Codified Ordinances of the Municipality of Penn Hills Pennsylvania

Current through December 31, 2015
CERTIFICATION

We, Anthony L. DeLuca, Mayor, Mohammed Rayan, Manager, and Diane G. Fitzhenry, Deputy Clerk, of the Municipality of Penn Hills, hereby certify that the general and permanent legislation of the Municipality of Penn Hills, as revised, arranged, compiled and printed herein, is correctly set forth and constitutes the Codified Ordinances of the Municipality of Penn Hills, Pennsylvania, complete to December 31, 2012.

/s/ Anthony L. DeLuca
Mayor

/s/ Mohammed Rayan
Manager

/s/ Diane G. Fitzhenry
Deputy Clerk

Codified, edited and published
by
AMERICAN LEGAL PUBLISHING CORPORATION
432 Walnut Street, Suite 1200
Cincinnati, Ohio 45202-3909
(800) 445-5588

Copyright by
American Legal Publishing Corporation

2013 Replacement
DIRECTORY OF OFFICIALS

MUNICIPALITY OF PENN HILLS, PENNSYLVANIA

(2013)

COUNCIL

Anthony L. DeLuca, Mayor
Sara Jayne Kuhn, Deputy Mayor
Gary Underwood, Council Member
Dr. J-LaVon Kincaid, Council Member
Joe Palumbo, Council Member

OFFICIALS

Manager
Mohammed Rayan

Attorney
Craig Alexander of Bruce Dice and Associates

Controller
Nick Futules

Finance Director
Edward P. Schrecengost

Chief of Police
Howard L. Burton

Fire Marshal
Vacant

Acting Code Enforcement Director
John McCafferty

Director of Planning and Economic Development
Howard Davidson

Parks and Recreation Supervisor
John Scaglione

Public Works Superintendent
Gerry Nosal

Director of Water Pollution Control
Thomas O’Grady

Library Director
Tyrone Ward

Senior Services Supervisor
Ronald Zarovery

District Justice
Leonard J. Hromyak

Municipal Engineer
Gateway Engineers
AMERICAN LEGAL PUBLISHING CORPORATION
expresses its appreciation
to

BRUCE E. DICE AND ASSOCIATES, ESQ.
Municipal Attorney

MOHAMMED RAYAN
Municipal Manager

DIANE GIONTA FITZHENRY
Deputy Municipal Clerk

CYNTHIA CARSON
Administrative Support Specialist II

and all other officers and employees
who assisted in the preparation
of these Codified Ordinances
ORDINANCE NO. 1546 OF 1978

AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE CODIFIED ORDINANCES OF PENN HILLS, 1978, BEING A CONSOLIDATION, CODIFICATION AND REVISION OF THE GENERAL BODY OF ORDINANCES AND RESOLUTIONS; TO REPEAL ORDINANCES IN CONFLICT THERewith; AND TO APPROVE, ADOPT AND ENACT NEW MATTER THEREIN.

WHEREAS, the Council of the Municipality of Penn Hills, County of Allegheny, Commonwealth of Pennsylvania, has had the matter of codification and general revision of the ordinances and resolutions before it for some time; and

WHEREAS, it has heretofore entered into a contract with The Justinian Publishing Company to prepare and publish such codification and general revision; and

WHEREAS, the codification and general revision of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

BE IT ORDAINED AND ENACTED by Council of the said Municipality, County and State aforesaid, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. The ordinances and resolutions of the Municipality of Penn Hills of a general and permanent nature, as revised, codified, arranged and consolidated into component codes, titles, chapters and sections, are hereby approved, adopted and enacted as the Codified Ordinances of Penn Hills, Pennsylvania, 1978, otherwise known as the Penn Hills Municipal Code, pursuant to Article XII, Section 6b. of the Municipal Charter. One book-form copy of the Codified Ordinances shall be certified as correct by the Mayor, the Manager and the Deputy Clerk of the Municipality, attached to this ordinance as a part hereof, and filed with the permanent records of the Municipality of Penn Hills, Pennsylvania.

SECTION 2. All ordinances and resolutions or parts thereof enacted prior to July 9, 1978, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this ordinance, except as follows:
(a) The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in the violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
(b) The repeal provided above shall not affect:

(1) The grant or creation of a franchise, license, right, easement or privilege;

(2) The purchase, sale, lease or transfer of property;

(3) The appropriation or expenditure of money or promise or guarantee of payment;

(4) The assumption of any contract or obligation;

(5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;

(6) The levy or imposition of taxes, assessments or charges;

(7) The establishment, naming, vacating or grade level of any street or public way;

(8) The dedication of property or plat approval;

(9) The annexation or detachment of territory;

(10) Any legislation enacted subsequent to July 9, 1978.

SECTION 3. All sections and subsections in the Codified Ordinances without a legislative history or with the words "Adopting Ordinance" at the end thereof are or contain new matter ordained by this ordinance.

SECTION 4. Pursuant to Article XII, Section 2d. and e., this ordinance and the Codified Ordinances hereby adopted shall become effective ten days after this ordinance or a brief summary thereof is published in a newspaper of general circulation in the Municipality, together with information as to where copies of this ordinance, and the Codified Ordinances hereby adopted, have been filed and the times when the same are available for public inspection.


/s/ John W. Ford
1978

JOHN W. FORD,
Date
Mayor
October 27, 1978

/s/ Harry R. McIndoe

October 27, 1978

HARRY R. MCINDOE,
Date
Municipal Manager
CONTENTS

PRELIMINARY UNIT

Index
of Special Ordinances
ative Section Table

CODIFIED ORDINANCES OF THE MUNICIPALITY OF PENN HILLS, PENNSYLVANIA

CHARTER

PART TWO - Administration Code

PART FOUR - Traffic Code

PART SIX - General Offenses Code

PART EIGHT - Business Regulation and Taxation Code

PART TEN - Utilities and Public Services Code

PART TWELVE - Planning and Zoning Code

PART FOURTEEN - Building and Housing Code

PART SIXTEEN - Fire Prevention Code

PART EIGHTEEN - Health and Sanitation Code
EDITOR’S NOTE

The numbering system used in these Codified Ordinances is consistent with the best accepted practice for codification. Each section is self-identifying as to code, chapter and section number. For example, 238.02 indicates that the code number is 2, the chapter number is 238 (or the 38th chapter within code 2), and the section number is .02. The code and chapter numbers appear left of the decimal, with the code number preceding the first two digits left of the decimal, and the chapter number being the first two digits left of the decimal. The section number appears to the right of the decimal. As another example, 408.01 indicates that the code number is 4, the chapter number is 408 (or the 8th chapter within code 4), and the section number is .01.

With this numbering system, the Codified Ordinances may be expanded almost endlessly. Codes, titles and chapters are initially even-numbered, thus reserving the use of odd numbers for future legislation. Sections within chapters are consecutively numbered, except that penalty provisions are usually assigned the number .99. Newly created sections subsequent to the original codification may be indicated by three digits right of the decimal in the event the law properly belongs between consecutively numbered sections. For example, newly created 660.041, 660.042 and 660.043 follow 660.04 and precede 660.05 to be placed in their logical position.

Section histories enable a user to trace the origin of the law contained in the section. The history indicates the derivation by reference to either its passage date and the ordinance number originally assigned to it at that time, or to its inclusion in any prior code. Sections and subsections without histories or with the words "Adopting Ordinance" at the end thereof are or contain new matter ordained by the ordinance adopting these Codified Ordinances.

The Comparative Section Table is included to show the disposition of every ordinance and resolution included in these Codified Ordinances. It indicates whether a given ordinance or resolution was consolidated with another into one section or split into two or more sections. Cross references direct the user to subject matter reasonably related to material contained within a given chapter.
CHARTER OF THE MUNICIPALITY OF
PENN HILLS, PENNSYLVANIA

TABLE OF CONTENTS

EDITOR’S NOTE: The Penn Hills Charter was approved by the voters on November 6, 1973. Dates appearing in parentheses following a section heading indicate that the section was amended or adopted on the date given.

PREAMBLE

ARTICLE I
NAME AND BOUNDARIES

Section
1 Name
2 Boundaries

ARTICLE II
POWERS OF THE MUNICIPALITY

Section
1 General Powers
2 Eminent Domain
3 Construction

ARTICLE III
COUNCIL AND THE MAYOR

Section
1 Composition
2 Eligibility
3 Terms
4 Election
5 Election Procedure
6 Oath of Office
7 Compensation and Expenses
8 Vacancies; Forfeiture of Office (May 17, 1977)
9 Filling of Vacancies (November 4, 1984)
10 Judge of Qualifications (May 17, 1977)
11 General Powers and Duties of the Council
12 Powers and Duties of the Mayor
13 Deputy Mayor (November 4, 1984)
14 Investigations
ARTICLE IV

PROCEDURES AND OPERATIONS OF THE COUNCIL

Section
1 Organization of Council
2 Meetings
3 Minutes
4 Operating Rules
5 Quorum
6 Majority Action
7 Form of Action by the Council; Councilmanic Action; Recording of Votes
8 Public Meetings
9 Citizens' Right to be Heard
10 Agenda

ARTICLE V

THE MANAGER

Section
1 Appointment, Qualifications and Compensation
2 Removal
3 Acting Manager
4 Powers and Duties of the Manager

ARTICLE VI

MUNICIPAL ATTORNEY

Section
1 Appointment, Qualifications and Compensation
2 Removal
3 Delegation of Authority
4 Powers and Duties of the Municipal Attorney
5 Access to Records

ARTICLE VII

THE CONTROLLER

Section
1 Election; Term of Office; Eligibility
2 Vacancy; Filling a Vacancy; Forfeiture of Office; Oath of Office; Prohibitions
3 Compensation
4 Powers and Duties of the Controller
5 Staff and Facilities
ARTICLE VIII

BUDGET AND FISCAL AFFAIRS

Section
1. Department of Finance
2. Duties of Director
3. Fiscal Year
4. Submission of Budget and Budget Message
5. Budget Message
6. Budget
7. Capital Program
8. Publication; Council Action on Budget
9. Publication and Council Action on Capital Program
10. Public Records
11. Amendments After Adoption
12. Lapse of Appropriations
13. Administration of Budget
14. Payment of Funds
15. Fidelity Bonds

ARTICLE IX

CONTRACTS

Section
1. Requirements
2. Competitive Bids
3. Bidding Procedures
4. Exceptions to Competitive Bidding
5. Real Property Appraisals
6. Maximum Term of Certain Contracts
7. Eminent Domain
8. Unenforceable Contracts
9. Personal Financial Interest

ARTICLE X

POLICE

ARTICLE XI

FIRE MARSHALL, FIRE PREVENTION

Section
1. Appointment, Term of Office, Powers, Compensation
2. Fire Prevention Code
3 Volunteer Fire Companies

ARTICLE XII

ORDINANCES

Section
1 Action Requiring an Ordinance
2 Ordinances in General
3 Penalty
4 Emergency Ordinances
5 Codes of Technical Regulations
6 Authentication and Recording; Codification; Printing

ARTICLE XIII

CITIZEN SERVICE AND INFORMATION

ARTICLE XIV

ADMINISTRATIVE DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES

Section
1 General Provisions
2 Direction by Manager
3 Boards, Commissions and Authorities

ARTICLE XV

PERSONNEL MANAGEMENT

Section
1 Principles and Objectives Governing the Personnel System; Duty of the Manager
2 Implementation of Personnel Policies, Rules and Regulations
3 Compatibility with Legislative Enactments
4 Political Activity Restrictions
5 Causes for Suspension, Removal, Demotion or Reduction in Rank
6 The Career Service

ARTICLE XVI

THE PERSONNEL BOARD

Section
1 Jurisdiction
2 Composition
3 Terms; Limitation on Terms
4 Offices Incompatible with Membership on the Personnel Board
5 Compensation
6 Oath of Office
ARTICLE XVII

PLANNING AND ZONING

Section
1 Planning Agencies
2 Comprehensive Plan and Official Map
3 Subdivision and Land Development, Zoning and Zoning Hearing Board
4 Planned Residential Development
5 Building and Housing Code

ARTICLE XVIII

ADMINISTRATIVE CODE

ARTICLE XIX

GENERAL PROVISIONS

Section
1 Preferential Treatment Prohibited
2 Improper Solicitation of Political Support
3 Duty to Testify
4 Severability

ARTICLE XX

TRANSITION

Section
1 Rights and Privileges of Employees
2 Rights of Elected Officials
3 Township Treasurer
4 Ordinances to Remain in Force
5 Pending Actions and Proceedings
6 Continuance of Contracts, Public Improvements and Taxes
7 Departments, Offices, Agencies, Boards and Commissions
8 Existing Police Civil Service Commission

ARTICLE XXI

SCHEDULE
ARTICLE XXII

RECALL

Section
1 Officers Subject to Recall (May 17, 1977)
2 Reasonable Cause (May 17, 1977)
3 Initiating the Recall (May 17, 1977)
4 Charge; Sufficiency of Grounds (May 17, 1977)
5 Ballot Synopsis (May 17, 1977)
6 Enforcement Provisions; Jurisdiction; Appeals (May 17, 1977)
7 Preparation of Recall Petition (May 17, 1977)
8 Number of Signatures Required (May 17, 1977)
9 Notice to Incumbent and Petitioner's Representative (May 17, 1977)
10 Recall Elections (May 17, 1977)
11 Disqualification (May 17, 1977)
12 Limitations (May 17, 1977)

ARTICLE XXIII

INITIATIVE AND REFERENDUM

Section
1 General Authority (November 6, 1984)
2 Commencement of Proceedings (November 6, 1984)
3 Petitions (November 6, 1984)
4 Procedure After Filing (November 6, 1984)
5 Referendum Petitions; Suspension of Ordinance (November 6, 1984)
6 Action of Petitions (November 6, 1984)
7 Results of Election (November 6, 1984)
CHARTER OF THE MUNICIPALITY OF PENN HILLS

PREAMBLE

We, the citizens of Penn Hills, adopt this Charter as our framework of government to meet the present and future needs of the Municipality.

We adopt this Charter with the expectation that it will further the attainment of the goals toward which we strive:

A community which emphasizes the development and enrichment of human life through an environment which recognizes the worth and dignity of all its citizens, and in which citizens can live in peace and security.

A community which is physically stimulating to the eye and the spirit.

A community which gives emphasis to, and recognizes the importance of, cultural and social growth as well as physical and economic development.

A community which is alert to progress and which guards against the forces of decay and decline.

A community whose government is responsive and demonstrates a great regarding for the opinions of all citizens, and which instills confidence, pride and trust.

We adopt this Charter in recognition of our responsibilities as citizens:

To remain forthright in our conviction of the essential rightness of the democratic system and defend it against any forces which would seek to disrupt or destroy its foundation.

To be firm in our belief that we can shape our institution of government to suit our purposes, provided that those purposes are clear and worthy.

To avoid an attitude of cynicism or defeatism about government, and to recognize that any failures of our government are, in no small means, the failure of citizens to be active participants in the governmental process.

To revise upward our expectations of government performance and service delivery, seeking and supporting excellence in every aspect of government.

To elevate to political leadership men and women whose dedication is to public service, and who have the wisdom and skill to distinguish between those elements of local Municipal affairs which, although they may be thoroughly political, are not necessarily partisan.

To guard against those afflictions of which institutions can die; complacency; shortsightedness; and unwillingness to serve; and an unwillingness to lend ourselves to any worthy, common purposes.

We adopt this Charter in the belief that it will strengthen the government of the Municipality, and
in so doing strengthen, generally, the doctrine of local government which is embodied in the conviction that the citizens of the community have the intelligence, the honesty, the wisdom and the self-discipline to govern themselves.
ARTICLE I

NAME AND BOUNDARIES

Section 1. Name

The Township of Penn Hills shall hereafter be a HOME RULE CHARTER MUNICIPALITY under the name of "Penn Hills." As used in this Charter, the word "Municipality" shall mean the Municipality of Penn Hills in Allegheny County, Pennsylvania.

Section 2. Boundaries

The Boundaries of the Municipality shall be those designated in the Zone Map of the Township of Penn Hills adopted as part of the Township of Penn Hills Ordinance No. 992, August 19, 1963.

ARTICLE II

POWERS OF THE MUNICIPALITY

Section 1. General Powers

The Municipality has, and may exercise, any power, and may perform any function not denied by the Constitution of the United States, the Constitution of Pennsylvania, this Charter, or the General Assembly at any time.

Section 2. Eminent Domain

The Municipality is hereby authorized and empowered to enter upon, appropriate, take, use, occupy, injure, or destroy, private lands, property or material, wherever situate, for any legal and valid Municipal purpose. All such action shall be provided for by ordinance and just compensation shall be made and secured as provided by general law.

Section 3. Construction

The powers of the Municipality under this Charter shall be construed broadly in favor of the Municipality, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this Article. All possible powers of the Municipality, except as limited in Section 1 above, are to be considered as if specifically and individually set forth in this Article, whether such powers are presently available to the Municipality or may hereafter from time to time become available.

ARTICLE III

COUNCIL AND THE MAYOR

The Council shall be the legislative, policy-making and goal-setting body of the Municipality. It is the intent of this Article that the Council members shall act in all matters as a body and shall have equal authority except as otherwise specifically provided.

Section 1. Composition
There shall be a Municipal Council of five (5) members consisting of a Mayor and four (4) other members elected at large.

Section 2. Eligibility

The Mayor and the other four (4) members of Council shall be citizens of the United States, and shall have attained the age of eighteen (18) years, and shall have been residents of the Municipality for at least one (1) year. All criteria shall be applicable as of the last day for filing nomination petitions for the primary election in which they seek nomination.

Section 3. Terms

The terms of the Mayor and the other four (4) members of Council shall be for four (4) years, commencing at 8:00 p. m. on the first Monday of January following the year in which they were elected. They shall continue in office until their successors are elected and qualified or appointed. If, for any reason, an elected successor fails to qualify for office, that member of Council receiving the highest number of votes when elected shall have the first option to hold over until the office is filled in accordance with this Charter.

Section 4. Election

The election of the Mayor and the other four (4) members of Council shall be held on the general municipal election day as established from time to time by the laws of the Commonwealth of Pennsylvania, commencing in the year 1975. At the first election under this Charter, the Mayor and the other four (4) members of Council shall be elected. The Mayor and the two (2) members of Council receiving the greatest number of votes shall serve for terms of four (4) years; the two (2) candidates receiving the next greatest number of votes shall serve for terms of two (2) years. Thereafter, members of Council shall be elected for full four (4) year terms.

Section 5. Election Procedure

The procedure for nomination and election of the Mayor and the other four (4) members of Council shall be in accordance with the general laws of the Commonwealth of Pennsylvania for municipal elections.

Section 6. Oath of Office

The Mayor and the other members of Council, prior to assuming office, shall take and sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before any judge, justice of the peace, or notary public of the Commonwealth of Pennsylvania, and no person shall be permitted to assume such office until the oath, in written form, is filed with the Municipality.

Section 7. Compensation and Expenses

The Mayor shall receive compensation of $4,800.00 per annum, and each other member of Council shall receive compensation of $3,600.00 per annum or such other sum as the Council shall from time to time ordain; provided, however, that such compensation shall not be increased.
or decreased during the term for which any of said officials were elected or appointed. No ordinance increasing or decreasing compensation shall be adopted less than ten (10) months prior to an election at which the office of Mayor or Member of Council will be on the ballot. Members of Council shall receive no other compensation, direct or indirect, for the performance of their duties. They shall not participate in employee pension plans or insurance programs for the benefit of Municipal employees, except, however, that nothing in this section shall preclude the right of the Municipality to provide accident and health insurance or liability insurance coverage for members of Council when on Municipal business, or when in the performance of their official duties, limited to the duration of their term. Members of Council shall be entitled to reimbursement for actual expenses incurred provided that the expenditure:

a. Is related to the performance of official duties; and

b. Was authorized in advance by Council at a public meeting; and

c. Is included in an itemized list presented prior to payment.

Section 8. Vacancies; Forfeiture of Office

The Office of Mayor or Member of Council shall become vacant upon death, resignation, nonresidency, removal from office in any manner authorized by law or this Charter, or forfeiture of office, or for failure to assume such office for any reason, after election thereto within forty-five (45) days after the commencement of the term thereof. A member of Council or the Mayor shall forfeit office if he or she:

a. Lacks at any time any eligibility factor for office as prescribed by this Charter;

b. Violates any of the prohibitions in Section 16 of this Article or Article XIX;

c. Is convicted of a felony or a crime involving moral turpitude;

d. Fails to attend three (3) consecutive stated monthly meetings of Council unless excused by Council.

e. Is found to have committed an act or acts which constitute malfeasance in office, misfeasance in office, or violation of the oath of office. For purposes of this Section:

(1) "Malfeasance in office" means an unlawful act committed willfully by any elective public officer;

(2) "Misfeasance in office" means the fulfillment of a statutorily imposed duty in an unlawful or improper manner by an elective public officer;

(3) "Violation of the oath of office" means the neglect or failure by an elective public officer to perform faithfully a duty imposed by law.

When forfeiture occurs by reason of nonattendance, Council shall declare the office vacant at a public meeting held at least ten (10) days before appointing a successor. (Amended May 17, 1977)
Section 9. Filling of Vacancies.

a. If two (2) or less vacancies occur on Council, for any reason set forth in this Charter, except for vacancies caused by a recall election or by forfeiture of office under subsection b, c or a of Section 8 of this Article, the remaining members of Council shall fill each such vacancy by appointing a person eligible under the Charter to hold such office. If the vacancy occurs 120 days prior to the next general Municipal election, the appointee shall hold the office until the end of the year in which the next general Municipal election occurs. The vacant position shall be filled through the election process at the next general Municipal election for the remainder of the unexpired term. If the vacancy occurs less than 120 days prior to the next general Municipal election, the appointee will hold the office until the end of the year in which the general Municipal election occurs following the year of the appointment, or for the unexpired term, whichever occurs first.

b. Should Council fail to fill the vacancy within forty-five (45) days after the vacancy occurs, or should a vacancy occur by a recall election or by forfeiture of office under subsection b, c or a of Section 8 of this Article, or should three (3) or more vacancies exist, the Court having proper jurisdiction shall, upon petition of the remaining members of Council or with any five (5) electors of the Municipality, fill the vacancy or vacancies by appointment of an eligible Penn Hills resident in the procedure set forth under Article III, Section 9, subsection a. If three (3) or more vacancies exist, the Court may order a special election to fill vacancies until the next general Municipal election, provided the special election is held more than ninety (90) days prior to the next general Municipal election. (Amended November 6, 1984)

Section 10. Judge of Qualifications

a. The Council shall be the judge of the election and eligibility of its members.

b. Except for alleged forfeitures of office under subsection b. or e. of Section 8 of this Article, the Council shall be the judge of the grounds for forfeiture of their office and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office on grounds other than that set out in subsections b. , c. , d. or e. of Section 8 shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the Municipality at least one (1) week in advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the Court of Common Pleas of Allegheny County.

c. The Court of Common Pleas of Allegheny County shall have jurisdiction and be the judge of the grounds for forfeiture of office where a complaint in writing by at least one hundred (100) registered electors of the Municipality is filed with the Court alleging forfeiture of office under subsections b. or e. of Section 8 of Article III of this Charter. The Court shall issue upon such officer or officers named an order to show cause why their office or offices should not be declared vacant and another appointed in their stead. (Amended May 17, 1977)

Section 11. General Powers and Duties of the Council

All powers of the Municipality shall be vested in Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Municipality by law.
Section 12. Powers and Duties of the Mayor

The Mayor shall be recognized as the head of the Municipal government, shall preside at the meetings of the Council, and shall have a voice and a vote in all matters before Council. In addition, the Mayor shall have the following powers and duties:

a. Represent the Municipality in deliberations with other governmental bodies;

b. Have the authority to negotiate intergovernmental cooperative agreements which shall be subject to the final ratification of Council. The Mayor shall give prior notification to Council of any intent to negotiate such agreements and shall provide Council with periodic reports of the negotiations.

c. Appoint, with the advice and consent of the Council:
   (1) The Municipal Manager. The appointment of the Manager shall require the approval of four-fifths (4/5) of the entire Council.
   (2) The Municipal Attorney;
   (3) Members of any boards, commissions and authorities which are established under the provisions of this Charter or which may, from time to time, be established by the Council, except as otherwise provided for by law or this Charter;

d. Report, on behalf of Council, to the public from time to time regarding the state of affairs of the Municipality;

e. Execute or authenticate by signature such instruments as the Council, this Charter, or any State or Federal law shall require;

f. Be recognized, by the Governor, as the head of government for purposes of martial law, and any powers that the Council may establish by ordinance to resolve emergencies shall devolve upon the Mayor;

g. Prepare, in consultation with the other members of Council and the Manager, an annual report on behalf of the Council. The Mayor shall annually, in public session, make a report to the community which will recount the accomplishments of the preceding year, set forth the problems and prospects facing the community, and outline future plans for the Municipality.

Section 13. Deputy Mayor

At its organization meeting the Council shall elect, from among its members, a Deputy Mayor. The Deputy Mayor shall exercise the powers and duties of the Mayor during the absence or disability of the Mayor. When the office of Mayor shall become vacant for any of the reasons provided for under this Charter, that office shall be filled by the Deputy Mayor for the unexpired term of the Mayor. Upon assuming the office of Mayor, the office of the Council member so doing shall become vacant and shall be filled as prescribed by Article III, Section 9. (Amended
November 6, 1984)

Section 14. Investigations

a. Inquiries and Investigations. The Council shall have the power, by resolution, to authorize inquiries- and investigations to be conducted by the entire body or by any of its committees in aid of its legislative powers and functions.

b. Witnesses and Documents. The Council may compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of the Council or any committee thereof, and for that purpose may issue subpoenas, signed by any member of Council, and cause the same to be served in any part of the Commonwealth of Pennsylvania.

c. Oaths of Witnesses. The member of Council presiding at any meeting held pursuant to this Section shall have the power to administer oaths to witnesses.

d. Witness Fees. No person subpoenaed as aforesaid shall be required to respond to the same until mileage and witness fees, equal to those then established by the General Assembly, shall have been first furnished to the witness.

e. Subpoenas: Fine for Violation. If any person shall refuse or neglect to obey any subpoena issued by the Council, that person shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine as may be ordained, and in default of the payment of such fine and costs shall be imprisoned not to exceed thirty (30) days.

f. Subpoenas: Court Proceedings. If any person shall refuse or neglect to obey any subpoena issued by the Council, Council may apply by petition to the Court of Common Pleas for its subpoena, requiring the attendance of such persons before the Council or the court.

Section 15. Independent Audit; Powers and Duties of Auditors

a. The Council shall provide for an independent annual audit of all Municipal accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Municipal government or any of its officers. The Council may designate such accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year.

b. The auditors shall audit, settle and adjust the accounts of all Municipal officers and other officers and persons receiving and disbursing or authorizing the disbursement of the moneys of the Municipality during the preceding fiscal year.

c. The auditors may issue subpoenas to obtain the attendance of officers and persons whose accounts they are required to adjust, their executors and administrators and any other persons whom it may be necessary to examine as witnesses and compel their attendance by attachment and may also compel the production of all books, vouchers and papers relevant to such accounts. Such subpoena and attachment shall be issued by a justice of the peace and be served and executed by a Municipal constable or other proper officer.
The auditors may administer oaths and affirmations to all persons appearing before them, and all persons guilty of swearing or affirming falsely shall be liable to indictment and punishment for perjury.

d. The auditors shall complete their audit settlement and adjustment and file copies thereof with the Municipal Manager and the Department of Community Affairs and the Pennsylvania Department of Transportation not later than ninety (90) days after the end of the fiscal year. Said report shall also show a complete statement of the financial condition of the Municipality, giving in detail the actual indebtedness, the amount of the funded debt, the amount of the floating debt, the valuation of taxable property therein, the assets of the Municipality, with the character and value thereof and the date of maturity of the respective forms of funded debt thereof.

e. The amount of any balance or shortage, or of any expenditure of a fund, or made in a manner, prohibited, or unauthorized by law, which causes financial loss to the Municipality, shall be a surcharge against any officer against whom such balance or shortage shall appear, or who by vote, act or neglect, has permitted or approved such expenditure.

f. The auditors shall cancel all orders and vouchers presented to them which they find have been paid by writing or stamping the word "audited" on the face thereof.

g. The auditors shall within ten (10) days after completion of their audit publish by advertisement in at least one (1) newspaper of general circulation in the Municipality a concise financial statement of Municipal fiscal matters such as to comply with the provisions of all acts of the General Assembly relative thereto.

h. It shall be lawful for the Municipality or any taxpayer thereof, on its behalf, or any officer whose account is settled or audited, to appeal from the settlement or audit, as shown on the auditors report, to the Court of Common Pleas of the County, not later than sixty (60) days from the date of publication referred to in the preceding paragraph.

Whenever an appeal has been taken as aforesaid, any taxpayer of the Municipality may intervene in such appeal to prosecute the same on behalf of the Municipality or defend it against the appeal of the person charged with any sum.

i. Any balance, in any report of the auditors, against any officer of the Municipality shall constitute a surcharge and, unless appeal is taken as heretofore provided, the auditors shall cause the same to be entered in the office of the Prothonotary as a judgment against such officer in favor of the Municipality.

j. Judgments entered by the auditors or the Court, after hearing on appeal, may be enforced by appropriate proceedings, by the party prevailing.

Section 16. Prohibitions

a. Holding Other Office. No member of Council shall hold any other elective office in the Municipal government, the School District of Penn Hills, the County of Allegheny, or the Commonwealth of Pennsylvania, during the term for which the member of Council was elected. This does not preclude a person serving a political party as a committee person from seeking office. However, if elected, this person must resign the committee position.
b. **Employment.** No member of Council shall be in the employment of the Municipal government of Penn Hills or the government of Allegheny County. In addition, no member of Council may accept employment, or serve as a paid consultant with the Municipal government of Penn Hills for a period of at least one (1) year following expiration of term.

c. **Membership on Boards, Commissions or Authorities.** No member of Council shall be an appointed member of any board, commission or authority of the Municipality during the member's term of office.

d. **Interference with Administration.** Except for the purpose of inquiries and investigations, the Council or its members shall deal with Municipal officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

**ARTICLE IV**

**PROCEDURES AND OPERATIONS OF THE COUNCIL**

It is the intent of this Article that the Council provide for procedures governing the conduct of its business that will instill a high degree of trust, confidence and pride on the part of the public. To this end, Council should provide for maximum openness in the conduct of its business. The Council's procedures should provide for clear and well publicized means by which citizens can make their views known to the Council and which will permit them the opportunity to review and comment upon policy matters on which the Council is contemplating action.

Section 1. **Organization of Council**

The Municipal Council shall organize at 8:00 p. m. on the first Monday of January of each even numbered year. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following.

Section 2. **Meetings**

a. It shall be the duty of the Council to meet statedly at least once a month, at such time and place as shall be fixed by Council. Council may adjourn to a stated time for general business or for special business. If no quorum is present at a stated monthly or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until the meeting is held.

The Council shall publish once in a newspaper of general circulation in the Municipality, during the week prior to such stated monthly meeting, the place, time and proposed agenda of the items to be considered at that meeting.

b. Special meetings may be called

(1) By the Mayor; or

(2) Upon written request of three (3) members of Council.

A written notice stating the purpose of the special meeting shall be mailed or delivered to each Council member at least twenty-four (24) hours before a special meeting is held. At least
three (3) copies of such notice shall be posted in conspicuous places in or on the Township Municipal Building at least twenty-four (24) hours before a special meeting is held. Presence at the meeting constitutes waiver of notice. At such special meeting Council shall only consider items for which purposes the meeting was called.

Section 3. Minutes

Council shall make and preserve minutes of its proceedings. These minutes shall be open for public inspection during normal business hours of the Municipality.

Section 4. Operating Rules

The Council shall, by ordinance, adopt rules of procedure for its meetings and for assignment of members to committees, if such be provided for. Such rules shall be designed so as to assure full and equal participation in the deliberations of the Council by all of its members.

Section 5. Quorum

Three (3) members of Council shall constitute a quorum. The Council shall conduct no business except in the presence of a quorum.

Section 6. Majority Action

Official action shall require the affirmative vote of at least three (3) members of the Council, except as otherwise provided in this Charter.

Section 7. Form of Action by the Council; Councilmanic Action; Recording of Votes

Official actions of Council shall be by ordinance, resolution or motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be by ordinance. All final action in adopting ordinances or resolutions shall be by roll call vote, at a public meeting, and the vote of each member of Council shall be recorded in the minutes of the meeting. All other official votes of the Council shall be recorded in the minutes.

Section 8. Public Meetings

All stated monthly, special and adjourned stated monthly meetings of the Council shall be open for public attendance.

Section 9. Citizens' Right To Be Heard

a. The Council shall provide opportunity for all members of the public to address the Council on matters of general or special concern. This opportunity shall be afforded the public at the stated monthly Council meeting. Those persons desiring to speak shall deliver to the Manager written notice of the subject matter at least seven (7) days prior to the meeting. Council shall provide procedures to permit the public to discuss agenda items without written notice. Council may adopt regulations governing the conduct of the meeting and the manner in which the public and the Municipal officers shall conduct themselves.

b. Special Hearings Upon Petition
Whenever a petition bearing the names and addresses of fifty (50) registered voters of the Municipality shall be filed with the Municipal Manager, requesting a hearing on matters of special concern, it shall be the duty of the Manager or the Mayor and at least one (1) other member of Council to meet with the petitioners within a reasonable time and provide a hearing on the subject matter of the petition. All petitions shall be verified by the person circulating the same and shall contain a concise statement of the subjects to be heard.

Section 10. Agenda

The proposed agenda for any stated monthly meeting of Council shall be prepared by the Manager in conjunction with the Council. The proposed agenda shall be forwarded to all members of Council and be available to the public seven (7) days prior to the stated monthly meeting. A brief statement of the subject matter of any ordinance or resolution to be considered shall be published as part of the agenda. The published agenda may be amended prior to the meeting for good cause.

ARTICLE V

THE MANAGER

The Manager shall be the Chief Administrative Officer of the Municipality and shall be responsible to the Council for the administration of all Municipal affairs. It shall be the Manager's special obligation to insure high standards of performance in the day to day operation of the Municipal government; to provide high-quality services to the citizens of the Municipality; to be responsive, within the sphere of managerial responsibility, to the needs of residents; and to bring special knowledge and training to bear in stimulating new ideas and opportunities for the progressive growth of the Municipality.

Section 1. Appointment, Qualifications and Compensation

The appointment of the Municipal Manager shall be for an indefinite term and Council shall fix the compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications, with a background such as to prepare the appointee to assume the responsibility for administering Municipal operations. The Manager need not be a resident of the Municipality at the time of appointment but must assume residence within the Municipality within one (1) year of appointment to the position.

Section 2. Removal

The Council may, by majority vote, remove the Manager at any time with or without cause. Any such removal shall not take effect until after the expiration of thirty (30) days from the date of the removal action. During such thirty (30) day period, the Council may suspend the Manager from the position as Manager. The Manager may, prior to the expiration of the thirty (30) day period, request a public hearing before the Council. Such hearing shall be held before the expiration of the thirty (30) day period.

The Manager shall continue to receive the existing salary during the thirty (30) day suspension period. The action of the Council in suspending and removing the Manager shall not be subject to review by any court or agency.
Section 3. **Acting Manager**

The Municipal Manager may designate a qualified administrative officer of the Municipality to perform the duties during the Manager's temporary absence or disability. In the event the Manager fails to make such designation, or if the absence or disability continues more than thirty (30) days, the Council may appoint an officer or employee of the Municipality to perform the duties of the Manager during such absence or disability until the Manager shall return or the disability cease. No member of Council or other elected officer shall at any time serve as the Manager or Acting Manager of the Municipality.

Section 4. **Powers and Duties of the Manager**

The Manager shall have the following powers and duties:

a. Administer and enforce all laws and ordinances of the Municipality, and be responsible to the Council for carrying out all policies established by it and for the proper administration of all affairs of the Municipality within the jurisdiction of the Council;

b. Appoint and remove, with the consent of Council, an Assistant Manager;

c. Appoint, suspend or remove all Municipal employees, except as otherwise provided by law or this Charter. The Manager may retain independent contractors with the consent of Council. The Manager shall appoint all department directors with the consent of Council.

d. Direct and supervise the administration of all departments, offices and agencies, except as otherwise provided by this Charter or by law;

e. Prepare and administer the personnel system of the Municipality in accordance with Article XV of this Charter;

f. Prepare and submit the annual budget and capital program to the Council under the provisions established by the Charter, and administer the budget and capital program approved by the Council;

h. Keep the Council fully advised as to the financial condition of the Municipality and make such financial reports as Council may desire;

i. Serve as the purchasing officer and as such negotiate contracts for the Municipality, subject to the approval of the Council;

j. Insure that all terms and conditions imposed in favor of the Municipality or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed, and upon knowledge of any violation, call the same to the attention of the Council;
k. Attend all Council meetings and have the right to take part in discussions, but shall not have the right to vote;

l. The Manager or a designate shall perform the duties of the Clerk of the Municipality in causing appropriate records to be made, preserved and certified as required by law, or by the action of Council. Where required, the Manager shall attest to the documents as Clerk of the Municipality and shall have custody of the Municipal corporate seal.

m. Preserve the health, safety and general welfare in the Municipality;

n. The Manager or a designate shall take an annual inventory of all Municipal supplies and materials. At the completion of this inventory, a detailed report of the inventory noting any variations between the recorded and actual quantities shall be submitted to Council.

ARTICLE VI
MUNICIPAL ATTORNEY

Section 1. Appointment, Qualifications and Compensation

The Mayor, with the advice and consent of the Council, shall appoint a Municipal Attorney for an indefinite term, and the Council shall fix the compensation. The Municipal Attorney shall be an official of the Municipality and shall be appointed on a full-time basis, part-time basis, or on a retainer basis. The Municipal Attorney shall be admitted to the Supreme Court of Pennsylvania and shall have at least five (5) years experience in active legal practice in the Commonwealth of Pennsylvania.

Section 2. Removal

The Council may remove the Municipal Attorney at any time, with or without cause.

Section 3. Delegation of Authority

The Municipal Attorney may delegate duties to co-counsel admitted to practice law in Pennsylvania.

Section 4. Powers and Duties of the Municipal Attorney

The Municipal Attorney shall be the chief legal officer of the Municipality, and perform such other duties as the Council may from time to time dictate. The Municipal Attorney shall furnish legal advice to the Council, the Manager, and to officers, boards and commissions as designated by Council, concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties and, except as otherwise expressly provided by the Council or this Charter, shall supervise, direct and control all of the law work of the Municipality, and represent the Municipality in all legal proceedings.

Section 5. Access to Records

The Municipal Attorney shall have the right of access to the records of any officer,
department, board or commission of the Municipality as necessary in the performance of the duties of the Municipal Attorney.

ARTICLE VII

THE CONTROLLER

The Controller shall be an elected official of the Municipality whose primary function is to monitor the fiscal affairs of the Municipality. Commensurate with the independent status of this office, it is the intent of this Charter that there be the maximum possible cooperation among the Controller, the Manager, and other fiscal officers of the Municipality so as to have a totally coordinated fiscal management operation and, at the same time, the most responsible stewardship of the public funds.

Section 1. Election; Term of Office; Eligibility

The provisions governing the election, term of office, eligibility and election procedure for the Controller shall be the same as those established by this Charter for Council, except that the Controller shall be elected for a term of four (4) years at the first election under this Charter.

Section 2. Vacancy; Filling a Vacancy; Forfeiture of Office; Oath of Office; Prohibitions

Provisions governing vacancy, filling the vacancy, forfeiture of office, oath of office and prohibitions shall be the same as those prescribed for Council except that the Controller shall not be required to attend stated monthly meetings of the Council.

Section 3. Compensation

The Controller shall receive compensation of $4,200.00 per annum or such other sum as the Council shall from time to time ordain; provided, however, that such compensation shall not be increased or decreased during the term for which the Controller was elected or appointed. No ordinance increasing or decreasing compensation shall be adopted less than ten (10) months prior to an election at which the office of Controller will be on the ballot.

The Controller shall receive no other compensation, direct or indirect, for the performance of the duties of Controller. The Controller shall not participate in employee pension plans or insurance programs for the benefit of Municipal employees, except, however, that nothing in this section shall preclude the right of the Municipality to provide accident and health insurance or liability insurance coverage for the Controller when on Municipal business, or when in the performance of official duties, limited to the duration of the Controller’s term. The Controller shall be entitled to reimbursement for actual expenses incurred provided that the expenditure:

a. Is related to the performance of official duties; and

b. Was authorized in advance by Council at a public meeting; and

c. Is included in an itemized list presented prior to payment.

Section 4. Powers and Duties of the Controller

The Controller shall have the following powers and duties:
a. Co-sign with the Director of Finance all checks, drafts, or other instruments which disburse Municipal funds;

b. Maintain a record of all Municipal employees, sign payroll checks only for duly appointed Municipal employees, and maintain such other books and records as may be required for the proper exercise of the functions and duties of this office;

c. Insure that no payment is made or obligation incurred against any appropriation except in accordance with the designated budget appropriations;

d. Insure that there is a sufficient, unencumbered balance in the appropriate budget appropriation and that sufficient funds therefrom are, or will be, available to cover the claim or meet the obligation when it becomes due or payable. However, nothing in this Charter shall be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed fully or partly by the issuance of bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided such action is made or approved by ordinance.

e. May require each department, office, agency, board or commission to certify that the materials, supplies or equipment have been duly received and accepted as specified and that services have been duly rendered. For such purpose the Controller shall have the power to require by subpoena executed by the Controller or Deputy Controller the attendance of, and examine under oath, administered by the Controller or the Deputy Controller, such persons, documents and records as the Controller may deem necessary. If any person shall refuse or neglect to obey any subpoena issued by the Controller, the Controller may apply by petition to the Court of Common Pleas for its subpoena, requiring the attendance of such person before the Controller or the Court.

f. Insure that all payments and obligations incurred by the Municipality are in accordance with the law, Municipal contract, and the provisions of this Charter. If there is a question concerning the lawfulness of the payment or obligation, the Controller shall request a ruling from the Municipal Attorney. Following such ruling, in the event the Controller refuses to approve any payment or obligation as aforesaid and such refusal results in litigation against the Controller, then the Controller may retain legal counsel. The compensation of said counsel shall be determined by the Court of Common Pleas and paid by the Municipality.

Section 5. Staff and Facilities

a. The Municipality shall provide the Controller with such staff, office supplies, equipment and office space as shall be necessary for the performance of the duties of the Controller as assigned under this Charter.

b. The number and compensation of persons employed by the Controller shall be determined by majority vote of a committee composed of the Controller, the Mayor and the Deputy Mayor. The results of the findings of such committee shall be included in the Municipal budget prior to the budget submission.

c. Nothing contained herein shall be construed to deprive the Controller of the right to hire and remove the persons employed in the Office of the Controller.
Section 6. **Access to Records**

The Controller shall have the right of access at all times to the records of any officer, department, board or commission of this Municipality as shall be necessary in the performance of the duties of the Controller as established under this Charter.

Section 7. **Deputy Controller**

The Controller, upon assuming office, shall designate a Deputy Controller who, in case of the temporary absence or disability of the Controller, shall perform such duties as are imposed by this Charter upon the Controller. In the case of the temporary absence or disability of both the Controller and the Deputy Controller, then the Council may appoint a Deputy Controller to serve during the temporary absence or disability of the Controller and Deputy Controller. The Deputy Controller shall assume the office of Controller upon a vacancy in that office until such time as the vacancy is filled by Council. If Council appoints a Deputy Controller under the provisions of this Charter, Council shall fix compensation to be paid the Deputy Controller.

Section 8. **Checks**

Whenever checks are required to be signed by the Controller, it may be by facsimile signature or other method approved by Council.

**ARTICLE VIII**

**BUDGET AND FISCAL AFFAIRS**

Section 1. **Department of Finance**

There shall be created a Department of Finance which shall administer the financial affairs of the Municipality. The Director of the Department of Finance shall be the chief fiscal officer of the Municipality.

Section 2. **Duties of Director**

The Director of the Department of Finance shall have the following powers and duties:

a. Except as otherwise provided by the Council or this Charter, receive, collect, account for, and deposit into the Municipal Treasury, all taxes, fees, funds, assessments or charges that are levied, established or received by the Municipality for general or special purposes. Such deposits shall be made not later than the first business day following the day in which the funds are received.

b. Disburse Municipal funds pursuant to authorizations for payment made by the Council and shall sign, along with the Controller, all checks, drafts or other instruments which disburse Municipal funds. The Manager shall sign all such checks, drafts or other instruments in the absence of the Finance Officer. The Director of Finance or the Manager may use a facsimile signature or other method approved by Council.

c. Assist the Manager in the preparation of the budget, and in the administration of the
financial affairs of the Municipality.

d. Arrange for temporary investments of Municipal funds in the manner provided by the law of the General Assembly.

e. Deposit the funds of the Municipality in various depositories as designated by the Council. All such accounts shall be in the name of the Municipality.

f. Such other duties as the Council or the Manager shall assign from time to time.

Section 3. Fiscal Year

The fiscal year of the Municipality shall begin on the first day of January and end on the last day of December of each year, unless changed by Council or by law.

Section 4. Submission of Budget and Budget Message

On or before the sixtieth (60th) day prior to the beginning of the fiscal year, the Manager shall submit to the Council, a budget for the ensuing year and an accompanying message.

Section 5. Budget Message

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the Municipality for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the Municipality's debt position and include such other material as the Manager deems desirable.

Section 6. Budget

The budget shall provide a complete financial plan of all Municipal funds and activities for the ensuing fiscal year. It shall be in such form as the Manager deems desirable or the Council shall require, and may utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, inter alia, the following:

a. It shall begin with a general summary of its contents.

b. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

c. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

d. It shall show the number of proposed employees in every job classification, and the salaries for each such classification.

e. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the three (3) preceding fiscal years, and the projected income and
expenditures for the current and ensuing fiscal year.

f. It shall indicate proposed operating expenditures for the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

g. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies and the proposed method of financing each such capital expenditure.

The total of proposed expenditures shall not exceed the total of estimated income, including the surplus or deficit from the preceding year's budget.

Section 7. Capital Program

It is the intent of this Charter that the Council adopt long range plans and objectives to provide for the orderly growth of the Municipality. Plans and objectives shall be prepared for public review in the form of the Annual Capital Program Report. Projects, which will result in major additions or changes to the Municipality, such as Recreation and Sanitation facilities or Roadways, shall be included in the program. Such other capital expenditures for equipment with a useful life of less than two (2) years shall be part of the operating budget.

a. Submission to Council. The Manager shall prepare and submit to the Council a five-year capital program at least three (3) months prior to the final date for submission of the budget.

b. Contents. The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement;

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

(5) The estimated annual amortization costs.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 8. Publication; Council Action on Budget

a. Publication. The Council shall publish the proposed budget immediately upon its receipt from the Manager.

b. Public Hearings. The Council shall hold a minimum of two (2) public hearings on the
budget at which time residents of the Municipality may express their views on the proposed budget. The first such hearing shall be not less than twenty-one (21) days nor more than thirty (30) days after the date of publication. The second public hearing shall be not less than seven (7) days nor more than fourteen (14) days after the first hearing.

c. Method of Publication and Notice of Hearings. The Council shall publish in one or more newspapers of general circulation in the Municipality a general summary of the budget and a notice stating:

(1) The times and places where copies of the budget and the message are available to the public; and

(2) The times and places of the required public hearings on the budget and such other public hearings as the Council may decide to hold.

d. Amendment Before Adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditure to an amount greater than the total of estimated income.

e. Adoption. The Council shall adopt the budget by ordinance on or before the twenty-eighth (28th) day of the twelfth (12th) month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 9. Publication and Council Action on Capital Program

a. Publication. The Council shall publish the proposed Capital Program immediately upon its receipt from the Manager.

b. Public Hearings. The Council shall hold a minimum of one (1) public hearing on the proposed Capital Program at which time residents of the Municipality may express their views on the proposed Capital Program. Such required public hearing shall be not less than twenty-one (21) days nor more than thirty (30) days after the date of publication.

c. Method of Publication and Notice of Hearings. The Council shall publish in one or more newspapers of general circulation in the Municipality a general summary of the Capital Program and a notice stating:

(1) The times and places where copies of the summary of the Capital Program are available to the public; and

(2) The times and places where a complete copy of the Capital Program along with accompanying maps, charts, reports and other data are available for inspection by the public; and
(3) The time and place of the required public hearing on the Capital Program and such other public hearings as the Council may decide to hold.

d. Adoption. The Council, by resolution, shall adopt the Capital Program with or without amendment, after the public hearing and on or before the last day of the ninth (9th) month of the current fiscal year.

Section 10. Public Records

Copies of the budget and the Capital Program as adopted shall be public record and shall be made available to the public at suitable places and during normal business hours of the Municipality.

Section 11. Amendments After Adoption

a. Supplemental Appropriations. If, during the fiscal year, the Manager certifies that there are available for appropriations, revenues in excess of those estimated in the budget, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

b. Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except to the extent that there are no available unappropriated revenues to meet such appropriations. The Council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time.

c. Reduction of Appropriations. If, at any time during the fiscal year, it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, the Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one or more appropriations.

d. Transfer of Appropriations. At any time during the fiscal year the Manager, with the consent of Council, may transfer part or all on any unencumbered appropriation balance among programs within a department, except that appropriations for Capital Program expenditures shall be excluded from this provision, and after the first six (6) months of the fiscal year, the Manager, with the consent of the Council, may transfer part or all of any unencumbered appropriation balance from one department to another. Such actions shall be by ordinance.

e. Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption of the ordinance.

Section 12. Lapse of Appropriations
Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. A project shall be deemed abandoned if three (3) years pass without any disbursement from, or encumbrance of, the appropriation.

Section 13. Administration of Budget

At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. The Manager may revise such allotments during the year if deemed desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 11.

Section 14. Payment of Funds

No payment of any funds of the Municipality shall be made unless provided for in the budget and specifically approved by the Council; provided, however, that payroll and utility expenditures may be made at the direction of the Manager where based upon a prior ordinance or contract. All checks or drafts of the Municipality shall be co-signed by the Director of the Department of Finance and the Controller.

Section 15. Fidelity Bonds

Before entering upon the duties of their respective offices or positions, the Municipal Manager and the Director of the Department of Finance and the Controller, as well as any other officer, agent or employee of the Municipality as the Council may determine, shall execute and file with the Municipality corporate surety bonds in such sum as shall be fixed by the Council. Each bond shall be joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in the Commonwealth of Pennsylvania and duly licensed by the Insurance Commissioner of said Commonwealth.

Each bond shall be conditioned upon the faithful discharge by the officer, the clerks, assistants and appointees of all trusts confided in them by virtue of their office, upon the faithful execution of all duties required of them by virtue of their office upon the just and faithful accounting or payment over, according to law, of all moneys and all balances thereof paid to, received or held by virtue of the office and upon the delivery to the successor or successors in office of all books, papers, documents or other official things held in right of the office. All such bonds and sureties thereon, before being accepted by the Municipality, shall be approved by the Municipal Attorney. The placing of such bonds shall be determined by the Council and the premium therefor shall be paid by the Municipality. Such bonds may provide for one or more additional obligees in the event that the officer bonded is acting in a dual or similar capacity with other political subdivisions or governmental or quasi-governmental entities.

ARTICLE IX

CONTRACTS

Section 1. Requirements
All contracts of the Municipality involving sums in excess of five hundred dollars ($500.00) shall be in writing.

Section 2. Competitive Bids

Except as otherwise provided in this Charter, no contract for supplies, material, labor, franchise, or other valuable consideration, to be furnished to or by the Municipality, shall be authorized on behalf of the Municipality except with the lowest responsible bidder after competitive bidding.

Section 3. Bidding Procedure

a. The Municipality shall, by ordinance, establish a system of competitive bidding, including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waivers and exceptions, as it shall from time to time deem advisable.

b. All contracts or purchases in excess of two thousand five hundred dollars ($2,500.00), except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder after due publication. In awarding bids, Council may take into consideration such other factors as the availability, cost and quality of service. The limit of two thousand five hundred dollars ($2,500.00) may be increased by Council to the extent of the maximum permitted to any non-charter Municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

Section 4. Exceptions to Competitive Bidding

Competitive bidding shall not be required under this Charter for:

a. Labor or services rendered by any Municipal officer or employee in payment for his/her services;

b. Contracts for labor, material, supplies or services available from only one vendor;

c. Contracts for labor, material, supplies or services aggregating less than two thousand five hundred dollars ($2,500.00) for the item in the year supplied.

d. Contracts relating to the acquisition or use of real property;

e. Contracts for professional or unique services;

f. Contracts for emergency repair of public works of the Municipality;

g. Contracts with other governmental entities, authorities, agencies or political subdivisions.

Section 5. Real Property Appraisals

Real property cannot be acquired until two (2) appraisals by certified real estate appraisers have been received.
Section 6. **Maximum Term of Certain Contracts**

The term of contracts for the purchase of supplies shall not exceed two (2) years.

Section 7. **Eminent Domain**

The Municipality shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

Section 8. **Unenforceable Contracts**

a. No liability shall be enforceable against the Municipality by any action at law, in equity, or otherwise, upon any unauthorized or illegal contract.

b. Provided, however, that Council may by ordinance authorize payment for materials furnished or services rendered in reliance on contracts made by Municipal officers and agents without authority or in excess of authority when the contract is one which the Municipality could have authorized.

