00
<b>WATER</b>		
Rates		
Domestic		Per Year
Dwelling House (where more than one family lives in the same house, using separate or the same sanitary facilities, the same rate shall be charge for each family)		\$264.00
Commercial		
Heavy commercial establishments		\$429.00
Stores and other light commercial establishments		\$330.00
Churches		\$132.00
Farms		
Farms with dwelling		\$413.00
Farms without dwelling		\$165.00
Field taps for watering stock		\$55.00
The above stated water rates are the annual rates to be billed on a quarterly basis.		

[Res. 2014-06]		
Service; Discontinuance and Restoration		
In the event the owner of an improved property (owner) requests the Township to discontinue water service to an improved property and said request is approved by the Township, when service is discontinued the owner shall pay a turnoff fee prior to the time discontinuance of service is made.		\$150.00
When water service is restored to an improved property from which water service had previously been discontinued, the owner shall pay a turn on fee prior to the time restoration of service is made.		\$150.00
[Res. 2007-10]		
Tapping Fee for New Connections to the Penn Township Public Water Distribution System		
The fee to be paid by an applicant for a new connection to the Township's water system is hereby established to be paid by the applicant to the Township at the time written application for water service is submitted to the Township.		\$500.00
[Res. 2008-02]		

(Res. 9/5/2002; as amended by Res. 2003-01, 1/6/2003; by Res. 2004-02, 1/5/2004; by Res. 2004-06, 3/4/2004; by Res. 2005-01, 1/3/2005; by Res. 2006-11, 1/3/2006; by Res. 2007-02, 1/2/2007; by Res. 2007-10, 12/6/2007, §§1, 2; by Res. 2008-01, 1/7/2008; by Res. 2008-02, 4/3/2008; by Res. 2009-01, 1/5/2009; by Res. 2010-01, 1/4/2010; by Res. 2010-04, 8/4/2010; by Res. 2011-02, 1/3/2011; by Res. 2012-01, 1/3/2012; §§1, 2; by Res. 2012-03, 1/3/2012; by Res. 2013-01, 1/7/2013; by Res. 2013-02B, 5/2/2013; by Res. 2014-01, 1/6/2014; by Res. 2014-06, 11/6/2014, §§1, 2; and by Res. 2015-01, 1/5/2015)

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#### **PART 1**

#### **BOARD OF SUPERVISORS COMPENSATION**

##### **§ 101. ANNUAL COMPENSATION.**

Each Supervisor of Penn Township taking office or appointed to office on or after January 1, 2005, shall receive compensation as a Supervisor in the annual amount of \$1,875.

(Ord. 54, 12/26/1995, § 1; as amended by Ord. 71, 12/2/2004, § 1)

## **§ 102. STATUTORY LIMIT.**

No Supervisor shall receive annual compensation under this Part in excess of the annual statutory limit set by the General Assembly in Act 60 of 1995, 53 P.S. § 65515, for supervisors within the appropriate population category, which is \$1,875 per year.

(Ord. 54, 12/26/1995, § 2)

## **§ 103. MONTHLY INSTALLMENTS.**

The compensation authorized under this Part shall be paid in monthly installments of \$156.25 each.

(Ord. 54, 12/26/1995, § 3; as amended by Ord. 71, 12/2/2004, § 2)

## **A. TOWNSHIP PLANNING COMMISSION.**

### **§ 201. CREATION OF COMMISSION.**

1. A Township Planning Commission to be composed of five members, appointed as provided by law (53 P.S. § 10202), is hereby created in and for the Township of Penn. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon township planning agencies; provided, the Planning Commission previously created in and for the said Township shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Township planning commissions in effect at the time of the happening of the said vacancy.

2. The Planning Commission shall meet monthly upon proper notice as required by the laws of the Commonwealth of Pennsylvania.

(Ord. 8, 8/7/1967; as revised by Ord. 66, 9/5/2002, § 1)

## **B. PENNS VALLEY REGIONAL PLANNING COMMISSION.**

### **§ 211. CREATION, MEMBERSHIP, AND TERMS.**

The Township of Penn hereby joins with the municipalities of Centre Hall Borough, Gregg Township, Haines Township, Miles Township, Millheim Borough, Penn Township, and Potter Township to create the Penns Valley Regional Planning Commission as per the guidelines set forth under Article XI of the Pennsylvania Municipalities Planning Code, 15th Edition of Act 247 as amended January 2001, 53 P.S. § 11001 et seq. Each participating municipality shall appoint two members. The term of each member shall be 2 years.

(Ord. 69, 11/6/2003, § 1)

### **§ 212. PURPOSE.**

The seven municipalities of the Penns Valley Area have come to recognize that the issues associated with growth and development, such as, but not limited to, traffic congestion, air and water pollution, and loss of open space, are too large for any one municipality to deal with. They further recognize that current growth, and anticipated growth, if not properly managed will lead to the diminution of the region's quality of life. They are concerned that current zoning requirements which call for each and every municipality to provide for a full range of uses, regardless of historic development patterns, is inefficient and potentially destructive to the region's economic and social structure. To this end, the seven municipalities of the Penns Valley Area hereby embark on a course of action to implement multi-municipal planning. The Township of Penn empowers the Penns Valley Regional Planning Commission to undertake the development of a Multi-Municipal Comprehensive Plan that shall encompass the seven municipalities of the Penns Valley Area.

(Ord. 69, 11/6/2003, § 2)

### **§ 213. POWERS AND DUTIES.**

The Penns Valley Regional Planning Commission shall have the responsibility to prepare a Multi-Municipal Comprehensive Plan for the seven participating municipalities of the Penns Valley Area. To this end, the powers and duties of the Commission are as follows:

A. To prepare a Multi-Municipal Comprehensive Plan pursuant to Article XI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 11001 et seq.

B. That in the preparation of the Multi-Municipal Comprehensive Plan, the members of the Commission shall represent the interest of their respective municipalities, and may cast one vote per municipality on all matters that require action.

C. The recommendation of the Commission shall be advisory only.

D. The municipalities may extend the power and duties of the Regional Planning Commission by resolution of all participating municipalities.

E. The Commission shall be guided by the By-Laws of the Penns Valley Regional Planning Commission, "Attachment #1." <sup>1</sup>

(Ord. 69, 11/6/2003, § 3)

<sup>1</sup> Editor's Note: The By-Laws of the Penns Valley Regional Planning Commission, "Attachment #1," is on file and available for inspection in the Township office.

#### **§ 214. WITHDRAWAL.**

Any participating municipality may withdraw from the Penns Valley Regional Planning Commission after 6 months formal notice. Formal notice must be submitted in writing with the consent of the respective governing body authorizing withdrawal from the Regional Planning Commission. Upon receiving notice that a municipality wishes to withdraw from the Regional Planning Commission, the governing bodies of the remaining municipalities shall promptly schedule a meeting to consider whether the remaining municipalities wish to continue with the Regional Planning Commission. Municipalities who choose to withdraw shall still be responsible for their share of costs for the 6-month formal notice period.

(Ord. 69, 11/6/2003, § 4)

#### **§ 215. DISPUTE RESOLUTION.**

In instances where a dispute arises between two or more municipalities as to the contents of the multi-municipal comprehensive plan or the interpretation of this Part, the Regional Planning Commission may retain the services of the Centre County Planning Office or any other organization that specializes in mediation. The parties involved in the dispute shall be responsible for any costs incurred for mediation.

(Ord. 69, 11/6/2003, § 5)

## **PART 2**

### **PLANNING COMMISSIONS**

## **PART 3**

### **RULES GOVERNING THE FUNCTIONING OF THE BOARD OF SUPERVISORS**

#### **§ 301. REGULAR MEETING.**

A regular meeting schedule shall be established at the annual organization meeting. It shall be published in a local newspaper generally circulating in the Township of Penn and copies shall be available at the Township office. All meetings should be held at a place specified at the organization meeting. Residents wanting to discuss an issue should put it in writing and submit it to the Secretary, prior to the regularly scheduled meeting, so it can be placed on the agenda.

(Res. 96-7, 6/6/1996, § 1)

#### **§ 302. QUORUM.**

Any and all municipal business may be transacted at meetings only when a majority of the membership of the Board, commission or committee is present at the meeting.

(Res. 96-7, 6/6/1996, § 2)

#### **§ 303. SPECIAL MEETINGS.**

Special meetings may be called by one Supervisor or the Secretary for the purpose of conducting business. They must contact the Secretary prior to the meeting with information on time, date, etc., so the meeting may be advertised.

(Res. 96-7, 6/6/1996, § 3)

#### **§ 304. SUNSHINE LAW.**

Public notice of meetings shall conform with requirements of Act 175 of 1974, the Open Meetings Act, known as the "Sunshine Law."

(Res. 96-7, 6/6/1996, § 4)

#### **§ 305. ADJOURNED MEETINGS.**

If a majority of those present vote affirmatively, the meeting may be adjourned from time to time to another specific date and hour. If no date or time is specified, it shall be considered that the adjournment is to the date and time of the next regularly scheduled meeting.

(Res. 96-7, 6/6/1996, § 5)

#### **§ 306. AGENDA; ABSENCE OF SECRETARY.**

The Secretary shall maintain (as part of the minutes) an agenda of the matters and business taken up by a majority of the



members and not concluded. The standard agenda, together with the unfinished business, shall be maintained and presented at each meeting. Any new business matter may be added to the agenda. In the absence of the Secretary, the Chairman of the Board shall appoint a substitute Secretary

(Res. 96-7, 6/6/1996, § 6)

### **§ 307. OBSERVERS.**

The residents, voters and general public are encouraged to attend all public meetings of Penn Township. Observers may not participate in the debate, deliberation nor decision making of the meeting unless recognized by the Chairman. They may be heard at the appropriate places on the agenda and at other times when permitted by a majority of voting members.

(Res. 96-7, 6/6/1996, § 7)

### **§ 308. STANDARD ORDER OF BUSINESS; AGENDA.**

1. Meeting business shall be conducted in the order shown by the agenda, as presented by the Secretary, with revisions approved by a majority. The normal agenda will be as follows:

A. Call to order.

B. Pledge of Allegiance.

C. Public Participation. Public comment at regular or special meetings shall be governed by the following rules and regulations:

(1) A period of public comment shall be held at each meeting.

(2) The Chairman of the Board shall preside over the public comment period and may, within his discretion:

(a) Recognize individuals wishing to offer comment.

(b) Require identification of such persons.

(c) Allocate available time among individuals wishing to comment.

(d) Rule out of order scandalous, impertinent or redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting.

(3) The time allocated for the public comment period at each meeting shall be 3 minutes.

(4) If there is not enough time for public comment at a meeting, the Board of Supervisors, at its discretion, may defer the public comment period to a meeting held before the next regular or special meeting, or until the next regular or special meeting.

[Ord. 66]

D. Approval of minutes (copies submitted to Supervisors prior to meeting).

E. Financial report.

F. Plan reviews.

G. Scheduled speakers.

H. Unfinished business.

I. New business.

J. Citizen's agenda items (if arranged with the Secretary 4 days before the meeting day). Limited to 3 minutes each, and a total of 1 hour. The times may be changed at any time by a majority of the members of the Board. [A.O.]

K. Correspondence.

L. Items not on agenda.

M. Bill approval.

N. Adjournment.

(Res. 96-7, 6/6/1996, § 8; as amended by Ord. 66, 9/5/2002, § 1)

### **§ 309. DECORUM AND RULES OF ORDER.**

1. The Chairman of the Board of Supervisors shall preserve order and decorum, decide all questions of order and conduct the meeting. The Chairman of the Board may invoke and apply such portions of Robert's Rules of Order for parliamentary proceedings as needed to dispense with all business fairly and expeditiously. In the absence of the Chairman, and if there is no quorum, the remaining members may elect a chair pro tem.

2. All persons shall abide by the Customary Rules of Order and Conduct of Meetings, copies of which shall be displayed in

the meeting room. The chair or a majority of the members may take whatever legal actions that are necessary to maintain order.

(Res. 96-7, 6/6/1996, § 9)

#### **§ 310. AMENDMENTS.**

This Part and any permanent modifications or amendments to it shall be available at the Township office.

(Res. 96-7, 6/6/1996, § 10)

### **PART 4**

#### **NONPOLICE EMPLOYEES PENSION PLAN**

##### **§ 401. ESTABLISHMENT OF PLAN.**

There be and is hereby established a pension plan for all nonpolice employees of Penn Township, a pension plan for all of said persons who work full time at least 35 hours a week and who are permanent employees.

(Res. 01-1, 1/2/2001, §I)

##### **§ 402. ELIGIBILITY.**

Said persons would be eligible for said pension benefits after 10 years of service as employees and at age 65, whichever is the later date, but no sooner than age 65.

(Res. 01-1, 1/2/2001, §II)

##### **§ 403. BENEFITS.**

1. The pension benefits shall consist of 1% of the final average monthly salary, averaged over the final 36 months of employment multiplied by the years of service retirement.

2. Upon the death of an active member who is (A) eligible for retirement on the date of his/her death but who is not retired; or (B) an active vested or terminated vested employee on the date of his/her death, the surviving spouse shall be entitled to a survivor's benefit equal to 50% of the participant's benefit accrued at the time of his/her death. Payments of the benefits shall terminate upon death or remarriage of the surviving spouse. In the event that a spouse does not survive the member, but by minor dependent child(ren), the survivor benefit shall be paid to such child(ren), in equal shares, until he, she, or they shall have attained the age of 18 years. All benefits paid hereunder shall be paid monthly. [Res. 2007-03]

(Res. 01-1, 1/2/2001, §III; as amended by Res. 2005-07, 5/5/2005, § 1)

##### **§ 404. VESTING.**

Said pension benefits shall vest 100% after 10 years of service but said person cannot receive any such benefits until at least age 65.

(Res. 01-1, 1/2/2001, §IV; as amended by Ord. 66, 9/5/2002, § 1; and by Res. 2007-03, 3/1/2007, § 1)

##### **§ 405. LIFE ANNUITY.**

On retirement, the standard form of annuity shall be a life annuity (Res. 01-1, 1/2/2001, §V)

##### **§ 406. PENNSYLVANIA MUNICIPALITIES PENSION TRUST.**

Under this Part, the Township has elected to participate in the Pennsylvania Municipalities Pension Trust established for the benefit of the employees of the participating municipalities of Pennsylvania and the terms and conditions of the trust instrument entered into to effectuate such plans.

(Res. 01-1, 1/2/2001, §VI)

### **PART 5**

#### **FIRE INSURANCE PROCEEDS**

##### **§ 501. COMPLIANCE.**

This Part is intended to and shall comply with the Act of July 9, 1992, P.L. 678, No. 98, as amended, 40 P.S. § 638 et seq.

(Ord. 65, 5/2/2002, § 1)

##### **§ 502. DESIGNATED OFFICER.**

The Penn Township Treasurer (hereinafter referred to as "Treasurer") is hereby appointed as the designated officer who is

authorized to carry out all responsibilities and duties of the Township of Penn (hereinafter referred to as "Township") as stated herein.

(Ord. 65, 5/2/2002, § 2)

### **§ 503. DUTIES OF INSURANCE COMPANIES, ASSOCIATIONS AND EXCHANGES.**

No insurance company, association or exchange (hereinafter "insurer") doing business in this Commonwealth shall pay a claim of a named insured for fire damage to a structure located within the Township of Penn where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insurer is furnished with a certificate pursuant to § 504 of this Part, and unless there is compliance with the procedures set forth in §§ 505 and 506 of this Part.

(Ord. 65, 5/2/2002, § 3)

### **§ 504. CERTIFICATION.**

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

A. A certificate or, at the discretion of the Township, a verbal notification which shall be confirmed in writing by the insurer 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 Treasurer's certificate or verbal notification, no municipality has certified any amount as total costs incurred by the municipality for the removal, repair or securing of a building or other structure on the property

B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the 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 Treasurer that have been incurred by the Township for the removal, repair or securing of a building or other structure on the property. For the purposes of this Section, the Township shall certify to the Treasurer the 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 Township under applicable law.

(Ord. 65, 5/2/2002, § 4)

### **§ 505. PAYMENT OF CLAIM.**

1. Upon the receipt of a certificate pursuant to § 504(A), the insurer 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 insurer 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 insurer, the insured property owner and the Township shall follow the procedures set forth in §§ 506 and 507 of this Part.

2. Upon the receipt of a certificate and bill pursuant to § 504(B) of this Part, the insurer shall return the bill to the Treasurer and transfer to the Treasurer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill. The Township shall receive the amount and apply or credit it to payment of the items shown in the bill.

(Ord. 65, 5/2/2002, § 5)

### **§ 506. PROCEEDS TO BE ESCROWED.**

When the loss agreed to between the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the following procedure shall be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasurer in the aggregate \$2,000 for each \$15,000 and each fraction of that amount of a claim, unless subsection (B) of this Section applies.

B. If at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer from the insurance proceeds the amount specified in the estimate and the insurer shall provide the Township with the name and address of the named insured(s).

C. The transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

D. Policy proceeds remaining after the transfer to the Township shall be disbursed in accordance with the policy terms.

E. The named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the Treasurer shall return the amount of the fund in excess of the estimate to the named insured if the Township has not commenced to remove, repair or secure the building or other structure.

(Ord. 65, 5/2/2002, § 6)

### **§ 507. USE OF ESCROW PROCEEDS.**

Upon receipt of proceeds by the Township the following procedures shall be followed:

A. The Treasurer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Township. Such cost shall include, but is not limited to, any material, labor, engineering, legal or administrative costs incurred by the Township in connection with such removal, repair or securing of the building and any proceeding related thereto.

B. When transferring the funds as required in § 506 hereof, an insurer shall provide the Township with the name and address of the named insured, whereupon the Township shall contact the named insured, certify that the proceeds have been received by the Township and notify the named insured that the procedures under this Section shall be followed.

C. The fund shall be returned to the named insured when repairs, removal or securing of the building or other structure have been completed and the required proof received by the designated officer if the Township has not incurred any costs for repairs, removal or securing. If the Township has incurred 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 Township shall transfer the remaining funds to the named insured. Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency. Further, nothing in this Section shall be construed to prohibit the Township and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

(Ord. 65, 5/2/2002, § 7)

#### **§ 508. FEE AND FURTHER PROCEDURES BY RESOLUTION.**

The Township may, by resolution, adopt procedures and regulations to implement Act 98 of 1992, as amended, and this Part, and may, by resolution, fix reasonable fees to be charged for Township activities or services provided pursuant to said Act 98 of 1992, as amended, and this Part including, but not limited to, the issuance of certificates and bills, performance of inspections and opening of separate fund accounts. Nothing herein shall prohibit or limit the Township from recovering costs incurred, whether or not such costs or fees have been fixed by resolution.

(Ord. 65, 5/2/2002, § 8)

#### **§ 509. VIOLATION AND PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 65, 5/2/2002, § 9; as amended by Ord. 66, 9/5/2002, § 1)

### **PART 6 RIGHT-TO-KNOW POLICY FOR PUBLIC RECORDS**

#### **§ 601. INTRODUCTION.**

1. Penn Township ("Township") is a second class township, duly organized and being the governing body in Penn Township, Centre County, Pennsylvania, under the Second Class Township Code, 53 P.S. 65101 et seq. As such, the Township is a local agency for purposes of the new Right-to-Know Law.

2. All local agencies shall provide public records in accordance with the Right-to-Know Law, 53 P.S. § 1381 et seq. Therefore, any record in the possession of the Township shall be presumed to be a public record, except in the following circumstances:

A. The record is exempt under the Right-to-Know Law.

B. The record is protected by the attorney-work product doctrine, the attorney-client privilege, or other privilege recognized by a court interpreting the laws of the Commonwealth of Pennsylvania.

C. The record is exempt from disclosure under any other Federal or State law or regulation, or judicial order or decree.

3. Records are broadly defined under the Right-to-Know Law. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and a data-processed or image-processed document.

4. Requests for public records can be made by any person who is a legal resident of the United States, including resident aliens. Requests to the Township can also be made by other local agencies, Commonwealth agencies (e.g., the Department of the Auditor General or the Treasury Department), judicial agencies (i.e., the courts), or legislative agencies (e.g., the Senate and House of Representatives).

(Res. 2008-04, 12/4/2008, § 1)

#### **§ 602. ACCESS AND PROCEDURE.**

1. Requesters may make oral requests for access to records. However, if the requester wishes to pursue the relief and

remedies provided for in the Right-to-Know Law, the request for access to records must be a written request. A written request for access to records may be submitted in person, by mail, by e-mail, or by facsimile.

2. The Township has designated Barbara Shaffer, to act as the Open-Records Officer ("Officer"). The Officer's contact information is set forth below:

Barbara Shaffer

P.O. Box 125

118 Tea Hollow Lane

Coburn, PA 16832

Phone: (814) 349-8886

Fax: (814) 349-5525

e-mail: penntownshipcentre@verizon.net

3. Questions regarding this policy may be directed to the Officer at the telephone, fax number or e-mail address listed above.

4. All written requests must be addressed to the Officer. In the event a written request for records is addressed to a Township employee other than the Officer, the Township employee is hereby directed to promptly forward such requests to the Officer.

5. Written requests should identify or describe the record sought with sufficient specificity to enable the Township to ascertain which records are being requested. Unless otherwise required by law, a written request need not include any explanation of the requester's reason for requesting the records or the intended use of such records. The Township shall assign a tracking number to each filed form so as to track the Township's progress in responding to requests under the new Right-to-Know Law.

6. Prior to granting a request for access in accordance with the Right-to-Know Law, the Township may require a requester to prepay an estimate of the fees authorized by law if the fees required to fulfill the request are expected to exceed \$100. The fees must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities. Except as otherwise provided by statute, no other fees may be imposed unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable.

7. In all circumstances, the requester must agree to pay applicable fees authorized by the new Right-to-Know Law, such as, but not limited to, postage (not to exceed actual cost of mailing) duplication and certification. All applicable fees shall be paid before a requester receives access to the record(s) requested.

8. A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. In other words, the Township shall not be required to create a record which does not currently exist or to otherwise compile, maintain, format or organize a record in a manner in which it does not currently compile, maintain, format or organize such record. The Township may impose reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.

9. Upon receipt of a written request for a public record, the Officer shall do the following:

A. Note the date of the receipt on the written request.

B. Compute the day on which the 5-day period (see discussion of response, below) will expire, and make a notation of that date on the written request

C. Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

(Res. 2008-04, 12/4/2008, § 1)

### **§ 603. TOWNSHIP'S RESPONSE.**

1. Upon receipt of a written request for access to a record, the Township shall make a good faith effort to determine if the record requested is a public record and whether the Township has possession, custody or control of the identified record. When doing so, the Township will respond as promptly as possible under the circumstances existing at the time of the request. Under the Right-to-Know Law, the Township must send a response within 5 business days of receipt of the written request for access, or else the written request shall be deemed denied. For the purposes of this policy, a business day is any Monday, Tuesday, Wednesday, Thursday or Friday, except those days when the Township's office is closed for all or part of a day due to a holiday.

2. Upon receipt of a written request for access, the Officer shall determine if one of the following applies:

- A. The request for access requires redaction of a record in accordance with the Right-to-Know Law.
- B. The request for access requires the retrieval of a record stored in a remote location.
- C. A timely response to the request for access can not be accomplished due to bona fide and specified staffing limitations.
- D. A legal review is necessary to determine whether the record is a record subject to access under the Right-to-Know Law.
- E. The requester has not complied with the Township's policies regarding access to records.
- F. The requester refuses to pay applicable fees authorized by the Right-to-Know Law.
- G. The extent or nature of the request precludes a response within the required time period of 5 business days.

3. Upon a determination that one of the factors listed above applies, the Officer shall send written notice to the requester within 5 business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available. Information which the Township redacts in accordance with the Right-to-Know Law shall be deemed a denial.

4. If the date that a response is expected to be provided is in excess of 30 calendar days, following the 5 business days allowed for above, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the Township has not provided a response by that date.

5. For purposes of this policy, the "mailing date" shall be the date affixed to a: (A) response from the Officer to a request, which is to be the date the response is deposited in the U.S. mail; (B) final determination from the Officer, which is to be the date the final determination is deposited in the U.S. mail.

(Res. 2008-04, 12/4/2008, § 1)

#### **§ 604. APPEAL OF TOWNSHIP'S DETERMINATION.**

1. If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records within 15 business days of the mailing date of the Township's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, and shall address any grounds stated by the Township for delaying or denying the request.

2. The Office of Open Records has established an internet website with information relating to the Right-to-Know Law, including information on fees, advisory opinions and decisions, plus the name and address of all Open-Records Officers in the Commonwealth of Pennsylvania. For information on the Office of Open Records, please go to [openrecords.state.pa.us](http://openrecords.state.pa.us). (Please note: among other matters, the Office of Open Records shall establish fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, and other means of duplication.)

(Res. 2008-04, 12/4/2008, § 1)

#### **§ 605. RETENTION OF RECORDS.**

By adoption of this Part, the Township publicly declared its intention to follow the Municipal Records Act, 53 Pa. C.S.A. § 1381 et seq., with respect to the retention and disposition of public records. Nothing in the Right-to-Know Law shall be construed to modify, rescind or supercede the Township's lawfully adopted record retention and disposition policy. Moreover, nothing in the Right-to-Know Law shall be construed to require access to any computer of the Township, or that of an individual or employee of the Township.

(Res. 2008-04, 12/4/2008, § 1)

## **CHAPTER 2**

### **ANIMALS**

#### **PART 1**

#### **BARKING DOGS**

§ 101. Definitions

§ 102. Excessive Barking

§ 103. Enforcement and Penalties

#### **PART 1**

## **BARKING DOGS**

### **§ 101. DEFINITIONS.**

CODE ENFORCEMENT OFFICER - any Penn Township Supervisor or other person designated or appointed by the Penn Township Supervisors to enforce the ordinances of the Township of Penn. [Ord. 66]

CONTINUOUS BARKING - sustained barking by a dog.

DOG OWNER - when applied to the proprietorship of a dog, means every person having a right of property in any dog, and every person who keeps or harbors any dog or has a dog in his/her care and every person who permits any dog to remain on or about any premises occupied or controlled by him/her.

KEEPER - any person who shall possess, maintain, house or harbor any dog, or otherwise have custody of any dog, whether or not the owner of such dog, whether for compensation or otherwise.

POLICE OFFICER - any officer of the Pennsylvania State Police or any duly sworn law enforcement officer authorized to enforce the laws of the Commonwealth of Pennsylvania and the ordinances of the Township of Penn.

PREMISES - a tract of land, including buildings, located in Penn Township, Centre County, Pennsylvania.

REPETITIVE BARKING - barking by a dog at frequent intervals.

(Ord. 50, 11/3/1994, § 1; as amended by Ord. 66, 9/5/2002, § 1)

### **§ 102. EXCESSIVE BARKING.**

It shall be unlawful for any owner or keeper to harbor any dog which barks repetitively during any given 1 hour period or which barks continuously for a period of 10 consecutive minutes or more and which creates annoyance or disturbance on public premises, public rights of way or private premises.

(Ord. 50, 11/3/1994, § 2; as amended by Ord. 79, 12/3/2009, § 2)

### **§ 103. ENFORCEMENT AND PENALTIES.**

1. The Code Enforcement Officer or any police officer shall hereby be authorized to enforce the provisions of this Part.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 50, 11/3/1994, § 3; as amended by Ord. 66, 9/5/2002, § 1)

## **CHAPTER 3**

### **BICYCLES**

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(Reserved to accommodate future enactments)

## **CHAPTER 4**

### **BUILDINGS**

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#### **PART 1**

#### **BUILDING PERMITS**

§ 101. Definitions

§ 102. Building Permits

§ 103. Lot Size

§ 104. Setback of Structure /Building

§ 105. Size of Dwelling

- § 106. Foundation for Building or Structure
- § 107. Siding on Certain Buildings
- § 108. Manufactured Homes and Their Appurtenances
- § 109. Hunting Camp and Tourist Cabins
- § 110. Conformity with Other Regulations
- § 111. Board of Adjustment
- § 112. Penalties
- § 113. Permit Expiration

**PART 2**

**NUMBERING OF HOUSES, BUILDINGS AND OTHER STRUCTURES**

- § 201. Responsibility for Numbering Buildings
- § 202. Requirements for Numbers
- § 203. Building Numbering System Adopted
- § 204. Owners Responsible for Numbering
- § 205. Street Signs
- § 206. Enforcement and Penalties

**PART 3**

**DANGEROUS STRUCTURES**

- § 301. Definitions
- § 302. Dangerous Buildings Declared Nuisances
- § 303. Standards for Repair, Vacation or Demolition
- § 304. Duties of Code Enforcement Officer
- § 305. Hearings
- § 306. Removal of Notice Prohibited
- § 307. Emergency Cases
- § 308. Abatement by Township
- § 309. Penalties

**PART 1**

**BUILDING PERMITS**

**§ 101. DEFINITIONS.**

Certain words and terms used in this Part are defined for the purpose thereof:

**BUILDING** or **STRUCTURE** - anything enclosing a volume of 25 cubic feet or more, constructed or erected, the use of which demands a location on the soil, or attachment to something located in or on the soil.

**DWELLING** - any building which is designed for or occupied in whole or in part as a home or residence.

**PRIVATE GARAGE** - a building or structure, or any part thereof, used appurtenant to a dwelling house, primarily for the storage of motor vehicles.

**COMMERCIAL** or **INDUSTRIAL BUILDING** - any building or structure designed, built or altered for use entirely or in part for commercial or industrial purposes.

**ROADS** - Road and road rights-of-way include all lands established by dedication, usage, Township ordinance or laid out upon Township plans as highways and shall be synonymous with the streets, avenues, highways, parkways and other terms commonly applied to public highways.

**CODE ENFORCEMENT OFFICER** - a person appointed by the Supervisors to enforce the regulations of this Part. [Ord. 66]



(Ord. 13, 12/15/1970; as amended by Ord. 66, 9/5/2002, § 1)

## **§ 102. BUILDING PERMITS.**

1. No excavation for the construction of a building or structure to be erected or moved; and no excavation or construction altering or enlarging a building or structure which, when completed, will change the exterior dimensions of the building or structure shall be begun until or unless the person excavating, constructing, enlarging or moving the same shall have first obtained a permit therefor. Such permit shall be issued by the Code Enforcement Officer, providing the plot and plan accompanying the application for the building permit indicates that the construction, alteration or enlargement will conform with the requirements of this Part. The fee to be charged for said permit shall be in an amount as established, from time to time, by resolution of the Board of Supervisors. [Ord. 66]

2. Each application for a building permit shall be accompanied by a plot, in duplicate, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected or, in case of a building already in existence which is being altered or enlarged, its present size and its contemplated size at the completion of alteration or enlargement, together with a set of plans, in duplicate, of the construction excavation, alteration or enlargement, as the case may be, and any other information necessary for the Code Enforcement Officer to determine whether or not the requirements of this Part will be satisfied with respect thereto. A file of such application and plots and plans, together with a notation indicating whether or not a permit was issued, shall be kept in the office of the Code Enforcement Officer. [Ord. 66]

3. After the issue of a permit for any construction as covered by this Part, and before any excavation or construction shall begin, the permit for said construction shall be posted conspicuously at the front of said construction and the permit shall remain posted until the construction is completed.

4. If it is determined that the building site is located within a floodplain as defined by the Floodplain Ordinance [Chapter 8], the provisions of the Floodplain Ordinance will also be applicable. [Ord. 66]

5. Upon completion of the construction, occupancy or use of the new construction shall not take place until an occupancy permit is issued by the Township. [Ord. 64]

(Ord. 13, 12/15/1970; as amended by Ord. 20, 8/6/1974; by Ord. 36, 5/3/1984; by Ord. 64, 7/5/2001, § 1; and by Ord. 66, 9/5/2002, § 1)

## **§ 103. LOT SIZE.**

The minimum requirements as to lot area requirements for a dwelling house or other building to be built or erected shall be as follows:

A. Lots where private well and septic tanks are provided shall have a minimum width of 100 feet at the building line and a minimum area of 20,000 square feet per single family dwelling unit.

B. Lots served by either public water or sanitary services shall have a minimum of 80 feet at the building line and a minimum area of 10,000 square feet per single family dwelling unit.

C. Lots where both public water and sanitary sewers are provided shall have a minimum width at building line of 75 feet and a minimum area of 7,500 square feet per single family dwelling unit. Provided, however, that if the land affected be an unplotted lot having area or frontage less than that stated herein and held under separate ownership, the area of such unplotted and so held under separate ownership from the adjoining land at the time of adoption of this Part shall be the minimum requirement for such unplotted land and provided that, further, a lot in a recorded plan of lots divided at the time of the adoption of this Part having area and frontage of less than that stated herein shall constitute the minimum area requirement for such plotted ground. That portion of a lot on which is located the right-of-way for a road shall not be included in the determination of minimum requirements as to the area of the lot.

(Ord. 13, 12/15/1970)

## **§ 104. SETBACK OF STRUCTURE/BUILDING.**

1. Buildings erected or to be erected, altered or enlarged shall not be placed so that any portion of the structure shall be nearer to the edge of the road right-of-way than 40 feet on a State highway or more than 30 feet on all other roads except that where existing buildings within 250 feet on either side of the location of a proposed building is closer to the highway or road right-of-way than the distance specified herein, this closer distance shall constitute the minimum setback for the proposed building.

2. Buildings erected or to be erected, altered or enlarged shall not be placed nearer to the property line than 10 feet except that for a lot recorded or held under separate ownership at the time of the adoption of this Part having less than 56 feet, this setback shall be decreased by 1 foot for each 3 feet of width less than 36 feet except that in no circumstance shall the setback be less than 6 feet. This provision applies only to buildings or structures to be located within the distance of 80 feet from the edge of the highway or road right-of-way. [Ord. 66]

3. A dwelling to be erected, altered or enlarged on a lot on which there previously exists one or more dwellings shall be so located that the aforesaid lot can be subdivided into a manner consistent with § 103 of this Part in such manner consistent with the minimum setback regulation set forth in subsections (1) and (2) of this Section.