Section 9. **Personal Financial Interest**

In any case where a Municipal officer or official elected or appointed knows or by the exercise of reasonable diligence could know that such person is interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any personal property for the use of the Municipality, or for any services to be rendered for such Municipality involving the expenditure by the Municipality of more than three hundred dollars ($300. 00) in any year, such person shall notify Council thereof, and any such contract shall not be passed and approved by Council except by an affirmative vote of at least three-fourths (3/4) of the members thereof. In case the interested officer is a member of Council, such person shall refrain from voting upon such contract. The provisions of this section shall not apply to cases where such officer or official is an employee of the person, firm or corporation to which money is to be paid in a capacity with no possible influence on the transaction and in which such person cannot possibly be benefited thereby, either financially or in any other material manner. Any officer or officials who shall knowingly violate the provisions of this Section shall be liable to the Municipality, and to forfeiture of office.

**ARTICLE X**

**POLICE**

Police employed by the Municipality shall be ex officio constables of the Municipality and may within or without the limits of the Municipality without warrant and upon view, arrest and commit for hearing any and all persons guilty of breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of any citizen or for violating any ordinance of the Municipality for which a fine or penalty is imposed, notwithstanding any statute pertaining to the same or similar offenses. Any person so arrested shall be received for confinement by the keepers of the jails, lockups or station houses within the County.

Police shall have the authority to serve and execute all criminal process for the violation of
Municipal ordinances which may be issued, and shall charge the same fees and costs as constables of the Municipality, but such fees and costs shall be collected by the Director of the Department of Finance and paid into the Municipal Treasury.

The Mayor, with the advice and consent of Council, may appoint special police who shall have the duty of controlling and directing traffic and providing for the public safety at or near schools and churches, and who shall be in uniform and shall display a badge or other sign of authority, and who shall be vested with all of the powers of Municipal police officers. Such police shall serve at the pleasure of the Council and shall not come within the career service and personnel provisions of this Charter, nor shall they be eligible to join any police pension fund maintained for municipal police.

The Mayor may appoint special police with full police powers and jurisdiction for the duration of any emergency in which the safety and welfare of the Municipality and the public is endangered.

Auxiliary police may be appointed as provided by general law.

ARTICLE XI

FIRE MARSHALL, FIRE PREVENTION

Section 1. Appointment, Term of Office, Powers, Compensation

Council shall, within one (1) year of the date of its first organizational meeting, adopt an ordinance creating the Office of Fire Marshall. The ordinance shall include but not be limited to provisions concerning the method of appointment of the Fire Marshall, term of office, and the powers, duties, staff and compensation appertaining to the office.

Section 2. Fire Prevention Code

Council shall contemporaneously with the creation of the Office of Fire Marshall, adopt an ordinance in the nature of a Fire Prevention Code. Such ordinance shall include but not be limited to provisions concerning the construction, use and maintenance of structures as related to fire prevention and the inspection and enforcement methods designed to insure compliance with the ordinance.

Section 3. Volunteer Fire Companies

Prior to adoption or amendment of the ordinances aforesaid Council shall consult with representatives of all Penn Hills Volunteer Fire Companies.

ARTICLE XII

ORDINANCES

Section 1. Action Requiring an Ordinance

In addition to other acts required by law or by specific provisions of this Charter to be enacted by ordinance, those acts of the Municipal Council shall be by ordinance which:

a. Adopt or amend an administrative code or establish, alter or abolish any Municipal department, office or agency;
b. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

c. Levy taxes and adopt the budget;

d. Grant, renew or extend a franchise;

e. Authorize the borrowing of money;

f. Purchase, convey or lease any lands or buildings of the Municipality.

Section 2. Ordinances in General

a. Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Municipality of Penn Hills hereby ordains..." Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

b. Procedure. An ordinance may be introduced by any member of Council at any stated monthly or special meeting of the Council. Upon introduction of any ordinance, a copy shall be distributed to each Council member and to the Manager, and a reasonable number of copies shall be filed in such other public places as the Council may designate.

c. Ordinances Requiring Prior Public Notice and Hearing. No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least ten (10) days prior public notice thereof published in a newspaper circulating generally in the Municipality:

(1) Zoning ordinance and amendments thereto;

(2) Adoption of the Zoning Map and amendments thereto;

(3) Subdivision regulations;

(4) Land development and land use regulations;

(5) New taxes or increases in the rate of existing taxes.

d. Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective on the tenth (10th) day after publication, or at any later date specified therein.

e. "Publish" Defined. As used in this section, the term "publish" means to print in a newspaper of general circulation in the Municipality:

(1) The ordinance or a brief summary thereof;
(2) The places where copies of it have been filed and the times when they are available for public inspection.

f. Copies of Ordinances. Copies of ordinances shall be available to all persons requesting the same upon payment of a reasonable charge therefor.

Section 3. Penalty

The penalty for the violation of any ordinance shall be that prescribed by Council for each violation, or not more than thirty (30) days imprisonment in default of such penalty. Council may, in any ordinance, provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such.

Section 4. Emergency Ordinances

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, which may be adopted without proper notice and may be made effective immediately. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 5. Codes of Technical Regulations

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

a. The requirements of Section 2 of this Article for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance; and

b. A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded.

Section 6. Authentication and Recording; Codification; Printing

a. Authentication and Recording. Ordinances and resolutions shall be authenticated by the Mayor and attested by the Manager and recorded in full in properly indexed books.

b. Codification. Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the Council shall provide for the preparation of a general codification of all Municipal ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in
bound or looseleaf form, together with this Charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Pennsylvania, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Penn Hills Municipal Code. Copies of the code shall be furnished to Municipal officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price.

ARTICLE XIII

CITIZEN SERVICE AND INFORMATION

Council shall, within two (2) years of the date of its first organizational meeting, adopt an ordinance which provides for handling of citizen requests for information and services. The ordinance shall provide for means to receive and investigate complaints and requests for Municipal service; to provide information on Municipal services, facilities and other matters; and to render information and assistance to veterans and senior citizens in connection with benefits available to them.

ARTICLE XIV

ADMINISTRATIVE DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES

Section 1. General Provisions

The work of the Municipality performed by paid employees shall be assigned to and under the jurisdiction of an Administrative Department. Council shall establish Municipal departments, offices and agencies in addition to those created by this Charter. Council shall prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or assigned to any other unless this Charter specifically so provides. The highest ranking employee of each department shall be designated the "Director."

Section 2. Direction by Manager

All departments and directors, unless specifically excepted by this Charter, shall be subject to the direction and control of the Manager. With the consent of the Council, the Manager may serve as the director of one or more of such departments or may appoint one person as the head of one or more of them.

Section 3. Boards, Commissions and Authorities

a. In addition to the boards and commissions established by this Charter, the Council may from time to time establish, by ordinance, various boards, commissions and authorities to act in an advisory capacity or to perform special functions.

b. All persons appointed to any board, commission or authority shall be residents of the Municipality, and no person shall serve concurrently on more than one board, commission or authority except as permitted by the Pennsylvania Municipalities Planning Code or other Acts of the General Assembly.
ARTICLE XV
PERSONNEL MANAGEMENT

It is the intent of this Charter that the personnel system of the Municipality will be built upon the best experience in the field of personnel management. It should recognize that its employees are worthy, and responsible enough to have their concerns fully heard and taken into account and should be such as to encourage employees to identify positively with the purposes of the organization and be motivated to give their best efforts in support of those purposes. The policies governing this system will seek to accommodate the views, interests and rights of the community as well as the Municipal officers and employees.

Section 1. Principles and Objectives Governing the Personnel System; Duty of the Manager

The Manager shall, among other things, develop policies, procedures and regulations for the personnel system of the Municipality which shall include but not be limited to the following principles and objectives:

a. Providing equal opportunity for employment and for advancement of employees without regard to political affiliation, race, color, national origin, sex or religious creed and complying fully with all applicable State and Federal regulations in this area;

b. Recruiting and selecting employees on the basis of their respective abilities, knowledge and skills, through open and competitive means;

c. Promoting employees on the basis of demonstrated performance and potential for greater responsibility;

d. Providing fair and competitive compensation and benefits for all employees, which shall be set forth in the form of a pay and benefit plan covering all positions in the career service;

e. Training and developing employees to assure continuing high quality performance;

f. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

g. Providing opportunity for employee growth and advancement through competent and capable leadership;

h. Assuring that employees are protected against coercion for partisan political purposes and, in return, that employees are restricted in their political activity as set forth in Section 4 of this Article;

i. A classification and position description system;

j. Rules and regulations governing reduction in manpower, discipline, discharges, resignations, leaves of absence and off-hours employment of Municipal employees by
other agencies;

k. Rules and regulations governing the resolution of claims of unfair or unjust treatment other than those resulting from suspension, dismissal, demotion or reduction in rank.

Section 2. Implementation of Personnel Policies, Rules and Regulations

Personnel policies, rules and regulations, and any amendments thereto, along with the establishment of other practices and procedures necessary to the administration of the Municipal personnel system, when developed by the Manager, shall be submitted to Council which shall adopt them with, or without, amendment. Prior to such adoption, the Council shall provide Municipal employees with the opportunity to review and comment upon such proposed policies, rules or regulations. The Council may delegate to the Manager the responsibility for establishing procedures for such review and comment.

Section 3. Compatibility with Legislative Enactments

No personnel procedures or policies established under the provisions of this Charter shall be in conflict with Acts of the State Legislature providing for collective bargaining and arbitration.

Section 4. Political Activity Restrictions

a. No Municipal employee shall be an officer of a political party, or be an elected committee person, or hold political office during employment.

b. No employee or official shall solicit any assessments, contributions or services for any political party or candidate from any Municipal employee.

c. Nothing herein contained shall affect the right of the employee to hold membership in and support a political party, to vote, to express publicly or privately opinions on all political subjects and candidates, to maintain political neutrality and to actively participate in political meetings. However employees must engage in all such activities as private citizens and during nonworking hours.

Section 5. Causes for Suspension, Removal, Demotion, or Reduction in Rank

a. Except as otherwise provided in this Charter, no person in the Municipal career service shall be suspended, removed, demoted, or reduced in rank, except for the following reasons:

(1) Physical or mental disability affecting the ability of an employee to continue in the performance of the duties of the position;

(2) Neglect or violation of any official duty or assignment;

(3) Violation of any law which provides that such violation constitutes a misdemeanor or felony;

(4) Inefficiency, neglect, intemperance, immorality, insubordination, willful disobedience of orders, conduct unbecoming an employee, or conduct reflecting discredit upon the Municipality and it's government;
(5) Intoxication while on duty;

(6) Engaging in political activity prohibited under Section 4 of this Article;

b. Any employee in the career service who is suspended, removed, demoted, or reduced in rank for any of the above causes shall have the right to appeal to the Personnel Board, except those having grievance procedures in collective bargaining contracts, which deal with suspension, removal, demotion or reduction in rank.

c. If, for reasons of economy, or other reasons, it shall be deemed necessary by the Municipal government to reduce the number or rank of paid employees, such reductions shall not be subject to the provisions of this section, but shall be accomplished in accordance with rules and regulations promulgated by the Manager and approved by Council.

Section 6. The Career Service

The career service shall be a permanent service to which the provisions of this Article shall apply and shall comprise all positions in the Municipal service now existing or hereafter established, except the following:

a. Members of the Council and other elected positions;

b. Members of boards, commissions, authorities and heads of departments;

c. Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of Council or the Manager;

d. Persons employed as professional consultants or who are employed on a retainer basis;

e. Persons whose positions are defined by the General Assembly to be of a confidential nature;

f. Controller's staff and employees;

g. Part-time or occasional employees.

ARTICLE XVI

THE PERSONNEL BOARD

Section 1. Jurisdiction

The Personnel Board shall have jurisdiction in all cases involving career service employees who have been suspended, removed, reduced in rank or demoted except career service employees represented by bargaining units which have executed contracts with the Municipality which provide for grievance procedures dealing with suspension, removal, reduction in rank or demotion. Where such grievance procedures exist, it is the intent of this Charter to exclude appeal to the Personnel Board.

Section 2. Composition
The Mayor, with the advice and consent of Council, shall, within ninety (90) days of the first organizational meeting of Council, appoint from the registered electors of the Municipality a Personnel Board composed of three (3) members.

Section 3. Terms; Limitations on Terms

In making appointments to the first Board under the provisions of this Charter, the Mayor shall designate one (1) member to serve for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Thereafter, all appointments shall be made for terms of three (3) years.

No individual shall be eligible to serve on the Personnel Board for more than two full three (3) year terms. After the expiration of two (2) years such individual shall be eligible for another appointment to the Board.

Any vacancy occurring on the Personnel Board for any reason whatsoever shall be filled by the Mayor with the advice and consent of Council for the unexpired term within the period of thirty (30) days after such vacancy occurs. Members of the Personnel Board may be removed from office by the Mayor with the advice and consent of Council.

Section 4. Offices Incompatible with Membership on the Personnel Board

No member of the Personnel Board shall, at the same time, be a Municipal employee or hold an elective or appointive office under the United States Government, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth. No member of the Board shall be a member of any local, state or national committee of a political party. Nor shall any member of the Personnel Board be an officer or employee of any bargaining agency representing employees of the Municipality.

The first sentence of this section shall not be construed to apply to members of the teaching profession or to employees of any school district.

Section 5. Compensation

Members of the Personnel Board shall receive no compensation.

Section 6. Oath of Office

Each member of the Personnel Board shall take an oath of office which shall be the same as that prescribed for the members of the Council.

Section 7. Organization of the Board; Quorum

The Personnel Board first appointed shall organize within ten (10) days of its appointment and shall elect one of its members as Chairman and one as Secretary. The Board shall thereafter meet and organize on the first Monday of January of each even-numbered year. The Secretary of the Board shall give each member twenty-four (24) hours notice of every meeting of the Board. Two (2) members of the Board shall constitute a quorum and no action of the Board shall be valid unless it shall have the concurrence of at least two (2) members.

Section 8. Clerical Assistance, Legal Counsel and Supplies

The Municipality shall furnish to the Board, on its requisition, such clerical assistance and
supplies as may be necessary for the work of the Board. The Municipality shall provide a suitable and convenient room for the use of the Board. The Council shall provide legal counsel upon request of the Board in complex cases.

Section 9. Minutes and Records

The Board shall keep minutes of the proceedings and records of other official actions. Such records shall be kept and preserved in accordance with general law.

Section 10. Powers and Duties of the Board

It shall be the function and duty of the Personnel Board to grant a hearing to an employee who has been suspended, removed, reduced in rank, or demoted, upon the request of such employee. The Board shall hear and render a decision on every appeal properly brought before it. All parties shall have the right of further appeal as provided in "Local Agency Law," Act of December 2, 1968 (P.L. 1133), as now or hereafter amended, supplemented, re-enacted or supplied.

Section 11. Rules and Procedures Governing Appeals to the Personnel Board

The first Personnel Board established under this Charter shall, within ninety (90) days of its organization, set forth in writing the rules and procedures which shall govern appeals as permitted herein. Such rules and procedures shall provide for, but not be limited to, a due process hearing, and shall otherwise comply with the provisions of the 'P Local Agency Law."

The rules of the Board shall further provide that no order of suspension made by the Board shall be for a period of longer than one (1) year, and that the Board may sustain the charges or reduce the length of suspension or dismiss the charges.

All hearings of appeal involving career service employees shall be closed to the public and the transcript sealed, unless otherwise requested by the employee taking the appeal.

The rules and procedures established by the Board, and any revisions or amendments thereto, shall, before adoption by the Board and approval of the Council, be reviewed and commented on by the Council and the Manager.

The personnel procedures or policies established under the provisions of this Charter shall not be in conflict with Acts of the General Assembly providing for collective bargaining and arbitration.

Section 12. Decision

The Board shall render its decision within thirty (30) days of the receipt of the transcript.

In the event the appellant is cleared of all charges, then the appellant shall be reinstated to the position with full pay for the period during which the appellant was suspended, removed, reduced in rank, or demoted.

Upon such acquittal and after the expiration of all time for appeal, all such references to the charge, hearing and decision shall be removed from all Municipal records and destroyed.

Section 13. Investigations; Subpoenas

The Board shall have the power to make investigations on all matters touching the administration and fulfillment of its powers and duties. The Chairman or Acting Chairman of the Board shall have the power to administer oaths and affirmations in connection with such
investigations. The Board shall have the power to issue subpoenas over the signature of a Board member to require the attendance of the witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts.

All officers in public service and employees shall attend and testify when required to do so by the Board.

If any person shall refuse or neglect to obey any subpoena issued by the Board, that person shall, upon conviction thereof and a summary proceeding, be sentenced to pay a fine not to exceed $100.00 and in default of the payment of such fine and cost shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena issued by the Board, the Board may apply by petition to the appropriate court for its subpoena requiring the attendance of such persons before the Board or the court.

ARTICLE XVII

PLANNING AND ZONING

Section 1. Planning Agencies

Council shall, within one (1) year of the date of its first organizational meeting, adopt an ordinance creating a Planning Commission or Planning Department, or both. Thereafter, at least one such Planning Agency shall be retained as the Planning Agency of the Municipality.

The composition, compensation, eligibility of membership, appointment, term, vacancy, removal, conduct of business, powers and duties of a Planning Commission or Planning Department Director shall be governed by the provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as now or hereafter amended, supplemented, re-enacted or supplied.

Section 2. Comprehensive Plan and Official Map

Council shall, within three (3) years of the date of its first organizational meeting, adopt ordinances creating a Comprehensive Plan and Official Map. These ordinances shall be adopted pursuant to and shall be subject to the provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as now or hereafter amended, supplemented, re-enacted or supplied.

Section 3. Subdivision and Land Development, Zoning and Zoning Hearing Board

Council shall, within three (3) years of the date of its first organizational meeting, adopt ordinances governing Subdivision and Land Development and Zoning and Zoning Hearing Board. These ordinances shall be adopted pursuant to and shall be subject to the provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as now or hereafter amended, supplemented, re-enacted or supplied.

Section 4. Planned Residential Development

Council shall, within three (3) years of the date of its first organizational meeting, adopt a Planned Residential Development Ordinance pursuant to and subject to the provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as now or hereafter amended, supplemented, re-enacted or supplied.
Section 5. Building and Housing Code

Council shall, within one (1) year of the date of its first organizational meeting, adopt a Building and Housing Code.

ARTICLE XVIII

ADMINISTRATIVE CODE

The Council shall, within six (6) months following the full effective date of this Charter, adopt by ordinance an administrative code providing a complete plan of organization and structure for the Municipal government. The administrative code may authorize the Municipal Manager to promulgate regulations dealing with questions of organization and structure. The administrative code and any regulations promulgated pursuant thereto shall be consistent with this Charter.

ARTICLE XIX

GENERAL PROVISIONS

Section 1. Preferential Treatment Prohibited

No officer or employee of the Municipality shall accept or receive, directly or indirectly from any public or private utility operating within the territorial limits of the Municipality, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service or accept or receive, directly or indirectly from any person or corporation any other service upon terms more favorable than is granted to the public generally.

Section 2. Improper Solicitation of Political Support

No candidate for office, appointment or employment and no officer, appointee or employee in the Municipality shall, directly or indirectly, give or promise any person any office, position, employment, or anything of substantial value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which such candidate was elected or appointed.

Section 3. Duty to Testify

Any person hereafter elected or appointed to any office or position in a Municipal government under this Charter who, after lawful notice or process, shall willfully refuse or fail to appear before any court, any legislative committee, or the Governor, or having appeared shall refuse to testify or to answer any question regarding the property, government or affairs of the Municipality, or regarding that person's nomination, election, appointment or official conduct on the ground that the answer would tend to incriminate him/her, or shall refuse to waive immunity from prosecution on account of any such matter in relation to which that person may be asked to testify, may be removed from office by the Council of the Municipality in its discretion.

Section 4. Severability

It is the intent of the electors of this Municipality that if this Charter cannot take effect in its
ARTICLE XX

TRANSITION

Section 1. Rights and Privileges of Employees

This Charter shall not give any power or authority to diminish any rights or privileges of any present or former Municipal employee entitled to benefits in his pension or retirement system.

An employee holding a Municipal position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established pursuant to Article XIV.

Section 2. Rights of Elected Officials

In accordance with the provisions of Act 62, all elected officials in office at the time of adoption of this Charter shall have the right to continue in office until their terms expire.

Section 3. Township Treasurer

The Treasurer of the Township of Penn Hills at the time this Charter shall be in full effect shall continue to perform the duties of the office of Treasurer and Tax Collector as provided in the First Class Township Code.

Any official or employee charged with duties or given powers by this Charter which are the same as or similar to those of the said Treasurer-Tax Collector shall be excused from performing such duties and exercising such powers during the time the incumbent Treasurer remains in office.

Section 4. Ordinances to Remain in Force

All ordinances, regulations and resolutions in force at the time this Charter takes effect, which are not inconsistent with the provisions of this Charter, shall remain and be in force until altered, modified or repealed by or under authority of this Charter or ordinance.

Section 5. Pending Actions and Proceedings

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the Municipality or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

Section 6. Continuance of Contracts, Public Improvements and Taxes

All contracts entered into by the Municipality, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other...
obligations owing to the Municipality which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

Section 7. Departments, Offices, Agencies, Boards and Commissions

a. Transfer of Powers. If a Municipal department, office, agency, board or commission is abolished by this Charter, the powers and duties given it by law shall be transferred to the Municipal department, office, agency, board or commission designated in this Charter or, if the Charter makes no provision, designated by the Council.

b. Property and Records. All property, records and equipment of any department, office, agency, board or commission existing when this Charter is adopted shall be transferred to the department, office, agency, board or commission assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices, agencies, boards or commissions designated by the Council in accordance with this Charter.

c. Existing Authorities. The Municipality's membership and participation in any Municipal authority at the time this Charter is adopted shall continue and the persons representing the Municipality on the board of any such authority shall continue in office until the normal expiration of their terms or until their successors are appointed.

Section 8. Existing Police Civil Service Commission

The Civil Service Commission of the Township of Penn Hills shall continue in office and function under the provisions of the First Class Township Code. The Commission shall hear and dispose of all appeals of police entered within one hundred fifty (150) days of the first organizational meeting of Council. No appeal shall be entered with the Commission after one hundred fifty (150) days of the first organizational meeting of Council. Upon rendering its decision in its final case the Civil Service Commission shall be dissolved, and all proceedings thereafter shall be within the jurisdiction of the Personnel Board.

ARTICLE XXI

SCHEDULE

Section 1. Election to Adopt Charter

This Charter shall be submitted to a vote of the electors of the Township of Penn Hills at the general election to be held on November 6, 1973.

Section 2. First Election

The first elections required to effect the provisions of this Charter shall be conducted by the election officials of the Township of Penn Hills and the County of Allegheny, in accordance with the Pennsylvania Election Code in the year 1975.

Section 3. Time of Taking Full Effect
This Charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected Council.

Section 4. First Meeting of Council

On the first Monday in January following the first election of Council members under this Charter, the Council shall meet at 8:00 p.m. in the legislative chambers of the Penn Hills Municipal Building.

Section 5. Temporary Ordinances

At its first meeting or at any meeting held within sixty (60) days thereafter, the Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective Municipal government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered without prior notice and may be adopted with or without amendment or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first (91st) day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed by the Charter for ordinances of the kind concerned.

Section 6. Purpose of the Schedule

The purpose of Articles XX and XXI is to provide a transition from the present government of the Township of Penn Hills to the new government provided for in this Charter and to inaugurate the new government under the provisions of this Charter. They shall constitute a part of this Charter only to the extent and for the time required to accomplish this aim.

ARTICLE XXII

RECALL

Section 1. Officers Subject to Recall

Any person holding an elective office of the Municipality, whether by election, succession or appointment to fill the vacancy, shall be subject to removal from office at a recall election in the manner provided in this Article or as may otherwise be provided by this Charter or applicable law.

(Adopted May 17, 1977)

Section 2. Reasonable Cause

a. The recall of an incumbent of an elective office shall be for reasonable cause which shall include, but not be limited to, an act or acts which constitute forfeiture of office under this Charter, malfeasance in office, misfeasance in office, or a violation of the oath of office,
committed by any elective public officer of the Municipality during the term of office which he or she is presently serving.

b. For the purpose of this Article:

(1) "Malfeasance in office" means an unlawful act committed willfully by any elective public officer.

(2) "Misfeasance in office" means the fulfillment of a statutorily imposed duty in an unlawful or improper manner by an elective public officer.

(3) "Violation of the oath of office" means the neglect or failure by an elective public officer to perform faithfully a duty imposed by law.

(Adopted May 17, 1977)

Section 3. Initiating the Recall

Whenever any registered voter or committee or organization of legal voters of the Municipality shall desire to demand the recall and discharge of any person holding an elective office of the Municipality, he, she, or they shall prepare a typewritten charge reciting:

a. The name of the officer;

b. The title of the office;

c. The grounds for holding a recall election (as set forth above); which charge shall state the act or acts complained of in concise language, without unnecessary repetition, and shall be signed by the person or persons making the same, give their respective addresses, and be verified under oath that he, she, or they believe the charge or charges to be true.

(Adopted May 17, 1977)

Section 4. Charge; Sufficiency of Grounds

The grounds for recall to be recited in a petition for recall are sufficient if it can be understood therefrom that the act or acts charged therein are clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.

(Adopted May 17, 1977)

Section 5. Ballot Synopsis

The charge shall be filed in triplicate with the County Board of Elections, which Board shall, within fifteen (15) days of the filing of the charge, formulate a ballot synopsis of such charge not to exceed two hundred (200) words, which shall set forth the name of the person charged, the title of the office, and a concise statement of the elements of the charge, and shall notify the elective officer against whom such charge or charges have been made, and the persons filing the charge, of the exact language of such ballot synopsis. A copy of the charge filed and a copy of the ballot synopsis shall be served on the elective officer and the persons filing the charge by certified or registered mail or by personal service. Thereafter such charge shall be designated
on all petitions, ballots and other proceedings in relation thereby to such synopsis.
(Adopted May 17, 1977)

Section 6. Enforcement Provisions; Jurisdiction; Appeals

Any person aggrieved by the filing of recall charges or by the failure thereafter of the Board of Elections to perform duties in relation to the recall, may petition for relief to the Court of Common Pleas of Allegheny County. In reviewing such petition, the Court shall have the jurisdiction to consider the following grounds:

a. The sufficiency or specificity of such recall charge or charges;

b. The sufficiency or specificity of the ballot synopsis of such recall charge or charges;

c. The issuance of a writ of mandamus to compel the performance of any act required of the Board of Elections or to prevent the performance by the Board of any act in relation to recall not in compliance with laws

d. The existence or lack of facts establishing prima facie the truthfulness of such recall charge or charges, provided that any person challenging any such recall charge pursuant to this subsection shall have the burden of proof by clear and convincing evidence.

Any proceeding pursuant to subsections a, b and d of this Article shall be commenced within fifteen (15) days from the time that notice is given of the preparation of a ballot synopsis of such recall charge or charges and, further provided, that any proceeding pursuant to subsection c of this Article shall be commenced within ten (10) days from the time the cause of complaint arises.

Actions brought pursuant to this Article shall be considered an emergency matter of public concern, take precedence over other cases and be speedily heard and determined. Any proceeding to review a decision of the Court of Common Pleas shall be begun and perfected within fifteen (15) days after its decision in a recall election case and shall be by the Supreme Court considered an emergency matter of public concern and speedily heard and determined.
(Adopted May 17, 1977)

Section 7. Preparation of Recall Petition

Fifteen days after being notified of the language of the ballot synopsis of the charge, the person or persons filing the charge shall cause to be prepared petitions for recall and discharge of such officer. Such petition shall state the elective official's name, title of the office and the ballot synopsis as prepared by the Board of Elections.
(Adopted May 17, 1977)

Section 8. Number of Signatures Required

An election for the recall of such an elected official shall be directed where such petition has been signed by at least twenty percent (20%) of the registered electors voting at the last gubernatorial election in the Municipality and the procedure set forth has been followed:

a. Each elector signing a recall petition shall add to his or her signature his or her
signature his or her residence, and the date of signing. All signatures must be executed in ink or indelible pencil. Signatures on a recall petition may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors of the Municipality, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

b. A recall petition shall be filed with the County Board of Elections. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is filed. Upon filing with the Board of Elections, the petition shall be available for examination and copying by any interested person. Within fifteen (15) days after the filing of the petition, the Board of Elections shall, in writing, pass upon the validity of the petition and the validity and the number of signatures required thereon. The decision of the Board of Elections shall be subject to immediate review on appeal to the Court of Common Pleas of Allegheny County.

(Adopted May 17, 1977)

Section 9. Notice to Incumbent and Petitioner's Representative

a. As soon as the Board of Elections has issued its written decision as provided for in Section 8b. above, the Board, in writing, shall notify the incumbent named in the petition that a petition has been filed and a copy of the Board's decision shall be attached to the notice.

b. If a representative of the petitioners has filed in writing a request with the Board for a copy of such notice and the Board's decision, a copy of the notice and decision shall also be served on the petitioner's representative at the same time.

c. The notice and decision shall be served on the incumbent and any such representative of the petitioners by certified or registered mail, or personal service.

d. Upon receipt of such notice, the incumbent may resign from his or her office and thereupon the recall proceeding shall terminate.

(Adopted May 17, 1977)

Section 10. Recall Elections

a. If the incumbent against whom a recall petition is directed does not effectively resign from his or her office within ten (10) days after notice of the filing of such a petition shall have been given to him or her, the Board of Elections shall arrange a recall election. If a regular or special election is to be held not less than thirty (30) days or more than ninety (90) days after the ten days have expired, the recall question shall be placed before the electors in such an election. Otherwise a special recall election shall be fixed by such Board for a date not earlier than thirty (30) days nor later than ninety (90) days after the ten days have expired. The incumbent against whom the recall petition is directed may resign at any time prior to the recall election and thereupon the recall election shall not be held.

b. The following question shall be presented to each elector in a recall election:

"Shall (name of officer) be recalled and removed from the office of (name of office)
because (here insert the synopsis of the charge as prepared by the Board of Elections)."

c. The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote "yes" or "no" on the question.

d. If a majority of the registered electors who vote on the question of recall shall vote "yes," the incumbent shall be deemed recalled and removed from office, but if a majority of the registered electors do not vote "yes," he or she shall remain in office. Should the result of such an election be affirmative, the date of removal and vacancy in the office shall be seven (7) days subsequent to the date when the results of the election are certified by the Board of Elections, unless such date is postponed by an order from a court of competent jurisdiction.
(Adopted May 17, 1977)

Section 11. Disqualification

No person who has been removed from an elective office by a recall election or who has resigned from such an elective office after a recall petition directed to him or her has been filed shall be eligible for appointment to any elective office of the Municipality within two (2) years after his or her removal or resignation.
(Adopted May 17, 1977)

Section 12. Limitations

No recall petition may be filed against any incumbent of an elective office within the first year or the last nine months of the term of his or her office or within nine months after an unsuccessful recall election against him or her, but an officer who has been reelected for a successive term shall be subject to recall during the first year of such term.
(Adopted May 17, 1977)

ARTICLE XXIII

INITIATIVE AND REFERENDUM

Section 1. General Authority

a. Initiative. The qualified electors of Penn Hills shall have the power to propose ordinances to the Council by an initiative petition. If the Council fails to adopt the proposed ordinance without any change in substance, the ordinance shall be placed on the ballot at a regular or special election for adoption or rejection by the voters of Penn Hills.

b. Referendum. The qualified electors of Penn Hills shall have the power to require the Council to reconsider any adopted ordinance. If the Council fails to repeal an ordinance so reconsidered, the ordinance shall be placed on the ballot at a regular or special election for adoption or rejection by the qualified electors of Penn Hills.

c. Restrictions.

(1) All results of ordinances proposed by initiative or repealed by referendum must be in compliance with all County, State and Federal laws.
(2) No initiative or referendum petition may be filed that requires any changes in the adopted budget or that requires any changes in taxes, fees, funds, assessments or changes that are levied in the adopted budget to meet required appropriations therein.

(3) No initiative and referendum petitions may be filed that deal with the status of employees or officials of the Municipality of Penn Hills except as provided by Article XXII, RECALL.

(Adopted November 6, 1984)

Section 2. Commencement of Proceedings

Any fifty (50) qualified electors may begin initiative or referendum proceedings by filing with the Clerk an affidavit stating that they will constitute the petitioners' committee, stating their names and addresses and the address to which all notices to the committee are to be sent. The affidavit shall also include the full text of the proposed ordinance or cite the ordinance sought to be reconsidered. A filing fee of twenty-five dollars ($25.00) shall be paid by the petitioners' committee to cover expenses to Penn Hills. Promptly after the affidavit of the petitioners' committee is filed, the Clerk shall issue appropriate petition blanks to the committee. The petitioners' committee shall be responsible for circulating the petition and filing it in proper form within sixty (60) days after filing the committees' affidavit.

(Adopted November 6, 1984)

Section 3. Petitions

a. Number of Signatures. Initiative and referendum petitions must be signed by at least twenty percent (20%) of the total number of qualified electors registered to vote at the last regular Penn Hills election.

b. Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature must be executed in ink or indelible pencil and must be followed by the date of the signature and address of the person signing. The full text of the ordinance proposed or sought to be reconsidered must be contained within or attached to each paper of the petition throughout its circulation.

c. Affidavit. Each paper of the petition shall have attached to it, when it is filed, an affidavit of the circulator which states that to the best of his knowledge the persons whose signatures appear on the petition are registered electors of Penn Hills, that their residences are correctly given, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that they signed with full knowledge of the contents of the petition.

d. Time for Filing Referendum Petition. Referendum petitions must be filed no later than sixty (60) days after publication of the approved ordinance sought to be reconsidered.

(Adopted November 6, 1984)

Section 4. Procedure after Filing

a. Certification. Within twenty (20) days after the petition is filed, the Clerk shall certify its sufficiency, specifying in exactly which ways, if any, it is deficient, and shall immediately
send a copy of the certificate to the petitioners' committee by certified mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within five (5) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of the certificate. Such supplementary petition shall comply with all the requirements of the original petition. Within five (5) days after it is filed, the Clerk shall again certify the sufficiency of the amended petition and promptly send a copy of this certificate to the petitioners' committee by certified mail as in the case of the original petition.

b. **Council Review.** If no certification is received by the petitioners' committee within the specified time, they may request a review by the Council. If a petition has been certified insufficient and the petitioners' committee does not file a notice of intention to amend the petition, or if an amended petition has been certified insufficient, the petitioners' committee may, within two (2) days after receiving the copy of the certificate, file a request that the certificate be reviewed by Council. The Council shall review the certificate at its next meeting after the filing of the request and approve or disapprove it.

c. **Court Review.** A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(Adopted November 6, 1984)

Section 5. **Referendum Petitions; Suspension of Ordinance**

When a referendum petition is filed with the Clerk, the ordinances sought to be reconsidered shall be suspended from taking effect. Such suspension shall end when:

a. There is a final determination of the insufficiency of the petition; or

b. The petitioners’ committee withdraws the petition; or

c. The Council repeals the ordinance; or

d. Upon certification of the election results.

(Adopted November 6, 1984)

Section 6. **Action of Petitions**

a. **Action by Council.** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the same manner as other ordinances or reconsider the ordinance cited in the referendum petition by voting its repeal. If the Council fails to adopt the proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the ordinance cited in the referendum petition within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or cited ordinance to the electors of Penn Hills.

b. **Submission to the Electors.** The vote of Penn Hills on a proposed or cited ordinance shall be held, at the earliest available election, in accordance with the provisions of the election laws of the Commonwealth of Pennsylvania. Copies of the proposed or cited ordinance shall be available to the public at least ten (10) days before the scheduled election and at the polls.
c. **Withdrawal of Petitions.** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote in Penn’ Hills on the petition. No petition shall be withdrawn except by written request signed by forty (40) members of the petitioners’ committee. Upon filing of a withdrawal request the petition shall have no further force or effect and all proceedings thereon shall be terminated. (Adopted November 6, 1984)

Section 7. **Results of Election**

a. **Initiative.** If a majority of the qualified electors on the question vote in favor of the proposed initiative ordinance, the ordinance shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

b. **Referendum.** If a majority of the qualified electors on the question vote in favor of repeal of the ordinance cited in the referendum petition, the ordinance shall be considered repealed upon certification of the election results. (Adopted November 6, 1984)
TITLE TWO - General Provisions
   Chap. 204. Official Standards.
   Chap. 206. Wards and Boundaries.
   Chap. 207. Open Records Policy.
   Chap. 208. General Fee Schedule.

TITLE FOUR- Legislation
   Chap. 212. Ordinances and Resolutions.

TITLE SIX- Administration
   Chap. 220. Administration Generally.
   Chap. 222. Manager.
   Chap. 224. Attorney.
   Chap. 226. Controller.
   Chap. 228. Department of Administration.
   Chap. 230. Department of Finance.
   Chap. 234. Department of Public Safety.
   Chap. 236. Department of Public Safety - Division of Fire Prevention.
   Chap. 238. Department of Code Enforcement.
   Chap. 240. Department of Parks and Recreation.
   Chap. 242. Department of Planning and Development.
   Chap. 244. Department of Public Works.
   Chap. 246. Department of Water Pollution Control.
   Chap. 248. Library Department.
   Chap. 250. Office of Citizen Service and Information.
   Chap. 252. Contracts and Purchases.

TITLE EIGHT - Authorities, Boards, Commissions, Etc.
   Chap. 260. Authorities.
   Chap. 262. Personnel Board.
   Chap. 266. Planning Commission.
   Chap. 268. Zoning Hearing Board.

2011 Replacement
TITLE EIGHT - Authorities, Boards, Commissions, Etc. (Cont.)
Chap. 270. Penn Hills Area Agency on Aging.
Chap. 272. Board of Library Directors.
Chap. 274. Citizens’ Advisory Council on Community Development.
Chap. 276. Recreation Advisory Committee.
Chap. 277. Economic Development Committee.
Chap. 278. Historical Committee.
Chap. 279. Arts Council.

TITLE TEN - Employment Provisions; Benefits and Pensions
Chap. 280. Employees Generally.
Chap. 286. Employees Pension Fund.
Chap. 289. Employee Memorial Program.

TITLE TWELVE - Judicial
Chap. 290. District Magistrate.
CODIFIED ORDINANCES OF PENN HILLS

PART TWO - ADMINISTRATION CODE

_______________________________

TITLE TWO - General Provisions
Chap. 204. Official Standards.
Chap. 206. Wards and Boundaries.
Chap. 207. Open Records Policy.
Chap. 208. General Fee Schedule.

CHAPTER 202
Codified Ordinances

202.01 Designation; citation; headings. 202.04 Separability of provisions.
202.02 Amendments and supplements; 202.05 Sections and ordinances repealed.
numbering. 202.06 Exemptions from repeal.

CROSS REFERENCES
Codification - see CHTR. Art. XII, ■6
Ordinances and resolutions - see ADM. Ch. 212

202.01 DESIGNATION; CITATION; HEADINGS.
(a) This volume consists of all ordinances and resolutions of a general and permanent
nature of the Municipality, as revised, codified, arranged, numbered and consolidated into
component codes, titles, chapters and sections, and as such shall be known and designated as the
Codified Ordinances of Penn Hills, or the Penn Hills Municipal Code, for which designation
■Codified Ordinances■ may be substituted. Code, title, chapter and section headings do not
constitute any part of the law as contained in the Codified Ordinances.

(b) All references to codes, titles, chapters and sections are to such components of the
Codified Ordinances unless otherwise specified. Any component code may be referred to and cited
by its name, such as the ■Traffic Code■. Sections may be referred to and cited by the designation
■section■ followed by the number, such as ■Section 202.01■.
202.02 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(a) The Penn Hills Municipal Code may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Penn Hills Municipal Code and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each Code shall be subdivided into titles and/or chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except penalty sections, shall be consecutive within each chapter commencing with the first section of Chapter 202, which shall be numbered 202.01, the first "2" signifying Code 2, and the two figures "02" before the decimal signifying the chapter within the Code, and the two figures "01" after the decimal signifying the first section in Chapter 202 of the Code. Penalty sections shall be designated "99" and shall be the last section of a chapter.

202.03 DEFINITIONS AND INTERPRETATION.

In the construction of the Codified Ordinances, the following rules and definitions shall control, excepting those inconsistent with the manifest intent of Council as disclosed in a particular provision, section or chapter:

1. Administrative Service. Administrative service means all personnel in those units of the Municipality which are under the authority of the Manager.


3. Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.

4. Calendar-Computation of Time. The terms "month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, unless the last day is a Sunday, in which case it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.


6. Conjunctions. And includes or and or includes and, if the sense so requires.


(9) **Gender.** Words importing the masculine shall extend and be applied to the feminine and neuter genders.

(10) **General Rule.** Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.

(11) **Joint Authority.** Words giving authority to a board, commission, authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.

(12) **Keeper and Proprietor.** Keeper• and proprietor• mean persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

(13) **Land and Real Estate.** Land• and real estate• include rights and easements of an incorporeal nature.

(14) **Law.** Law• means all applicable laws of the United States of America and the Commonwealth of Pennsylvania.

(15) **Manager.** Manager• means the Manager of the Municipality of Penn Hills, Pennsylvania.

(16) **Municipality.** Municipality• means the Home Rule Municipality of Penn Hills, Pennsylvania.

(17) **Number.** Words in the plural include the singular and words in the singular include the plural number.

(18) **Oath.** Oath• includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples about taking an oath. An affirmation shall have the same force and effect as an oath.

(19) **Ordinance.** Ordinance• means and includes any ordinance of the Municipality, including any provision of these Codified Ordinances.

(20) **Owner.** Owner• when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.

(21) **Person.** Person• means an individual, association, club, corporation, firm, partnership, body politic or other legal entity.

(22) **Premises.** Premises• when used as applicable to property, extends to and includes land and buildings.

(23) **Property.** Property• includes real and personal property and any mixed and lesser estates or interests therein. Personal property• includes every kind of property except real property; real property• includes lands, tenements and hereditaments.

(24) **Publish.** Publish• means to print in a newspaper of general circulation in the Municipality the entire document or a brief summary thereof with a listing of places where copies have been filed and times when they are available for inspection.

(25) **Reasonable Time.** In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or the giving of such notice.

(26) **Residence.** Residence• means an abode in which an officer or employee permanently resides with his family.

(27) **Sidewalk.** Sidewalk• means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

(28) **State and Commonwealth.** State• and Commonwealth• mean the Commonwealth of Pennsylvania.

(29) **Street.** Street• means alleys, avenues, boulevards, lanes, roads, streets, State highways and other public ways in the Municipality.

(30) **Tenant and Occupant.** Tenant• and occupant• as applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of, or who occupies
the whole or any part of, a building or land, alone or with others.

(31) **Tenses.** The use of any verb in the present tense includes the future.

(32) **Time.** Whenever any time established in the Codified Ordinances for the taking of any action expires on a Sunday or legal holiday, such time shall not expire on such day but shall expire on the next week day.

(33) **Unit.** Unit means any governmental entity of the Municipality.

202.04 SEPARABILITY OF PROVISIONS.
Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such section or part of a section so held to be invalid.

202.05 SECTIONS AND ORDINANCES REPEALED.
All ordinances and parts of ordinances in conflict with the provisions of the Penn Hills Municipal Code are hereby repealed.

202.06 EXEMPTIONS FROM REPEAL.
The repeal provided for in Section 202.05 shall not affect:
(a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the adoption of the Penn Hills Municipal Code;
(b) Any ordinance or resolution promising or guaranteeing the payment of money by or to the Municipality, or authorizing the issuance of any bonds of the Municipality, or any evidence of the Municipality’s indebtedness, or any contract or obligation assumed by the Municipality;
(c) The administrative ordinances and resolutions of Council not in conflict or inconsistent with the provisions of the Codified Ordinances;
(d) Any right, license or franchise conferred by any ordinance or resolution of Council on any person or corporation;
(e) Any ordinance establishing, naming, relocating or vacating any street or other public way;
(f) Any ordinance or part thereof providing for the establishment of positions, for salaries or compensation;
(g) Any prosecution, suit or other proceeding pending, or any judgment rendered, on or prior to the adoption of these Codified Ordinances;
(h) Any ordinance levying or imposing taxes or assessments;
(i) Any ordinance establishing or changing the boundaries of the Municipality; or
(j) Any ordinance or resolution adopted by Council after the adoption of the Codified Ordinances.

202.09 GENERAL CODE PENALTY; COMPLICITY.
Whoever violates or fails to comply with any of the provisions of these Codified Ordinances, including any rule or regulation promulgated pursuant to any of the provisions of these Codified Ordinances, and including any provision of a technical or other code adopted by reference in these Codified Ordinances, for which no penalty is otherwise provided, shall be fined not more than one thousand dollars ($1,000), and, in default of the payment thereof for any reason other than indigency, shall be imprisoned not more than thirty days, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or
continues, unless otherwise provided.
(Ord. 2176. Passed 7-13-94.)
CHAPTER 204
Official Standards

EDITORS NOTE: There are no sections in Chapter 204. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Name of Municipality - see CHTR. Art. I, ● 1
Boundaries of Municipality - see CHTR. Art. I, ● 2
Powers of the Municipality -see CHTR. Art. II
CHAPTER 206
Wards and Boundaries

EDITOR’S NOTE: Resolution 6-1967, passed March 6, 1967, provided for a compromise boundary line between a portion of the Municipality and the Borough of Plum.

Ordinance 1221, passed February 3, 1969, reapportioned and redivided the Municipality into seven wards, pursuant to Section 11 of Article IX - Local Government, approved as an amendment to the Pennsylvania Constitution on April 23, 1968. Subsequently, however, a Commission was appointed by the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, to inquire into the redivision of the Municipality in compliance with the requirements of the one man - one vote standard for redistricting as set forth by the Supreme Court of the United States. By Order of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, which Order is dated September 17, 1970 (No. 60 September Sessions, 1966, Miscellaneous Docket), the recommendations of the Commission were confirmed absolutely and the Municipality was divided into nine wards, the descriptions of which are attached to the Court’s Order. Copies of the Court’s Order are available, at cost, from the office of the Municipal Attorney.

There are no sections in Chapter 206. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Boundaries of the Municipality - see CHTR. Art. I, § 2
Eminent domain - see CHTR. Art. II, § 2, Art. IX, § 7
CHAPTER 207
Open Records Policy

207.01 Purpose.
The purpose of this policy is to assure compliance with Act 3 of 2008, The Pennsylvania Right-to-Know Law, as amended; to provide access to public records of the Municipality of Penn Hills; to preserve the integrity of municipal records; and to minimize the financial impact to the residents of the Municipality regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
(Ord. 2504. Passed 11-17-08.)

207.02 Designated Open Records Officer.
It is the policy of the Municipality of Penn Hills to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Municipality. The Municipality designates the Municipal Manager/Clerk as the Open Records Officer, responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:
(a) The Municipal Manager may designate certain employee(s) to process public record requests.
(b) The Municipal Manager is responsible for minimizing, where possible, the financial impact to the Municipality regarding the resources utilized in the receipt and processing of public records requests and the retrieval and copying of public records.
(c) All requests for public records of the Municipality under this policy shall be specific in identifying and describing each public record requested. In no case shall the Municipality be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the Municipality does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and include the date of the request; requester's name, address and phone number, certification of United States residency; signature of requester; and if duplication is requested, appropriate payment.
(d) The designated employee shall make a good faith effort to determine whether each record requested is a public record.
(e) The Municipality shall facilitate a reasonable response to a request for Municipal public records. In no case is the Municipality expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the Municipality's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.
(f) The designated employee shall respond to the requester within five business days from the date of receipt of the written request. If the Municipality does not respond within five business days of receipt thereof, the request is deemed denied.

2011 Replacement
(g) The response provided by the Municipality shall consist of: (1) approval for access to the public record; (2) review of the request by the designated employee; or (3) denial of access to the record requested.

(h) If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Municipality. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect municipal public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

(i) Fees for duplication of public records shall be as established by the Commonwealth's Office of Open Records. The Municipality may at its discretion waive fees.

(j) In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed one hundred dollars ($100.00), the designated employee(s) shall obtain the expected cost in advance of fulfilling the request to avoid unwarranted expense of Municipal resources.

(k) If the request is being reviewed, the notice provided by the Municipality shall be in writing and include the reason for the review and the expected response date, which shall be within 30 days of the notice of review. If the Municipality does not respond within the 30 days thereof, the request is deemed denied. Review of the request is limited to situations where:

1. The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
2. The record requires retrieval from a remote location;
3. A timely response cannot be accomplished due to staffing limitations;
4. A legal review is necessary to determine whether the record requested is a public record;
5. The requester has failed to comply with the Municipality’s policy and procedure requirements;
6. The requester refuses to pay the applicable fees; or
7. The extent or nature of the request precludes a response within the required time period.

Upon a determination that one of the factors listed above applies, the Municipality shall send written notice to the requester within five 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. If the date that a response is expected to be provided is in excess of 30 days following the five business days allowed for, 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 agency has not provided a response by that date.

(l) If access to the record requested is denied, the notice provided by the Municipality shall be in writing as indicated on the form attached to Ord. 2504 entitled Denial of Request to Review and/or Duplicate Penn Hills' Municipal Records. •
(m) If the request is denied or deemed denied, the requester may file an appeal with the Commonwealth's Office of Open Records within 15 business days of the mailing date of the Municipality's notice of denial, or within 15 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 agency for delaying or denying the request.

(n) Within 30 days of the mailing date of the final determination of the appeals officer, the requester or Municipality may file a petition for review or other document as required by rule of court with the Court of Common Pleas for Allegheny County. The decision of the Court shall contain findings of fact and conclusions of law based upon the evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision. A petition for review under this section shall stay the release of documents until a decision is issued.

(o) This policy shall be available for review in the Manager's Office of the Penn Hills Municipal Building,
(Ord. 2504. Passed 11-17-08.)
CHAPTER 208
General Fee Schedule

208.01 Permits and other fees and charges. 208.02 Exemptions and waivers.

CROSS REFERENCES
Excavation permit fee - see S.U. & P.S. 1024.03, 1024.05
Site development plan fees - see P. & Z. 1220.31
Building permit fees - see B. & H. 1420.06

208.01 PERMITS AND OTHER FEES AND CHARGES.
Fees and charges for permits, licenses and public services, etc., shall be as follows:

(a) Permits,

(1) Building Permits

$6.00 per $1,000 or fraction thereof of total construction costs. No permit is required for improvements of $2,000 or less.

All decks: $50.00.

Minimum fee - $50.00.

An additional charge of $4.00 will be imposed for all building permits as required by the State to finance training inspection.

$100.00 - Accessibility Review - An additional charge for commercial building permit applications requiring an accessibility review.

(2) Building Permits in Flood Zones

$6.00 per $1,000 of construction costs. Minimum fee - $50.00.

(3) Occupancy Permits

$50.00 per unit one- and two-family residential.

$50.00 per unit for all R-2 Building Code structures.

$50.00 for boarders.

$50.00 per unit multi-family residential.

$100.00 per tenant commercial.

Dye testing - application approval: $20.00.

2013 Replacement
(4) Sign Permits

- Business signs - $2.00 per sq. ft.
- Residential signs - $1.00 per sq. ft.
- Advertising signs and billboards - $200.00 annually.
- New billboards - $500.00.
- Minimum fee for any sign - $50.00.
- For signs that involve $3,000 or more of construction costs, a building permit shall be required.

(5) Grading Permits

- $100.00 for first 1,000 cubic yards.
- $50.00 for each additional 1,000 cubic yards.
- Maximum fee - $15,000, and full payment of any required review by the Municipal Engineer.

(6) Street Opening Permits

- $2.00 per square feet of opening.
- Minimum fee - $50.00
- Maximum fee - $1,000.00
- $5,000 in cash bond to be kept until work is completed or $10,000 performance bond.

(7) Demolition Permits

- Single-family home - $50.00
- Other - $5.00 per $1,000 of demolition cost.
- Minimum fee - $100.00

(8) Temporary Use Permits

- $100.00 (30 days)

(9) Peddler's License

- Municipal residents: $3.00 per day, $10.00 per week, $25.00 per month, $100.00 per year.
- Non-Municipal residents: $5.00 per day, $20.00 per week, $50.00 per month, $200.00 per year.

(10) Swimming Pool Permits

- $5.00 per $1,000 of construction costs
- Minimum fee $50.00
- Portable pools - $50.00

(11) Junk Yard Licenses

- $800.00 per year.

2011 Replacement
(12) Coin-Operated Machine Permits

A. Jukebox - $100.00
B. Mechanical amusement devices - $200.00, includes pool tables, video and pinball machines, etc.
C. Mechanical devices that display or utilize a deck of cards, simulate a casino style game, or similar games - $1,500.00.

(13) Fire Code Permits

Permits required by Section 105 of the 2006 IFC - $50.00

(b) Sewer Charges.

(1) Single-family $2,600.00
(2) Double, Duplex, Row, Townhouses $2,600.00 per dwelling unit
(3) Multi-family $2,600.00 per EDU
(4) Commercial/Industrial $2,600.00 plus $100.00 per each trapped fixture
(5) Commercial/Industrial (Extra charges)

A. Fixtures: commodes, urinals, sinks, wash basins, laundry tubs, showers, floor drains, etc. $100.00
B. Restaurant sinks $500.00
C. Gas station wash bay $500.00
D. Car wash $700.00
E. Commercial laundry $100.00 per machine
F. Industrial waste discharge Permit $500.00 plus engineering costs

SEWER CHARGES/NOTES:

1. For sewer service to properties outside Municipal boundaries, all of the above fees shall be increased by 50%.
2. In multi-family dwellings there are no additional charges for laundries restricted to the use of residents of the building.
3. A $50.00 inspection fee shall be charged for alterations or repairs to existing sewer taps.
4. When new or altered sewage connections require review or inspection by the Municipal Engineer, the applicant shall pay 100% of such engineering costs.
5. A dye test performed by the Department of WPC $50.00

2013 Replacement
(c) Public Hearing Charges.

(1) Mayor and Council
   A. Zoning Amendments
      0-2 acres $1,000.00
      2-4 acres $1,400.00
      4+ acres $1,600.00
   B. Conditional Use Hearings $600.00
   C. Building/Fire Code, UCC Board hearing $500.00

(2) Zoning Hearing Board
   A. Appeals $500.00
   B. Special Exceptions $500.00
      Home Occupations $50.00
   C. Variances $500.00
      Single-Family $100.00

(3) Planning Commission
   A. Preliminary Site Plan or Land Development Approval:
      0-2 acres $500.00
      2-5 acres $700.00
      5+ acres $1,000.00
      Note: Plus 100% of Engineer’s fees if necessary
   B. Final Site Plan or Land Development Approval:
      0-2 acres $500.00
      2-5 acres $700.00
      5+ acres $1,000.00
      Exemptions $100.00
      Note: Plus 100% of Engineer’s fees if necessary
   C. Subdivisions - $100.00 per lot Residential -
      $200.00 Minimum -
      $200.00 per lot - $400.00 Minimum -
      Commercial/Industrial
      Note: See special inspection fees re: Engineers’ fees
   D. Consolidation Plans - Same as above for Subdivisions

2013 Replacement
E. Planned Residential Developments

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tentative approval</td>
<td>$1,000</td>
</tr>
<tr>
<td>Final approval</td>
<td>$800.00</td>
</tr>
<tr>
<td>Escrow</td>
<td>$1,000.00 (to be applied toward Engineer’s reviews)</td>
</tr>
</tbody>
</table>

(4) Uniform Construction Code Appeal

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$500.00</td>
</tr>
<tr>
<td>Commercial/Industrial</td>
<td>$800.00</td>
</tr>
</tbody>
</table>

(d) Special Inspections.

At Municipal costs.

(e) Special Inspections and Application Review for Dedication of Public Utilities, Major Subdivisions, Planned Residential Developments, and Land Development Requiring Review by the Municipal Engineer.

1% of estimated construction costs for facilities proposed to be dedicated, plus payment of Municipal Engineer's review fee and inspection costs at actual costs. Minimum deposit - $500.00. Subdivisions and land development over five acres a minimum deposit of $1,500.

(f) Ordinances/Misc.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>$20.00</td>
</tr>
<tr>
<td>Fire Code</td>
<td>UCC costs $5.00</td>
</tr>
<tr>
<td>Building Code</td>
<td>UCC costs $5.00</td>
</tr>
<tr>
<td>Recycling Can</td>
<td>$10.00, lid $5.00</td>
</tr>
<tr>
<td>Standards of Construction</td>
<td>$5.00</td>
</tr>
<tr>
<td>Subdivision</td>
<td>$20.00</td>
</tr>
<tr>
<td>Photocopies</td>
<td>$0.25 per page</td>
</tr>
<tr>
<td>Zoning Code Letters</td>
<td>$15.00</td>
</tr>
<tr>
<td>No Lien Letter</td>
<td>$15.00</td>
</tr>
<tr>
<td>Recycling Bags</td>
<td>Municipal Costs</td>
</tr>
<tr>
<td>GIS Maps</td>
<td>$10.00 small, $25.00 large</td>
</tr>
<tr>
<td>Contractor registration</td>
<td>$25.00</td>
</tr>
<tr>
<td>Fingerprinting</td>
<td>$15.00</td>
</tr>
<tr>
<td>Bid Documents</td>
<td>As determined by purchasing</td>
</tr>
<tr>
<td>Public Notice</td>
<td>For any application not previously covered by other sections of this ordinance that require public notice and/or require advertising costs the applicant shall pay the full advertising cost plus $100.00. A $500.00 deposit shall be required.</td>
</tr>
</tbody>
</table>

2013 Replacement
(16) Library Fines/Fees

Library fines and fees shall be established by the Library Director with the approval of the Manager and shall be generally consistent with the fees as established and amended by the Allegheny County Library Association.

(17) Transfer of Liquor License

$100.00 plus the cost of legal advertisement if necessary. Minimum deposit of $500.00 for legal advertising.

(g) Facilities.

1. Council Chambers  
   $25.00

2. Library Community Room  
   $50.00/hr. during hour
   $100.00/hr after hours

3. Library Meeting Rooms  
   $100.00/hr after hours
   * No fees for programs managed and operated by library staff

4. Library /damage and kitchen deposit  
   $50.00 during hours
   $100 after hours

5. Senior Citizen's Center Cafeteria  
   $100.00/hr.
   $200.00 damage deposit

6. Senior Citizen's Center Meeting Rooms  
   $20.00/hr Penn Hills Organizations/ alter after hours

7. Senior Citizen's Center Meeting Rooms  
   $40.00/hr Non-Penn Hills Organizations/ after hours
   * No fees for programs designed to directly benefit Penn Hills Seniors
   * After hour fees are subject to the availability of a janitor

(h) Parks and Recreation.

1. Park Pavilion  
   $50.00 inc. elec., restrooms and water
   $60.00 - Nonresident

2. Alcohol Permit  
   $25.00

3. Ballfields  
   $250.00 per season
   $100.00 per day
   $35.00 per 90 minutes

   Damage deposit for non-Penn Hills organizations  
   $500.00 baseball fields
   $1,000 other

4. Programs, activities  
   Varies; nominal fees based upon program costs

5. Program and Event Peddler  
   $100.00

(i) Refunds/Application Withdrawals. Applicants who withdraw an application may request a refund. Any refunded amount will be adjusted by the amount of costs incurred up to the date of the request and also the cost of processing the refund.

2013 Replacement
(j) **Returned Checks.** Applicants will be charged an additional $25.00 penalty for checks returned for insufficient funds. Any follow-up application shall be cash or money order.

(k) **Late Fees.** Any fees submitted past required due dates are subject to a 10% late charge. (Ord. 2146. Passed 6-7-93; Ord. 2423. Passed 6-7-04; Ord. 2449. Passed 5-1-06; Ord. 2497. Passed 5-5-08; Ord. 2515. Passed 10-19-09; Ord. 2542. Passed 3-19-12.)

208.02 **EXEMPTIONS AND WAIVERS.**

The Penn Hills Manager may waive a maximum of two hundred dollars ($200.00) in fees for Penn Hills Volunteer Fire Departments, the Penn Hills School District, and other community-based organizations for good cause to be determined by the Manager. Churches and religious organizations are not exempt from the above fees. Any other requests for a waiver of fees are subject to the expressed approval of the Penn Hills Council. (Ord. 2423. Passed 6-7-04.)
CHAPTER 209
Collection of Delinquent Accounts

209.01 Administrative charge.  209.04 Collection procedures.
209.02 Interest.  209.05 Related action.
209.03 Assessment of legal fees.

209.01 ADMINISTRATIVE CHARGE.
   (a) Any administrative fee and all costs incurred in mailing a notice of delinquency, not to exceed fifty dollars ($50.00), shall be added to the unpaid claim.

   (b) Administrative Fees, Costs and Expenses.
       (1) As an alternative to the aforementioned fifty dollar ($50.00) Administrative Charge, the Municipality does hereby authorize the recovery of servicing expenses set forth in division (b)(3). Servicing Expense Fee Schedule below that are incurred by the Municipality or charged to the Municipality by third parties retained by the Municipality in connection with efforts to collect unpaid municipal claims arising as a result of any taxpayer's failure to promptly pay real estate taxes assessed (Municipal Claim for Real Estate Taxes).

       (2) Servicing of Municipal claim for real estate taxes provided by third parties retained and/or appointed by the Municipality may result in voluntary payment of the delinquent real estate taxes due without the initiation of enforcement proceedings. The Municipality will incur servicing expenses in connection with the collection of delinquent real estate taxes. It is the intent to pass the servicing expenses on to the delinquent person or property as part of the Municipal claim for real estate taxes making the Municipality whole on all delinquent real estate taxes collected. The recovery of servicing expenses established herein shall not be contingent upon the initiation of enforcement proceedings. The servicing expenses authorized and established herein are exclusive of attorney fees and expenses, if any, due to legal counsel in enforcement proceedings.

       (3) Servicing expense fee schedule. The following schedule of servicing expenses shall constitute reasonable and appropriate servicing expenses and shall be added to and become part of each Municipal claim for real estate taxes and resulting tax claim, together with the face, penalties, interest, costs, attorney fees, and other charges, expenses, and fees, if any, and shall be payable in full before the discharge or satisfaction of the aforementioned. The schedule of servicing expenses is separate and distinct from any amounts imposed under divisions (b)(1) and (2) of this section, or imposed by Sheriff, Prothonotary, Tax Claim Bureau, court or any other public office in connection with the collection of the Municipal claim for real estate taxes.

       A. Servicing expenses. Not to exceed 10% of the gross collections.

          1. Gross collections for the purpose of calculating servicing expense shall include the face, penalty, interest and lien costs for each tax claim.
collected. •Lien costs• shall mean Prothonotary fees for the filing, satisfaction, revival, amendment and transfer of tax claims. Gross collections shall not include any record costs, attorney fees, or expenses related to enforced collection proceedings.

2. Liability for payment of the servicing expenses shall be for those delinquent taxes identified in division (b)(4) regardless of whether the taxes are filed as tax claims in the Allegheny County Prothonotary's Office.

(4) Liability for payment of servicing expenses authorized and listed herein shall accrue as follows:

A. For all unpaid Municipal claims for real estate taxes for tax years 2008 and prior;
B. For all Municipal claims for real estate taxes for tax years 2009 and thereafter if not paid in full on or before December 31 of the year in which the tax first became payable;
C. For tax bills resulting from additional assessments if:
   1. A current year's additional assessment, billed in the current year, is not paid by December 31 of that year or within 120 days of billing, whichever shall last occur; or
   2. A prior year's additional assessment, billed in a later year, is not paid within 120 days of billing.

(Ord. 2496. Passed 5-5-08; Ord. 2520. Passed 3-15-10.)

209.02 INTEREST.
Interest will be assessed upon all delinquent unpaid municipal claims from the date of delinquency at a rate of 10% per annum and added to the unpaid claim.
(Ord. 2496. Passed 5-5-08.)

209.03 ASSESSMENT OF LEGAL FEES.
(a) The Municipality hereby approves the following fee schedule to compensate its attorneys for the collection of unpaid claims, which fees shall be added to the unpaid claim.

<table>
<thead>
<tr>
<th>Legal Services</th>
<th>Fee For Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial review and sending first demand letter</td>
<td>$100.00</td>
</tr>
<tr>
<td>File lien and prepare satisfaction</td>
<td>$235.00</td>
</tr>
<tr>
<td>Prepare Writ of Scire Facias</td>
<td>$175.00</td>
</tr>
<tr>
<td>Obtain Re-issued Writ</td>
<td>$30.00</td>
</tr>
<tr>
<td>Prepare and mail letter under Pa. R.C.P.</td>
<td>$30.00</td>
</tr>
<tr>
<td>•237.1</td>
<td></td>
</tr>
<tr>
<td>Prepare Motion for Alternate Service</td>
<td>$175.00</td>
</tr>
<tr>
<td>Prepare Default Judgment</td>
<td>$175.00</td>
</tr>
<tr>
<td>Prepare Writ of Execution</td>
<td>$800.00</td>
</tr>
</tbody>
</table>

2011 Replacement
Attendence at Sale; Review Schedule of Distribution and Resolve Distribution Issues $400.00
Continue Sheriff Sale $50.00
Petition to Assess Damages $50.00
Petition for Free and Clear Sale $400.00
Prepare bankruptcy proof of claim $100.00
Handling fee for returned check $25.00
Handling fee to issue refund check $15.00
Bookkeeping fee for payment plan of more than three payments $50.00
Services not covered above At an hourly rate between $60.00 - $225.00 per hour

(b) The amount of fees determined as set forth above are fair and reasonable for the services to be provided and shall be added to the Municipality's claim in each account.

(c) There shall be added to the above amounts the reasonable out-of-pocket charges, costs, expenses, commissions and fees such as but not limited to postage, title searches, prothonotary fees and sheriff fees.

(d) The amount of charges, expenses, commissions and fees determined, as set forth above shall be added to the Municipality's claim in each account.

(Ord. 2496. Passed 5-5-08.)

209.04 COLLECTION PROCEDURES.
The following collection procedures are hereby established in accordance with the Act:
(a) At least 30 days prior to assessing or imposing attorney fees in connection with the collection of an account, the Municipality or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the Property Owner).
(b) If the certified mail notice is undelivered, then, at least ten days prior to the assessing or imposing such attorney fees, the Municipality or its designee shall mail or cause to be mailed, by first class mail, a second notice to the property owner.
(c) All notices required by this chapter shall be mailed to the property owner's last known post office address as recorded in the records or other information of the Municipality, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.
(d) Each notice as described above shall include the following:
(1) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;
(2) A statement of the Municipality's intent to impose or assess attorney fees within 30 days after the mailing of the first notice, or within ten days after the mailing of the second notice;
(3) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and

(4) The place of payment for accounts and the name and telephone number of Municipality's representative designated as responsible for collection matters.

(Ord. 2496. Passed 5-5-08.)

209.05 RELATED ACTION.
The proper officials of the Municipality are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this chapter.

(Ord. 2496. Passed 5-5-08.)
210.01 ORGANIZATION MEETING; PRESIDING OFFICER.
   (a) The day and time of the organization meeting of Council shall be as provided in the Charter.

   (b) The first order of business shall be the election of a Deputy Mayor and such other officers required by the Charter or as Council deems appropriate. Until such election is accomplished, the Municipal Clerk shall preside.

   (c) In the absence of the Mayor, the Deputy Mayor shall exercise the duties of the Mayor. In the absence of both the Mayor and the Deputy Mayor, Council shall appoint a Mayor pro tem who shall have all the powers of the Mayor.

   (d) The organization meeting may be conducted as follows:
       (1) Call to order;
       (2) Invocation;
       (3) Pledge of Allegiance;
       (4) Induction of Mayor;
(5) Induction of Councilmen;

(6) Confirmation of appointments:
   A. Manager;
   B. Solicitor;
   C. Engineer;
   D. Other officials;
   E. Committees, boards and commissions;

(7) Other business;

(8) Adjournment.

(Ord. 1466. Passed 10-4-76.)

210.02 MEETINGS.

(a) Public Notice. Provisions governing public notice of meetings shall be as provided by law.

(Ord. 1466. Passed 10-4-76.)

(b) Regular Meetings.

(1) Council shall have the regular business meeting on the first Monday of each month at 7:30 p.m., at the Municipal Building, or at such other time and place as Council may from time to time designate.

(2) Council shall have a special business meeting on the third Monday of each month at 7:30 p.m., at the Municipal Building, or at such other time and place as Council may from time to time designate. The business to be conducted at such meeting will be the approval of warrants. Following the conclusion of such special business meeting, a discussion session shall be held.

(3) Council may adjourn regular business meetings, special business meetings or workshop meetings until a stated time for regular business or special business.

(4) The proposed agenda for a business meeting shall be prepared by the Manager in conjunction with Council. The proposed agenda shall be made available to the public seven days prior to the business meeting.

(5) Council may, by motion, eliminate the second monthly meeting for June, July and August for any years after 1997.

(6) Any elimination of meetings hereunder shall be immediately advertised by the Municipal Clerk.

(Ord. 2270. Passed 5-7-97.)

(c) Special Meetings. Special meetings may be called by the Mayor, or upon the written request of a majority of the members of Council. A written notice shall be mailed or delivered to each Council member at least twenty-four hours before a meeting is held. Such notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by Council. Presence at the meeting constitutes waiver of notice. Notice requirements of the Sunshine Law shall be complied with.

2005 Replacement
(d) **Emergency Meetings.** Council may hold and take action at an emergency meeting at any time. Such emergency meetings may be called by the Mayor or by the written request of a majority of Council, provided that a quorum is present as provided in the Charter, and provided, further, that a majority of Council determines that the taking of emergency action at that time is necessary to protect or promote the public health, safety and welfare of the Municipality.
(Ord. 1466. Passed 10-4-76.)

(e) **Holidays; Date Changes.** Should the regular meeting of Council fall on a legal holiday, the meeting shall be held the first day following. Council may change the regular meeting date for any given month to another date in the same month, provided that at least seven days notice is given to the general community by placing notice of such change in the local newspapers and by posting notices of the same at the Municipal Building.
(Ord. 1344. Passed 6-14-72; Ord. 2410. Passed 3-17-04.)

210.03 MEETINGS TO BE PUBLIC.
(a) All meetings of Council shall be open to the public as provided by law.
(Ord. 1466. Passed 10-4-76.)

(b) All formal action as defined by the Open Meeting Law shall be taken only at meetings which are in complete compliance with such Open Meeting Law.

(c) All formal action shall only be done in accordance with matters on the agenda that have been prepared the week prior to the meetings and distributed to all members of Council and made available to the public. However, a published agenda may be amended prior to any such meeting for good cause.

(d) No formal action shall be taken at or during an executive session (as described under the Sunshine Law) except as permitted by Section 3 of the Sunshine Act.

(e) All citizens shall be permitted to address Council on an agenda item at a public meeting except as otherwise provided in Article IV, Section 9 of the Municipal Charter and Section 210.08 of these Codified Ordinances.
(Res. 46-1977. Passed 5-3-77.)

210.04 CONDUCT OF BUSINESS.
At the time appointed for any meeting of Council, the Mayor shall take the chair and call the meeting to order. If a quorum is present, as provided in the Charter, the Mayor shall proceed with the order of business prescribed for the meeting. If, upon the call of the roll, a quorum is not present, the Mayor shall order a recess for a period of fifteen minutes. If a quorum has not developed by that time, the Mayor may declare the meeting adjourned. If a quorum has not developed by that time, a majority of those who do meet may agree upon another date for a meeting and may continue to do so until the meeting is held.
(Ord. 1989. Passed 1-4-88.)

2005 Replacement
210.05 RULES OF PROCEDURE.

(a) The Mayor shall preside at, and be responsible for the orderly conduct of business at, each Council meeting, and shall preserve order and decorum at such meetings.

(b) Robert's Rules of Order, Revised, shall govern all parliamentary procedure at all Council meetings when not inconsistent with the Municipal Charter or the rules enumerated in this section.

(c) While the Charter provides the opportunity for the public to address Council on matters of general or specific concern (as specified in Article IV, Section 9, of the Charter), Council may limit public debate in accordance with Robert's Rules of Order.

(d) The use of profanity or threatening or abusive language shall be grounds for removal from the meeting room.

(e) Council may, by majority vote, designate a sergeant at arms to maintain order during meetings of Council.

(f) A majority of Council may amend the published meeting agenda prior to the start of the meeting, in accordance with the Charter.

(g) All Mayoral appointments, upon confirmation, shall receive an oath of office, using a standard State oath of office. The oath shall be administered by the Mayor within forty-five days following the confirmation of the appointment.

(h) All roll call votes shall be taken with a rotating order of all voting members, in order to assure the full and equal participation of the Mayor and all Council members.

(i) At any organizational meeting of Council following an election of a Mayor, the Clerk shall conduct the meeting until such time as the Mayor and other Council members who have been elected in the previous November are sworn into office.

(j) These rules may be amended, after adoption, only after public hearing thereon, notice of which shall be published once each week for two successive weeks in a newspaper of general circulation in the Municipality. The notice shall state the time and place of the public hearing and the particular nature of the proposed change.
(Ord. 1674. Passed 5-20-81.)

210.06 BID OPENING PROCEDURES.

(a) At any meeting during which bids or quotations for goods or services are to be opened, the Mayor or his designee at the appointed time may ask if any more bids are to be presented. The Mayor or his designee shall read all bids. Upon receiving all bids for an item, the Mayor or his designee shall refer them to the Manager, the Purchasing Agent or other appropriate officer.
(Ord. 1466. Passed 10-4-76.)

1988 Replacement
(b) The Mayor and Council shall provide for the deposit of bid security instruments such as drafts, checks or other banking instruments accompanying bids.
(Res. 104-1978. Passed 11-6-78.)

210.07 DUTIES OF CLERK.
(a) The Clerk shall record the vote by Council on each item on an agenda, as well as attendance, on a voting record sheet.

(b) The Clerk shall prepare for each regular or special meeting of Council a motion sheet. This sheet shall contain the motion related to each item, a space for the name of the member who made the motion, the member who seconded the motion and space for all yeas and nays, identifying how each member voted. Such motion sheet shall be a public record and the information contained thereon shall be made available to residents of the Municipality during normal business hours.
(Ord. 1466. Passed 10-4-76.)

210.08 PUBLIC PARTICIPATION.
(a) Residents desiring to address Council at its stated meetings may do so by providing written notice to the Clerk on the subject matter to be discussed at least seven days prior to the day of the meeting.

(b) A resident shall be provided the opportunity to address Council on any agenda item without written notice. The Mayor may limit the time each person shall speak. Such discussion shall occur prior to the vote on the agenda item.

(c) When a group of persons wishes to address Council on the same subject matter, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to address Council and to limit the number of persons addressing Council on the same matter so as to avoid unnecessary repetition.

(d) Any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security while in the Council Chamber may be removed by the Sergeant at Arms or any other appropriate officer.
(Ord. 1466. Passed 10-4-76.)

210.09 COMMITTEES OF COUNCIL.
Council may, at any time, provide for standing and ad hoc committees to assist with the carrying out of its function. The Mayor shall appoint the Chairperson for each such committee. A member of any such committee may be removed from office by a majority of Council. Each committee so designated by Council may elect officers and provide for written rules governing its procedure.
(Ord. 1711. Passed 10-21-81.)

210.10 FINANCE COMMITTEE.
There is hereby established a Finance Committee of Council which shall be responsible for the approval of all bills submitted to the Municipality. Among the general responsibilities of the Committee will be to study and make recommendations on more efficient spending and collecting of tax funds. In addition, the Committee, when necessary, shall meet with the Manager and other Municipal personnel regarding any fiscal matters of the Municipality. The Finance Committee
shall also be responsible for all Municipal employees pension and insurance programs.
(Ord. 1514. Passed 1-9-78.)

210.11 PUBLIC SAFETY COMMITTEE.
There is hereby established a Public Safety Committee of Council which shall be responsible for all activities of the Police and Fire Prevention Departments. It shall investigate methods for improving services and reducing costs and as such it shall be concerned with the care and maintenance of all vehicles, equipment and facilities and the purchase of the same. It shall meet with the Chief of Police, when necessary, to review the operations of the Police Department. It also shall meet, when necessary, with the Police Advisory Committee to discuss matters outside the scope of formal labor contracts.
(Ord. 1448. Passed 1-19-76.)

210.12 PUBLIC HEALTH AND WELFARE COMMITTEE.
There is hereby established a Public Health and Welfare Committee of Council which shall be responsible for all activities of the Department of Public Works. It shall also meet with authorized representatives of the various divisions and sections of the Department to discuss matters outside the scope of formal labor contracts. It shall investigate methods for improving services and reducing costs. The Committee shall meet with the heads of the various divisions and sections of the Department, when necessary, to review the operations of the Department and shall inspect all contracted work and approve, if acceptable, payment for the same. The Committee shall also be responsible for all activities of the Water Pollution Control Department including the plants and sanitary system. It shall meet with the Municipal Engineer and the Director of Water Pollution Control, when necessary, to review the operations of the Department. The Committee shall also be responsible for the public health of the community and as such shall work with the Engineer and other persons in authority on matters pertaining to the same. The Committee shall also be responsible for parks, playgrounds and public information. In addition, it shall act as a liaison between Council and the Penn Hills School Board.
(Ord. 1514. Passed 1-9-78.)

210.13 ADDITIONAL DUTIES OF COMMITTEES.
The provisions of Sections 210.10 through 210.12 are to be considered the minimum general responsibilities of the three committees that have been established and the committees may be assigned additional duties as determined by Council and the Mayor.
(Ord. 1514. Passed 1-9-78.)

210.14 ADVISORY CAPACITY OF COMMITTEES; REPORTS.
All committees are advisory and do not have any executive authority. Recommendations regarding the operation of departments must have the approval of Council. All committees shall give progress reports at every executive session and public reports shall be made periodically at the direction of Council.
(Ord. 1514. Passed 1-9-78.)

210.15 OFFICIAL ACTIONS OF COUNCIL.
Official actions of Council shall be taken by ordinance, resolution or motion, as provided in the Charter.
(Ord. 1466. Passed 10-4-76.)

210.16 ROBERT'S RULES. (REPEALED)
(EDITOR'S NOTE: Section 210.16 was repealed by implication by Ordinance 1674, passed May 20, 1981. See Section 210.05(b).)
210.17 TELEPHONIC PARTICIPATION BY COUNCIL IN PUBLIC MEETINGS.

Members of Council may participate in meetings of Council by telephone pursuant to the provisions set forth herein. It is not intended that this policy advocates the participation by Council via telephone, and it is expected that elected Council Members personally attend meetings of Council. This policy is to provide a method of communication for Council Members unable to attend meetings for various and valid reasons as the exception and not the rule. This method of participation is not to be used by Council Members who simply choose not to personally attend meetings of Council.

(a) Request for Telephonic Participation. Any Council Member wishing to participate in a meeting of Council telephonically shall submit said request to the Municipal Manager and Mayor, in writing, no later than three days prior to said meeting. The request shall set forth the reason for the request and the telephone number at which the Council Member wishes to be contacted at the time of the meeting.

(b) Medical Excuses. Any Council Member wishing to participate by telephone for medical reasons, for two or more meetings within a four-month period, shall be required to submit documentation of his or her inability to attend the meeting in person and the reason therefor, from the Council Member’s attending physician.

(c) Employment Excuses. Any Council Member wishing to participate by telephone for employment reasons, for two or more meetings within a four-month period, shall be required to submit documentation of his or her inability to attend the meeting in person from the Council Member’s employer.

(d) Executive Sessions of Council. No Council Member shall be permitted to participate telephonically in an Executive Session.

(e) Limitations. No member of Council may participate in more than two consecutive meetings of Council telephonically without express permission from Council, upon showing good cause.

(f) Exceptions. The requirements of this policy may be waived at the discretion of Council, upon showing good cause.

(Ord. 2438. Passed 4-4-05.)
CHAPTER 212
Ordinances and Resolutions

212.01 Actions requiring an ordinance.
212.02 Recording.
212.03 Fees.

CROSS REFERENCES
Ordinances - see CHTR. Art. XII
Codified Ordinances - see ADM. Ch. 202

212.01 ACTIONS REQUIRING AN ORDINANCE.
In addition to the requirements provided by the Charter, acts of Council shall be by ordinance which:
(a) Adopt or amend an administrative code or establish, alter or abolish any unit of the Municipality;
(b) Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed;
(c) Levy taxes, impose service charges and permit fees and adopt the budget;
(d) Grant, renew or extend a franchise;
(e) Authorize the borrowing of money;
(f) Purchase, convey or lease lands or buildings; and
(g) Pertain to zoning, subdivision and land use.
(Ord. 1466. Passed 10-4-76.)

212.02 RECORDING.
The Manager shall record and index all ordinances and resolutions adopted by Council, and, at the end of each year, with the advice of the Municipal Attorney, shall compile, bind and index the same or copies thereof.

212.03 FEES.
Fees for copies of ordinances and component codes are as follows:
(a) Zoning Code $10.00
(b) Fire Prevention Code Cost of the BOCA Code, plus $2.00
(c) Building Code Cost of the BOCA Code, plus $2.00
(d) Grading Ordinance $2.00
(e) Standards of Construction $2.00
(f) Subdivision Regulations $10.00
(g) Photocopies $0.25/page
(h) Zoning Code Letters $5.00
(i) No lien letter $10.00
(j) Business list $25.00
(Ord. 2146. Passed 6-7-93.)
TITLE SIX- Administration
Chap. 220. Administration Generally.
Chap. 222. Manager.
Chap. 224. Attorney.
Chap. 226. Controller.
Chap. 228. Department of Administration.
Chap. 230. Department of Finance.
Chap. 234. Department of Public Safety.
Chap. 236. Department of Public Safety • Division of Fire Prevention.
Chap. 238. Department of Code Enforcement.
Chap. 240. Department of Parks and Recreation.
Chap. 242. Department of Planning and Development.
Chap. 244. Department of Public Works.
Chap. 246. Department of Water Pollution Control.
Chap. 248. Library Department.
Chap. 250. Office of Citizen Service and Information.
Chap. 252. Contracts and Purchases.

CHAPTER 220
Administration Generally

220.01 Administrative organization.
220.02 Department heads.
220.03 Duties of department heads.

CROSS REFERENCES
Appointments - see CHTR. Art. V, • 4c.
Administrative departments - see CHTR. Art. XIV, • 1, 2
Personnel management - see CHTR. Art. XV
Administrative Code - see CHTR. Art. XVIII
Rights and privileges of employees and elected officials - see CHTR. Art. XX, • 1, 2

220.01 ADMINISTRATIVE ORGANIZATION.
The administrative service of the Municipality shall be under the Chief Executive Officer and be comprised of the following departments and heads thereof:

Department of Administration Director
Department of Finance Director
Department of Parks and Recreation Director
Department of Planning and Development Director
Department of Public Works Director

2005 Replacement
Department of Water Pollution Control  Director
Department of Police  Director
Department of Code Enforcement  Director
Department of Fire Prevention  Director - Fire Marshal

and such other departments and heads as may be created by amendments to this Administration Code.
(Ord. 1516. Passed 1-9-78.)

220.02 DEPARTMENT HEADS.
All department heads shall be appointed by the Manager with the approval of Council and shall serve at the Manager’s pleasure. Department heads shall be chosen solely on the basis of executive, administrative and/or technical qualifications as are pertinent to the function, duties and operations of their respective departments and as are prescribed by law.
(Ord. 1466. Passed 10-4-76.)

220.03 DUTIES OF DEPARTMENT HEADS.
Department heads, under the direction of the Manager, shall:
(a) Direct the performance of all functions, duties and operations assigned to and required of the department and its subordinate units by law, the Charter or ordinance and such other activities as may be required by the Chief Executive Officer which are not in conflict with law, the Charter or ordinance;
(b) Develop and prescribe the internal organization of the department and its subordinate units, subject to the approval of the Manager, and in accordance with applicable provisions of law, the Charter or ordinance;
(c) Assign duties and responsibilities to subordinate officers and employees within the department and modify those assignments consistent with and in response to the changing exigencies of service, subject to the approval of the Manager;
(d) Prepare and submit departmental budget requests in accordance with schedules, forms and policies prescribed by the Manager;
(e) Prepare and submit reports prescribed by the Manager;
(f) Cooperate with and furnish to any department or unit of the Municipality any information, service, labor, material and equipment that may be necessary to perform a Municipal function;
(g) Be aware of and coordinate the activities of the department with appropriate areawide, regional and intergovernmental programs; keep the Manager informed of the activities and policies of such programs as they affect the department or the Municipality; and make analyses and recommendations regarding such activities and policies when appropriate;
(h) Administer and evaluate intergovernmental contracts and agreements as these relate to departmental functions;
(i) Develop and maintain internal administrative and budgetary controls and productivity and performance standards to assure maximum levels of quality and quantity of service within budgetary limitations;

(j) Keep abreast of developments in administrative policies, management techniques and technological advances and make recommendations to the Manager concerning Councilmanic action or administrative regulations for the utilization of those policies, techniques and technologies deemed to be in the best interests of the department and the Municipality;

(k) Keep abreast of all laws and Municipal ordinances and administrative regulations relating to the functions of the department;

(l) Serve as a member of any committee or as a staff officer or provide staff services to any authority, board or commission to which the department head may be assigned by the Manager;

(m) Develop personnel planning and employee department policies for the department, including the planning and execution of appropriate training and education programs;

(n) Establish and enforce rules and regulations for the use of Municipal facilities and services and issue such licenses and permits as may be required by ordinance; and

(o) Develop and recommend to the Manager rate structures for those services for which user fees are charged.

(Ord. 1466. Passed 10-4-76.)
CHAPTER 222
Manager

222.01 Accident Prevention Committee.
222.02 Charge for Municipal lien letters.
222.03 Authority to file liens.

CROSS REFERENCES
The Manager - see CHTR. Art. V
Direction of administrative departments - see CHTR. Art. XIV, ●2
Duty of Manager re personnel management - see CHTR. Art. XV, ●1
Duties re personnel system - see CHTR. Art. XV, ●1
Appointment of department heads - see ADM. 220.02

222.01 ACCIDENT PREVENTION COMMITTEE.
(a) Organization.
   (1) An Accident Prevention Committee is hereby established as a part of the office of the Manager.
   (2) The Committee shall be composed of five persons appointed by the Manager, who shall serve without compensation.
   (3) The Committee shall establish such procedural rules as may be necessary, subject to the approval of the Manager.
   (4) The Committee shall appoint a Chairman from among its members.

(b) Responsibility. The Committee shall have the responsibility of establishing, supervising and maintaining an accident prevention program for Municipal employees.

(c) Powers.
   (1) The Committee may conduct investigations of accidents in order to determine cause, responsibility and method of prevention.
   (2) The Committee may require departments to maintain records and submit reports as may be needed.
   (3) The Committee may recommend disciplinary or commendatory actions to the Manager with respect to Municipal employees.
   (4) Upon approval of the Manager, the findings on an accident by the Committee shall be given to the employee involved and shall become a part of that employee’s personnel record. The Committee shall carry out approved disciplinary action.
   (5) The Committee may conduct such programs as are necessary to prevent accidents.

(d) Review.
   (1) Any aggrieved employee may request a hearing with the Committee.
   (2) All actions of the Committee shall be reviewable by the Manager and/or the Personnel Board.
   (Res. 21-1968. Passed 7-1-68.)

222.02 CHARGE FOR MUNICIPAL LIEN LETTERS.
(a) A service charge shall be levied by the Municipality for each written statement issued by the Municipality concerning the status of Municipal claims, which statement is commonly referred to as a Municipal lien letter.
(Res. 28-1969. Passed 7-7-69.)
(b) The rate of the service charge shall be ten dollars ($10.00) per property per letter.
(Ord. 1668. Passed 4-1-81.)

(c) The Manager or his or her designated agent shall establish such administrative procedures as are necessary for the collection of such charge.
(Res. 28-1969. Passed 7-7-69.)

222.03 AUTHORITY TO FILE LIENS.
The Manager is hereby authorized, upon consultation with the Solicitor’s office, to file a lien or liens on behalf of the Municipality for taxes, fees, improvements, assessments and demolition of structures, or any other purpose authorized by law, with written notification to the Mayor and Council.
(Res. 98-027. Passed 3-4-98.)
224.01 HIRING OF OUTSIDE LEGAL COUNSEL. The Municipality hereby authorizes the Municipal Attorney and the Manager to hire legal counsel as needed at a rate not to exceed one hundred twenty-five dollars ($125.00) per hour, plus expenses, for representation relative to various litigation matters involving the Municipality. (Res. 92-073. Passed 9-14-92.)

224.02 AUTHORITY RE TAX ASSESSMENT APPEALS FOR REAL ESTATE; COMPENSATION. (a) The Municipal Attorney is hereby authorized to review and file any tax assessment appeals for real estate located within the Municipality.

(b) The Municipal Attorney shall be paid on a contingency fee basis of fifty percent of any increase in tax collections through his or her efforts, plus all expenses and costs. (Res. 99-010. Passed 2-3-99.)

224.03 DELINQUENT TAX AND MUNICIPAL CLAIM AND LIEN ATTORNEY FEES AND RECORDKEEPING CHARGES, EXPENSES AND FEES. (a) Attorney Fees Approved. 
   (1) Flat fee - uncontested matters. The following schedule of attorney fees and services is hereby adopted and approved as reasonable attorney fees pursuant to Act 1 of 1996 for all uncontested matters, which fees shall be awarded to the Municipality, its agents, counsel or assigns in each action initiated pursuant to the Act for the collection of unpaid municipal claims as defined under the Act. The property owner’s obligation to pay the full amount of the flat fee for each phase of each action shall accrue upon the initiation of any aspect of each phase. The full amount of each flat fee for each prior phase of any proceeding shall carry over and be due on a cumulative basis together with the flat fee for each subsequent phase. 
   A. Filing of Municipal claim. The sum of one hundred fifty dollars ($150.00) shall constitute reasonable attorney fees for a short title examination and preparation and filing of Municipal claims as defined under the Act. 
   B. Title search. The sum of two hundred fifty dollars ($250.00) shall constitute reasonable attorney fees for the title search necessary for the initiation of each proceeding and compliance with Pa. R.C.P. • 3129. 
   C. Preparation and service of Writ of Scire Facias or Complaint in Assumpsit as provided in the Act. The sum of four hundred fifty dollars ($450.00) shall constitute reasonable attorney fees for the initiation of each proceeding, including service of process and notice, pursuant to Pa. R.C.P. • 237, plus
case close-out and the settlement and discontinuance of each proceeding.

1. Federal tax liens, judgments and mortgages. The sum of one hundred fifty dollars ($150.00) shall constitute reasonable attorney fees for all matters necessary to properly notify and serve the United States with all required additional notice and the presentation of related motions to Court where there are Federal tax liens, Federal judgments, Federal mortgages or other record Federal interests.

2. Alternative service of legal pleadings. In the event that a Special Order of Court is necessary to serve original process as well as any other pleading, notice, court order or other document, the following amounts shall constitute reasonable attorney fees as follows:
   a. Investigation of defendant’s whereabouts and preparation of Affidavit of Diligent Search - one hundred fifty dollars ($150.00).
   b. Preparation and Presentation of Motion for Alternative Service through filing of Proofs of Publication - two hundred dollars ($200.00).

D. Entry of judgment. The sum of two hundred dollars ($200.00) shall constitute reasonable attorney fees for the entry of judgment, whether by default, upon motion for judgment, upon award or verdict or by consent.

E. Writ of Execution; Sheriff’s sale of property or other form of execution on any entered judgment upon Complaint in Assumpsit. The sum of seven hundred dollars ($700.00) shall constitute reasonable attorney fees for preparation of all documents necessary for execution upon any judgment pursuant to the Act.

F. Second sale free and clear. The sum of seven hundred dollars ($700.00) shall constitute reasonable attorney fees for a second sale, free and clear of all liens, claims, mortgages, charges and estates pursuant to 7281 of the Act, including preparation of necessary documents, service, court appearances, attendance at second sale and preparation of proposed Sheriff’s distribution.

G. Installment payment agreement. The sum of one hundred fifty dollars ($150.00) shall constitute reasonable attorney fees for preparation of any written instrument payment agreement.

(2) Other matters; hourly rates. The following schedule of attorney fees is hereby adopted and approved as reasonable attorney fees pursuant to Act 1 of 1996, which fees shall be awarded to the Municipality, its agents, counsel or assigns as compensation in all contested matters, communications with taxpayers, lienholders, attorneys, interested parties, interested bidders, and any other person relating to the enforcement proceeding, actions in assumpsit and in all other actions, not specifically references in paragraph (a)(1) hereof, undertaken in connection with the collection of a delinquent account under the Act:

<table>
<thead>
<tr>
<th>Role</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorneys</td>
<td>$140.00</td>
</tr>
<tr>
<td>Paralegals</td>
<td>$90.00</td>
</tr>
<tr>
<td>Law Clerks</td>
<td>$60.00</td>
</tr>
</tbody>
</table>

Each as recorded and charged in units of one-tenth of an hour for all time devoted to enforcement and collection. Counsel, whether duly employed or duly appointed by the Municipality, its agents or assigns, shall not deviate from this fee schedule, plus any authorized escalation provided below, absent an ordinance amending the same. Contested matters are any matters where any defense, objection, motion, petition or appearance is entered in any phase of any proceeding by or on behalf of any defendant or other interested party.

(3) Consumer Price Index increase. The attorney fees set forth in paragraphs (a)(1)
and (2) hereof shall be adjusted annually, to an amount equal to the fees set forth herein, plus a percentage amount of the fees set forth herein equal to the percentage increase in the Consumer Price Index for all Urban Consumer, Pittsburgh-Beaver Valley (1982-84=100) (hereinafter the CPI) published for July immediately prior to the adjustment date over the CPI for June 1997, CPI. The adjustment date shall be January 1 of each year, commencing January 1, 1999.

(b) Procedure.

(1) **Required notice.** The notice required by the Act, as amended, 53 P.S. § 7106, shall be provided in accordance therewith and shall be incorporated into an appropriate delinquency notice or notices sent by the Municipality, its agent, counsel or assigns.

(2) **Fees to be accrued and claims to be filed.** Fees shall accrue for all efforts in collection after the thirtieth day following the notice provided under Section 7106 of the Act or after the tenth day of any required second notice on all accounts referred to counsel for enforcement. Fees accumulated as a result of enforced collection shall be certified by duly appointed counsel for the Municipality authorized to pursue collection of municipal claims pursuant to the Act, or by counsel for the Municipality’s agents or assigns, and, if not collected in due course with the debt as by voluntary agreement, shall be included in all Municipal claims filed on behalf of the Municipality or by its agents or assigns in the course of enforcement, including any Municipal claim originally filed with the Prothonotary, any Municipal claim filed with the Sheriff or any other Municipal claim filed or statement provided where attorney fees are due.

(3) **Out-of-pocket expenses.** There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, including costs, fees and expenses associated with the Court, the Prothonotary, the Sheriff or other relevant office, in addition to expert witness fees, costs and expenses and any other reasonable costs, fees or expenses relating to both contested and uncontested matters.

(4) **Addition of fees to Municipal claim.** The amount of fees determined as set forth above shall be added to the Municipal claim in each proceeding.

(c) **Recordkeeping Service Charges, Expenses and Fees Approved.** The following schedule of charges, expenses and fees is hereby approved and adopted by the Municipality pursuant to § 2, No. 24 and § 3 of the Act of May 16, 1923, as amended, 53 P.S. § 7103 and § 7106, which recordkeeping services are necessary and are the direct result of each person’s failure to pay Municipal claims in a timely manner.

The following schedule of charges, expenses and fees shall constitute reasonable and appropriate charges, expenses and fees for each indicated recordkeeping service. The charges, expenses and fees shall be added to each Municipal claim and become part of the Municipal claim in addition to the principal, together with all penalties, interest, costs and attorney fees, and shall be payable for each Municipal claim before the discharge or satisfaction of any Municipal claim. The below schedule of charges, expenses and fees is separate and distinct from any costs or fees imposed by the Sheriff, the Prothonotary, the Court or any other public office in connection with the collection of the Municipality’s Municipal claims.

<table>
<thead>
<tr>
<th>Service</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assignments</td>
<td>$3.00 per lien</td>
</tr>
<tr>
<td>Lien Satisfactions</td>
<td>$5.00 per lien</td>
</tr>
<tr>
<td>Lien Revivals (i.e. S &amp; A)</td>
<td>$10.00 per lien</td>
</tr>
<tr>
<td>Tax Certifications (for liened delinquent real estate taxes only)</td>
<td>$10.00 per year</td>
</tr>
<tr>
<td>Servicing, including staffing, computers, office space, telephones, equipment, materials and postage</td>
<td>5% of gross collections</td>
</tr>
</tbody>
</table>
(d) **Effective Date and Retroactivity.** This section shall take effect on the date of enactment thereof, and, with respect to attorney fees pursuant to subsections (a) and (b) hereof, shall apply to Municipal claims filed in 1990 and thereafter, or as otherwise required by law. In no event shall the Municipality or its assigns' right to charge and assess reasonable attorney fees under Act 1 of 1996, or charges, fees and expenses pursuant to §§ 7103 and 7106 of the Act, be impaired by the fact any Municipal claim may also include any amounts for claims filed prior to 1990. The charges, expenses and fees set forth in subsection (c) hereof relate to all unpaid Municipal claims in favor of the Municipality, its agents and assigns, and shall be retroactive to the date of each Municipal claim.

(e) **Assignment.** The Municipality assigns the provisions of this section to any assignee of its Municipal claims. The assignee shall have and hold all rights of the Municipality to recover reasonable attorney fees as well as expenses, charges and fees, in the amounts set forth in this section, incurred in the collection of each Municipal claim assigned and in all future assignments and transfers of Municipal claims by the Municipality. The Municipality and the duly authorized agents shall retain all rights to charge reasonable attorney fees, expenses, charges and fees in accordance with the provisions of this section in actions commenced under the Act and for recordkeeping services for Municipal claims retained by the Municipality.

(Ord. 2343. Passed 8-2-00.)
CHAPTER 226
Controller

EDITOR’S NOTE: There are no sections in Chapter 226. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
The Controller - see CHTR. Art. VII
CHAPTER 228
Department of Administration

228.01 Functions.
228.02 Department head.
228.03 Duties of Director.

CROSS REFERENCES
Administrative departments - see CHTR. Art. XIV, §§ 1, 2
Administrative Code - see CHTR. Art. XV

228.01 FUNCTIONS.
The Department of Administration shall be responsible for performing staff functions for the Manager and assisting departments and other units of the Municipality in carrying out their duties. (Ord. 1466. Passed 10-4-76.)

228.02 DEPARTMENT HEAD.
The Department of Administration shall be headed by the Assistant Manager who shall be the Director of the Department and who shall be responsible to the Manager for the performance of the functions of the Department. (Ord. 1466. Passed 10-4-76.)

228.03 DUTIES OF DIRECTOR.
The duties of the Director of Administration shall be to:
(a) Administer the personnel system of the Municipality subject to the provisions of law, the Charter or ordinance, including such matters as:
   (1) Recruiting and recommending to the Manager, persons for Municipal employment;
   (2) Developing and maintaining the position classification and pay plans;
   (3) Participating in and administering labor relations programs including conducting contract negotiations, contract administration and related programs;
   (4) Developing and maintaining personnel rules and regulations;
   (5) Assisting departments in developing and conducting employee training and development programs;
   (6) Assisting departments in preparing personnel planning programs;
   (7) Serving as secretariat to the Personnel Board; and
   (8) Developing and maintaining records reflecting all aspects of the service of Municipal employees; and
(b) Provide assistance to the Manager in the development of operating budgets, long term fiscal programs and related budgetary and administrative analyses, including:
   (1) Developing a budget calendar, forms and procedures subject to the provisions of law, the Charter or ordinance;
   (2) Participating in budget analyses and hearings relative to budget requests, budget amendments and budget allocations;
   (3) Maintaining budget expenditure control during the course of the fiscal year and keeping the Manager informed on the progress and development of plans, policies and programs as they relate to the budget; and
   (4) Reviewing, analyzing and recommending improvements in the administrative organization and procedures throughout the Municipality; (Ord. 1466. Passed 10-4-76.)
CHAPTER 230
Department of Finance

230.01 Functions.
230.02 Department head.
230.03 Authority to contract for tax collection services.
230.04 Registration of new residents for tax purposes.
230.05 Alternative payment plan policy for Municipal claims or liens.

CROSS REFERENCES
Independent audit; powers and duties of Auditors - see CHTR. Art. III, § 15
Budget and fiscal affairs - see CHTR. Art. VIII
Contracts - see CHTR. Art. IX
Controller - see ADM. Ch. 226
Taxation - see B. R. & T. Title Four
Disposition of fire insurance proceeds - see B.R. & T. 826.01

230.01 FUNCTIONS.
The Department of Finance shall be responsible for the administration of activities pertaining to the receipt, expenditure, accounting, investment, custody and control of Municipal funds and assets, except to the extent that such activities are otherwise provided for by law, the Charter or ordinance.
(Ord. 1466. Passed 10-4-76.)

230.02 DEPARTMENT HEAD.
The Department of Finance shall be headed by a Director who shall be responsible to the Manager for the performance of the functions of the Department.
(Ord. 1466. Passed 10-4-76.)

230.03 AUTHORITY TO CONTRACT FOR TAX COLLECTION SERVICES.
Council may contract with any person or agency for the collection of any Municipal tax and for administration and enforcement of lien procedures in connection with tax delinquencies.

230.04 REGISTRATION OF NEW RESIDENTS FOR TAX PURPOSES.
(a) All new residents of the Municipality must register with the Municipality for tax purposes prior to becoming residents.

(b) Whenever there is a change in ownership, tenants or occupants of a building, land or premises, the new owner, tenant or occupant must register with the Municipality for tax purposes prior to the change.

(c) The form of registration shall be determined by the Department of Finance. All registration shall be submitted to the Department.
(Ord. 1930. Passed 9-15-86.)

230.05 ALTERNATIVE PAYMENT PLAN POLICY FOR MUNICIPAL CLAIMS OR LIENS.
(a) Adoption; Application of Policy.
(1) The alternative payment plan policy for Municipal claims or liens, as provided in subsections (b) and (c) hereof, after having been reviewed and approved by
Council, is hereby adopted as the policy to be followed for alternative payment on principal, penalty and interest for Municipal claims and liens as a result of Municipal assessments.

(2) The Administration shall apply the income qualifier provisions of such policy.

(3) Such policy for alternative payment does not apply to any Municipal taxes or sewer user fees.

(b) Policy. The following policy has been developed to assist Council in establishing payment plans for individuals requesting special consideration for payment of claims or liens resulting from Municipal assessments. This policy relates ability to pay with income and provides income guidelines to determine which individuals may have a true financial hardship situation.

(1) In order to qualify for consideration of a payment plan, an individual's family income must not exceed the limits set forth in the following table:

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Low Income (Maximum)</th>
<th>Moderate Income (Maximum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$11,800</td>
<td>$18,850</td>
</tr>
<tr>
<td>2</td>
<td>13,500</td>
<td>21,550</td>
</tr>
<tr>
<td>3</td>
<td>15,150</td>
<td>24,250</td>
</tr>
<tr>
<td>4</td>
<td>16,850</td>
<td>26,950</td>
</tr>
<tr>
<td>5</td>
<td>18,200</td>
<td>28,650</td>
</tr>
<tr>
<td>6</td>
<td>19,550</td>
<td>30,300</td>
</tr>
<tr>
<td>7</td>
<td>20,900</td>
<td>32,050</td>
</tr>
<tr>
<td>8</td>
<td>22,250</td>
<td>33,700</td>
</tr>
</tbody>
</table>

The income limits provided in this paragraph are established by the Department of Housing and Urban Development (HUD) and any changes made to such limits by HUD will be reflected in this policy.

(2) If a family income falls within the limits provided in paragraph (b)(1) hereof, a payment plan may be developed as follows:

A. Low income plan. A payment plan may be structured for payment of principal only. The penalty and interest will be frozen as long as regular and consistent monthly payments are being made on the principal. A lien will remain on the property, and any unpaid penalty and interest will be paid when the property is sold. Failure to make regular monthly payments on the principal will result in continued accrual of penalty and interest, and the property will again be eligible for a sheriff's sale.

B. Moderate income plan. A qualified applicant must pay the entire amount of the principal in a lump sum. The penalty and interest will then be frozen and a payment plan will be structured for the penalty and interest. A lien will remain on the property until all penalty and interest are paid. Any unpaid penalty and interest will be paid when the property is sold.

When developing a payment plan, Council may also factor in serious physical illness or injury that may deplete financial resources or prevent an individual from working.

The minimum payment per month shall be fifty dollars ($50.00).

(c) Application Form; Review. Any individual claiming a hardship must complete the following application, including all financial and pertinent medical information.

The application for the alternative payment plan must be completed and reviewed by the Administration before such payment plan is offered to the applicant.
MUNICIPALITY OF PENN HILLS  
APPLICATION FOR PAYMENT PLAN  
FOR MUNICIPAL LIENS

Please complete this form in its entirety and submit along with a copy of your last Federal Income Tax Return to: Municipal Manager, Room 202, 12245 Frankstown Road, Pittsburgh, PA 15235.

NAME____________________________  TELEPHONE____________________________

ADDRESS_________________________  DATE____________________________

OCCUPATION____________________  AGE____________________________

EMPLOYER________________________________________________________________

SPOUSE’S OCCUPATION____________________________________________________

SPOUSE’S EMPLOYER________________________________________________________________

OTHER PERSONS LIVING IN HOUSEHOLD (Name, Age, Relationship, Employer, Income)
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

FINANCIAL INFORMATION

Gross income as reported on your last Federal Income Tax Return (1040 or 1040A):

Applicant  $____________________  Spouse  $____________________

Current Income from Employment:

Applicant  $____________________  Spouse  $____________________

List the type and annual amount of all other sources of household income (Social Security, Disability, Pensions, Unemployment, Worker’s Compensation, Child Support, Alimony, Rental Income, Interest, Dividends, etc.):

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

List the value of any major assets, including real estate, investments, bonds, savings accounts, etc.:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

MEDICAL INFORMATION

Do you or your spouse have a serious physical injury or illness which prevents you from working or paying your municipal lien?__________________________________________
If yes, please complete the following:

Condition for which you or your spouse are being treated:_____________________________

Is this condition temporary or permanent?__________________________________________

Treating Physician

Name:________________________________________________

Address:________________________________________________

Telephone:______________________________________________

(The Municipality reserves the right to contact treating physician to verify physical illness or injury)
The undersigned hereby affirm(s) that the foregoing information is true and correct to the best of their knowledge, said affirmation being made subject to the penalties prescribed by Municipal ordinance.