(Ord. 13, 12/15/1970; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 105. SIZE OF DWELLING.**

The foundation of a new building shall not cover less ground than 500 square feet. This provision is not applicable to trailers used as a home or residence.

(Ord. 13, 12/15/1970)

#### **§ 106. FOUNDATION FOR BUILDING OR STRUCTURE.**

Except when erected upon solid rock, foundation walls and other permanent improvements shall be carried not less than 3 feet below the finish grade ground level. Provided, however, that this provision shall not apply to trailers, hunting camps or other buildings used as temporary residences.

(Ord. 13, 12/15/1970; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 107. SIDING ON CERTAIN BUILDINGS.**

No dwelling, private garage or commercial building shall be left standing without approved exterior finish for more than 24 months.

(Ord. 13, 12/15/1970)

#### **§ 108. MANUFACTURED HOMES AND THEIR APPURTENANCES.**

1. All setback provisions of § 104, above, shall apply to any manufactured homes used as a home or residence or for commercial purposes. All of the forgoing provisions of this Part shall apply to manufactured homes.

2. The construction or alteration of any storage building used as an adjunct to, or in conjunction with, a manufactured home used as a home or residence shall be subject to the provisions of this Part.

(Ord. 13, 12/15/1970; as amended by Ord. 18, 11/1/1973, § 1; and by Ord. 66, 9/5/2002, § 1)

#### **§ 109. HUNTING CAMP AND TOURIST CABINS.**

1. Hunting cabins and cabins rented to tourists shall be subject to all of the provisions for dwellings as set forth in this Part.

2. A building permit shall be required for the construction, alteration or enlargement of a hunting camp or tourist cabin as provided in § 102 of this Part unless the same are used temporarily.

(Ord. 13, 12/15/1970)

#### **§ 110. CONFORMITY WITH OTHER REGULATIONS.**

The Code Enforcement Officer and Township Supervisors shall have the right to refuse to issue a building permit for any building or structure or other facility which does not meet the requirements of the Pennsylvania Sewage Facilities Act of January 24, 1966, P.L. 1535, and the Centre County Land Subdivision Regulation of 1966.

(Ord. 13, 12/15/1970; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 111. BOARD OF ADJUSTMENT.**

A Board of Adjustment is hereby established which shall consist of the Township Supervisors. This Board shall have the powers, upon cause shown, to change or modify any decision made by the Code Enforcement Officer which will, in their opinion, better effectuate the provisions of this Part.

(Ord. 13, 12/15/1970; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 112. PENALTIES.**

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 66]

2. In addition to the penalty set forth in subsection (1) above, the Township Supervisors are hereby authorized, or their properly appointed agents are hereby authorized, to issue stop, cease and desist orders to any person, partnership or corporation who or which shall violate any provision of this Part by the instituting of appropriate action or proceeding at law or in equity, to enjoin and restrain, any such person, partnership or corporation from violating any of the provisions of this Part.

(Ord. 13, 12/15/1970; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 113. PERMIT EXPIRATION.**

A building permit shall be valid for a period of 24 months from the date of issuance or until completion of the construction, whichever shall first occur. Provided, however, that an extension beyond said 24 month period may be granted at no additional fee for a period of time deemed appropriate in the sole and absolute discretion of the Board of Supervisors if an application for said extension is made by the applicant at least 30 days prior to the expiration of the 24 month period.

(Ord. 13, 12/15/1970; as added by Ord. 66, 9/5/2002, § 1)

## **PART 2**

### **NUMBERING OF HOUSES, BUILDINGS AND OTHER STRUCTURES**

#### **§ 201. RESPONSIBILITY FOR NUMBERING BUILDINGS.**

From and after the effective date of this Part, it shall be the duty of each and every owner of each and every house, building or other structure located in the Township of Penn, Centre County, Pennsylvania, to cause the same to be numbered in accordance with this Part and the system and plan hereby adopted and approved.

(Ord. 51, 10/5/1995, § 1)

#### **§ 202. REQUIREMENTS FOR NUMBERS.**

1. The number shall be placed in a conspicuous place on or over each front door, on the front transom bar, front transom glass or front show window, over or on either side of the entrance, the same number to be of paint, metal or enamel and at least 3 inches in height, the color of the numbers to be in contrast to the immediate background, and shall be so placed as to be in full view from the opposite side of the street.

2. It shall be unlawful to cover any house number with any sign, drapery or other obstruction tending to conceal such number and all old numbers shall be removed from any house, building or other structure when a new number has been assigned, and when so directed by the Township of Penn.

3. The Township of Penn is hereby authorized to require the numbering or renumbering of any house, building or other structure in accordance with this Part.

(Ord. 51, 10/5/1995, § 2)

#### **§ 203. BUILDING NUMBERING SYSTEM ADOPTED.**

The survey, plan and system for the numbering of houses and buildings prepared by and for the Township of Penn is on file in the office of the Penn Township Secretary, Coburn, Pennsylvania, and is hereby approved and adopted.

(Ord. 51, 10/5/1995, § 3)

#### **§ 204. OWNERS RESPONSIBLE FOR NUMBERING.**

Upon adoption of this Part, the owner(s) of each property shall be notified by the Township of Penn of the designated number for the owner's building or vacant lot, as the case may be, and each property owner shall, within 30 days thereafter, procure at the owner's expense, the appropriate number as assigned and place the same pursuant to the provisions of this Part on the building designated herein. Property owners shall be responsible to continually maintain the designated numbers on the buildings and as buildings are hereafter erected on vacant lots the property owner shall immediately place and maintain the designated number on the building.

(Ord. 51, 10/5/1995, § 4)

#### **§ 205. STREET SIGNS.**

The Township shall furnish and erect, at its expense, street signs designating the name(s) of the roads and streets which are Township rights-of-way. The private property owners who make use of roads and streets which are not Township rights-of-way shall be responsible, jointly with other property owners using said private right-of-way, to reimburse the Township for the expense of the post and street signs erected and furnished by the Township, designating the name(s) of said private roads and streets as designated by the Township.

(Ord. 51, 10/5/1995, § 5)

#### **§ 206. ENFORCEMENT AND PENALTIES.**

Any person, firm or corporation who shall fail to comply with the terms of this Part by placing the designated number on the building, as herein required, shall be deemed to be in violation hereof and the Township shall have the right to purchase and install the appropriate number on the building and charge the cost and expense thereof of the property owner, together with a penalty of 10% and collect the same as a municipal lien. In addition, the property owner failing to comply with the terms of this Part shall, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

## PART 3

### DANGEROUS STRUCTURES

#### § 301. DEFINITIONS.

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

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

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

A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

B. Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members, or damage or deterioration to 50% of the nonsupporting enclosing or outside walls or covering.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public.

E. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.

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

G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.

H. Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public.

I. Those existing in violation of any provision of any building code, fire prevention code or other ordinance of the Township of Penn.

**DWELLING** - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

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

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

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

**INFESTATION** - presence, within or around a dwelling, of any insect, rodent or other pest.

**OWNER** - person who, alone or jointly or severally with others:

A. Shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof.

B. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

**PERSON** - any individual, firm, corporation, association or partnership, or other legal entity.

**PROPERTY** - a piece, parcel, lot or tract of land.

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

**STRUCTURE** - anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether

or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

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

(Ord. 66, 9/5/2002, § 1)

### **§ 302. DANGEROUS BUILDINGS DECLARED NUISANCES.**

All dangerous buildings within the terms of § 301 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided.

(Ord. 66, 9/5/2002, § 1)

### **§ 303. STANDARDS FOR REPAIR, VACATION OR DEMOLITION.**

The following standards shall be followed in substance by the Code Enforcement Officer of the Township of Penn in ordering repair, vacation or demolition:

A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.

B. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding 30 days, as is reasonable.

C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Code Enforcement Officer. The Code Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.

D. If a dangerous building is 50% or more damaged or decayed, or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any ordinance of the Township or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50% of the market value of the building at the time demolition is proposed.

(Ord. 66, 9/5/2002, § 1)

### **§ 304. DUTIES OF CODE ENFORCEMENT OFFICER.**

1. The Code Enforcement Officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of § 301, above.

2. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Code Enforcement Officer shall issue a written notice to the person or persons responsible therefor. The notice:

A. Shall be in writing.

B. Shall include a statement of the reasons it is being issued.

C. Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure.

D. Shall be served upon the owner, or his agent, or the occupant, as the case may require.

(1) Except in emergency cases and where the owner, occupant, lessee or mortgagee is absent from the Township, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth.

(2) Except emergency cases, in all other cases where the owner, occupant, lessee or mortgagee is absent from the Township, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

E. May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part and with the rules and regulations adopted pursuant thereto.

3. Appear at all hearings conducted by the Board of Supervisors and testify as to the condition of dangerous buildings.

(Ord. 66, 9/5/2002, § 1)

### **§ 305. HEARINGS.**

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part may request and shall be granted a hearing on the matter before the Board of Supervisors; provided, that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 30 days after the day on which the petition was filed.

2. After such hearing the Board of Supervisors shall sustain, modify or withdraw the notice. If the Board of Supervisors sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Part shall automatically become an order if a written petition for a hearing is not filed with the Township Secretary within 10 days after such notice is served.

3. Any aggrieved party may appeal the final order to the Court of Common Pleas in accordance with the provisions of the Judicial Code.

(Ord. 66, 9/5/2002, § 1)

### **§ 306. REMOVAL OF NOTICE PROHIBITED.**

No person shall remove or deface the notice of dangerous building, except as provided in § 303(C).

(Ord. 66, 9/5/2002, § 1)

### **§ 307. EMERGENCY CASES.**

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

(Ord. 66, 9/5/2002, § 1)

### **§ 308. ABATEMENT BY TOWNSHIP.**

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Code Enforcement Officer within the time specified in the notice issued by him and no petition for a hearing is filed within 10 days thereafter, or following a hearing by the Board of Supervisors where the order is sustained thereby, the Code Enforcement Officer shall cause such building or structure to be repaired, vacated, or demolished, as determined by the Board of Supervisors in accordance with the standards hereinbefore provided. The Township may collect the cost of such repair, vacation or demolition together with a penalty of 10% of such cost, in the manner provided by law. Or the Township may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

(Ord. 66, 9/5/2002, § 1)

### **§ 309. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues beyond the date fixed for compliance shall constitute a separate offense if an application for said extension is made by the applicant at least 30 days prior to the expiration of the 24 month period.

(Ord. 66, 9/5/2002, § 1)

## **CHAPTER 5**

### **CODE ENFORCEMENT**

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#### **PART 1**

#### **OFFICE OF CODE ENFORCEMENT**

- § 101. Title
- § 102. Establishment of Office of Code Enforcement
- § 103. Enforcement Authority
- § 104. Duties and Powers of Code Enforcement Officer
- § 105. Association with Other Municipalities

## **PART 2**

### **UNIFORM CONSTRUCTION CODE**

- § 201. Local Administration Election
- § 202. Adoption of Uniform Construction Code
- § 203. Administration and Enforcement
- § 204. Board of Appeals
- § 205. Repealer and Savings Clause
- § 206. Fees

## **PART 3**

### **ASSESSMENT PERMIT**

- § 301. Assessment Permit Required
- § 302. Fee
- § 303. Application Drawing
- § 304. Penalties

## **PART 1**

### **OFFICE OF CODE ENFORCEMENT**

#### **§ 101. TITLE.**

This Part shall be known and may be cited as the "Code Enforcement Ordinance of the Township of Penn.—  
(Ord. 63, 6/7/2001, § 1)

#### **§ 102. ESTABLISHMENT OF OFFICE OF CODE ENFORCEMENT.**

1. Creation of Office of Code Enforcement. There is hereby created by the Penn Township Supervisors an office of the Township to be known as the Office of Code Enforcement. The official(s) appointed thereto by the Penn Township Supervisors shall have the responsibility for administration and enforcement of the provisions of this Part and other codes and/or ordinances of the Township.

2. Relief from Liability. The Code Enforcement Officer charged with the enforcement of this Part and those other codes and/or ordinances of the Township who act in good faith and without malice in the discharge of their duties shall not thereby be rendered liable personally, and the Code Enforcement Officer is hereby relieved from all personal liability from any damage that may accrue to persons or property as a result of any act, required or committed, or any omission in the discharge of official duties. Any suit instituted against the Code Enforcement Officer because of an act performed by the person in the lawful discharge of duties shall be defended by the Township's Solicitor or his designee until final determination of the proceedings. The Code Enforcement Officer shall not be liable for costs in any action, suit or proceeding.

3. Records and Reports. The Code Enforcement Officer shall keep a written record of the activities of said officer and shall monthly report to the Township of Penn Code Enforcement Officer's activities for the prior month.

(Ord. 63, 6/7/2001, § 2)

#### **§ 103. ENFORCEMENT AUTHORITY.**

There shall be appointed by the Penn Township Supervisors a Code Enforcement Officer, who shall be in charge of the Office of Code Enforcement.

(Ord. 63, 6/7/2001, § 3)

#### **§ 104. DUTIES AND POWERS OF CODE ENFORCEMENT OFFICER.**

1. Enforcement of Codes. The Code Enforcement Officer shall enforce and administer all of the provisions of this Part and of those other applicable codes and ordinances of the Township.

2. Duties. The duties of the Code Enforcement Officer shall include, but not be limited to, the undertaking of such investigations and other activities as may be required to determine compliance with the applicable codes and ordinances of the Township, to issue all necessary notices to abate illegal or unsafe conditions to insure compliance with the Township's Code of Ordinances for the safety, health and general welfare of the public and to make inspections and determine compliance with the applicable codes and ordinances of the Township.

3. Credentials. The Code Enforcement Officer shall disclose proper credentials of his office for the purpose of inspecting any and all buildings and premises and in the performance of his duties under the applicable codes or ordinances where requested.

4. Legal Action. The Code Enforcement Officer shall be authorized to initiate, on behalf of the Township, appropriate legal actions against persons or other legal entities for violations of the Township's Code of Ordinances.

(Ord. 63, 6/7/2001, § 4)

#### **§ 105. ASSOCIATION WITH OTHER MUNICIPALITIES.**

The Township shall have the power to enter into an agreement with other municipalities for the joint appointment of the Code Enforcement Officer by such other municipalities to provide for the Code Enforcement Officer to provide the services permitted pursuant to this Part for the Township and the other municipalities which are a party to said agreement. The Township shall be authorized to contribute money to the association of such other municipalities for the services and expenses of the Code Enforcement Officer while he may be employed and action for said association.

(Ord. 63, 6/7/2001, § 5)

## **PART 2**

### **UNIFORM CONSTRUCTION CODE**

#### **§ 201. LOCAL ADMINISTRATION ELECTION.**

Penn Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101–7210.1103, as amended from time to time, with its accompanying regulations.

(Ord. 70, 6/3/2004, § 1)

#### **§ 202. ADOPTION OF UNIFORM CONSTRUCTION CODE.**

The Uniform Construction Code, as contained in 34 Pa.Code, Chapters 401–405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code for Penn Township.

(Ord. 70, 6/3/2004, § 2)

#### **§ 203. ADMINISTRATION AND ENFORCEMENT.**

Administration and enforcement of the Code within Penn Township shall be undertaken in any of the following ways as determined by the Penn Township Board of Supervisors from time to time by resolution:

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

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

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

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

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

(Ord. 70, 6/3/2004, § 3)

#### **§ 204. BOARD OF APPEALS.**

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

(Ord. 70, 6/3/2004, § 4)



## **§ 205. REPEALER AND SAVINGS CLAUSE.**

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

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

3. All relevant ordinances, regulations and policies of Penn Township not governed by the Code shall remain in full force and effect.

(Ord. 70, 6/3/2004, § 5)

## **§ 206. FEES.**

Fees assessable by Penn Township for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by Penn Township Board of Supervisors by resolution from time to time.

(Ord. 70, 6/3/2004, § 6)

## **PART 3**

### **ASSESSMENT PERMIT**

#### **§ 301. ASSESSMENT PERMIT REQUIRED.**

No excavation for the construction of a building or structure (which is anything occupying an area of 25 square feet on the soil, or attachment to something located in or on the soil) to be erected or moved and no excavation for construction, altering or enlarging a building or structure which, when completed, will change the exterior dimensions of the building or structure shall be started until or unless the person excavating, constructing, enlarging or moving the same, or the owner of the property on which said excavation, construction, enlargement or movement is to occur, shall have first obtained an assessment permit therefor.

(Res. 2004-13, 11/4/2004, § 1)

#### **§ 302. FEE.**

The assessment permit required by § 301 of this Part shall be issued by the designated official of Penn Township. The fee to be charged for said permit shall be in an amount established from time to time by resolution of the Penn Township Supervisors.

(Res. 2004-13, 11/4/2004, § 2)

#### **§ 303. APPLICATION DRAWING.**

Each application for an assessment permit shall be accompanied by a drawing showing the actual dimensions of the lot to be built upon, the size the location of the building or structure to be erected or, in the case of a building or structure already in existence which is being altered or enlarged, its present size and its contemplated size at the completion of alteration or enlargement.

(Res. 2004-13, 11/4/2004, § 3)

#### **§ 304. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure shall be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and in default of payment of said fine and costs, to a term of imprisonment in the Centre County Prison not to exceed 90 days. Each day a violation of this Part continues shall constitute a separate offense.

(Res. 2004-13, 11/4/2004, § 4)

## **CHAPTER 6**

### **CONDUCT**

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#### **PART 1**

#### **DISORDERLY CONDUCT**

§ 101. Disorderly Conduct Prohibited

§ 102. Penalties

## **PART 1**

### **DISORDERLY CONDUCT**

#### **§ 101. DISORDERLY CONDUCT PROHIBITED.**

Disorderly conduct, as defined in § 5503 of the Crimes Code, 18 Pa.C.S.A. § 5503, is hereby prohibited within the Township of Penn. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he:

- A. Engages in fighting or threatening, or in violent or tumultuous behavior.
- B. Makes unreasonable noise.
- C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

Provided, as used in this Section, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.

(Ord. 66, 9/5/2002, § 1)

#### **§ 102. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 66, 9/5/2002, § 1)

## **CHAPTER 7**

### **FIRE PREVENTION AND FIRE PROTECTION**

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(Reserved to accommodate future enactments)

## **CHAPTER 8**

### **FLOODPLAINS**

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#### ***PART 1***

#### ***GENERAL PROVISIONS***

§ 101. Intent

§ 102. Applicability

§ 103. Abrogation and Greater Restrictions

§ 104. Warning and Disclaimer of Liability

#### ***PART 2***

#### ***ADMINISTRATION***

§ 201. Building Permits Required

§ 202. Issuance of Building Permit

§ 203. Application Procedures and Requirements

§ 204. Review by County Conservation District

- § 205. Review of Application by Others
- § 206. Changes
- § 207. Placards
- § 208. Start of Construction
- § 209. Inspection and Revocation
- § 210. Fees
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### **PART 3**

#### **IDENTIFICATION OF FLOODPLAIN AREAS**

- § 301. Identification
- § 302. Determination of Floodplain Areas
- § 303. Changes in Identification of Area
- § 304. Boundary Disputes

### **PART 4**

#### **GENERAL TECHNICAL REQUIREMENTS**

- § 401. General
- § 402. Design and Construction Standards
- § 403. Development Which May Endanger Human Life
- § 404. Special Requirements for Manufactured Homes

### **PART 5**

#### **ACTIVITIES REQUIRING SPECIAL PERMITS**

- § 501. General
- § 502. Application Requirements for Special Permits
- § 503. Application Review Procedures
- § 504. Special Technical Requirements

### **PART 6**

#### **EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**

- § 601. Existing Structures
- § 602. Improvements

### **PART 7**

#### **VARIANCES**

- § 701. General
- § 702. Variance Procedures and Conditions

### **PART 8**

#### **DEFINITIONS**

- § 801. General
- § 802. Specific Definitions

### **PART 1**

#### **GENERAL PROVISIONS**

## **§ 101. INTENT.**

The intent of this Chapter is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with Federal and State floodplain management requirements. (Ord. 78, 3/5/2009, § 1.00)

## **§ 102. APPLICABILITY.**

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Penn unless a building permit has been obtained from the Building Permit Officer.
2. A building permit shall not be required for minor repairs to existing buildings or structures.

(Ord. 78, 3/5/2009, § 1.01)

## **§ 103. ABROGATION AND GREATER RESTRICTIONS.**

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

(Ord. 78, 3/5/2009, § 1.02)

## **§ 104. WARNING AND DISCLAIMER OF LIABILITY.**

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

2. This Chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(Ord. 78, 3/5/2009, § 1.04)

## **PART 2**

### **ADMINISTRATION**

#### **§ 201. BUILDING PERMITS REQUIRED.**

Building permits shall be required before any construction or development is undertaken within any area of the Township of Penn.

(Ord. 78, 3/5/2009, § 2.00)

#### **§ 202. ISSUANCE OF BUILDING PERMIT.**

1. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, § 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.

3. 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 Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

(Ord. 78, 3/5/2009, § 2.01)

## § 203. APPLICATION PROCEDURES AND REQUIREMENTS.

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Building Permit Officer. Such application shall contain the following:

- A. Name and address of applicant.
- B. Name and address of owner of land on which proposed construction is to occur.
- C. Name and address of contractor.
- D. Site location including address.
- E. Listing of other permits required.
- F. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
- G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

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

- A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
- B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

3. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in § 502) as may be required by the Building Permit Officer to make the above determination:

- A. A completed building permit application form.
- B. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
  - (1) North arrow, scale, and date.
  - (2) Topographic contour lines, if available.
  - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
  - (4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
  - (5) The location of all existing streets, drives, and other accessways.
  - (6) The location of any existing bodies of water or watercourses, identified floodplain, areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
  - (1) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
  - (2) The elevation of the 100-year flood.
  - (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.
  - (4) Detailed information concerning any proposed floodproofing measures.
  - (5) Supplemental information as may be necessary under 34 Pa.Code, Chapters 401–405 as amended, and §§ 1612.5.1, 104.7 and 109.3 of the 2003 IBC and §§R106.1.3 and R104.7 of the 2003 IRC.
- D. The following data and documentation:
  - (1) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces associated with the 100-year flood.

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

(2) Detailed information needed to determine compliance with § 402.F, "Storage," and § 403, "Development Which May Endanger Human Life," including:

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

(b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 403 during a 100-year flood.

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

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

(Ord. 78, 3/5/2009, § 2.02)

#### **§ 204. REVIEW BY COUNTY CONSERVATION DISTRICT.**

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the Centre County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

(Ord. 78, 3/5/2009, § 2.03)

#### **§ 205. REVIEW OF APPLICATION BY OTHERS.**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.

(Ord. 78, 3/5/2009, § 2.04)

#### **§ 206. CHANGES.**

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

(Ord. 78, 3/5/2009, § 2.05)

#### **§ 207. PLACARDS.**

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

(Ord. 78, 3/5/2009, § 2.06)

#### **§ 208. START OF CONSTRUCTION.**

1. Work on the proposed construction and/or development shall begin within 6 months and shall be completed within 12 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

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

(Ord. 78, 3/5/2009, § 2.07)

#### **§ 209. INSPECTION AND REVOCATION.**

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

2. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.

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

4. A record of all such inspections and violations of this Chapter shall be maintained.

5. The requirements of the 34 Pa.Code, Chapters 401–405 and the IBC (§§ 109.3.3, 1612.5.1, 104.7 and 103.8) and the 2003 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

(Ord. 78, 3/5/2009, § 2.08)

#### **§ 210. FEES.**

Applications for a building permit shall be accompanied by a fee, as established by the Township from time to time by ordinance or resolution.

(Ord. 78, 3/5/2009, § 2.09)

#### **§ 211. ENFORCEMENT.**

1. Notices. Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (A) be in writing; (B) include a statement of the reasons for its issuance; (C) allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires; (D) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (E) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.

2. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than \$25 nor more than \$600 plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed 10 days. Each day during which any violation of this Chapter continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Chapter may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

(Ord. 78, 3/5/2009, § 2.10)

#### **§ 212. APPEALS.**

1. Any person aggrieved by any action or decision of the building permit officer concerning the administration of the provisions of this Chapter, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within 30 days after the decision or action of the Building Permit Officer.

2. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

3. Any person aggrieved by any decision of the Board of Supervisors may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

(Ord. 78, 3/5/2009, § 2.11)

### **PART 3**

## **IDENTIFICATION OF FLOODPLAIN AREAS**

#### **§ 301. IDENTIFICATION.**

The identified floodplain area shall be any areas of Penn Township, Centre County, Pennsylvania, subject to the 100-year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated May 4, 2009, and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.

(Ord. 78, 3/5/2009, § 3.00)

## **§ 302. DETERMINATION OF FLOODPLAIN AREAS.**

1. For the purposes of this Chapter, the 100-year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State, and other acceptable sources shall be used to determine the 100-year elevation, as well as a floodway area, if possible. When no other information is available, the 100-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

2. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

(Ord. 78, 3/5/2009, § 3.01)

## **§ 303. CHANGES IN IDENTIFICATION OF AREA.**

The identified floodplain area may be revised or modified by the Board of Supervisors 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 Emergency Management Agency.

(Ord. 78, 3/5/2009, § 3.02)

## **§ 304. BOUNDARY DISPUTES.**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Penn Township Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

(Ord. 78, 3/5/2009, § 3.03)

# **PART 4**

## **GENERAL TECHNICAL REQUIREMENTS**

### **§ 401. GENERAL.**

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

2. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation.

3. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

4. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (§§ 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (§§ R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (§§ 2.4 and 2.5, Chap. 5) and 34 Pa.Code (Chapters 401–405 as amended) shall be utilized.

5. Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

Any nonresidential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least 1½ feet above the 100-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations," published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

The design and construction standards and specifications contained in the IBC (§§ 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1. and ASCE 24 (§ 2.4, Chap. 7) and 34 Pa.Code (Chapters 401–405 as amended) shall be utilized.

6. Fully enclosed space below the lowest floor (including basement) is prohibited.

7. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a



vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space," also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

A. A minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed space.

B. The bottom of all openings shall be no higher than 1 foot above grade.

C. Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

8. Consideration may be given to the requirements of 34 Pa.Code (Chapters 401–405 as amended) and the 2003 IRC (§§R323.2.2 and R323.1.4) and the 2003 IBC (§§ 1612.4, 1612.5, 1202.3.2 and 1203.3.3).

9. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

B. Floor area shall not exceed 600 square feet.

C. The structure will have a low damage potential.

D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

E. Power lines, wiring, and outlets will be at least 1½ feet above the 100-year flood elevation.

F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.

G. Sanitary facilities are prohibited.

H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(1) Minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed space.

(2) The bottom of all openings shall be no higher than 1 foot above grade.

(3) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. 78, 3/5/2009, § 4.00)

#### **§ 402. DESIGN AND CONSTRUCTION STANDARDS.**

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

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

(1) Extend laterally at least 15 feet beyond the building line from all points.

(2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

(4) Be no steeper than 1 vertical to 2 horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by, the Building Permit Officer.

(5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems.

(1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(4) The design and construction provisions of the UCC and 34 Pa.Code (Chapters 401–405 as amended) and contained in the 2003 IBC (Appendix G, §§ 401.3 and 401.4), the 2003 IRC (§ 323.1.6), the ASCE 24-98 (§ 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and the International Private Sewage Disposal Code (Chapter 3) shall be utilized.

D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets. The finished elevation of all new streets shall be no more than 1 foot below the regulatory flood elevation.

F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 405, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring.

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

(2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

(3) The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 Pa.Code (Chapters 401–405 as amended) and contained in the 2003 IBC (§§ 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (§§R301.1 and R323.1.1) and ASCE 24-98 (§ 5.6) shall be utilized.

I. Floors, Walls and Ceilings.

(1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

(4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

(5) The provisions of the UCC pertaining to this subsection and referenced in the 34 Pa.Code (Chapters 401–405 as amended) and contained in the 2003 IBC (§§ 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (§§R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6).

J. Paints and Adhesives.

(1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(4) The standards and specifications contained in 34 Pa.Code (Chapters 401–405, as amended) the 2003 IBC (§§ 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (§R323.1.7).

K. Electrical Components.

(1) Electrical distribution panels shall be at least 3 feet above the 100-year flood elevation.

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

(3) The provisions pertaining to the above provisions and referenced in the UCC and 34 Pa.Code (Chapters 401–405) as amended and contained in the 2003 IBC (§ 1612.4), the IRC (§R323.1.5), the 2000 IFGC (§§R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

L. Equipment.

(1) Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

(2) The provisions pertaining to the above provision and referenced in the UCC and 34 Pa.Code (Chapters 401–405), as amended and contained in the 2003 IBC (§ 1612.4), the 2003 IRC (§R323.1.5) the 2000 IFGC (§§R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination. The standards and specifications contained 34 Pa.Code (Chapters 401–405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this Chapter, to the extent that they are more restrictive and/or supplement the requirements of this Chapter.

(1) International Building Code (IBC) 2003 or the latest edition thereof: §§ 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

(2) International Residential Building Code (IRC) 2003 or the latest edition thereof: §§R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

(Ord. 78, 3/5/2009, § 4.01)

### **§ 403. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.**

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- A. Will be used for the production or storage of any of the following dangerous materials or substances.
- B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises.
- C. Will involve the production, storage, or use of any amount of radioactive substances.
- D. Shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- (1) Acetone.
- (2) Ammonia.
- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.
- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium.
- (11) Nitric acid and oxides of nitrogen.
- (12) Petroleum products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides, and rodenticides).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

2. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subsection (1) above, shall be:

- A. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100-year flood.
- B. Designed to prevent pollution from the structure or activity during the course of a 100-year flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

(Ord. 78, 3/5/2009, § 4.02)

#### **§ 404. SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES.**

1. Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:

- A. Placed on a permanent foundation.
- B. Elevated so that the lowest floor of the manufactured home is 1½ feet or more above the elevation of the 100-year flood.
- C. Anchored to resist flotation, collapse, or lateral movement.
- D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto, shall apply and 34 Pa.Code, Chapters 401–405.

E. Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, § 501.1-3) and the 2003 IRC (§§R323.2, R323.3, R102.7.1, and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 Pa.Code, Chapters 401–405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

(Ord. 78, 3/5/2009, § 4.03)

## **PART 5**

### **ACTIVITIES REQUIRING SPECIAL PERMITS**

#### **§ 501. GENERAL.**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Township:

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- (1) Hospitals.
- (2) Nursing homes.
- (3) Jails or prisons.

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(Ord. 78, 3/5/2009, § 5.00)

#### **§ 502. APPLICATION REQUIREMENTS FOR SPECIAL PERMITS. Applicants for special permits shall provide five copies of the following items:**

- A. A written request including a completed building permit application form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
  - (1) North arrow, scale and date.
  - (2) Topography based upon the North American Vertical Datum of 1988, showing existing and proposed contours at intervals of 2 feet.
  - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
  - (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
  - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the

proposed activity or development.

(6) The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water including direction and velocities.

(7) The location of all proposed buildings, structures, utilities, and any other improvements.

(8) Any other information which the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

(1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate.

(2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.

(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood.

(4) Detailed information concerning any proposed floodproofing measures.

(5) Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.

(6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.

(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.

(2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.

(3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life.

(4) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.

(5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.

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

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

(8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protections under § 302 of Act 1978-166.

(9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

(Ord. 78, 3/5/2009, § 5.01)

### **§ 503. APPLICATION REVIEW PROCEDURES.**

Upon receipt of an application for a special permit by the Township the following procedures shall apply in addition to those of Part 2:

A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Centre County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Penn Township Planning Commission and Penn Township Engineer for review and comment.

B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within 5 working days after the date of approval.

E. Before issuing the special permit, the Township shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and the decision made by the Township.

F. If the Township does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant.

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit.

(Ord. 78, 3/5/2009, § 5.02)

#### **§ 504. SPECIAL TECHNICAL REQUIREMENTS.**

1. In addition to the requirements of Part 4 of this Chapter, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Part 4 of this Chapter or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

A. Fully protect the health and safety of the general public and any occupants of the structure.

At a minimum, all new structures shall be designed, located, and constructed so that:

(1) The structure will survive inundation by waters of the 100-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood elevation.

(2) The elevation of the lowest floor (including basement) will be at least 1½ feet above the 100-year flood elevation.

(3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.

B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.

(Ord. 78, 3/5/2009, § 5.03)

## **PART 6**

### **EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**

#### **§ 601. EXISTING STRUCTURES.**

The provisions of this Chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 602 shall apply.

(Ord. 78, 3/5/2009, § 6.00)

#### **§ 602. IMPROVEMENTS.**

The following provisions shall apply whenever any improvement is made to all existing structure located within any identified floodplain area:

A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100-year flood.

B. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50 percent 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.

The above activity shall also address the requirements of the 34 Pa.Code, Chapters 401–405, as amended and the 2003 IBC (§§ 3402.1 and 1612.4) and the 2003 IRC (§R323.1.4).

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50 percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

D. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this Chapter.

E. The requirements of 34 Pa.Code, Chapters 401–405, as amended and the 2003 IRC (§§R102.7.1, R105.3.1, and Appendices E and J) or the latest revision thereof and the 2003 IBC (§§ 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this Section.

(Ord. 78, 3/5/2009, § 6.01)

## PART 7

### VARIANCES

#### § 701. GENERAL.

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

(Ord. 78, 3/5/2009, § 7.00)

#### § 702. VARIANCE PROCEDURES AND CONDITIONS.

Requests for variances shall be considered by the Township in accordance with the procedures contained in § 212 and the following:

A. Except for a possible modification of the 1½ foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Part 5) or to development which may endanger human life (§ 403).

B. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the 100-year flood elevation.

C. If granted, a variance shall involve only the least modification necessary to provide relief.

D. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.

E. Whenever a variance is granted, the Township shall notify the applicant in writing that:

- (1) The granting of the variance may result in increased premium rates for flood insurance.
- (2) Such variances may increase the risks to life and property.

F. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:

- (1) That there is good and sufficient cause.
- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
- (3) That the granting of the variance will (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (b) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

(Ord. 78, 3/5/2009, § 7.01)

## PART 8

### DEFINITIONS

#### § 801. GENERAL.

Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give this Chapter its most reasonable application.

**§ 802. SPECIFIC DEFINITIONS.**

**ACCESSORY USE OR STRUCTURE** - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

**BASEMENT** - any area of the building having its floor below ground level on all sides.

**BUILDING** - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

**BUILDING PERMIT OFFICER** - the individual or agency designated by the Board of Supervisors.

**COMPLETELY DRY SPACE** - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**DEVELOPMENT** - any man-made change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**ESSENTIALLY DRY SPACE** - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**FLOOD** - a temporary inundation of normally dry land areas.

**FLOODPLAIN AREA** - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPROOFING** - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

**HISTORIC STRUCTURE** - any structure that is:

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

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior.

(2) Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA** - the floodplain area specifically identified in this Chapter as being inundated by the 100-year flood.

**LAND DEVELOPMENT** - any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

(1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

**LOWEST FLOOR** - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this Chapter.



**MANUFACTURED HOME** - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK** - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

**MINOR REPAIR** - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**NEW CONSTRUCTION** - structures for which the start of construction commenced on or after May 30, 1989, and includes any subsequent improvements thereto.

**ONE HUNDRED YEAR FLOOD** - a flood that, on the average, is likely to occur once every 100 years (i.e., that has 1 percent chance of occurring each year, although the flood may occur in any year).

**PERSON** - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**RECREATIONAL VEHICLE** - a vehicle which is (A) built on a single chassis; (B) not more than 400 square feet, measured at the largest horizontal projections; (C) designed to be self-propelled or permanently towable by a light-duty truck; (D) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOOD ELEVATION** - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

**REPETITIVE LOSS** - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

**SPECIAL PERMIT** - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**STRUCTURE** - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, and other similar items.

**SUBDIVISION** - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIAL ADDITIONS TO MANUFACTURED HOME PARKS** - any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

**SUBSTANTIAL DAMAGE** - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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

**TOWNSHIP** - the geographical area included within the Township of Penn, Centre County, Pennsylvania and/or the Board of Supervisors of Penn Township (the governing body of Penn Township).

**UNIFORM CONSTRUCTION CODE** - the Statewide building code adopted by the Pennsylvania General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party, or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and International Building Code (IBC) of 2003 by reference as the construction standard applicable

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

(Ord. 78, 3/5/2009, § 8.01)

## **CHAPTER 9**

### **GRADING AND EXCAVATING**

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(Reserved to accommodate future enactments)

## **CHAPTER 10**

### **HEALTH AND SAFETY**

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#### ***PART 1***

#### ***NUISANCES***

- § 101. Public Nuisance Prohibited
- § 102. Written Notice
- § 103. Failure to Comply; Penalty
- § 104. Equity Proceedings

#### ***PART 2***

#### ***OPEN STORAGE***

- § 201. Definitions
- § 202. Storage of Nuisances Prohibited
- § 203. Storage Requirements
- § 204. Inspection of Premises; Notice to Comply
- § 205. Authority to Remedy Noncompliance
- § 206. Hearing
- § 207. Penalties
- § 208. Remedies Not Mutually Exclusive

#### ***PART 3***

#### ***STORAGE OF MOTOR VEHICLE NUISANCES***

- § 301. Definitions
- § 302. Motor Vehicle Nuisances Prohibited
- § 303. Storage of Motor Vehicle Nuisances Permitted
- § 304. Inspection of Premises; Notice to Comply
- § 305. Authority to Remedy Noncompliance
- § 306. Hearing
- § 307. Penalties
- § 308. Remedies Not Mutually Exclusive

#### ***PART 1***

#### ***NUISANCES***

#### **§ 101. PUBLIC NUISANCE PROHIBITED.**

In accordance with the Second Class Township Code, Article 7, § 702, Clause XII, as amended, from the effective date of this Part, it shall be unlawful for any person, firm or corporation to permit, maintain, continue to maintain, or permit to exist or continue to permit to exist any public nuisance on any public or private property within the Township including, but not limited to, the carrying on of offensive or dangerous businesses or enterprises; storage or parking of abandoned and junked vehicles which constitute public health or safety hazards; ownership, maintenance or control of abandoned, occupied or unoccupied buildings or structures which have come into disrepair and whereby such building or structure constitutes a hazard to the public and is dangerous to the safety, health and welfare of the public.

(Ord. 14, 2/1/1971, § 1; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 102. WRITTEN NOTICE.**

Upon 15 days written notice from the Code Enforcement Officer, any person, firm or corporation maintaining such a nuisance shall remedy same, and if necessary remove from his property any such dangerous building or structure constituting a nuisance.

(Ord. 14, 2/1/1971, § 2; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 103. FAILURE TO COMPLY; PENALTY.**

1. Upon failure to comply with the written notice from the Code Enforcement Officer, the Township agents or workmen shall have the power to enter the property and remove the nuisance, or dangerous building or structure and assess and collect the actual cost thereof together with a penalty of 10% of the amount of the cost thereof.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Provided, imposition of a fine or penalty under this subsection shall not prevent the enforced removal of said nuisance under subsection (1). The remedies provided under this Section shall be deemed cumulative.

(Ord. 14, 2/1/1971, § 3; as amended by Ord. 66, 9/5/2002, § 1)

HEALTH AND SAFETY

#### **§ 104. EQUITY PROCEEDINGS.**

As authorized by the Second Class Township Code, the Township is empowered to institute proceedings in a court of equity to exercise the powers herein granted.

(Ord. 14, 2/1/1971, § 4)

## **PART 2**

### **OPEN STORAGE**

#### **§ 201. DEFINITIONS.**

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

LESSEE - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

NUISANCE - any condition, structure, or improvement which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Township of Penn.

OWNER - the actual owner, agent or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association or corporation.

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

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 202. STORAGE OF NUISANCES PROHIBITED.**

It shall be unlawful for any person to store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, machinery or equipment, or construction materials in the open on private property. Such storage shall constitute a nuisance and/or health hazard if any of the following conditions exist:

- A. Broken glass or metal parts with sharp or protruding edges.
- B. Containers which are conducive to the harboring and growth of vermin or animals.

C. Storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt or fall from its original storage position.

D. Containers of any liquid or material of a hazardous or potentially hazardous nature including, but not limited to, gasoline, oil, battery acids, refrigeration agents and poisons.

E. Any other condition which shall threaten the health, safety or welfare of the citizens.

F. Refrigerators with the doors remaining attached. (Ord. 66, 9/5/2002, § 1)

### **§ 203. STORAGE REQUIREMENTS.**

1. Storage of such items as listed in § 202 hereof on private property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Township ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store items described in § 202, shall apply for a permit for either temporary or permanent storage and pay a fee to the Township pursuant to a resolution of the Board of Supervisors. Such nuisance(s) must be stored within a garage or other enclosed building or, outside, within an opaque fence at least 6 feet high which is locked at all times when unattended.

2. With the special approval of the Board of Supervisors nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, the appliances, machinery, equipment, or construction materials shall be kept free of vermin infestation while being stored; and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such nuisances may not exceed 200 square feet.

3. Nothing herein shall be construed to permit the storage of appliance, machinery, equipment or material nuisances contrary to the provisions of any Township zoning resolution.

(Ord. 66, 9/5/2002, § 1)

### **§ 204. INSPECTION OF PREMISES; NOTICE TO COMPLY.**

1. The Code Enforcement Officer is hereby empowered to inspect private property on which appliances, machinery, equipment and various construction materials are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure or improvement poses a danger to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth in the notice within 10 days of mailing or posting of said notice and, thereafter, to fully comply with the requirements of the notice within a reasonable time.

(Ord. 66, 9/5/2003, § 1)

### **§ 205. AUTHORITY TO REMEDY NONCOMPLIANCE.**

If the owner of property on which appliances, machinery, equipment and construction materials are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus 10% of all costs. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

(Ord. 66, 9/5/2002, § 1)

### **§ 206. HEARING.**

1. Any person aggrieved by the decision of the Code Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within 10 days after notice of the Code Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Code Enforcement Officer.

(Ord. 66, 9/5/2002, § 1)

### **§ 207. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each

Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 66, 9/5/2002, § 1)

#### **§ 208. REMEDIES NOT MUTUALLY EXCLUSIVE.**

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

(Ord. 66, 9/5/2002, § 1)

### **PART 3**

#### **STORAGE OF MOTOR VEHICLE NUISANCES**

##### **§ 301. DEFINITIONS.**

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

LESSEE - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

MOTOR VEHICLE - any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

NUISANCE - any condition, structure or improvement which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Township of Penn.

OWNER - the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

PERSON - a natural person, firm, partnership, association, corporation or other legal entity

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

(Ord. 66, 9/5/2002, § 1)

##### **§ 302. MOTOR VEHICLE NUISANCES PROHIBITED.**

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Township. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power or has any of the following physical defects:

- A. Broken windshields, mirrors or other glass with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and vermin harborage.
- G. Broken head-lamps or tail-lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunk.
- N. Open or damaged floor boards, including trunk and fire wall. O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennae.
- S. Suspended on unstable supports.

T. Such other defects which could threaten the health, safety and welfare of the citizens of the Township.

(Ord. 66, 9/5/2002, § 1)

### **§ 303. STORAGE OF MOTOR VEHICLE NUISANCES PERMITTED.**

1. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in § 302 above may store such vehicle(s) in the Township only in strict compliance with the regulations provided herein. Such person, owner or lessee must, first, apply for a permit for either temporary or permanent storage and pay a fee to the Township pursuant to a resolution of the Board of Supervisors. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within a opaque fence at least 6 feet high which is locked at all times when unattended.

2. With the special approval of the Board of Supervisors motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least 6 feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed 200 square feet.

3. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of any Township zoning resolution.

(Ord. 66, 9/5/2002, § 1)

### **§ 304. INSPECTION OF PREMISES; NOTICE TO COMPLY.**

1. The Code Enforcement Officer is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice and, thereafter, to fully comply with the requirements of the notice within a reasonable time.

(Ord. 66, 9/5/2002, § 1)

### **§ 305. AUTHORITY TO REMEDY NONCOMPLIANCE.**

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

(Ord. 66, 9/5/2002, § 1)

### **§ 306. HEARING.**

1. Any person aggrieved by the decision of the Code Enforcement Officer may request and shall then be granted a hearing before the Board of Supervisors; provided, he files with the Board of Supervisors within 10 days after notice of the Code Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Supervisors shall sustain, modify or overrule the action of the Code Enforcement Officer.

(Ord. 66, 9/5/2002, § 1)

### **§ 307. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 66, 9/5/2002, § 1)

### **§ 308. REMEDIES NOT MUTUALLY EXCLUSIVE.**

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

## **CHAPTER 11**

### **HOUSING**

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(Reserved to accommodate future enactments)

## **CHAPTER 12**

### **LIBRARIES**

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(Reserved to accommodate future enactments)

## **CHAPTER 13**

### **LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS**

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#### ***PART 1***

#### ***JUNKYARDS AND REFUSE***

- § 101. Short Title
- § 102. Definitions
- § 103. License
- § 104. Application for License
- § 105. Issuance of License
- § 106. License Fee
- § 107. License Limitation
- § 108. Transfer of License
- § 109. Transfer Fee
- § 110. Records
- § 111. Delay in Disposal
- § 112. Regulations
- § 113. Penalties
- § 114. Abatement of Nuisance

#### ***PART 2***

#### ***CATEGORY 4 CASINOS***

- § 201. Category 4 Casinos Prohibited

#### **PART 1**

#### **JUNKYARDS AND REFUSE**

#### **§ 101. SHORT TITLE.**

This Part shall be known and may be cited as the "Penn Township Junkyard and Refuse Ordinance."

(Ord. 26, 9/4/1975, § 1)

#### **§ 102. DEFINITIONS.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meaning herein indicated.

BOARD - the Board of Supervisors of Penn Township.

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, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for prompt disposal.

JUNK DEALER - any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junkyard within the Township of Penn.

JUNKYARD - any place where any junk, as herein defined, is stored, disposed of or accumulated.

LICENSE - the permit granted to a person who accumulates or disposes of junk hereinbefore defined

PERSON - any individual, partnership, association, firm, corporation or other legal entity [Ord. 66]

TOWNSHIP - Penn Township, Centre County, Pennsylvania. (Ord. 26, 9/4/1975, § 2; as amended by Ord. 66, 9/5/2002, § 1)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§ 103. LICENSE.**

No person shall engage in business as a junk dealer or maintain a junkyard without first having obtained a license from the Board, for which license a fee, in an amount as established from time to time by resolution of the Board of Supervisors, shall be paid to the Township, for use by the Township. The license shall be issued for the 12 month period beginning January 1 and ending December 31 of the same year and such license must be renewed annually on or before the first day of January of each year.

(Ord. 26, 9/4/1975, § 3; as amended by Ord. 66, 9/5/2002, § 1)

### **§ 104. APPLICATION FOR LICENSE.**

The license provided for in this Part shall be issued by the Board 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 in 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 Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

(Ord. 26, 9/4/1975, § 4)

### **§ 105. ISSUANCE OF LICENSE.**

Upon receipt of application by the Board, the Board shall issue a license or 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 purpose of the license, the character of the property located nearby and the effect of proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefor, such terms and conditions in addition to the regulations adopted pursuant to this Part as may be necessary to carry out the spirit and intent of this Part.

(Ord. 26, 9/4/1975, § 5)

### **§ 106. LICENSE FEE.**

The license fee shall be paid immediately upon the issuance or renewal of license. The amount of the fee shall be established from time to time by resolution of the Board of supervisors.

(Ord. 26, 9/4/1975, § 6; as amended by Ord. 66, 9/5/2002, § 1)

### **§ 107. LICENSE LIMITATION.**

No person licensed under this Part shall, by virtue of one license, keep more than one place of business within the Township, 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.

(Ord. 26, 9/4/1975, § 7)

### **§ 108. TRANSFER OF LICENSE.**

No license issued by the Board shall be transferable by the licensee to any other person unless such transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in § 104 of this Part, by the transferee.



(Ord. 26, 9/4/1975, § 9)

#### **§ 109. TRANSFER FEE.**

In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a fee in an amount as established from time to time by resolution of the Board of Supervisors.

(Ord. 26, 9/4/1975, § 9; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 110. RECORDS.**

Every person licensed under this Part shall provide and shall constantly keep a set of records 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 or receipt and the person from whom such article or material was purchased, received or handled by such person. The set of records shall at all times be subject to the inspection by any official of the Township.

(Ord. 26, 9/4/1975, § 10; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 111. DELAY IN DISPOSAL.**

Every person licensed under this Part 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.

(Ord. 26, 9/4/1975, § 11)

#### **§ 112. REGULATIONS.**

Every person licensed under this Part shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this Section and any subsequent regulations adopted by the Board.

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 and vermin.

B. No garbage or other organic waste shall be stored in such premises.

C. When 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 Board. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by the Board.

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 stagnate water upon the premises, and to facilitate access for firefighting purposes.

E. All junk 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.

F. No oil, grease, tires, gasoline or other similar material that might be dangerous or tend to produce obnoxious smoke or odor shall be burned within a junkyard at any time. Burning of vehicles, or parts thereof, is prohibited. [Ord. 66]

G. The premises to be licensed shall be set back a minimum distance of 50 feet from the right-of-way lines on all streets and roads and a minimum 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 at all times kept clear and vacant.

H. When the Board 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 Board or by evergreen screen plantings or both. The Board may set forth the fence and planting requirements at the time of the issuance of a license or at the time of renewal or transfer of license.

(Ord. 26, 9/4/1975, § 12; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 113. PENALTIES.**

Any person, as herein defined, who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 26, 9/4/1975, § 13; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 114. ABATEMENT OF NUISANCE.**

In addition to the remedies provided in §113 above, any continued violation of this Part which shall constitute a nuisance in

fact or which, in the opinion of the Board, constitutes a nuisance may be abated by proceeding against the violator in a court of equity for relief.

(Ord. 26, 9/4/1975, § 14)

## **PART 2**

### **CATEGORY 4 CASINOS**

#### **§ 201. CATEGORY 4 CASINOS PROHIBITED.**

Category 4 casinos are hereby prohibited within the boundaries of Penn Township.

(Res. 2017-07, 12/7/2017)

## **CHAPTER 14**

### **MOBILE HOMES AND MOBILE HOME PARKS**

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(Reserved to accommodate future enactments)

## **CHAPTER 15**

### **MOTOR VEHICLES AND TRAFFIC**

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#### ***PART 1***

##### ***GENERAL REGULATIONS***

- § 101. Definitions and Interpretation
- § 102. Manner of Adopting Permanent Traffic and Parking Regulations
- § 103. Provisions to be Continuation of Existing Regulations
- § 104. Temporary and Emergency Regulations
- § 105. Experimental Regulations
- § 106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events
- § 107. Use of Streets by Processions and Assemblages

#### ***PART 2***

##### ***TRAFFIC REGULATIONS***

- § 201. Maximum Speed Limits Established on Certain Streets
- § 202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures
- § 203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades
- § 204. Maximum Speed Limits Established in Parks
- § 205. Traffic Signals at Certain Locations
- § 206. Intersections Where Turn Prohibited on Red Signal
- § 207. One-Way Streets Established
- § 208. Turning at Intersections Prohibited or Restricted
- § 209. Right Turns Prohibited at Certain Intersections
- § 210. U-Turns Prohibited at Certain Locations
- § 211. No Passing Zones Established
- § 212. Through Highways Established
- § 213. Stop Intersections Established

- § 214. Yield Intersections Established
- § 215. Operation of Motor Vehicles Restricted on Public Lands
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#### **RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD**

- § 301. Vehicle Weight Limits Established on Certain Streets and Bridges
- § 302. Restrictions on Size of Vehicles on Certain Street and Bridges
- § 303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges
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#### **GENERAL PARKING REGULATIONS**

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- § 402. Parking Prohibited at all Times in Certain Locations
- § 403. Parking Prohibited in Certain Locations, Certain Days and Hours
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- § 405. Parking Time Limited in Certain Locations, Certain Days and Hours
- § 406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited
- § 407. Standing or Parking on Roadway for Loading or Unloading
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#### **OFF-STREET UNMETERED PARKING**

- § 501. Unmetered Parking Lots Established
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- § 503. Unlawful to Park Overtime or When Lot Closed
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- § 601. Applicability and Scope
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- § 603. Tow Away Zones Designated
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- § 605. Payment of Towing and Storage Charges
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#### **SNOW AND ICE EMERGENCY**

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#### **PART 1**

#### **GENERAL REGULATIONS**

##### **§ 101. DEFINITIONS AND INTERPRETATION.**

1. Words and phrases, when used in this Chapter, except for Sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in The Vehicle Code, the Act of June 17, 1976, P.L. 162 No. 81, as amended, except that in this Chapter the word "street" may be used interchangeably with the word "highway," and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

2. The term "legal holidays" as used in this Chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

3. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 66, 9/5/2002, § 1)

##### **§ 102. MANNER OF ADOPTING PERMANENT TRAFFIC AND PARKING REGULATIONS.**

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

(Ord. 66, 9/5/2002, § 1)

##### **§ 103. PROVISIONS TO BE CONTINUATION OF EXISTING REGULATIONS.**

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

(Ord. 66, 9/5/2002, § 1)

##### **§ 104. TEMPORARY AND EMERGENCY REGULATIONS.**

1. Any Township Supervisor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and,

B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and parking in limited areas for periods of not more than 72 hours.

2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than \$25 together with costs of prosecution.

(Ord. 66, 9/5/2002, § 1)

#### **§ 105. EXPERIMENTAL REGULATIONS.**

The Board of Supervisors may, from time to time by resolution, designate places upon and along the highways in the Township where, for a period of not more than 90 days, specific traffic and parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than \$25 together with costs of prosecution; provided, the purpose of this Section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking.

(Ord. 66, 9/5/2002, § 1)

#### **§ 106. TRAFFIC ON STREETS CLOSED OR RESTRICTED FOR CONSTRUCTION, MAINTENANCE OR SPECIAL EVENTS.**

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

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

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 107. USE OF STREETS BY PROCESSIONS AND ASSEMBLAGES.**

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

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

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

2. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from any Township Supervisor, which shall be issued without fee. Application for the permit shall be made at least 1 week in advance of the day on which the assemblage is proposed to be held, but in any case where a State-designated highway is proposed to be used, application shall be made at least 3 weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.

3. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from any Township Supervisor, which shall be issued without fee. Application for the permit shall be made at least 2 weeks in advance of the day when the procession is proposed to be held, but in any case where the State-designated highway is proposed to be used, application shall be made at least 3 weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the

procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.

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

(Ord. 66, 9/5/2002, § 1)

## PART 2

### TRAFFIC REGULATIONS

#### § 201. MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS.

1. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle, on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:

Street Between Maximum Speed Limit

Big Oak Road (T-502) From T-500 to T-512 35 mph

Crater Road (T-419) Between S.R. 0045 and its intersection with T-455 25 mph

Greenbriar Gap Road (T510) From its intersection with S.R. 2012 to its intersection with T-513 15 mph

Long Lane (T-512) From S.R. 2012 to the Millheim Borough line 35 mph

Orndorf Road (T-501) From T-500 to the Gregg Twp. line 35 mph

Paradise Road (T-500) From Pa. Route 45 to S.R. 2012 40 mph

Railroad Street ( T-499) [Ord. 68] From its intersection with T-514 to the terminus of T499 15 mph

Siglerville Millheim Pike (T513) [Ord. 67] From the intersection with S.R. 2012 for a distance of .5 miles 35 mph

Siglerville Millheim Pike (T513) [Ord. 67] From the intersection with Greenbriar Gap Road (T510) for a distance of .36 miles 25 mph

Siglerville Millheim Pike (T513) [Ord. 67] From the intersection with Greenbriar Gap Road (T510) for a distance of .64 miles to the Forestry Road 25 mph

Smithtown Gap Road (T455) Between S.R. 0045 and the Gregg Township line 25 mph

Tunnel Road (T-514) Between S.R. 2011 to the terminus of T-514 25 mph

Zerby Gap Road (T-415) From S.R. 2012 to Gregg Township line 25 mph

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

(Ord. 66, 9/5/2002, § 1; as amended by Ord. 67, 5/1/2003, §§ 1–3; and by Ord. 68, 10/2/2003, § 1)

#### § 202. MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN BRIDGES AND ELEVATED STRUCTURES.

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

Bridge or Elevated Structure Side Maximum Speed Limit

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### § 203. MAXIMUM SPEED LIMITS ESTABLISHED FOR CERTAIN VEHICLES ON HAZARDOUS GRADES.

1. The following are declared to be hazardous grades, and, upon any such hazardous grade, no person shall drive a vehicle, having a gross weight in excess of that referred to for that grade, in the direction stated for that grade, at a speed in excess of that established in this Section for that grade, and, if so stated for a particular grade, the driver of every such vehicle shall stop the vehicle before proceeding downhill:

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

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 204. MAXIMUM SPEED LIMITS ESTABLISHED IN PARKS.**

1. A speed limit of 15 miles per hour is established on all streets and roadways in the public parks maintained and operated by the Township, except in the following locations, where the lower maximums, as specified, shall apply:

Park Street Location Maximum Speed Limit

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 205. TRAFFIC SIGNALS AT CERTAIN LOCATIONS.**

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

Location Type of Signal

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 206. INTERSECTIONS WHERE TURN PROHIBITED ON RED SIGNAL.**

1. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

Intersection Vehicles Traveling On Facing

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 207. ONE-WAY STREETS ESTABLISHED.**

1. The following are established as one-way streets, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

Street From To Direction of Travel

9th Alley [Ord. 81] Main Street (S.R. B Alley and 2nd Southeast 2011) Street

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

(Ord. 66, 9/5/2002, § 1; as amended by Ord 81, 11/4/2010, § 1)

#### **§ 208. TURNING AT CERTAIN INTERSECTIONS PROHIBITED OR RESTRICTED.**

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

Vehicles Traveling On Direction of Travel Not to Make Turn Into When Type of Vehicle Applicable To

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 209. RIGHT TURNS PROHIBITED AT CERTAIN INTERSECTIONS.**

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

Vehicles Traveling On	Direction of Travel	Times	Not To Make Right Turn Into or Travel Straight Across
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(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 210. U-TURNS PROHIBITED AT CERTAIN LOCATIONS.**

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

Street	Portion	Direction of Travel
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(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 211. NO PASSING ZONES ESTABLISHED.**

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

Street	Direction of Travel	Between
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(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 212. THROUGH HIGHWAYS ESTABLISHED.**

1. The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this Section shall stop the vehicle or yield right-of-way as required by §§ 3323(b) or 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that Section of the law:

Highway	Between
---------	---------

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 213. STOP INTERSECTIONS ESTABLISHED.**

1. The following intersections (in addition to intersections with the through highways established by § 212) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or stop street, in the direction indicated in each case, shall stop the vehicle as required by § 3323(b) of the Vehicle Code, and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that Section of the law.



Stop Street Intersection or Through Street Direction of Travel

10th Alley B Alley Southbound

B Alley 10th Alley Eastbound and Westbound

Big Oak Road (T-502) Paradise Road (T-500) West

Klinger Road (T-503) Orndorf Road (T-501) East

Klinger Road (T-503) Orndorf Road (T-501) Both, except right turn

Long Lane (T-512) Long Lane North

Orndorf Road (T-501) Klinger Road Westbound, except right turn

Orndorf Road (T-501) Paradise Road (T-500) East

Smithtown Road (T-455) East Green Grove Road (419) West

Smithtown Road (T-455) Smithtown Road East

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 214. YIELD INTERSECTIONS ESTABLISHED.**

1. The following intersections (in addition to intersections with the through highways established by § 212) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by § 3323(c) of the Vehicle Code, and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street Through Street Direction of Travel

Greenbriar Gap Road (T-510) Poe Valley Road (T-513) South

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 215. OPERATION OF MOTOR VEHICLES RESTRICTED ON PUBLIC LANDS.**

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

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 216. ROTARY TRAFFIC ISLANDS ESTABLISHED.**

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

Location

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 217. PLAY HIGHWAYS ESTABLISHED AND AUTHORIZED.**

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

Street Between Days Hours

(Reserved)

2. Any Township Supervisor is authorized to designate as play highways, whenever he deems that action advisable, and

for whatever period of time directed by him, any part of any street in the Township where sledding and coasting, shall be permitted. That play highway shall be set apart for the purpose under the direction of any Township Supervisor.

3. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of any Township Supervisor or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord.. 66, 9/5/2002, § 1)

### **§ 218. SNOWMOBILE ROADS DESIGNATED.**

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

Street or Road	Between	Used by Snowmobiles Only When Closed to Vehicular Traffic	Shared With Vehicular Traffic
(Reserved)			

2. It shall be unlawful for any person to operate a snowmobile on any highway, street or road in the Township other than as provided above. Provided, nothing in this Section shall prohibit any person from operating a snowmobile on any other street in the Township:

A. As authorized by § 7721 of the Vehicle Code for emergency and bridge crossings and for direct crossing of streets or two-lane highways; or,

B. For special snowmobile events where authorized in advance and the street is blocked off as provided in § 7723 of the Vehicle Code. Any person who violates any provision of this Section shall be subject to the penalties prescribed in § 7752(a) of the Vehicle Code.

(Ord. 66, 9/5/2002, § 1)

## **PART 3**

### **RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD**

#### **§ 301. VEHICLE WEIGHT LIMITS ESTABLISHED ON CERTAIN STREETS AND BRIDGES.**

1. On the following bridges and streets or parts of streets, by authority granted by § 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Location	Maximum Gross Weight
Bridge on Penn Twp.	Route T-839 27 feet east of the intersection with S.R. 2011	no limit
Bridge on Penn Twp.	Route T-510 40 feet south of the intersection with S.R. 2012 at Station 0+40	4 tons
Bridge on Penn Twp.	Route T-512 40 feet south of the intersection with S.R. 2012 at Station 0+01	no limit
Crater Road T-419	From its intersection with S.R. 0045 to its intersection with T-455	10 tons
Greenbriar Gap Road T-510	From its intersection with T-513 to its intersection with Forestry Road	10 tons
Poe Valley Road T-513	From its intersection with S.R. 2012 to its intersection with T-510	10 tons
Smithtown Gap Road T-455	From its intersection with S.R. 0045 to its intersection with T-419	10 tons
Tunnel Road T-514	From its intersection with T-499 to its terminus	10 tons
Zerby Gap Road T-415	From its intersection with S.R. 2012 to the Gregg Township line	10 tons

2. Any person who violates any provision of this Section shall be prosecuted under §§ 4902-(a) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

(Ord. 66, 9/5/2002, § 1)

#### **§ 302. RESTRICTIONS ON SIZE OF VEHICLES ON CERTAIN STREETS AND BRIDGES.**

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

Street or Bridge	Between	Restrictions
(Reserved)		

2. Any person who violates any provision of this Section shall be prosecuted under §§ 4902(a) and 4902(g-1) of the

Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of \$75 and costs.

(Ord. 66, 9/5/2002, § 1)

### **§ 303. RESTRICTIONS AS TO WEIGHT AND SIZE OF VEHICLES ON CERTAIN STREETS AND BRIDGES.**

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

Street or Bridge Between Restrictions

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

### **§ 304. TRUCK TRAFFIC RESTRICTED ON CERTAIN STREETS.**

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

Street Between

(Reserved)

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

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

(Ord. 66, 9/5/2002, § 1)

## **PART 4**

### **GENERAL PARKING REGULATIONS**

#### **§ 401. VEHICLES TO BE PARKED WITHIN MARKED SPACES.**

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 402. PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS. Parking shall be prohibited at all times in the following locations:**

Street Side Between

A Alley Both From its intersection with S.R. 2012 to S.R. 2011

C Alley Both From the U.M. Church parking lot to S.R. 2011

D Alley Both From its intersection with Third Alley to First Alley

Eighth Alley Both From its intersection with Township Route 499 to the right-of-way of the Pennsylvania Railroad

Eleventh Alley Both From its intersection with D Alley to its intersection with Main St. - S.R. 2011

Fifth Alley Both From the intersection with S.R. 2011 to A Alley

First Alley Both From S.R. 2012 to D Alley

Fourth Alley Both From the intersection of S.R 2011 to A Alley

Main St. West Within 20 feet of the northwesterly intersection of S.R. 2012 (Water Street)

Ninth Alley Both From its intersection with Second St. to its intersection with Main St. - S.R 2011

Second Alley Both From S.R. 2012 to D Alley

Second Street Both From its intersection with Ninth Alley to its intersection with Tenth Alley

Seventh Alley Both From its intersection with T-499 to the right-of-way of the Pennsylvania Railroad

Sixth Alley Both From the intersection of S.R. 2011 to A Alley

S.R. 2011 [Ord. 82] West From its intersection with S.R. 2012 northerly for a distance of 150 feet

Tenth Alley Both From its intersection with Second St. to its intersection with Main St. - S.R. 2011

Third Alley Both From the intersection of S.R. 2012 to D Alley

(Ord. 66, 9/5/2002, § 1; as amended by Ord. 82, 11/4/2010, § 1)

#### **§ 403. PARKING PROHIBITED IN CERTAIN LOCATIONS, CERTAIN DAYS AND HOURS.**

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

Street Side Between Days Hours

Main Street (S.R. 2011) Both Entire length Between Nov. 15 and March 15 Anytime within 48 hours that two inches of snow has accumulated

(Ord. 66, 9/5/2002, § 1)

#### **§ 404. PARKING OF TRUCKS, BUSES AND CERTAIN OTHER VEHICLES PROHIBITED IN CERTAIN LOCATIONS.**

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

Street Between

(Reserved)

(Ord. 66,9 /5 /2002, § 1)

#### **§ 405. PARKING TIME LIMITED IN CERTAIN LOCATIONS, CERTAIN DAYS AND HOURS.**

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

Street Side Between Days Hours

(Reserved)

(Ord. 66, 9/5/2002, § 1)

#### **§ 406. SPECIAL PURPOSE PARKING ZONES ESTABLISHED; PARKING OTHERWISE PROHIBITED.**

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

Street Side Location Authorized Purpose or Vehicle

(Reserved)

(Ord. 66, 9/5/2001, § 1)

#### **§ 407. STANDING OR PARKING ON ROADWAY FOR LOADING OR UNLOADING.**

It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedalcycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for the purpose of loading or unloading persons or property shall be permitted on the following named streets on Monday through Saturday, between the hours of 9 a.m. and 11:30 a.m. and between the hours of 1:30 p.m. and 4 p.m., and for no longer than necessary for the loading or unloading.

Street Side Between

(Reserved)

(Ord. 66, 9/5/2002, § 1)

#### **§ 408. ANGLE PARKING REQUIRED ON PORTIONS OF CERTAIN STREETS.**

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

Street Side Between

(Reserved)

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

(Ord. 66, 9/5/2002, § 1)

**§ 409. PARKING PROHIBITED ON PORTIONS OF CERTAIN HIGHWAYS DURING STREET SWEEPING HOURS.**

It shall be unlawful for any person to park a vehicle or to allow the same to remain parked, at any time between 8 a.m. and 10 a.m. on any of the following portions of the highways of the Township on the days hereby respectively designated for street sweeping purposes:

Street Between Day

(Reserved)

(Ord. 66, 9/5/2002, § 1)

**§ 410. PENALTIES.**

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.