Signature__________________________________ Date__________________________

Spouse’s Signature__________________________ Date__________________________

DO NOT WRITE BELOW THIS LINE

(OFFICE USE ONLY)

APPLICATION REVIEW DATE___________________________

APPLICATION DENIED______________ APPROVED______________

ACTION TAKEN:

Manager’s Signature__________________________ Date__________________________

Mayor’s Signature__________________________ Date__________________________

(Res. 91-075. Passed 8-12-91.)
CHAPTER 234
Department of Public Safety

EDITOR'S NOTE: This chapter was repealed in its entirety and re-enacted by Ordinance 2300, passed August 31, 1998.

234.01 Functions.
234.02 Organization.
234.03 Qualifications of Director.
234.04 Duties of Department.
234.05 Chief of Police.
234.06 Assistant Chief of Police.
234.07 Sergeant and Lieutenant.
234.08 Auxiliary Police.
234.09 Residency requirement.
234.10 Mandatory retirement.
234.11 Municipal Canine Corps.
234.12 Educational Service Agency.
234.13 Excessive force policy.
234.14 Summary arrest guidelines.

CROSS REFERENCES
Police - see CHTR. Art. X
Existing Police Civil Service Commission - see CHTR. Art. XX, ¶ 8
Exemption of policemen from civil liability - see Act 14 of June 17, 1971
Police disability benefits - see ADM. Ch. 282
Police Pension Plan - see ADM. Ch. 284
Enforcement of Traffic Code - see TRAF. 404.02
Traffic control - see TRAF. Ch. 408
Police dogs - see GEN. OFF. 612.02, 612.03

234.01 FUNCTIONS.
The Department of Public Safety shall provide the Municipality with services of police protection, emergency medical care, crisis intervention, school crossing guards, fire prevention and suppression, and emergency management.
(Ord. 2300. Passed 8-31-98; Ord. 2442. Passed 6-20-05.)

234.02 ORGANIZATION.
(a) Department Head. The Department of Public Safety shall be headed by the Director of Public Safety, who shall be responsible to the Manager. The duties of the Director of Public Safety shall be prescribed by the Manager.

(b) Chain of Command. Every patrol officer shall report to his or her Sergeant. Every Sergeant shall report to his or her Lieutenant. All Lieutenants shall report to the Assistant Chief of Police. The Assistant Chief of Police shall report to the Chief of Police. The Chief of Police, if not serving simultaneously as the Director, shall report to the Director of Public Safety.

(c) Civil Service Rules and Regulations. All police officers within the Police Department, including the Chief of Police, shall be subject to the Penn Hills Civil Service Rules and Regulations as enforced by the Penn Hills Personnel Board.
(Ord. 2300. Passed 8-31-98; Ord. 2376. Passed 7-10-02; Ord. 2442. Passed 6-20-05.)

2005 Replacement
234.03 QUALIFICATIONS OF DIRECTOR.
The Director of Public Safety position may be filled by either a police officer or civilian. However, the individual selected must have extensive experience in police work, with a minimum of seven to ten years experience at the rank of Captain or higher within a department of 50 or more officers.
(Ord. 2300. Passed 8-31-98; Ord. 2376. Passed 7-10-02; Ord. 2442. Passed 6-20-05.)

234.04 DUTIES OF DEPARTMENT.
The duties of the Department of Public Safety shall be to:
(a) Prevent crimes against persons and property;
(b) Enforce all criminal laws and ordinances;
(c) Detect and apprehend offenders and suspected persons;
(d) Maintain records and files of crimes and criminals;
(e) Operate facilities for the safekeeping of prisoners;
(f) Develop and conduct community relations and education programs;
(g) Operate and maintain the police radio and other Municipal radio and emergency communication systems as may be assigned to the Department by the Manager;
(h) Maintain records and logs relating to radio and emergency communications systems as are required by law;
(i) Plan and develop programs for the improvement of all divisions of the department, including, police, EMS, school guards, fire prevention, fire suppression and emergency management; and
(j) Maintain lines of communication between the Department of Public Safety, Volunteer Fire Companies, municipal administration and the general public.
(Ord. 2300. Passed 8-31-98; Ord. 2442. Passed 6-20-05.)

234.05 CHIEF OF POLICE.
(a) Establishment. There is hereby established the position of Chief of Police in and for the Police Department.

(b) Chief as Director of Public Safety. The Chief of Police may be appointed and serve simultaneously as the Director of Public Safety, in which case the Chief/Director shall be responsible to the Manager. In the case of the Chief of Police simultaneously serving as the Director of Public Safety, he or she must meet all qualifications for the position of Director as outlined in these Codified Ordinances, in addition to those required for the position or rank of Chief.

(c) Qualifications. The Chief of Police shall be a non-competitive civil service position filled by a police officer and appointed by the Manager, subject to advice and approval of the Mayor and Council. However, the individual appointed must be a resident of Penn Hills, must have at least 12 years of experience in municipal police work, five years of which must have involved supervisory and minor administrative responsibility, and must have achieved the rank of Lieutenant.

(d) Duties. The duties of the Chief of Police shall be prescribed by the Director of Public Safety and subject to approval of the Manager. If the position of the Director of the Public Safety is
vacant, or if the Chief is simultaneously serving as the Director of Public Safety, the duties of the Chief of Police shall be prescribed by the Manager. The Chief of Police shall have direct authority over all ranks other than the Director.
(Ord. 2300. Passed 8-31-98; Ord. 2376. Passed 7-10-02.)

234.06 ASSISTANT CHIEF OF POLICE.
(a) Establishment. There is hereby established the position of Assistant Chief of Police.

(b) Qualifications. The Assistant Chief of Police must have at least five years experience as a Lieutenant within the Police Department. He or she must pass a competitive examination under the direction of the Personnel Board, which, as the result of the competitive examinations thus taken, shall certify the results thereof and its recommendations to Council.

(c) Duties. The Assistant Chief shall keep the Director of Public Safety and the Chief of Police informed, at all times, of any and all matters pertaining to the Police Department and police personnel, and the Assistant Chief of Police shall be responsible for and implement the policies of the Department of Public Safety, if the positions of Chief of Police and Director of Public Safety are vacant.
(Ord. 2300. Passed 8-31-98; Ord. 2376. Passed 7-10-02; Ord. 2442. Passed 6-20-05.)

234.07 SERGEANT AND LIEUTENANT.
(a) There are hereby established the ranks of Sergeant and Lieutenant in the Police Department.

(b) The Personnel Board shall prescribe the rules and regulations for carrying into effect the provisions of this section. Before any such rules and regulations are in force, the same shall be approved by Council, and when such rules and regulations have been so approved they shall not be annulled, amended or added to without the approval of Council.
(Ord. 2300. Passed 8-31-98.)

234.08 AUXILIARY POLICE.
(a) There is hereby established in the Municipality an Auxiliary Police Unit.

(b) The Director of Public Safety or the Chief of Police may nominate persons, as Auxiliary Policemen, who have satisfactorily completed such training as he or she may prescribe. However, other eligible residents over the age of 21 years may make application to Council and if Council, by majority vote, approves such an applicant, it shall nominate him or her as an Auxiliary Policeman, subject to completing such training as the Director may prescribe, provided the applicant otherwise qualifies for appointment.

(c) All persons so nominated, and who have qualified, shall, before they enter upon their duties, be confirmed and sworn by the Mayor.

(d) Auxiliary Policemen shall serve at the pleasure of the Director of Public Safety and, in the absence of the Director of Public Safety, they shall then serve at the pleasure of the highest ranking police officer in charge.

2005 Replacement
(e) No person shall be nominated, affirmed or sworn as an Auxiliary Policeman who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or of this State, or the overthrow of any Government in the United States by force or violence, or who has been convicted of, or is under indictment or information charging, any subversive act against the United States, or a felony. Each person who is appointed to serve as an Auxiliary Policeman shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths in this State, which oath shall be substantially as contained and set forth in the Act of January 14, 1952, P.L. (1951) 2016, as amended.

(f) Auxiliary Policemen on active duty shall have the same powers as the regular police officers of the Municipality, but at all times they shall exercise these powers in the manner and method as may be assigned to them by the Director of Public Safety, or, in the absence of the Director of Public Safety, then in the manner and method assigned to them by the highest ranking police officer in charge. Auxiliary Policemen, when on active duty, shall be subject to the instruction and directives of the Director of Public Safety, or, in his or her absence, the highest ranking police officer in charge at that time, in the enforcement of the duties to which they are assigned, including the necessity or the lack of necessity of wearing side arms.

When on active duty, as set forth in this section, Auxiliary Policemen shall all hold a rank equivalent to that of regular Patrolmen. However, when regular police and Auxiliary Police are on the same assignment, the regular police shall be in charge.

Auxiliary Policemen, when on active duty in a municipality other than the Municipality of Penn Hills, shall have the same powers in such Municipality as the regular police officers thereof.

(g) The powers hereinabove conferred, as well as the duties and obligations expressed herein, may be exercised by the Auxiliary Policemen only after they report for active duty, and until they are relieved from duty.

(h) The Mayor may call the Auxiliary Police to active duty during any period of distress, disaster or emergency, except in cases of labor disturbances. When so called to this type of duty, the Mayor shall set forth the duties and obligations of the Auxiliary Policemen, with direct reference to the matter of distress, disaster or emergency then presently existing within the Municipality, and the Auxiliary Police shall then exercise the powers and duties, including the necessity or the lack of necessity of wearing side arms, as directed by the Mayor, and these powers, duties or obligations shall be effective only after the Auxiliary Policemen report for active duty, and until they are relieved from duty.

(i) In the matter of emergency assignment to or from other municipalities, because of disaster, distress or emergency, the assignment of police equipment, Auxiliary Police and members of the regular Police Department shall be as set forth and defined in the Act of January 14, 1952, P.L. (1951) 2016, as amended. During such period of emergency, distress or disaster, the transferred police and equipment shall be under the jurisdiction of the Chief or Director of Public Safety of the municipality to which they are transferred, and such transferred police shall then have the same powers as regular police officers of the municipality to which they are transferred.

(Ord. 2300. Passed 8-31-98; Ord. 2442. Passed 6-20-05.)
234.09 RESIDENCY REQUIREMENT.
   (a) The Municipality may accept applications from nonresidents thereof to become members of the Municipal Police Department, after conforming to all of the rules and regulations of the Personnel Board and as otherwise provided by law.

   (b) All police officers, except the Director/Chief of Police and Assistant Chief of Police are permitted to reside within the Municipality or not more than five air miles from the boundaries of the Municipality of Penn Hills. The Director/Chief of Police and Assistant Chief of Police shall reside within the Municipality of Penn Hills at all times during their term of office, position or rank.
(Ord. 2300. Passed 8-31-98; Ord. 2376. Passed 7-10-02.)

234.10 MANDATORY RETIREMENT.
   All member of the Municipal Police Department hired on or after August 31, 1998, regardless of rank or title, shall retire after attaining the age of 60 years. In no instance shall a member of the Municipal Police Department, regardless of rank or title, be allowed to exceed the mandatory retirement age of 60 years unless service commenced prior to August 31, 1998; provided, that any member of the Municipal Police Department hired prior to August 31, 1998, regardless of rank or title, shall be allowed to continue working as a member of the Municipal Police Department after he or she has attained the mandatory retirement age, until such time as they have completed the required 15 years of service for partial vesting.
(Ord. 2300. Passed 8-31-98; Ord. 2404. Passed 12-3-03.)

234.11 MUNICIPAL CANINE CORPS.
   (a) The Manager and the Director of Public Safety are hereby authorized to take all necessary and proper steps to create a Municipal Canine Corps within the Department of Public Safety.

   (b) Such authorization is limited to using only existing manpower as of March 7, 1977.

   (c) Such authorization is limited to expenditures solely within existing General Fund resources as approved in a budget adopted December 28, 1976, and/or allied capital items funded within the existing Capital Reserve accounts.

   (d) Expenditures for personnel matters, supplies or capital items in excess of these current authorizations shall be held in abeyance pending adoption of, as necessary, a capital improvement budget for 1977 and/or an amendment to the 1978 General Fund operating budget.
(Ord. 2300. Passed 8-31-98; Ord. 2442. Passed 6-20-05.)

234.12 EDUCATIONAL SERVICE AGENCY.
   (a) Pursuant to Act 108 of 1979, there is hereby established within the Department of Police, an agency to be known as the Educational Service Agency, effective January 1, 1980, for the purpose of employing Special School Police and such other employees as may be deemed appropriate by Council.

   (b) All Special School Police are hereby transferred to the payroll of the Educational Service Agency, effective January 1, 1980, and shall be compensated from the accounts of such Agency, all in conformity with the provisions of Act 108 of 1979.

2005 Replacement
(c) All appropriate payroll funds, accounts and records of the Municipality shall be hereafter transferred to, and designated as, the accounts of the Educational Service Agency.

(d) The Director of the Department of Finance is hereby authorized to establish a new bank account for payment of all employees of the Educational Service Agency and to establish all other necessary and proper accounts to comply with Act 108 of 1979.

(Ord. 2300. Passed 8-31-98.)

234.13 EXCESSIVE FORCE POLICY.
The Municipality hereby establishes an excessive force policy as follows:

(a) Members of the Police Department are prohibited from the use of excessive force against any individuals engaged in nonviolent civil rights demonstrations.

(b) Any officer who violates this section shall be subject to disciplinary action by the Director of Public Safety.

(Ord. 2300. Passed 8-31-98; Ord. 2442. Passed 6-20-05.)

234.14 SUMMARY ARREST GUIDELINES.
The Summary Arrest Guidelines prepared by the Police Department are hereby adopted and shall become part of the Police Guide, said Guidelines providing for warrantless arrests for certain summary offenses as permitted by 42 Pa. C.S. • 8902, as set forth below.

Summary Arrest Guidelines

1. Pursuant to 42 Pa. C.S. • 8902, effective January 17, 1986, a police officer shall, upon view, have the right of arrest without a warrant, upon probable cause, when there is ongoing conduct that imperils the personal security of any person or endangers public or private property.

2. If a police officer of the Municipality of Penn Hills has probable cause to believe that there is a violation of one of the four offenses listed below, that the Defendant’s conduct is ongoing, that the conduct constituting the crime is based upon the police officer’s view of the conduct, and if the conduct imperils the personal security of any person or endangers public or private property, the officer shall have the right to arrest a defendant without a warrant.

3. These guidelines shall only apply to the following summary offenses pursuant to Title 18 Pa. C.S.:

• 5503 Disorderly Conduct
• 5505 Public Drunkenness
• 5507 Obstructing Highways and Other Public Passages
• 6308 Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages

4. Any officer making an arrest under these guidelines shall also follow those procedures set forth in the Pennsylvania Rules of Criminal Procedure and in particular Rule 71, said Rule currently providing as follows:
(a) When a defendant has been arrested without a warrant, the defendant shall be either released from custody pursuant to paragraph (b) or taken before the proper issuing authority under paragraph (c).

(b) When a defendant has been arrested without a warrant, the arresting officer may, when the officer deems it appropriate, promptly release the defendant from custody when the following conditions have been met:

1. The defendant is a resident of the Commonwealth;
2. The defendant poses no threat of immediate physical harm to any other person or to himself or herself;
3. The arresting officer has reasonable grounds to believe that the defendant will appear as required; and
4. The defendant does not demand to be taken before an issuing authority.

A citation shall be issued to the defendant at the time of release and thereafter the case shall proceed in accordance with Rules 55-59 as if the proceedings had been instituted by issuing a citation to the defendant.

(c) When the defendant has not been released from custody under paragraph (b), the defendant shall be taken without unnecessary delay before the issuing authority where a citation shall be filed against the defendant. The defendant shall be given an immediate trial unless:

1. The Commonwealth is not ready to proceed or the defendant requests a postponement, and in either event the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial; or
2. The defendant’s criminal record must be ascertained before trial as specifically required by statute for purposes of grading the offense charged, in which event the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial, which shall be after the issuing authority’s receipt of the required information.

(Res. 97-001. Passed 2-5-97.)
CHAPTER 236  
Department of Public Safety • Division of Fire Prevention

236.01 Functions.  
The Division of Fire Prevention shall be responsible for the protection of persons and property within the Municipality against fire.  
(Ord. 1516. Passed 1-9-78; Ord. 2442. Passed 6-20-05.)

236.02 Division Director.  
The Division of Fire Prevention shall be headed by a Director - Fire Marshal who shall be responsible to the Director of Public Safety.  
(Ord. 1516. Passed 1-9-78; Ord. 2442. Passed 6-20-05.)

236.03 Duties of Director - Fire Marshal.  
The duties of the Director - Fire Marshal shall be to:  
(a) Prevent fires;  
(b) Identify, remove and control fire hazards;  
(c) Enforce laws, ordinances, rules and regulations relating to fires and fire hazards;  
(d) Maintain records relating to fires and fire hazards;  
(e) Conduct investigations, in cooperation with appropriate police authorities, into suspected crimes relating to fire;  
(f) Develop and conduct community relations and education programs;  
(g) Conduct civil defense operations.  
(Ord. 1516. Passed 1-9-78.)

236.04 Civil Defense/Emergency Management.  
The Director - Fire Marshal shall be the Municipal Civil Defense Director/Emergency Management Coordinator.  
(Ord. 2442. Passed 6-20-05.)

2005 Replacement
CHAPTER 238
Department of Code Enforcement

238.01 Functions.
238.02 Department head.
238.03 Duties of Department.

CROSS REFERENCES
Building and Housing Code - see CHTR. Art. XVII, § 5
Subdivision Regulations - see P. & Z. Ch. 1240 et seq.
Zoning Code - see P. & Z. Ch. 1260 et seq.
Building Code - see B. & H. Ch. 1420
National Electrical Code - see B. & H. Ch. 1440
Plumbing and house drainage - see B. & H. Ch. 1460
Fire Prevention Code - see F. P. Ch. 1620

238.01 FUNCTIONS.
There shall be a Department of Code Enforcement which shall provide building code enforcement and which shall be responsible for the protection of persons and property within the Municipality through the enforcement of zoning, subdivision, building and related structural and land use codes.
(Ord. 1516. Passed 1-9-78.)

238.02 DEPARTMENT HEAD.
The Department of Code Enforcement shall be headed by the Director of Code Enforcement who shall be responsible to the Manager.
(Ord. 1516. Passed 1-9-78.)

238.03 DUTIES OF DEPARTMENT.
The duties of the Department of Code Enforcement shall be to:
(a) Enforce zoning, subdivision, building, electrical, plumbing, heating, housing, demolition and such other related structural and land use codes as may be enacted by law or ordinance;
(b) Issue such licenses and permits as may be required by law or ordinance; and
(c) Assist the Planning Advisory Council and the Zoning Hearing Board in their functions.
(Ord. 1516. Passed 1-9-78.)
CHAPTER 240
Department of Parks and Recreation

240.01  Functions.
The Department of Parks and Recreation shall be responsible for operating the parks of the Municipality and developing, conducting and supervising recreation programs.
(Ord. 1466. Passed 10-4-76.)

240.02  Department head.
The Department of Parks and Recreation shall be headed by a Director who shall be responsible to the Manager for the performance of the functions of the Department.
(Ord. 1466. Passed 10-4-76.)

240.03  Duties of Department.
The duties of the Department of Parks and Recreation shall be to:
(a) Plan, develop, design and administer, in cooperation with other appropriate Municipal departments, Municipal park and recreation facilities owned, acquired or designated by the Municipality; and
(b) Organize, equip and conduct recreation programs for all residents of the Municipality.
(Ord. 1466. Passed 10-4-76.)

CROSS REFERENCES
Parks Section - see ADM. 244.05(a)
Summer Recreation Program - see S. U. & P. S. Ch. 1064
Recreation and open spaces in site development plans - see P. & Z. 1220.24, 1220.25
Parks and recreation areas - see S. U. & P. S. Ch. 1068
CHAPTER 242
Department of Planning and Development

242.01 Legislative intent.
242.02 Divisions.
242.03 Functions.
242.04 Department head.
242.05 Duties of Department.
242.06 Housing and redevelopment.
242.07 Rules and procedures.
242.08 Fair housing.

CROSS REFERENCES
Planning and zoning - see CHTR. Art. XVII
Site development plans - see P. & Z. Ch. 1220
Subdivision Regulations - see P. & Z, Ch. 1240 et seq.
Zoning Code - see P. & Z. Ch. 1260 et seq.
Planned Unit Residential Developments - see P. & Z. Ch. 1288

242.01 LEGISLATIVE INTENT.
It is the legislative intent of Council to implement the provisions of Article XVII of the Municipal Charter and the Pennsylvania Municipalities Planning Code (Act 247 of 1968); to provide for orderly growth of the Municipality; to provide an effective and comprehensive system for administering all ordinances, codes, regulations and procedures related to community planning; and to provide effective and comprehensive systems, methods and procedures directed toward achieving sound economic and physical development of the community.
(Ord. 1458. Passed 7-12-76.)

242.02 DIVISIONS.
The Department of Planning and Development shall consist of the following divisions:
(a) Administrative;
(b) Division of Comprehensive Planning;
(c) Division of Economic Development; and
(d) Division of Urban Redevelopment. The Division of Urban Redevelopment shall be the administrative agency charged with conducting functions related to the implementation of urban redevelopment policies, plans and programs established by the governing body.
(Ord. 1458. Passed 7-12-76.)

242.03 FUNCTIONS.
The Department of Planning and Development shall be responsible for the preparation of short and long range planning and community development programs for the Municipality.
(Ord. 1466. Passed 10-4-76.)

242.04 DEPARTMENT HEAD.
(a) The Department of Planning and Development shall be headed by a Director who shall be responsible to the Manager for the performance of the functions of the Department.
(Ord. 1466. Passed 10-4-76.)

(b) The Director shall be appointed on the basis of demonstrated professional competency
and related training, education and experience.
(Ord. 1458. Passed 7-12-76.)

242.05 DUTIES OF DEPARTMENT.
It shall be the duty of the Department of Planning and Development to:
(a) Advise Council and the Manager on all matters relative to community planning;
(b) Review, under the supervision of the Director, all applications for subdivisions, site
plans, zoning changes and grading permits, in conjunction with the Municipal Engineer,
and present appropriate recommendations thereon to Council. The Director shall
recommend to Council, through the Manager, additional requirements, terms and
conditions incidental to guaranteeing effective and orderly community development,
adequate density control, protection and preservation of the environment in general and
the accommodation of proposed projects to the physical configuration of the land on a
proposed site, in the absence of or as a supplement to any provision or standard
established by ordinance.
(c) Present recommendations to the Mayor and Council concerning the following:
   (1) A Municipal comprehensive plan;
   (2) A Municipal land use plan;
   (3) A Municipal zoning ordinance;
   (4) A Municipal subdivision ordinance;
   (5) A Municipal grading ordinance;
   (6) A building code, housing code and/or property maintenance code;
   (7) Community development plans and programs;
   (8) Municipal housing and rehabilitation plans and programs; and
   (9) Related community planning affairs.
(d) Recommend, subject to the approval of Council, administrative regulations designed to
   implement the provisions of this chapter;
(e) Develop and implement, with the approval of Council, plans and programs designed to
   further the economic growth of the community;
(f) Conduct such other related planning functions as may be designated, from time to time,
   by the Manager and Council;
(g) Administer approved community development and planning programs under Article
    VII, Section 701 et seq., of the Pennsylvania Municipalities Planning Code, being Act
(h) Apply for and seek, when requested, available Federal and State funds for the
    Municipality.
(Ord. 1466. Passed 10-4-76.)

242.06 HOUSING AND REDEVELOPMENT.
Council, on the recommendation of the Planning and Development Director, may enact an
ordinance establishing a Redevelopment Agency pursuant to Act 62. Such agency, upon finding
that a particular area of the Municipality (whether residential, commercial or mixed) has or is
about to become blighted, may acquire property in such area by purchase, condemnation, gift or
other means and may sell, lease or otherwise transfer such real estate or any part thereof to public
or private persons for redevelopment.
(Ord. 1466. Passed 10-4-76.)

242.07 RULES AND PROCEDURES.
The Manager shall establish administrative regulations detailing exact methods, procedures
and time limits intended to implement the policies established by ordinances and rules adopted by
Council.
(Ord. 1458. Passed 7-12-76.)
242.08 FAIR HOUSING.

(a) The Director of Planning and Development shall provide all appropriate advice and counsel on home loan financing to minorities and lower income families and individuals.

(b) The Director shall provide further advice to lower income and minority families and individuals with regard to Federal programs that may be available for the rental or financing of housing. The Director or his designated staff shall be available for such counseling from 9:00 a.m. to 4:30 p.m., Monday through Friday, at the Penn Hills Municipal Building, 12245 Frankstown Road, Penn Hills, Pa., telephone 795-3500.

(c) The Director shall advise the public that any complaints of discrimination in the sale, rental or financing of housing should be reported directly to him and he in turn shall forward this information to the proper H. U. D. authorities. Furthermore, he shall notify the local realtors that he has been given this responsibility.
(Res. 81-1977. Passed 8-24-77.)
CHAPTER 244
Department of Public Works

EDITOR'S NOTE: The Municipality contracts for the services of an engineer or firm of engineers designated the Municipal Engineer. Copies of the latest relevant legislation may be obtained from the Clerk of Council.

244.01 Functions.
244.02 Department head.
244.03 Duties of Director.
244.04 Divisions.
244.05 Administration and Operations Division.
244.06 Construction Division; Construction Superintendent.
244.07 Allocation and assignment of personnel.
244.08 Positions in Department of Highways.

CROSS REFERENCES
Street construction standards - see S. U. & P. S. Ch. 1020
Excavations - see S. U. & P. S. Ch. 1024
Sidewalks - see S. U. & P. S. Ch. 1026
Utilities - see S. U. & P. S. Ch. 1040 et seq.

244.01 FUNCTIONS.
(a) The Department of Public Works shall perform those functions that normally accrue to a department of public works, as well as those assigned by Council and the Manager. (Ord. 1452. Passed 3-2-76.)

(b) The Department shall be responsible for the operation and maintenance of those physical structures and facilities that are owned and maintained by the Municipality particularly related to road construction, maintenance and ancillary activities. (Ord. 1466. Passed 10-4-76.)

244.02 DEPARTMENT HEAD.
(a) The Department of Public Works shall be headed by a Director who shall be responsible to the Manager for the performance of the functions of the Department. (Ord. 1466. Passed 10-4-76.)

(b) The Director shall be appointed on a basis of management and supervisory capabilities. (Ord. 1452. Passed 3-2-76.)

244.03 DUTIES OF DIRECTOR.
The duties of the Director of Public Works shall be to:
(a) Construct and maintain the streets, bridges, curbs and gutters of the Municipality, including the provision of street cleaning, snow removal and ice control services;
(b) Construct and maintain storm and sanitary sewer structures, facilities and appurtenances;
(c) Maintain traffic control devices and directional signs and signals, street name signs and parking meters;
(d) Plant and maintain trees and other vegetation along Municipal rights of way and other property of the Municipality; and
(e) Provide for inspection and related procedures to assure proper maintenance and repair of sidewalks in accordance with Municipal ordinances.

(Ord. 1466. Passed 10-4-76.)

244.04 DIVISIONS.
The Department of Public Works shall consist of two divisions: an Administration and Operations Division and a Construction Division.

(Ord. 1452. Passed 3-2-76.)

244.05 ADMINISTRATION AND OPERATIONS DIVISION.
The Administration and Operations Division shall be headed by the Director of Public Works and shall perform all duties assigned to the Department of Public Works not otherwise assigned to another division. This Division shall contain the following sections:

(a) Parks Section;
(b) Vehicle Maintenance Section; and
(c) Maintenance Section.

(Ord. 1452. Passed 3-2-76.)

244.06 CONSTRUCTION DIVISION; CONSTRUCTION SUPERINTENDENT.
The Construction Division shall be headed by the Construction Superintendent, which position is hereby created, and shall perform all Municipal construction activities not otherwise assigned by Council or the Manager. Such activities include, but are not limited to, street construction, sewers and water and sewer lines.

(Ord. 1452. Passed 3-2-76.)

244.07 ALLOCATION AND ASSIGNMENT OF PERSONNEL.
All personnel in the Department of Public Works shall be allocated and funded for budget purposes to the Administration and Operations Division. The Director of Public Works shall assign personnel from time to time to various divisions and sections for work purposes.

(Ord. 1452. Passed 3-2-76.)

244.08 POSITIONS IN DEPARTMENT OF HIGHWAYS.
All positions currently existing in the Department of Highways are hereby retained with the exception that the position of Road Supervisor is abolished and the position of Chief Mechanic is created in the Vehicle Maintenance Section.

(Ord. 1452. Passed 3-2-76.)
CHAPTER 246
Department of Water Pollution Control

246.01 Functions.

The Department of Water Pollution Control shall be responsible for the operation and maintenance of those physical structures and facilities of the Municipality particularly related to the treatment and disposal of sewage.

(Ord. 1466. Passed 10-4-76.)

246.02 Department head.

The Department of Water Pollution Control shall be headed by a Director who shall be responsible to the Manager for the performance of the functions of the Department.

(Ord. 1466. Passed 10-4-76.)

246.03 Duties of Director.

The duties of the Director of Water Pollution Control shall be to:

(a) Construct and maintain sanitary sewer structures, facilities and appurtenances;
(b) Plan, develop, design and administer, in cooperation with other appropriate departments and agencies of other governments, expansion and modification of facilities for which the Department of Water Pollution Control is responsible; and
(c) Perform inspections of improvements required by subdivision and other ordinances.

(Ord. 1466. Passed 10-4-76.)
CHAPTER 248  
Library Department

248.01 Functions. (Repealed) 
248.02 Department head. 
248.03 Duty of Director. 
248.04 Adoption of certain library policies. 

CROSS REFERENCES
Board of Library Directors - see ADM. Ch. 272

248.01 FUNCTIONS. (REPEALED) 
(EDITOR'S NOTE: Section 248.01 was repealed by implication by Ordinance 1604, passed February 6, 1980. See Section 272.06.)

248.02 DEPARTMENT HEAD. 
The Librarian, who shall be known as the Director of the Department, shall administer the Library Department and shall be responsible to the Board of Library Directors for performance of the functions of the Department. 
(Ord. 1604. Passed 2-6-80.)

248.03 DUTY OF DIRECTOR. 
The duty of the Director of the Library Department shall be to operate the Municipal Library. 
(Ord. 1466. Passed 10-4-76.)

248.04 ADOPTION OF CERTAIN LIBRARY POLICIES. 
The Municipal Court of the Municipality hereby directs the Library to institute certain policies as set forth in Resolution No. 02-101, passed November 6, 2002. These policies shall be adopted by reference, as if fully set forth herein. 
(Res. 02-101. Passed 11-6-02.)

2005 Replacement
CHAPTER 250
Office of Citizen Service and Information

250.01 Functions.
250.02 Office head.
250.03 Duties of Public Information Officer.

CROSS REFERENCES
Citizen service and information - see CHTR. Art. XIII

250.01 FUNCTIONS.
The Citizen Service and Information Office shall provide means to receive and investigate
complaints and requests for Municipal service; provide information on Municipal services,
facilities and other matters; and render information and assistance to veterans and senior citizens in
connection with benefits available to them.
(Ord. 1490. Passed 6-6-77.)

250.02 OFFICE HEAD.
The Citizen Service and Information Office shall be headed by a Public Information Officer
who shall be responsible to the Director of the Department of Administration and/or the Manager.
(Ord. 1490. Passed 6-6-77.)

250.03 DUTIES OF PUBLIC INFORMATION OFFICER.
(a) The duties of the Public Information Officer shall be to:
   (1) Establish a procedure for the reception and documentation of residents' requests
       for Municipal services or information;
   (2) Establish a procedure for the promulgation of information or requests for service
       through the various departments, bureaus and offices of the Municipal
       Government;
   (3) Establish a procedure for the promulgation of Municipal information to media
       outlets in and around the Municipality, such information subject to the approval of
       the Manager or his designee;
   (4) Maintain documentation of all information and requests for service proceeding
       through the Office of Citizen Service and Information;
   (5) Establish and maintain a file of general information for and about the
       Municipality;
   (6) Establish and maintain a Municipal newsletter;
   (7) Work in cooperation with the Penn Hills Area Agency on Aging;
   (8) Ascertain, review, promulgate and provide information in connection with
       services and benefits due veterans and senior citizens;
   (9) Aid any and all department heads in the preparation of and promulgation of
       information about their departments and activities;

(b) All materials or releases directed to the Manager for review and approval should be
copied to the Information Officer even though the Manager retains ultimate approval.
(Ord. 1490. Passed 6-6-77.)
CHAPTER 252
Contracts and Purchases

252.01 General regulations concerning contracts.  
252.02 Evasion of advertising requirements.  
252.03 Bonds for protection of labor and materialmen.  
252.04 Separate specifications for branches of work.  
252.05 Workmen’s compensation insurance.  
252.06 Minimum wages under contracts.  
252.07 Discrimination between employees.  
252.08 Informal purchases not exceeding $10,000.  
252.09 Use of State contract and other political subdivisions.  
252.10 H.U.D. assisted contracts.  
252.11 Code of conduct for Federal contracts.  
252.12 Contract changes.  
252.13 Liquidated damages.  
252.14 Guidelines for selection of consultants/engineers.  
252.15 Adoption of Purchasing Manual.  
252.16 Internal control procedure.  
252.17 Nonpayment of mercantile or business privilege tax.  
252.18 Statement of bidding history.

CROSS REFERENCES
Budget and budget message - see CHTR. Art. VII, §§ 4 et seq.  
Contracts - see CHTR. Art. IX  
Continuance of contracts - see CHTR. Art. XX, § 6

252.01 GENERAL REGULATIONS CONCERNING CONTRACTS.

(a) All contracts in excess of five hundred dollars ($500.00) shall be in writing. All contracts or purchases made by the Municipality involving the expenditure of over ten thousand dollars ($10,000), except those mentioned in Article IX, Section 4, of the Municipal Charter, shall be in writing, and shall be made only after notice by the Manager, published in one newspaper of general circulation, published or circulating in the County, at least two times at intervals of not less than three days where daily newspapers of general circulation are employed for such publication, or once a week for two successive weeks where weekly newspapers are employed. The first advertisement shall be published not more than forty-five days and the second advertisement not less than ten days prior to the date fixed for the opening of bids. All plans and specifications shall be on file at least ten days in advance of opening bids. The amount of the contract shall in all cases, whether of straight sale price, conditional sale, bailment lease, or otherwise, be the entire amount which the Municipality pays to the successful bidder or his assigns in order to obtain the services or property, or both, and shall not be construed to mean only the amount which is paid to acquire title or to receive any other particular benefit of the whole bargain.

(Ord. 2112. Passed 4-6-92; Ord. 2547. Passed 6-18-12.)

(b) In every instance in which any contract for any public work, construction, materials, supplies or other matters or things for the Municipality is awarded upon competitive bids, it shall be the duty of the authorities authorizing the same to award such contract to the lowest responsible bidder. Any published notice for bids shall contain full plans and specifications, or refer to the places

2013 Replacement
where copies thereof can be obtained, and give the time and place of a public meeting of a committee of Council at which meeting bids are to be publicly opened and read, but the contract not awarded. If, through lack of a quorum or other reason, no meeting is held at such time and place, notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed, and the foregoing provisions as to bids shall apply. The same course shall be pursued until a meeting of a committee of Council is actually held for receiving and opening bids. At a subsequent meeting of Council, after the opening of the bids, the contract shall be awarded. Any contract made in violation of the provisions hereof shall be void. However, nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year, but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years, provided that if, prior to the letting of any contract, taxpayers of the Municipality, whose property valuation as assessed for taxable purposes within the Municipality amounts to sixty percent or more of the total property valuation as assessed for taxable purposes within the Municipality, sign and file, with the Clerk of Council, a written protest against such contemplated contract, then such contract shall not be let.

(c) The successful bidder, when advertising is required herein, shall be required to furnish bond with suitable reasonable requirements guaranteeing the performance of the contract, with sufficient surety, in the amount of fifty percent of the amount of the liability under the contract, within twenty days after the contract has been awarded. Upon failure to furnish such bond within such time the previous award shall be void. Deliveries, accomplishment and guarantees may be required in all cases of expenditures including exceptions herein. (Ord. 1676. Passed 6-3-81.)

(d) No contract or purchase in excess of ten thousand dollars ($10,000), except those mentioned in Article IX, Section 4, of the Municipal Charter, shall be made except with and from the lowest responsible bidder after due publication. In awarding bids, Council may take into consideration such other factors as the availability, cost and quality of service. The limit of ten thousand dollars ($10,000) may be increased by Council to the extent of the maximum permitted to any non-charter Municipality in the Commonwealth as that limit is from time to time established by the General Assembly. (Ord. 2112. Passed 4-6-92.)

252.02 EVASION OF ADVERTISING REQUIREMENTS.

No Councilman or Municipal employee shall evade the provisions of Section 252.01 as to advertising for bids, by purchasing or contracting for services and personal properties piecemeal for the purpose of obtaining prices under ten thousand dollars ($10,000), upon transactions, which transactions should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than ten thousand dollars ($10,000). This provision is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below such price, when in either case the transactions involved should have been made as one transaction for one price. Any Councilman who so votes in violation of this provision, and who knows that the transaction upon which he so votes is or ought to be part of a larger transaction, and that it is being divided in order to evade the requirements as to advertising

2013 Replacement
for bids, shall be jointly and severally subject to a surcharge for ten percent of the full amount of the contract or purchase. Whenever it appears that a Councilman may have voted in violation of this section, but the purchase or contract on which he so voted was not approved by Council, this section shall be inapplicable.
(Ord. 2112. Passed 4-6-92.)

252.03 BONDS FOR PROTECTION OF LABOR AND MATERIALMEN.

It shall be the duty of the Municipality to require any person, copartnership, association or corporation entering into a contract with the Municipality for the construction, erection, installation, completion, alteration, repair or addition to any public work or improvement of any kind where the amount of such contract is in excess of ten thousand dollars ($10,000) before commencing work under such contract, to execute and deliver to the Municipality, in addition any other bond which may now or hereafter be required by law to be given in connection with such contract, an additional bond for the use of any and every person, copartnership, association or corporation interested, in a sum not less than 100 percent of the contract price, having as surety thereon one or more surety companies legally authorized to do business in the Commonwealth, conditioned on the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work, whether or not such material or labor enter in and become component parts of the work or improvement contemplated. Such additional bond shall be deposited with and held by the Municipality for the use of any party interested therein. Every such additional bond shall provide that every person, copartnership, association or corporation who or which, whether as subcontractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work as above provided, and who or which has not been paid therefor, may sue in assumpsit on such additional bond, in the name of the Municipality, for his, their or its use, and prosecute the same to final judgment for such sum as may be justly due him, them or it, and have execution thereon, provided, however, that the Municipality shall not be liable for the payment of any costs or expense of any suit.
(Ord. 2112. Passed 4-6-92.)

252.04 SEPARATE SPECIFICATIONS FOR BRANCHES OF WORK.

In the preparation of specifications for the erection or alteration of any public building, when the entire cost of such work exceeds ten thousand dollars ($10,000), the architect, engineer or person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating and electrical work, and the Municipality shall receive separate bids upon each of such branches of work and award the contract for the same to the lowest responsible bidder.
(Ord. 2112. Passed 4-6-92.)

252.05 WORKMEN’S COMPENSATION INSURANCE.

All contracts executed by the Municipality, which involve the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept, insofar as the work covered by any such contract is concerned, the provisions of the Workmen’s Compensation Act of 1915, and any supplements or amendments thereto, and that the contractor will insure his liability thereunder, or file with the Municipality, a certificate of exemption from insurance from the Bureau of Workmen’s Compensation of the Department of Labor and Industry.

Every officer of the Municipality who signs, on behalf of the Municipality, any contract, requiring in its performance the employment of labor, shall require, before the contract is signed, proof that the contractor with whom the contract is made has accepted the Workmen’s Compensation Act of 1915, and any supplements or amendments thereto, and that the contractor has insured his liability thereunder in accordance with the terms of the Act, or that the contractor has issued to him a certificate of exemption from insurance by the Bureau of Workmen’s Compensation of the Department of Labor and Industry.
(Ord. 2037. Passed 4-3-89.)

252.06 MINIMUM WAGES UNDER CONTRACTS.
(a) The specifications upon which contracts are entered into by the Municipality for the construction, alteration or repair of any public work or improvement may, at the option of the Municipality, contain the minimum wage which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed on such public work or improvement, and such laborers and mechanics shall in such cases be paid not less than such minimum wage.

(b) Every contract for the construction, alteration or repair of any public work or improvement founded on specifications containing any such stipulation for minimum wages shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in such specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in such specifications.

(c) Every officer or person designated as an inspector of or having supervision over the work to be performed under any such contract, in order to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, report to the Manager all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specifications and the day or days of such violation.

(d) All such penalties shall be withheld and deducted for the use of the Municipality from any moneys due the contractor by the officer or person whose duty it is to authorize the payment of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his subcontractors, provided that if any such contractor or subcontractor subsequently pays to all laborers and mechanics the balance of the amounts stipulated in such contract, the Municipality shall pay to the contractor the amounts so withheld as penalties.

(Ord. 1676. Passed 6-3-81.)

252.07 DISCRIMINATION BETWEEN EMPLOYEES.
Every contract for or on behalf of the Municipality for the construction, alteration or repair of any public building or public work shall contain provisions by which the contractor agrees that:
(a) In the hiring of employees for the performance of work under such contract or any subcontract thereunder, no contractor, subcontractor or person acting on behalf of such contractor or subcontractor shall, by reason of race, creed, color or sex, discriminate against any resident of the Commonwealth who is qualified and available to perform the work to which the employment relates;
(b) No contractor, subcontractor or person on his or her behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under his contract on account of race, creed, color or sex;
(c) There may be deducted from the amount payable to the contractor under such contract a penalty of five dollars ($5.00) for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract; and
(d) The contract may be cancelled or terminated by the Municipality and all money due or to become due thereunder may be forfeited for a second or any subsequent violation of the terms or conditions of this portion of the contract.
(Ord. 1676. Passed 6-3-81.)

252.08 INFORMAL PURCHASES NOT EXCEEDING $10,000.
(a) The Manager is hereby authorized to execute informal (letter) contracts for all purchases ranging in cost between one dollar ($1.00) and nine thousand nine hundred ninety-nine dollars ($9,999) during any given fiscal year.
(b) The Municipal Clerk is hereby authorized to certify such informal (letter) contracts.
(c) Such informal (letter) contracts shall not be executed for any item known to have an aggregate cost for any given fiscal year which exceeds nine thousand nine hundred ninety-nine dollars ($9,999).

(d) Before he executes such informal (letter) contracts, the Manager shall satisfy himself that purchasing personnel have attained maximum competition.

(e) The Manager is hereby authorized to promulgate procedures and regulations which implement this policy.

(f) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars ($4,000), but are less than the amount requiring advertisement and competitive bidding. In lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain, but not be limited to, the date of the quotation, the name of the contractor and the contractor=s representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation, and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(Ord. 2112. Passed 4-6-92.)

252.09 USE OF STATE CONTRACT AND OTHER POLITICAL SUBDIVISIONS.

The Mayor and Council are hereby authorized to use the State contract and any other political subdivision in order to make purchases for the Municipality.

(Ord. 1676. Passed 6-3-81.)

252.10 H.U.D. ASSISTED CONTRACTS.

(a) All H.U.D. Federally assisted contracts by and between the Municipality and contractors for the purchase by the Municipality of goods and services shall contain the following clause:

The work to be performed under the contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development Act of 1968, as amended. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of this project.

(b) Prior to signing the contract, the contractor shall supply the Municipality with a preliminary statement of work force needs, skilled and unskilled labor and trainees, by category, and the contractor shall also complete the necessary forms with regard to Section 3, attached to original. Resolution 77-1976, passed October 4, 1976, and made a part of this section by reference, which shall be included in the pre-bid contract package.

(c) The Municipality shall itself comply with the Section 3 policy by developing and maintaining source lists of community businesses in all solicitations of services and materials. Such list shall be kept substantially up-to-date and shall include new business enterprises as the occasion warrants. All other departments of the Municipality involved in the solicitation of services or material shall attempt to make use of the aforesaid mentioned list in all bid solicitations, and the Municipal Purchasing Agent shall utilize this list in securing bids for services and materials where Federal community development and other Federal moneys are involved. The Municipal Engineer, in preparing advertising and soliciting bids for construction projects such as sewer and water lines, shall utilize the list of community businesses.
(d) The policy provided for in this section shall be an officially adopted policy of the Municipality and the Department of Planning and Development shall develop, upon the approval of the Manager, the necessary administrative guidelines to implement this policy. (Ord. 1676. Passed 6-3-81.)

252.11 CODE OF CONDUCT FOR FEDERAL CONTRACTS.
There is hereby established a code of conduct to govern the performance of Municipal officers, employees or agents in the award and administration of contracts supported by Federal funds, as follows:

(a) No employee, officer or agent of the Municipality shall participate in the selection, award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

(b) A conflict of interest obtains when the employee, officer or agent, any member of his or her immediate family, his or her partner, or any organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for the award.

(c) Officers, employees or agents of the Municipality shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to subagreements.

(d) Standards for disciplinary action for violations of the code of conduct set forth in this section by the grantees’ officers, employees or agents, or by contractors or their agents, are established in Chapter 288.
(Res. 53-1980. Passed 7-2-80.)

252.12 CONTRACT CHANGES.
The Manager, as the purchasing officer for the Municipality, is hereby authorized to approve changes in price on an awarded contract up to a cumulative four thousand dollars ($4,000). A change can be granted only after the Manager has received and reviewed written justification for the requested change from a department head, the Municipal Engineer or the Purchasing Office. Council shall be notified, in writing, of each change within three days of the approved change. Any requested change or cumulative changes in excess of four thousand dollars ($4,000) must be reviewed and approved by Council prior to the Manager’s approval. (Ord. 1945. Passed 11-10-86.)

252.13 LIQUIDATED DAMAGES.
Following the award of a contract, if the Municipality is entitled to receive liquidated damages for a delay in performance or any other reason, there shall be no forgiveness of such damages without the approval of Council. (Ord. 1945. Passed 11-10-86.)

252.14 GUIDELINES FOR SELECTION OF CONSULTANTS/ENGINEERS.

(a) There is hereby adopted in and for the Municipality the Guide to Policy and Procedures for Consultant Selection, a copy of which is attached to original Resolution 98-127, passed December 2, 1998, the terms and provisions of which are incorporated herein by reference as if set forth at length.

(b) By the adoption of said Policy and Procedures, the Municipality is authorized to select an engineering/consulting firm for professional services with regard to bridge or other engineering matters for which the Municipality wishes to utilize engineering/consulting services. The purpose of this section is to establish procedures for the selection of said engineering firm/consultant so that the Municipality may be eligible for reimbursement of Federal funds through the Pennsylvania Department of Transportation.
252.15 ADOPTION OF PURCHASING MANUAL.
The Municipality hereby adopts the Purchasing Manual which is attached to original Ordinance 1943, passed November 10, 1986, and made a part of this section by reference, as the official purchasing regulations for the Municipality.
The purchasing procedures set forth in the Purchasing Manual shall not repeal or amend this chapter or Article IX of the Municipal Charter, but shall be used in conjunction with this chapter and Article IX of the Charter. If there is a conflict between the Purchasing Manual and the Charter or this chapter, the Charter and this chapter shall prevail.
(Ord. 1943. Passed 11-10-86.)

252.16 INTERNAL CONTROL PROCEDURE.
(a) The Manager, as the purchasing officer for the Municipality, is hereby authorized to prepare an internal control procedure for all Municipal purchases. The procedure shall be in writing and shall include all categories of purchases. The procedure shall be submitted to Council for approval and shall be implemented by December 1, 1986.

(b) The written internal control procedure shall be submitted to Council annually in February for review, input and modification, if needed.

(c) The internal control procedure shall not repeal or amend this chapter, Article IX of the Municipal Charter or the Purchasing Manual provided for in Section 252.15, but shall be used in conjunction with them. If there is a conflict between the internal control procedure and the Charter, this chapter or the Purchasing Manual, the Charter, this chapter and the Manual shall prevail.
(Ord. 1944. Passed 11-10-86.)

252.17 NONPAYMENT OF MERCANTILE OR BUSINESS PRIVILEGE TAX.
(a) Prohibitions. The Municipality shall not enter into any contract which provides for the purchase of goods or services if the seller of such goods or services is delinquent in the Municipal mercantile or business privilege tax.

(b) Tax Verification. The Municipal Manager shall, within thirty days following enactment of this section (Ordinance 2003, passed July 5, 1988), provide for a method by which the payment or nonpayment of taxes shall be systematically verified in the ordinary course of business.
(Ord. 2003. Passed 7-5-88.)

252.18 STATEMENT OF BIDDING HISTORY.
(a) Attached to each resolution, the purpose of which is to establish a contract in excess of the amount provided in Section 252.01, shall be attached a statement of bidding history.

(b) The statement of bidding history shall contain, at a minimum, the following information:
   (1) A copy of the bid notice which was published as required by law;
   (2) The date of publication of such notice;
   (3) The names and addresses of all persons who submitted bids;
   (4) An itemized list of the amounts bid, which list is structured so as to facilitate comparison of the bids;
   (5) The name of the current provider of the goods or services to which the contract relates; and
   (6) A brief statement by an appropriate administrative official as to why the resolution should be passed in favor of the person so named in the resolution.
(Ord. 2005. Passed 6-7-88.)
TITLE EIGHT - Authorities, Boards, Commissions, Etc.

Chap. 260.  Authorities.
Chap. 262.  Personnel Board.
Chap. 266.  Planning Commission.
Chap. 268.  Zoning Hearing Board.
Chap. 270.  Penn Hills Area Agency on Aging.
Chap. 272.  Board of Library Directors.
Chap. 274.  Citizens Advisory Council on Community Development.
Chap. 276.  Recreation Advisory Committee.
Chap. 277.  Economic Development Committee.
Chap. 278.  Historical Committee.
Chap. 279.  Arts Council.

CHAPTER 260
Authorities

EDITOR'S NOTE: This chapter has been established to provide a synopsis of legislation relating to the creation of Authorities by Council.

The Wilkinsburg-Penn Joint Water Authority. Under authority of the Municipality Authorities Act of 1945, approved May 2, 1945, Act No. 164, Ordinance 447, passed September 10, 1945, created the Wilkinsburg-Penn Joint Water Authority for the purpose of exercising any and all of the powers conferred by such Act.

CROSS REFERENCES
Authorities - see CHTR. Art. XIV, • 3
Water - see S.U. & P.S. Ch. 1046
CHAPTER 262
Personnel Board


262.01 Successor to Civil Service Commission.

262.02 Functions; rules and regulations.

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, § 3
Personnel management - see CHTR. Art. XV
Personnel Board - see CHTR. Art. XVI
Existing Police Civil Service Commission - see CHTR. Art. XX, § 8
Personnel Management - see ADM. Ch. 288

262.01 SUCCESSOR TO CIVIL SERVICE COMMISSION.
The Personnel Board shall act in the capacity of the previous Civil Service Commission of the Municipality.
(Res. 59-1977. Passed 6-6-77.)

262.02 FUNCTIONS; RULES AND REGULATIONS.
The Personnel Board shall handle all matters pertaining to hiring, promotions, suspensions, hearings, removals, dismissals or appeals and the same shall be governed by the Rules and Regulations of the Civil Service Commission, approved and adopted by Resolution 10 of 1965, passed May 3, 1965, and the Rules and Procedures of the Personnel Board, approved by Council on March 23, 1977, as amended by the laws of the Commonwealth or the ordinances, resolutions, rules or regulations of the Municipality.
CHAPTER 264
Planning Advisory Council

EDITOR'S NOTE: The Planning Advisory Council established by Ordinance 1458, passed July 12, 1976, was renamed the Planning Commission by Ordinance 1716, passed November 18, 1981. Provisions relating to the Planning Commission are now codified in Chapter 1230 of the Planning and Zoning Code. References throughout these Codified Ordinances to the Planning Advisory Council shall be interpreted to mean the Planning Commission.
CHAPTER 266
Planning Commission

EDITOR’S NOTE: Provisions relating to the Planning Commission are codified in Chapter 1230 of the Planning and Zoning Code.
CHAPTER 268
Zoning Hearing Board

EDITOR'S NOTE: There are no sections in Chapter 268. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, § 3
Planning and zoning - see CHTR. Art. XVII
Zoning Code - see P. & Z. Ch. 1260 et seq.
The Zoning Hearing Board - see P. & Z. Ch. 1264
CHAPTER 270
Penn Hills Area Agency on Aging

EDITOR’S NOTE: There are no sections in Chapter 270. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, § 3
Ambulance service - see S. U. & P. S. Ch. 1062
CHAPTER 272
Board of Library Directors

272.01 Creation and composition.
272.02 Appointments.
272.03 Terms of office.
272.04 Election of officers.
272.05 By-laws.
272.06 Powers.
272.07 Title to property.
272.08 Bond of Treasurer.

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, • 3
Library Department - see ADM. Ch. 248

272.01 CREATION AND COMPOSITION.
(a) There is hereby created and established in and for the Municipality a Board of Directors of the Penn Hills Library, a free, public, nonsectarian library, which Board shall have full and complete control over the operation and conduct of the Public Library, including the effort to get such a library established.
(Ord. 986. Passed 4-15-63.)

(b) The Board of Directors shall consist of seven members. Directors shall be residents, property owners or those whose business or professional place of business is located in the Municipality. However, not more than two of the total number of Board members shall be nonresidents.
(Ord. 1609. Passed 2-6-80.)

272.02 APPOINTMENTS.
The members of the Board of Library Directors shall be appointed by the Mayor with the advice and consent of Council.
(Ord. 1609. Passed 2-6-80.)

272.03 TERMS OF OFFICE.
The Board of Library Directors for the first year shall be composed of two members who shall be appointed for a term of three years, two members who shall be appointed for a term of two years, and three members who shall be appointed for a term of one year. As each member's term expires the succeeding appointment shall be for a period of three years.
(Ord. 986. Passed 4-6-70.)

272.04 ELECTION OF OFFICERS.
The Board of Library Directors, when appointed, shall organize by electing a President, Vice-President, Secretary and Treasurer.
(Ord. 986. Passed 4-6-70.)

272.05 BY-LAWS.
Prior to the expiration of one year from the date of this section (Ordinance 986, passed April 6, 1970), the Board of Library Directors shall have adopted by-laws.
(Ord. 986. Passed 4-6-70.)
272.06  POWERS.

The Board of Library Directors shall be responsible for the operations of the Public Library. The affairs of the Library shall be under the exclusive control of the Board, which shall control all funds given or appropriated for the establishment and/or maintenance of such Library, if any, received from other sources for its use, and which shall direct the disbursement of such funds and the hiring and discharging of employees as are necessary for the proper operation of the Library. If the Municipality appropriates money to the Library then the number of employees shall be within the provisions of the amount set out in the annual budget enacted by Council.

The Board shall also control the establishment of Library memberships and the report and remittance of charges collected. If the Library receives Municipal appropriations, the Board shall make an annual report to Council of the moneys received by such Library from the Municipality and the disposition made thereof, and the accounts of the Treasurer of the Board shall be audited as in the case of other Municipal expenditures. In addition, the Board shall prescribe rules and regulations for the operation of the Library, including the hours that the Library shall be open.

(Ord. 986. Passed 4-6-70; Ord. 1604. Passed 2-6-80.)

272.07  TITLE TO PROPERTY.

If Council appropriates money to the Public Library, then title to all the property of the Library, including real estate, personal property, funds and accounts, shall be in the Government of the Municipality.

(Ord. 986. Passed 4-6-70.)

272.08  BOND OF TREASURER.

The Treasurer of the Penn Hills Public Library shall be required to give a satisfactory surety bond to the Municipality in the amount of two thousand dollars ($2,000).

(Res. 22-1969. Passed 7-7-69.)
CHAPTER 273
Traffic Safety Committee

273.01 Creation.

There is hereby created a Traffic Safety Committee in and for the Municipality.
(Ord. 1658. Passed 3-4-81.)

273.02 Purpose.

(a) The Traffic Safety Committee shall have the power, at the request of the Municipal Manager, the Director of the Department of Police, the Public Safety Committee of Council, or on its own initiative, to study and/or examine any matter relating to traffic or the regulation thereof, by any laws of the Commonwealth or any ordinances, resolutions, rules or regulations of the Municipality.

(b) The Committee shall make reports and recommendations to the Director of Police, the Mayor and Council as it deems necessary or as required by the Mayor and Council.
(Ord. 1658. Passed 3-4-81.)

273.03 Appointments.

The Mayor, with the consent of Council, shall appoint seven members of the Traffic Safety Committee.
(Ord. 2156. Passed 10-4-93.)

273.04 Terms of office.

The term of office for membership on the Traffic Safety Committee shall be three years. At the time of the original appointment, there shall be two members appointed to hold a one-year term, two members appointed to hold a two-year term and three members appointed to hold a three-year term.
(Ord. 2156. Passed 10-4-93.)

273.05 Removal.

The Mayor, with the consent of Council, may remove a member of the Traffic Safety Committee for good cause.
(Ord. 1658. Passed 3-4-81.)

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, • 3
Administration and enforcement of traffic code - see TRAF. Ch. 404
Traffic control - see TRAF. Ch. 408
273.06 COMPENSATION.
Members of the Traffic Safety Committee shall serve without compensation.
(Ord. 1658. Passed 3-4-81.)

273.07 EXPENSES.
(a) The Traffic Safety Committee shall furnish to the Municipal Manager on or before September 1 of each year, an estimate of its budget requirements for the following year. Such requests shall be included in the Manager’s proposed annual budget.

(b) The Mayor and Council shall have the authority to review such requests of the Committee prior to final adoption of the annual budget and make such adjustments or revisions as they deem necessary.
(Ord. 1658. Passed 3-4-81.)

273.08 POWER TO MAKE CONTRACTS.
The Traffic Safety Committee shall be advisory only and shall have no power to enter into contracts on behalf of the Municipality.
(Ord. 1658. Passed 3-4-81.)

273.09 BYLAWS.
The Traffic Safety Committee shall submit to the Mayor and Council, for approval, recommended bylaws and all subsequent amendments thereto, prior to their adoption by the Committee.
(Ord. 1658. Passed 3-4-81.)
CHAPTER 274
Citizens Advisory Council on Community Development

EDITOR'S NOTE: Resolution 16-1980, passed February 20, 1980, approved a Citizen Participation Plan under the provisions of The Housing and Community Development Act of 1974, as amended.

274.01 Creation; function.
274.02 Appointments; qualifications.
274.03 Terms of office.
274.04 Vacancies.
274.05 Maximum service.
274.06 Functions and duties.

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, • 3
Department of Planning and Development - see ADM. Ch. 242

274.01 CREATION; FUNCTION.
There is hereby created a Citizens Advisory Council on Community Development. This Council shall serve in an advisory capacity only to the Mayor, Council, the Manager and the Director of Planning and Development.
(Res. 76-1976. Passed 10-4-76.)

274.02 APPOINTMENTS; QUALIFICATIONS.
The Mayor, with the advise and consent of Council, shall, within thirty days of the effective date of this chapter (Resolution 76-1976, passed October 5, 1976), appoint from the registered electors of the Municipality a Citizens Advisory Council composed of nine members who shall be qualified by education, training and experience, or any combination thereof for appointment to this Council.
(Res. 76-1976. Passed 10-4-76.)

274.03 TERMS OF OFFICE.
The term of office for membership on the Citizens Advisory Council shall be three years, except that for the first Council three members shall hold a three-year term, three members a two-year term and three members a one-year term.
(Res. 76-1976. Passed 10-4-76.)

274.04 VACANCIES.
Any vacancy occurring on the Citizens Advisory Council shall be filled by the Mayor as provided for by the Municipal Charter.
(Res. 76-1976. Passed 10-4-76.)

274.05 MAXIMUM SERVICE.
No citizen member of the Citizens Advisory Council may serve more than two full three-year terms.
(Res. 76-1976. Passed 10-4-76.)

274.06 FUNCTIONS AND DUTIES.
The Citizens Advisory Council shall have broad functions and duties related solely to its role as an advisor to the Manager and the Director of Planning and Development, which functions and duties shall be defined by administrative regulation.
(Res. 76-1976. Passed 10-4-76.)
275.01 Creation; Function.

There is hereby created an Emergency Management Committee in and for the Municipality. Such Committee shall prepare and thereafter review and revise a disaster emergency plan for the Municipality.

(Ord. 1624. Passed 7-16-80.)

275.02 Appointments.

(a) The following individuals shall be members of the Emergency Management Committee:

1. The Municipal Manager, who is hereby designated as the Emergency Management Coordinator;
2. The head and/or Director of the Police Department;
3. The Director of the Division of Emergency Medical Services;
4. A representative designated by the Penn Hills School Board;
5. The President of the Penn Hills Volunteer Firemen’s Association;
6. The President of the Penn Hills Volunteer Fire Chief’s Association;
7. The Director of Public Works;
8. A volunteer fire-fighter recommended by the Penn Hills Volunteer Firemen’s Association; and
9. Two citizen members appointed in accordance with Article XIV of the Municipal Charter.

(b) The Committee may recommend that the Mayor appoint two additional members, whose nominations must be approved by Council.

(Ord. 1624. Passed 7-16-80.)

275.03 Chairperson.

The members of the Emergency Management Committee shall elect their own chairperson.

(Ord. 1624. Passed 7-16-80.)

275.04 Adoption of Emergency Operations Plan.

There is hereby adopted, by reference, by the Mayor and Council of the Municipality, the Emergency Operations Plan. All necessary documentation regarding such Plan shall be submitted to the Pennsylvania Emergency Management Agency.

(Res. 92-001. Passed 1-20-92.)
CHAPTER 276
Recreation Advisory Committee

276.01 Creation.
276.02 Purpose.
276.03 Appointments.
276.04 Terms of office.
276.05 Removal.
276.06 Bylaws.

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, § 3
Department of Parks and Recreation - see ADM. Ch. 240
Parks and recreation areas - see S.U. & P.S. Ch. 1068

276.01 CREATION.
There is hereby created a Recreation Advisory Committee in and for the Municipality.
(Ord. 1654. Passed 2-18-81.)

276.02 PURPOSE.
(a) The Recreation Advisory Committee shall advise, consult and make recommendations to the Director of the Department of Parks and Recreation and assist the Director in the formulation of plans and policies in order to provide wholesome recreational opportunities within the Municipality.

(b) The Committee shall furnish the Mayor and Council with periodic reports of its activities and submit an annual report to the Mayor and Council not later than January 30 of each year.
(Ord. 1654. Passed 2-18-81.)

276.03 APPOINTMENTS.
The Mayor, with the consent of Council, shall appoint nine members of the Recreation Advisory Committee.
(Ord. 1654. Passed 2-18-81.)

276.04 TERMS OF OFFICE.
The term of office for membership on the Recreation Advisory Committee shall be for three years. At the time of the original appointment, there shall be three members appointed to a three-year term, three members to a two-year term and three members to a one-year term.
(Ord. 1654. Passed 2-18-81.)

276.05 REMOVAL.
The Mayor, with the consent of Council, may remove a member of the Recreation Advisory Committee for good cause.
(Ord. 1654. Passed 2-18-81.)

276.06 BYLAWS.
The Recreation Advisory Committee shall submit to the Mayor and Council for approval recommended bylaws and all subsequent amendments thereto, prior to their adoption by the Committee.
(Ord. 1654. Passed 2-18-81.)
CHAPTER 277
Economic Development Committee

EDITOR'S NOTE: This chapter, previously a codification of Ordinance 1752, passed September 1, 1982, was repealed in its entirety and re-enacted by Ordinance 2308, passed January 6, 1999.

277.01 Establishment.
277.02 Appointments; qualifications.
277.03 Terms of office; compensation.
277.04 Vacancies.
277.05 Chairperson.
277.06 Functions and duties.
277.07 Powers.
277.08 Advisory committees and technical assistance.

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, § 3
Division of Economic Development - see ADM. 242.02
Affirmative action for minority business enterprise - see ADM. 280.04

277.01 ESTABLISHMENT.
The hereby established an Economic Development Committee in and for the Municipality which shall be composed of nine members.
(Ord. 2308. Passed 1-6-99.)

277.02 APPOINTMENTS; QUALIFICATIONS.
The Mayor, with the advice and consent of Council, shall, within thirty days of the passage date of this chapter (Ordinance 2308, passed January 6, 1999), appoint nine members to the Economic Development Committee, such members to be qualified by education, training and experience, or any combination thereof, for appointment to this Committee.
(Ord. 2308. Passed 1-6-99.)

277.03 TERMS OF OFFICE; COMPENSATION.
The term of office for membership on the Economic Development Committee shall be as follows: three members shall be appointed to four-year terms; three members shall be appointed to three-year terms; and three members shall be appointed to two-year terms. All Committee members shall serve without pay, but shall be reimbursed by the Municipality for any expenses incurred incidental to the performance of any duty of the Committee. All reimbursements must be submitted to Council for approval.
(Ord. 2308. Passed 1-6-99.)

277.04 VACANCIES.
Any vacancies occurring on the Economic Development Committee shall be filled by the Mayor with the advice and consent of Council.
(Ord. 2308. Passed 1-6-99.)

277.05 CHAIRPERSON.
The nine appointed members of the Economic Development Committee shall select one member to serve as Chairperson for a two-year period. The Chairperson shall preside at all meetings and, in his or her absence, shall designate his or her representative or other member of the Committee to act in his or her stead and so preside.
FUNCTIONS AND DUTIES.

The Economic Development Committee shall have broad functions and duties related to the development of reports and recommendations made by the Committee to the Mayor and Council. The areas to be addressed in the Committee's reports shall center on the ability to increase, improve and solidify economic growth within the Municipality. The reports shall include, but not be limited to, recommendations for the implementation of affirmative programs to attract new businesses and commercial enterprises to relocate within the Municipality. The reports shall also include recommendations for the implementation of programs that will assist business and commercial establishments already located in the Municipality. The reports shall include a comprehensive analysis of what the Municipality can and should do to promote an increase in the economic viability of the community.

POWERS.

The Economic Development Committee shall have the general power to prescribe its own administrative regulations and operating procedures, so long as they do not conflict with the Municipal Charter or other Municipal and State regulations.

ADVISORY COMMITTEES AND TECHNICAL ASSISTANCE.

(a) The Economic Development Committee, at its discretion, may create subcommittees to perform such tasks and render such technical advice and assistance as the Committee may require. Members of an advisory committee shall be chosen for their competence in the subject to which the work of the committee pertains. All members of advisory committees shall serve without pay.

(b) The Economic Development Committee may, through the Manager's office, request information from the various department heads of the Municipality.
CHAPTER 278
Historical Committee

278.01 CREATION.
There is hereby created a Historical Committee in and for the Municipality.
(Ord. 1842. Passed 3-19-84.)

278.02 DUTIES; REPORTS.
(a) The Historical Committee shall collect and develop data regarding the historical background of the Municipality.

(b) The Committee shall furnish the Mayor and Council with periodic reports of its activities and submit an annual report to the Mayor and Council not later than January 30 of each year.

(c) The Committee shall submit all historical data to the Penn Hills Library for cataloging and safekeeping.
(Ord. 1842. Passed 3-19-84.)

278.03 APPOINTMENTS.
The Mayor, with the consent of Council, shall appoint nine members to the Historical Committee.
(Ord. 1842. Passed 3-19-84.)

278.04 TERMS OF OFFICE.
The term of office of members of the Historical Committee shall be three years. At the time of the original appointments, three members shall be appointed for three-year terms, three members for two-year terms, and three members for one-year terms.
(Ord. 1842. Passed 3-19-84.)

278.05 REMOVAL.
The Mayor, with the consent of Council, may remove a member of the Historical Committee for good cause.
(Ord. 1842. Passed 3-19-84.)

278.06 BYLAWS.
The Historical Committee shall submit to the Mayor and Council recommended bylaws and all subsequent amendments for approval prior to their adoption by the Committee.

CROSS REFERENCES
Municipal Attorney • access to records - see CHTR. Art. VI, • 5
Controller • access to records - see CHTR. Art. VII, • 6
Boards, commissions and authorities - see CHTR. Art. XIV, • 3
Library department - see ADM. Ch. 248
Office of citizen service and information - see ADM. Ch. 250
(Ord. 1842. Passed 3-19-84.)
CHAPTER 279
Arts Council

279.01 Establishment.
279.02 Composition; appointment.
279.03 Powers and duties.

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, § 3

279.01 ESTABLISHMENT.
There is hereby established an Arts Council in and for the Municipality. The Council shall serve in an advisory capacity to the Mayor and Council.
(Ord. 2006. Passed 5-2-88.)

279.02 COMPOSITION; APPOINTMENT.
The Mayor, with the advice and consent of Council, shall, within thirty days after the effective date of this chapter (Ordinance 2006, passed May 2, 1988), appoint residents of the Municipality to the Arts Council, which shall be composed of at least seven board members who shall represent various arts organizations in the Municipality, shall represent the Municipality or shall be an interested resident of the Municipality.
(Ord. 2006. Passed 5-2-88.)

279.03 POWERS AND DUTIES.
The Arts Council shall have the following powers and duties:
(a) To hold the necessary number of public meetings so that a recommendation can be made to the Mayor and Council concerning funding for arts organizations in the Municipality;
(b) To administer and monitor individual grants for arts organizations in the Municipality;
(c) To organize and elect the appropriate type and number of officers for the Arts Council, to write and adopt bylaws for the Arts Council and to help seek public input for the Arts Council;
(d) To organize a private fund-raising campaign so that public grants may be supplemented with private funds;
(e) To promote and represent all arts programs equally and fairly in the Municipality;
(f) To represent the Municipality in regional arts programs and organizations; and
(g) To submit an annual report to the Mayor and Council, reviewing the activities of the Arts Council for the past year, its use of funds and its future activities.
(Ord. 2006. Passed 5-2-88.)
EDITOR’S NOTE: Because of the frequency of change, provisions relating to compensation are not codified. Copies of the latest relevant legislation may be obtained from the Clerk of Council.

280.01 Social Security.
280.02 Mandatory retirement.
280.03 Affirmative action; equal employment opportunity.
280.04 Affirmative action; minority business enterprise.
280.05 Financial disclosure form.

CROSS REFERENCES
Appointments - see CHTR. Art. V, ● 4c.
Fidelity bonds - see CHTR. Art. VIII, ● 15
Personnel management - see CHTR. Art. XV; ADM. Ch. 288
Personnel Board - see CHTR. Art. XVI; ADM. Ch. 262
Rights and privileges of employees and elected officials - see CHTR. Art. XX, ● 1, 2
Recall - see CHTR. Art. XXII
Residency requirement for police - see ADM. 234.09
Recruitment, selection and promotion of employees - see ADM. 288.17
Employee Memorial Program - see ADM. Ch. 289

280.01 SOCIAL SECURITY.
(a) It is the considered opinion of Council that the extension of the Social Security System to employees and officers of the Municipality will be of great benefit, not only to the employees of the Municipality by providing that such employees and officers may participate in the provisions of the Old Age and Survivors Insurance System, but also to the Municipality by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its Government.

(b) The 1951 Session of the General Assembly of the Commonwealth, in regular session, enacted a statute, known as Act No. 491, which is the enabling act provided for in Section 218 of Public Law 734, 81st Congress, which designated the Secretary of Labor and Industry of the Commonwealth as the State Agency authorized to implement the coverage of the employees and officers under the Old Age and Survivors Insurance System. The Municipality is hereby authorized to execute and deliver to the State Agency a plan, or plans and agreement, required under Section 6 of such enabling act and the Social Security Act, to extend coverage to employees and officers of the Municipality and to do all other necessary things to effect coverage of employees and officers under the Old Age and Survivors Insurance System.
(c) The Manager is hereby authorized to establish a system of payroll deduction to be matched by payments by the Municipality to be made into the Contribution Fund of the Social Security Act through the office of the State Agency, and to make charges of this tax to the Fund, or funds, from which wage or salary payments are issued to the employees of the Municipality. Such payments are to be made in accordance with the provisions of the law and regulations promulgated by the State Agency and the Federal Security Administrator. Payments that are delinquent shall bear interest at the rate of one-half of one percent per month until such time as payments are made.

(d) Appropriation is hereby made from the proper fund or funds of the Municipality in a necessary amount to pay into the Contribution Fund, as provided in Section 4 of the enabling act and in accordance with the plan or plans and agreement. Authority is hereby given to the Mayor or, in his absence, the Deputy Mayor to enter into an agreement with the State Agency, which agreement shall be in accordance with Act No. 491 and with Paragraph 218 of the Social Security Act. Such agreement shall provide that the participation of this Municipality shall commence as of January 1, 1951.

(Adopting Ordinance)

(e) Council, having read and examined the new agreement tendered it by the Secretary of Labor and Industry of the Commonwealth concerning the matter of coverage of public employees under the Federal Social Security Program, such Agreement primarily defining the status of a full-time employee and also touching upon the matter of temporary employees or so-called emergency workers, hereby approves such agreement.

(f) The proper officers of the Municipality, i. e., the Mayor or, in his absence, the Deputy Mayor, are hereby authorized and directed to sign and otherwise execute the Agreement on behalf of the Municipality and the Clerk of Council is hereby directed to attest his or her signature and to impress the Seal of the Municipality thereon.

(Ord. 1229. Passed 5-5-69.)

280.02 MANDATORY RETIREMENT.
There shall be no mandatory retirement age for any Municipal employee, except for police officers, whose mandatory retirement age shall be as set forth in Section 234.10.

(Ord. 2111. Passed 4-6-92.)

280.03 AFFIRMATIVE ACTION; EQUAL EMPLOYMENT OPPORTUNITY.
(a) Intent.
(1) The Municipality recognizes that the effective application of a policy of equal opportunity requires strong administrative involvement and commitment and the Municipality shall therefore undertake immediately the implementation of its program of affirmative action for equal opportunity effective July, 1977, to make known the availability of, and to advance the objectives of, equal opportunity on the basis of individual capabilities, and to encourage minorities and women to seek employment with the Municipality and to strive for advancement on the basis of their individual capabilities.

(2) The Municipality shall assert leadership within the community and shall put forth maximum efforts to achieve equal opportunity and the utilization of the capabilities and productivity of all our citizens without regard to race, creed, color, sex, national origin, age and physical disability, as set forth by the May, 1977, Equal Opportunity Plan.

(3) This Equal Opportunity Affirmative Action Plan of May, 1977, is adopted by the Municipality to ensure compliance with Title VI of the Civil Rights Acts of 1964,
as amended; Executive Orders 11246 and 11375; and/or subsequent orders that pertain to equal opportunity.
(Res. 52-1977. Passed 6-6-77.)

(b) Policy.
(1) The Municipality is an Equal Opportunity Employer and will not discriminate on the basis of sex, religion, race, color, age (between the ages of forty and seventy) or national origin. The same considerations apply to the hiring of any handicapped person unless the handicap is related directly to job performance.
(2) The Municipality will always endeavor to hire the best qualified applicant in accordance with a selection process based on an applicant’s knowledge, skills and ability to perform the job.
(3) A continuing effort is being made to actively recruit qualified minority and female applicants in order to attain the goals set forth in the Municipality’s Affirmative Action Plan. The adopted Affirmative Action Plan establishes procedures which effect personnel policies and procedures utilized in recruitment, selection and promotion of employees, and designates an Equal Employment Opportunity Officer who will assist individuals in the process. A complete copy of this Plan can be found in the office of every department head and is available for review.
(Ord. 1875. Passed 2-4-85.)

280.04 AFFIRMATIVE ACTION; MINORITY BUSINESS ENTERPRISE.
The Municipality recognizes that the effective application of a policy for minority business participation and area project commitment requires strong administrative involvement and commitment and the Municipality shall therefore undertake immediately the implementation of a program of affirmative action for minority business enterprise involvement.
This program is adopted by the Municipality to ensure compliance with Executive Order 11625 and Section 3 of the Housing and Urban Development Act of 1968, as amended.
(Res. 61-1978. Passed 8-7-78.)

280.05 FINANCIAL DISCLOSURE FORM.
(a) Council, the Mayor, the Controller, the Municipal Engineer, the Municipal Solicitor and the Manager shall, at their own expense, make a financial disclosure.

(b) The financial disclosure shall be made by completion of a Municipality of Penn Hills financial disclosure form.

(c) Subject to subsection (f) hereof, the disclosure form shall contain the following information of the person completing the form:
(1) Name;
(2) Address of primary residence;
(3) Political subdivision (bureau, municipality, township, etc.) of primary residence;
(4) Office held;
(5) Occupation;
(6) A list of names and addresses of any direct or indirect interest in real property located in the Municipality which existed at any time during the year for which the disclosure form is being completed. The primary residence of the person completing the disclosure form shall be excluded from the requirement of this paragraph.
(7) Office, directorship or employment in any business entity which has, in the year for which the disclosure form is being completed, transacted business of any kind with the Municipality; and
(8) A list of financial interests which are more than five percent of the common stock
at fair market value, or a bond, debenture, mortgage, lien, or the like, unsecured or not, which represents five percent or more of the assets of a business which has, in the year for which the disclosure form is being completed, transacted business of any kind in the Municipality.

(d) The disclosure form shall be completed yearly, prior to May 1 of the year following the year for which the disclosure form is being completed.

(e) For persons who are elected; completing a disclosure form shall be a condition precedent to holding office.

(f) For persons who are not elected; completing a disclosure form shall be a condition precedent to employment.
   If such person is a business entity, such as a sole proprietorship, partnership or corporation, then such business entity shall be deemed to have an interest in:
   (1) Any interest described in subsection (c) hereof;
   (2) Any interest described in subsection (c) hereof of any sole proprietor, partner or shareholder; and
   (3) Any interest described in subsection (c) hereof of any person who is or may be assigned to represent such entity to the Municipality.

(g) Disclosure forms shall be publicly available for inspection and copying.

(h) This section shall operate in conjunction with, and shall not limit the application of, Article IX, Section 9, of the Home Rule Charter.

(i) If any court of competent jurisdiction is required to interpret any provision of this section, a presumption shall exist in favor of disclosure.
(Ord. 2002. Passed 7-5-88.)
CHAPTER 282
Police Disability Benefits

282.01 Title; citation.
282.02 Permanent and total disability defined.
282.03 Employees covered.
282.04 Determination of disability.
282.05 Payment of disability benefit.
282.06 Computation of benefit.
282.07 Documentation; medical exams.
282.08 Source of benefits.
282.09 Attachment, garnishment, etc.; assignments or transfers.
282.10 Conflict of laws.
282.11 Effective period of chapter.
282.12 Total and temporary disability.

CROSS REFERENCES
Department of Police - see ADM. Ch. 234
Police Pension Plan - see ADM. Ch. 284

282.01 TITLE; CITATION.
This chapter shall be known and may be cited as the Policeman’s Permanent and Total Disability Ordinance of the Municipality of Penn Hills, Allegheny County, Pennsylvania. (Ord. 1370. Passed 4-11-73.)

282.02 PERMANENT AND TOTAL DISABILITY DEFINED.
The following definition of permanent and total disability shall be utilized in order to qualify for benefits under this chapter: Permanent and total disability means a disability due to sickness or injury which required the regular care of a licensed physician and completely prevents the member from engaging in his regular occupation or in any other gainful occupation for wages or profits. (Ord. 1370. Passed 4-11-73.)

282.03 EMPLOYEES COVERED.
The Municipality shall provide disability benefits to all full-time Municipal policemen, eligible under Act 600, who become permanently and totally disabled, such disability resulting from the performance of police duties and functions with and for the Municipality. (Ord. 1370. Passed 4-11-73.)

282.04 DETERMINATION OF DISABILITY.
The Municipality shall determine the existence, cause and continuance of disability from time to time, on a basis precluding individual selection and without discrimination among persons in like circumstances, and any such determination shall be final. In making this determination, the Municipality may require the member to be examined by any licensed physician chosen by the Municipality. (Ord. 1370. Passed 4-11-73.)

282.05 PAYMENT OF DISABILITY BENEFIT.
The disability benefit shall be payable monthly commencing with the first day of the month coinciding with or next following the date the disability has been continuous for twelve months and ceasing at the earliest of:
(a) The date of such member’s death:
(b) The date the Municipality ceases to consider the member permanently and totally disabled; or
(c) The normal retirement date of such member.
(Ord. 1370. Passed 4-11-73.)

282.06 COMPUTATION OF BENEFIT.
The disability benefit shall be an amount equal to fifty percent of the monthly average salary. Monthly average salary shall mean the monthly average of the member’s regular salary (including any bonuses, overtime pay, sick leave pay, vacation pay or other extraordinary compensation), during the thirty-six months immediately preceding the date of disability. In those cases where the employee does not have thirty-six months of service prior to the disability, the monthly average figure shall be computed by averaging the total amount of monthly salaries paid, including any bonuses, overtime pay, sick leave pay or other extraordinary compensation paid. The disability benefit paid shall be reduced by:
(a) Any income the member may be entitled to under any Workmen’s Compensation Act; and
(b) Any income the member may be entitled to on account of disability under State law.
(Ord. 1804. Passed 6-15-83.)

282.07 DOCUMENTATION; MEDICAL EXAMS.
No disability benefits shall be paid to any member of the Police Department unless all necessary documents and forms required by either the Municipality, the Pacific Mutual Life Insurance Company or any other insurance company furnishing benefits to the plan, are completed, and unless all requested medical examinations are submitted to.
(Ord. 1370. Passed 4-11-73.)

282.08 SOURCE OF BENEFITS.
Permanent and total disability benefits shall be paid from the Police Pension Fund, as established in Chapter 284. This chapter has been enacted with the full knowledge and consent of the Pacific Mutual Life Insurance Company.
(Ord. 1370. Passed 4-11-73.)

282.09 ATTACHMENT, GARNISHMENT, ETC.; ASSIGNMENTS OR TRANSFERS.
The disability payments herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process, shall be payable only to the member and shall not be subject to assignment or transfer.
(Ord. 1370. Passed 4-11-73.)

282.10 CONFLICT OF LAWS.
This chapter is intended to comply with Act 600, as amended, and if the wording of this chapter should conflict with the wording or intention of Act 600 providing for disability benefits, then the wording of this chapter shall be interpreted to comply with Act 600, as amended and retroactive to the date of conflicting interpretation.
(Ord. 1370. Passed 4-11-73.)

282.11 EFFECTIVE PERIOD OF CHAPTER.
This chapter shall be in effect only so long as Act 600 provides for disability payments and if for any reason the disability features are revoked, this chapter shall be suspended as to any claims after the date of the revocation.
(Ord. 1370. Passed 4-11-73.)

282.12 TOTAL AND TEMPORARY DISABILITY.
The Municipality shall provide benefits equal to fifty percent of a member’s wages in the event a member becomes totally and temporarily disabled from any cause which is unrelated to employment and for which no provision for benefits exists under existing law. This benefit shall require payments to commence sixty days following the existence of the disability and shall continue for a period not to exceed twelve months. The cost to the Municipality for providing this benefit shall be paid in full or in part from the funds contributed by the members of the Police Department in the form of a deduction from wages in an amount equal to the premium costs for any applicable insurance policy in effect to provide disability benefits for the members of the Police Department pursuant to this chapter.
(Ord. 2039. Passed 5-1-89.)
CHAPTER 284
Police Pension Plan

EDITOR’S NOTE: Resolution 88-002, passed January 18, 1988, adopted the International City Management Association Retirement Trust.

284.01 Title.
284.02 Establishment of Police Pension Plan.
284.03 Management of moneys.
284.04 Police Reserves.

284.05 Charge on other funds.
284.06 Attachments, garnishments, etc.; assignments or transfers.
284.07 GUST amendments.

CROSS REFERENCES
Department of Police - see ADM. Ch. 234
Police disability benefits - see ADM. Ch. 282

284.01 TITLE.
This chapter shall be known and may be cited as the Municipality of Penn Hills Police Pension Plan.
(Ord. 2079. Passed 10-1-90; Ord. 2372. Passed 3-20-02.)

284.02 ESTABLISHMENT OF POLICE PENSION PLAN.
The Municipality of Penn Hills Police Pension Plan (hereinafter plan), which was previously established under Resolution No. 18 of 1948 dated July 19, 1948, and subsequently amended and restated by Ordinance No. 785, effective October 1, 1957, under the provisions of Pub. Law 1804, 53 Pa. Con. Stat. Ann. 767 et seq., for the benefit of the Municipality’s police employees who are eligible to participate pursuant to said plan, and which has been amended and restated by ordinances and/or resolutions from time to time thereafter, shall be, and hereby is amended, by deleting and repealing the provisions of said plan in its entirety and substituting the amended and restated plan in its place, a copy of which is attached to Ordinance 2526, passed October 18, 2010, effective October 18, 2010, and incorporating all of the terms and conditions of said plan as if set forth at length herein.
(Ord. 2079. Passed 10-1-90; Ord. 2372. Passed 3-20-02; Ord. 2526. Passed 10-18-10.)

284.03 MANAGEMENT OF MONEYS.
(a) The Municipality is authorized to enter into and execute an Agreement with CIM Investment Management, Inc. (hereafter referred to as Investment Advisor) to manage the proceeds from the Municipality’s transfer of the cash proceeds from its Police Pension Plan to a new pension custodian, National City Bank of Pennsylvania (hereafter referred to as Pension Custodian).
(b) The proper Municipal officials are hereby authorized to enter into an Agreement with the Investment Advisor, pursuant to this chapter in compliance with the provisions of Act No. 600, as amended and in the form attached to original Ordinance 2321, passed October 20, 1999, to manage the pension moneys from the Municipality’s transfer.

(c) The proper Municipal officials are hereby authorized to enter into an Agreement with the new Pension Custodian pursuant to this Chapter 284.

(d) The proper Municipal officials are also hereby directed to take all steps necessary and applicable in order to effect a transfer of any present pension funds being managed and/or held by Pacific Mutual Life Insurance Company and provide for cash transfer to the Municipality’s above chosen new Pension Custodian, for management by the Investment Advisor.

(Ord. 2321. Passed 10-20-99; Ord. 2372. Passed 3-20-02.)

284.04 POLICE RESERVES.
Police officers who are retired shall be subject to service, from time to time, as Police Reserve, in cases of riot, tumult or preservation of the public peace, until unfitted for such service by reason of age, disability or any other valid reason. While on duty as a Police Reserve, they shall be paid as wages, in addition to the regular pension, such sum as Council may designate.

(Ord. 2372. Passed 3-20-02.)

284.05 CHARGE ON OTHER FUNDS.
Payments made to the Police Pension Fund shall not be a charge on any other fund in the Treasury of the Municipality or under its control.

(Ord. 2372. Passed 3-20-02.)

284.06 ATTACHMENTS. GARNISHMENT, ETC.; ASSIGNMENTS OR TRANSFERS.
The pension payments herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process, shall be payable only to the member or his or her designated beneficiary and shall not be subject to assignment or transfer.

(Ord. 2372. Passed 3-20-02.)

284.07 •GUST• AMENDMENTS.
(a) USERRA Military Service. Any period of qualified military service as determined under the requirements of 38 U.S.C. 43, provided that the participant returns to employment following such period of qualified military service, and the participant makes payment to the plan in an amount equal to the participant contributions that would otherwise have been paid to the plan during such period of qualified military service. The amount of participant contributions shall be based upon an estimate of the compensation that would have been paid to the participant during such period of qualified military service as determined by the average compensation paid to the participant during the 12 months immediately preceding the period of qualified military service. The amount of participant contributions calculated must be paid into the plan before the end of the period that
begins on the date of re-employment and ends on the earlier of the date that ends the period that has a duration of three times the period of qualified military service or the date that is five years after the date of re-employment.

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

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

(2) In the case of a benefit which commences prior to the attainment of age 62 by the participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined pursuant to this section commencing at age 62; however, the reduction shall not reduce the limitation below seventy-five thousand dollars ($75,000.00) for a benefit commencing at or after age 55, or if the benefit commences prior to attainment of age 55, the amount which is actuarially equivalent to a benefit of seventy-five thousand dollars ($75,000.00) commencing at age 55; however, in the case of a qualified participant (a participant with respect to whom a period of at least 15 years of service, including applicable military service, as a full-time employee of a police or fire department, is taken into account in determining the amount of benefit), the limitation contained herein shall not reduce the limitation to an amount less than the amount specified pursuant to Code Section 415(b)(2)(G) and such amount shall be adjusted pursuant to Code Section 415(d);

(3) In the case of a benefit which commences after attainment of age 65 by the participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined herein, commencing at age 65;

(4) Benefits paid to the participant which total less than ten thousand dollars ($10,000.00) from all defined benefit plans maintained by the employer expressed as an annual benefit shall be deemed not to exceed the limitation of this section, provided that the employer has not at any time maintained a defined contribution plan in which the participant has participated; however, in the case of a participant who is not receiving a disability retirement benefit, with fewer than ten years of participation, the limitation expressed in this division (b)(4) shall be reduced by one-tenth for each year of participation less than ten, but in no event shall this limitation be less than one thousand dollars ($1,000.00);

(5) The limitations expressed herein shall be based upon plan years for calculation purposes, shall be applied to all defined benefit plans maintained by the employer as one defined benefit plan, and to all defined contribution plans maintained by the employer as one defined contribution plan, and shall be applied and interpreted consistent with Code Section 415 and regulations thereunder, as applicable to government plans in general and this plan in particular; and
(6) In the case of a disability retirement benefit or a survivor's benefit, the adjustment under this division shall not apply and the applicable limitation shall be the limitation contained herein without regard to the age of the benefit recipient.

(c) Effective Date. The terms, limitations and conditions, as set forth in this section, shall be effective January 1, 2002.
(Ord. 2370. Passed 2-20-02; Ord. 2372. Passed 3-20-02.)
CHAPTER 286
Employees Pension Fund

EDITOR'S NOTE: Resolution 88-002, passed January 18, 1988, adopted the International City Management Association Retirement Trust.

286.01 Establishment; employees covered.  286.03 Amended and restated plan.
286.02 Pick up by Municipality.

CROSS REFERENCES
Employees generally - see ADM. Ch. 280
Police Pension Plan - see ADM. Ch. 284

286.01 ESTABLISHMENT; EMPLOYEES COVERED.
A Municipal Non-Police Employees Pension Fund, for the benefit of all full-time employees of the Municipality other than police officers and persons compensated on a fee basis, was established pursuant to Ordinance No. 1105 of 1966 and which has been, from time to time, amended and restated by ordinances and resolutions of the Municipal Council. All part-time employees of the Municipality are hereby expressly excluded from membership in such Fund and are to be completely eliminated from policy coverages.
(Ord. 1105. Passed 9-26-66; Ord. 2369. Passed 2-20-02.)

286.02 PICK-UP BY MUNICIPALITY.
(a) Effective December 15, 1986, the Municipality shall contribute to the Municipal Employees Non-Police Pension Plan the amounts required under such Plan to be contributed by participating employees, provided such pick-up is approved as a valid application of the provisions of Section 414(h)(2) of the Internal Revenue Code.

(b) All contributions made as provided for in this section, pursuant to Section 414(h)(2) of the Internal Revenue Code, shall be excluded from the gross income of participating employees for Federal tax purposes.

(c) The Municipality and its officers, employees and agents are hereby authorized to take all actions and to do all things that may be required to obtain a ruling from the United States Internal Revenue Service regarding the tax consequences of having the Municipality pick up employee contributions which are otherwise required as a condition of participating in the Pension Plan.
(Res. 103-1986. Passed 12-1-86; Ord. 2369. Passed 2-20-02.)
286.03 AMENDED AND RESTATED PLAN.

Effective January 1, 2001, the Municipal Employees Non-Police Pension Plan for the Municipality of Penn Hills shall be amended by deleting and repealing the provisions of said Plan and substituting the Amended and Restated Plan attached to Ordinance 2369, passed February 20, 2002, in its place. incorporating all of the terms and conditions of said Plan as if set forth at length herein.
(Ord. 2369. Passed 2-20-02.)

[Next page of text is 82A]
### CHAPTER 288
Personnel Management

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>288.01</td>
<td>Manager's authority.</td>
</tr>
<tr>
<td>288.02</td>
<td>Compatibility with legislative enactments.</td>
</tr>
<tr>
<td>288.03</td>
<td>Conflict with employee labor agreements.</td>
</tr>
<tr>
<td>288.04</td>
<td>Applicability of policies, rules and regulations.</td>
</tr>
<tr>
<td>288.05</td>
<td>Compatibility with departmental policies, rules, regulations and procedures.</td>
</tr>
<tr>
<td>288.06</td>
<td>Dissemination of copies.</td>
</tr>
<tr>
<td>288.07</td>
<td>Amendments.</td>
</tr>
<tr>
<td>288.08</td>
<td>General rules of conduct for all employees.</td>
</tr>
<tr>
<td>288.09</td>
<td>Grounds for disciplinary or termination action.</td>
</tr>
<tr>
<td>288.10</td>
<td>Disciplinary procedure.</td>
</tr>
<tr>
<td>288.11</td>
<td>Time clock regulations.</td>
</tr>
<tr>
<td>288.12</td>
<td>Residency requirement.</td>
</tr>
<tr>
<td>288.13</td>
<td>Sick leave policy and regulations.</td>
</tr>
<tr>
<td>288.14</td>
<td>Occupational injury and safety program.</td>
</tr>
<tr>
<td>288.15</td>
<td>Pay and position classification plan.</td>
</tr>
<tr>
<td>288.16</td>
<td>Employee performance evaluations.</td>
</tr>
<tr>
<td>288.17</td>
<td>Recruitment, selection and promotion.</td>
</tr>
<tr>
<td>288.18</td>
<td>Fee for application for entry-level employment.</td>
</tr>
<tr>
<td>288.19</td>
<td>Code of ethics.</td>
</tr>
<tr>
<td>288.20</td>
<td>Deferred compensation plan.</td>
</tr>
<tr>
<td>288.21</td>
<td>Controlled Substances and Alcohol Policy for operators of commercial motor vehicles.</td>
</tr>
<tr>
<td>288.22</td>
<td>Sexual Harassment Policy.</td>
</tr>
<tr>
<td>288.23</td>
<td>E-mail policy.</td>
</tr>
<tr>
<td>288.24</td>
<td>Internet/intranet policy.</td>
</tr>
<tr>
<td>288.25</td>
<td>Social media policy.</td>
</tr>
<tr>
<td>288.26</td>
<td>Vehicle usage and safety policy.</td>
</tr>
<tr>
<td>288.27</td>
<td>Transitional work assignments policy.</td>
</tr>
<tr>
<td>288.28</td>
<td>Reasonable accommodation process policy.</td>
</tr>
<tr>
<td>288.29</td>
<td>Seminar attendance and travel policy.</td>
</tr>
<tr>
<td>288.30</td>
<td>Workplace violence policy.</td>
</tr>
<tr>
<td>288.31</td>
<td>Management leave policy.</td>
</tr>
<tr>
<td>288.32</td>
<td>Family and Medical Leave Act (FMLA) policy and procedures.</td>
</tr>
</tbody>
</table>

#### CROSS REFERENCES
Personnel management- see CHTR. Art. XV  
Personnel board - see CHTR. Art. XVI; ADM Ch. 262  
Improper solicitation of political support - see CHTR. Art. XIX. 2  
Rights and privileges of employees and elected officials - see CHTR. Art. XX. 1, 2  
Employee Memorial Program - see ADM. Ch. 289

---

**288.01 MANAGER'S AUTHORITY.**  
The authority to develop, implement and amend personnel policies, rules and regulations is vested with the Manager pursuant to Article XV, Personnel Management, of the Municipal Charter. The Manager has the authority to take appropriate disciplinary action against employees in dealing with cases of violation of the established policies, rules and regulations.  
(Ord. 1745. Passed 7-7-82.)

**288.02 COMPATIBILITY WITH LEGISLATIVE ENACTMENTS.**  
(a) No personnel policies, rules or regulations shall be in conflict with acts of the State Legislature providing for collective bargaining and arbitration.

2013 Replacement
(b) Sworn police officers shall be subject to the Municipality's civil service rules and regulations and the Municipal Police Guide.

(Ord. 1745. Passed 7-7-82.)

288.03 CONFLICT WITH EMPLOYEE LABOR AGREEMENTS.
Where personnel policies, rules and regulations conflict with specific labor agreement clauses negotiated and agreed upon by the Municipality and an employee bargaining unit, the labor agreement shall take precedence.

(Ord. 1745. Passed 7-7-82.)

288.04 APPLICABILITY OF POLICIES, RULES AND REGULATIONS.
Personnel policies, rules and regulations shall apply to all paid salaried and hourly employees appointed by the Manager, unless otherwise stated.

(Ord. 1745. Passed 7-7-82.)

288.05 COMPATIBILITY WITH DEPARTMENTAL POLICIES, RULES, REGULATIONS AND PROCEDURES.
(a) Nothing contained in this chapter shall prohibit a department head from developing, recommending, continuing, establishing or implementing policies, rules, regulations or procedures specifically designed for the efficient and orderly operation of his or her department, provided that the prior written approval of the Manager is obtained.

(b) Dissemination of departmental policies, rules, regulations and procedures, and any amendments thereto, shall be in the manner set forth in Section 288.06.

(Ord. 1745. Passed 7-7-82.)

288.06 DISSEMINATION OF COPIES.
(a) All employees shall be furnished copies of the personnel policies, rules and regulations and amendments thereto. Copies may be in the form of an abridged Employee Handbook. Employees shall, upon request to their respective department head, have access to an unabridged set of policies, rules and regulations. Employee bargaining unit representatives shall be furnished an unabridged set of policies and any amendments thereto.

(b) Department heads shall be responsible for maintaining a complete set of policies, rules and regulations and for bringing such policies, including subsequent amendments thereto, to the attention of all employees under their supervision. Department directors shall provide employees access to an unabridged set of policies.

(Ord. 1745. Passed 7-7-82.)

288.07 AMENDMENTS.
(a) The Assistant Manager may present to the Manager such rules, regulations and changes thereto as are necessary for the effective administration of the personnel system.

(b) Amendments, changes or revisions of the personnel policies, rules and regulations shall be promulgated by the Manager pursuant to the Municipal Charter. Copies of the same shall be

2007 Replacement
furnished to the Mayor and Council at least fifteen days before enactment. Upon enactment, such policies, rules and regulations shall be distributed to all Municipal departments.
(Ord. 1745. Passed 7-7-82.)

288.08 GENERAL RULES OF CONDUCT FOR ALL EMPLOYEES.
(a) Rules and regulations are necessary to guarantee effective operation and control for the benefit of employees and the public. The Municipality expects all employees to adhere to the established policies, rules, regulations and procedures governing employee conduct. The Municipality does not condone, encourage or permit improper conduct by its employees. The Municipality shall take corrective action should an employee be found in violation of established guidelines.

(b) All employees are responsible for the efficient performance of their duties in conformity with the established policies, rules, regulations and procedures of the Municipality and their departments.

(c) All employees must endeavor to maintain good relationships with their fellow workers by courteous and considerate conduct at all times.

(d) All employees must coordinate their efforts with other employees throughout the Municipality to ensure continuity of purpose and maximum achievement of Municipal objectives.

(e) All employees must endeavor to maintain good relationships with the public by courteous and considerate conduct at all times.
(Ord 1745. Passed 7-7-82.)

288.09 GROUNDS FOR DISCIPLINARY OR TERMINATION ACTION.
Grounds for disciplinary or termination action include, but are not limited to:
(a) Incapacity due to physical or mental disability affecting the ability of an employee to continue in the performance of the duties of the position;
(b) Neglect or violation of any official duty or assignment;
(c) Violation and conviction of any law which provides that such violation constitutes a misdemeanor or felony. A plea of *nolo contendere* (no contest) or placement in any court sanctioned program, i.e. A.R.D., which does not require the employee to enter or defend a plea or does not require the court to rule on the defendant’s innocence or guilt, shall not exempt that employee from disciplinary action.
(d) Inefficiency, neglect, intemperance, immorality, insubordination, willful disobedience of orders, conduct unbecoming an employee or conduct reflecting discredit upon the Municipality and its government;
(e) Being intoxicated or using intoxicants while on duty, including the use of drugs not prescribed by an employee’s physician;
(f) Chronic or excessive absenteeism;
(g) Tardiness (See Section 288.11);
(h) Leaving work early without permission;
(i) Unauthorized use, misuse, abuse or destruction of Municipal property or equipment;
(j) Failure to perform job assignments and/or poor quality of work based on departmental standards;

2007 Replacement
288.10 DISCIPLINARY PROCEDURE.
Whenever an employee commits an offense warranting disciplinary action, any one of his or her supervisors may initiate the necessary disciplinary action through any of the steps listed below, depending upon the seriousness of the offense committed. Supervisors are to make reference to applicable labor agreements to determine procedural requirements.

(a) **Verbal Reprimand.** For minor infractions, an employee may be given a verbal warning. This is a warning procedure and is not to be considered a punishment. If a verbal warning does not correct the situation within a reasonable period of time, the supervisor may be forced to initiate stronger disciplinary action. A written record of the verbal warning shall be maintained by the supervisor for at least twelve months.

(b) **Written Reprimand.** Written warnings are formal statements delivered in writing by a supervisor to a subordinate. Written warnings are usually issued when the employee has failed to respond to a verbal warning or has committed a violation where stronger initial action is warranted. Written warnings shall be retained in the employee’s personnel file for at least twelve consecutive months. When issuing the written warning, the supervisor shall meet with the employee and review all previous verbal or written warnings given to the employee in the past twelve months. The written warnings shall include a clear statement of the violation and the behavior that is to be corrected, a definite time limit in which to make the correction and a statement of further disciplinary action that will take place if no improvement is made. At the meeting, the supervisor, employee and, if applicable, the union representative, will have an opportunity to present their views of the situation or incidents and a plan for corrective action will be spelled out.

(c) **Suspensions.** Suspensions usually are given when a strong response by management is deemed necessary, such as in the case of serious misconduct or repetition of past infractions for which the employee has been earlier reprimanded. The exact type of offense, its severity and the circumstances surrounding the offense dictate the length of the suspension. Recurrence of the same or similar offenses

2007 Replacement
can result in a second, longer suspension or dismissal. Suspensions shall become part of the employee’s permanent personnel file.

(1) In the case of a suspension, the actual notice of suspension shall contain:
   A. The reason for the suspension with specific facts concerning the incident or situation;
   B. The duration of the suspension;
   C. A statement about the employee’s past disciplinary history;
   D. A statement that similar offenses will not be tolerated in the future and an indication of penalties that will be given if they do continue; and
   E. A statement that the effective dates of suspension will be determined by the department head.

(2) Suspensions may take two forms
   A. Regular suspension. A suspension must be issued by the Manager or, in his or her absence, by his or her designated representative, only after a thorough investigation of the alleged breach of discipline. The appropriate department head/supervisor shall present the Manager with a complete report, including the exact type of offense, its severity, all facts and circumstances surrounding the offense and the department head/supervisor’s recommendation for suspension. A regular suspension may not exceed six months.
   B. Immediate suspension. An immediate suspension of an employee may be made by a supervisor. Immediate suspensions may only take place when the nature of an alleged infraction or breach of discipline makes it impractical for a supervisor to allow an employee to remain on the job, i.e. when the safety or welfare of fellow employees, the public or the Municipality is affected or when an employee refuses to perform his or her assigned duties.
      Until the requirements for regular suspension or another type of disciplinary action are met, the department head shall administer the immediate suspension and shall immediately bring it to the attention of the Manager or his or her designated representative.
      During the period in which an immediate suspension is in effect, the Municipality shall follow the same procedures preceding a regular suspension. A thorough investigation shall be conducted and those factors which normally determine the type of disciplinary action to be taken shall be considered.
      No immediate suspension shall extend beyond the time required to conduct a thorough investigation. An immediate suspension may be converted to a regular suspension with the approval of the Manager, the two suspensions together not to exceed six months.

(3) All suspensions shall always be without pay.

(d) Discharges. Discharge of an employee may be the result of a single serious breach of discipline by the employee or the result of an accumulation of minor offenses and failure of the employee to react positively to the corrective efforts of the supervisor.
(1) Notices of discharge must be issued by the Manager or, in his or her absence, by his or her designated representative, only after a thorough investigation of the breach of discipline. The department head shall present the Manager with a complete report with any recommendation for discharge. The report shall include the exact type of offense, its severity and the circumstances surrounding the offense.
(2) Permanent full-time employees in the Municipal Career Service category may not be removed except for just cause, based upon written charges.
(3) Department heads or supervisors that are not part of the Career Service category may be removed pursuant to applicable provisions of the Municipal Charter based upon written charges.
A probationary employee may be terminated at any time during his or her probationary period at the discretion of the Municipality with no right of appeal. Reference shall be made to applicable labor agreements to determine the requirements for terminating probationary employees represented by bargaining units.

A seasonal or temporary employee may be terminated at any time at the discretion of the Municipality with no right of appeal.

Employee Appeals of Disciplinary Action. Employees shall be entitled to appeal disciplinary action which results in a suspension or discharge from employment as follows:

(1) Employees represented by a bargaining unit shall adhere to the negotiated appeal procedure.

(2) Career Service employees not represented by bargaining units shall have the right to request a hearing before the Municipal Personnel Board. Requests for hearings shall be in writing.

Grievance Procedure:

(1) The Municipality and bargaining units have established grievance procedures for union employees. Reference shall be made to the appropriate labor agreement.

(2) Non-union Career Service employees must abide by the following procedure when submitting a grievance, pursuant to Article XV, Section 5, of the Municipal Charter:

A. All grievances must be submitted by the employee to the Manager, or his or her designated representative, in writing, detailing the specifics of the grievance, within six calendar days of the alleged violation.

B. The Manager and/or his or her designated representative shall meet with the grievant within five scheduled working days to hear the grievance.