(Ord. 66, 9/5/2002, § 1)

**PART 5**

**OFF-STREET UNMETERED PARKING**

**§ 501. UNMETERED PARKING LOTS ESTABLISHED.**

The following are established at the unmetered parking lots operated by the Township:

Lot	Location	Maximum Parking Time	Days in Operation	Hours in Operation
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(Reserved)

(Ord. 66, 9/5/2002, § 1)

**§ 502. RESERVED PARKING SPACES FOR HANDICAPPED MAY BE PROVIDED.**

The Board of Supervisors at its discretion, may provide, at convenient and suitable locations in one or more of the unmetered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful, and .a violation of this Part, for any person to park in any such reserved parking space, any vehicle unless that vehicle bears or displays either: a "handicapped registration plate," a "handicapped parking placard," a "disabled veteran registration plate," or a "disabled veteran placard." Provided: all provisions, requirements and restrictions contained in the other Sections of this Part shall apply to vehicles lawfully parked in reserved parking spaces for handicapped

(Ord. 66, 9/5/2002, § 1)

**§ 503. UNLAWFUL TO PARK OVERTIME OR WHEN LOT CLOSED.**

It shall be unlawful for any person to park a vehicle, or to allow a vehicle to remain parked in any unmetered parking lot:

- A. For longer than the maximum parking time prescribed by § 501 of this Part.
- B. At any time when the lot is not in operation and is closed to public use. (Ord. 66, 9/5/2002, § 1)

**§ 504. UNMETERED LOTS FOR CERTAIN TYPES OF VEHICLES.**

The unmetered parking lots established by § 501 of this Part shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other kind or class of vehicle in any such lot.

(Ord. 66, 9/5/2002, § 1)

**§ 505. MANNER OF PARKING.**

Every vehicle parked in an unmetered parking lot shall be parked wholly within the lines bounding or marking the individual parking space assigned to that vehicle, and shall be parked headed into the parking space. It shall be unlawful for any person:

- A. To park a vehicle in a space not rented by him.
- B. To park a vehicle otherwise than as required by this Section.
- C. To park a vehicle elsewhere than in an individual parking space, the prohibited areas including, but not limited to, the access and exit driveways and turning and maneuvering spaces.

(Ord. 66, 9/5/2002, § 1)

#### **§ 506. PARKING ON RENTAL BASIS ONLY.**

The parking spaces in the unmetered parking lots shall be available for parking on a monthly rental basis only. The rental fee shall be fixed by the Board of Supervisors pursuant to a resolution and shall be for a calendar month or the part of a calendar month remaining after the rental arrangements are made. The rental fee shall be paid in advance to the Township Secretary for the use of the Township, and after the first month shall be automatically renewable until the renter notifies the Township that he wishes to terminate the rental arrangements. At any time, however, the Township may, by amending § 501 of this Part, discontinue provision of a specific unmetered parking lot or a portion of the parking spaces in any such lot, or may change any unmetered parking lot, or part of an unmetered parking lot, to a metered parking lot or to metered parking spaces. The rental parking spaces shall be assigned by the Township Secretary. The name of the renter of a parking space and/or the numbers and/or letters on the registration tag of the vehicle entitled to be parked there shall be posted by the Township at the rental space or shall be painted on the surface of that parking space.

(Ord. 66, 9/5/2002, § 1)

#### **§ 507. PENALTY FOR VIOLATION.**

1. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the office of the Township Secretary and pay, for the use of the Township, the sum of \$5 within 48 hours after the time of the notice, or will place the sum of \$5 enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Township, within that time limit, that act will save the violator from prosecution and from payment of the fine prescribed in subsection (2) hereof.

2. Any person who violates any provision of this Part and who fails to pay the fine set forth in this Section, shall be cited within 15 days of the violation and upon conviction, be sentenced to pay a fine of not more than \$15 and costs.

(Ord. 66, 9/5/2002, § 1)

## **PART 6**

### **REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES**

#### **§ 601. APPLICABILITY AND SCOPE.**

This Part is enacted under authority of § 6109(a-22) of the Vehicle Code, and gives authority to the Township to remove and impound those vehicles which are parked in a tow-away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Pennsylvania Vehicle Code.

(Ord. 66, 9/5/2002, § 1)

#### **§ 602. AUTHORITY TO REMOVE AND IMPOUND.**

The Township shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in § 601 of this Part. Provided: no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part, or the provisions of the Pennsylvania Vehicle Code.

(Ord. 66, 9/5/2002, § 1)

#### **§ 603. TOW AWAY ZONES DESIGNATED.**

The following designated streets and/or parking lots are hereby established as tow-away zones. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of the Township parking regulations:

Street Side Between Parking Lot

(Reserved)

(Ord. 66, 9/5/2002, § 1)

#### **§ 604. DESIGNATION OF APPROVED STORAGE GARAGES; BONDING; TOWING AND STORAGE.**

Removal and impounding of vehicles under this Part shall be done only by "approved storage garages" that shall be designated from time to time by the Board of Supervisors. Every such garage shall submit evidence to the Board of Supervisors that it is bonded or has acquired liability insurance in an amount satisfactory to the Board of Supervisors as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Board of Supervisors its schedule of charges for towing and storage of vehicles under this Part, and, when the schedule is approved by Board of Supervisors, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be

demanding or collected from any person whose vehicle is removed or impounded under this Part by any approved storage garage. The Board of Supervisors shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Part.

(Ord. 66, 9/5/2002, § 1)

#### **§ 605. PAYMENT OF TOWING AND STORAGE CHARGES.**

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Part for which the vehicle was removed or impounded.

(Ord. 66, 9/5/2002, § 1)

#### **§ 606. RECLAMATION COSTS.**

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 607. RECORDS OF VEHICLES REMOVED AND IMPOUNDED.**

The Township shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

(Ord. 66, 9/5/2002, § 1)

#### **§ 608. RESTRICTIONS UPON REMOVAL OF VEHICLES.**

No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

(Ord. 66, 9/5/2002, § 1)

#### **§ 609. PENALTY FOR VIOLATION.**

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

(Ord. 66, 9/5/2002, § 1)

#### **§ 610. REPORTS AND DISPOSITION OF UNCLAIMED VEHICLES.**

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with § 7311 of The Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 Pa C.S.A. § 101 et seq., as amended).

(Ord. 66, 9/5/2002, § 1)

## **PART 7**

### **SNOW AND ICE EMERGENCY**

#### **§ 701. DECLARATION OF SNOW AND ICE EMERGENCY.**

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in § 703 of this Part, any Township Supervisor, in his discretion, may declare a snow and ice emergency (designated in this Part as a "snow emergency"). Information on the existence of a snow emergency shall be given by the Township through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

(Ord. 66, 9/5/2002, § 1)

#### **§ 702. PARKING PROHIBITED, DRIVING MOTOR VEHICLES RESTRICTED, ON SNOW EMERGENCY ROUTES DURING EMERGENCY.**

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

- A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route

designated in § 903 of this Part; or,

B. To drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow tires or chains.

(Ord. 66, 9/5/2002, § 1)

### **§ 703. SNOW EMERGENCY ROUTES DESIGNATED.**

The following are designated as snow emergency routes:

Street Between

(Reserved)

(Ord. 66, 9/5/202, § 1)

### **§ 704. PENALTY FOR VIOLATION.**

1. If, at any time during a period of snow emergency declared under § 701 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs.

2. If, at any time during a period of snow emergency declared under § 701 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(Ord. 66, 9/5/2002, § 1)

## **PART 8**

### **REGULATION OF PEDALCYCLES AND NONMOTORIZED VEHICLES**

#### **§ 801. RIDING AND PARKING OF PEDALCYCLES ON SIDEWALKS ALONG CERTAIN STREETS PROHIBITED.**

1. It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk along the following portions of the streets in the Township:

Street Side Between

(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

(Ord. 66, 9/5/2002, § 1)

#### **§ 802. RESTRICTIONS ON USE OF PUSHCARTS.**

1. The word "pushcart," as used in this Section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.

2. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from the Board of Supervisors as provided in subsection (3) of this Section.

3. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from the Board of Supervisors. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the Township set by the Board of Supervisors pursuant to a resolution. The permit shall be granted to the applicant, upon payment of the fee, and upon his signing an agreement with the Board of Supervisors that he shall be bound by the conditions imposed by Board of Supervisors and made a part of the permit, dealing with the following matters:

A. Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location;

B. Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on;

C. Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.

4. Any person who violates any provision of this Section, or any condition of any permit granted under this Section, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(Ord. 66, 9/5/2002, § 1)



## **§ 803. SKATES, SKATEBOARDS, COASTERS, SLEDS AND OTHER TOY VEHICLES.**

1. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Township, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of § 105 of Part 1 or § 216 of Part 2 of this Chapter. Provided: nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.

2. It shall be unlawful for any person to engage in roller-skating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon:

A. Any street except in order to cross the roadway; or,

B. Any sidewalk located in a business district, except that nothing in this subsection shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.

3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

(Ord. 66, 9/5/2002, § 1)

## **PART 9**

### **PEDESTRIAN REGULATIONS**

#### **§ 901. PEDESTRIANS TO OBEY TRAFFIC-CONTROL SIGNS.**

At all locations in the Township where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under § 902 of this Part, shall obey the directions of those traffic-control signals, as follows:

A. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk;

B. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway;

C. When facing a steady red signal, a pedestrian shall not enter the roadway. (Ord. 66, 9/5/2002, § 1)

#### **§ 902. PEDESTRIAN-CONTROL SIGNAL LOCATIONS ESTABLISHED.**

1. At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

Location

(Reserved)

2. Every pedestrian facing a steady or flashing "Don't Walk" signal shall obey the directions of that signal, as follows:

A. When facing a steady "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.

B. When facing a flashing "Don't Walk" signal a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone.

Any pedestrian who fails to obey the directions of a "Don't Walk" signal, as indicated above, shall be guilty of an offense and a violation of this Part.

(Ord. 66, 9/5/2002, § 1)

#### **§ 903. LOCATIONS WHERE PEDESTRIAN CROSSING IN UNMARKED CROSSWALKS RESTRICTED.**

Except when authorized by a police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated.

Street Intersection Direction of Travel

(Reserved)

(Ord. 66, 9/5/2002, § 1)

#### **§ 904. LOCATIONS WHERE PEDESTRIANS MAY CROSS ONLY IN CROSSWALK.**

It shall be unlawful for any pedestrian:

A. To cross any roadway in a business district within the Township except in a crosswalk;

B. To cross the roadway, in any of the following portions of streets in the Township, except in a crosswalk:

Street Between

(Reserved)

Provided: nothing in this Section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by § 902 of this Part.

(Ord. 66, 9/5/2002, § 1)

#### **§ 905. PENALTY FOR VIOLATION.**

Any pedestrian who violates any provision of this Part shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

(Ord. 66, 9/5/2002, § 1)

## **CHAPTER 16**

### **PARKS AND RECREATION**

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#### **PART 1**

#### **RECREATION AREAS**

- § 101. Short Title
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- § 110. Enforcement
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#### **PART 1**

#### **RECREATION AREAS**

##### **§ 101. SHORT TITLE.**

This Part shall be known and may be cited as the "Penn Township Recreation Ordinance." Wherever in this Part the term "recreation area" is used, it shall be deemed to include park and playground.

(Ord. 49, 4/1 /1993, § 1)

##### **§ 102. DESIGNATION OF RECREATION AREAS.**

The Penn Township Supervisors shall, from time to time, designate such areas in the Township as they deem proper "recreation areas." The recreation areas will be open to all Township residents and guests from sunrise to sunset throughout the year, unless posted otherwise. Times for special events must be approved by the Board of Supervisors or appointee.

(Ord. 49, 4 /1 /1993, § 2)

##### **§ 103. ENTRANCES AND EXITS.**

No person shall enter or leave a recreation area except by entrances and exits provided for such purpose. Private property of owners adjacent to recreation areas shall not be entered upon.

(Ord. 49, 4 /1/1993, § 3)

#### **§ 104. WILDLIFE.**

No person shall annoy or harm any animals or birds in a recreation area, nor water fowl in any streams, pools or ponds, nor remove or carry away any birds' nests or eggs, nor disturb the general natural environment.

(Ord. 49, 4/1/1993, § 4)

#### **§ 105. SPECIAL FACILITIES.**

The general use of pavilions, ballfields, equipment or other special facilities by Township residents shall be on a first-come, first-served basis unless previously scheduled through the Township Board of Supervisors or appointee.

(Ord. 49, 4/1/1993, § 5)

#### **§ 106. DESIGNATED USE.**

The designated use of any ballfield or other facilities by organized groups shall be scheduled through the Township Board of Supervisors or appointee,

(Ord. 49, 4/1/1993, § 6)

#### **§ 107. AUTHORIZED USE.**

The use of a recreation area for any of the following purposes is prohibited unless authorized by the Township Board of Supervisors as hereinafter provided:

- A. Fireworks.
- B. Musical or theatrical entertainment.
- C. Parties or gatherings in excess of 50 persons for any purpose other than family reunions.

(Ord. 49, 4/1/1993, § 7)

#### **§ 108. SPECIAL PERMISSION.**

Special permission for the use of a recreation area shall be issued only after consideration by the Township Board of Supervisors upon such request therefor. No permission shall be granted, however, unless a written request is made for such use, although a security deposit may be required. Any person to whom special permission is granted shall be liable for any loss, damage or injury sustained by any person by reason of the negligence or fault of the applicant, his servants, agents or employees or invitees, and such person shall hold harmless and indemnify the Township from any damages, injuries, claims or other causes of action that might result from said person's use of the recreation area.

(Ord. 49, 4/1/1993, § 8)

#### **§ 109. GENERAL CUSTODY.**

The Township Board of Supervisors shall have general custody of the recreation areas and all maintenance, repairs and replacements of property and equipment therein, and shall be chargeable with the duty of keeping the areas in a clean and sanitary condition at all times. In view of the fact that the recreation areas, parks and playgrounds of the Township have been acquired and are maintained primarily for the use of the residents of the Township, the Board, or any person or persons designated by it, shall have the right to exclude therefrom any person who is not a resident of the Township.

(Ord. 49, 4/1/1993, § 9)

#### **§ 110. ENFORCEMENT.**

The Pennsylvania State Police and the Township Board of Supervisors shall have the power to enforce the regulations hereinabove set forth and shall exercise general supervision over persons and property in all recreation areas.

(Ord. 49, 4/1/1993, § 10)

#### **§ 111. PROHIBITIONS. The following are prohibited in or upon any recreation area:**

- A. Possession and distribution or consumption of any alcoholic or intoxicating beverages, drugs or controlled substances.
- B. Gambling or solicitation not authorized by the Township.
- C. Possession of any type of firearms.
- D. Annoyance of others by disorderly conduct, indecent or obscene language; loitering or congregating; threatening or dangerous acts.
- E. Damaging, defacing, destroying or removing Township owned property, buildings, equipment, signs, structures or other materials.

F. Discarding of trash, garbage, refuse or other litter not generated on the premises; provided, however, trash, garbage or litter generated on the premises must be removed by the responsible party and disposed of properly.

G. Distribution of advertisements, placards or notices (except as authorized by the Township) or posting of the same except on facilities provided for such purpose.

H. Pets, except when properly controlled and kept on a leash not exceeding six feet in length; provided, that care and concern for the health and safety of others must be exercised by owners with regard to pets and their waste habits.

I. Operating any vehicle in a reckless or negligent manner, in excess of posted speed limit or in such a manner as to create a nuisance to others.

J. Operating, stopping or parking any vehicle except on designated roads, spaces or areas.

K. Fires, except in facilities provided for such purpose.

L. Snowmobiles, all-terrain vehicles, go-carts, mini-bikes, motorcycles, scooter-bikes or like vehicles.

M. Use of bows and arrows, javelins, discus or similar athletic equipment dangerous in character.

(Ord. 49, 4/1 /1993, § 11)

## **§ 112. PENALTIES.**

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. Parents of persons under 18 years of age will be held liable for penalties incurred by, and for damages to properties of the Township, caused or committed by their children subject to 23 Pa. C.S.A. § 5501.

(Ord. 49, 4/1/1993, § 12; as amended by Ord. 66, 9/5/2002, § 1)

## **CHAPTER 17**

### **PLANNED RESIDENTIAL DEVELOPMENT**

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(Reserved to accommodate future enactments)

## **CHAPTER 18**

### **SEWERS AND SEWAGE DISPOSAL**

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#### ***HOLDING TANKS***

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§ 102. Rules and Regulations

§ 103. Permits and Certification

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#### ***PART 2***

#### ***SEWAGE SYSTEMS***

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- § 301. Definitions
- § 302. Use of Public Sewers Required
- § 303. Building Sewers and Connections
- § 304. Rules and Regulations Governing Building Sewers, Laterals and Connections to Sewers
- § 305. Enforcement
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### **PART 1**

#### **HOLDING TANKS**

##### **§ 101. DEFINITIONS.**

For the purpose of this Chapter, the following words and phrases shall have the meaning ascribed to them in this Section. [Ord. 66]

**BOARD OF SUPERVISORS** - Penn Township Board of Supervisors.

**CERTIFICATE OF REGISTRATION** - the approval, as issued by the Board of Supervisors and the Pennsylvania Department of Environmental Protection, authorizing utilization of holding tanks. [Ord. 66]

**HOLDING TANKS** - a water tight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal by pumping and hauling the sewage to an approved discharge site. Holding tanks include, but are not limited to, the following:

- A. **CHEMICAL TOILET** - a toilet using chemicals that discharge to a holding tank.
- B. **RETAINING TANK** - a holding tank where sewage is conveyed to it by a water carrying system.
- C. **VAULT PIT PRIVY** - a holding tank designed to receive sewage where water under pressure is not available.

**IMPROVED PROPERTY** - any property within the Township of Penn where there is erected structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals from which sewage shall or may be discharged.

**OWNER** - any person or persons vested with ownership, legal or equitable, sole or partial, of any property located in Penn Township.

**PERSON(S)** - any individual, partnership, company, association, corporation or any other group or legal entity. [Ord. 66]

**SEWAGE** - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substance harmful, inimical or contaminable to the public health, safety or welfare; or to animal or aquatic life; or to the use of public or private water supplies used for domestic consumption or recreation.

**TOWNSHIP** - Penn Township, Centre County, Pennsylvania. (Ord. 17, 10/4/1973, § 1; as amended by Ord. 66, 9/5/2002, § 1)

## **§ 102. RULES AND REGULATIONS.**

1. The Township is hereby authorized and empowered to control within the Township all methods of holding tank sewage disposal, collection and transportation thereof.
2. The Township is empowered and shall adopt such rules and regulations concerning sewage disposal which it may deem necessary from time to time to effect the purposes herein.
3. All rules and regulations adopted by the Township will be in conformity with the provisions herein, all other ordinances of the Township and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania, and Department of Environmental Protection. [Ord. 66]
4. The Township shall have the right and power to fix, alter and control rate assessments, permit fees and any other charges applicable to the sewage disposal rules and regulations as established herein.
5. The collection and transportation of all sewage from an improved property utilizing approved holding tank facilities shall be done under the direction and control of the Township and sewage disposal thereof shall be made only at such site or sites as may be approved by the Commonwealth of Pennsylvania Department of Environmental Protection. [Ord. 66]

(Ord. 17, 10/4/1973, § 2; as amended by Ord. 66, 9/5/2002, § 1)

## **§ 103. PERMITS AND CERTIFICATION.**

The owner of any property proposing to utilize holding tank or tanks for onsite disposal of their sanitary sewage shall:

- A. Apply for a Township sewage facilities Act 537 permit in accordance with the applicable laws of the Commonwealth of Pennsylvania.
- B. Attach proof of agreement between the owner and a certified sewage disposal hauler whereas the hauler contractually agrees to pump at regular intervals, and dispose of at an approved site, the waste from herein referenced holding tanks.
- C. Attach proof of agreement between the contract hauler and an approved waste disposal site satisfactory to the Commonwealth of Pennsylvania Department of Environmental Protection. [Ord. 66]
- D. All waste haulers authorized to pump, transport and dispose of holding tank waste in the Township of Penn shall furnish to the Township Supervisors a schedule of their pumping quantities to allow the Township to ensure sufficient size and capability of the tank(s) being utilized.
- E. The Township, and/or its authorized representative, shall inspect prior to the installation of any holding tanks, their construction, water tightness, size and location in conformance with their sewage facilities application.
- F. If, in the opinion of the Township or its authorized representative, any holding tank is broken, leaking or not being satisfactorily pumped at regular intervals, the Township shall file violation proceedings and require immediate correction by the owner or operator of the property site involved.

(Ord. 17, 10/4/1973, § 3; as amended by Ord. 66, 9/5/2002, § 1)

## **§ 104. VIOLATIONS.**

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 66]
2. In addition to any other remedies provided in this Part, any violation of any provision herein shall constitute a public nuisance and may be abated by the Township by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 17, 10/4/1973, § 4; as amended by Ord. 66, 9/5/2002, § 1)

## **PART 2**

### **SEWAGE SYSTEMS**

#### **§ 201. PERMITS.**

No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system, or construct or request bid proposals for construction, or install or occupy any building or structure for which an individual system or community sewage system is to be installed without first obtaining a permit indicating that the site and plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, as amended, and the standards adopted pursuant to said Act.

(Ord. 32, 6/5/1980, § 1)

## **§ 202. APPLICATION FOR PERMIT.**

Application for permit shall be in writing to the Township of Penn in accordance with the provisions of the Pennsylvania Sewage Facilities Act, and shall be made in such form and shall include such information as the Department of Environmental Protection may prescribe.

(Ord. 32, 6/5/1980, § 2; as amended by Ord. 66, 9/5/2002, § 1)

## **§ 203. ENFORCEMENT.**

The Township of Penn shall employ qualified sewage enforcement officers to administer the provisions of this Part and the Pennsylvania Sewage Facilities Act, as amended.

(Ord. 32, 6/5/1980, § 3)

## **§ 204. APPLICATION FEE.**

A fee in an amount as established from time to time by resolution of the Board of Supervisors shall be paid to the Township of Penn at the time an application is made for a permit for the installation, alteration or repair of an individual or community sewage system. Said fee shall include the inspection of the percolation and soil test and the issuance of a permit.

(Ord. 32, 6/5/1980, § 4; as amended by Ord. 66, 9/5/2002, § 1)

## **§ 205. PAYMENT OF FEE.**

All fees required by § 204 of this Part shall be paid prior to the performance of the designated services by the sewage enforcement officer.

(Ord. 32, 6/5/1980, § 5)

## **§ 206. FEES.**

The Board of Supervisors of Penn Township shall have the power, from time to time, to amend the fees set forth in § 204 of this Part by resolution, duly adopted by a majority of said Supervisors at a regular or special meeting thereof and thereafter amend the fees set forth by this Part.

(Ord. 32, 6/5/1980, § 6)

## **§ 207. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 32, 6/5/1980, § 7; as amended by Ord. 66, 9/5/2002, § 1)

## **A. CONNECTION REQUIRED.**

### **§ 301. DEFINITIONS.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part 3A shall be as follows:

**BUILDING SEWER** - the sewage drainage system from a building constructed on any improved property to the lateral serving such improved property, including any grinder pump or pressure sewer or similar apparatus or facilities installed by the Township or the owner and which are located on such improved property.

**COMMONWEALTH** - the Commonwealth of Pennsylvania.

**IMPROVED PROPERTY** - any property in the sewered area of this Township 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 sanitary sewage and/or industrial wastes shall be or may be discharged.

**INDUSTRIAL ESTABLISHMENT** - any improved property located in this Township, used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property from which wastes, in addition to or other than sanitary sewage, shall be discharged.

**INDUSTRIAL WASTES** - any and all wastes discharged from an industrial establishment, and/or wastewater having characteristics which may have the potential to be detrimental to the sewer system.

**LATERAL** - part of the sewer system extending from a sewer to the curblin, or if there is no curblin, to the property line, or if no such extension is provided, then "lateral" shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer;

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity.

SANITARY SEWAGE - normal water-carried household and toilet wastes from any improved property.

SEWER - any pipe or conduit constituting a part of the sewer system, used or usable for sewage collection purposes.

SEWER SYSTEM - all facilities owned or operated by the Township, as of any particular time, for collecting and transmitting sanitary sewage and/or industrial wastes discharged by an improved property, other than a building sewer or a lateral.

SEWERED AREA - geographic area or areas of the Township served or to be served by the sewer system and designated, from time to time, by the Board of Supervisors of the Township.

STREET - includes any street, road, lane, court, cul-de-sac, alley, public way or public square.

TOWNSHIP - the Township of Penn, Centre County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through its authorized representatives.

(Ord. 74, 5/5/2005, Art. I)

### **§ 302. USE OF PUBLIC SEWERS REQUIRED.**

1. A. The owner of any improved property located in the sewer area of this Township which is adjoining and adjacent to the sewer system shall connect such improved property with and use such sewer system, in such manner as this Township may require, within 60 days after notice to such owner from this Township to make such connection, for the purpose of discharging all sanitary sewage and industrial wastes from such improved property; subject, however, to such rules and regulations as may be established by this Township, from time to time, prescribing the scope and manner of such connections.

B. Notwithstanding the provisions of subsection (A), this Township shall not require any commercial or industrial business to connect to the sewer system when such commercial or industrial business is operating a sewer treatment plant under mandate of any agency of the Federal or State government. This exemption shall last as long as such sewer treatment plant continues to meet the specifications and standards mandated by such Federal or State agency and for 45 days thereafter. If, during the days immediately subsequent to the day a business' sewer treatment plant is determined to be below Federal or State mandates, repairs cannot be made to bring the system back up to satisfactory condition, this Township may require such business to connect to the sewer system. In such case, the full costs of connection to, and any necessary refurbishing of, the sewer system shall be borne by such business.

C. The exemption provided for in subsection (B) shall not be available in any situation where the business seeking to use it had notice, either actual or constructive, prior to construction of this sewage treatment plant, of this Township's intention to construct a sanitary sewer system, and to require that business to connect with the sewer system.

2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer, as required under subsection (1), shall be conducted into such sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

3. No person shall place, shall deposit or shall permit to be placed or to be deposited upon any public or private property within this Township any sanitary sewage or industrial wastes in violation of subsection (1).

No person shall discharge or shall permit to be discharged to any natural outlet any sanitary sewage or industrial wastes in violation of subsection (1), except where suitable treatment has been provided that is satisfactory to this Township.

4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon an improved property that has been connected to a sewer or that is required under subsection (1) to be connected to a sewer.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and shall be filled with a noncompactible material (e.g., sand), at the expense of the owner of such improved property, under the direction and supervision of this Township; and, any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, not cleansed and filled, shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected to a sewer.

6. The notice by this Township to make a connection to a sewer, referred to in subsection (1), shall include a reference to this Part 3A, including any amendments and/or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Part 3A and specifying that such connection shall be made within the time limitations described herein. Such notice may be given or served at any time after a sewer is in place that can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be by personal service or by registered mail.



(Ord. 74, 5/5/2005, Art. II)

### **§ 303. BUILDING SEWERS AND CONNECTIONS.**

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from this Township.

2. Application for a permit required under subsection (1) shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

3. No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

A. Such person shall have notified the secretary or other designated representative of this Township of the desire and intention to connect such improved property to a sewer.

B. Such person shall have applied for and shall have obtained a permit as required by subsection (1).

C. Such person shall have given the secretary or other designated representative of this Township at least 48 hours notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

D. If applicable, such person shall have furnished satisfactory evidence to the secretary or other designated representative of this Township that any tapping fee, and any other applicable fee or charge that may be charged and imposed by this Township against the owner of each improved property who connects such improved property to a sewer, has been paid.

4. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

5. All costs and expenses of acquisition, construction, operation and maintenance of a building sewer and of the lateral serving any improved property shall be borne by the owner of the improved property served thereby, unless otherwise provided by this Township. All costs and expenses of connection of a building sewer to a lateral, and connection of a lateral to a sewer, including such costs and expenses of acquiring, installing, operating and maintaining a grinder pump or similar apparatus approved by the Township, shall be borne by the owner of the improved property so connected, unless otherwise provided by this Township. Each such owner shall indemnify and shall save harmless this Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction, connection, operation or use of a building sewer or of a lateral.

6. A building sewer and the appropriate lateral shall be connected to a sewer at the location designated by this Township. If this Township furnishes the lateral, the building sewer shall be connected to the sewer at the place where the lateral is located. The owner of each improved property shall provide this Township any information requested pertaining to the existing or proposed location of a building sewer and of the lateral.

The invert of a building sewer at the point of connection shall be at the same or a higher elevation (unless a grinder pump is required as part of the building sewer) than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer and lateral, or other designated point of connection, shall be made secure and watertight.

7. If the owner of any improved property located within this Township which is adjoining or adjacent to or whose principal building is within 150 feet from any part of the sewer system, after 60 days notice from this Township, either by personal service or by registered mail, requiring the connection of such improved property with a sewer, in accordance with § 302(1), shall fail to connect such improved property and use the sewer system, as required, this Township may enter upon such improved property and construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 74, 5/5/2005, Art. III)

### **§ 304. RULES AND REGULATIONS GOVERNING BUILDING SEWERS, LATERALS AND CONNECTIONS TO SEWERS.**

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as the building sewer and from there to the lateral and the sewer, in the manner approved by this Township.

2. No building sewer or any lateral constructed by the owner shall be covered until it has been inspected and approved by this Township. If any part of a building sewer or lateral is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

3. Every building sewer and every lateral serving any improved property shall be operated and maintained by the owner of such improved property in a sanitary and safe operating condition to the continuing satisfaction of this Township.

4. Every excavation for a building sewer or for a lateral shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other property disturbed in the course of installation of such facilities shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township.

5. If any person shall fail or shall refuse, upon receipt of a written notice of this Township, to remedy any unsatisfactory condition with respect to a building sewer or with respect to a lateral, within 60 days of receipt of such notice, this Township may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township. In the event of a condition with respect to said facilities which threatens health or property, this Township may specify a lesser time or other manner of notice of such condition.

6. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part 3A.

(Ord. 74, 5/5/2005, Art. IV)

#### **§ 305. ENFORCEMENT.**

1. Any person who shall violate this Part 3A shall be subject, in a civil enforcement proceeding, to a fine of not more than \$1,000 for each offense, together with all court costs, including reasonable attorney fees incurred by this Township. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and the violator shall be liable for such.

2. Fines and costs imposed under provisions of this Part 3A shall be enforceable and recoverable in the manner at the time provided by applicable law.

(Ord. 74, 5/5/2005, Art. V)

#### **§ 306. DECLARATION OF PURPOSE.**

It is declared that enactment of this Part 3A and the provisions hereof are necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

(Ord. 74, 5/5/2005, Art. VIII)

### **B. TAPPING FEES AND USER CHARGES.**

#### **§ 311. DEFINITIONS.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part 3B shall be as follows:

AMMONIA NITROGEN AS N - ammonia nitrogen as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by American Public Health Association, Inc.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND) - the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for 5 days at 20°C. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, Inc.

BUILDING SEWER - the extension from the sewage drainage system of any improved property to the lateral serving such improved property.

COMMERCIAL ESTABLISHMENT - any room, group of rooms, building or enclosure, or group thereof, connected, directly or indirectly, to the sewer system and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service, which maintains separate toilet, sink or other plumbing facilities in the room or group of rooms utilized for such business enterprise.

COMMONWEALTH - the Commonwealth of Pennsylvania.

CONNECTION ORDINANCE [Part 3A] - the ordinance enacted by this Township requiring owners of certain improved property located in the Township to connect to such sewer and use the same in such manner as this Township may ordain.

DOMESTIC SANITARY SEWAGE - normal water-carried household and toilet wastes discharged from any improved property.

DWELLING UNIT - any room, group of rooms, house trailer, apartment, condominium, cooperative or other enclosure connected, directly or indirectly, to the sewer system and occupied or intended for occupancy as living quarters by an individual, a single family or other discrete group of persons, excluding institutional dormitories.

EDUCATIONAL ESTABLISHMENT - any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system and used or intended for use, in whole or in part, for educational purposes, including both

public and private schools or colleges.

EPA - the Environmental Protection Agency of the United States of America.

EQUIVALENT DWELLING UNIT or EDU - the unit of measure by which the user charge and the tapping fee shall be imposed upon each improved property, as determined in this Part 3B or in any subsequent resolution of the Township, which shall be deemed to constitute the estimated, equivalent amount of domestic sanitary sewage discharged by a single-family dwelling unit.

IMPROVED PROPERTY - any property 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 domestic sanitary sewage and/or industrial wastes shall be or may be discharged, and is subject to the Connection Ordinance [Part 3A].

INDUSTRIAL ESTABLISHMENT - any improved property used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property from which wastes, in addition to or other than domestic sanitary sewage, shall or may be discharged.

INDUSTRIAL WASTES - any and all wastes discharged from an industrial establishment, and/or any wastewater having characteristics which may have the potential to be detrimental to the treatment plant, other than domestic sanitary sewage.

INSTITUTIONAL ESTABLISHMENT - any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system, including institutional dormitories and educational establishments, which do not constitute a commercial establishment, a dwelling unit or an industrial establishment.

LARGE CONSUMER - a person whose metered or estimated consumption of water is in excess of 15,000 gallons per calendar quarter in the case of a dwelling unit, or any commercial establishment, educational establishment, institutional establishment or industrial establishment, regardless of water consumption or volume of domestic sanitary sewage or industrial wastes discharged.

LATERAL - part of the sewer system extending from a sewer to the curblin, or if there is no curblin, to the property line, or if no such extension is provided, then "lateral" shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer.

MULTIPLE USE IMPROVED PROPERTY - any improved property upon which there shall exist any combination of a dwelling unit, commercial establishment, industrial establishment, educational establishment or institutional establishment.

OWNER -any person vested with title, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, company, association, society, trust, corporation or other group or entity, including municipalities, municipality authorities, school districts and other units of government.

PH - the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

PPM - parts per million parts water, by weight.

SEWER - any pipe or conduit constituting a part of the sewer system used or usable for collection of domestic sanitary sewage and/or industrial wastes.

SEWER SYSTEM - all facilities, at any particular time, acquired, constructed, operated and/or leased by the Township for collecting, pumping, transporting, treating and/or disposing of domestic sanitary sewage and/or industrial wastes discharged by an improved property within this Township.

STREET - include any street, road, lane, court, cul-de-sac, alley, public way or public square, including such streets as are dedicated to public use, and such streets as are owned by private persons.

TAPPING FEE - a fee against the owner of any improved property in the area served by the sewer system which actually connects or is required to be connected pursuant to the Connection Ordinance [Part 3A] then in effect requiring such connection or which otherwise connects to the sewer system.