C. If the grievance is not resolved under and pursuant to paragraph (f)(2)B. hereof, the employee may file an appeal with the Personnel Board. Employees requesting a hearing before the Personnel Board should contact the Chairperson for instructions to initiate the hearing. All requests for hearings must be in writing and submitted within six calendar days after receipt of the Manager's response to the grievance. The hearing shall be transcribed.

(Ord. 1745. Passed 7-7-82.)

288.11 TIME CLOCK REGULATIONS.

(a) Applicability. Time clock rules, regulations and procedures shall apply to all Municipal employees except non-union supervisory personnel and school crossing guards.

(b) Dissemination. Copies shall be posted adjacent to all time clocks and on all Municipal and employee bulletin boards.

(c) Employee Requirements.

(1) Employees shall punch time clocks as follows:

A. At the start and conclusion of the regularly scheduled workday;

B. At the start and conclusion of the lunch period, except that emergency medical technicians and employees directed to remain at the jobsite during the lunch period are exempt from such requirement; and

C. At the start and conclusion of authorized overtime assignments, except when the overtime assignment begins immediately at the conclusion of the regular shift. In such instance, the employee shall punch-out upon completion of the overtime assignment.

(2) Employees failing to punch their time cards as required may be subject to
disciplinary action.

(d) **Grace Period.** There shall be a three-minute grace period when reporting at the start of an employee’s shift. Employees reporting within the grace period will not be considered late for purposes of disciplinary action.

(e) **Docking of Wages.** Employees reporting late shall have their wages docked for the actual time lost.

(f) **Tardiness.**
   1. Tardiness will not be tolerated and may subject an employee to disciplinary action up to and including discharge from employment.
   2. Employees reporting late to duty shall be subject to the following disciplinary actions:
      - First time - Verbal warning
      - Second time - Written reprimand
      - Third time - One-day suspension
      - Fourth time - Three-day suspension
      - Fifth time - Five-day suspension
      - Sixth time - Dismissal
   3. Verbal and written reprimands for tardiness will be disregarded at the end of each calendar year. Suspensions shall be included in the employees permanent personnel folder and shall be used in determining additional disciplinary action.
   4. Excused tardiness will not be considered as reporting late for duty. Employees must request permission to report late prior to the beginning of their shift. The department head or supervisor retains the sole discretion in granting or denying an employee’s request. Employees shall have their wages docked as provided for under subsection (e) hereof.

(g) **Prohibitions.**
   1. No employee is permitted to punch another employee’s time card.
   2. No employee is permitted to mutilate or otherwise tamper with his or her own or another employee’s time card nor is an employee permitted to remove a time card from the immediate vicinity of the time clock without the approval of the supervisor.
   3. Employees in violation of this subsection may be subject to disciplinary action up to and including discharge from employment.

(h) **Maintenance of Time Cards, Payroll and Audits.**
   1. Department heads shall be responsible for maintaining the time cards of employees under their supervision in a secure area.
   2. Department heads shall be responsible for supervising the preparation of biweekly payroll records from employee time cards and shall sign the standard attendance form prior to submitting it to the Department of Finance.
   3. Department heads shall make employee time cards available for audit at the request of the Manager, Assistant Manager, Finance Director or Municipal auditors.

288.12 **RESIDENCY REQUIREMENT.**
   (a) **Bargaining Unit Employees.** All employees represented by bargaining units shall comply with the residency provision of their respective labor agreements. Failure to comply with
the residency requirement may subject an employee to disciplinary action up to and including discharge from employment.

(b) **Non-Union Employees.**

(1) All non-union employees hired with the prerequisite of Municipal residency shall be required to reside within the Municipality. Failure to adhere to the residency requirement may subject an employee to disciplinary action up to and including discharge from employment.

(2) The Manager is hereby authorized to extend or waive the residency requirement for non-union administrative employees when he or she determines that such extension or waiver is in the best interest of the Municipality. However, given equal qualifications, the Manager shall give preferential consideration to residents of the Municipality over nonresidents.

(c) **Current Permanent Address.** All employees shall be required to keep the Municipality informed of their permanent home address. Failure to comply may result in disciplinary action. (Ord. 1745. Passed 7-7-82.)

288.13 **SICK LEAVE POLICY AND REGULATIONS.**

(a) **Policy.** It is the policy of the Municipality that sick leave is only to be used when employees are suffering from such sickness or injury which prevents them from performing their official duty. Employees who are in violation of this policy and regulations may be subject to disciplinary action up to and including discharge from employment in accordance with Section 288.08 et seq.

(b) **Regulations.**

(1) **Reporting requirements.** Employees, or their bona fide representatives, are required to report sick at least one hour prior to their next scheduled work shift. Bargaining unit employees are required to adhere to the one-hour reporting requirement unless their labor agreement specifically provides a shorter reporting requirement. In that case, the employee shall adhere to the specific labor agreement provision.

(2) **Medical certificates.** Any employee reporting off sick may be required to furnish a doctor’s certificate to the employer stating the nature of the illness (or injury) when reporting back to work. Bargaining unit employees shall adhere to the applicable requirements of their respective labor agreements.

(3) **Off-duty employment while on sick leave.** An employee shall not engage in off-duty employment for a period of time extending until the employee’s normal starting time on the day of his or her return to work. (A sick day is deemed to begin at 12:01 a.m. on the day an employee reports sick; it ends at 12:00 midnight.) For example, if an employee’s normal starting time is 8:00 a.m. on Monday, an employee reporting off sick is prohibited from engaging in off-duty employment until 12:01 a.m. on Tuesday.

(4) **Other activities.** Employees on sick leave shall not engage in any activity which is indicative that the employee is actually fit for duty.

(5) **Abuse of sick leave.** Employees shall not use sick leave to avoid the performance of their duties. Some examples of sick leave abuse are:

A. Establishing a pattern of calling off sick on the first or last workday of the workweek;
B. Establishing a pattern of calling off sick on holidays, weekends or days of special functions or activities;
C. Establishing a pattern of calling off sick on the last scheduled or first scheduled workday before or after a holiday;
D. Calling off sick immediately prior to or immediately following vacation periods;
E. Establishing a pattern of using sick leave to report late or leave work early;
F. Calling off sick, or leaving work early, to avoid the performance of an undesirable duty or to avoid a certain work schedule, including overtime work;
G. The use of sick days as personal days or the use of sick days for any purpose other than illness or injury which prevents the employee from performing his or her duty; or
H. Chronic or excessive use of sick leave, including unpaid sick leave.

(6) Restriction. An employee is expected to remain at his or her residence, or at the location from which he or she reports sick, except to visit a physician, unless otherwise advised by a supervisor.
A. An employee is responsible for advising his or her supervisor of any appointments, court appearances, etc. which he or she will not be able to attend while on sick leave. Should an employee decide to keep an official appointment, particularly a court appearance, he or she may voluntarily do so. In cases where an employee cannot keep an appointment, particularly a court appearance, the supervisor will notify the party or agency involved, if the employee is unable to do so.
B. A supervisor shall be notified by the person who received the sick report from the employee calling off sick. The supervisor may telephone back to the location from which the employee called off sick to verify the report and/or provide the employee with information pertinent to his or her duties, i.e. appointments, court appearances, etc. If the employee is not at such location, the supervisor may investigate the cause of such absence.

(7) Illness related to alcohol or drug abuse. Employees who become aware of, or feel that they have, an alcohol or drug abuse problem, should report such condition in strictest confidence to their department director. The Municipality will make every reasonable effort to direct the affected employee to counseling or other remedial services.

(8) Exhaustion of sick leave. Employees who have exhausted all their accumulated sick leave allowance, and who call off sick, shall be docked the pay due them for that period. In addition, they may be required to submit a doctor’s certificate to the director for the period they are off sick.

(9) Restricted duty. It is the policy of the Municipality that all employees, when on duty, be able to perform all their duties. Therefore, no employee shall be assigned to limited duty, light duty or restricted duty.

(c) Supervisor’s Reports. Supervisors are required to monitor the use of sick leave and the attendance of employees under their direction. All reports, observations, etc., pertaining to sick leave use shall be in writing to the Manager or his or her designee. Violations of sick leave policy and/or regulations shall be reported in writing to the Manager or his or her designee, including any warnings or recommended disciplinary actions.

(d) Conversion of Earned Vacation and Personal Days to Sick Leave.
(1) Employees may request in writing that all or part (but not less than five days) of their earned vacation and/or personal days be converted to sick leave days and added to their accumulated sick leave, provided that such request is for not less than five days, and provided, further, that such conversion does not cause the employee’s sick leave to exceed the maximum allowable accumulation specified by his or her labor agreement.
(2) Employees requesting to convert earned vacation and/or personal days to sick
leave must receive the written approval of their department director and the Manager or his or her designee. All approved requests must be submitted to the Department of Finance. It is the employee’s responsibility to ensure that the Department of Finance has adjusted the employee’s records accordingly. A copy of the approved request shall be kept in the employee’s personnel file.

(3) All conversion requests must be submitted and approved at least ninety days prior to the expiration of the employee’s vacation year, i.e. if the vacation year ends on December 31, the request must be submitted and approved not later than September 29. Exceptions to the submission deadline shall only be considered if the employee can document that extenuating circumstances exist, i.e. serious illness which requires hospitalization.

(4) Once vacation and/or personal days are converted to sick leave, their use shall be subject to the Municipality’s sick leave policy and regulations. Under no circumstances can sick leave be converted to vacation and/or personal days.

(Ord. 1802. Passed 6-1-83.)

288.14 OCCUPATIONAL INJURY AND SAFETY PROGRAM.

(a) Occupational Injury Policy. It is the policy of the Municipality to comply with the provisions of the Pennsylvania Workers’ Compensation Act of 1915, P. L. 736, No. 338, as amended, in the administration of workers’ claims of occupational injury, unless otherwise specifically provided for in bargaining unit labor agreements or hereinbelow.

(b) Municipal Safety Program.

(1) Goal. The goal of the Municipal safety program is to prevent accidents and injuries and reduce operating costs by following safe practices to prevent lost time, equipment and property damage and the expenditure of Municipal funds for medical care, compensation and liability. To accomplish this goal, a sound accident prevention program must be integrated into the day-to-day activity of each employee.

(2) General safety rules. An accident is often a warning signal of a faulty condition and reveals the need for correction in design, procedure, training or equipment. Both as a safety goal and as an important obligation to the public in the form of greater efficiency, accident prevention needs the full cooperation of all Municipal employees. Therefore, all employees are required to be familiar with safety regulations that are issued and to help in promoting a safe work environment. Any employee found in violation of any of the following rules or department safety rules may be subject to disciplinary action in accordance with Section 288.08 et seq.

A. Practical jokes and horseplay have no place on the job.
B. Use of chemical intoxicants or alcoholic beverages on the job or during working hours is prohibited.
C. Work should be at a steady pace. Unnecessary hurry contributes to accidents.
D. Jumping from any height, such as a table, bench or platform, may result in injury. Such action shall be avoided.
E. Employees shall not mount or dismount from a moving vehicle.
F. All tools and equipment should be inspected prior to use. Defective items must be reported to supervisors.
G. All hazardous areas and/or equipment must be clearly marked with appropriate signs or tags.
H. All hazard warning signs and tags must be obeyed.
I. Only properly authorized, and trained personnel shall operate Municipal equipment.
J. Safety guards installed in accordance with manufacturer’s recommendations
shall not be removed except for servicing.

K. Appropriate clothing must be suitable for the type of work performed. Loose clothing or personal equipment should not be worn near machinery or equipment with moving parts.

L. Jewelry such as rings, identification bracelets, etc., must be removed when work involves climbing, materials handling or operating mechanical equipment.

M. Protective equipment and/or clothing must be worn as required by rules to be developed and specified for each department.

N. All first-aid and fire equipment shall be properly maintained and accessible for emergency use.

O. Employees shall have in their possession a valid Pennsylvania motor vehicle driver’s license when operating a Municipal vehicle. The license shall include the correct classification for the vehicle the employee is licensed to operate.

P. All employees operating Municipal vehicles or road equipment shall strictly adhere to all traffic laws.

Q. Employees shall not operate mechanical equipment or vehicles when taking medication that may affect their ability to function in a normal manner.

R. Employees are required to keep their work areas in good order.

S. Accidents, no matter how minor, must be reported immediately to the employee’s supervisor and safety representative.

T. Any injury, no matter how minor, must be reported immediately to the employee’s supervisor and safety representative.

(3) Additional regulations. Since it is not possible to anticipate or cover in detail all hazardous situations that might arise on the jobsite, personnel are expected to use common sense and proper advance planning to eliminate hazardous situations. Safety regulations specific to a department will be issued by that department director and will take precedence over any general Municipal safety rule.

(4) Safety Committee. A Safety Committee consisting of management personnel will be established to ensure employee safety and health. The purpose of the Safety Committee is to ensure the performance of duties in a safe manner that will protect the health and welfare of fellow workers and residents of the Municipality. In addition, the intent of the Safety Committee is to establish a safety attitude which will flow from management down through the ranks of all employees.

(5) Safety Committee members. Safety Committee members shall be appointed by the Manager and shall serve a term on the Committee for one year, which shall be automatically renewed by the Manager unless otherwise notified.

(6) Responsibilities of the Safety Committee. Responsibilities of the Safety Committee will include, but not be limited to, the following:

A. Review all accident cases reported each month along with appropriate suggestions for corrective action;

B. Develop, implement and periodically review a loss prevention program and operations manuals with the assistance of representatives from Municipal insurance carriers;

C. Review departmental surveys made by the Safety Committee and any written reports given by the Safety Committee to the Manager;

D. Follow up on all recommendations made during departmental safety surveys;

E. Review all safety problems and recommendations made by safety committees representing Municipal bargaining units and report appropriate recommendations or suggestions to the Manager;

F. Aid in providing and supporting the safety program and any educational programs within the Municipality;
G. Maintain appropriate records and statistics; and
H. Meet on a monthly basis.

(7) Safety Coordinator. The Manager shall appoint one member of the management personnel to serve an indefinite term as Safety Coordinator. The Safety Coordinator shall be responsible for representing the Manager on the Safety Committee, serving as Chairman of the Safety Committee and acting as the liaison on all matters of safety with the Mayor, Council, the Manager, bargaining safety representatives and the public.

(8) Reporting accidents. All employees involved in an accident must report the same immediately to the supervisor in charge. All accidents must be reported in writing within twenty-four hours by the department director of the respective departments to the Department of Administration, the Department of Finance and the Safety Committee. Workers Compensation claim forms and police accident reports shall be included when applicable.

(9) Emergency management coordination. The following general procedures are to be followed in dealing with emergencies, in addition to procedures established by individual departments and agencies:

A. Definition. An emergency is defined as any situation, condition or combination of circumstances (excluding those within the normal responsibility of police officers) which disrupts the operation of any Municipal department, endangers, or can reasonably be expected to endanger, the health, safety and welfare of employees and/or residents, including property and equipment damage, and requires immediate action.

B. Chain-of-command. The chain-of-command shall be as follows: The department director, the Director of Police and the Manager (Emergency Management Coordinator), or, in his or her absence, the Assistant Manager.

C. Emergency Management Coordinator. The Manager has been designated by the Governor of the State as the Emergency Management Coordinator. The Emergency Management Coordinator is responsible for the coordination of all departments and agencies which are involved in a large scale emergency situation (excluding routine emergencies which are normally handled by department personnel). If the Manager is unavailable, then one of the following persons shall assume the role of Acting Emergency Coordinator: the Assistant Manager, the Director of Police or the highest ranking police officer on duty.

D. Procedure. Department directors and volunteer fire companies, etc., are expected to handle routine emergencies normally applicable to their operation. If a situation develops which they feel cannot be handled by their personnel, they should contact other departments, agencies, etc., directly.

1. The Manager should be contacted immediately after the initial call for assistance has been made to other departments, agencies, etc.

2. Each department director, volunteer fire company, agency, etc., will be responsible for their operation and the direction of their personnel but will be directly responsible to the Emergency (or Acting) Management Coordinator.

3. The Emergency Management Coordinator will direct all operations in accordance with the emergency operation plan pursuant to Municipal, State and Federal law.

4. The Emergency (or Acting) Management Coordinator will be responsible for keeping the Mayor, or, in the absence of the Mayor, the Deputy Mayor, advised of the situation.

(c) Occupational Injury Regulations and Procedures.
(1) The department director shall review all reports of injury (or disability), to determine if an injury is work related, and complete a Supervisor's Report describing the accident, injury or disability in detail. Forms and other documents, if any, shall be submitted to the director for review prior to dissemination. If the director reviews an injury report and is unable to make a determination as to whether or not the injury is work related, the report will then be referred to the Municipal Worker’s Compensation carrier for final determination.

(2) An injury or disability shall be deemed work related only when an employee has engaged in, or is engaging in, an activity or task which is directly related to that employee’s job responsibilities.

(3) Injuries or disabilities incurred while an employee is participating in sports, recreational or social activities, or similar activities, shall not be deemed work related unless such activity is or was sanctioned by the Municipality and expressly approved by the department director. Employees with pre-existing injuries or disabilities shall avoid activities which may aggravate such condition.

(Ord. 1802. Passed 6-1-83.)

(4) Employees reporting back to duty after being off as a result of an occupational injury must provide the director with a doctor’s certificate specifically stating that the employee is physically capable of resuming his or her normal job duties or that the employee is capable of entering a modified work program. If the employee is released for modified work, the doctor must specify, in writing, any physical limitations the employee has so a determination can be made on the employee entering a modified work program. The Municipality reserves the right to have any employee who has suffered an occupational injury examined by a physician (or specialist), at the Municipality’s expense, to ensure that the employee is physically capable of resuming his or her normal job duties or of participating in a modified work program.

(Ord. 2011. Passed 8-1-88.)

(5) Employees are responsible for following the safety rules and regulations and related provisions established in the Municipal safety program.

(6) Unless otherwise required by law or the specific provisions of labor agreements, the Municipality shall discontinue health benefits for employees on occupational injury status in excess of twelve months.

(7) Absences due to injuries or disabilities that cannot be established as work related, or that are denied by the Worker’s Compensation insurance carrier, shall be charged as sick leave and be subject to the Municipality’s sick leave policy and regulations. If it is subsequently proven that the injury or disability is or was work related, the employee will be credited with any paid sick leave used under this provision, provided the employee reimburses the Municipality for such days by endorsing Worker’s Compensation benefit checks and turning them over to the Municipality until the Municipality has recouped an amount equal to the paid sick days the employee used.

(8) The employer utilizes and reserves the right, under the provisions of the Workers’ Compensation Act, to establish and post, where it is visible to employees, a list of approved physicians under the five-doctor rule.

(Ord. 1802. Passed 6-1-83.)

288.15 PAY AND POSITION CLASSIFICATION PLAN.

(a) Purpose of Plan. The purpose of a pay and position classification plan is to organize positions according to their range of duties, responsibilities and level of difficulty and to provide a standardization of job titles and the basis of compensation for Municipal employees.

(b) Use of Class Specifications. Specifications are to be interpreted in their entirety and in
relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and are not inclusive of all duties performed.

(c) **Use of Plan.** The pay and classification plan is used:

1. To provide a grouping of positions into classes which require the same general qualifications and which fall into the same pay grade;
2. To provide class titles indicating the type of work performed, which titles are used on all personnel, including accounting, budget and related office records;
3. As a guide in recruiting and examining candidates for employment;
4. To provide a schedule of salary ranges for various classifications;
5. In determining lines of promotion and indicating where employee training programs may be required; and
6. To provide uniform job terminology understandable by all Municipal officers and employees and by the general public.

(d) **Preparation of Plan.** The pay and position classification plan shall be prepared by the Assistant Manager, under the direction of the Manager, with such staff assistance as is required.

(e) **Adoption of Plan.** Adoption of the pay and position classification plan shall be pursuant to the Municipal Charter after necessary study, inquiring and consultation. The Manager shall present the plan to the Mayor and Council for approval and adoption. Upon adoption, the plan shall be incorporated by reference into the Municipality’s general personnel rules and regulations. A pay and position classification covering sworn police officers shall be developed and incorporated into the Police Guide.

(f) **Administration and Amendment of Plan.**

1. The Assistant Manager is hereby charged with maintenance of the pay and classification plan so that it will reflect the duties performed by each employee and the class to which each position is allocated and so that it will provide fair compensation for all classes. To this end, the Assistant Manager shall periodically examine the nature of positions as they are created, allocate them to an existing class or create new classes in conformity with these personnel rules, make such changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions, make comparative studies of all factors affecting the level of salary and wage rates, and review the entire pay and classification plan and recommend appropriate changes.
2. Amendments to the pay and classification plan shall be considered by the Manager based on the recommendations of the Assistant Manager. In addition to the areas set forth in paragraph (f)(1) hereof, amendments shall be considered to take account of a labor agreement, living costs, availability of labor, the Municipality’s financial condition and policies or other pertinent economic considerations. The Manager, after study, inquiring and consultation, shall present amendments to the Mayor and Council for approval and adoption.

(Ord. 1816. Passed 8-17-83.)
(b) How Performance Ratings are Used.
(1) Rating information is used by the supervisor to show the employee that good performance is recognized and recorded and also to show where his or her performance needs to be improved.
(2) Ratings are a factor in arriving at a point of mutual understanding between the supervisor and the employee on the problems involved in reaching performance standards.
(3) Rating information is needed in order to point out areas of performance that need special training and to devise methods for improving employee performance in below standard areas.
(4) Ratings are used as collateral evidence in connection with promotions, demotions, transfers, discharges or any other type of change in status.
(5) Ratings provide official recognition of outstanding employees, thereby encouraging better performance and improving employee morale.
(6) Ratings are used to evaluate and assist new appointees during their probationary period.

c) Administration.
(1) The administration of performance evaluation reports is a responsibility of each department director under the general supervision of the Manager's office. In an effort to assure reasonable uniformity in evaluation standards and results, the Manager's office will prepare and distribute appropriate evaluation forms.
(2) Employee performance evaluation forms are confidential. Any employee, supervisory or not, who is responsible for the administration of the program, or has access to the files where they are kept, has a serious responsibility to keep such information confidential.

d) Performance Evaluation Procedure.
(1) Evaluations shall be made by the immediate supervisor of each employee. The evaluation shall be discussed with the employee by his or her immediate supervisor and signed by the employee in evidence to this fact. An employee's signature is not intended to reflect the employee's agreement or disagreement with the evaluation.
(2) Completed evaluation forms shall be reviewed and signed by the appropriate department director. The director may review the evaluation with the evaluator and/or the employee.
(3) The original evaluation form, a copy of which shall be retained by the employee and the department director, shall be forwarded to the Manager's office for inclusion in the employee's personnel folder.
(4) If an employee disagrees with his or her immediate supervisor's rating of his or her performance, he or she can request an interview to discuss the evaluation with the department director.

e) Rating Periods.
(1) All full-time and part-time employees shall be evaluated at least annually. If additional evaluations appear to be desirable, they may be undertaken at the supervisor's convenience.
(2) An evaluation is mandatory for employees completing their probationary period.
(3) Temporary and seasonal employees are not required to have performance evaluations unless their performance is less than effective and competent.
(4) When an employee resigns, whether probationary, permanent or unclassified, a performance evaluation at the time of separation will serve as a matter of record of the exact status of the individual's performance. The employee should sign the
evaluation and the rater should complete all pertinent items.

(f) Changes in Evaluation. If for any reason a department director or supervisor requests an alteration of the performance evaluation form after it has been officially submitted to the Manager's office, such request shall be in writing and shall set forth fully the reasons for the request. Such request, when approved by the Manager, shall be attached to and made a part of the official performance evaluation in question. An immediate supervisor's request for alteration shall first be submitted to the department director for approval. If approved, the director shall submit the request to the Manager with his or her reason for recommending the alteration.

(Ord. 1816. Passed 8-17-83.)

288.17 RECRUITMENT, SELECTION AND PROMOTION.

(a) Purpose. The purpose of the recruitment, selection and promotion policy set forth in this section is to ensure the recruitment, selection and promotion of qualified persons for positions in the Municipal service by providing open, competitive and equal employment opportunity and prohibiting discrimination because of race, politics, religion, sex, national origin, age or mental or physical handicaps.

(b) Authority. The Manager shall be responsible for the recruitment, selection and promotion of all Municipal employees, except as otherwise provided by law or the Home Rule Charter, on the basis of their respective abilities, knowledge and skills, through open and competitive means, in accordance with the Charter.

The Manager may designate an employee to act as personnel officer in administering the recruitment, selection and promotion policy.

(c) Career Service. The career service shall be a permanent service and shall comprise all positions in the Municipal service now existing or hereafter established, except the following:

(1) Members of Council and other elected positions;
(2) Members of boards, commissions and authorities and heads of departments;
(3) Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of Council or the Manager;
(4) Persons employed as professional consultants or on a retainer basis;
(5) Persons whose positions are defined by the General Assembly to be of a confidential nature;
(6) The Controller's staff and employees; and
(7) Part-time or occasional employees.

(d) Categories of Municipal Employees. All persons employed by the Municipality, except elected officials, appointed members of boards and commissions, professional consultants and persons employed on a retainer basis, shall be assigned to one of the following categories:

(1) Full-time. Persons appointed to a position for an indefinite period of time who are scheduled on a regular and continuous basis and whose normal hours of work meet the currently established hours of work for full-time employees;
(2) Part-time. Persons appointed to a position for an indefinite period of time who are scheduled on a regular and continuous basis but whose normal hours of work are less than the currently established hours of work for full-time employees;
(3) Occasional. Persons appointed to a position for an indefinite period of time who are scheduled on an irregular basis without a reasonable expectancy of continued employment as a part-time or full-time employee;
(4) Seasonal. Persons appointed to a position for a predetermined period of time to perform functions which are seasonal in nature and whose employment will terminate at the conclusion of the period; and
(5) Intern. Persons appointed as interns. Such persons must be currently enrolled in an accredited college or university and undertaking a graduate course of study which
is relevant to the department the person will be assigned to, as well as the functions the person will be assigned. Internships shall not exceed twelve months.

(e) **Police Officer Recruitment.** Police officers shall be recruited in accordance with the requirements of the Municipal Personnel Board’s rules and regulations, including any amendments thereto.

(f) **Recruitment Program.** The Personnel Officer will develop and administer an active recruitment program designed to meet current and projected personnel needs. Personnel requirements shall be included in the annual operating budget and be subject to amendment at such other times as may be determined by the Manager.

1. **Position available announcement.** The Personnel Officer will issue position available announcements for vacancies or newly created positions. The announcement shall list the position title, department, range of compensation (hourly rate or salary), hours of work, a general description of duties, minimum qualifications and any additional requirements. All announcements shall include the statement •AN EQUAL OPPORTUNITY EMPLOYER. •

   Position available announcements must be reviewed and approved by the Manager. The announcement will then be posted for one calendar week at the following locations to permit qualified incumbent employees the opportunity to apply for the position: the appropriate department; the Municipal bulletin board; the Department of Administration; the Library; and the Senior Services Center.

   Position vacancies subject to competitive bidding procedures by Municipal employee organizations will not be publicly announced until the bidding procedures have concluded.

2. **Advertising requirements.** The Personnel Officer will publicize position vacancies through appropriate media and issue position available announcements as follows:

   A. Copies of all position available announcements will be forwarded to the State Employment Bureau, Urban League of Pittsburgh, the Veteran’s Administration, at least one agency specifically representing the handicapped, and one or more local universities when the position is in the professional management class. Announcements will also be forwarded to area radio stations which broadcast job vacancies as a public service.

   B. In addition to the Municipal offices listed under paragraph (f)(1) A. hereof, the announcement will be posted at the Multi-Purpose Center, the Lincoln Road Community Center and the William McKinley Citizen Service Center.

   C. Professional management level positions must be advertised for at least two consecutive weeks in a newspaper of general circulation in the Municipality and the County. In addition, the advertisement will be published for at least two consecutive weeks in a newspaper of general circulation in the County, which newspaper is specifically intended to reach minority segments of the general population.

   The Personnel Officer, after consulting with the Manager, will decide if advertisements for professional management level positions should be placed in appropriate professional newsletters and journals.

   D. Advertising requirements for positions other than professional management level positions will be required only if an eligible list for the position or class is not established or if an appointment is not made from an eligible list. Advertisements will be placed in a newspaper of general circulation in the Municipality and in a newspaper of general circulation in the County, which is specifically intended to reach minority segments of the general population. Advertisements will be published one time in each of the newspapers. Additional advertising may be authorized by the Manager if an insufficient
number of qualified applicants is received.

E. Proofs of publication will be requested and kept on file for all recruitment advertisements.

(3) **Application forms.** All candidates for employment shall be required to complete an employment application on forms prescribed by the Personnel Officer. Employment application forms must conform with Federal regulations regarding information related to race, politics, religion, sex, national origin, age or handicaps.

(4) **General qualifications for applicants.** In order to be eligible to submit an application for Municipal employment, an applicant must meet the following eligibility requirements

A. Be at least eighteen years of age at the time of employment, provided that this will not apply to occasional or seasonal applicants;

B. Agree, upon request, to submit to a physical examination by a physician selected by the Municipality. The physical examination is intended to determine the applicant’s general health and existing conditions which may affect the applicant’s ability to perform the functions of the position applied for;

C. Authorize the Municipality to investigate the character, background and employment references supplied by the applicant; and

D. **EDITOR’S NOTE:** This paragraph was repealed by Ordinance 1955, passed April 6, 1987.

(5) **Rejection of applicants.** The Personnel Officer may reject any applicant who does not meet the established qualifications for the position applied for. An applicant may also be rejected if he or she:

A. Has deliberately falsified the application;

B. Omits required information and fails to furnish the information upon request;

C. Is physically, mentally or otherwise unable to perform the duties of the position;

D. Has been convicted of a felony rendering the applicant unsuitable for the position applied for;

E. Has established an unsatisfactory employment record of such nature as to demonstrate unsuitability for the position applied for;

F. Is a member of a group which advocates and personally advocates the overthrow of the government of the United States by the use of violent force;

G. Based on other job-related factors identified by the Personnel Officer, is clearly unsuitable for the position applied for.

(6) **Applicant appeal.** The rejected applicant may appeal the rejection to the Manager within fifteen calendar days of receipt of the rejection notice. The Manager shall make the final determination of the applicant’s suitability for the position applied for.

(7) **Retention of applications.** All applications for employment of persons not hired must, in accordance with the Pennsylvania Municipal Records Act, be retained on file for two years from the date the application was completed.

(8) **Falsification of information.** If investigation of the statements made on an application form, on a resume or in an oral interview, including college transcripts or any other supporting documentation submitted as part of the application or examination process, disclose that the applicant has deliberately given false information or has failed to provide requested information, the application shall be rejected. Moreover, if the applicant has already been employed, such falsification of information shall be grounds for immediate dismissal. The Municipality reserves the right to request documentation of any information provided by the
applicant at any time during the application and examination process or employment.

(g) **Receipt and Review of Applications.** Unless otherwise specified on the position, all applications for published vacancies shall be submitted, in person or by mail, to the Manager's office. Upon receipt, the Personnel Officer shall review each application form for errors or omissions and minimum qualifications as established for the position. Applications containing errors and/or omissions shall be returned to the applicant for correction or completion. Applications must be dated, numbered and recorded in order of receipt. After having been recorded, an application shall not be returned to an applicant.

At the discretion of the Manager, applications may be received for unpublished positions. However, the applicant must meet the minimum qualifications in order for the application to be recorded and filed.

(Ord. 1892. Passed 9-3-85.)

(h) **Interview Expenses.** When applicants for professional management level positions are invited for an oral interview and reside more than seventy-five miles from the Municipality, the applicant may be reimbursed for reasonable travel expenses as follows:

1. Transportation costs limited to the rate of reimbursement provided incumbent employees (currently seventeen cents (17.4) per road mile round trip or round trip coach airfare);
2. Transportation costs between the airport and the Municipality, when applicable; and
3. Up to 100 percent of hotel and meal expenses, but only when authorized in advance by the Manager.
4. The Manager may, when it is in the best interest of the Municipality, make advance purchase of airline tickets and hotel reservations for applicants interviewing for professional management level positions.

(Ord. 1955. Passed 4-6-87.)

(i) **Selection and Promotion Procedure.** The Personnel Officer, in conjunction with the Manager and the appropriate department director, shall determine the selection devices used in determining an applicant's qualifications, and may include any one or more of the following: written tests, performance tests, physical, stamina and fitness tests, oral examinations, psychological tests, working test periods and background and reference tests. Tests, if required, must be administered to all applicants for the position. When necessary, reasonable modifications will be made to the testing procedures to accommodate physically handicapped applicants.

1. **Written tests.** Written tests, when required, shall include a written demonstration designed to show the familiarity of the applicant with the knowledge involved in the class of position to which he or she seeks appointment. The test may measure, but is not limited to measuring, an applicant's ability in the use of English, analytical skills, range of general information and/or general educational attainments. A formal essay upon one or more subjects may be required.
2. **Oral interviews.** Oral interviews, when required, shall include a personal interview with the applicant where the ability to deal with others and/or to meet the public or other personal qualifications are to be determined. An oral test may also be used in examinations where a written test is unnecessary or impractical.
3. **Performance tests.** Performance tests, when required, shall include such tests as performance of a trade or occupation which will determine the ability and manual skills of an applicant to perform the work involved.
4. **Physical tests.** Physical tests, when required, shall consist of bodily condition, muscular strength, coordination, ability and physical fitness of the applicant to the extent that the applicant's physical condition may affect his or her ability to
perform the functions of the position applied for. Physical tests may include the examination of the applicant by a medical doctor selected by the Municipality. The applicant may not be certified as eligible for employment unless the medical doctor certifies that the applicant can perform the duties of the position applied for without harm or injury to the applicant.

(5) **Psychological tests.** Psychological tests, when required, may include standard tests designed to measure an applicant’s ability to perform the functions of the position applied for, including the ability to perform under stressful conditions. Psychological testing, when required, shall be administered by a qualified psychologist or medical doctor selected by the Municipality.

(6) **Training and experience.** Training and experience shall be evaluated from the statements of education and experience contained in the application form or from such supplementary data as may be required. Results of the reference checks and background investigations shall be a part of the evaluation of training and experience.

(7) **Working test periods.** All appointments from open competitive and promotional lists are subject to at least a three-month working test period prior to final appointment. The working test period shall be considered part of the examination process and no employee shall receive final appointment unless he or she has successfully completed the working test period.

(8) **Testing Procedures.** The Personnel Officer, in conjunction with the manager and appropriate department director, may develop, establish and administer the tests described in this subsection to applicants or may utilize standard tests developed and administered by reputable agencies when it is not cost efficient or is impractical to develop and/or administer the tests in-house.

Tests, when required for the proper evaluation of desired knowledge and skills required for a position, shall be administered only to those applicants meeting the established minimum qualifications.

(9) **Selection process.** All selections shall be made through the examination process. Examinations may be competitive or noncompetitive at the discretion of the Manager. Competitive examinations shall require the establishment of a qualitative rating for any phase of the examination procedure that is not pass-fail in nature. Noncompetitive examinations may utilize many of the examination techniques of the competitive process, but the selection may be made on a qualitative evaluation of any examination results.

(10) **Sequence of selection process.** The selection process for all positions shall be determined by the Personnel Officer, with the approval of the Manager. With the exception of the working test period requirement, the following selection process may be changed or amended depending on the class of position or other circumstances which would render certain aspects of the process impractical, with the approval of the Manager:

A. Submission of employment application and/or a personal resume;
B. Submission of at least three personal and/or professional references chosen by the applicant;
C. Written, performance and physical tests, when required;
D. Oral interview. Applicants for professional management level positions may be required to attend more than one oral interview at the Manager’s discretion.
E. Medical examination (including, when required, psychological testing);
F. Reference and background investigations; and
G. Working test period of at least three months.

(11) **Reference and background investigations.**

A. Reference checks. As part of the selection process, present and former
supervisors, employers and references provided by candidates may be checked as a precaution against hiring undesirable employees. Reference checks shall be documented and made part of the applicant’s file. Reference checks must be completed prior to an offer of employment. All such information shall be handled as privileged.

B. Background investigations. As part of the selection process, the Personnel Officer shall provide the appropriate supervisory official in the Department of Police with the necessary personal information for each recommended applicant, who shall cause a background investigation to be conducted. The background investigation shall be limited to the following:
1. Verification of information provided on the application form;
2. Active warrants on the applicant; and
3. Records of improper or illegal conduct which directly affect the applicant’s ability to perform in the position for which application is made.

Background investigations must be completed prior to an offer of employment and made part of the applicant’s file. Information obtained as a result of such investigations shall be handled as confidential and privileged.

(12) Promotional selection. Promotional opportunities shall be open to all Municipal employees within the scope of this policy who meet the qualifications for the position and have successfully completed their working test period. Incumbent employees shall be advised of all position vacancies and of the qualifications required for promotion to such vacancies prior to public announcement of the vacancies. Whenever possible, qualified incumbent employees will be granted preference in appointment to such vacancies.

(13) Residency preference. Given equal qualifications, a current resident of the Municipality who successfully completes any required tests for a vacancy will be given preferential consideration in open competitive appointments.

(j) Eligible Lists. The Personnel Officer shall be responsible for the establishment and maintenance of such eligible lists as are necessary for filling vacant positions in the career service.

(1) Re-employment lists. Employees in the career service who have successfully completed their working test period upon involuntary separation from Municipal employment because of layoffs or reductions in force shall, at their request, be placed on a re-employment list for the position or class occupied by them at the time of separation, but shall not remain on that list for more than twelve months from the date of separation.

(2) Establishment of open competitive and promotional lists. The Personnel Officer shall establish an open competitive and/or promotional list, when necessary, consisting of candidates rated as eligible through the selection and testing process.

(3) Duration of open competitive and promotional lists. The duration of open competitive and promotional lists shall be one year from the date of establishment, but may be extended for up to six months at the Personnel Officer’s recommendation and the Manager’s approval.

(4) Removal of candidates from eligible list. The Personnel Officer may remove a candidate from the eligible list when such candidate has failed to report for a scheduled job interview as requested, has been appointed to a vacancy, or has failed to respond within the prescribed time limit to official inquiries concerning availability for appointment, and for any reason stated in paragraph (f)(5) hereof.

(k) Certification and Appointment. Whenever a vacancy in the career service needs to be filled, the department director shall submit a request to the Manager who, upon approval, shall forward the request to the Personnel Officer for the certification of eligible candidates from an
appropriate eligibility list.

1. **Priority of eligible list.** Candidates shall be certified from eligible lists in the following priority order:
   A. Re-employment list;
   B. Promotional list; and
   C. Open competitive list.
   The Personnel Officer may certify the open competitive list prior to the promotional list if deemed appropriate by the Manager.

2. **Appointment of eligible candidates.** The department director shall, within ten days of receipt of the certified list, provide the Manager with the names of three eligible candidates, in priority ranking, from the certified list, unless the department director provides, in writing, justification as to why each candidate on the list was found to be unsuitable. The Manager shall make the appointment from the three eligible candidates.

3. **Limited Term Appointments.** Under the following circumstances, the Manager may make limited term appointments:
   1. **Provisional appointments.** When there is an immediate need to fill a vacancy in the career service and there are not more than three eligibles on the certified list, the Manager may make a provisional appointment, not to extend beyond a six-month period or more than thirty days after the appropriate eligible list has been established.
   2. **Temporary appointments.** Temporary appointments of not longer than six months may be made by the Manager. Temporary appointments shall, whenever possible, be made from appropriate eligible lists. The selection of an eligible from the list shall not affect the individual’s standing on the list.
   3. **Emergency appointments.** Emergency appointments of limited duration may be made by the Manager solely in cases of unforeseen emergency and when necessary to prevent impairment of Municipal services.

4. **Appointment Letters.** Candidates selected for appointment will be issued an appointment letter from the Manager stating the compensation, eligibility for benefits, length of the working test period, residency requirement, normal hours of work, starting date of employment, immediate supervisor’s name and any other information which may be pertinent to the appointment.
   Employees successfully completing the working test period will receive final notification of appointment from the Manager based on the appropriate department director’s written recommendation.

5. **Moving Expenses.** All or some portion of reasonable moving expenses may be considered by the Manager when appointing an individual to a professional management level position, subject to the following conditions:
   1. The individual currently resides at least seventy-five miles from the Municipality.
   2. The individual must be moving to a permanent residence within the Municipality within six months of the date of appointment.
   3. The estimate of moving expenses provided by the individual is approved in advance by the Manager.
   4. All moving expenses paid by the Municipality must be returned to the Municipality if the individual fails to successfully complete the working test period or fails to remain in the position for the twelve month period following appointment.
(Ord. 1892. Passed 9-3-85.)
288.18 FEE FOR APPLICATION FOR ENTRY-LEVEL EMPLOYMENT.

The Municipality shall require all applicants for entry level positions of employment with the Municipality to pay an application fee with the filing of the employment application, such fee to be commensurate with any administrative costs incurred by the Municipality in processing the application or testing the applicant. Any application fee charged shall be fixed solely to reimburse the Municipality for actual out-of-pocket expenses.
(Res. 85-107. Passed 12-16-85.)

288.19 CODE OF ETHICS.

Municipal employees shall:

(a) Respect the importance of American ideals of government, the rule of law, the principles of public administration and ethical conduct in the performance of their duties and be efficient, courteous and impartial in the performance of those duties, assuring fair and equal treatment to all persons, claims and transactions coming before them in their official capacities;

(b) Work in full cooperation and coordinate their efforts with fellow workers to ensure continuity of purpose and maximum achievement of Municipal objectives;

(c) Always recognize that their private interests must be subordinate to the public interest;

(d) Make all decisions conscientiously in compliance with public law and the policies of the Municipality and subordinate their personal views to the requirements of law, their oath of office and the regulations of the department in which they perform their public duties;

(e) Be scrupulously honest in handling public funds and in conserving public property, never using any funds or property under their care for the private benefit of themselves or others;

(f) Never accept or engage in employment which is or may be incompatible with their public duties;

(g) Refuse to represent private interests before the Mayor and Council, Municipal departments or the courts, in any matter involving the interests of the Municipality as a party or in which their official position is a consideration

(h) Refuse to accept gifts, services, favors or promises of future benefits, from any person upon terms more favorable than are granted to the public generally or which might compromise their independence of judgment or action in the performance of their duties; and

(i) Refrain from participating in partisan political activity which might compromise their independence of judgment or action in the performance of their duties and restrict all partisan political activities which they choose to participate in to nonworking hours and always as private citizens.
(Ord. 1874. Passed 2-4-85.)

288.20 DEFERRED COMPENSATION PLAN.

(a) Purpose. The purpose of the deferred compensation plan is to provide an alternative savings plan for eligible full-time employees and to serve as a recruitment incentive to attract and retain qualified professional management personnel.

(b) Eligibility. Full-time employees who have completed one year of service and who are not members of any Municipal employee pension plan are eligible for participation in the plan. All part-time employees, employees included in a collective bargaining unit, employees with employment contracts that provide deferred compensation contributions from the Municipality, temporary and seasonal employees and persons compensated on a fee basis are hereby expressly excluded from participating in the plan.

(c) Eligible Plans. Any deferred compensation plan which the Municipality has approved shall be deemed to be an eligible plan for the purposes of this section.
(d) **Municipal Contributions.** The Municipality shall contribute seven percent of each eligible employee’s annual wages annually, as directed by the employee, into one or more approved deferred compensation plans not later than January 31 of each year. Such contribution shall be considered as part of the employee’s compensation.

(e) **Employee Contributions.** Employees shall not be required to contribute to the plan in order to participate. Employees may, however, contribute additional funds on a voluntary basis up to the maximum amount permitted by law.

(f) **Operation and Maintenance of the Plan.**
   (1) All funds contributed by the Municipality and/or the employee shall be subject to the terms and conditions of the specific deferred compensation plan(s) and any applicable Federal or State statutes.
   (2) The Manager is hereby authorized to sign all necessary papers to continuously implement the proper function of the approved deferred compensation plans.
   (Ord. 1979. Passed 12-7-87.)

288.21 **CONTROLLED SUBSTANCES AND ALCOHOL POLICY FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.**

(a) **Purpose.** It is the policy of the Municipality of Penn Hills (hereinafter the Municipality) to achieve and maintain a drug and alcohol free workplace. Drug and alcohol abuse is a major health problem in the workplace, affecting all age groups, economic levels and industries. Drivers of commercial motor vehicles who use controlled substances and misuse alcohol are more likely to have accidents and/or miss work. Their actions can endanger fellow employees as well as the general public. Therefore, the Municipality has instituted this policy out of concern for the safety of employees and the general public, to prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of commercial motor vehicles.

(b) **Definitions.** As used in this section:
   (1) **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl and isopropyl alcohol.
   (2) **Commercial motor vehicle (CMV)** means a motor vehicle which has a combination weight rating of 26,001 or more pounds, is designed to transport sixteen or more passengers, including the driver, or is used in the transport of materials which require the motor vehicle to be placarded under the Hazardous Materials Regulations.
   (3) **Confirmation test** means a second test. In the case of alcohol testing, this refers to a second test, following an initial screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. In the case of controlled substances testing, this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation test for cocaine, marijuana, opiates, amphetamines and phencyclidine.
   (4) **Driver** means any person who operates a commercial motor vehicle and is subject to the commercial driver’s license (CDL) requirements. This includes, but is not limited to, applicants and full-time, casual, intermittent or occasional employees as well as leased drivers and independent contractors.
   (5) **Reasonable suspicion** means an articulable belief based on specific observable facts and reasonable inferences drawn from those facts, that could lead a reasonable person to believe that the facts are as they appear to be.
(6) Safety-sensitive position means all positions of CDL drivers whose job duties involve the safety of the public.

(7) Screening test means an initial test. In alcohol testing, this refers to an analytical procedure to determine whether the driver has a prohibited concentration of alcohol in his or her system. In controlled substances testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

(8) Substance abuse professional (SAP) means a licensed physician or certified psychologist, social worker, employee assistance professional or other counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

(c) Applicability. This policy applies to every person who operates a commercial motor vehicle (CMV) and is subject to the commercial driver’s license (CDL) regulations found at 49 CFR 382.101 et. seq. (1994).

(d) General Prohibitions. The following conduct by a driver, who is an employee of the Municipality, is prohibited by the Municipality and is considered a willful violation of this policy subject to disciplinary action up to and including termination of employment, pursuant to the Municipality’s Personnel Rules and Regulations:

(1) Use of alcohol during working hours, within four hours of performing safety-sensitive functions and within eight hours following an accident or until the driver has undergone post-accident alcohol testing, whichever occurs first;

(2) Reporting for duty which requires the performance of safety-sensitive functions, with a blood alcohol concentration of 0.02 or greater;

(3) Possession of alcohol while on duty, unless the alcohol is manifested and transported as part of a shipment;

(4) Reporting for duty or remaining on duty which requires the performance of safety-sensitive functions when under the influence of controlled substances;

(5) Use of legally prescribed controlled substances by drivers performing safety-sensitive functions, except pursuant to instruction of a physician who has advised that the substance does not adversely affect the driver’s ability to safely operate a motor vehicle;

(6) Failure by drivers performing safety-sensitive functions to report any medical use of controlled substances; or

(7) Refusal to submit to or failure to successfully complete required alcohol or controlled substances testing, evaluation and/or treatment pursuant to this policy.

(e) Mandatory Drug and Alcohol Testing.

(1) Pre-employment drug testing. Persons applying to the Municipality for positions as drivers of commercial motor vehicles shall be required to undergo drug screening upon an offer of employment, as part of a mandatory physical examination conducted by a physician chosen by the Municipality. The drug test must be verified before an employee can perform safety-sensitive functions. Exceptions to pre-employment drug testing. Drug testing may be waived at the discretion of the Municipality if the driver has participated in a program that meets the requirements of this policy and has had a negative drug test within the past six months or has participated in a random drug testing program for the previous twelve months, and the Municipality ensures that no prior employer of the driver has knowledge of a positive test or a refusal to be tested within the previous six months.

(2) Reasonable suspicion testing. The Municipality shall require a driver to submit to
drug and alcohol testing if the Municipality has a reasonable suspicion that a driver has violated this drug and alcohol policy. The Municipality's determination must be based on specific, contemporaneous and articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations must be made by at least one trained supervisor or Municipal official. Alcohol testing must be recommended based on observations made during, just before or just after the driver performs safety-sensitive duties. Alcohol tests must be administered within two hours following the observations. If the tests are not administered within eight hours, the Municipality shall cease attempts to administer the test. For controlled substances testing, a written record shall be made of observations leading to a drug test for reasonable suspicion and must be signed by a supervisor or other Municipal official. This record must be made within twenty-four hours of the observed behavior or before the results of the test are released, whichever is earlier.

(3) Post-accident testing. As soon as possible after an accident involving a commercial motor vehicle (CMV), the Municipality must test each surviving driver for controlled substances and alcohol if the accident involved the loss of human life or if the driver receives a citation for a moving violation. If an alcohol test is not given within two hours of the accident, the Municipality must prepare and maintain a report stating the reasons. If an alcohol test is not given within eight hours following the accident, and a controlled substances test within thirty-two hours of the accident, the Municipality should cease attempts to administer the tests and document the reasons. The Municipality shall provide drivers with the necessary post-accident information, procedures and instructions, prior to allowing a driver to operate a CMV. The employee must remain available for post-accident testing or be considered to have refused the test. The results of tests by Federal, State or local agencies shall meet the requirements of this section, if the results of the tests are used by the Municipality pursuant to this policy. Tests administered by Federal, State or local agencies shall conform to their respective guidelines.

(4) Random testing. To encourage year-round avoidance of controlled substances and misuse of alcohol and be in compliance with Federal regulations, the Municipality shall conduct random tests of drivers at an annualized rate of fifty percent for controlled substances and twenty-five percent for alcohol. Tests shall be unannounced and spread throughout the year (at least quarterly). Upon notification, the driver shall immediately go to the testing site. Random controlled substances testing may be administered anytime. A driver shall only be tested for alcohol just before, during or just after performing safety-sensitive functions.

(5) Return-to-duty testing. An employee found to have engaged in prohibited controlled substances and alcohol use shall submit to return-to-duty testing for controlled substances and alcohol prior to performing safety-sensitive functions. No employee shall perform safety-sensitive functions unless his or her alcohol concentration level is less than 0.02. The costs for return-to-duty testing under this section shall be incurred solely by the CDL driver.

(6) Follow-up testing. Employees who have engaged in use of controlled substances or alcohol misuse shall be required to submit to testing as deemed necessary by a Substance Abuse Professional (SAP) a minimum of six times for twelve months. Such testing shall only be conducted before, during and after the driver is performing safety-sensitive functions. The costs for follow-up testing under this section shall be incurred solely by the CDL driver.

(f) Notice Requirement. Before conducting alcohol or controlled substances tests, the Municipality shall notify a driver that the test is required by the Federal Highway Administration
Regulations as set forth in 49 CFR 382.101 et. seq. (1994) and any amendments thereto.

(g) **Drugs to be Tested.** Urine specimens shall be screened for the classes of controlled substances and at the cutoffs listed below. The initial test shall be an immunoassay which shall be confirmed using a gas chromatography/mass spectrometry (GC/MS) test.

<table>
<thead>
<tr>
<th>Drug</th>
<th>Immunoassay Screen Cutoffs (ng/ml)</th>
<th>GC/MS Confirmation Cutoffs (ng/ml)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amphetamines</td>
<td>1,000</td>
<td>500</td>
</tr>
<tr>
<td>Cannabinoids</td>
<td>50</td>
<td>15</td>
</tr>
<tr>
<td>Cocaine and Metabolite</td>
<td>300</td>
<td>150</td>
</tr>
<tr>
<td>Opiates</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>Phencyclidine (PCP)</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

(h) **Collection Sites.** Collection sites must follow the guidelines established by the National Institute on Drug Abuse (NIDA) for collecting, handling and storing urine drug specimens and must meet the exacting chain of custody requirements. The collection site for the Municipality shall be designated by the Municipality and conspicuously posted at all times within the Municipal Building. In addition to the general notice stated above, all employees shall receive written notice of the name and address of the collection site and any changes thereto. Individuals shall be permitted to provide urine specimens in private restroom stalls or similar enclosure so that employees and applicants may not be viewed while providing the sample. Observed specimen collection may occur under the following circumstances:

1. When the specimen falls outside the range of 90.5 to 99.8 degrees Fahrenheit or shows signs of contamination;
2. When a previous urine specimen provided by the individual was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/L; or
3. When the collection site person observes conduct clearly indicating an attempt to substitute or adulterate the sample.

The employee or applicant shall remain at the testing facility until it is determined that the sample provided is genuine and that there has been no tampering with the specimen.

(i) **Laboratory Testing Requirements.** In accordance with the Regulations at 49 CFR 40.1 et. seq. (1994), only laboratories certified by the NIDA and the Department of Health and Human Services (DHHS) to conduct Workplace Testing Programs will be used to analyze urine specimens. The medical facility or laboratory must provide in writing a description of the procedures that it will follow to obtain and maintain the test samples. As required by 49 CFR 40.25, the Municipality shall specify that the split-sample method of collection be used. Split-sample means that each urine specimen must be subdivided into two bottles labeled as primary and split specimen, with both bottles sent to the certified laboratory for analysis. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has seventy-two hours to request that the split specimen be analyzed by a different certified laboratory. The costs for the testing of the split specimen at the request of the employee shall be solely incurred by the employee. The testing facility shall provide for testing procedures which:

1. Ensure privacy, while deterring tampering;
2. Provide methods of analysis that ensure reliable test results; and
3. Use chain of custody procedures providing for shipping of samples and accompanying mandatory Federal Drug Testing Custody and Control Forms in sealed containers.
(j) Reporting of Drug Test Results. The Municipality shall utilize a Medical Review Officer (MRO), as designated by the Municipality, to review and interpret test results obtained through drug testing. The MRO is a physician knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. The MRO receives test results from the laboratory and evaluates them before notifying the Municipality. Prior to notifying the Municipality, the MRO shall conduct a medical interview (by telephone or in the office) considering the individual’s medical history and other biomedical factors. The MRO shall receive all medical records made available by the tested employee to determine if there might be a legitimate medical reason for a confirmed positive test. If there is, the MRO shall report the test as negative. The MRO shall forward results within three business days of completing his or her review only to the person in the Municipality designated to receive such results. The MRO shall report whether an individual’s test is negative or positive. If positive, he or she will identify the substance for which the test was positive and the concentration level of the controlled substance or alcohol. The MRO shall maintain all dated records for a minimum of five years for verified positive controlled substances tests.
(k) **Alcohol Testing.** As required by 49 CFR 40.1 et seq., the alcohol test is to be conducted by a certified **Breath Alcohol Technician** (BAT) using an **Evidentia Breath Testing** device (EBT) which is approved by the National Highway Traffic Safety Administration (NHTSA). Tests are to be conducted in an area where confidentiality of results is assured. If the alcohol screening test indicates an alcohol concentration of 0.02 or greater, confirmation testing must be done within fifteen to twenty minutes.

(l) **Reporting of Alcohol Test Results.** Following a confirmed alcohol test of 0.02 or greater, the BAT must immediately report the results to the designated representative of the Municipality. This is done so that the Municipality can take steps to ensure that the driver testing positive will not drive his or her vehicle. The designated representative of the Municipality must provide the testing sites with a telephone number where he or she can be reached at all times.

(m) **Consequences of a Confirmed Positive Test Result.**

1. A driver testing positive for controlled substances or for alcohol at a concentration level of 0.04 or greater may not perform safety-sensitive functions until he or she has a negative controlled substances or alcohol test. A driver who is tested and found to have an alcohol concentration level of 0.02 or greater but less than 0.04 shall not perform safety-sensitive functions until the start of the driver’s next regularly scheduled duty period or twenty-four hours following administration of the test, whichever is later.

2. Under DOT/FHWA drug and alcohol regulations, any driver who has an alcohol concentration level of 0.04 or greater or otherwise engages in prohibited drug or alcohol conduct pursuant to this policy shall be referred for evaluation to a Substance Abuse Professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use. The SAP may make specific recommendations for follow-up controlled substances and alcohol testing that could last as long as sixty months from a driver’s return-to-duty date. No driver may return to duty without a negative controlled substances and alcohol test and a recommendation by the SAP that the driver has properly followed the rehabilitation program presented by the SAP. The costs for evaluation and treatment under this section shall be incurred solely by the CDL driver.

3. Any driver who is an employee and refuses or fails to comply with the requirements stated in this section may be subject to disciplinary action as set forth in subsection (d) hereof.
(n) **Supervisor Training.** The Municipality shall develop a program of training to assist supervisory personnel in identifying use of controlled substances and alcohol among drivers. Such training will be directed toward helping supervisors recognize the conduct and behavior that gave rise to a reasonable suspicion of controlled substances or alcohol use and shall include at least sixty minutes of training on alcohol misuse and an additional sixty minutes of training on controlled substances use.

(o) **Retention of Records.** The Municipality shall maintain records of its controlled substances use and alcohol misuse prevention programs in accordance with the provisions of 49 CFR 382.401 et seq. Records of confirmed positive test results, documentation of refusals to test, calibration documentation, driver evaluation and referrals, and a copy of the calendar year summary shall be maintained for five years; records related to the controlled substances and alcohol testing process shall be maintained for two years; and records of negative and cancelled tests, records of alcohol tests with a concentration less than 0.02 and records relating to the collection process, to education of drivers and to training of supervisors shall be maintained for one year. The Municipality shall prepare and maintain a summary of testing programs performed pursuant to this policy during the previous calendar year when requested by the Secretary of Transportation, any DOT agency, or any State or local official with regulatory authority over the employer or any of its drivers.

(p) **Access to Records.** The Municipality may disclose information required to be maintained under this policy to the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual and arising from the results of an alcohol or controlled substances test administered under this policy or from the Municipality’s determination that the driver has engaged in conduct prohibited under this policy. Pursuant to a driver’s consent, the Municipality shall obtain from previous employers information on the driver’s previous positive controlled substances or alcohol tests as well as refusals to be tested within the past two years.

(Ord. 2224. Passed 12-20-95.)

288.22  **SEXUAL HARASSMENT POLICY.**

(a) **Statement of Policy.**

(1) Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, sex, age or national origin. Sexual harassment is included among the prohibitions.

(2) Sexual harassment, according to the Federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, request for sexual favors or other verbal or physical acts of a sexual or sex based nature where submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; an employment decision is based on an individual's acceptance or rejection of such conduct; or, such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

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

(4) Sexual harassment is unlawful, and such prohibited conduct exposes not only the Municipality but individuals involved in such conduct, to significant liability under the law. Employees at all times should treat other employees respectf

(b) **Statement of Prohibited Conduct.** The Municipality considers the following conduct to represent some of the type of acts which violate the sexual harassment policy:

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

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

3. Sexual or discriminatory displays of publications in the work place, such as:
   A. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic.
      A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work at the Municipality and who has posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
   B. Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place, other than restrooms and similar semi-private lockers/changing rooms.

4. Retaliation for sexual harassment complaints, such as:
   A. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about, or resisted harassment, discrimination or retaliation; and
   B. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct.

2007 Replacement
(5) Other acts:
   A. The above is not to be construed as an all inclusive list of prohibited acts under this policy;
   B. Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described here is sexual harassment of any one at whom it is directed or who is otherwise subjected to it. Each incident of harassment, moreover, contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts or sex based conduct have no legitimate business purpose; accordingly, the employee who engages in such conduct should be and will be made to bear the full responsibility for such unlawful conduct.

(c) Penalties for Misconduct.
   (1) Any employees' commission of acts of sexual harassment or retaliation against a sexual harassment complainant will result in appropriate sanctions, up to and including dismissal, against the offending employee, depending upon the nature and severity of the misconduct.
   (2) A written record of each action taken pursuant to this policy will be placed in the offending employee's personnel file. The record will reflect the conduct, or alleged conduct, and the warning given, or other discipline imposed.

(d) Procedures for Making, Investigating and Resolving Sexual Harassment and Retaliation Complaints.
   (1) Complaints.
      A. Complaints of acts of sexual harassment and retaliation that are in violation of the sexual harassment policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation should report it to their immediate supervisor. In the event that it would be inappropriate to report such concerns to one's immediate supervisors, the report may be made to the Municipal Manager. In the event that a female employee would prefer to report a concern about sexual discrimination or harassment to another female member of the Municipal workforce, the EEO Officer or the Administrative Support Specialist II is designated as the proper person to receive such communications.
      B. Only those who have an immediate need to know, including the person to whom a report was made, the alleged target of harassment or retaliation, the alleged harasser or retaliator, and any witness will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint, is a separate actionable offense and subject to discipline under this policy.

2007 Replacement
(2) Cooperation. An effective sexual harassment policy requires the support and example of personnel in positions of authority. Municipality agents or employees who engage in sexual harassment or retaliation or who fail to cooperate with Municipally-sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other Municipality employees, and/or retaliate against sexual harassment complainants or witnesses may be immediately sanctioned by suspension or dismissal.

(3) Other Types of Harassment. As stated in the beginning of this Policy, the law prohibits harassment based upon a number of protected characteristics (race, color, creed, national origin, religion, disability). The Municipality will not tolerate harassment based upon any protected characteristic. Employees of the Municipality can expect that other types of harassment will be handled in a manner similar to this Policy.

(Ord. 2476. Passed 9-11-07.)

288.23 E-MAIL POLICY.

(a) Purpose. To make employees, consultants, and vendors aware of the Municipality's Electronic Mail (e-mail) policy, their responsibilities concerning use of e-mail systems and ensure user awareness that the use of e-mail is for official business purposes supporting the goals and objectives of the Municipality.
(b) **Scope.** This policy applies to all Municipality employees, consultants and vendors who use the Municipality electronic mail system.

(c) **Associated Documents.**

<table>
<thead>
<tr>
<th>Policy/Procedure</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipality of Penn Hills Records Retention Schedule</td>
<td>Deputy Clerk (412-798-2131)</td>
</tr>
</tbody>
</table>

**Forms**

E-mail Policy Acknowledgment Form   Exhibit A

(d) **Objectives.**

(1) To set forth the Municipality's policy with regard to usage, privacy and disclosure of electronic mail messages sent or received through the use of the Municipality's e-mail systems.

(2) To ensure that business records of the Municipality are retained in conformance with the Municipality Retention Schedule, including any such records that are created using the Municipality's e-mail system.

(3) To have users, with access to the Municipality's e-mail systems sign an *E-mail Policy Acknowledgment Form*, as set forth in Exhibit A, indicating receipt and acknowledgment of the Municipality's e-mail policy (or complete an automated acknowledgment form).

(e) **Definitions.**

(1) **The Municipality of Penn Hills Business Record.** Any record of Municipality activity or Municipality business transaction that is defined and described in the *Municipality of Penn Hills Retention Schedule*, including any such messages that are created, sent, or received using the Municipality of Penn Hills e-mail system.

(2) **The Municipality of Penn Hills Records Retention Schedule.** A policy document issued by the Municipality which describes Municipality business records and the amount of time that various business records must be retained (saved) in order to satisfy legal requirements and other business requirements. (Copies of the *Municipality of Penn Hills Records Retention Schedule* may be obtained by contacting the Municipal Deputy Clerk in writing at 12245 Frankstown Road, Pittsburgh, Pennsylvania, 15235, or via telephone at 412-798-2131).

(f) **Policy.**

(1) **E-mail access and usage.**

   A. E-mail systems are assets of the Municipality and are provided for the Municipal business purposes only.

   B. Access to the Municipality e-mail systems will be at the discretion of management and such access may be denied, at any time, without prior employee notification.

2005 Replacement
C. All employees granted access to Municipality e-mail systems must complete the E-mail Policy Acknowledgment Form, as set forth in Exhibit A.
D. Users may not share or disclose I.D. and password.

(2) Prohibited activities.
A. The transmission or receipt of obscene, pornographic or inappropriate images or text is strictly prohibited. The displaying of any kind of sexually explicit image or documentation on any Municipality computer system is strictly prohibited. Additionally, sexually explicit material may not be stored, downloaded, transmitted, edited or copied using the Municipality network or computer resources.
B. Employees are prohibited from utilizing the e-mail systems for creating, sending or forwarding material that is abusive or otherwise offensive, such as sexist, racist or similar jokes, e-mail chain letters or junk mail. Employees are further prohibited from utilizing Internet chat services and/or surfing the Internet for non-business-related sites such as stock trading, sexually or racially biased sites, religious or spiritual sites or causing to send same into the Municipal e-mail system.
C. The deliberate corruption or destruction of data belonging to others without prior agreement, the installation and/or use of unapproved software on the system, or the unauthorized access of network facilities or services are prohibited.

(3) Monitoring.
A. Authorized Municipality personnel - Information System Administrator (ISA) - may monitor electronic mail communications for the purpose of detecting any breach in security, violations of laws, or infringement of the Municipality rules.
B. The Municipality may use computer programs that monitor electronic mail messages electronically for purposes of assuring system security and compliance with agency policies. The Municipality may review the files contained in any Municipality computer, file server, or other storage medium (i.e., CDs, floppy disks, etc.) without prior notice and/or consent of employee.

(4) Management of e-mail messages that are subject to low-term retention.
A. It is the responsibility of individual e-mail system users to ensure proper retention of The Municipality of Penn Hills Business Records that are created using the e-mail system.
B. It is incumbent on each and every Municipality system user to consult The Municipality of Penn Hills Records Retention Schedule in order to determine whether an e-mail message is subject to long-term retention, and if so, to provide for the long-term preservation of such e-mail in conformance with the Schedule.
C. Retention of e-mail messages that are subject to long-term retention must be accomplished by printing and preserving hard copies (paper copies).
D. For the purpose of personal convenience only, e-mail users may retain electronic copies of e-mail messages on the hard drive of their PCs or on floppy disks. However, this does not relieve the user of his or her responsibility
to print and preserve hard copies of e-mail messages that are subject to long-term retention as defined above.

(5) Disclosure.
A. Evidence of illegal activity or violations of this policy may be investigated on an as-needed basis. The information discovered may be referred for disciplinary action and/or for criminal proceedings, as appropriate, without prior notice to any employee who may have sent or received such messages.
B. The Municipality reserves the right to access, view, and disclose all messages transmitted through its electronic mail systems.
C. Employees who are aware that the e-mail system is being used improperly should immediately report that misuse to their supervisor or to the Information Systems Administrator.

(6) Violation of e-mail access and usage policy. Users (employees, consultants or vendors) that sign the Internet Access Form or complete an automated acknowledgment form as set forth in Exhibit A, acknowledge they are cognizant of all policies stated in this operating procedure. Any attempt by a user to violate the policies of this operating procedure for any reason may result in one or more of the following:
A. Immediate termination of Internet access.
B. Cancellation of consultant or vendor contracts.
C. Disciplinary action up to and including dismissal.

(7) Privacy.
A. The Municipality e-mail systems are used primarily for inter-office communications and other official Municipal business. Messages sent or received are not protected under the Electronic Communications Privacy Act of 1986, and disclosure of these messages is not restricted.
B. The Municipality will audit e-mail on a regular basis or whenever it deems it warranted.
C. There is no guarantee of privacy for electronic mail messages; employees are advised to use sound judgment when using the electronic mail systems.
D. Electronic intrusion by any employee, except authorized Municipality personnel, is a violation of policy.
E. Electronic mail messages sent or received, regardless of origination, are subject to the e-mail policy.
F. Authorized personnel who monitor e-mail systems may not divulge Municipality business messages to any person, except for business reasons, i.e., investigating misconduct.

(g) Procedure. Completing the E-mail Acknowledgment Form.
(1) IS Administrator. Ensures that all e-mail users (employees, consultants and vendors) under his or her domain receive and sign a copy of the E-mail Policy Acknowledge Form, as set forth in Exhibit A, or complete an automated acknowledgment.
(2) **E-mail user.** Reads the E-mail Operating Procedure and signs the E-mail Policy Acknowledgment Form, agreeing to abide by the Municipality of Penn Hills E-mail policy.

(3) **Department/division head or designee.** Makes backups of e-mail messages as needed. Places original signed copy of the E-mail Policy Acknowledgment Form in the departmental personnel file.
EXHIBIT A

INFORMATION SYSTEMS DATA PROCESSING DIVISION
ELECTRONIC MAIL POLICY ACKNOWLEDGMENT FORM

I have received a copy of the Municipality of Penn Hills Electronic Mail (E-mail) Operating Procedure and have read and understand its contents. I agree to adhere to the policies stated in the Municipality of Penn Hills Electronic Mail (E-mail) Operating Procedure.

I also understand and acknowledge my responsibility to print and retain Municipality of Penn Hills business records that are created, sent, and received using the Municipality of Penn Hills e-mail system.

I further understand that any violation of the e-mail policy or misuse of the e-mail system as stated in the policy may result in disciplinary action up to and including dismissal from the Municipality of Penn Hills.

Signature: ________________________________ Date: _______

Name: __________________________________________
(Print full name)

SS #: _______________________________________

Title: _______________________________________

Department: _________________________________

Information Systems Administrator: _____________________________

(Ord. 2364. Passed 12-5-01.)
288.24  INTERNET/INTRANET POLICY.

(a) **Purpose.** To ensure proper and secure access and use of on-line service providers, and the Internet, for the Municipality.

(b) **Scope.** Applies to all Municipality employees, consultants and vendors.

(c) **Associated Document.**

   **Form**

   Internet Access Form  Exhibit A

(d) **Objectives.** To ensure that the Internet is to be used in a manner that is consistent with the Municipality's standards of business conduct and as part of the normal execution of an employee's job responsibilities, and that the Internet is not used for personal use or for personal monetary gain.

(e) **Definitions.**

   (1) **The Internet.** A worldwide system of interconnections and networks that allow computers and users to interact with other computers and users throughout the world.

   (2) **The Intranet.** Consists of all local (municipal) computers and computer related resources, where validated domain user I.D.s can gain access, using a domain login and password.

(f) **Policy.**

   (1) **Internet usage.**

      A. Use of the public Internet by Municipality employees is permitted and encouraged only where such use is suitable for Municipality business purposes and supports the goals and objectives of the Municipality.

      B. The Internet is to be used in a manner that is consistent with Municipality standards of business conduct and as part of the normal execution of an employee's job responsibilities. The Internet is not for personal use or to be used for personal monetary gain.

      C. The Internet must not be used knowingly to violate any applicable laws and regulations.

      D. Users will be responsible for any and all activities they initiate in any Municipality system or network.

      E. Users must not attempt to disable, defeat or circumvent Municipality firewall. The Municipality's firewall is a combination of hardware and software products that protect our network from Internet hackers and other unauthorized access.

      F. Users will not share their I.D. and password.

2005 Replacement
G. The distribution of any information through the Internet, computer-based on-line services, electronic mail, messaging systems and/or electronic bulletin boards are subject to the review and approval of the Municipality.

H. The display of any kind of sexually explicit image or document on any Municipality systems is strictly prohibited. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using the Municipality's network or computing resources.

I. Internet surfing of non-Municipality business sites (including, but not limited to, pornographic, stock trading, sexually or racially biased site(s)).

(2) Internet access.
   A. Employee access to the Internet is at the discretion of the Municipality management and may be granted or rescinded at any time.
   B. Any employee, consultant or vendor requesting access to the Internet must complete the Internet Access Form as set forth in Exhibit A which will initiate the installation and configuration of an Internet enabled Protocol (I/P) address at the desktop.
   C. Access to the Internet in standalone mode from a service provider such as America On-Line, Prodigy, Local Connect, etc., is permitted with the proper security procedures. Use of chat rooms as well as instant messaging services are prohibited.
   D. Access to the Internet through a local area network (domain) or wide area network (WAN) must be through the Municipality internet service provider; no other Internet provider, rogue or backdoor accounts are permitted.

(3) Internet security.
   A. The Information Systems Administrator will maintain a log of Internet access and transactions for audit purposes. Visits by users to pornographic sites will automatically be reported to department heads. Department heads must make a request in writing to the Information Services Administrator for all other reports of user activity.
   B. Internet usage audits will be performed on a regular basis.
   C. Employees must report any security breach, either internal or external, to department/division head; the division head will contact the Information Systems Administrator.
   D. The user is warned that the transfer of information from an Internet site, especially from unknown sources, may be risky, since newer viruses may elude the virus scanning at the firewall or desktop.
   E. System default settings should be disabled by the local Information Systems Administrator or the outsource vendor. The passwords shipped with systems should be changed and forwarded to the Information Systems Administrator.
   F. Municipality on-line systems should not display company banners, on-line help, or other systems information before a user is authenticated.

(4) Security for standalone personal computers (PCs) with on-line service providers and/or Internet access.
   A. PCs must:
      1. Have virus protection.
2. Be located in a secure area with limited access.
3. Not have passwords stored for automatic recall by the system.
4. Have users manually enter their individual password(s) to gain access to their separate on-line accounts.
5. Have a History File to track all user site visits.
6. Have only municipal-purchased software installed.

B. PCs must not:
1. Allow users to logon using the local administrator/root password.
2. Have users change any system/network settings.

(5) Data security.
A. Downloaded files must be uncompressed and virus checked on the dedicated microcomputer (PC) prior to any other transfer.
B. Uploading a downloaded file from the Internet to any other Municipality information system (PC, etc.) can only be done with clearance from a departmental PC Coordinator or the Information Systems Administrator.
C. Large file transfers and video and audio streaming should be scheduled for off-peak times (before 8:00 a.m. or after 5:00 p.m.).
D. Files containing sensitive Municipality critical data that are transferred in any way across the Internet must be encrypted.

(6) Internet operating guidelines.
A. Mailing list:
   1. Do not post personal messages.
   2. Do not post any message anonymously.
   3. Obey copyright laws.
   4. Do not claim to represent Municipality on the Internet without authorization.
   5. Indicate quoted material.
   6. Avoid using auto reply feature when you belong to a mailing list.
B. File Transfer Protocol (FTP):
   1. FTP will be provided on a need only basis by the Information Systems Administrator.
   2. Use FTP only when there is a current need, and only in any system in which you have an account or which doesn't advertise as an anonymous FTP service.
   3. Observe working or posted hours for FTP sites and all posted restrictions on FTP servers.
C. Remote Login (Telnet):
   1. Do not login remotely to any systems on which you do not have an account or which you do not have guest accounts.
   2. Observe all posted restrictions on the remote login system.
   3. Use only authorized ports for access; do not attempt to login remotely into miscellaneous ports.

(7) Violation of internet operating procedure. Users (employees, consultants or vendors) that sign the Internet Access Form or complete an automated
acknowledgment form as set forth in Exhibit A. Users acknowledge they are cognizant of all policies stated in this operating procedure. Any attempt by a user to violate the policies of this operating procedure for any reason, may result in one or more of the following:
A. Immediate termination of Internet access.
B. Cancellation of consultant or vendor contracts.
C. Disciplinary action up to and including dismissal.

(g) **Internet Access Request Procedures.** User access to the internet:

<table>
<thead>
<tr>
<th>Step</th>
<th>Responsibility</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>User</td>
<td>Makes a request for Internet Access through his/her department/division head.</td>
</tr>
<tr>
<td>2</td>
<td>Department/division head</td>
<td>Approves request based on Business needs and provides user with the Internet Access Form (refer to Exhibit A).</td>
</tr>
<tr>
<td>3</td>
<td>User</td>
<td>Reviews Internet Access Policy; completes part A and B.</td>
</tr>
<tr>
<td>4</td>
<td>Department/division head</td>
<td>Upon approval, completes and signs Part C of the Internet Access Form, and forwards to the Information Systems Administrator.</td>
</tr>
<tr>
<td>5</td>
<td>Information Systems Administrator</td>
<td>Connects user to the Internet, and provides a copy of form A to Employee's Personnel File.</td>
</tr>
<tr>
<td>6</td>
<td>Information Systems Administrator</td>
<td>Completes Part D of Internet Access Form, and maintains a file copy of all completed Internet Access Forms.</td>
</tr>
</tbody>
</table>
INFORMATION SYSTEMS DATA PROCESSING DIVISION
INTERNET ACCESS FORM

EXHIBIT A

PART B - USER INFORMATION

LAST NAME, FIRST, MI:  DEPT:  SS NUMBER:

________________________________________  ____________
________________________________________
JOB TITLE:  ________________________________  TELEPHONE (work):  _____

REASON FOR ACCESS:

BUSINESS ADDRESS:  __________________________________________

LOGIN ID (NETWORK):  __________________________________________

PART C - DEPARTMENT/DIVISION APPROVAL

PRINT LAST NAME, FIRST MI:  DEPT.

________________________________________  ____

TELEPHONE NUMBER:  _____________________________

SIGNATURE:  DATE:

_________________________________________________________________

Upon approval, forward to Jack Day, Information System Administrator, Administration Offices.

2005 Replacement
PART A - USER INTERNET USAGE ACKNOWLEDGMENT

I acknowledge that I have received and read the Municipality of Penn Hills Internet Operating Procedure. By signing this Internet Access Form I agree to abide by this Operating Procedure. I also acknowledge that any tasks performed on the Internet are subject to monitoring by the Municipality of Penn Hills, and that using the Internet for non-business related purposes could result in my access being revoked and/or disciplinary action.

USER'S SIGNATURE: ___________________________ DATE: ___________________________

PART D - INFORMATION SECURITY APPROVAL

COMMENTS: ___________________________ DATE: ___________________________

APPROVED ___________________________ DISAPPROVED ___________________________

SIGNATURE - INFORMATION SYSTEMS ADMINISTRATOR

(Ord. 2364. Passed 12-5-01.)
288.25 SOCIAL MEDIA POLICY.

(a) **Purpose.** Social networks have become an increasingly prevalent form of communication in our personal and professional lives. Used responsibly, social media can help positively shape the public's perception of local government and its products, services, and employees. This policy promotes responsible use of social media.

(b) **Policy.** This policy applies to both work and personal use of any form of social media or social networking, including Facebook, Twitter, MySpace, LinkedIn, Foursquare, Gowalla, Usenet groups, online fora, message boards, bulletin boards, blogs and other similar social media or other site where text, photos, videos, audio files, or other content may be posted and shared (hereinafter collectively referred to as "social media"). All employees should exercise good judgment and common sense when accessing and using social media. Employee use of social media should be consistent with, and not in violation of, this and other policies of the Municipality of Perm Hills (the "Municipality"), including, but not limited to, the Computer System Usage, E-Mail and Internet/Intranet Reference Guide and Policy, discrimination, harassment and confidential information policies. While typically what employees do outside of work is their personal business and generally not subject to the Municipality's policies, certain activities, like use of social media, may affect employee compliance with policies. As such, use of social media as an employee of the Municipality is subject to certain restrictions more fully described in this policy.

(c) **Prohibitions on Use of Social Media.**

(1) No employee may post information or images on social media that portrays him or her as an employee of the Municipality or that reveals confidential information obtained during the course of employment with the Municipality, including, but not limited to, trademarks, logos, clothing with trademarks or logos, badges, uniforms, employee information, or information related to investigations.

(2) No employee may post information or images on social media on behalf of the Municipality without first obtaining written permission from the Manager.

(3) Employees are prohibited from using social media during work hours for personal use. Employees are permitted to access social media on their personal devices before and after work hours and during breaks.

(4) Employees are prohibited from using social media in violation of State, Federal or local law, and will be held legally responsible for their postings.

(5) When posting on social media information about the Municipality or any aspect of the Municipality's business, employees should clearly identify themselves as an employee of the Municipality and include a disclaimer that the views expressed are the employee's own views and are not the views of the Municipality. When posting your point of view, you should neither claim nor imply you are speaking on the Municipality's behalf, unless you are authorized in writing by the Manager to do so.

(6) Employees should not misrepresent their identity when accessing and posting information and content on the Internet.

(d) **Appropriate Uses.** With the required approval from the Manager, social media may be used for:

(1) Community outreach;

(2) Time-sensitive notifications;

2013 Replacement
(3) Recruiting and employment; and
(4) Marketing and advertising;

(e) **Privacy.** Employees do not have an expectation of privacy on social media accessed from technology owned, operated, or leased by the Municipality. Even when content or postings are deleted or erased, it is still possible to retrieve and view that content or posting. Further, the use of passwords for security does not guarantee confidentiality. The Municipality reserves the right to monitor all activity on technology owned by, operated by or leased by the Municipality; this includes all hardware that is a part of the Municipality's network of computers and information stored or backed up on site or off site by the Municipality or agents of the Municipality, and all cell phones and pagers owned or leased by the Municipality. Employees should be aware that their posts may be brought to the Municipality's attention by other employees, supervisors or third parties. The Municipality also reserves the right to request that employees remove postings that are in violation of this policy.

(f) **Complaints.** Employees who have seen and have legal access to posted information that violates the Municipality's policy or any Federal, State or local law should print the posting and provide a copy to the Manager.

(Ord. 2544. Passed 4-16-12.)

---

**288.26 VEHICLE USAGE AND SAFETY POLICY.**

(a) **Policy Statement.** The operation of Municipal vehicles is necessary in conducting the day-to-day business of the Municipality. This policy sets forth guidelines and policies governing the
operation of vehicles used in the performance of official Municipal business. Department heads are responsible for implementation and enforcement of this policy for vehicles and drivers assigned to their department.

(b) **Scope.** This policy applies to all Municipally-owned vehicles operated on public roads, and includes special-use vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site. Where appropriate, this policy applies to the operation of privately-owned vehicles, driven while performing official Municipal duties.

(c) **Use of Municipal Vehicles.**

(1) **Operator's license.**
   A. Municipal vehicles shall be operated only by Municipal employees who have a current and valid Pennsylvania operator's license, which reflects the appropriate classification for the size and type of vehicle driven. All ambulance drivers must have completed an approved Emergency Vehicle Operation (EVOC) Course.
   B. The operator's license must be in the employee's possession at all times while operating a Municipal vehicle, with the exception of emergency and police vehicle operators.
   C. Any employee who operates a Municipal vehicle in the performance of official Municipal duties, and whose operators' license is revoked or suspended, shall immediately report this fact to the appropriate department head.
   D. Any employee required to have a CDL license to operate Municipal vehicles or equipment must adhere to the Federal regulations governing these licenses.
   E. Department heads are required to insure that each employee has and maintains a valid driver's license by obtaining and reviewing the motor vehicle reports on an annual basis. Results should be kept on file.

(2) **Use of vehicles.**
   A. Municipal vehicles are the property of the Municipality and shall be used only for official Municipal business. In the case of assigned vehicles, all occupants must be authorized officers, employees of the Municipality, or such members of the public or private sector as are necessary for the conduct of the official business for which the vehicle is being operated.
   B. Only Municipal employees may be authorized to operate Municipal vehicles. Persons volunteering services to the Municipality are considered employees for the purposes of this policy and may operate Municipal vehicles when their duties require travel as long as such travel is authorized by the department head and necessary in the course of performing official Municipal business.
   C. Operation of Municipal vehicles by persons impaired by or under the influence of alcoholic beverages or drugs is strictly prohibited. Any such use is considered unauthorized use, and the operator will not be considered a permitted user of the vehicle or be protected by any insurance under which the Municipality is covered. (Also refer to subsection (d) hereof.)
   D. Intentional abuse, moving violations, reckless operation or negligent action while operating any Municipal vehicle may result in the suspension of the employee's driving privileges and are grounds for further disciplinary action.
2013 Replacement
E. Municipal vehicles shall not be used for personal purposes.
F. Municipal vehicles shall not be used to transport passengers except in the lawful course of official duties.
G. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.
H. A qualified operator must be positioned at the vehicle's controls any time it is running unless otherwise approved by the manufacturer. No vehicle shall be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake and locking the doors or otherwise securing the vehicle to prevent theft, vandalism, and unintentional movement. (Emergency vehicles are exempt from this provision.)
I. The Municipality will not be responsible for any personal property left in Municipal vehicles.
J. Any employee assigned a vehicle as part of his or her normal work duties is authorized to use the vehicle as transportation to lunch and back to the work site only when approved by the department head or job foreman.
K. Department heads are responsible for following proper preventive maintenance according to the schedule for each vehicle assigned to their department which shall include, but is not necessarily limited to, adding gas, oil, antifreeze, window solvent; checking tire pressure and lights periodically; replacing worn-out wiper blades, fan belts, filters when necessary; and performing or having performed those basic maintenance chores, such as washing and cleaning the vehicle, tune ups, etc.
L. MOV’s are not to be operated outside the State unless approved by the Municipal Manager.
M. Employees should immediately report any mechanical difficulties to their department head or supervisor. Operators may be held primarily liable for the costs of operation and repairs to or replacement of a MOV when it is determined that the vehicle was used beyond the scope of its authorized use or has been physically abused by the operator.
(3) Out-of-town travel/meeting attendance.
A. Employees may take a Municipal vehicle to an out-of-town business meeting only with approval from the department head.
B. With department head approval, an employee may take a Municipal vehicle home prior to leaving for an out-of-town business trip or attending a late evening or early morning meeting, which would require a return to the workplace after normal business hours. The employee may use the Municipal vehicle only for travel necessary to accomplish official Municipal business.
(4) Assigned vehicles.
A. The decision regarding assignment of Municipal vehicles to employees, defined as those vehicles permitted to be driven to and from work, shall be left to the discretion of the Municipal Manager with the advice and consent of Mayor and Council. The assignment will be based on the functional needs of the user and will be subject to periodic reevaluation. If, at any time, the Municipal Manager is unable to adequately justify the vehicle assignment or...
to explain discrepancies or irregularities concerning the operation of Municipally-owned vehicles, said assignment will be forfeited. Additionally, the revocation of an assignment may be made when there is evidence of misuse, insufficient use, nonpayment of tickets or fines, abuse or negligence.

B. Examples of situations warranting a Municipal vehicle to be taken home include the following:
   1. Employees who are subject to twenty-four-hour callout or have job responsibilities requiring highly irregular work hours.
   2. Employees who are subject to off-duty callouts requiring the transport of tools or equipment necessary for performing their duties.
   4. Managerial employees, whose personal use of a Municipal vehicle has been authorized by the Manager or Mayor and Council.

C. The only employees authorized to use a Municipal vehicle to travel to and from work are the Municipal Manager, Director of Public Safety, Chief of Police, Fire Marshal and Director of Public Works.

D. Municipal vehicles taken home overnight shall be locked and secured in the employee's driveway or other nearby parking space.

E. Vehicles assigned to departments are to remain parked in the appropriate Municipal parking lot or property when not being utilized for the purpose of conducting official Municipal business.

(5) Use of safety restraints.
   A. All Municipal vehicles must be equipped with seat belts and all occupants of Municipal vehicles must properly wear seat belts any time the vehicle is in motion, with the exception of attending paramedics engaged in medical treatment of a patient.
   B. The operator of construction, excavation and other off-road equipment shall use the occupant restraint system any time the vehicle is in motion.
   C. Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.

(6) Accident reporting.
   A. Any accident involving a Municipal or privately-owned vehicle used in the performance of Municipal duties shall be reported by the employee as follows:
      1. Summon medical care for any injured parties. Injured employees should report to the employer-designated emergency room or physician panel, or in the event of a life-threatening emergency, may be taken to the nearest emergency facility.
      2. Notify the Penn Hills Police.
      3. Notify the employee's immediate supervisor.
      4. Employee to complete On the Spot Accident Report, which should be kept in the glove compartment of each Municipal vehicle.
   B. The supervisor shall immediately notify the Administrative Support Specialist and complete any required accident reporting forms.
   C. The Administrative Support Specialist shall be responsible for initiating the departmental investigation of each accident.
When the Accident Review Committee determines the accident to be preventable, they shall recommend corrective action subject to the review and approval of the department head.

Operators will be held fully responsible for the proper operation of the vehicle and will be held primarily liable for any costs and damages caused by carelessness or negligence.

(7) Business use of private vehicles.
A. When it is determined to be in the best interest of the Municipality, the Municipality may, at its option, provide any employee mileage reimbursement for the business use of their privately-owned vehicle (POV) rather than provide a vehicle for the use of the employee. Mileage reimbursement shall be at the rate specified in the current applicable labor agreement for bargaining unit employees or as established by Council action for non-union employees.
B. Any and all payments shall be consistent with the provisions of this policy, Municipal ordinances and Internal Revenue Service (IRS) regulations.
C. Employees who make legitimate use of their POV for business purposes must provide an itemized statement or log with their request for reimbursement, including the date, beginning and ending odometer reading, total miles claimed, destination and business purpose. Reimbursement requests should be submitted no less often than on a monthly basis.
D. Mileage will not be paid for travel between the employee's home and the Municipal Building (portal to portal).
E. The Municipality will not provide coverage for physical damage to an employee's personal vehicle. Employees who use POVs for business use should confirm that their personal auto insurance policy provides coverage for this use.

(d) Violations.
(1) Employees shall obey all Municipal, County, State and Federal laws while operating Municipal or personal vehicles on official Municipal business. The employee shall assume complete responsibility for any citations resulting from violations of traffic laws incurred while operating the Municipal vehicle. Operators who repeatedly obtain violations and/or fail to pay these violations immediately may have their driving privileges suspended or permanently revoked.
(2) Accidents resulting from any unauthorized use of a Municipal vehicle, as defined in subsection (c) hereof, shall be the sole responsibility of the operator.
(3) Vehicle operation which is unauthorized or for personal use will result in disciplinary action and/or dismissal.
(4) Operators violating the provisions of this policy may forfeit any future rights to use Municipal vehicles.

(Ord. 2453. Passed 7-11-06.)
encourage and facilitate early returns to work from occupational injuries (and illnesses), and to manage workers' compensation costs.

(b) **Scope.** The policy applies to all employees of MPH. This procedure will be used in situations where an employee has sustained an on-the-job injury or illness resulting in a temporary, partial disability (restrictions) which may be accommodated through transitional work assignments. However, where the use of transitional work assignments is not applicable due to a permanent, partial or total disability affecting the employee's ability to safely and effectively perform the essential functions of his or her normal job classification, and the employee is a qualified individual with a disability, the Reasonable Accommodation Process shall be utilized to determine if the employee will be capable of performing the essential functions of his or her job with reasonable accommodation.

(c) **Procedure.**

1. When an employee sustains an on-the-job injury or illness requiring treatment from a licensed physician, the following procedures shall be followed:
   A. The Municipality will provide to the employee's attending physician a transitional work release form along with an appropriate ADA Job Analysis and Physical Requirements form and/or job description for completion by the physician. (See Attachment 1 of this policy); and
   B. The transitional release form should be completed by the employee's attending physician to determine the nature and duration of the specific restrictions (if any) placed on the individual as a result of the on-the-job injury or illness.

2. After receipt of the transitional release from the attending physician, MPH will evaluate the particular situation and:
   A. Allow the employee to return to normal work if the attending physician has released the employee to normal duties, or if the restrictions do not limit the employee's ability to perform the essential functions of his or her job; or
   B. If the attending physician has released the employee, but with temporary restrictions as to essential and/or non-essential job functions:
      1. Modify the non-essential functions of the employee's current job so that the restrictions do not prohibit the employee's successful work performance;
      2. Offer the employee a temporary assignment to a different job where the restrictions do not preclude performance of the essential functions of that job;
      3. Offer the employee a temporary assignment to a different job modified so that the restrictions do not preclude performance of the essential job functions;
      4. Provide, to the extent available, duties consistent with the employee's normal job limited to be consistent with the restrictions set forth in the transitional work release; or
      5. Determine that there is no productive work available or suitable for the employee and consider placing the employee on, or allowing the employee to remain on, available leave.
(3) If the attending physician has released the employee, but with permanent restrictions affecting essential job functions, the Reasonable Accommodation Process will be followed. Note: Transitional work assignments made pursuant to subsections (c)(2)B.2. and 3. hereof, are, by nature, temporary only. Employees assigned to transitional work duties will have their work restriction status evaluated on a monthly basis by his or her treating physician and supervisor(s). In no event will transitional work status continue for more than a period of six months.

(4) Transitional work assignments will be available provided, however, that only work available at the Municipality will be considered for transitional work assignments and no employees will be permitted to work at home or without appropriate supervision. The policy of the Municipality for providing payment for hours worked and requiring the maintenance of records and other safeguards to confirm the hours worked shall apply with full force and effect to transitional work assignments.

(d) Implementation.

(1) The Municipal Manager or his or her designee will be responsible for implementation of this policy, including distribution of necessary forms to employees for completion by attending physicians.

(2) Both the transitional release and the appropriate ADA Job Analysis and Physical Requirements form(s) must be provided to the attending physician.
ATTACHMENT 1

TRANSITIONAL WORK RELEASE

EMPLOYEE NAME: __________________________  DATE OF INJURY: ________________________

EMPLOYEE POSITION: ________________________ (A copy of the Job Analysis and Physical Requirements for the position is attached hereto together with a copy of any available job description.)

Employee can return to normal duties now? ___________________  YES _________  NO _________
If NO, when? ____________________________________________

Employee can return to Transitional Work now? ___________________  YES _________  NO _________
If NO, when? ____________________________________________

Employee is totally and permanently disabled from all occupations? ______________________
YES __________  NO __________

____________________________________________________________________________________

PHYSICAL EVALUATION OF TRANSITIONAL WORK ASSIGNMENT
COMPLETE WHEN EMPLOYEE IS RESTRICTED FROM NORMAL WORK DUTIES

(Check the box preceding any activity which CAN safely and effectively be performed by the above individual and complete hours information where indicated.)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Can be performed</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lifting &amp; Carrying, over 80 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting, up to 80 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting, up to 60 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting, up to 40 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting, up to 20 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting, under 20 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrying, up to 80 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrying, up to 60 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrying, up to 40 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrying, up to 20 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrying, under 20 lbs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of fingers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of hands/arms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walking ( ____ hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standing ( ____ hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sitting ( ____ hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kneeling/Stooping ( ____ hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repeated Bending ( ____ hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repeated Pushing ( ____ hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repeated Pulling ( ____ hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repeated Twisting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Climbing, use of legs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of both legs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can wear respirator</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation of bicycles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation of lift truck</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation of motor vehicle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can work in confined spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability for rapid mental &amp; eye</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of both eyes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hearing without aid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keep affected area clean and dry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specific visual &amp;/or hearing aids</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other limitations (See Comments)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

COMMENTS: __________________________________________

(Ord. 2456.  Passed 9-5-06.)

2007 Replacement
288.28 REASONABLE ACCOMMODATION PROCESS POLICY.

(a) Purpose. The purpose of this policy and related procedures is to establish a framework within which the Municipality (MPH) will make employment decisions concerning the known disabilities of qualified individuals with disabilities.

(b) Scope. The policy shall apply to all MPH employees.

(c) Policy. It is the policy of MPH to make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability in all employment decisions, unless such an accommodation would impose an undue hardship on the operations of MPH. For purposes of this policy, the terms employment decision includes the job application process, hiring, advancement, job programs, discharge, layoff, recall, compensation, testing, job training and other terms, conditions or privileges of employment.

(d) Procedure.

(1) Once MPH is notified of the need for an accommodation by an applicant, conditional employee, employee or Municipality physician, good faith efforts shall be made to determine whether the individual is a qualified individual with a disability capable of performing the essential functions of his or her job with or without reasonable accommodation.

(2) Accommodation requests are handled on a case-by-case basis, considering the essential job functions of the position held or desired, the specific employment decision in question, the specific physical or mental impairment(s) and available accommodations. The Reasonable Accommodation Process is an interactive process involving pertinent parties which may include the individual with the impairment, MPH managers, MPH physician, the individual's personal physician and other available resource groups.

(3) An accommodation is not to be considered reasonable if such accommodation(s) would prove disruptive, extensive, and substantial or otherwise fundamentally alter the nature or operations of MPH or the subject job.

(4) Examples of reasonable accommodation include: job restructuring; part-time or modified work schedules; reassignment of employees to equivalent, vacant positions; acquisition or modification of equipment or devises; adjustment or modification of equipment or training materials or policies; and making existing facilities accessible and usable.

(5) Reasonable accommodation does not require: alteration of essential job functions; reassignment of employees to light duty positions (unless they are able to perform all essential functions); supply of personal benefit items; reassignment or accommodation of conditional employees to other positions; or promotions of current incumbents of the job classification in question.

(6) If a reasonable accommodation does not appear to be available, the employee will be advised of the Municipality's determination and, if requested, be provided with an opportunity to meet with MPH management.

(Ord. 2457. Passed 9-5-06.)
SEMINAR ATTENDANCE AND TRAVEL POLICY.

(a) Preface. It is the policy of the Municipality to seek to provide professional organization membership and training for municipal officials and employees in order to enable them to perform more effectively and to advance in Municipal service.

(b) Who is Eligible.

1. All elected and appointed officials, and employees of the Municipality (hereinafter referred to as applicants) of the Municipality by reason of membership in professional organizations, attendance at seminars, enrollment in training sessions or as otherwise required by their official duties to travel, are eligible to apply for professional association dues, seminar/training costs and related travel reimbursements as defined by this policy.

2. All elected officials shall require the prior approval of Municipal Council, and appointed officials and employees shall require the prior approval of the Municipal Manager.

3. All such dues, seminar costs and related travel expenses must be materially related to the subject position within the Municipality and approval therefore is entirely discretionary and is not intended to become a right of the position. Further, any grant of approval is not precedent setting for future requests for approval.

(c) Limitations.

1. Expenses of the applicant's spouse or guests will not be reimbursed by the Municipality.

2. Travel time and means of travel should follow the most cost-effective method available. Applicants electing to use other means will be reimbursed only to the extent that total costs do not exceed those which would have been available by the most cost-effective method.

3. All reimbursement requests must receive prior approval and be materially related to the position within the Municipality.

4. All reimbursements are entirely discretionary and are not precedent setting for future requests.

(d) How to Request Attendance at Seminars.

1. Elected officials. All elected officials seeking reimbursement as provided for herein shall submit the related paperwork to the Municipal Manager for review and referral to Municipal Council for approval prior to incurring the related cost.

2. Appointed officials and employees. All appointed officials and employees seeking reimbursement as provided for herein shall submit the related paperwork to the Municipal Manager for review and approval prior to incurring the related cost.

3. All documentation requirements must be met before any reimbursement is made, including completion of an expense report.

4. At the discretion of the Municipal Manager, expenses for overnight or longer trips may be estimated and a cash travel advance may be issued for the trip. If an advance is issued, an accounting with receipts of all expenses must be made at the conclusion of the trip and submitted to the Municipal Manager for review and approval. Cash advances received by an employee become the applicant's property. The applicant
thus owes the Municipality an equivalent amount, and its loss for any reason becomes the applicant's responsibility. Applicants will be required to repay any amount not accounted for as a proper expense. For this reason, the amount of each requested cash advance should be no greater than will reasonably be required for the indicated purpose. Cash advances must be settled within one week after a trip is completed. No additional advance or travel expense will be made while one is outstanding.

(e) Scope of Allowable Expenses. Professional dues, seminar, training and travel expenses eligible to be approved for reimbursement include but are not limited to:

(1) Professional dues, seminar and/or training session attendance fees.
(2) For non-local trips, charges for lodging room and tax, if levied, are to be reported as lodging expenses. Lodging at a private home or other locations not otherwise available for commercial lodging is not an eligible expense.
(3) For non-local trips, meals plus appropriate tips (meal expense reported should be for the traveler only) may be reimbursed. Meals reimbursement is limited to a per diem maximum of thirty dollars ($30.00). The per diem allowance is established as a limit, above which food and drink expenditures will not be reimbursed. When daily subsistence expenses are less than the per diem allowance, the actual costs will be used on the expense report. When approve activities are considered local, the per diem meals allowance will not be permitted.
(4) For air travel, the private coach class is the maximum expense allowable for approval.
(5) Personal vehicles should only be used when Municipal vehicles are unavailable. Mileage reimbursement for use of personal vehicles will be at the current IRS rate or as delineated in current collective bargaining agreements.
(6) Taxis, buses, rail, shuttle or van service are permissible; however, free transportation provided at airports by hotels/motels should be used whenever possible.
(7) Automobile rental is an allowable expense only when a vehicle is not available from the municipal motor pool and travel by automobile is deemed the most economical and practical method of transportation available.
(8) Parking and tolls.
(9) Other related expenses approved by the Municipal Manager.

(f) Procedure for Filing Reconciliation of Expense Report.
(1) Within one week following the completion of training or travel, an expense report in the format as attached hereto must be filed with the Municipality. A receipt, ticket stub, or other appropriate document must be attached to the expense report to substantiate each itemized expense. Items not sufficiently justified may be disallowed.
(2) The Municipal Manager will inform the Finance Department to deduct from the employee's first available paycheck, in lump sum, any travel advances outstanding for more than ten days after the completion of the trip if the expense report is not filed.

2007 Replacement
(g) Procedure for Filing Written Report of Seminar and/or Training.

(1) Within one week following the completion of the seminar and/or training employees will submit a written report to the Municipal Manager delineating the information obtained and how this information will be useful to the employee and to the Municipality.

(2) Failure to submit the report could jeopardize approval for further seminar and/or training attendance.
Municipality of Penn Hills
Professional Meeting/Seminar/Training
Attendance Request

Name ________________________________ Department ____________________

Name of Seminar/Training/Meeting ________________________________

Location ___________________________ Dates of Sem/Trng./Mtg. ______________

Travel Cost ________________________ Budget Balance Available ______________

Seminar Cost ________________________ Budget Balance Available ______________

TOTAL Cost ________________________ Is Overnight Stay Required Yes No

State purpose of Seminar/Training/Meeting ______________________________________

________________________________________

How would attendance be of value to you? ______________________________________

________________________________________

How would your attendance be of benefit to the Municipality of Penn Hills? __________

________________________________________

Employee Signature ______________________ Date __________________________

Department Head Signature ______________________ Date ______________________

Municipal Manager Signature ______________________ Date ______________________

2007 Replacement
MUNICIPALITY OF PENN HILLS

Travel Expense Form

Submittal Date: ___________________________ Department: ___________________________
Meeting or Trip Dates: ___________________________ Destination: ___________________________
Purpose of meeting, trip, or expense: __________________________________________________________

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Mileage @ Per mile (# miles )</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tolls</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxi or Bus</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel (Not to include personal telephone Calls)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Breakfast</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Lunch</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Dinner</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Train or Air Fare</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>** Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTALS**

Less Advances

Amount Due TO/FROM Municipality

* Not to exceed $30.00 per diem daily. (No Alcohol permitted)
** Describe on the back of this sheet.

I certify that above expense were incurred on behalf of the Municipality of Penn Hills.

2007 Replacement
Please send check to: (please print)
Name ___________________________________________ Signature _________
Address ___________________________________________

Department Head Signature

Attach all receipts for expenses listed above.
Return to YOUR DEPARTMENT HEAD/FINANCE DEPARTMENT within one (1) week of our return!

(Ord. 2473. Passed 10-15-07.)
288.30 WORKPLACE VIOLENCE POLICY.

(a) Zero Tolerance. The Municipality has zero tolerance for acts of workplace violence or the threat by an employee to use violence in the workplace.

(b) Coverage. This policy applies to all employees within the Municipality and to those persons who do business with the Municipality or use the Municipality's facilities. Each employee will be required to sign an acknowledgment that he or she has received this policy and understands its contents and intent. Any employee who refuses to sign the acknowledgment may be subject to discipline up to and including termination.

(c) Definitions. The language and words in this policy should be given their common, ordinary, common sense meaning unless a specific definition is set forth herein.
   (1) A Workplace violence. Includes, but is not limited to intimidation, threats, physical attack, racial, gender, sexual preference and/or ethnic comments, or property damage.
   (2) A Threat. The expression of an intent to cause physical or mental harm, without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.
   (3) A Physical attack. Unwanted or hostile physical contact, such as hitting, fighting, pushing, shoving or throwing objects.
   (4) A Property damage. Intentional damage to property, which includes property owned by the Municipality, employees, or residents.
   (5) A Intimidation. Includes but is not limited to stalking or engaging in actions intended to frighten, coerce, or induce duress.
   (6) A Possession. Includes, but is not limited to, the presence of a weapon on the employee, in his or her motor vehicle, lunch box, locker, tool kit, bag, purse, cabinets, office, etc.
   (7) A Weapon. Any gun, knife, pepper-spray or other item, unless specifically authorized as tools for the performance of job duties, which is typically identified as an instrument to inflict harm or to physically defend oneself.

(d) Prohibited Activities. The following acts are prohibited:
   (1) Engaging in workplace violence as defined herein.
   (2) Using, possessing or storing any weapon in a locker, desk, vehicle, lunch box, tool kit, bag, purse or other repository on the work site or Municipality premises. (This section does not apply to actively employed law enforcement officers.)
   (3) Refusing to turn over a weapon at the request of the Municipal Manager after the Municipal Manager has received a credible report that the employee is in possession of a weapon.
   (4) Refusing to sign a statement to comply with the Municipality's Policy on Workplace Violence.

(e) Site Security and Safety Measures.
   (1) In an effort to fulfill the commitment to a safe work environment for employees, customers, and visitors, a site security and safety measures must be followed.
A. Access to the Municipality's property is limited to those with a legitimate business interest.
B. All employees and employee vehicles entering the property must display company identification.
C. All visitors must appear at the registration desk and sign in identifying their name and who they are seeing.
D. Desks, telephones, and computers are the property of the Municipality. We reserve the right to enter or inspect your work area including, but not limited to, desks and computer storage disks, with or without notice.
E. The fax, copier, and mail systems, including e-mail, are intended for business use. Personal business should not be conducted through these systems.

(2) Procedures. It is the responsibility of all employees of the Municipality to report any act of workplace violence of which he or she becomes aware of. All complaints will be promptly and thoroughly investigated. This policy does not, however, conflict or interfere with the ability or duty of any employee to report an incident to the proper authorities. Furthermore, employees should take any action they deem necessary, within the law, to protect their own safety.
A. Employees who witness or who are victims of workplace violence should immediately report it to their supervisor or to any other supervisor if it would be obvious that the employee's immediate supervisor is not the appropriate person to whom to make the report.
B. Supervisors must react immediately so that the matter is promptly and thoroughly investigated and resolved. All reports or complaints under this policy must be investigated.
C. Supervisors must also immediately report to the Municipal Manager and the Chief of Police all workplace violence brought to their attention, directly or indirectly, by any person.
D. The supervisor or Municipal Manager may immediately take the appropriate action to suspend the individual(s) involved, pending the results of an investigation. If the individual(s) refuses to leave, the supervisor or Municipal Manager shall contact the Police Department to escort the individual(s) off the premises.
E. The Municipal Manager and the employee's direct supervisor, unless the direct supervisor is the alleged perpetrator of workplace violence in which case another neutral employee should be included, will discuss and complete the investigation of the allegations. This includes contacting law enforcement authorities if the incident warrants this response.
F. At the conclusion of the investigation, the employee will be notified of the action taken. The action to be taken must be reviewed by the Municipality's legal counsel before it is communicated to the employee.
G. If, as a result of the investigation, disciplinary action is taken against an employee, documentation of the incident will be placed in the employee's personnel file. If, as a result of the investigation it is determined that there is no basis to support disciplinary action, a record of the incident and the investigation will be maintained in a separate investigation file.
H. The Municipality reserves the right to take all criminal or potentially criminal activity to the proper authorities for further or additional investigation.