TOTAL PHOSPHORUS AS P - total phosphorus as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, Inc.

TOTAL SOLIDS - solids determined by evaporating at 100°C a mixed sample of wastewater as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, Inc. Total solids include floating solids, suspended solids, settleable solids and dissolved solids, as defined in general below and by standard methods:

DISSOLVED SOLIDS - solids that are dissolved in the waste and cannot be removed by filtration but can be determined by evaporation.

SETTLEABLE SOLIDS - solids that settle in an Imhoff cone from a standard sample of waste.

SUSPENDED SOLIDS - solids determined by standard laboratory procedure in the waste.

TOWNSHIP -the Township of Penn, Centre County, Pennsylvania, a political subdivision of the Commonwealth, acting by

and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

**TREATMENT PLANT** -the sewage treatment and disposal system facilities acquired and constructed by the Township, together with all appurtenant facilities and properties, and together with any additions, improvements, enlargements and/or modifications thereto from time to time acquired or constructed.

**USER** - any person who contributes, causes or permits the contribution of wastewater into the sewer system or the treatment plant from an improved property.

**USER CHARGE** - the monthly rental or charge imposed by the Township hereunder, as amended from time to time, against the owner of each improved property, for the use or availability of use of the sewer system.

(Res. 2005-05, 5/5/2005, Art. I)

### **§ 312. TAPPING FEES.**

1. No person shall connect any improved property with any part of the sewer system without first making application for and securing a connection permit, in writing, from the Township, as provided for in the Connection Ordinance [Part 3A]. Such application shall be made on a form to be provided by the Township.

2. A tapping fee is hereby imposed against the owner of any improved property to be served by the sewer system which actually connects or is required to be connected pursuant to the Connection Ordinance [Part 3A] then in effect requiring such connection.

3. The tapping fee payable by the owner of an improved property shall be the product of the number of equivalent dwelling units constituting such improved property times \$500. In the event an improved property, or use thereof (including number of occupants), changes in a manner that causes the number of EDUs applicable to such improved property calculated hereunder to increase, an additional tapping fee based on such additional EDUs shall be immediately due and payable.

4. The tapping fee shall be due and payable the earlier of: (A) the time application is made to the Township to make connection to the sewer system, as provided in subsection (1) hereof, or, if applicable, the date when the Township shall connect any such improved property to the sewer system, at the costs and expense of the owner, when such owner shall have failed to make such connection as required by the Connection Ordinance [Part 3A] in effect requiring such connection, or (B) in the case of improved properties required to be connected following initial construction of the sewer system, the date which is 60 days after the date of issuance by the Township of a written notice to connect, owners of an improved property which is attributed an additional number of equivalent dwelling units as defined by the Township rate structure herein shall pay a corresponding additional tapping fee at the time of being attributed with the new EDU computation.

5. Calculation and itemization of the maximum lawful tapping fee is attached hereto as Exhibit "A" and made a part hereof.

6. All tapping fees shall be payable to the Treasurer of the Township or to such other officer or representative of the Township as shall be authorized, from time to time, by the Township, to accept payment thereof.

7. Payment of tapping fees imposed by the Township pursuant to this Part 3B shall be enforced by the Township in any manner appropriate under laws at the time in effect.

(Res. 2005-05, 5/5/2005, Art. II)

### **§ 313. USER CHARGES.**

1. A user charge is hereby imposed upon the owner of each improved property which is or shall be connected to the sewer system, for use of the sewer system, whether such use is direct or indirect, and for services rendered by the Township in connection therewith, and shall be payable as provided herein. At the discretion of the Township, such user charge may be imposed upon the owner of an improved property who fails or refuses improperly to connect such, improved property to the sewer system, as compensation for the availability of service by the Township in connection with the sewer system.

2. The user charge shall be payable by the owner of each improved property commencing the earlier of: (A) the date of actual, physical connection of an improved property to the sewer system, or (B) 60 days from the date of issuance of the notice to connect described in the Connection Ordinance [Part 3A]; or such other date established by the Township for commencement of the payment of the user charge.

3. The user charge applicable to any improved property constituting a dwelling unit or large consumer shall be calculated, imposed and collected on the basis of the method provided in this subsection.

Each improved property shall be charged a user charge as a specific amount per equivalent dwelling unit applicable to such improved property, as determined by the Township, from time to time. The number of equivalent dwelling units applicable to each improved property shall be determined as follows:

Description of Improved Property	Unit of Measurement	Number of EDUs per Unit of Measurement
Residential dwelling unit (yearround or seasonal)	Each single family dwelling unit (including apartments)	1

- Mobile (manufactured) home park Per pad (whether or not occupied) 1
- Retail store, professional offices or other commercial establishment 1 to 10 employees 1
- Each additional 10 employees or fraction thereof 1
- Hotel, motel or boarding house (not including restaurant facilities) 1 to 4 rental rooms 1
- Each additional 4 rooms or fraction thereof 1
- Restaurant, club, tavern or other retail food or drink establishment 1 to 10 customer seats 1
- Each additional 10 seats or fraction thereof 1
- Beauty parlor or barber shop (attached to or part of a dwelling unit) First 2 chairs 1
- Each additional 2 chairs 1
- Beauty parlor or barber shop (not attached to or part of a dwelling unit) First chair 1
- Each additional chair 1
- Educational/institutional establishment Per each 10 pupils, faculty, administrators and staff 1
- Church Each property 1
- Fire company Each property 1
- Community hall Each property 1
- Laundromat First 2 washing machines 1
- Each additional washing machine 1
- Funeral home Each property 1
- Industrial establishment 1 to 10 employees 1
- Each additional 10 employees or fraction thereof 1

The number of equivalent dwelling units applicable to commercial establishments and industrial establishments shall be computed on the basis of the average daily number of full and part-time employees (including the owner(s) or employer(s)) for the calendar month following the date of the monthly billing. The owners of such facilities shall be responsible for advising the Township in writing of the number of employees upon connection to the sewer system and upon request of the Township. The number of equivalent dwelling units applicable to educational and institutional establishments shall be computed on the highest monthly average daily attendance of occupants, pupils, faculty, administrators and staff for the 12 months preceding the date of the monthly billing. The owners of such facilities shall be responsible for advising the Township in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure upon request of the Township. No tapping fees shall be reimbursed by the Township for subsequent reductions in the number of EDUs constituting a particular improved property.

If the use or classification of any improved property changes within a billing period, the user charge for such billing period may be prorated by the Township. The owner of the improved property shall be responsible for advising the Township in writing of any such change affecting the user charge payable hereunder. The appropriate credit or additional charge shall appear on the statement for the next succeeding billing period.

The monthly flat rate user charge payable per equivalent dwelling unit shall be \$63.00 [Res. 2014-07].

User charges for any nonresidential improved property, in the sole discretion of the Township, may be determined on a metered rate basis calculated according to:

- A. Metered volume of potable water usage by the nonresidential improved property, adjusted, if appropriate, by the Township.
- B. Actual metered volume of wastewater discharged by the nonresidential improved property into the sewer system.

In either of the foregoing cases, such user charges on a metered rate basis shall be computed on the basis of one EDU per each 60,000 gallons or portion thereof of water consumed or sewage discharged annually.

4. In the case of a multiple use improved property sharing a common connection to the sewer system or a common structure, each such classification of improved property shall pay a separate user charge, as though it was housed in a separate structure and had a direct and separate connection to the sewer system, computed in accordance with subsection (3) of this Section.

5. The owner of any improved property which shall discharge domestic sanitary sewage and/or industrial wastes into the sewer system in excess of a total flow of 250 gallons per day per equivalent dwelling unit with a peak flow rate in excess of

375 gallons per day for any 10-minute period, per equivalent dwelling unit calculated under subsection (3), as determined or reasonably estimated by the Township, shall pay a volume surcharge. The owner of any improved property which shall discharge domestic sanitary sewage and/or industrial wastes to the sewer system having a B.O.D. greater than 300 ppm, or a suspended solids content greater than 300 ppm, or a dissolved solids content greater than 500 ppm, or a total solids content greater than 800 ppm, or a total phosphorus as P content greater than 10 ppm or an ammonia nitrogen as N content greater than 30 ppm, shall, in the discretion of the Township, pay a strength of waste surcharge, in addition to applicable user charges.

Surcharges shall be paid in addition to all user charges computed in accordance with provisions of this Section and shall be computed on such basis, and payable at such times, as this Township may from time to time adopt, including provisions of any agreements to which this Township is a party governing the treatment of domestic sanitary sewage or industrial wastes. The strength of domestic sanitary sewage and/or industrial wastes to be used for establishing the amount of surcharge shall be determined periodically at the discretion of the Township either: (A) by suitable sampling and analysis of such wastes for a consecutive 3-day period during a time of normal plant operation; or (B) from estimates made by the Township; or (C) from known relationships of products produced to strengths of such wastes for those industries where such factors have been established. In establishing such waste strengths for surcharge purposes by analysis, analyses shall be made in accordance with procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, Inc.

6. The owner of any improved property discharging domestic sanitary sewage and/or industrial wastes into the sewer system shall furnish to the Township, including by way of the application for permit described in the Connection Ordinance [Part 3A], all information deemed essential or appropriate by the Township for the determination of all applicable user charges and surcharges. The costs of obtaining such information shall be borne by such owner of the improved property.

In the event of the failure of the owner to provide adequate information, the Township shall estimate the applicable user charge and surcharges based upon available information, until such time as adequate information is received. There shall be no rebate of past payments if the owner's refusal to provide such information results in overpayment.

7. Nothing herein contained shall be deemed to prohibit this Township from entering into separate or special agreements with owners of improved property or other persons with respect to the user charge or surcharge to be imposed in those cases where, due to special or unusual circumstances, the user charge set forth herein shall be deemed by this Township, in its sole discretion, to be inequitable, or where it is in the best interests of this Township to do so.

8. User charges shall be payable on a monthly basis, on the first day of each month, and shall cover a billing period consisting of the immediately preceding month. Owners of improved property that shall be first connected to the sewer system during any monthly period shall pay a pro-rata user charge for service for the balance of the monthly period.

9. Payments of user charges and any applicable surcharges shall be due and payable upon the applicable billing date, at the office of the Township, in the appropriate amount, computed in accordance with this Part 3B, which shall constitute the net bill. If any user charge or any applicable surcharge is not paid within 30 calendar days after the applicable billing date, an additional sum of 10 percent shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such 30-calendar day period shall constitute payment within such period. If the end of such 30-calendar day period shall fall on a legal holiday or on a Sunday, then payment made on or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such period. Any and all payments received on account of delinquent accounts shall be applied first to the oldest outstanding gross bill, including any accumulated late fee.

10. It shall be the responsibility of each owner of an improved property to provide the Township with, and thereafter keep the Township continuously advised of, the correct mailing address of such owner. Failure of any owner to receive a bill for charges due and payable shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

11. No officer or employee of the Township is authorized to reduce, vary or exempt charges imposed herein or other provisions of this Part 3B without official action by the Board of Supervisors of this Township.

Every owner of improved property shall remain liable for the payment of user charges and surcharges until the later of: (A) the receipt by the Township of written notice by such owner that the property has been sold, containing the correct name and mailing address of the new owner, or (B) the date on which title to the improved property is transferred to a new owner. Failure to provide notice renders an owner continuously liable for any charges that may accrue until such time as the Township has been properly notified of any change in ownership as described above.

(Res. 2005-05, 5/5/2005, Art. III; as amended by Res. 2012-01, 1/3/2012, § 3; by Res. 2012-13, 12/6/2012, § 1; and by Res. 2014-07, 11/6/2014, § 1)

#### **§ 314. PROHIBITED WASTES.**

1. No person shall discharge or shall cause to be discharged into the sewer system any storm water, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections.

2. Except as otherwise provided, no person shall discharge or cause to be discharged into the sewer system any matter or substance:

A. Having a temperature higher than 140°F or less than 32°F.

B. Containing more than 50 mg/l of fat, oil or grease.

C. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the treatment plant or to the operation of the treatment plant, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F using methods in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at any point of discharge into the system (or at any point in the system), be more than 5 percent nor any single reading over 10 percent of the lower explosive limits (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Township, the Commonwealth or EPA has notified the user is a fire hazard or a hazard to the sewer system.

D. Containing any solid wastes with particles greater than ½ inch in any dimension, resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground by household type garbage disposal units or other suitable garbage grinders.

E. Containing any solids or viscous substances which may cause obstruction to flow in the sewer system or other interference with the proper operation of the treatment plant such as, but not limited to: animal guts or tissues, paunch manure, bones, hair, hides or fleshings, feathers, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, strings, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, dental floss, wool or other fibers.

F. Having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazards to structures or equipment of the sewer system or any sewer or to any person engaged in operation and maintenance of the sewer system.

G. Containing toxic or poisonous substances in sufficient quantity to injure or to interfere with any sewage treatment process, to constitute hazards to humans or animals or to create any hazards in waters which shall receive treated effluent from the sewer system.

H. Containing dyes or other materials with objectionable color, from any source that will result in a treatment plant effluent exceeding limits in compliance with applicable State or Federal regulations.

I. Any substance which may cause the treatment plant's effluent or any other product of the treatment plant, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the treatment plant cause the Township to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or Commonwealth criteria applicable to the sludge management method being used.

J. Containing radioactive substances and/or isotopes of such half-life or concentration that will result in a treatment plant effluent exceeding limits in compliance with applicable State or Federal regulations.

K. Having a chlorine demand in excess of 12 mg/l at a detention time of 20 minutes.

L. Prohibited by any permit issued by the Commonwealth or the EPA.

M. Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically nonbiodegradable complex carbon compounds.

N. Having a B.O.D. content greater than 300 ppm (except as authorized under § 312(5)).

O. Having a suspended solids content greater than 300 ppm (except as authorized under § 312(5)).

P. Having a total phosphorus as P content greater than 10 ppm (except as authorized under § 312(5)).

Q. Having an ammonia nitrogen as N content greater than 30 ppm (except as authorized under § 312(5)).

R. Having any waste containing toxic or poisonous substances in excess of the following limits, measured at the point of discharge to the sewer system:

Substance    Maximum Concentration ppm

Arsenic    0.05

Cadmium (as Cd)    0.1

Supp. I; added 8/4/2010    18-24

Chromium (trivalent)    1.0

Chromium (hexavalent)    0.05

Copper (as Cu)    0.5

Cyanides (free CN) 0.05

Lead 0.3

Mercury 0.002

Nickel (as Ni) 2.0

Phenolic Compounds 0.005

Silver 0.05

Zinc (as Zn) 1.0

S. Containing any substance not mentioned in the foregoing list that will cause interference or pass through at the treatment plant and exceed the maximum permitted levels for such substance under the requirements of the EPA, the Commonwealth or other governmental agencies having jurisdiction.

T. Any other substance prohibited by resolution, rule, regulation or agreement of the Township hereafter enacted or adopted from time to time.

U. Sludges, screening or other residues from the pretreatment of industrial wastes.

V. Medical wastes, except as specifically authorized by the Township in a wastewater discharge permit.

W. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

X. Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.

Y. Fats, oil or greases of animal or vegetable origin in concentrations which will cause interference or pass through.

3. Under no circumstances shall any person discharge or cause to be discharged into the sewer system any of the substances listed in subsection (2) above, without first securing written permission to do so from the Township.

4. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Part 3B for sources in that subcategory, shall immediately supersede the limitations imposed under this Part 3B. The Township shall notify all affected users of the applicable reporting requirements under 40 CFR § 403.12.

5. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Township or the Commonwealth.

6. Whenever a person is authorized by the Township and the appropriate governmental agencies to discharge any polluted water, domestic sanitary sewage or industrial waste containing any of the substances or possessing any of the characteristics referred to in subsection (2), such discharge shall be subject to the continuing approval, inspection and review of the Township. If, in the opinion of the Township, such discharges are causing or will cause damage to the treatment plant, or will cause the Township to be in violation of any agreement or order, the Township shall order the person causing such discharge to cease doing so forthwith, or to take other appropriate action, including exercising the remedies provided in the Connection Ordinance [Part 3A], or delegating to another party duties to take appropriate action, to eliminate the harmful discharge.

7. Nothing contained herein shall be construed as prohibiting any special agreement or arrangement between the Township and the owner of an improved property or other person allowing industrial wastes of unusual strength or character to be admitted into the sewer system.

8. Where necessary or appropriate, in the opinion of the Township, the owner of an improved property shall provide, at the sole expense of the owner, suitable pretreatment facilities acceptable to the Township.

Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of industrial wastes shall be submitted for approval of the Township. No construction of any such facility shall commence until approval has been obtained, in writing, from the Township, and until approval has been obtained from any and all regulatory bodies having jurisdiction.

Such facilities for preliminary treatment and handling of industrial wastes shall be continuously maintained, at the sole expense of the owner, in good operating condition satisfactory to the Township. The Township shall have access to such facilities at reasonable times for purposes of inspection and sampling.

(Res. 2005-05, 5/5/2005, Art. IV)

### **§ 315. ADMISSION OF INDUSTRIAL WASTES INTO THE SEWER SYSTEM.**

1. No person shall discharge or cause to be discharged into the sewer system any industrial wastes without prior application for and receipt of a written permit from the Township.

2. Any person desiring to make or use a connection through which industrial wastes shall be discharged into the sewer system shall file with the Township a completed "industrial wastes questionnaire," furnished by the Township, which shall



supply pertinent data, including estimated quantity of flow, characteristics and constituents of the proposed discharge. The cost of obtaining all such data shall be borne by the person desiring to make or use the connection to the sewer system.

3. A. Ten days prior to the first day of January, April, July and October of each year, each major contributor of industrial wastes shall file with the Township a report on the quality and quantity of their discharge.

B. Major contributors shall consist of those whose total estimated or metered discharge exceeds 15,000 gallons per day, have in their waste a toxic pollutant or, in the judgment of the Township, would have potential for or a significant impact on the sewer system or the quality of its effluent.

4. A. When required by the Township, the owner of any improved property serviced by a building sewer carrying industrial wastes shall install, at his expense, a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the waste flow.

B. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made herein shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association, Inc., and shall be determined by or under the direct supervision of a "qualified analyst" at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer system and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples must be taken.)

5. Any industrial establishment discharging domestic sanitary sewage and/or industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volume of such wastes being discharged shall notify the Township, in writing, at least 30 days prior to institution of such change.

6. Grease, oil and sand interceptors shall be provided by the owner of any industrial, commercial or institutional establishment, at his or its sole cost, when required by the Township, for the proper handling of liquid wastes containing excessive grease, inflammable wastes, sand or other harmful substances. All interceptors shall be of a type and capacity approved by the Township and constructed or installed at a satisfactory location in accordance with plans approved by the Township prior to installation or commencement of construction.

7. The use of mechanical garbage grinders in an industrial establishment or a commercial establishment shall not be permitted without prior approval from the Township.

8. The Township may require industrial establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.

(Res. 2005-05, 5/5/2005, Art. V)

### **§ 316. MISCELLANEOUS.**

1. The Township shall have the right of access, at all reasonable times, to any part of any improved property as necessary for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by the Township.

2. The owner of any improved property, upon direction of the Township, shall acquire and install (unless otherwise provided by the Township), operate and maintain at such owner's cost and expense, a grinder pump or similar apparatus satisfactory to the Township in the manner and at the location directed by the Township. Such grinder pump shall be installed at the time such improved property is connected to the sewer system and shall be subject to inspection and approval together with the remainder of the building sewer.

3. The owner of any improved property shall be held liable for all acts of tenants or other occupants of such improved property, as may be permitted by law, insofar as such acts shall be governed by the provisions of this Part 3B.

4. The Township shall adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with the use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this Part 3B.

5. In the event any provision, section, sentence, clause or part of this Part 3B shall be held by any court or administrative tribunal of competent jurisdiction to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Part 3B, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

6. It is declared that enactment of this Part 3B is necessary for the protection, benefit and preservation of health, safety and welfare of the inhabitants of this Township.

(Res. 2005-05, 5/5/2005, Art. VI)

## **PART 3**

### **PUBLIC SEWERS**

**EXHIBIT "A"**  
PENN TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA  
SEWER SYSTEM PROJECT  
MAXIMUM TAPPING FEE CALCULATION  
MAY 2005

**CHAPTER 19**

**SIGNS AND BILLBOARDS**

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(Reserved to accommodate future enactments)

**CHAPTER 20**

**SOLID WASTE**

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*PART 1*

*COLLECTION OF SOLID WASTE*

- § 101. Intent and Purpose
- § 102. Definitions
- § 103. Licensing of Collectors
- § 104. General Requirements
- § 105. Collection
- § 106. Collection and Transportation Equipment
- § 107. Record keeping
- § 108. Containers for Weekly Collection
- § 109. Point of Collection
- § 110. Cost
- § 111. Schedules
- § 112. Hours of Operation
- § 113. Accumulation of Garbage Prohibited
- § 114. Preparation for Collection
- § 115. Equipment of Collector
- § 116. Disposal
- § 117. Billing Procedure
- § 118. Complaints
- § 119. Assignment of Contract
- § 120. Workmen' Compensation and Social Security
- § 121. Collector as an Independent Contractor
- § 122. Insurance Coverage
- § 123. Cancellation of License
- § 124. Faithful Performance

- § 125. Evidence of Satisfactory Equipment
- § 126. Certified List of Customers
- § 127. Extension of Date for Obtaining License
- § 128. Penalties

## PART 1

### COLLECTION OF SOLID WASTE

#### § 101. INTENT AND PURPOSE.

All domestic, commercial and industrial refuse accumulated or stored upon any property within the Township of Penn shall be collected and removed by a responsible person or collector who shall be licensed with the Township and shall be disposed in an area authorized by and approved by the Board of Supervisors in accordance with all State regulations.

(Ord. 48, 12/17/1992, § 101)

#### § 102. DEFINITIONS.

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

**BOARD** - Board of Supervisors of Penn Township. [Ord. 66] **DISPOSAL** - storage, collection, disposal or handling of garbage.

**DWELLING** - place of residence within the Township of Penn of one or more persons where refuse is generated through normal living habits. It shall not include apartments or buildings devoted to multiple family occupancy.

**GARBAGE** - means all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

**OCCUPANT** - person generally in possession and control of any dwelling.

**PERSON** - any individual, association, partnership, firm, corporation or other legal entity [Ord. 66]

**REFUSE** - all solid waste/municipal waste, except human body wastes, including garbage and rubbish.

**RUBBISH** - glass, metal, paper, plant growth, wood or nonputrescible solid waste.

**SOLID WASTE/MUNICIPAL WASTE** - any waste including, but not limited to, municipal, residual or hazardous wastes, including solidified liquids, semisolids or contained gaseous materials.

**TOWNSHIP** - The Township of Penn, Centre County, Pennsylvania. [Ord. 66]

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

(Ord. 48, 12/17/1992, § 102; as amended by Ord. 66, 9/5/2002, § 1)

#### § 103. LICENSING OF COLLECTORS.

1. No person shall collect, remove, haul or convey any refuse of others through or upon any of the streets or alleys of the Township or dispose of the same in any manner or place without obtaining a license from the Township of Penn. Persons obtaining a license are herein referred to as "licensed collector" or "contractor." [Ord. 66]

2. The fee for such license shall be in an amount as established from time to time by resolution of the Board of Supervisors, and all licenses shall be issued for the calendar year, or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year. [Ord. 66]

3. Every person who shall apply for a license under this Section shall state the type or types of refuse to be collected, the manner of collection and the place and method of disposal.

4. No license shall be granted if the place and method of disposal shall not conform to the requirements of this Part.

5. No licensed collector shall make any change in the arrangements for disposal of refuse collected by him without first receiving the approval of the Board of Supervisors.

6. It shall be unlawful to permit an unlicensed collector to collect or remove refuse from any property within the Township. [Ord. 66]

(Ord. 48, 12/17/1992, § 103; as amended by Ord. 66, 9/5/2002, § 1)

#### § 104. GENERAL REQUIREMENTS.

1. Refuse, including ash residue from refuse incineration and infectious or chemotherapeutic waste incineration, shall be

completely covered during transportation and parking with a cover that meets the following requirements: [Ord. 66]

- A. Be waterproof.
- B. Be securely fastened.
- C. Eliminate the potential for roadside littering, dust, leakage, discharge, attraction or harboring of vectors, or other nuisances.

2. A contractor that collects or transports refuse may not mix the waste with: [Ord. 66]

- A. Hazardous waste.
- B. Other solid waste to create a risk of fire or explosion, or a risk of the accumulation of poisonous or otherwise harmful vapors or gases.
- C. Special handling waste.

(Ord. 48, 12/17/1992, § 104; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 105. COLLECTION.**

1. A contractor that collects refuse shall make collection services available with sufficient frequency to prevent a nuisance or hazard to public health, safety or welfare. [Ord. 66]
2. A contractor shall schedule collection of refuse with sufficient frequency to prevent a nuisance. [Ord. 66]
3. A contractor shall not park a refuse collection or transportation vehicle to cause a nuisance or a hazard to public health, safety and welfare. A contractor shall not allow a refuse collection or transportation vehicle to remain in a residential area for more than four hours. [Ord. 66]
4. Collection or transportation vehicles shall be moved to unloading destinations within 24 hours after being loaded.

(Ord. 48, 12/17/1992, § 106; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 106. COLLECTION AND TRANSPORTATION EQUIPMENT.**

1. Equipment used by a contractor to collect and transport refuse shall comply with the following, unless otherwise approved by the Department of Environmental Protection in writing: [Ord. 66]

A. Collection and transportation equipment shall be:

(1) Equipped with a fire extinguisher having an Underwriters Laboratories rate of 5 B:C or more, or two fire extinguishers, each of which has an Underwriters Laboratories rate of 4 B:C or more. The fire extinguishers shall be:

- (a) Labeled or marked with its Underwriters Laboratories rating.
- (b) Securely mounted and readily accessible to the driver.
- (c) Designed, constructed and maintained to permit visual determination of whether they are fully charged.

(2) Cleaned as frequently as necessary to prevent odors, vectors and other nuisances.

(3) Constructed to prevent the potential for littering, leakage, dust and the ingress or egress of vectors.

B. Load compartments in collection and transportation equipment shall be:

(1) Fireproof, leakproof and constructed so as to be easily cleaned.

(2) Constructed to provide easy access for the application of odor masking agents and for the performance of required maintenance.

(3) Provided with drain plugs or valves at the lowest point.

2. Roll-off containers shall be:

A. Fireproof, leakproof and constructed to be easily cleaned.

B. Cleaned as frequently as necessary to prevent odors, vectors and other nuisances.

C. Constructed to prevent littering and the ingress or egress of vectors.

3. Equipment used to transport refuse shall be tested, inspected and maintained by the operator to ensure that there is no release or leakage of waste during transportation. [Ord. 66]

(Ord. 48, 12/17/1992, § 106; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 107. RECORDKEEPING.**

1. General. A collector that collects and transports refuse shall keep records that include, at a minimum, quantities of

refuse collected, municipalities served and the facility to which the refuse was delivered. The records shall be made available to the Department of Environmental Protection upon request, and shall be retained for at least 5 years. [Ord. 66]

2. Report Required. A collection and transportation vehicle for refuse other than infectious and chemotherapeutic refuse shall have a report in the cab that includes the following: [Ord. 66]

A. The county and state where the waste was originally collected. [Ord. 66]

B. The name and address of the carrier.

C. The name and location of a transfer facility that has received, or will receive, the refuse. [Ord. 66]

D. The name and location of the refuse processing or disposal facility where the refuse will be ultimately disposed or processed. [Ord. 66]

(Ord. 48, 12/17/1992, § 107; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 108. CONTAINERS FOR WEEKLY COLLECTION.**

Every family or household whose premises refuse is collected or removed shall provide and maintain, at all times, a portable metal or plastic receptacle. The same must be watertight, equipped with a tight fitting cover and each receptacle shall be kept in a clean and sanitary condition.

(Ord. 48, 12/17/1992, § 108)

#### **§ 109. POINT OF COLLECTION.**

The contractor shall pick up all refuse on the customer's property, in accordance with specifications established by the Township.

(Ord. 48, 12/17/1992, § 109)

#### **§ 110. COST.**

The cost of weekly garbage collection shall be based on the number and size of the containers. (Ord. 48, 12/17/1992, § 110)

#### **§ 111. SCHEDULES.**

The contractor shall prepare a schedule of refuse pickup for each household on a weekly basis. The contractor shall be responsible to notify residents of the days collections will be made.

(Ord. 48, 12/17/1992, § 111)

#### **§ 112. HOURS OF OPERATION.**

The collector shall be permitted to collect, remove and transport refuse on all days of the week, except Sunday, and unless otherwise ordered, the collection of refuse shall not commence before 6 a.m., and shall be completed by 8 p.m. on any single day of collection. All refuse from cans and receptacles of occupants of dwellings shall be collected, removed and emptied by the collector at least once each week .

(Ord. 48, 12/17/1992, § 112)

#### **§ 113. ACCUMULATION OF GARBAGE PROHIBITED.**

No refuse shall be allowed to accumulate on the ground or be deposited on highways, vacant lots or other property, nor be thrown in any stream or other body of water.

(Ord. 48, 12/17/1992, § 113)

#### **§ 114. PREPARATION FOR COLLECTION.**

All garbage, before being placed into receptacles for collection, shall have drained from it, as far as practical, all free liquid. Garbage shall be wrapped in paper or otherwise contained. Rubbish shall be placed in approved containers, or cut and baled, tied, bundled, stacked or packaged so as to be easily handled by the collector, and not to exceed 36 inches in length and 50 pounds in weight.

(Ord. 48, 12/17/1992, § 114)

#### **§ 115. EQUIPMENT OF COLLECTOR.**

The collector shall be required to collect and remove refuse in motor-driven vehicles having enclosed steel bodies with steel covers and watertight and nonleakable automatic packer-type bodies, and to so conduct the collection, removal and transportation of the refuse under such agreement so as to assure general cleanliness and sanitation throughout the entire process and operation thereof. The collector's unit shall be equipped with appropriate devices to handle containers having a maximum capacity of 39 gallons. The collector shall also be required, at his own cost to dispose of, at any approved disposal area, all quantities of refuse collected by him, and to furnish, at his own cost, all vehicles, machinery and equipment

necessary for the proper performance of his contract.

(Ord. 48, 12/17/1992, § 115; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 116. DISPOSAL.**

Each collector applying for a license shall provide either evidence of ownership of an approved disposal area or evidence of a valid agreement, not subject to cancellation, covering use of any approved disposal area. Such evidence shall accompany the application for license.

(Ord. 48, 12/17/1992, § 116)

#### **§ 117. BILLING PROCEDURE**

The collector and the Township, by agreement, shall establish rates to be charged to each occupant of the premises from which refuse shall be collected. The collector shall enter into individual or separate contracts with each householder or occupant of the premises, without liability to or upon the Township. The Township shall reserve the right to change the billing procedure with the concurrence of the contractor.

(Ord. 48, 12/17/1992, § 117)

#### **§ 118. COMPLAINTS.**

The Board of Supervisors shall have the right to determine finally the true validity of any complaint made by residents as to failure of the contractor to collect refuse in accordance with this agreement, and the official's decision shall be final and binding upon the contractor.

(Ord. 48, 12/17/1992, § 118)

#### **§ 119. ASSIGNMENT OF CONTRACT.**

The contractor shall not assign his license in whole or in part without the prior written consent of the Township. Such consent does not release the contractor from any of his or its obligations and liabilities under the license. Any violation of this Part or specifications shall be sufficient cause for the immediate cancellation of the license by the Board of Supervisors.

(Ord. 48, 12/17/1992, § 119)

#### **§ 120. WORKMENS' COMPENSATION AND SOCIAL SECURITY.**

Workmens' Compensation and Social Security Acts, as amended, are deemed a part of the license agreement. The contractor shall be required to provide workmens' compensation coverage and shall fulfill the terms and save harmless the Township and all its officers, agents and employees, successors and assigns, jointly and severally, of and from all manner of losses, suits, actions, payments, costs, charges, damages, judgments or claims or demands of any character, name or description brought on account of any injuries or damages received or sustained by any person, persons or property by reason of any act, omission, negligence or misconduct of said contractor, his agents or employees in the execution of the license conditions.

(Ord. 48, 12/17/1992, § 120)

#### **§ 121. COLLECTOR AS AN INDEPENDENT CONTRACTOR.**

A contractor granted a license shall not in any manner be construed or considered an agent, servant or employee of the Township, but shall, at all times, be considered and remain an independent contractor.

(Ord. 48, 12/17/1992, § 121)

#### **§ 122. INSURANCE COVERAGE.**

The contractor shall carry an insurance policy providing complete third party comprehensive liability and property damage insurance, covering not only the contractor but also the Township, the limits of which shall be not less than \$300,000 to \$500,000 personal liability and \$100,000 property damage, and shall furnish the proper certificates of insurance coverage to the Township.

(Ord. 48, 12/17/1992, § 122)

#### **§ 123. CANCELLATION OF LICENSE.**

Any violation of these specifications by the contractor shall be sufficient cause for the immediate cancellation of the license.

(Ord. 48, 12/17/1992, § 123)

#### **§ 124. FAITHFUL PERFORMANCE.**

Faithful performance of these specifications by the contractor is of the essence of the license unless prevented by unavoidable accident, act of God or public immunity, or any restrictions or embargoes imposed by the Federal or State

government or any political subdivision or agency thereof; and it is understood and agreed that all material shall be collected, removed and disposed of in a skillful and businesslike manner, satisfactory to the Board of Supervisors.

(Ord. 48, 12/17/1992, § 124)

#### **§ 125. EVIDENCE OF SATISFACTORY EQUIPMENT.**

The contractor shall furnish evidence satisfactory to the Township that he has available sufficient equipment, by ownership or by valid lease agreement, for collecting and disposing of materials in the performance of his contract and that all equipment for transporting of materials will comply with the sanitary and watertight requirements herein set forth by the Township.

(Ord. 48, 12/17/1992, § 125)

#### **§ 126. CERTIFIED LIST OF CUSTOMERS.**

The contractor shall deliver to the Township Secretary, at least 15 days prior to the anniversary date of the license, and at least 30 days prior to the termination date of the license, a certified list of customers. This list shall become and remain at all times the property of the Township.

(Ord. 48, 12/17/1992, § 126)

#### **§ 127. EXTENSION OF DATE FOR OBTAINING LICENSE.**

All contract carriers presently operating, who have entered into an existing contract with a resident of the Township providing for the collection of that resident's refuse, shall be permitted to continue collecting the refuse of that resident for the duration of the contract period. At the expiration of the contract, the contract carrier shall be required to effect complete compliance with the licensing requirements of this Part and shall be bound by licensing requirements as to the collection of refuse from any new resident and shall be subject to the licensing requirements of this Part in respect to any contract entered into between the carrier and a resident of the Township after the effective date of this Part.

(Ord. 48, 12/17/1992, § 127)

#### **§ 128. PENALTIES.**

Any person, as herein defined, who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

(Ord. 48, 12/17/1992, § 128; as amended by Ord. 66, 9/5/2002, § 1)

## **CHAPTER 21**

### **STREETS AND SIDEWALKS**

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#### ***PART 1***

#### ***STREET OPENINGS***

- § 101. Permit
- § 102. Permit Application
- § 103. Issuance of Permit
- § 104. Written Notice
- § 105. Inspection
- § 106. Penalties

#### ***PART 2***

***[RESERVED]***

#### ***PART 1***

### **STREET OPENINGS**

#### **§ 101. PERMIT.**

In accordance with the provisions of § 1156 of Article IX of the Township Code, as amended, no railroad or street railway shall hereinafter be constructed upon any Township right-of-way, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits or other piping, be laid upon or in, nor shall any telephone, telegraph or electric light or power poles, or any coal tipple or any obstructions be erected upon or in any portion of a Township right-of-way, except under such conditions, restrictions and regulation relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purposes.

(Ord. 24, 6/6/1974, § 1; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 102. PERMIT APPLICATION.**

The application for a permit shall be in a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the schedule of fees adopted by resolution from time to time by the Township for highway occupancy permits and restoration charges. In addition, the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

(Ord. 24, 6/6/1974, § 2; as amended by Ord. 66, 9/5/2002, § 1)

#### **§ 103 ISSUANCE OF PERMIT.**

A permit shall be issued to the applicant after the aforesaid requirements have been filled. (Ord. 24, 6/6/1974, § 3)

#### **§ 104. WRITTEN NOTICE.**

Upon completion of work, the applicant shall give written notice thereof to the Township. (Ord. 24, 6/6/1974, § 4)

#### **§ 105. INSPECTION.**

Upon completion of work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect of the work occurs, if the applicant shall fail to rectify any such settlement or other defect within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof together with an additional 20% of such cost.

(Ord. 24, 6/6/1974, § 5)

#### **§ 106. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

(Ord. 24, 6/6/1974, § 6; as amended by Ord. 66, 9/5/2002, § 1)

### **PART 2**

**[RESERVED]**

### **CHAPTER 22**

#### **SUBDIVISION AND LAND DEVELOPMENT**

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(Reserved to accommodate future enactments)

### **CHAPTER 23**

#### **SWIMMING POOLS**

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(Reserved to accommodate future enactments)

### **CHAPTER 24**



# **TAXATION, SPECIAL**

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## **PART 1**

### **PER CAPITA TAX**

- § 101. Authority for Enactment
- § 102. "Resident" Defined
- § 103. Imposition of Tax
- § 104. Collection
- § 105. Enforcement and Remedies

## **PART 2**

### **EARNED INCOME AND NET PROFITS TAX**

- § 201. Definitions
- § 202. Imposition of Tax
- § 203. No Exemption from Tax
- § 204. Individual Tax Returns and Payments
- § 205. Employer Withholding, Remittance, and Tax Returns
- § 206. Tax Collector
- § 207. Interest, Penalties, Costs, and Fines
- § 208. Purpose/Amendment and Restatement/Repeal

## **PART 3**

### **REALTY TRANSFER TAX**

#### **A. Imposition of Tax**

- § 301. Authority for Enactment
- § 302. Definitions
- § 303. Imposition of Tax
- § 304. Payment and Liability
- § 305. Exempt Parties
- § 306. Excluded Transactions
- § 307. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof
- § 308. Acquired Company
- § 309. Credits Against Tax
- § 310. Extension of Lease
- § 311. Evidence of Payment
- § 312. Duties of Realty Transfer Tax Collector
- § 313. Authority of Realty Transfer Tax Collector
- § 314. Affidavit Required With Certain Documents
- § 315. Prohibited Acts
- § 316. Interest Added to Unpaid Tax
- § 317. Recovery of Taxes and Interest
- § 318. Tax Constitutes Lien Against Property
- § 319. Enforcement and Remedies

**B. Interest and Penalties**

§ 321. Imposition of Tax

§ 322. Administration

§ 323. Interest

**PART 4**

**PENN TOWNSHIP TAX COLLECTOR**

§ 401. Fees

§ 402. Imposition of Tax

§ 403. Services Fees

§ 404. Funds Received Records

§ 405. Civil Action

**PART 5**

**LOCAL SERVICES TAX**

§ 501. Purpose

§ 502. Definitions

§ 503. Levy of Tax

§ 504. Exemptions and Refunds

§ 505. Duty of Employers to Collect

§ 506. Returns

§ 507. Dates for Determining Tax Liability and Payment

§ 508. Self-employed Individuals

§ 509. Individuals Engaged in More Than One Occupation

§ 510. Nonresidents Subject to Tax

§ 511. Administration of Tax

§ 512. Suits for Collection

§ 513. Violations and Penalties

§ 514. Interpretation

§ 515. Severability

§ 516. Effective Date of Tax

**PART 1**

**PER CAPITA TAX**

**§ 101. AUTHORITY FOR ENACTMENT.**

This Part is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. § 6901 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 4, 2/19/1959; as revised by Ord. 66, 9/5/2002, § 1)

**§ 102. "RESIDENT" DEFINED.**

The word "resident" as used in this Part shall mean every adult 18 years of age or older who lives within the Township of Penn, Centre County, Pennsylvania.

(Ord. 4, 2/19/1959; as revised by Ord. 66, 9/5/2002, § 1)

**§ 103. IMPOSITION OF TAX.**

Every resident shall pay \$10 for the present calendar year and each year hereafter.

(Ord. 4, 2/19/1959; as revised by Ord. 66, 9/5/2002, § 1; and amended by Ord. 80, 12/3/2009, § 2)

#### **§ 104. COLLECTION.**

All taxes, interests, costs and penalties imposed by this Part shall be collected by the Township tax collector.

(Ord. 4, 2/19/1959; as revised by Ord. 66, 9/5/2002, § 1)

#### **§ 105. ENFORCEMENT AND REMEDIES.**

##### 1. Enforcement Notice.

A. If it appears to the Township that a violation of this Part has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

(1) The name of the violator and, if applicable, the owner of record and any other person against whom the Township intends to take action.

(2) The location of the violation and, if applicable, the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.

(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 Board of Supervisors within a period of 10 days.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Supervisors, constitutes a violation, with possible sanctions clearly described.

##### 2. Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

B. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

C. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 4, 2/19/1959; as revised by Ord. 66, 9/5/2002, § 1)

## **PART 2**

### **EARNED INCOME AND NET PROFITS TAX**

#### **§ 201. DEFINITIONS.**

All terms defined in the Local Tax Enabling Act shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

**COLLECTOR** - person, entity, or authorized representative of the tax officer, appointed as tax officer pursuant to the Local Tax Enabling Act to collect the tax.

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

**EFFECTIVE DATE** - January 1, 2012.

**ENACTMENT** - this Part.

GOVERNING BODY - the Township of Penn.

LOCAL TAX ENABLING ACT - the Local Tax Enabling Act, as set forth in 53 P.S. § 6901 et seq., while such numbering and provisions remain in effect under Act 32 of 2008, and as set forth in 53 P.S. § 6924.101 et seq., when such numbering and provisions become effective under Act 32, and as amended in the future.

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

RESIDENT - a person domiciled in the political subdivision levying the tax.

TAX - the tax imposed by this Enactment.

TAX RETURN - a form prescribed by the collector for reporting the amount of tax or other amount owed or required to be withheld, remitted, or reported under this Enactment or the Local Tax Enabling Act.

TAX YEAR - the period from January 1 to December 31.

TAXING AUTHORITY - Penn Township.

TCC - the tax collection committee established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

TCD - any tax collection district to which the Taxing Authority or any part of the Taxing Authority is assigned under the Local Tax Enabling Act.

(Ord. 84, 11/22/2011, § 1)

## **§ 202. IMPOSITION OF TAX.**

1. General Purpose Resident Tax. The Taxing Authority hereby imposes a tax for general revenue purposes at the rate of ½ of 1% on earned income and net profits of individual residents of the Taxing Authority.
2. General Purpose Municipal Nonresident Tax. The Taxing Authority also imposes a tax for general revenue purposes at the rate of ½ of 1% on earned income and net profits derived by an individual who is not a resident of the Taxing Authority from any work, business, profession, or activity, of any kind engaged in within the boundaries of the Taxing Authority.
3. Ongoing Tax. The tax shall continue at the above rates during the current tax year and each tax year thereafter, without annual re-enactment, until this Enactment is repealed or the rate is changed.
4. Combined Tax Rate Applicable to Residents. Currently, the total rate applicable to residents of the Taxing Authority, including the tax imposed by the school district and municipality in which the individual resides, is 1.8%.
5. Municipal Tax Rate Applicable to Nonresidents. Currently, the total rate applicable to nonresidents working within the Taxing Authority based on the municipal nonresident tax rate is ½ of 1%.
6. Local Tax Enabling Act Applicable. The tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this Enactment. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this Enactment upon the effective date of such amendment, without the need for formal amendment of this Enactment, to the maximum extent allowed by 1 Pa.C.S.A. § 1937.
7. Applicable Laws, Regulations, Policies, and Procedures. The tax shall be collected and administered in accordance with: (A) all applicable laws and regulations; and (B) regulations, policies and procedures adopted by the TCC or by the collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

(Ord. 84, 11/22/2011, § 2)

## **§ 203. NO EXEMPTION FROM TAX.**

Although credits and deductions against tax are permitted under certain circumstances as provided in applicable law and regulations, no individuals are exempt from tax based on age, income, or other factors.

(Ord. 84, 11/22/2011, § 3)

## **§ 204. INDIVIDUAL TAX RETURNS AND PAYMENTS.**

Every individual receiving earned income or earning net profits in any tax year shall file tax returns and pay tax in accordance with the Local Tax Enabling Act. Individuals who are no longer employed or whose tax is withheld in full must file an informational tax return notifying the tax office that there is no payment due for the specific tax year.

(Ord. 84, 11/22/2011, § 4)

## **§ 205. EMPLOYER WITHHOLDING, REMITTANCE, AND TAX RETURNS.**

Every employer shall register, withhold, and remit tax, and file tax returns in accordance with the Local Tax Enabling Act.

(Ord. 84, 11/22/2011, § 5)

#### **§ 206. TAX COLLECTOR.**

The tax will be collected from individuals and employers by the collector.

(Ord. 84, 11/22/2011, § 6)

#### **§ 207. INTEREST, PENALTIES, COSTS, AND FINES.**

Individuals and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs imposed by the collector in accordance with the Local Tax Enabling Act.

(Ord. 84, 11/22/2011, § 7)

#### **§ 208. PURPOSE/AMENDMENT AND RESTATEMENT/REPEAL.**

The primary purpose of this Enactment is to conform the earned income and net profits tax currently imposed to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior enactment imposing a tax on earned income or net profits of individuals is amended and restated in its entirety to read as stated in this Enactment. Any other prior enactment or part of any prior enactment conflicting with the provisions of this Enactment is rescinded insofar as the conflict exists. To the extent the same as any enactment in force immediately prior to adoption of this Enactment, the provisions of this Enactment are intended as a continuation of such prior enactment and not as a new enactment. If this Enactment is declared invalid, any prior enactment levying a similar tax shall remain in full force and effect and shall not be affected by adoption of this Enactment. If any part of this Enactment is declared invalid, the similar part of any prior enactment levying a similar tax shall remain in effect and shall not be affected by adoption of this Enactment. The provisions of this Enactment shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish offense under the authority of any enactment in force prior to adoption of this Enactment. Subject to the foregoing provisions of this Section, this Enactment shall amend and restate on the effective date any enactment levying a tax on earned income or net profits in force immediately prior to the effective date.

(Ord. 84, 11/22/2011, § 9)

#### **A. IMPOSITION OF TAX.**

##### **§ 301. AUTHORITY FOR ENACTMENT.**

This Part is adopted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. 6901 et seq., as amended; and also pursuant to the authority granted by the Act of the General Assembly of 1986, being Act 77, Article XI (d), § 1101(d).

(Ord. 41, 3/5/1987, § 1)

##### **§ 302. DEFINITIONS.**

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

**CORPORATION** - a corporation, joint-stock association, business trust or banking institution which is organized under the laws of this Commonwealth, the United States, or any other state, territory or 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 public utility easements. "Document" shall also include a declaration or acquisition required to be presented for recording.

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

- A. Recreational activities such as, but not limited to, hunting, fishing, carping, skiing, show competition or racing.
- B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities.
- C. Fur farming.
- D. Stockyard and slaughterhouse operations.
- E. Manufacturing or processing operations of any kind.

**MEMBERS OF THE SAME FAMILY** - any individual, such individual's brothers and sisters, the brothers and sisters of

such individual's parents and grandparents, the ancestors and lineal decedents of any of the foregoing, a spouse of any of the foregoing; and the estate of any of the foregoing. Individuals related by the half blood or legal adoption shall be treated as if they were related by the whole blood.

PERSON - every natural person, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

#### REAL ESTATE

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

B. A condominium unit.

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

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

A. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate.

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.

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.

REALTY TRANSFER TAX COLLECTOR - the Recorder of Deeds of Centre County is hereby appointed by the Township to enforce and administer this Part. [Ord. 66]

TOWNSHIP - the Township of Penn, Centre County, Pennsylvania. [Ord. 66]

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

#### VALUE

A. In the case of a 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 or 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 of assessed values to market values of the taxing district as established by the State Tax Equalization Board, or a commensurate part of the assessment where the assessment includes other real estate.

C. In the case of an easement or other interest in real estate the value of which is not determinable under subsections (A) or (B), the actual monetary worth of such interest.

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

(Ord. 41, 3/5/1987, § 2; as amended by Ord. 66, 9/5/2002, § 1)

### **§ 303. IMPOSITION OF TAX.**

After the effective date of this Part, on every document whereby any lands, tenements or hereditaments, or any interest

thereon, lying and being situate wholly or in part within the boundaries of the Township shall be granted, bargained, sold or otherwise conveyed, a tax for general revenue purposes is hereby imposed and assessed on each such document at the rate of ½% on every \$100 of the value of the real estate, lands, tenements or hereditaments, or any interest therein, which is conveyed or transferred by such document; provided, that where any lands, tenements or hereditaments being situate partly within and partly without the boundaries of the Township are conveyed, such tax so levied shall be collected on the valuation of the portion of such lands and tenements lying within the limits of the Township; provided, further, that on all transactions where the value by which the tax is determined involves a figure not divisible by \$100, no tax shall be collected on that part of the value or selling price over and above the highest even \$100 valuation.

(Ord. 41, 3/5/1987, § 3)

#### **§ 304. PAYMENT AND LIABILITY.**

Every person who makes, executes, delivers, accepts or presents for recording any document, or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the transaction or any part thereof, or for or in respect of the vellum parchment or paper upon which such document is written or printed, a tax at the rate of ½% 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. This tax shall apply to the privilege of transferring title to real estate lying within the Township or any interest therein as herein defined.

(Ord. 41, 3/5/1987, § 4)

#### **§ 305. 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 Part. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

(Ord. 41, 3/5/1987, § 5)

#### **§ 306. EXCLUDED TRANSACTIONS.**

The tax imposed by § 303 shall not be imposed upon:

- A. A transfer to the Commonwealth, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation, which conveyance may include property line adjustments, provided said reconveyance is made within one year from the date of condemnation.
- B. A document which the Commonwealth is prohibited from taxing under the Constitution or statutes of the United States.
- C. A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim bureau sale.
- D. A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.
- E. A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer 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 the spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.
- G. A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative or a decedent to the decedent's devisee or heir.
- H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.
- I. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.
- J. A transfer for no or nominal actual consideration from trustee to successor trustee.
- K. A transfer:

(1) For no or nominal actual consideration between principal and agent or straw party

(2) 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 Part.

Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this Part.

L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Part.

M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in, or ownership of, the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.

N. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority

O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:

(1) 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.

(2) The agency or authority has the full ownership interest in the real estate transferred.

P. 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.

Q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

R. A transfer to a conservancy which possesses a tax exempt status pursuant to § 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.

S. 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 percent of each class of the stock thereof.

T. A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.

U. A transaction wherein the tax due is \$1 or less.

V. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereon.

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. For leases of coal, Oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Part.

(Ord. 41, 3/5/1987, § 5A)

### **§ 307. DOCUMENTS RELATING TO ASSOCIATIONS OR CORPORATIONS AND MEMBERS, PARTNERS, STOCKHOLDERS OR SHAREHOLDERS THEREOF.**

Except as otherwise provided, 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 Part, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

(Ord. 41, 3/5/1987, § 6)

### **§ 308. ACQUIRED COMPANY.**

1. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change:

A. Does not affect the continuity of the company.

B. Of itself or together with prior changes has the effect of transferring, directly or indirectly, 90 percent or more of the total ownership interest in the company within a period of three years.



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

3. 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.

(Ord. 41, 3/5/1987, § 7)

### **§ 309. CREDITS AGAINST TAX.**

1. Where there is a transfer of 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 tax due upon the transfer.

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

3. Where there is a transfer of real estate which is demised by the grantor, a credit for the amount of tax paid at the time of the demise shall be given the grantor toward the tax due upon the transfer.

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

5. If the tax due upon the transfer is greater than the credit given under this 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.

(Ord. 41, 3/5/1987, § 8)

### **§ 310. 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.

(Ord. 41, 3/5/1987, § 9)

### **§ 311. EVIDENCE OF PAYMENT.**

The payment of the tax imposed by this Part shall be evidenced by an official stamp imprinted on every document indicating the amount of the tax paid. The person using said stamp shall write or cause to be written on the stamp so imprinted the date upon which such stamp is imprinted on the document.

(Ord. 41, 3/5/1987, § 10)

### **§ 312. DUTIES OF REALTY TRANSFER TAX COLLECTOR.**

The Realty Transfer Tax Collector shall prescribe, prepare and furnish the rubber stamp required to imprint the payment of the tax imposed and assessed by this Part.

(Ord. 41, 3/5/1987, § 11)

### **§ 313. AUTHORITY OF REALTY TRANSFER TAX COLLECTOR.**

The Realty Transfer Tax Collector is hereby charged with the enforcement of the provisions of this Part and is authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to imprinting the stamp on such document and any other matter or thing pertaining to administration and enforcement of the provisions of this Part.

(Ord. 41, 3/5/1987, § 12)

### **§ 314. AFFIDAVIT REQUIRED WITH CERTAIN DOCUMENTS.**

Every document upon which a tax is imposed by this Part and which does not reflect the actual value of the land, tenements or hereditaments, or interest therein granted, bargained, sold or conveyed by said document shall be accompanied by an affidavit executed by a responsible person connected with the transaction, showing such connection and setting forth the true, full, complete and actual value thereof.

(Ord. 41, 3/5/1987, § 13)

### **§ 315. PROHIBITED ACTS.**

It shall be unlawful for any person to:

- A. Make, execute, issue, deliver or accept or cause to be made, executed, issued, delivered or accepted, any

document without the full amount of tax thereon being duly paid.

B. Make use of any stamps to denote payment of any tax imposed by this Part without canceling such stamp, as required by this Part, or as prescribed by the Realty Transfer Tax Collector.

C. Fail, neglect, or refuse to comply with, or violate the rules and regulations prescribed, adopted and promulgated by the Realty Transfer Tax Collector under the provisions of this Part.

(Ord. 41, 3/5/1987, § 14)

### **§ 316. INTEREST ADDED TO UNPAID TAX.**

All taxes imposed by this Part not paid when due shall bear interest thereon at the rate of 1/2% per month until paid.

(Ord. 41, 3/5/1987, § 15)

### **§ 317. RECOVERY OF TAXES AND INTEREST.**

All taxes imposed by this Part, together with interest from the due date, shall be recovered as other debts of like character are recovered.

(Ord. 41, 3/5/1987, § 16)

### **§ 318. TAX CONSTITUTES LIEN AGAINST PROPERTY.**

The tax imposed by this Part shall become a lien upon the lands, tenements or hereditaments, or any interest therein, lying, being and situate, wholly or in part, within the boundaries of the Township, which lands, tenements, hereditaments or interest thereon are described in or conveyed or transferred by the document which is the subject of such tax imposed and assessed by this Part, said lien to begin at the time when the tax under this Part is due and payable and continue until discharged by payment or in accordance with the law. The Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas.

(Ord. 41, 3/5/1987, § 17)

### **§ 319. ENFORCEMENT AND REMEDIES.**

#### 1. Enforcement Notice.

A. If it appears to the Township that a violation of this Part has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

(1) The name of the violator and, if applicable, the owner of record and any other person against whom the Township intends to take action.

(2) The location of the violation and, if applicable, the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.

(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 Board of Supervisors within a period of 10 days.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Supervisors, constitutes a violation, with possible sanctions clearly described.

#### 2. Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

B. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

C. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 41, 3/5/1987, § 18; as amended by Ord. 66, 9/5/2002, § 1)

## **B. INTEREST AND PENALTIES.**

### **§ 321. IMPOSITION OF TAX.**

The Board of Supervisors of Penn Township previously adopted the Penn Township Realty Transfer Tax Ordinance pursuant to the provisions of Article XI-D of the Tax Reform Code of 1971 and imposed a realty transfer tax as authorized under that Article subject to the rate limitations therein. The tax imposed under said ordinance was at the rate of ½ of 1% on every \$100 of the value of the real estate, lands, tenements, or hereditaments, or any interest therein which is conveyed or transferred by any document within the Township of Penn, Centre County, Pennsylvania.

(Ord. 77, 12/7/2006, § 1)

### **§ 322. ADMINISTRATION.**

The tax referenced in § 321 of this Part and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965, (P.L. 1257, No. 511, as amended, known as the "Local Tax Enabling Act") provided, that if the correct amount of the tax is not paid by the last date prescribed for timely payment, Penn Township, pursuant to § 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

(Ord. 77, 12/7/2006, § 2)

### **§ 323. INTEREST.**

Any tax imposed as referenced in § 301 of this Part that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923, (P.L. 207, No. 153) (53 P.S. § 7101 et seq.) as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed on delinquent Commonwealth taxes as provided in § 806 of the Act of April 9, 1929, (P.L. 343, No. 176) (72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

(Ord. 77, 12/7/2006, § 3)

## **PART 3**

### **REALTY TRANSFER TAX**

## **PART 4**

### **PENN TOWNSHIP TAX COLLECTOR**

#### **§ 401. FEES.**

The Board of Supervisors of Penn Township hereby establishes a schedule of service fees which may be charged by the Penn Township Tax Collector to each person, firm or corporation requesting the following services for information:

- A. Written certification as to the payment status of real estate taxes for a tax parcel \$15 each.
- B. Issuance of a mobile home removal permit after all taxes levied on the mobile home have been paid in full - \$2 each.
- C. Duplicate bill - \$2 each.
- D. Copies - \$0.25 each. (Ord. 76, 7/6/2006, § 1)

#### **§ 402. IMPOSITION OF TAX.**

The Penn Township Tax Collector is hereby authorized to impose upon and collect from a taxpayer the fees assessed by a bank or other financial institution and a separate \$25 fee payable to the Penn Township Tax Collector for any payments returned by said bank or other financial institution because of insufficient funds in the account of the taxpayer to cover the payment submitted by the taxpayer.

(Ord. 76, 7/6/2006, § 2)

#### **§ 403. SERVICES FEES.**

The service fees paid pursuant to this Part shall be paid to the Penn Township Tax Collector personally.

(Ord. 76, 7/6/2006, § 3)

#### **§ 404. FUNDS RECEIVED RECORDS.**

The Penn Township Tax Collector shall keep an accurate written record of all funds received pursuant to this Part and shall provide a written accounting thereof to the Penn Township Supervisors on an annual basis, no later than January 31 of each

year for the prior calendar year.

(Ord. 76, 7/6/2006, § 4)

#### **§ 405. CIVIL ACTION.**

In the event any person, firm, corporation or other entity fails to pay the statement for the service fees authorized by this Part, the Penn Township Tax Collector is hereby authorized to commence the appropriate civil action and may utilize the offices of the district magisterial judge or Civil Division of the Court of Common Pleas of Centre County, Pennsylvania, in order to effectuate a recovery of these service fees together with court costs.

(Ord. 76, 7/6/2006, § 5)

## **PART 5**

### **LOCAL SERVICES TAX**

#### **§ 501. PURPOSE.**

The Penn Township Supervisors, pursuant to the Local Tax Enabling Act 53 P.S. § 6924.101 - 6924.901 desire to provide revenue through a Local Services Tax for the specific purposes of (1) emergency services, which include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F, (relating to homestead property exclusion) to conform to the Local Tax Enabling Act requirements, and therefore adopt this Local Services Tax Ordinance.

(Ord. 88, 9/6/2018, §1)

#### **§ 502. DEFINITIONS.**

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

**COLLECTOR** - the person, public employee or agency designated by the political subdivision to collect and administer the tax herein imposed.

**DCED** - the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

**EARNED INCOME** - compensation as this term is defined in Chapter 5 [relating to earned income taxes] of the Local Tax Enabling Act, 53 P.S. § 6924.501, as amended.

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

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

**INDIVIDUAL** - any person, male or female, engaged in any occupation, trade, or profession within the corporate limits of the political subdivision.

**NET PROFITS** - the net income from the operation of a business, profession or other activity, as this term is defined in Chapter 5 [relating to earned income taxes] of the Local Tax Enabling Act, 53 P.S. § 6924.501, as amended.

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

**POLITICAL SUBDIVISION** - the area within the corporate limits of the Township of Penn.

**TAX** - the local services tax at the rate fixed in §503 of this Part.

**TAX YEAR** - the period from January 1 until December 31 in any year; a calendar year.

(Ord. 88, 9/6/2018, §2)

#### **§ 503. LEVY OF TAX.**

1. For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2019, upon the privilege of engaging in an occupation with the primary place of employment within the Township during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52, assessed on a pro rata basis, in accordance with the provisions of this Part. This tax may be used solely for the following purposes as the same may be allocated by the Township of Penn from time to time:

- A. Emergency services, which shall include emergency medical services, police services and/or fire services;
- B. Road construction and/or maintenance;

C. Reduction of property taxes; or

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

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

(Ord. 88, 9/6/2018, §3)

#### **§ 504. EXEMPTIONS AND REFUNDS.**

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

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

B. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

2. Procedure to claim exemption.

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

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

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

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

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

(Ord. 88, 9/6/2018, §4)

#### **§ 505. DUTY OF EMPLOYERS TO COLLECT.**

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

2. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of tax collected each payroll period to the nearest 0.01 of a dollar. Collection of the tax shall be made on a payroll-period basis for each payroll period in which the person is engaging in an occupation, except as provided in Subsection 4. of this section; for purposes of this subsection, "combined rate" shall mean the aggregate annual rate of the tax levied by the school district and the municipality.

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

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

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

6. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of § 504 2. of this Part and this section and remits the amount so withheld in accordance with this Part.

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

(Ord. 88, 9/6/2018, §5)

#### **§ 506. RETURNS.**

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

(Ord. 88, 9/6/2018, §6)

#### **§ 507. DATES FOR DETERMINING TAX LIABILITY AND PAYMENT.**

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the 30th day following the end of each calendar quarter of each such tax year.

(Ord. 88, 9/6/2018, §7)

#### **§ 508. SELF-EMPLOYED INDIVIDUALS.**

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the political subdivision shall be required to comply with this Part and pay the pro rata portion of the tax due to the Collector on or before the 30th day following the end of each quarter.

(Ord. 88, 9/6/2018, §8)

#### **§ 509. INDIVIDUALS ENGAGED IN MORE THAN ONE OCCUPATION OR EMPLOYED IN MORE THAN ONE POLITICAL SUBDIVISION.**

1. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during

each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

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

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

(Ord. 88, 9/6/2018, §9)

#### **§ 510. NONRESIDENTS SUBJECT TO TAX.**

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

(Ord. 88, 9/6/2018, §10)

#### **§ 511. ADMINISTRATION OF TAX.**

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

2. The Collector is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered, subject to municipal approval, to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998, 53 PaCSA. § 8421 et seq.

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

(Ord. 88, 9/6/2018, §11)

#### **§ 512. SUITS FOR COLLECTION.**

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

2. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall in addition, be responsible and liable for the costs of collection.

(Ord. 88, 9/6/2018, §12)

#### **§ 513. VIOLATIONS AND PENALTIES.**

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

(Ord. 88, 9/6/2018, §13)

#### **§ 514. INTERPRETATION.**

1. Nothing contained in this Part shall be construed to empower the political subdivision to levy and collect the tax hereby imposed on any occupation not within the taxing power of the political subdivision under the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania.

2. If the tax hereby imposed under the provisions of this Part 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 tax or the validity of the tax so imposed on other persons or individuals as herein provided.

(Ord. 88, 9/6/2018, §14)

#### **§ 515. SEVERABILITY.**

The provisions of this Part are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Penn Township Supervisors that such determination by the court shall not affect or render void the remaining provisions of this Part. It is the declared intent of the Penn Township Supervisors that this Part would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

(Ord. 88, 9/6/2018, §15)

#### **§ 516. EFFECTIVE DATE OF TAX.**

The tax imposed by this Part shall be effective on January 1, 2019, and all calendar years thereafter unless repealed or modified by ordinance of the Township.

(Ord. 88, 9/6/2018, §16)

## **CHAPTER 25**

### **TREES**

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(Reserved to accommodate future enactments)

## **CHAPTER 26**

### **WATER**

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#### **PART 1**

#### ***RULES AND REGULATIONS FOR PENN TOWNSHIP WATER DISTRICT***

- § 101. Conditions of Service
- § 102. Service Line Installation
- § 103. Application for Water Service
- § 104. Billing
- § 105. Water Line Extensions

#### **PART 1**

#### **RULES AND REGULATIONS OF PENN TOWNSHIP WATER DISTRICT <sup>1</sup>**

<sup>1</sup> Editor's Note: The Board of Supervisors created and authorized the Penn Township Water District for the conduct, operation and maintenance of a public water supply system to supply water to certain residents of the Township.

#### **§ 101. CONDITIONS OF SERVICE.**

These rules and regulation are a part of the contract with every person who takes water and every such person, by taking the water, agrees to be bound thereby.

(Ord. 1, 12/26/1952)

#### **§ 102. SERVICE LINE INSTALLATION.**

1. Water service connect-ion will be made to improved property only, or to property in process of improvement, upon



written request for service connection with signature of property owner or his duly authorized agent. A new application must be made upon any change in ownership of the property

2. The Water District shall install and maintain the curb cock and box for each customer; provided, however, that on occasion shall the Water District install and maintain service lines for more than 50 feet from the main line to the present water district.

3. The owner shall, at his own expense, dig and fill trenches and furnish pipe for his service line from the curb cock and box to his own property and to maintain the same, and in all respects be responsible for any and all injury and damage in consequence thereof or resulting therefrom.

4. All service lines shall have a covering of not less than 3 feet and it is forbidden to lay any service pipe in the same trench with a sewer pipe. The Water District reserves the right to inspect, before covering, that portion of the line installed by the owner.

5. The stop cock or any water line supplying water to any premises, whether through an old or new installation, shall be under the exclusive control of the Water District and no person shall open or close the same, or lend a key for so doing, without the consent of the Water District, except in case of breaks or accident.

6. Service lines upon the premises supplied must be maintained by the customer and all leaks must be promptly repaired by the owner, and upon failure to make such repairs with reasonable dispatch, the service may be discontinued after due notice and will not be resumed until necessary repairs are made. In such case, a charge in an amount as established from time to time by resolution of the Board of Supervisors will be made to cover the cost of turning the water off and on. [Ord. 66]

(Ord. 1, 12/26/1952; as amended by Ord. 66, 9/5/2002, § 1)

### **§ 103. APPLICATION FOR WATER SERVICE.**

Any property owner desiring a supply of water must make a written application, on the form furnished by the Water District, at least one day before service is required. Where premises have already been supplied with approved water service facilities, and a customer desires water turned on into the premises, the customer will be required to sign an application for water service in order to authorize the Water District to turn on the water into the premises.

(Ord. 1, 12/26/1952)

### **§ 104. BILLING.**

1. All bills for water service will be rendered semiannually for services during the previous six months. All bills are due and payable as rendered and if not paid within 60 days of the due date, a penalty of 10% will be added; provided, if said bills remain unpaid for a period of 30 days, service will be discontinued after ten days notice of delinquency. [Ord. 66]

2. Any service discontinued on account of nonpayment of water rent will not be turned on until all arrearages and the fee established to cover the costs of turning off and on is paid. [Ord. 66]

3. Turning on of water into any premises for any purpose by anyone except a representative of the Water District is prohibited.

4. A customer will not be permitted to supply water to any premises other than that mentioned in the application, agreement or contract without permission from the Water District.

5. No branch shall be allowed to be inserted in any service line without special permission from the Water District.

6. The Water District reserves the right to shut off the water in the mains at any time for the purpose of making repairs or extension or for other necessary purposes and will give due notice except in case of breaks and emergencies. In such case, the Water District shall not be liable for any damage or inconvenience suffered by the consumer nor in any case for any claim against it at any time for interruption of service, lessening of supply, inadequate pressure, poor quality of water or any cause beyond its control. The Water District reserves the right to reserve the supply of water in case of scarcity or emergency or whenever the public welfare may require it.

7. Consumers desiring to discontinue service shall report the same in person or in writing to the agent of the Water District. All vacancies shall date from the date same are reported. Rebate will be granted only where property has not been occupied for more than three months during the previous six month period and then only after the owner of the property has notified the Water District in writing within ten days after property is not occupied that he desires to claim the rebate.

8. Penn Township Water District shall, from time to time, establish rates and fees for water service by resolution approved by the Penn Township Board of Supervisors. [Ord. 66]

(Ord. 1, 12/26/1952; as amended by Ord. 66, 9/5/2002, § 1)

### **§ 105. WATER LINE EXTENSIONS.**

1. Upon request for service by one or more applicants, the territory will be surveyed and an estimate prepared on the construction cost of the necessary extension. This estimate will be used to determine the total minimum revenue to be guaranteed. On this basis, the estimated amount for each applicant will be written into his application which, when signed by

him and accepted by the Penn Township Water District, will constitute a contract for the taking of service under this extension rule. Upon the completion of the extension, estimated figures shall be revised to agree with the actual cost of construction. The Penn Township Water District shall not be required to start construction on any extension until applications have been signed and accepted covering the entire amount of the guaranteed revenue which shall be payable from the date service is first furnished or offered to consumers.

2. The Penn Township Water District, in order to safeguard its investments, may require any applicant consumer to establish a satisfactory credit standing as a guarantee of the payment of his bills during the term of the contract, or in lieu thereof, making a cash deposit or give other form of acceptable guarantee.

3. All extensions where the Water District's estimated cost of construction, based on four inch cast iron pipe, does not exceed \$100 per consumer or where the applicants supply sufficient money, material and labor to reduce the cost of construction per consumer to \$100, the Water District will construct such extension without requiring a guaranteed minimum revenue other than the minimum charge prescribed in the applicable rate schedule.

4. Where the actual cost of construction after applying credits exceed \$100 per customer, the total minimum revenue to be guaranteed from each extension shall be an amount equal to 12% of the total cost of construction. This total guaranteed amount will be divided equally among all customers applying for service on such extension and the amount thus obtained where thereupon will become the minimum annual charge for each consumer payable semiannually. The minimum guaranteed revenue of any consumer shall no be less than the minimum charge as determined by the rate schedule.

5. Any additions to extension constructed under the provisions of subsection (4) above, for the purpose of serving additional consumers, shall be added to the original cost of construction and reapportioned among the several consumers; provided, that the inclusion of such additional costs and consumers will not increase the average minimum of existing consumers; otherwise any extensions constructed to serve such additional consumers shall be treated as a new and separate extension requiring a guaranteed minimum as provided in the preceding subsection.

6. Extensions of the distribution system shall be carried in the direction of the extension at least to the centerline of the lot being served except that in the case of street corner lots, the extension shall be continued to the center of the intersecting street.

7. In computing charges for the extension of water mains in a direction transverse to existing mains, an extension of 50 feet made be made at intersections.

(Ord. 1, 12/26/1952)

## CHAPTER 27

### ZONING

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(Reserved to accommodate future enactments)

### APPENDIX

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The following ordinances and resolutions are no longer of general interest, primarily because their provisions were carried out directly after their enactment. Since they are mainly of historical or administrative interest, it has not been considered necessary to include their entire text. Instead, they are arranged in groups, according to subject matter, and within each group listed by title in chronological order. The annual budget and tax ordinances have been listed only in the "Key to the Disposition of Ordinances." Any person who desires to read the full text of any of the ordinances or resolutions may do so by consulting the original Ordinance Books on file in the Township Offices.

The enactments included in this Appendix are grouped under the following headings:

- A1 ..... Annexation of Territory
- A2 ..... Agricultural Security Areas
- B ..... Bond Issues and Loans
- C ..... Franchises and Services
- D..... Governmental and Intergovernmental Affairs
- E ..... Plan Approval
- F ..... Public Property
- G ..... Sewers
- H ..... Streets and Sidewalks

I ..... Water

J ..... Zoning; Prior Ordinances

## APPENDIX A1

### ANNEXATION OF TERRITORY

(Reserved to accommodate future enactments)

## APPENDIX A2

### AGRICULTURAL SECURITY AREAS

Ord./Res.	Date	Landowner	Parcel No.	Acres
Res. 2010-02	4/1/2010	Aaron J. Beiler	22-003-004 22-004-0018	33
Res. 2010-02	4/1/2010	Daniel K. & Rachel S. Beiler	22-002-034	65
Res. 2010-02	4/1/2010	Henry S. & Barbara L. Beiler	22-001-032F	45
Res. 2010-02	4/1/2010	Henry M & Emma Beiler	22-003-012L 22-003-10E 22-003-013	147.54
Res. 2010-02	4/1/2010	Edward P. Biddle	22-004-016	20
Res. 2010-02	4/1/2010	Myra L. Buck	22-002-039	170
Res. 2010-02	4/1/2010	Jesse & Mary Burkholder	22-003-018	132
Res. 2010-02	4/1/2010	Mark A. Byler	22-002-095	40.32
Res. 2010-02	4/1/2010	Rufus A. & Elizabeth Byler	22-002-095A	13.15
Res. 2010-02	4/1/2010	Ralph Colyer	22-002-036	21.89
Res. 2010-02	4/1/2010	William A. & Jane L. Crater	22-001-024 22-001-005	100
Res. 2010-02	4/1/2010	Ronald E., Joan & George Dills	22-01-036	95
Res. 2010-02	4/1/2010	Troy & Lori Dinges	22-004-014 22-002-46E	107
Res. 2010-02	4/1/2010	Levi & Betsy Esh	22-002-085A	10.22
Res. 2010-02	4/1/2010	Stephen L. & Ada B. Esh	22-003-018F	52.09
Res. 2010-02	4/1/2010	Paul B. & Linda S. Fisher	22-002-051B	22.19
Res. 2010-02	4/1/2010	Zane & Nancy Gordon	22-002-084A	13.2
Res. 2010-02	4/1/2010	W. Ralph Gray	22-002-026A	29.25
Res. 2010-02	4/1/2010	F. David Hosterman	22-003-002	122
Res. 2010-02	4/1/2010	Jay Houser	22-003-011K	12.29
Res. 2010-02	4/1/2010	Benuel L. & Ruth King	22-002-050	97.7
Res. 2010-02	4/1/2010	Christian L. & Mary R. King	22-001-029C	10
Res. 2010-02	4/1/2010	Daniel B Jr. & Ruth S. King	22-004-001	172.8
Res. 2010-02	4/1/2010	Omar F. & Rachel S. King	22-002-051	26.89
Res. 2010-02	4/1/2010	Jeffrey McClellan Sharon L. Frazier	22-004-015	65
Res. 2010-02	4/1/2010	Miller Associates Family Limited Partnership John Miller III	22-001-031	109.5
Res. 2010-02	4/1/2010	Rita G. Musser	22-004-017 22-004-019 22-004-021	400
Res. 2010-02	4/1/2010	Bruce & Marjorie Nicholas	22-002-029	25
Res. 2010-02	4/1/2010	Barbara S Rossman	22-003-010 22-003-003 22-001-027 22-001-026	386

Res. 2010-02	4/1/2010	Carl W. Royer	22-001-030	144
Res. 2010-02	4/1/2010	Robert S. Jr. & Jennifer Senator	22-003-017A	65
Res. 2010-02	4/1/2010	Wayne & Sherry Shawver	22-002-068	14
Res. 2010-02	4/1/2010	Daniel Shreckengast	22-002-027	42
Res. 2010-02	4/1/2010	Danny & Cynthia J. Smith Dean & Pamela J. Smith Note: Dean & Danny own together	22-003-017 E 22-003-017D	34
Res. 2010-02	4/1/2010	Richard Steinberger	22-004-010	118
Res. 2010-02	4/1/2010	Benjamin L. & Fannie S. Stoltzfus	22-001-032	42
Res. 2010-02	4/1/2010	David J. & Frieda M. Stoltzfus	22-004-003 22-002-036A	263
Res. 2010-02	4/1/2010	Elam & Lydia Stoltzfus	22-004-008E 22-004-009	282
Res. 2010-02	4/1/2010	Jacob & Sara Ann Stoltzfus	22-002-085	105
Res. 2010-02	4/1/2010	Jacob K. & Sarah Stoltzfus	22-002-037 22-004-002	207
Res. 2010-02	4/1/2010	John H. & Annie K. Stoltzfus	22-002-084 22-001-037H	108.676
Res. 2010-02	4/1/2010	Roy A & Martha F. Stoltzfus	22-003-021	146
Res. 2010-02	4/1/2010	Jesse R./Dean & Betty Stover	22-004-006	132
Res. 2010-02	4/1/2010	Harry & Diane Ward	22-003-012B	24.5
Res. 2010-02	4/1/2010	Howard Wise	22-003-019	156
Res. 2010-02	4/1/2010	Amos M. & Katie M. Yoder	22-001-029	101
Res. 2010-02	4/1/2010	Norman & Nancy Yoder	22-002-026B	104

## APPENDIX B

### BOND ISSUES AND LOANS

Ord./Res.	Date	Description
19	12/28/1973	Issuance of a general obligation note in the sum of \$7,000.
21	10/28/1974	Issuance of a general obligation note in the sum of \$12,800.
Res. 22	7/6/1989	Issuance of a general obligation note in a sum not to exceed \$50,000.
Res. 01-3	3/26/2001	Issuance of a general obligation note in the amount of \$50,000.
66B	8/1/2002	Issuance of a 2002 general obligation note in the maximum principal amount of \$117,000.
72	4/7/2005	Issuance of a guaranteed sewer revenue bond, in the maximum principal amount of \$474,506.
73	5/5/2005	Issuance of a general obligation note in the maximum principal amount of \$300,000.
75	7/7/2005	Issuance of 2005 guaranteed sewer revenue bond, in the maximum principal amount of \$474,506.
Res. 2009-05	4/2/2009	Authorizing Penn Township to enter into a loan agreement with the Pennsylvania Infra structure Bank.
Res. 2009-07	4/2/2009	Incurring nonelectoral debt in the principal sum of \$37,976 by the issuance of a general obligation note to finance the costs to purchase a tractor with a boom mower.

Res. 2014-02	7/17/2014	Approving the grant of a loan from Jersey Shore State Bank to Penn Township in a principal amount of \$61,000.
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## APPENDIX C

### FRANCHISES AND SERVICES

Ord./Res.	Date	Description
Res. 2009-10	9/3/2009	Agreement with Verizon Pennsylvania Inc., granting permission to the telephone company to construct, reconstruct, operate and maintain underground and aerial communication facilities on the land of Penn Township.

## APPENDIX D

### GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

Ord./Res.	Date	Description
2	12/28/1956	Extending Social Security benefits to Township employees.
5A	12/27/1963	Establishing a joint municipal agreement for the removal of rubbish and garbage.
Res. 2	11/8/1968	Presenting a plan and agreement to extend to Township employees the basic protection accorded by the Federal Social Security Act.
Res. 3	9/7/1972	Resolving to comply with the regulations of the National Flood Insurance Program.
Res. 4	10/6/1977	Resolving to participate in the Emergency Park Development Program.
Res. 7	11/7/1985	Solid Waste Plan adoption.
Res. 9	8/7/1986	Authorizing execution of an agreement between the Township of Penn and the Department of Transportation for the posting of certain bridges in the Township.
Res. 9A	12/18/1986	Resolving to participate in the Billion Dollar Bridge II program.
Res. 11	10/22/1987	Authorizing procedures for the orderly determination of the need to use consulting engineering firms, qualification and selection of firms and general administration and monitoring of the engineering agreements.
Res. 12	12/3/1987	Authorizing the filing of application for certification as a financially disadvantaged Municipality with the Department of Community Affairs.
Res. 14	3/3/1988	Authorizing execution of a reimbursement agreement with PennDOT.
Res. 15	8/4/1988	Authorizing execution of a reimbursement agreement with PennDOT.
Res. 16	8/4/1988	Authorizing the signing of a PennDOT agreement.
Res. 17	10/6/1988	Resolving to call upon members of the General Assembly to pass legislation addressing objectives of comprehensive local tax reform.
Res. 18.1	3/2/1989	Appoint Ralph M. Houck as Sewage Enforcement Officer

Res. 18A	3/2/1989	Requesting the Centre County Board of Elections to place a referendum on the municipal primary ballot concerning the issuance of licenses to conduct small games of chance.
Res. 24	2/2/1990	Authorizing execution of a reimbursement agreement with PennDOT.
Res. 26	1/11/1990	Authorizing Edward P. Biddle and Barbara E. Shaffer access to the safety deposit box.
Res. 27	2/1/1990	Authorizing execution of a reimbursement agreement with PennDOT.
Res. 28	2/15/1990	Authorizing Barbara E. Shaffer as alternate to enter into agreements and make construction decisions during the bridge construction on Township 512 over Penns Creek.
Res. 30	4/14/1990	Designated officials for signatures.
Res. 31	7/5/1990	Approving the County of Centre Municipal Waste Management Plan.
Res. 32	9/6/1990	Resolving to support the passage of legislation to authorize municipalities to impose impact fees on new developments.
Res. 33	11/12/1990	Recreation improvements.
Res. 35	3/7/1991	Resolution for plan development.
Res. 36	3/7/1991	Appointing Ralph M. Houck as Sewage Enforcement Officer and Stanley J. Wallace as alternate Sewage Enforcement Officer.
Res. 37	9/30/1991	Adopting an emergency operations plan.
Res. 38	11/7/1991	Resolving to comply with the requirements of the RIRA Program and the Department of Community Affairs for the purpose of obtaining funds.
Res. 40	2/6/1992	Appointing Thomas C. Bowes and Associates as Sewage Enforcement Officer.
Res. 41	2/6/1992	Appointing Berkheimer Associates to act as delinquent per capita tax collector.
Res. 42	2/6/1992	Authorizing Barbara E. Shaffer to receive all tax information and records from Berkheimer Associates.
Res. 43	6/4/1992	Authorizing Penn Township to request and participate in purchase contracts of the Pennsylvania Department of General Services.
Res. 44	3/5/1992	Accepting the proposed Agricultural Area for Penn Township.
Res. 45	9/10/1992	Appointing Berkheimer Associates as delinquent earned income tax collector.
Res. 45A	11/5/1992	Authorizing Barbara E. Shaffer to receive all tax information and records from Berkheimer Associates.
Res. 47	2/4/1993	Appointing Thomas C. Bowes and Associates as Sewage Enforcement Officer.
Res. 94-1	1/2/1994	Change of signature at Peoples Bank.
Res. 94-2	2/3/1994	Appointing Thomas C. Bowes and Associates as Sewage Enforcement Officer.
Res. 94-3	4/7/1994	Change of signature at Peoples Bank.
Res. 94-4	11/3/1994	Requesting final RIRA payment in order to close the Coburn Park project.
Res. 95-1	1/23/1995	Appointing Thomas C. Bowes and Associates as Sewage Enforcement Officer.
Res. 95-2	4/6/1995	Appointing Thomas C. Bowes as Sewage Enforcement Officer.

Res. 95-4	6/23/1995	Authorizing Omega Bank to honor the signatures of Mary M. Shaffer and Barbara E. Shaffer.
Res. 95-6	6/7/1995	Authorizing certain officials of the Township to apply for participation in the Pennsylvania Federal Surplus Property Program.
Res. 96-1	1/2/1996	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 96-2A	1/2/1996	Opening and maintaining a deposit account with Omega Bank and authorizing certain persons to sign on and transact all business with regard to the banking affairs of the Township of Penn Board of Supervisors.
Res. 96-2B	1/2/1996	Opening and maintaining a deposit account with Omega Bank and authorizing certain persons to sign on and transact all business with regard to the banking affairs of the Township of Penn Board of Supervisors.
Res. 96-2C	1/2/1996	Opening and maintaining a deposit account with Omega Bank and authorizing certain persons to sign on and transact all business with regard to the banking affairs of the Township of Penn Board of Supervisors.
Res. 96-3	3/18/1996	Authorizing Barbara Shaffer to execute all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Relief and Emergency Assistance Act.
Res. 96-4	3/18/1996	Authorizing Barbara Shaffer to execute all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Relief and Emergency Assistance Act.
55	4/4/1996	Authorizing Penn Township to join with other local government units as a member of the Pennsylvania Intergovernmental Risk Management Association.
Res. 96-5	5/2/1996	Requesting permission to participate in the Commonwealth of Pennsylvania Cooperative Purchasing Program.
Res. 96-8	9/5/1996	Authorizing the taking of all necessary action to request the approval from appropriate entities that the 349 telephone exchange be expanded to include the same local calling area provided to the 422 telephone exchange.
Res. 97-1	6/6/1997	Opening and maintaining a safe deposit box with the Millheim Branch of Omega Bank.
Res. 97-2	2/6/1997	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 97-4	11/6/1997	Opening and maintaining a deposit account with Omega Bank.
Res. 98-1	1/5/1998	Authorizing Warren F. Sasserman to execute, and Barbara E. Shaffer to attest, a reimbursement agreement with the Commonwealth of Pennsylvania.
Res. 98-2	2/5/1998	Appointing Thomas C. Bowes as sewage enforcement officer.
Res. 98-3	5/7/1998	Authorizing Barbara E. Shaffer access to the telephone banking system at Omega Bank.

Res. 98-5	7/2/1998	Supporting the efforts of the Pennsylvania Civil Justice Coalition and calling upon legislators to support passage of the Lawsuit Abuse Reform Act.
Res. 99-1	1/4/1999	Appointing Thomas C. Bowes as sewage enforcement officer.
Res. 99-2	2/11/1999	Authorizing and directing the Chairman of the Board of Supervisors to sign an agreement on behalf of the Township.
Res. 99-3	5/6/1999	Adopting a policy and procedures for to selection of consultants.
Res. 99-4	6/3/1999	Requesting permission to participate in the Pennsylvania Department of General Services Cooperative Purchasing Program.
Res. 99-5	10/7/1999	Accepting the proposed agricultural area for Penn Township.
Res. 00-1	7/6/2000	Establishing and maintaining a deposit account with Omega Bank.
Res. 00-2	7/6/2000	Opening and maintaining a safe deposit box at Omega Bank.
Res. 01-2	1/2/2001	Appointing Thomas C. Bowes as sewage enforcement officer.
Res. 01-4	5/3/2001	Authorizing the Chairman of the Board of Supervisors to sign an agreement on behalf of the Township.
Res. 01-5	11/29/2001	Opening and maintaining a deposit account with Omega Bank N.A.
Res. 01-6	-/-/2001	Authorizing the Millheim Fire Company to bill insurance companies for services rendered.
Res. 02-1	1/7/2002	Authorizing submission of a financial assistance application to PENNVEST for the purpose of financing the construction, rehabilitation and extension of the sewer system.
Res. 02-2	1/7/2002	Appointing Thomas C. Bowes as sewage enforcement officer.
Res. 02-3	1/7/2002	Supporting the expansion of the CRMPO to a countrywide organization.
Res. 02-4	1/21/2002	Authorizing execution of Retroactive Reimbursement Agreement 028962 with the Commonwealth of Pennsylvania through the Department of Transportation for reimbursement of 80% of costs incurred during the design, right-of-way and construction of the bridge on Township Road 839 over Elk Creek.
Res. 02-5	-/-/2002	Approving, adopting and placing into immediate effect, the Emergency Operations Plan of Penn Township.
Res. 2002-08	8/26/2002	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors Coburn Sewage account.
Res. 2003-01	1/6/2003	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2003-02	2/6/2003	Supporting the formation of a task force whose primary responsibility will be to develop an Intergovernmental Cooperation Agreement for Multi-Municipal Planning among the municipal governments located in the Penns Valley Planning Region.
Res. 2003-03	4/3/2003	Approving, adopting and placing into immediate effect the Emergency Operations Plan of Penn Township.



Res. 2003-04	6/5/2003	Adoption the CDL Drug and Alcohol Testing Personnel Policy.
Res. 2003-05	7/3/2003	Authorizing deposit of funds with Mifflin burg Bank.
Res. 2003-09	12/4/2003	Authorizing deposit of funds with Mifflin burg Bank for equipment checking.
Res. 2003-11	12/4/2003	Authorizing deposit of funds with Mifflin burg Bank.
Res. 2004-01	1/5/2004	Authorized to submit a financial assistance application to the Pennsylvania Infrastructure Investment Authority (PENNVEST), for the purpose of financing the construction of the sewer system.
Res. 2004-02	1/5/2004	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2004-03	1/5/2004	Authorizing deposit of funds with Mifflin burg Bank for general fund.
Res. 2004-04	1/5/2004	Authorizing deposit of funds with Mifflin burg Bank for State fund.
Res. 2004-05	1/5/2004	Authorizing deposit of funds with Mifflin burg Bank for street lighting.
Res. 2004-08	6/3/2004	Designating Penns Valley Code Enforcement Agency, or its designee, as the Construction Code Official to administer and enforce the Uniform Construction Code in the Township of Penn.
Res. 2004-09	10/7/2004	Approving, adopting and placing into immediate effect the Centre County Hazard Mitigation Plan.
Res. 2004-10	10/7/2004	Authorizing Barbara E. Shaffer, Secretary-Treasurer, to execute all required forms and documents on behalf of the Township.
Res. 2004-12	11/4/2004	Authorizing and directing the Chairman and the Secretary to sign an agreement on behalf of the Township.
Res. 2004-15A	9/27/2004	Applying for FFY 2005 CDBG competitive funds in the amount of \$500,000 to construct the necessary improvements.
Res. 2004-15B	9/27/2004	Enforcing State and local laws against physically barring entrance to or exit from a facility or location which is the subject of non-violent civil rights demonstrations within its policing jurisdiction.
Res. 2004-15C	9/27/2004	Implementing programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex, national origin, handicap or disability, or familial status (families with children).
Res. 2004-15D	9/27/2004	Complying with all aspects/requirements of §504 of the Rehabilitation Act of 1973, P.L. 95-02 (29 U.S.C. 794) and HUD implementing regulations 24 CFR, Part 8, and also the Architectural Barriers Act of 1968, P.L. 90-480 as amended (42 U.S.C. 4151 et seq.).
Res. 2005-01	1/3/2005	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2005-02	3/29/2005	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors CDBG account.

Res. 2005-04	5/5/2005	Appointing the Chairman of the Board of Township Supervisor as Chief Administrative Officer of the Penn Township Pension Plan.
Res. 2005-06	5/5/2005	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors sewer system project.
Res. 2005-07	5/5/2005	Amending Res. 2001-01 which provided a Pension Plan and benefits for all nonpolice employees of Penn Township by correcting the period of time for vesting.
Res. 2005-08	6/2/2005	Authorizing and directing the Chairman and the Secretary to sign an agreement on behalf of the Township.
Res. 2005-11	9/1/2005	Authorizing the Township Secretary to de stroy certain records and papers of the Town ship pursuant to §802 of the Second Class Township Code.
Res. 2006-01	1/3/2006	Authorizing deposit of funds for payroll ac count.
Res. 2006-02	1/3/2006	Authorizing deposit of funds for equipment fund.
Res. 2006-03	1/3/2006	Authorizing deposit of funds for general fund.
Res. 2006-04	1/3/2006	Authorizing deposit of funds for State fund.
Res. 2006-05	1/3/2006	Authorizing deposit of funds for water dist.
Res. 2006-06	1/3/2006	Authorizing deposit of funds for street light ing.
Res. 2006-07	1/3/2006	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors CDBG.
Res. 2006-08	1/3/2006	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors construction.
Res. 2006-09	1/3/2006	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors design sewers.
Res. 2006-10	1/3/2006	Opening and maintaining a safe deposit box at Omega Bank.
Res. 2006-11	1/3/2006	Appointing Thomas C. Bowes as Sewage En forcement Officer.
Res. 2006-12	3/2/2006	Adopting the Penns Valley Regional Compre hensive Plan of 2006, which is comprised of the text, maps, charts, photographs, and all other materials constituting a part thereof.
Res. 2006-13	3/2/2006	Entering into a joint agreement as a participat ing municipality to apply for a grant from the PA Department of Conservation and Natural Resources (PA DCNR) and, if the grant. is approved, conduct a Peer-to-Peer Feasibility Study on cooperating for municipal parks and community recreation programs, and to create a Joint Study Committee for that study.
Res. 2006-14	5/4/2006	Authorizing deposit of funds for sewer ac count.
Res. 2006-15	6/1/2006	Supporting the re-establishment of the Penns Valley Regional Planning Commission whose primary responsibility will be to provide the necessary advisory guidance to implement the Penns Valley Regional Comprehensive Plan and generally communicate issues of interest for the seven participating municipalities in accordance with all applicable sections of the Pennsylvania Municipalities Planning Code.

Res. 2006-16	11/2/2006	Adopting the National Incident Management System (NIMS).
Res. 2006-17	11/2/2006	Authorizing the Solicitor to commence condemnation proceedings against certain property owners to acquire fee simple title and temporary construction easements for the Bridge 510 project.
Res. 2007-02	1/2/2007	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2007-03	3/1/2007	Amending <u>Res. 2001-01</u> which provided a Pension Plan and benefits for all nonpolice employees of Penn Township by adding survivor benefits.
Res. 2007-05	4/5/2007	Desiring to undertake the Ice Skate Rink Improvements project.
Res. 2007-06	5/3/2007	Authorizing to execute Reimbursement Agreement, and the Township's Secretary, to attest it, with the Commonwealth of Pennsylvania acting through the Department of Transportation to reimburse the Township for 80% Federal and 15% State of the costs incurred during the preliminary engineering, final design, utility relocation, right-of-way acquisition, and construction of the bridge to be replaced on T510 in Penn Township, Centre County over Penns Creek.
Res. 2007-07	5/3/2007	Authorizing deposit of funds for escrow account-habitant for human.
Res. 2008-01	1/7/2008	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2008-03	11/6/2008	Agreeing to use the dotGrants system to file the required liquid fuels forms annually; including, but not limited to, the MS-965 MS-329 and MS-999.
Res. 2009-01	1/5/2009	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2009-02	2/5/2009	Approving, adopting and placing into immediate effect the Emergency Operations Plan of Penn Township.
Res. 2009-03	4/2/2009	Establishing a policy regarding the retention of audio tape recordings or notes made by the Secretary and/or Acting Secretary of Penn Township Board of Supervisors meetings.
Res. 2009-04	4/2/2009	Agreeing to use the dotGrants on-line reporting system to file the required liquid fuels forms annually; including, but not limited to the MS-965, MS-329 and MS-999 forms.
Res. 2009-06	4/2/2009	Authorizing deposit of funds with Mifflinburg Bank and Trust.
Res. 2009-08	8/6/2009	Authorizing the sale of surplus personal property valued at less than \$1,000.
Res. 2009-09	9/3/2009	Appointing one primary voting delegate, a first alternate voting delegate and a second voting delegate to be the representatives of Penn Township on the Tax Collection Committee of Centre County.
Res. 2010-01	1/4/2010	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2010-03	7/1/2010	Opposes any measure, initiative, or plan that mandates the forced merger or consolidation of local governments.

Res. 2005-02	3/29/2005	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors CDBG account.
Res. 2005-04	5/5/2005	Appointing the Chairman of the Board of Township Supervisor as Chief Administrative Officer of the Penn Township Pension Plan.
Res. 2005-06	5/5/2005	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors sewer system project.
Res. 2005-08	6/2/2005	Authorizing and directing the Chairman and the Secretary to sign an agreement on behalf of the Township.
Res. 2005-11	9/1/2005	Authorizing the Township Secretary to destroy certain records and papers of the Township pursuant to § 802 of the Second Class Township Code.
Res. 2006-01	1/3/2006	Authorizing deposit of funds for payroll account.
Res. 2006-02	1/3/2006	Authorizing deposit of funds for equipment fund.
Res. 2006-03	1/3/2006	Authorizing deposit of funds for general fund.
Res. 2006-04	1/3/2006	Authorizing deposit of funds for State fund.
Res. 2006-05	1/3/2006	Authorizing deposit of funds for water dist.
Res. 2006-06	1/3/2006	Authorizing deposit of funds for street lighting.
Res. 2006-07	1/3/2006	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors CDBG.
Res. 2006-08	1/3/2006	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors construction.
Res. 2006-09	1/3/2006	Opening and maintaining a deposit account with Omega Bank N.A. for Penn Township Board of Supervisors design sewers.
Res. 2006-10	1/3/2006	Opening and maintaining a safe deposit box at Omega Bank.
Res. 2006-11	1/3/2006	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2006-12	3/2/2006	Adopting the Penns Valley Regional Comprehensive Plan of 2006, which is comprised of the text, maps, charts, photographs, and all other materials constituting a part thereof.
Res. 2006-13	3/2/2006	Entering into a joint agreement as a participating municipality to apply for a grant from the PA Department of Conservation and Natural Resources (PA DCNR) and, if the grant is approved, conduct a Peer-to-Peer Feasibility Study on cooperating for municipal parks and community recreation programs, and to create a Joint Study Committee for that study.
Res. 2006-14	5/4/2006	Authorizing deposit of funds for sewer account.
Res. 2006-15	6/1/2006	Supporting the re-establishment of the Penns Valley Regional Planning Commission whose primary responsibility will be to provide the necessary advisory guidance to implement the Penns Valley Regional Comprehensive Plan and generally communicate issues of interest for the seven participating municipalities in accordance with all applicable sections of the Pennsylvania Municipalities Planning Code.

Res. 2006-16	11/2/2006	Adopting the National Incident Management System (NIMS).
Res. 2006-17	11/2/2006	Authorizing the Solicitor to commence condemnation proceedings against certain property owners to acquire fee simple title and temporary construction easements for the Bridge 510 project.
Res. 2007-02	1/2/2007	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2007-05	4/5/2007	Desiring to undertake the Ice Skate Rink Improvements project.
Res. 2007-06	5/3/2007	Authorizing to execute Reimbursement Agreement, and the Township's Secretary, to attest it, with the Commonwealth of Pennsylvania acting through the Department of Transportation to reimburse the Township for 80 Federal and 15 State of the costs incurred during the preliminary engineering, final design, utility relocation, right-of-way acquisition, and construction of the bridge to be replaced on T510 in Penn Township, Centre County over Penns Creek.
Res. 2007-07	5/3/2007	Authorizing deposit of funds for escrow account-habitant for human.
Res. 2008-01	1/7/2008	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2008-03	11/6/2008	Agreeing to use the dotGrants system to file the required liquid fuels forms annually; including, but not limited to, the MS-965 MS-329 and MS-999.
Res. 2009-01	1/5/2009	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2009-02	2/5/2009	Approving, adopting and placing into immediate effect the Emergency Operations Plan of Penn Township.
Res. 2009-03	4/2/2009	Establishing a policy regarding the retention of audio tape recordings or notes made by the Secretary and/or Acting Secretary of Penn Township Board of Supervisors meetings.
Res. 2009-04	4/2/2009	Agreeing to use the dotGrants on-line reporting system to file the required liquid fuels forms annually; including, but not limited to the MS-965, MS-329 and MS-999 forms.
Res. 2009-06	4/2/2009	Authorizing deposit of funds with Mifflinburg Bank and Trust.
Res. 2009-08	8/6/2009	Authorizing the sale of surplus personal property valued at less than \$1,000.
Res. 2009-09	9/3/2009	Appointing one primary voting delegate, a first alternate voting delegate and a second voting delegate to be the representatives of Penn Township on the Tax Collection Committee of Centre County.
Res. 2010-01	1/4/2010	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2010-03	7/1/2010	Opposes any measure, initiative, or plan that mandates the forced merger or consolidation of local governments.
Res. 2010-05	11/4/2010	Adopting the Centre County 2010 Hazard Mitigation Plan as the official Hazard Mitigation Plan of the Township of Penn.

Res. 2011-01	1/3/2011	Authorizing to pay certain operating disbursements that may become due and payable prior to Board of Supervisors official review and approval.
Res. 2011-02	1/3/2011	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2012-02	1/3/2012	Authorizing deposit of funds with Mifflinburg Bank and Trust.
Res. 2012-03	1/3/2012	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2012-04	1/3/2012	Providing for an exemption to CMV driving time limits during emergencies.
Res. 2012-06	3/1/2012	Urging the Pennsylvania General Assembly to eliminate or amend the State Prevailing Wage Act (Act 442 of 1961).
Res. 2012-07	4/5/2012	Approving and adopting the form of amended Defined Benefit Plan, effective January 1, 2011, and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.
Res. 2012-09	9/6/2012	Establishing procedures for compliance with the Professional Services Contract Provisions of Act 44 of 2009.
Res. 2012-10	11/1/2012	Assigning the collection of earned income taxes to the Centre Tax Agency, State College, Pennsylvania, following the resignation of the local Earned Income Tax Collector.
Res. 2012-11	12/6/2012	Authorizing deposit of funds with Mifflinburg Bank and Trust.
Res. 2013-01	1/7/2013	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2013-03	9/5/2013	Authorizing and directing the Chairman and the Secretary to sign an agreement on behalf of the Township.
Res. 2014-01	1/6/2014	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2014-03	10/2/2014	Confirming agreement to the amendments in and adoption of the foregoing amended and restated Declaration and Agreement of P Pension Trust.
Res. 2014-04	10/2/2014	Confirming agreement to the amendments in and adoption of the foregoing amended and restated Declaration and Agreement of P Health Insurance Trust.
Res. 2014-05	10/2/2014	Authorizing deposit of funds with Mifflinburg Bank and Trust.
85	1/5/2015	Authorizing the participation of Penn Township in the PSATS Unemployment Compensation Group Trust pursuant to the Pennsylvania Intergovernmental Cooperation Law.
86	1/5/2015	Authorizing the participation of Penn Township in the Pennsylvania Townships Health Insurance Cooperative Trust pursuant to the Pennsylvania Intergovernmental Cooperation Law.
87	1/5/2015	Authorizing the participation of Penn Township in the Pennsylvania Municipalities Pension Trust pursuant to the Pennsylvania Intergovernmental Cooperation Law.

Res. 2015-01	1/5/2015	Appointing Thomas C. Bowes as Sewage Enforcement Officer.
Res. 2015-03	11/5/2015	Appointing Baker Tilly Virchow Krause, LLP to replace the Township's elected auditors to conduct an audit of the Township accounts for 2015 and thereafter
Res. 2016-01	1/4/2016	Appointing Jeffery B. Kreger as Sewage Enforcement Officer and approving agreement for sewage enforcement service.
Res. 2016-02	1/4/2016	Authorizing deposit of funds with Mifflinburg Bank and Trust.
Res. 2016-03	3/3/2016	Adopting the Centre County 2015 Hazard Mitigation Plan as the official Hazard Mitigation Plan of the Township.
Res. 2016-04	4/7/2016	Authorizing deposit of funds with Mifflinburg Bank and Trust.
Res. 2016-09	11/3/2016	Appointing Baker Tilly Virchow Krause, LLP to replace the Township's elected auditors to conduct an audit of the Township accounts for the fiscal year 2016.
Res. 2016-12	12/1/2016	Authorizing certain Township officials to sign bank documents with Mifflinburg Bank and Trust.
Res. 2017-05	--	Appointing Baker Tilly Virchow Krause, LLP to replace the Township's elected auditors to conduct an audit of the Township accounts for the fiscal year 2017.
Res. 2018-05	9/6/2018	Authorizing the expenditure of \$3,930.10 from the general funds for truck loan payments.
Res. 2018-06	11/1/2018	Appointing Baker Tilly Virchow Krause, LLP to replace the Township's elected auditors to conduct an audit of the Township accounts for the fiscal year 2019.
Res. 2018-07	11/1/2018	Appointing the Borough of State College as its local services tax collector to collect the local services taxes as provided in Ordinance No. 88.
Res. 2019-02	2/7/2019	Authorizing certain Township officials to sign bank documents with Mifflinburg Bank and Trust.

## APPENDIX E

### PLAN APPROVAL

Ord./Res.	Date	Description
Res. 19	6/1/1989	Planning module for Center Foods.
Res. 20	6/28/1989	Planning module for Salem Hill.
Res. 21	7/6/1989	Planning module for Russell Tice.
Res. 25	1/2/1990	Planning module for Jesse Burkholder.
Res. 95-5	8/3/1995	Adoption and submission to DER of an Official Sewage Facilities Plan.
Res. 97-3	5/1/1997	Adoption and submission to DER of an Official Sewage Facilities Plan.
Res. 98-4	4/6/1998	Adopting and submitting to the Department of Environmental Protection for its approval the official sewage facilities plan for Penns Valley Health and Welfare Association subdivision.

Res. 98-6	10/1/1998	Adopting and submitting to the Department of Environmental Protection for its approval the official sewage facilities plan for the Co burn area of Penn Township.
Res. 00-4	10/5/2000	Adopting and submitting to the Department of Environmental Protection for its approval the official sewage facilities plan for for the proposed development of Thomas W. and Carmen M. Potter.
Res. 01-7	12/6/2001	Adopting and submitting to the Department of Environmental Protection for its approval the official sewage facilities plan for the pro posed development of Daniel D. and Linda M. Shreckengast.
Res. 02-6	3/7/2002	Adopting and submitting to the Department of Environmental Protection for its approval the official sewage facilities plan for the pro posed development of the Pennsylvania De partment of Conservation.
Res. 02-7	4/4/2002	Adopting and submitting to the Department of Environmental Protection for its approval the official sewage facilities plan for the pro posed development of Mifflinburg Bank and Trust Company.
Res. 2005-09	8/4/2005	New land development plan revision for Josiah Peachey.

## APPENDIX F

### PUBLIC PROPERTY

(Reserved to accommodate future enactments)

## APPENDIX G

### SEWERS

Ord./Res.	Date	Description
Res. 2003-07	9/4/2003	Adopting and submitting to the Department of Environmental Protection for its approval of existing on-site treatment facility for the proposed development of Penns Valley Ele mentary School.
Res. 2003-10	12/4/2003	Adopting and submitting to the Department of Environmental Protection for its approval of individual onlot systems for the proposed development of Lewis L & Lois L. Rearick Subdivision.
Res. 2004-11	11/4/2004	Adopting and submitting to the Department of Environmental Protection for its approval of sewer extension, new treatment facility, and drip irrigation for the proposed develop ment of Poe Valley State Park.
Res. 2005-03	5/5/2005	Authorizing a public sanitary sewer system to be constructed in and about the Village of Coburn.
Res. 2005-10	9/1/2005	Sewage planning revision for Weaver's Store.
Res. 2005-12	10/6/2005	Adopting and submitting to the Department of Environmental Protection for its approval of individual onlot systems for the proposed development of subdivision of lands of E. Edward and Mary A. Martin.



Res. 2007-01	1/2/2007	Adopting and submitting to the Department of Environmental Protection for its approval of individual onlot systems for the proposed development of Land Development Plan of Weaver's Store, Inc.
Res. 2007-04	4/5/2007	Adopting and submitting to the Department of Environmental Protection for its approval of individual onlot systems for the proposed development of Phoenix on Stover-Phase II.
Res. 2007-08	9/6/2007	Adopting and submitting to the Department of Environmental Protection for its approval of individual onlot systems for the proposed development of Re-subdivision of Lot 5.
Res. 2011-03	9/1/2011	Adopting and submitting to the Department of Environmental Protection for its approval of sewer extension for the proposed development of Ram Centre, Inc.
Res. 2012-05	3/1/2012	Adopting and submitting to the Department of Environmental Protection for its approval of individual onlot systems for the proposed development of Re-subdivision Lot 1 Phoenix on Stover (Lot 1A and 1B).
Res. 2012-08	4/5/2012	Adopting and submitting to the Department of Environmental Protection for its approval of sewer extension for the proposed development of Ram Centre, Inc.
Res. 2012-14	12/6/2012	Adopting and submitting to the Department of Environmental Protection for its approval of individual onlot systems for the proposed development of Subdivision of Lands of Betty L. Price Lot AR-1 and AR-2.
Res. 2015-02	4/2/2015	Adopting and submitting to the Department of Environmental Protection for its approval of retaining tanks for the proposed development of Minor Land Development on Lands of Henry Beiler.
Res. 2016-08	10/6/2016	Requesting a PA small water and sewer program grant, and designating Robert J. Fox to execute all documents and agreements between the Township and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.
Res. 2016-05	6/2/2016	Adopting and submitting to the Department of Environmental Protection for its approval, a revision to the official sewage facilities plan of the Jesse Peachey Minor Land Development Plan.
Res. 2017-01	1/3/2017	Appointing Jeffery B. Kreger as Sewage Enforcement Officer and approving an agreement between the Penn Township Supervisors and Jeffery B. Kreger.
Res. 2017-02	2/2/2017	Adopting and submitting to the Department of Environmental Protection for its approval, a revision to the official sewage facilities plan of the Senator Subdivision Plan.
Res. 2017-03	3/2/2017	Adopting and submitting to the Department of Environmental Protection for its approval, a revision to the official sewage facilities plan of the Senator Subdivision Plan.
Res. 2017-04	5/4/2017	Adopting and submitting to the Department of Environmental Protection for its approval, a revision to the official sewage facilities plan of the Samuel B. and Linda S. King Land Development Plan.

Res. 2018-01	1/2/2018	Appointing Jeffery B. Kreger as Sewage Enforcement Officer and approving an agreement between the Penn Township Supervisors and Jeffery B. Kreger.
Res. 2019-01	1/7/2019	Appointing Jeffery B. Kreger as Sewage Enforcement Officer and approving an agreement between the Penn Township Supervisors and Jeffery B. Kreger.

## APPENDIX H

### STREETS AND SIDEWALKS

This appendix contains an alphabetical listing of streets; and, under each street, a listing of all ordained activities.

Name	Activity	Location	Ord./Res.	Date
A Alley	Vacated	Beginning at the westerly right-of-way line of L.R. 873 and then extending in a westerly direction a distance of 131 feet 6 inches.	35	11/3/1983
A Alley	Accepted	Beginning at the centerline at the intersection of Third Alley and L.R. 14031, thence extending eastwardly a distance of 1,250 feet to the westerly side of Main Street.	10	5/6/1968
Alley	Accepted	Beginning at the centerline at the intersection with Ninth Alley, thence extending easterly 600 feet to the middle of school property.	10	5/6/1968
C Alley	Accepted	Beginning at the centerline at the westerly boundary line of property of Meyer, thence in a easterly direction a distance of 595 feet to the line of property of Breon.	10	5/6/1968
D Alley	Accepted	Beginning at the centerline at the intersection of Third Alley, thence extending westerly a distance of 645 feet to the intersection with First Alley.	10	5/6/1968
East Street	Accepted	Beginning at the centerline at L.R. 873 at westerly end of bridge over Pine Creek, thence extending easterly a distance of 532.92 to line of lands now or formerly of Everett Henderson.	Res. 1	11/4/1968
East Street (T-839)	Renaming	From S.R. 2011 East a distance of 264 feet	Res. 2013-02A	3/7/2013
East Street (T-839)	Renaming	From intersection of Weaver Avenue to private property	Res. 2013-02A	3/7/2013

Eighth Alley	Activity	Beginning at the centerline of the northerly side of Township Route 499, thence extending northwardly to the southerly right-of-way of the Pennsylvania Railroad, a distance of 185 feet.	10	5/6/1968
Eighth Alley	Accepted	From the northerly side of Penn Township Road 499 to the southerly right-of-way line of lands now or formerly owned by the Pennsylvania Railroad, a distance of 180 feet.	44	5/5/1988
Eleventh Alley	Vacated	Beginning at the centerline on the northerly side of B Alley, thence extending northerly a distance of 170 feet to the southerly side of Main Street.	10	5/6/1968
Fifth Alley	Accepted	Beginning at the centerline on the northerly side of L.R. 873, extending northwardly to A Alley, a distance of 170 feet.	10	5/6/1968
First Alley	Accepted	Beginning at the centerline of L.R. 14031, thence extending northward to Alley D, a distance of 170 feet.	10	5/6/1968
Fourth Alley	Accepted	Beginning at the centerline on the northerly side of L.R. 873, thence extending in a northerly direction to A Alley, a distance of 170 feet.	10	5/6/1968
Grouse Road (T-839)	Accepted	From intersection of Weaver Avenue to private property	Res. 2013-02A	3/7/2013
L.R. 14034	Naming Transfer	Between Station 0+00 and Station 117+50.	Res. 5	9/6/1984
Ninth Alley	Accepted	Beginning at the centerline of the intersection with Second Street, thence extending northwardly crossing the intersection of C Alley, a distance of 375 feet to the southerly line of Main Street.	10	5/6/1968
Second Alley	Accepted	Beginning at centerline on the northerly side of L.R. 14031, thence extending northwardly to Alley D, a distance of 170 feet.	10	5/6/1968
Second Street	Accepted	Beginning at the centerline at the intersection of Ninth Alley, thence extending easterly a distance of 310 feet to the intersection with Tenth Alley.	10	5/6/1968

Seventh Alley	Vacated	From the northerly side of Penn Township Road 499 to the southerly right-of-way line of lands now or formerly of the Pennsylvania Railroad, a distance of 150 feet.	44	5/5/1988
Seventh Alley	Accepted	Beginning at the centerline on the northerly side of Township Road 499, thence extending northwardly 150 feet to the southerly right-of-way of the Pennsylvania Railroad.	10	5/6/1968
Sixth Alley	Accepted	Beginning at the centerline on the northerly side of L.R. 873, thence extending northward to A Alley, a distance of 170 feet.	10	5/6/1968
T-415 Lingle Valley Road	Renamed	Formerly T-415 Zerby Gap Road.	Res. 00-3	10/17/2000
T-415 Zerby Gap Road	Renamed	From S.R. 2012 1.33 miles south to Gregg Township line renamed T-415 Lingle Valley Road.	Res. 00-3	10/17/2000
T-419 Crater Road	Renamed	From S.R. 0045 north .40 mile renamed to T-419 Green Grove Road.	Res. 00-3	10/17/2000
T-419 Green Grove Road	Renamed	Formerly T-455	Res. 00-3	10/17/2000
T-419 Green Grove Road	Renamed	Formerly T-419 Crater Road.	Res. 00-3	10/17/2000
T-419 Green Grove Road	Renamed	.53 miles beginning at Gregg Township line south to S.R. 0045.	Res. 00-3	10/17/2000
T-455	Renamed	The 0.13 mile segment from Gregg Township line to T419 renamed T-419 Green Grove Road	Res. 00-3	10/17/2000
T-455	Renamed	From T-419 east 1.87 miles renamed T-455 Summer Mountain Road.	Res. 00-3	10/17/2000
T-455	Renamed	From S.R. 0045 north .58 miles renamed T-456 Smithtown Road	Res. 00-3	10/17/2000
T-455 Summer Mountain	Renamed	Formerly T-455 Road	Res. 00-3	10/17/2000
T-456 Smithtown Road	Renamed	Formerly T-455.	Res. 00-3	10/17/2000
T-500		PennDOT T-500 turnback road.	Res. 29	4/5/1990
T-502 Big Oak Lane	Renamed	Formerly T-502 Big Oak Road from T-500 East .90 miles to intersection of T-512 Long Lane	Res. 2004-07	5/6/2004
T-510 Greenbiar Road	Renamed	From Forest Road to .064 miles north to the intersection with T-510 renamed T-513 Siglerville Millheim Pike.	Res. 00-3	10/17/2000

T-513		Renamed	.86 mile segment of T-513 from intersection with T-510 and S.R. 2012 renamed T-513 Siglerville Millheim Pike.	Res. 00-3 10/17/2000
T-513 Siglerville Millheim Pike	Renamed	Formerly T-510 Greenbriar Road		Res. 00-3 10/17/2000
T-513 Siglerville Millheim Pike	Renamed	Formerly T-513.		Res. 00-3 10/17/2000
T-515 Main Street	Renamed	Formerly T-514 the 0.190 segment from SR2011 to 499 Railroad Street		Res. 2003-06 9/4/2003
Tenth Alley	Accepted	Beginning at the centerline of the intersection of Second Street, thence extending northerly, crossing B Alley, a distance of 360 feet to the southerly side of Main Street.	10	5/6/1968
Third Alley	Accepted	Beginning at the centerline on the northerly side of L.R. 14031, thence extending northwardly to Alley D, a distance of 170 feet.	10	5/6/1968
Unnamed street	Laid Out	Beginning on the easterly side of the main road leading from Millheim to Coburn between Carman and Marcum, thence east to rear of Maram property, thence south along Marcum, Rote and Shoooh, to alley between Shoooh and Vonada, thence west between Shoooh and Vonada to easterly side of aforesaid public road, a distance of 590 feet.	10	5/6/1968
Weaver Avenue	Accepted	Beginning at the centerline on the northerly side of East Street, thence extending northerly to a point 100 feet north of the northwesterly corner of the Walter and Betty Auman premises.	Res. 1	11/4/1968
Weaver Avenue (T-840)	Naming	From S.R. 2011 East a distance of 264 feet	Res. 2013-02A	3/7/2013

## APPENDIX I

### WATER

Ord./Res.	Date	Description
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Res. 2016-10	12/1/2016	Increasing the water usage rates for dwelling houses, heavy commercial establishments, stores and other light commercial establishments, churches, farms and field taps for watering livestock.

## APPENDIX J

### ZONING; PRIOR ORDINANCES

(Reserved to accommodate future enactments)

### KEY TO THE DISPOSITION OF ALL ORDINANCES

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Ordinance	Disposition	Number	Subject
1	Chapter 26	§§ 101-105	Water Service
Schedule of Rates	Superseded by	Ord. 66	
2	Appendix	D	Governmental Affairs
3	1958 House Trailer Tax		
4	Chapter 24	§§ 101-105	Per Capita Tax
5A	Appendix	D	Governmental Affairs
5B	Superseded by	Ord. 48	Solid Waste Disposal
5C	Superseded by	Ord. 48	Solid Waste Disposal
6	Superseded by	Ord. 66	Schedule of Rates
7	Superseded by	Ord. 66	Schedule of Rates
8	Chapter 1	§ 201	Planning Commission
9	Superseded by	27	Sewers and Sewage Disposal
10	Appendix	H	Streets and Sidewalks
11	Superseded by	Ord. 66	Motor Vehicles
12	Repealed by	Ord. 66	Plumber's License
13	Chapter 4	§§ 101-113	Building Permits
§J	Repealed by	Ord. 20	
14	Chapter 10	§§ 101-104	Health and Safety
15	Superseded by	Ord. 84	Earned Income Tax
16	Superseded by	Ord. 66	Schedule of Rates
17	Chapter 18	§§ 101-104	Holding Tanks
18	Chapter 4	§ 108	Building Permits
19	Appendix	B	Bond Issues and Loans
20	Chapter 4	§ 102	Building Permits
21	Appendix	B	Bond Issues and Loans
22	Repealed by	Ord. 83	Street Light Assessment
23	Superseded by	Ord. 66	Schedule of Rates
24	Chapter 21	§§ 101-106	Street Openings
25	Superseded by	Ord. 66	Motor Vehicles
26	Chapter 13	§§ 101-114	Junk Yards
27	Superseded by	Ord. 32	Sewers and Sewage Disposal

28	Superseded by	Ord. 66	Motor Vehicles
29	Superseded by	Ord. 66	Schedule of Rates
30	Repealed by	Ord. 83	Street Light Assessment
31	Superseded by	Ord. 66	Motor Vehicles
32	Chapter 18	§§ 201-207	Sewers and Sewage Disposal
33	Superseded by	Ord. 66	Schedule of Rates
34	Superseded by	Ord. 84	Income Tax
35	Appendix	H	Streets and Sidewalks
36	Chapter 4	§ 102	Building Permits
37	Repealed by	Ord. 46	Floodplains
38	Repealed by	Ord. 83	Street Light Assessment
39	Superseded by	Ord. 41	Property Transfer Tax
40	Superseded by	Ord. 66	Motor Vehicles
41	Chapter 24	§§ 301-319	Realty Transfer Tax
42	Superseded by	Ord. 66	Motor Vehicles
43	Superseded by	Ord. 54	Board of Supervisors Compensation
44	Appendix	H	Streets and Sidewalks
45	Superseded by	Ord. 66	Schedule of Rates
46	Superseded by	Ord. 78	Floodplains
47	Superseded by	Ord. 66	Schedule of Rates
48	Chapter 20	§§ 101-128	Solid Waste
49	Chapter 16	§§ 101-112	Parks and Recreation
49A	Superseded by	Ord. 66	Motor Vehicles
50	Chapter 2	§§ 101-103	Animals
51	Chapter 4	§§ 201-206	Buildings
52	Superseded by	Ord. 66	Motor Vehicles
53	Superseded by	Ord. 84	Taxation, Special
54	Chapter 1	§§ 101-103	Board of Supervisors Compensation
55	Appendix	D	Governmental Affairs
56	Superseded by	Ord. 66	Motor Vehicles
57	Superseded by	Ord. 66	Motor Vehicles
58	Superseded by	Ord. 66	Motor Vehicles
59	Superseded by	Ord. 66	Motor Vehicles
60	Superseded by	Ord. 66	Motor Vehicles
61	Superseded by	Ord. 66	Motor Vehicles
62	Superseded by	Ord. 66	Motor Vehicles
63	Chapter 5	§§ 101-105	Office of Code Enforcement
64	§I	Chapter 4 Superseded by	§ 102 Ord. 78 Building Permits Floodplains
65	Chapter 1	§§ 501-509	Fire Insurance Proceeds
66	Adopting Ordinance		
8, §§ 102, 201-212, 303, 401, 403, 404, 501-504	Superseded by	Ord. 78	Floodplains
24, § 201, 206, 208	Superseded by	Ord. 84	Earned Income Tax
66B	Appendix	B	Bond Issues and Loans

67	Chapter 15	§ 201	Motor Vehicles and Traffic
68	Chapter 15	§ 201	Motor Vehicles and Traffic
69	Chapter 1	§§ 211-215	Penns Valley Regional Planning Commission
70	Chapter 5	§§ 201-206	Uniform Construction Code
71	Chapter 1	§§ 101, 103	Board of Supervisors Compensation
72	Appendix	B	Bond Issues and Loans
73	Appendix	B	Bond Issues and Loans
74	Chapter 18	§§ 301-306	Public Sewers
75	Appendix	B	Bond Issues and Loans
76	Chapter 24	§§ 401-405	Penn Township Tax Collector
77	Chapter 24	§§ 321-323	Realty Transfer Tax
78	Chapter 8	§§ 101-802	Floodplains
79	Chapter 2	§ 102	Barking Dogs
80	Chapter 24	§ 103	Per Capital Tax
81	Chapter 15	§ 207	Motor Vehicles and Traffic
82	Chapter 15	§ 402	Motor Vehicles and Traffic
83	Repeals	Ord. 22, 30 and 38	Street Light Assessment
84	Chapter 24	§§ 201-208	Earned Income and Net Profits Tax
85	Appendix	D	Governmental Affairs
86	Appendix	D	Governmental Affairs
87	Appendix	D	Governmental Affairs
88	Chapter 24	§§ 501-516	Local Services Tax

## KEY TO SIGNIFICANT RESOLUTIONS

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Resolution	Disposition	Number	Subject
1	Appendix	H	Streets and Sidewalks
2	Appendix	D	Governmental Affairs
3	Appendix	D	Governmental Affairs
4	Appendix	D	Governmental Affairs
5	Appendix	H	Streets and Sidewalks
6	Tax Rate	1985	
7	Appendix	D	Governmental Affairs
8	Tax Rate	1986	
9	Appendix	D	Governmental Affairs
9A	Appendix	D	Governmental Affairs
10	Tax Rate	1987	



11	Appendix	D	Governmental Affairs
12	Appendix	D	Governmental Affairs
13	Tax Rate	1988	
14	Appendix	D	Governmental Affairs
15	Appendix	D	Governmental Affairs
16	Appendix	D	Governmental Affairs
17	Appendix	D	Governmental Affairs
18	Tax Rate	1989	
18.1	Appendix	D	Governmental Affairs
18A	Appendix	D	Governmental Affairs
19	Appendix	E	Plan Approval
20	Appendix	E	Plan Approval
21	Appendix	E	Plan Approval
22	Appendix	B	Bond Issues and Loans
23	Tax Rate	1990	
24	Appendix	D	Governmental Affairs
25	Appendix	E	Plan Approval
26	Appendix	D	Governmental Affairs
27	Appendix	D	Governmental Affairs
28	Appendix	D	Governmental Affairs
29	Appendix	H	Streets and Sidewalks
30	Appendix	D	Governmental Affairs
31	Appendix	D	Governmental Affairs
32	Appendix	D	Governmental Affairs
33	Appendix	D	Governmental Affairs
34	Tax Rate	1991	
35	Appendix	D	Governmental Affairs
36	Appendix	D	Governmental Affairs
37	Appendix	D	Governmental Affairs
38	Appendix	D	Governmental Affairs
39	Tax Rate	1992	
40	Appendix	D	Governmental Affairs
41	Appendix	D	Governmental Affairs
42	Appendix	D	Governmental Affairs
43	Appendix	D	Governmental Affairs
44	Appendix	D	-Governmental Affairs
45	Appendix	D	Governmental Affairs
45A	Appendix	D	Governmental Affairs
46	Real Estate Tax	1993	
47	Appendix	D	Governmental Affairs
48	Tax Rate	1994	
94-1	Appendix	D	Governmental Affairs
94-2	Appendix	D	Governmental Affairs
94-3	Appendix	D	Governmental Affairs
94-4	Appendix	D	Governmental Affairs
94-5	Real Estate Tax	1995	
95-1	Appendix	D	Governmental Affairs
95-2	Appendix	D	Governmental Affairs
95-3	Superseded by	Ord. 66	Per Capita Tax
95-4	Appendix	D	Governmental Affairs
95-5	Appendix	E	Plan Approval
95-6	Appendix	D	Governmental Affairs

95-6A	Tax Rate	1996	
96-1	Appendix	D	Governmental Affairs
96-2A	Appendix	D	Governmental Affairs
96-2B	Appendix	D	Governmental Affairs
96-2C	Appendix	D	Governmental Affairs
96-3	Appendix	D	Governmental Affairs
96-4	Appendix	D	Governmental Affairs
96-5	Appendix	D	Governmental Affairs
96-6	Superseded by	Ord. 66	Fee Resolution
96-7	Chapter 1	§§301-310	Administration and Government
96-8	Appendix	D	Governmental Affairs
96-9	Tax Rate	1997	
97-1	Appendix	D	Governmental Affairs
97-2	Appendix	D	Governmental Affairs
97-3	Appendix	E	Plan Approval
97-4	Appendix	D	Governmental Affairs
97-5	Budget	1998	
97-6	Tax Rate	1998	
98-1	Appendix	D	Governmental Affairs
98-2	Appendix	D	Governmental Affairs
98-3	Appendix	D	Governmental Affairs
98-4	Appendix	E	Plan Approval
98-5	Appendix	D	Governmental Affairs
98-6	Appendix	E	Plan Approval
98-7	Tax Rate	1999	
99-1	Appendix	D	Governmental Affairs
99-2	Appendix	D	Governmental Affairs
99-3	Appendix	D	Governmental Affairs
99-4	Appendix	D	Governmental Affairs
99-5	Appendix	D	Governmental Affairs
99-6	Tax Rate	2000	
00-1	Appendix	D	Governmental Affairs
00-2	Appendix	D	Governmental Affairs
00-3	Appendix	H	Streets and Sidewalks
00-4	Appendix	E	Plan Approval
00-5	Budget	2001	
00-6	Tax Rate	2001	
01-1	Chapter 1	§§401-406	Administration and Government
01-2	Appendix	D	Governmental Affairs
01-3	Appendix	B	Bond Issues and Loans
01-4	Appendix	D	Governmental Affairs
01-5	Appendix	D	Governmental Affairs
01-6	Appendix	D	Governmental Affairs
01-7	Appendix	E	Plan Approval
01-8	Tax Rate	2002	
02-1	Appendix	D	Governmental Affairs
02-2	Appendix	D	Governmental Affairs
02-3	Appendix	D	Governmental Affairs
02-4	Appendix	D	Governmental Affairs
02-5	Appendix	D	Governmental Affairs
02-6	Appendix	E	Plan Approval
02-7	Appendix	E	Plan Approval

9/5/2002	Fee Schedule		
2002-08	Appendix	D	Governmental Affairs
2002-09	Tax Rate	2003	
2003-01	Fee Schedule		
	Appendix	D	Governmental Affairs
2003-02	Appendix	D	Governmental Affairs
2003-03	Appendix	D	Governmental Affairs
2003-04	Appendix	D	Governmental Affairs
2003-05	Appendix	D	Governmental Affairs
2003-06	Appendix	H	Streets and Sidewalks
2003-07	Appendix	G	Sewers
2003-08	Tax Rate	2004	
2003-09	Appendix	D	Governmental Affairs
2003-10	Appendix	G	Sewers
2003-11	Appendix	D	Governmental Affairs
2004-01	Appendix	D	Governmental Affairs
2004-02	Fee Schedule		
	Appendix	D	Governmental Affairs
2004-03	Appendix	D	Governmental Affairs
2004-04	Appendix	D	Governmental Affairs
2004-05	Appendix	D	Governmental Affairs
2004-06	Fee Schedule		
2004-07	Appendix	H	Streets and Sidewalks
2004-08	Appendix	D	Governmental Affairs
2004-09	Appendix	D	Governmental Affairs
2004-10	Appendix	D	Governmental Affairs
2004-11	Appendix	G	Sewers
2004-12	Appendix	D	Governmental Affairs
2004-13	Chapter 5	§§ 301-304	Assessment Permit
2004-14	Tax Rate	2005	
2004-15A	Appendix	D	Governmental Affairs
2004-15B	Appendix	D	Governmental Affairs
2004-15C	Appendix	D	Governmental Affairs
2004-15D	Appendix	D	Governmental Affairs
2005-01	Fee Schedule		
	Appendix	D	Governmental Affairs
2005-02	Appendix	D	Governmental Affairs
2005-03	Appendix	G	Sewers
2005-04	Appendix	D	Governmental Affairs
2005-05	Chapter 18	§§ 311-316	Public Sewers
2005-06	Appendix	D	Governmental Affairs
2005-07	Chapter 1	§ 404	Administration and Government
2005-08	Appendix	D	Governmental Affairs
2005-09	Appendix	E	Plan Approval
2005-10	Appendix	G	Sewers
2005-11	Appendix	D	Governmental Affairs
2005-12	Appendix	G	Sewers
2005-13	Tax Rate	2006	
2006-01	Appendix	D	Governmental Affairs
2006-02	Appendix	D	Governmental Affairs
2006-03	Appendix	D	Governmental Affairs

2006-04	Appendix	D	Governmental Affairs
2006-05	Appendix	D	Governmental Affairs
2006-06	Appendix	D	Governmental Affairs
2006-07	Appendix	D	Governmental Affairs
2006-08	Appendix	D	Governmental Affairs
2006-09	Appendix	D	Governmental Affairs
2006-10	Appendix	D	Governmental Affairs
2006-11	Fee Schedule		
	Appendix	D	Governmental Affairs
2006-12	Appendix	D	Governmental Affairs
2006-13	Appendix	D	Governmental Affairs
2006-14	Appendix	D	Governmental Affairs
2006-15	Appendix	D	Governmental Affairs
2006-16	Appendix	D	Governmental Affairs
2006-17	Appendix	D	Governmental Affairs
2006-18	Tax Rate	2007	
2007-01	Appendix	G	Sewers
2007-02	Fee Schedule		
	Appendix	D	Governmental Affairs
2007-03	Chapter 1	§ 403	Administration and Government
2007-04	Appendix	G	Sewers
2007-05	Appendix	D	Governmental Affairs
2007-06	Appendix	D	Governmental Affairs
2007-07	Appendix	D	Governmental Affairs
2007-08	Appendix	G	Sewers
2007-09	Tax Rate	2008	
2007-10	Fee Schedule		
2008-01	Fee Schedule		
	Appendix	D	Governmental Affairs
2008-02	Fee Schedule		
2008-03	Appendix	D	Governmental Affairs
2008-04	Chapter 1	§§ 601-605	Right-to-Know Policy for Public Records
2008-05	Tax Rate	2009	
2009-01	Fee Schedule		
	Appendix	D	Governmental Affairs
2009-02	Appendix	D	Governmental Affairs
2009-03	Appendix	D	Governmental Affairs
2009-04	Appendix	D	Governmental Affairs
2009-05	Appendix	B	Bond Issues and Loans
2009-06	Appendix	D	Governmental Affairs
2009-07	Appendix	B	Bond Issues and Loans
2009-08	Appendix	D	Governmental Affairs
2009-09	Appendix	D	Governmental Affairs
2009-10	Appendix	C	Franchises and Services
2009-11	Tax Rate	2010	
2010-01	Fee Schedule		
	Appendix	D	Governmental Affairs
2010-02	Appendix	A2	Agricultural Security Areas
2010-03	Appendix	D	Governmental Affairs
2010-04	Fee Schedule		
2010-05	Appendix	D	Governmental Affairs

2010-06	Tax Rate	2011	
2011-01	Appendix	D	Governmental Affairs
2011-02	Fee Schedule		
	Appendix	D	Governmental Affairs
2011-03	Appendix	G	Sewers
2011-04	Tax Rate	2012	
2012-01	Fee Schedule		
	Chapter 18	§ 313	Public Sewers
2012-02	Appendix	D	Governmental Affairs
2012-03	Fee Schedule		
	Appendix	D	Governmental Affairs
2012-04	Appendix	D	Governmental Affairs
2012-05	Appendix	G	Sewers
2012-06	Appendix	D	Governmental Affairs
2012-07	Appendix	D	Governmental Affairs
2012-08	Appendix	G	Sewers
2012-09	Appendix	D	Governmental Affairs
2012-10	Appendix	D	Governmental Affairs
2012-11	Appendix	D	Governmental Affairs
2012-12	Tax Rate	2013	
2012-13	Chapter 18	§ 313	Public Sewers
2012-14	Appendix	G	Sewers
2013-01	Fee Schedule		
	Appendix	D	Governmental Affairs
2013-02A	Appendix	H	Streets and Sidewalks
2013-02B	Fee Schedule		
2013-03	Appendix	D	Governmental Affairs
2013-04	Tax Rate	2014	
2014-01	Fee Schedule		
	Appendix	D	Governmental Affairs
2014-02	Appendix	B	Bond Issues and Loans
2014-03	Appendix	D	Governmental Affairs
2014-04	Appendix	D	Governmental Affairs
2014-05	Appendix	D	Governmental Affairs
2014-06	Fee Schedule		
2014-07	Chapter 18	§ 313	Public Sewers
2014-08	Tax Rate	2015	
2015-01	Fee Schedule		
	Appendix	D	Governmental Affairs
2015-02	Appendix	G	Sewers
2015-03	Appendix	D	Governmental Affairs
2015-04	Tax Rate	2016	
2016-01	Appendix	D	Governmental Affairs
2016-02	Appendix	D	Governmental Affairs
2016-03	Appendix	D	Governmental Affairs
2016-04	Appendix	D	Governmental Affairs
2016-05	Appendix	G	Sewers
2016-08	Appendix	G	Sewers
2016-09	Appendix	D	Governmental Affairs
2016-10	Appendix	I	Water
2016-12	Appendix	D	Governmental Affairs

2017-01	Appendix	G	Sewers
2017-02	Appendix	G	Sewers
2017-03	Appendix	G	Sewers
2017-04	Appendix	G	Sewers
2017-05	Appendix	D	Governmental Affairs
2017-07	Chapter 13	§ 201	Licenses, Permits, and General Business Regulations
2018-01	Appendix	G	Sewers
2018-05	Appendix	D	Governmental Affairs
2018-06	Appendix	D	Governmental Affairs
2018-07	Appendix	D	Governmental Affairs
2019-01	Appendix	G	Sewers
2019-02	Appendix	D	Governmental Affairs