(3) Discipline.
A. A violation of this policy shall be considered unacceptable personal conduct and shall subject the employee to disciplinary action up to and including dismissal.
B. Retaliation or harassment against a person making a report in good faith will not be tolerated and may subject the person engaging in alleged retaliation to discipline. The Municipality will undertake all reasonable steps, including cooperation with the Police Department, to insure that someone who has reported violence or the threat of violence will suffer no adverse consequences from so doing.

(4) Miscellaneous.
A. Violations of the workplace violence policy will be handled in accordance with Section 288.09.
B. If any member of the public threatens an employee, or acts violently toward an employee, this matter should also be reported immediately as described above, and a prompt investigation will be undertaken which will, in turn, be followed by appropriate action.
C. Off-duty violent conduct may be considered by the Municipality to form the basis of disciplinary action.

The Municipality of Penn Hills

Policy on Workplace Violence

Adopted by the Municipality of Penn Hills on

I have read this policy regarding violence in the work place and I understand its contents and intent.

__________________________________________  ___________________________
Employee Signature                          Date

(Ord. 2475. Passed 9-11-07.)

288.31 MANAGEMENT LEAVE POLICY.
(a) Professional employees are expected to devote the time necessary to properly supervise the activities of their unit. (Carrying out normal duties of the job even if it means working over 40 hours a week does not necessarily permit the earning of management leave.)

(b) Hours worked over 40 are earned at straight time. Every 1 hour worked = 1 hour earned management leave time.
(c) Management leave time earned is to be recorded on a supplemental report and submitted to the Municipal Manager on a bi-weekly basis coincident with payroll periods.

(d) At the discretion of the Municipal Manager, employees may be required to obtain prior approval to earn management leave. If management leave time is to be earned as a result of a specific project or a special circumstance, prior approval must be obtained from the Municipal Manager.

(e) Management leave may be used for absences of a day or more with permission of the Municipal Manager and requires the submission of the Request to Use Management Leave Time form.

(f) Beginning in January 2008, the maximum number of management leave hours which may be accrued will be 120 hours. Unused accrued hours remaining at the end of the fiscal year may not be carried over to the following year and are not compensable for any reason with the exception of retirement. Upon retirement, professional employees may sell back the accrued management leave time to a maximum of 120 hours, at their then current rate of pay.

(g) All Non-union/Management employees are covered by this policy, including the Municipal Manager.

(h) All provisions hereof are applicable to the Municipal Manager, who shall report to the Mayor, for provisions where other Management employees report to the Municipal Manager. (Ord. 2492. Passed 1-22-08.)

288.32 FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY AND PROCEDURES.

(a) Definitions. For the purposes of this policy, these terms shall have the following meanings:

(1) **Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. The child must be under 18 or over 18 and incapable of self-care due to a disability.

(2) **Equivalent position** means one that is virtually identical to the employee’s former position in terms of pay, benefits and working conditions. It must involve the same or substantially similar duties and responsibilities.

(3) **Health care provider** means:
   A. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the Commonwealth of Pennsylvania.
   B. A podiatrist, dentist, clinical psychologist, optometrist, and chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the Commonwealth of Pennsylvania.
   C. Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts. (Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from the Municipality that the employee or family member submit to examination, though not treatment, to obtain a second or third
2013 Replacement
certification from a health care provider other than a Christian Science practitioner.)

D. Nurse practitioners, nurse-midwives, and clinical social workers authorized to practice under the laws of the Commonwealth of Pennsylvania and who are performing within the scope of their practice as defined under the laws of the Commonwealth of Pennsylvania.

(4) In loco parentis • means someone who has day-to-day responsibility for the caring of and for financial support of a child.

(5) Incapable of self-care • means that the individual requires active assistance or supervision to provide daily self-care in such activities as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(6) Incapacity • means the inability to do work, attend school or perform other regular daily activities.

(7) Intermittent leave • means leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks.

(8) Key employee • shall mean any salaried FMLA eligible employee, as defined in division (b)(1) of this section, who is among the highest paid 10% of the employees employed by the Municipality.

(9) Municipality • shall mean the Municipality of Penn Hills.

(10) Parent • means biological parents and anyone who stood in loco parentis to the employee when the employee was a child.

(11) Physical or mental disability • means a physical or mental, impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 C.F.R. part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. Section 12101 et seq., further defines these terms.

(12) Reduced leave schedule • means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(13) Serious health condition • means an illness, injury, impairment of physical or mental condition that involves one of the following:
   A. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care;
   B. A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
      1. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
      2. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
C. Any period of incapacity due to pregnancy or for prenatal care;
D. A chronic condition which:
   1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
   2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
   3. May cause episodic rather than continuing period of incapacity (e.g. asthma, diabetes epilepsy, etc.);
E. A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease;
F. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

(14) Unable to perform functions of the position/job means that a health care provider finds that an employee is unable to work at all or is unable to perform any of the essential functions of the employee's position within the meaning of the American with Disabilities Act (ADA), 42 U.S.C. Section 12101 et seq., and the regulations at 29 C.F.R. part 1630.

(b) Eligibility and Leave Requirements.
(1) The Municipality of Penn Hills (the Municipality) is covered under the Family and Medical Leave Act of 1993 (FMLA or Act). For purposes of this policy, FMLA leave includes servicemember family leave unless otherwise indicated.
(2) Any Municipality employee with at least one year of service and who has worked at least 1,250 hours in the last 12 months will be eligible to take up to 12 workweeks of FMLA leave during a 12-month period for any of the following reasons:
   A. The birth of a son or daughter and in order to care for such son or daughter (leave must be taken and completed within 12 months after birth); or
   B. The placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter (leave must be taken and completed within 12 months after placement); or
   C. To care for a spouse, son, daughter, or parent with a serious health condition;
   D. An employee's own serious health condition that makes the employee unable to perform the functions of his or her job; or
   E. A qualifying exigency due to the employee's spouse, son/daughter or parent (but not in-law) who is a member of either the National Guard or the Reserves on active duty in the military, or has been notified of an impending call to
active duty in support of a contingency operation. See division (g) for list of Qualifying Exigencies.

(3) Any Municipality employee with at least one year of service and who has worked at least 1,250 hours in the last 12 months and who is the spouse, son, daughter, parent or closest blood relative of a covered service member will be eligible for up to 26 workweeks of servicemember family leave during a single 12-month period to care for a service member who is:
A. A member of the Armed Forces, including the National Guard and Reserves; and
B. Is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability list, for a serious injury or illness. For purposes of division (b)(3) serious injury or illness means an injury or illness incurred by the member in the line of duty or on active duty within the meaning of 10 U.S.C. § 101(a)(13)(B) in the Armed Forces, National Guard or Reserves that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

(4) If an employee has been previously employed by the Municipality, but has had a break in service of seven years or more, that employee's past service with the Municipality is not counted for FMLA eligibility purposes, except:
A. Where the break in service was due to fulfillment of the employee's military obligations in either the National Guard or the Reserves; or
B. Where leave of more than seven years is approved in a collective bargaining agreement or other written document that concerns the Municipality's intent to rehire the employee.

(5) During the single 12-month period described in division (b)(3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under divisions (b)(2) and (3). Nothing in this division shall be construed to limit the availability of leave under division (b)(2) during any other 12-month period.

(6) The 12-month period is calculated on a rolling basis beginning on the first day of eligible leave counting forwards ending 12 months from that date. Regardless of the method used by the Municipality to calculate the 12-month period, the Municipality must always calculate the single 12-month period for the care of a covered servicemember (division (b)(3)) counting forward 12 months beginning with the first day of the leave request.

(7) FMLA leave for birth or placement under (b)(2)A. and B. must be taken at one time in consecutive days or weeks. Leaves of absence due to serious health conditions under (b)(2)C. and D. and (b)(3) may be taken intermittently or on a reduced schedule, when medically necessary, and provided the employee complies with the procedures as set forth in division (c).

(8) If both spouses are employed by the Municipality and are otherwise eligible for FMLA leave, they are permitted to take only a combined total of 12 workweeks leave during any 12-month period for reasons set forth in division (b)(2)A. through C., or a combined total of 26 workweeks of leave during any single 12-month period for reasons set forth in division (b)(3) or (4).

(9) Employees are required to first utilize any accrued vacation time and personal days as part of their 12 workweeks of FMLA leave, or 26 workweeks of servicemember
family leave. Employees requesting FMLA leave due to their own serious health condition must first utilize any accrued sick leave, in addition to accrued vacation and personal leave, as part of their 12-week FMLA leave. Once accrued paid leave has been exhausted, the remainder of any FMLA leave shall be unpaid. This provision is not intended to conflict with the terms of any collective bargaining agreement and if such conflict occurs the CBA term prevails.

(10) Any employee using unpaid FMLA leave shall not be entitled to holiday, bereavement, or jury duty pay while on such leave.

(11) During any period of FMLA leave, the Municipality will continue to make premium payments to maintain an employee's health care coverage under the same terms and conditions as in existence on the date leave begins, or as changed during the period when the employee is on leave. However, this does not eliminate the requirement of employee co-payments for those employees who normally have co-payments towards their insurance coverage. Provisions for employee co-payments will be made at the time of leave request. If any co-payment is more than 30 days past due, the Municipality will terminate health care coverage for the duration of the leave period. Coverage will be restored upon return to work.

(12) The Municipality will be entitled to recoup the costs of providing health care coverage for an employee during the leave period if the employee fails to return to work at the conclusion of his or her FMLA leave period. This obligation does not apply in a situation where the Municipality grants an additional leave of absence and the employee subsequently returns to work or where the employee is unable to return to work for reasons beyond his or her control.

(c) **Employee Responsibility.**

(1) When requesting FMLA leave whether paid or unpaid, a 30-day advance written notice is required where the necessity for leave is foreseeable. Where the need for leave is not foreseeable, the employee must provide such notice as soon as practical (within one or two days of discovering the need for leave). Failure to provide such notice may result in the employee's leave being delayed.

(2) The notice referred to in division (c)(1) shall include sufficient explanation of the reason for leave, the date on which leave is anticipated to begin, and the anticipated duration of the leave.

(3) Employees requesting leave pursuant to divisions (b)(2)C. and D. and (b)(3) must, in conjunction with their relevant health care provider, submit medical certification of the need for leave prior to the start of the leave. Failure of the employee to provide the completed forms to the Municipality within 15 days of the Municipality's request for such forms may result in denial of leave until certification is provided or revoking an employee's entitlement to continued leave. An employee shall have seven days to correct an incomplete or insufficient medical certification from the date the employee is notified of such a deficiency by the employer. Employees will be required to provide recertification of the serious health condition consistent with the Act. The Municipality may request additional certification set forth in the regulations (825.309 (a-d), 825.310(c)) from an employee requesting leave to care for a covered servicemember or an employee requesting leave for a qualifying exigency.
(4) Employees requesting an intermittent leave or leave on a reduced schedule due to a serious health condition under division (b)(2)C. or D. or a serious injury or illness of a covered service member under (b)(3) must first make a reasonable effort to schedule any treatment so as to not unduly disrupt the operations of the Municipality (if such need is reasonably foreseeable) and provide as part of the medical certification from the health care provider a statement as to why such leave is medically necessary.

(5) A. Employees are required to notify the Municipality of their intent to return to work every 30 days and, where applicable, are required to recertify their medical certification:
   1. Every 30 days in connection with an absence; or
   2. At the expiration of the minimum duration for the condition set forth in the certification, or every six months, whichever occurs first.

B. Recertification may be required sooner as set forth in the Act.

(6) Employees returning from a leave due to their own serious health condition must provide a Fitness for Duty/Return to Work certification from their health care provider prior to reinstatement.

(d) Municipality Responsibility.

(1) Within five business days of an employee's request for FMLA leave, the Municipality must provide the employee with an eligibility notice explaining whether the employee is eligible for FMLA leave, and if not, why leave is not available. The Municipality shall designate any leave as FMLA leave in writing upon receiving sufficient information to determine that the leave qualifies, shall notify the employee of the amount of leave counted against the employer's FMLA entitlement and shall also inform the employee of this fact and of any paid vacation, personal or sick time that must be used as part of the 12-week FMLA leave, or 26-week servicemember family leave.

(2) If the Municipality has reason to doubt the validity of any medical certification provided, the Municipality may, at its own expense, require a second opinion of a health care provider approved or designated by the Municipality, so long as the provider is not employed on a regular basis by the Municipality, if there are conflicting medical opinions, a third opinion, which will be final and binding on both the Municipality and the employee, may be required by the Municipality, at the Municipality's expense, from a health care provider approved jointly by the Municipality and the employee. In addition, the Municipality may seek clarification or authentication of a medical certification or recertification from the health care provider.

(3) An employee who requests intermittent leave or a reduced leave schedule that is foreseeable based on planned medical treatment may be temporarily transferred, at the Municipality's option, to an alternate position having equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

(4) The Municipality will be responsible for keeping records required under the FMLA and for ensuring that all medical information is kept in a separate file which will be kept confidential except as required to coordinate the employee's leave.
(e) **Restoration of Employment.**

1. Employees returning from a FMLA leave are generally entitled to be restored to their previous position or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. An employee will not be reinstated if he or she otherwise would not have been employed at the time reinstatement is requested. The Municipality is not obligated to reinstate any employee whose job position is eliminated while on leave.

2. Employees designated by the Municipality as "Key" employees may be denied restoration if necessary to avoid substantial grievous economic injury to the Municipality's operations, in accordance with the express provisions of the FMLA. These key employees are among the 10% most highly compensated salaried employees and will be notified of their status as key employees at the time they make their leave request. If it is anticipated that it may be necessary to deny restoration to a key employee, the Municipality will notify that employee and offer him or her an opportunity to return to work. If that employee elects not to return to work, the Municipality will nevertheless reconsider at the end of the leave whether or not it will be possible to reinstate that employee without suffering substantial and grievous economic injury.

(f) **Notification of Rights.** The Municipality will not interfere with, restrain or deny the exercise of any right provided under the FMLA. The Municipality will not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA nor will it discriminate against or discharge any person because of involvement in any proceeding under or related to the FMLA. The Secretary of Labor is authorized to investigate and attempt to resolve complaints and violations and may bring an action in any federal or state court against the Municipality for violating FMLA. The FMLA will be enforced by the Department of Labor's Wage and Hour Division. An eligible employee may also bring a civil suit for violation of the FMLA. It should be noted that the FMLA does not affect any Federal or State law prohibiting discrimination, nor does it supersede any State or local law which provides for greater family or medical leave benefits. The FMLA does not affect the Municipality’s obligation to provide greater leave benefits that are required under a collective bargaining agreement or employee benefit plan or contract. No rights provided for under the FMLA may be diminished or waived by agreement, plan or contract. A copy of your rights under the FMLA is posted within Municipality offices. Questions concerning the FMLA or your leave benefits should be directed to______________.

(g) The following constitute "qualifying exigencies" as recognized by the Federal Government:

1. **Short-notice deployment.** Arises when a covered military member is notified of an impending call or order to active duty seven or less calendar days prior to the date of deployment. Here an employee is entitled to seven calendar days of leave beginning on the date the covered military member is notified of the call to duty.

2. **Military events and related activities.** Official ceremony, program or event sponsored by the military, and family support and assistance programs sponsored by the military that are related to the active duty or call to active duty of a covered military member.

2013 Replacement
(3) **Childcare and school activities.** Allows FMLA leave to arrange for alternative child care or attend certain school activities and meetings for a child or a legal ward of the covered military member, stemming from the covered military member's absence.

(4) **Financial and legal arrangements.** Allows FMLA leave to make or update financial or legal arrangements to address the covered military member's absence while on active duty.

(5) **Counseling.** Allows FMLA leave to attend counseling offered by someone other than a healthcare provider for oneself, the covered military member, or for the child or legal ward of the covered military member.

(6) **Rest and recuperation.** Provides an employee with time to spend with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each period of rest and recuperation.

(7) **Post-deployment activities.** Allows Military Family leave for a qualified employee to attend arrival ceremonies, reintegration, briefings, or any other official program or ceremony sponsored by the military for a period of 90 days following the covered military member's termination of active duty, including the death of the covered military member.

(8) **Additional activities.** Military Family leave to qualified employees arising from other events/circumstances stemming from a covered military member's active duty or call to active duty, provided both the Municipality and the employee agree that the leave qualifies as an exigency and agree to the timing and duration of said leave.

(h) **Forms.** All FMLA forms attached to Ordinance 2508 are hereby adopted by reference and made a part of this section as if set out in full herein.

(Ord. 2383. Passed 10-2-02; Ord. 2508. Passed 1-20-09; Ord. 2544. Passed 4-16-12.)
CHAPTER 289
Employee Memorial Program

289.01 Memorial tree planting.  289.03 Administration.
289.02 Funding.

CROSS REFERENCES
Employees generally - see ADM. Ch. 280
Personnel management - see ADM. Ch. 288

289.01 MEMORIAL TREE PLANTING.
Upon the death of a Municipal employee, a tree will be planted by the Municipality in his or her memory in one of the Municipal parks, or on other appropriate Municipal property. The employee’s family or next of kin will be notified of the memorial tree planting program and the location of the tree.
(Ord. 2244. Passed 10-2-96.)

289.02 FUNDING.
A line item for the memorial tree planting program shall be created in the legislative budget.
(Ord. 2244. Passed 10-2-96.)

289.03 ADMINISTRATION.
The memorial tree planting program will be administered by the Manager’s office in conjunction with the Parks and Recreation Department.
(Ord. 2244. Passed 10-2-96.)
EDITOR'S NOTE: Violations of Municipal legislation, rules and regulations are prosecuted before the local District Magistrate.

There are no sections in Chapter 290. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Administration, enforcement and penalty for Traffic Code - see TRAF. Ch. 404
Waiver of Traffic Code violations - see TRAF. 404.99
CODIFIED ORDINANCES OF PENN HILLS

PART FOUR - TRAFFIC CODE

Chap. 404. Administration, Enforcement and Penalty.

Chap. 408. Traffic Control.

Chap. 416. Commercial and Heavy Vehicles.

Chap. 424. Fire Lanes.

Chap. 432. Impounding.


Chap. 468. Pedalcycles and Motorcycles.

Chap. 472. Pedestrians.

Chap. 476. Public Ways.

Chap. 478. Abandoned Motor Vehicles.
CHAPTER 404
Administration, Enforcement and Penalty

404.01  Definitions.
Definitions of words and terms used in this Traffic Code shall be the same as those contained in Section 102 of the Vehicle Code of Pennsylvania (Act of June 17, 1976, P.L. 162, No. 81).

404.02  Duty of police, firemen, special police.
It shall be the duty of the police of the Municipality to enforce the provisions of this Traffic Code. Such police are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformity with the provisions of this Traffic Code, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, police or firemen may direct traffic, as conditions may require, notwithstanding the provisions of this Traffic Code. No person shall refuse or fail to comply with any lawful order, signal or direction of a police officer or of any authorized fireman duly authorized to direct traffic during a fire or other emergency. Special police appointed pursuant to Article X of the Municipal Charter shall have the same powers as regular policemen and firemen, as set forth above, when directing traffic at stations to which they are sent or stationed by orders of Council or by direction and authority of the Police Department of the Municipality, particularly the Director of Police.

404.03  Simulating traffic citations.
No person shall attach to a vehicle anything that simulates a traffic tag in general appearance, color or wording.
(Ord. 654. Passed 5-3-54.)

404.04  Use of speed-timing apparatus.
(a) The rate of speed of any vehicle may be timed on any street or road within the Municipality by authorized officers of the Municipality by the use of mechanical or electrical speed-timing apparatus.

(b) No conviction shall be had upon evidence obtained through the use of such mechanical or electrical apparatus unless

1. The apparatus is of a type approved by the State Secretary of Transportation.
2. The apparatus has been calibrated and tested for accuracy and found to be accurate or adjusted for accuracy within a period of sixty days prior to the alleged violation.
3. The apparatus is to be used only on public streets and roadways which are clearly posted with speed limitations, in accordance with the laws of the Commonwealth and the rules of the Pennsylvania Department of Transportation.
4. The officer who operates the apparatus is properly trained as per the requirements of the Pennsylvania Department of Transportation.
5. Before each period of use, when initially setting up the apparatus on the roadway, the apparatus shall be checked by the use of a police vehicle with properly certified speed calibration, and such apparatus shall be determined to be accurate within two miles per hour. In addition, at the completion of the period of use, when the apparatus is removed or dismantled from the street or roadway, the device shall be checked as previously set forth in this subsection and determined to be accurate within two miles per hour.
6. The speed recorded is six or more miles per hour in excess of the legal speed limit.

(c) An official certificate from an inspection station approved by the Secretary of Transportation for use by the Pennsylvania State Police, showing that the calibration and tests required by this section were made within the required period, and that the apparatus was accurate or was adjusted for accuracy, shall be competent and prima-facie evidence of the fact that such certificate was issued by an official inspection station appointed by the Secretary of Transportation and of the accuracy of the apparatus in every proceeding where an information is brought charging a violation of the speed regulations applicable within the Municipality.

(Ord. 1733. Passed 3-17-82.)

404.99 GENERAL TRAFFIC CODE PENALTY; WAIVER.

(a) Whoever violates or fails to comply with any of the provisions of this Traffic Code, including any rule or regulation promulgated pursuant thereto, for which no penalty is otherwise provided, shall be fined twenty-five dollars ($25.00) and costs of prosecution.

(b) Upon a plea and proof that a person is unable to pay any fine and costs imposed under subsection (a) hereof, a court may, in accordance with the Pennsylvania Rules of Criminal Procedure, order payment of the fine and costs in installments and shall fix the amounts, times and manner of payment.

(c) Any person who does not comply with an order entered under subsection (b) hereof may be imprisoned for a number of days equal to one day for each ten dollars ($10.00) of the unpaid balance of the fine and costs.

(d) Any person charged with a violation of any provision of this Traffic Code for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgment of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be
accepted when laws prescribe that a certain number of such offenses shall require court appearance.
CHAPTER 408
Traffic Control

408.01 Authority and considerations for placement of devices.
408.02 Powers of Director of Police.
408.03 Posting of signs and signals required.
408.04 Director of Police’s powers not limited.
408.05 Records of Director.
408.06 Reservation of power to Council.
408.07 Violations subject to general Code penalty.
408.08 Specific violations.

CROSS REFERENCES
Obedience to traffic control devices - see Vehicle Code § 3111
Traffic control signals - see Vehicle Code § 3112
Pedestrian control signals - see Vehicle Code § 3113
Flashing signals - see Vehicle Code § 3114
Lane direction control signals - see Vehicle Code § 3115
Required traffic control devices - see Vehicle Code § 6109(c)

408.01 AUTHORITY AND CONSIDERATIONS FOR PLACEMENT OF DEVICES.
The Director of Police, or Chief of Police, is hereby authorized to place and maintain traffic control devices upon any street or highway under his jurisdiction as are necessary to effectuate the provisions of this Traffic Code, or to regulate, warn or guide traffic, and such other traffic control devices as he deems necessary for the proper control of traffic. The Director or Chief of Police shall determine the location, timing and coordination of such traffic control devices upon the basis of an applicable engineering or traffic investigation and shall consider the following:
(a) The maximum safety and protection of vehicular and pedestrian traffic from physical injury or property damage;
(b) The existing and potential traffic movement, volume and conditions;
(c) The location and frequency of accidents, including studies of remedial measures;
(d) The recommendations of the Sergeant in charge of the Traffic Division and the Director-Fire Marshall;
(e) The acceleration of transportation of persons and property by vehicles so as to expedite travel and promote public safety;
(f) The convenience and welfare of the general public in parking, standing, loading and unloading, and the use of the streets as affecting business concerns and places of assembly; and
(g) Economy in the expenditure of money.
(Ord. 2335. Passed 3-1-00.)

408.02 POWERS OF DIRECTOR OF POLICE.
The Director or Chief of Police is hereby authorized to:
(a) Designate any street or highway as a through street or highway and require that all vehicles stop or yield the right of way as may be required before entering the same;
(b) Designate any intersection as a stop intersection and require all vehicles to stop at one or more entrances to such intersection;
(c) Designate any intersection as a yield intersection and require all vehicles to yield the right of way as required;
(d) Designate any street as a one-way street and require that all vehicles thereon be moved in one specific direction;
(e) Designate and mark lanes to be used by traffic moving in a particular direction regardless of the centerline of the roadway;
(f) Erect signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction;
(g) Designate those portions of any street, where overtaking and passing other traffic or driving to the left of the center or centerline of the roadway would be especially hazardous, by appropriate signs or markings on the street to indicate the beginning and end of such zone; such zones may be marked by an auxiliary yellow line placed parallel and to the right of the normal centerline or offset marked lane line;
(h) Place markers, buttons or signs within or adjacent to intersections and require that a specific course of direction be traveled by vehicles proceeding in lanes by either permitting, prohibiting or requiring turns at such intersections;
(i) Install traffic control devices, signals and signs at any location to regulate traffic;
(j) Establish safety zones, crosswalks, zones of quiet and play streets;
(k) Close any street or portion thereof to vehicular traffic which is in the process of construction, reconstruction or repair;
(l) Determine the location of any necessary bus stops and taxicab stands;
(m) Determine the location and limiting hours of truck loading zones;
(n) Designate dangerous railroad crossings and erect stop signs thereat;
(o) Erect ■No U Turn■ signs at any location to prohibit a vehicle from being turned so as to proceed in the opposite direction;
(p) Regulate or prohibit the stopping, standing and parking of vehicles on streets, alleys or public property by erecting signs or meters plainly indicating the prohibition, restrictions or limitations; and
(q) Designate individual parking spaces by markings, which may either be parallel or at a prescribed angle to the curb or edge of the roadway.
(Ord. 2335. Passed 3-1-00.)

408.03 POSTING OF SIGNS AND SIGNALS REQUIRED.

No provision of this chapter shall be effective until signs, signals, markings or other devices giving notice of such local traffic regulations are posted upon or at the entrance to the street or part thereof affected, as may be most appropriate, so that in a proper position they are sufficiently legible to be seen by an ordinarily observant person.
(Ord. 2335. Passed 3-1-00.)

408.04 DIRECTOR OF POLICE’S POWERS NOT LIMITED.

The powers of the Director or Chief of Police shall not be limited by the specific enumeration of subjects contained in this chapter.
(Ord. 2335. Passed 3-1-00.)

408.05 RECORDS OF DIRECTOR.

The Director or Chief of Police shall keep a record of all rules, regulations and proceedings promulgated in connection with this chapter.
(Ord. 2335. Passed 3-1-00.)

408.06 RESERVATION OF POWER TO COUNCIL.

(a) Any proposed change by the Director or Chief of Police regarding traffic shall be transmitted to the Mayor and Council before being added to existing regulations. If Council does
not object, the regulation shall go into effect. Notwithstanding the provisions of this chapter, Council may override any decision of the Director or Chief of Police and may assume any powers delegated to the Director or Chief of Police.

(b) In addition to the powers set forth in subsection (a) hereof, Council may make a thirty-day trial of any traffic regulation, but not to exceed a ninety-day trial period, and in so doing, a notice of such regulation by appropriate signs shall be given to the public in advance of the enforcement of such traffic regulation.

Council may:

1. Make rules for the administration and enforcement of the traffic regulations herein set forth;
2. When unusual occasions or exigencies arise, or streets or adjoining premises are being used for special temporary purposes, direct that all traffic and parking be prohibited or limited on particular sections of thoroughfares, streets and other public ways so affected by such unusual cases or exigencies;
3. Establish, change or abolish, and designate by appropriate signs or markings, crosswalks, traffic lanes, parking spaces, safety and quiet zones and play highways;
4. Direct the placing, operating, removing and replacing of all official traffic equipment, signs, lights, devices, etc.;
5. Establish through traffic stops and fix or change parking restrictions on designated streets for a trial period to begin upon the posting of signs and not to exceed ninety days, provided that a trial period is established of at least thirty days with appropriate signs, etc., having been erected to warn the public in advance of the enforcement date of such traffic regulation, and provided, further, that Council may, at any time, rescind any such trial regulation by Resolution and, in this event, the traffic regulation which applied prior thereto shall be again in full force and effect or, if there was no prior regulation, then Council can proceed with new regulations;
6. In the case of fire, flood or storm, establish and enforce temporary traffic regulations for the purpose of expediting traffic or safeguarding pedestrians during the period of fire, flood or storm, which powers may also be exercised by the Police Force and any other agency that may be needed in case of an extreme emergency;
7. Restrict or prohibit parking temporarily in limited areas for periods not in excess of six hours at any one time in case of emergency or in order to facilitate public work, the conduct of processions or parades, public events, etc. Such temporary regulations shall only be enforced after notices thereof have been posted throughout the area affected for at least three hours prior to the effective time of the temporary regulations.

(Ord. 2335. Passed 3-1-00.)

408.07 VIOLATIONS SUBJECT TO GENERAL CODE PENALTY.
Whoever violates a rule or regulation promulgated under authority of this chapter is guilty of a summary offense and shall be subject to the penalties provided for in Section 404.99, unless a different penalty has been established as a result of a specific violation as set forth in this chapter, in which case the more specific penalty shall apply.
(Ord. 2335. Passed 3-1-00.)

408.08 SPECIFIC VIOLATIONS.
(a) Any person operating a vehicle or combination upon a highway or bridge in violation of
a prohibition or restriction imposed under subsection (a) of 75 Pa. C.S.A. § 4902, dealing with restrictions or prohibition of the operation of vehicles due to weight or size of the vehicles, based on the condition of a highway or bridge, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of seventy-five dollars ($75.00), except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of one hundred fifty dollars ($150.00) plus one hundred fifty dollars ($150.00) for each 500 pounds, or part hereof, in excess of 3,000 pounds over the maximum allowable weight.

(b) Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under subsection (b) of 75 Pa. C.S.A. § 4902, dealing with restrictions or prohibition of the operation of vehicles due to traffic conditions of a highway or bridge, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100.00).

(Ord. 2335. Passed 3-1-00.)
CHAPTER 416
Commercial and Heavy Vehicles

416.01 Stopping of buses.
(a) No person shall stop a bus within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.
(b) All buses shall stop, for the purpose of receiving or discharging passengers, at the near side of the crossing, in whichever direction such buses are operated.
(Ord. 654. Passed 5-3-54.)

416.02 Streets prohibited to trucks.
Where official traffic control devices are installed giving notice thereof, no person shall operate a truck upon any of the streets so designated.
(Ord. 654. Passed 5-3-54.)

416.99 Penalty.
(EDITOR'S NOTE: See Section 404.99 for general Traffic Code penalty if no specific penalty is provided.)
CHAPTER 424
Fire Lanes

424.01 Purpose.
424.02 Impediment defined.
424.03 Powers of Council and Director-Fire Marshall.
424.04 Forms; regulations.
424.05 Fire lanes on private property.
424.06 Obstructing fire lane prohibited.
424.99 Penalty.

CROSS REFERENCES
Removal of vehicle by or at direction of police - see Vehicle Code § 3352
Parking - see TRAF. Ch. 464
Public ways - see TRAF. Ch. 476
BOCA National Fire Prevention Code - see F. P. Ch. 1620

424.01 PURPOSE.
It is the intent, purpose and scope of this chapter to provide for the designation of fire lanes wherever it appears that any vehicle or other impediment may create a hazard by impeding the free movement of fire-fighting equipment anywhere within the Municipality on public or private property.
(Ord. 1496. Passed 8-1-77.)

424.02 IMPEDIMENT DEFINED.
As used in this chapter, "impediment" means any object which may obstruct firefighting equipment.
(Ord. 1496. Passed 8-1-77.)

424.03 POWERS OF COUNCIL AND DIRECTOR-FIRE MARSHALL.
Council shall have the power to designate fire lanes anywhere within the Municipality, on public or private property, where it deems that vehicle congestion may create a hazard by impeding the free movement of fire-fighting equipment. The Director-Fire Marshall of the Department of Fire Prevention shall recommend to Council those locations that should be considered for fire lanes. Council may accept the recommendations of the Director-Fire Marshall and acceptance shall be made at public meetings by motion and vote thereon. The Director-Fire Marshall shall consult with the Police Department, the Fire Prevention Department, the Department of Code Enforcement or any other Municipal agency or consultant in making such recommendations. Such fire lanes shall be marked in such a fashion as to indicate their location and shall be posted with no parking signs including "Towing Zone" on such signs. Parking shall be prohibited within the designated fire lanes, and towing of vehicles authorized when indicated to provide adequate fire lanes.

424.04 FORMS; REGULATIONS.
The Director-Fire Marshall shall prescribe and issue all forms necessary for the administration of this chapter and may adopt and enforce regulations relating to any matter pertaining to the administration of this chapter, including, but not limited to, the imposition and collection of fines for violations. The Director-Fire Marshall may designate the Police Department or other departments of the Municipality to enforce this chapter, either singly or in conjunction
with each other.

424.05 FIRE LANES ON PRIVATE PROPERTY.
When a fire lane designation is made on private property, the owner of such property must designate such fire lanes by proper painted lane markers, curb paintings and erection of no parking signs, including •Towing Zone• on such signs. The no parking signs, curb markings and curb painting requirements shall be set by the Director-Fire Marshall.

424.06 OBSTRUCTING FIRE LANE PROHIBITED.
No person shall park or leave a vehicle, or permit a vehicle to be parked or left, within a designated fire lane, nor shall the owner of any impediment leave or permit the impediment to be left within a designated fire lane.
(Ord. 1496. Passed 8-1-77.)

424.99 PENALTY.
(EDITOR'S NOTE: See Section 404.99 for general Traffic Code penalty if no specific penalty is provided.)
CHAPTER 432
Impounding

432.01  Establishment of pounds.
Council shall designate and establish certain real property as automobile pounds within the Municipality and for this purpose shall acquire real property by purchase or lease.
(Ord. 1125. Passed 3-6-67.)

432.02  Duties of Manager; garages and lots.
The Manager shall operate the pounds to which impounded vehicles shall be removed. The pounds designated under authority of Section 432.01 shall include not only real estate, but also garages or lots, as official pounds, and particularly in the event of an emergency.
(Ord. 1125. Passed 3-6-67.)

432.03  Towing.
Whenever any vehicle is found wrecked, abandoned, restricting access of emergency vehicles, restricting snow removal or parked in violation of laws and ordinances now or hereafter in force, or is seized incident to a violation of law, such vehicle shall be removed either by Municipality-operated towing equipment or by a contract tower upon authorization from the Manager, the Director of Police and/or their agents to any official or authorized pound, garage or lot.

The Director of Police may direct the towing of vehicles to any Municipal garage or pound
for the purpose of police investigation.
(Ord. 1125. Passed 3-6-67.)

432.04 REPORT OF REMOVAL.
The person removing or directing the removal of any vehicle shall immediately make a report thereof to the Director of Police, giving the registration number of the vehicle, the location of the pound to which the vehicle has been removed and the reason for its removal. He shall affix a towing notice form in a prominent place on such vehicle, such form to bear the registration number of the vehicle, the date, time, place and nature of the violation, and the name and badge number of the person removing or directing the removal of the vehicle. The form shall also bear a schedule of obvious or apparent damage to such vehicle, a detailed list of the contents thereof which may be found without damaging such vehicle and any other information that may be deemed necessary to save the Municipality from liability. Such towing form shall be made out in quintuplicate and shall be identified by a separate number on each original notice form, the same number to appear on all copies thereof. The original shall be delivered to the Department of Police, the first copy shall be delivered to the owner of the vehicle, the second copy to the Manager, and the third and fourth copies shall be held at the pound until the vehicle is redeemed and then delivered to the office of the Manager.
(Ord. 1125. Passed 3-6-67.)

432.05 NOTIFICATION OF THE OWNER.
Within twelve hours of the determination of the owner and/or from the time of removal, provided that the vehicle has not already been released from the pound, the Director of Police shall notify the owner of record of such vehicle by certified mail that the same has been impounded, designating the place from which such vehicle was removed, the reason for its removal and impounding and the location of the pound in which it has been impounded.
(Ord. 1125. Passed 3-6-67.)

432.06 RECORDS.
The Department of Police shall keep a record of any vehicle impounded and shall be able at all times to furnish the owner or agent thereof with information as to the place of impounding.
(Ord. 1125. Passed 3-6-67.)

432.07 TOWING CONTRACTS.
As a supplement to towing by Municipality-operated towing equipment, the Manager is hereby authorized and directed to request information and seek proposals from private towers so that Council may enter into contracts with one or more reputable private towers to tow to designated pounds vehicles illegally parked, wrecked, abandoned or seized within the limits of the Municipality when such towing services are authorized by the Department of Police. The contractor shall give bond in the sum of ten thousand dollars ($10,000) to insure the faithful and careful performance of such contracts.
(Ord. 1598. Passed 12-17-79.)

432.08 CONTRACT AREAS.
To expedite the removal of vehicles illegally parked, wrecked, abandoned or seized within the limits of the Municipality by private contract towers, the Municipality shall be divided into zones or areas which shall be described in detail in a resolution for that purpose to be adopted through the power of this chapter. Such zones or areas shall be set forth on a map which shall be on file in the office of the Manager, the Police Department and at the Official Municipal Pounds. The charges for redeeming an impounded vehicle shall be established in an ordinance to be later enacted by Council and such charges shall be based on the bids accepted by Council from private
towing contractors. The same charges as thus established shall likewise be levied for any and all towing done by Municipality-operated tow trucks for the same haul based upon size and type or construction of the vehicle towed, etc. A copy of the current rates charged for towing of all types of vehicles shall be posted in conspicuous places in all automobile pounds of the Municipality, in the office of the Manager and in the office of the Department of Police.

(Ord. 1125. Passed 3-6-67.)

432.09 REDEMPTION.
Before the owner or his agent is permitted to remove an impounded vehicle from any Municipal pound, he shall:
(a) Pay the towing charge applicable to the type of vehicle involved as established by the ordinance of the Municipality fixing such charges; and
(b) After the vehicle has been impounded for a period of five hours, pay one dollar ($1.00) per day or a fraction thereof for the first ten days of storage and three dollars ($3.00) per day for each succeeding day or fraction thereof.

The owner or his agent must secure from the Manager or his duly authorized agent, a certified release in duplicate, such release indicating whether or not the payments were made under protest. The payment of towing and storage charges shall not relieve the owner from liability for any fine or penalty for violation of any law or ordinance on account of which the vehicle was impounded.

(Ord. 1125. Passed 3-6-67.)

432.10 EFFECT OF PAYMENTS OTHER THAN UNDER PROTEST.
Payments of towing and storage charges, unless made under protest, shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid.

(Ord. 1125. Passed 3-6-67.)

432.11 PROTEST HEARINGS; REFUNDS; MONTHLY STATEMENTS.
In the event the towing and impounding charges are paid under protest, the offender shall be entitled to a hearing before the District Magistrate, in which case the defendant shall be proceeded against and receive such notice as is provided by the State Vehicle Code in other cases of summary offenses, and shall have the same right as to appeal and waiver of hearing. If the Justice of the Peace acquits the defendant, the Justice of the Peace shall certify to the Manager within five days the disposition of the case, and the Manager shall within five days refund to the defendant the amount of such towing and storage charges paid by him or on his behalf. At the end of every month, the Manager shall present to Council a statement for the amount of refunds paid out by him during that particular month.

(Ord. 1125. Passed 3-6-67.)

432.12 BLANK TOWING FORMS.
Blank towing notice forms shall be delivered to the Department of Police and all police officers shall receipt on forms provided the serial numbers of such blank towing forms issued to them by the Director of Police. A record of such issues is to be on file in the Department for not to exceed three years.

(Ord. 1125. Passed 3-6-67.)

432.13 REPORT OF THE DEPARTMENT OF POLICE.
The Director of Police shall report monthly to the Manager the number of towing notice forms issued by the Department of Police and the number used by police officers as notices of violation.

(Ord. 1125. Passed 3-6-67.)
432.14 REPORTS OF THE MANAGER.
(a) The Manager shall report monthly and yearly to Council on the following:
(1) The total number of towing forms received, specifying the number towed by Municipal equipment and by each private contractor;
(2) The number of persons paying towing and storage charges not under protest and the amounts paid;
(3) The number of persons paying towing and storage charges under protest and the amounts paid; and
(4) The number of persons to whom towing and storage charges were refunded and the amounts of refunds.
(b) The Manager shall also show in detail all facts submitted to him by the District Magistrate and the Department of Police showing accurately the effectiveness of the towing procedure. For the purpose of checking these reports, the Manager or his representative shall have access to all pertinent records of the Department of Police.
(Ord. 1125. Passed 3-6-67.)

432.15 LIABILITY OF THE MUNICIPALITY.
The Municipality shall be liable to the owner or person in custody of the vehicle removed for any damage which occurs while the vehicle is in the custody of the pound keeper.
(Ord. 1125. Passed 3-6-67.)

432.16 SALE OF UNCLAIMED VEHICLES.
The Manager is hereby authorized to advertise for sale by bids any and all vehicles unredeemed by the owners thereof after a period of ninety days storage in the Municipal pound in accordance with State statutes. Specifications of the vehicles to be sold shall state the number of vehicles in the lot, and the make, model, year and type included in each group to be sold.
Surpluses from the above sale after all expenses from these sales are paid shall be used within the Department of Police as scholarship funds for upgrading police education.
(Ord. 1125. Passed 3-6-67.)

432.17 SIGNING OF DEEDS AND LEASES.
The Mayor or, in his absence, the Deputy Mayor, is hereby authorized and directed to sign all deeds, leases, etc., having to do with the acquiring of land and/or garages that are to be used for the purpose of automobile pounds, such instruments to be duly attested by the Manager with the seal of the Municipality impressed.
CHAPTER 456
Operation of Vehicles

456.01 Using vehicle for primary purposes of advertising prohibited.
456.02 Speed limits.
456.03 Use of horns and other warning devices.
456.04 Vehicles without rubber tires or treads.
456.05 Noise from motorcycles, snowmobiles, etc.
456.06 Operation of motorcycles, snowmobiles, etc. on public and private property.
456.07 Mufflers required.
456.99 Penalty.

CROSS REFERENCES
Obedience to and effect of traffic laws - see Vehicle Code 3101 et seq.
Rules of the road - see Vehicle Code 3301 et seq.
Speed - see Vehicle Code 3361 et seq.
DWI - see Vehicle Code 3731
Accidents and accident reports - see Vehicle Code 3741 et seq.
Vehicle equipment - see Vehicle Code 4101 et seq.
Driving on sidewalks - see S.U. & P.S. 1028.12

456.01 USING VEHICLE FOR PRIMARY PURPOSES OFADVERTISING PROHIBITED.

No person shall operate or park any vehicle on any street for the primary purpose of advertising.
(Ord. 654. Passed 5-3-54.)

456.02 SPEED LIMITS.

No person shall exceed a speed limit of twenty-five miles per hour on any Municipal street, alley or thoroughfare, unless another limit is provided by Council for particular streets or other public ways pursuant to Part Three, Chapter 33, Subchapter F, of the Vehicle Code of Pennsylvania, and provided such streets and public ways are properly posted pursuant to the Vehicle Code.

456.03 USE OF HORNS AND OTHER WARNING DEVICES.

No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning signal while actually driving.
(Ord. 654. Passed 5-3-54.)

456.04 VEHICLES WITHOUT RUBBER TIRES OR TREADS.

No person shall operate a vehicle on a public way, except for a wagon, without rubber tires or rubber treads without first obtaining a permit therefor from the Manager. The same rules shall apply in any instance where an object is to be dragged on Municipal streets in conjunction with the use of a motor vehicle or any other device. Before a permit is granted by the Manager, satisfactory evidence of ability to repair possible damage occasioned by the operation as above described must be given in accordance with the rules and regulations of Council.
456.05 NOISE FROM MOTORCycles, SNOWMOBILES, ETC.

No person shall make, continue or cause to be made or continued any excessive, harsh or unreasonably loud noise from the use or operation of any motorcycle, motorized bicycle, motor scooter, snowmobile, all terrain vehicle, go-cart, racer or other motorized vehicle on private property or Municipally-owned property, which noise is of such a character, frequency, intensity or duration which injures or endangers the comfort, repose, health, safety, welfare and peace of others.
(Ord. 1938. Passed 11-17-86.)

456.06 OPERATION OF MOTORCycles, SNOWMOBILES, ETC. ON PUBLIC AND PRIVATE PROPERTY.

No person shall use or operate any motorcycle, motorized bicycle, motor scooter, snowmobile, all terrain vehicle, go-cart, racer or other motorized vehicle on private property or Municipally-owned property, other than property owned by the operator of such vehicle, unless written permission has been secured from the owner of the property upon which the vehicle is being operated. Such written permission shall be carried upon the person of the operator during all times of operation of such vehicle.
(Ord. 1938. Passed 11-17-86.)

456.07 MUFFLERS REQUIRED.

No person shall allow the discharge into the open air of the exhaust of any internal combustion engine, except through an adequate muffler or other device which will effectively prevent loud or explosive noises therefrom.
(Ord. 1938. Passed 11-17-86.)

456.99 PENALTY.

(EDITOR'S NOTE: See Section 404.99 for general Traffic Code penalty if no specific penalty is provided.)

(a) Whoever violates Section 456.02 shall be fined thirty-five dollars ($35.00). In addition, any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of two dollars ($2.00) per mile for each mile in excess of five miles per hour over the maximum speed limit.
(Adopting Ordinance)

(b) Whoever violates any of the provisions of Sections 456.05 through 456.07 shall, for a first offense, be fined not less than one hundred dollars ($100.00) and not more than three hundred dollars ($300.00) and costs of prosecution; for a second offense, such person shall be fined not less than two hundred dollars ($200.00) and not more than three hundred dollars ($300.00) and costs of prosecution; for a third offense, such person shall be fined three hundred dollars ($300.00) and, in default thereof, such person shall be imprisoned not more than thirty days.
(Ord. 1938. Passed 11-17-86.)
CHAPTER 464
Parking

464.01 Parking of buses, coaches and taxicabs prohibited except in designated areas.
464.02 Bus stops, coach or taxicab stands.
464.03 Loading and unloading zones.
464.04 Standing or parking prohibited in specified places.
464.05 Parking time limited in designated places; overnight parking.

CROSS REFERENCES
Moving stopped or parked vehicle - see Vehicle Code § 3333
Stopping, standing and parking - see Vehicle Code §§ 3351 et seq.
Unattended motor vehicles - see Vehicle Code § 3701
Fare lanes - see TRAF. Ch. 424
Parking areas in site development plans - see P. & Z. 1220.09

464.01 PARKING OF BUSES, COACHES AND TAXICABS PROHIBITED EXCEPT IN DESIGNATED AREAS.

No person shall stand or park a bus, coach or taxicab upon any street in any business district in any place other than a bus or coach stop, and bus, coach or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in receiving or discharging passengers.
(Ord. 654. Passed 5-3-54.)

464.02 BUS Stops, coach or taxicab stands.

When official traffic equipment is installed giving notice thereof, no person, other than an operator of a bus or coach, shall stand or park in an officially designated bus or coach stop or stand, and no operator of any vehicle other than a taxicab shall stand or park in an officially designated taxicab stand, except for the operator of any passenger vehicle who may temporarily stop in any such stop or stand for the purpose of and while actually engaged in receiving or discharging passengers, when such stopping does not interfere with any bus, coach or taxicab.
(Ord. 654. Passed 5-3-54.)
464.03 LOADING AND UNLOADING ZONES.
(a) Spaces for loading and unloading are designated as loading zones.

(b) When official traffic equipment is installed giving notice thereof, no person shall stop, stand or park a vehicle in any space marked as a loading zone during the hours indicated by official traffic equipment, for a period of time longer than is necessary for the expeditious receiving or discharging of passengers or for the unloading and delivery or pick-up and loading of materials. (Ord. 654. Passed 5-3-54.)

464.04 STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.
(a) No person shall park a vehicle or permit it to stand, whether attended or unattended, at any time upon a highway in any of the places where such parking is prohibited by Section 3353 of the Vehicle Code.

(b) When official traffic equipment is installed giving notice thereof, no person shall park a vehicle or permit it to stand, whether attended or unattended at any time upon a highway in any of the following places:
   (1) In a space on the far side of the street opposite and equal to the space in which parking is prohibited within fifteen feet of the driveway entrance to any fire station;
   (2) On any bridge or viaduct or approach thereon; or
   (3) Opposite to the entrance to any garage, or in such a manner as to prevent convenient ingress or egress to or from garages on streets the width of which is twenty-four feet or less from curb to curb.

(c) When official traffic equipment is installed giving notice thereof, no person shall park any vehicle, during the hours indicated by the official traffic equipment, in front of the entrance to an auditorium, hospital, hotel, public building, theater or other place of public assembly, provided that the operator of any vehicle may stop in such places for the expeditious receiving or discharging of passengers.

(d) Prohibition of vehicles blocking the egress from a residential property at the end of the sidewalk entering the street.
   (1) No vehicle of any kind is permitted to block the egress from a residential property at the end of the sidewalk entering the street.
   (2) This division will be enforced throughout the entire Municipality twenty-four hours a day, seven days a week.
   (3) The first offense the owner of the vehicle will be given a verbal warning, the second offense will be a thirty dollar ($30.00) fine and the third offense will be a fifty dollar ($50.00) fine and removal of the vehicle at the owner's expense. (Ord. 654. Passed 5-3-54; Ord. 2546. Passed 5-21-12.)
464.05 PARKING TIME LIMITED IN DESIGNATED PLACES; OVERNIGHT PARKING.

(a) When official traffic equipment is installed giving notice thereof, no person shall park a vehicle upon the portions of any of the streets designated for a period of time longer than that specified on the official traffic equipment.

(b) No person shall park a commercial vehicle in residential areas and on residential streets. However, this shall not apply in the case of loading or unloading of goods, wares and merchandise from commercial trucks into the homes of the residents of the Municipality, and it shall not apply to trucks of public utility companies or authorities or to vehicles or equipment of the Municipality.

(c) Overnight parking is prohibited.
(Ord. 656. Passed 5-3-54.)

464.06 PARKING FOR PURPOSES OF SALE, WASHING, REPAIRING, ETC.
No person shall stand or park a vehicle upon any roadway for the principal purpose of:

(a) Displaying it for sale; or

(b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.
(Ord. 654. Passed 5-3-54.)

464.07 MARKING OF PARKED VEHICLES.

(a) Police officers engaged in the enforcement of this chapter are hereby authorized to make such marks upon parked vehicles as may be necessary to determine the length of time such vehicles have been standing in a restricted parking area.

(b) No person shall erase such marks by any means for the purpose of evading the provisions of this chapter.
(Ord. 654. Passed 5-3-54.)

464.08 NOTICE OF PARKING VIOLATION.

(a) Operators of vehicles parked in violation of any of the provisions of this chapter may be notified of the violation by attaching a traffic tag to the vehicle.

(b) The officer shall indicate the violation on such tag and attach the same to the steering wheel or, in case the door is locked, to the door handle of the vehicle.
(Ord. 654. Passed 5-3-54.)

464.085 HANDICAPPED PARKING.

(a) Prohibited Parking. Except for persons parking vehicles lawfully bearing registration plates or parking placards issued to handicapped persons or disabled veterans, no person shall park a vehicle on public or private property reserved for a handicapped person or disabled veteran, which property has been posted as such in accordance with State regulations.
(b) **Educational Program Participation.**

(1) Nonprofit community organizations, including, but not limited to, the Paralyzed Veterans of America, VFDs, VFWs and similar organizations, may register with the Municipality to participate in local educational programs regarding handicapped parking.

(2) Organizations which register as provided in paragraph (b)(1) hereof will receive educational materials to be placed on vehicles parked in violation of subsection (a) hereof and will have authority to do so as an agent for the Municipality promoting the enforcement of this section.

(Ord. 2087. Passed 3-4-91.)

464.09 **EXCEPTIONS.**

The regulations and limitations concerning parking as set forth in this chapter shall not apply in cases of emergency, such as the vehicles of physicians, ambulances or taxicabs while on call. In such instances, sufficient parking time to accomplish the purpose of the call shall be permitted. Vehicles of public utility companies when actively engaged in the repair or replacement of pipes, underground conduits, overhead wires, etc., or for the establishing of service for and by such utilities, vehicles of the Municipality in connection with necessary street repairs, maintenance, etc., are also excepted.

464.99 **PENALTY.**

(a) Except as otherwise provided in this section, whoever violates or fails to comply with any of the provisions of this chapter shall be fined not more than fifteen dollars ($15.00).

(Adopting Ordinance)

(b) Whoever violates Section 464.085(a) is guilty of a summary offense and shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00).

(Ord. 2087. Passed 3-4-91.)

2013 Replacement
CHAPTER 468
Pedalcycles and Motorcycles

468.01   Reckless operation.
468.99   Penalty.

CROSS REFERENCES
Operation of pedalcycles - see Vehicle Code § 3501 et seq.
Special rules for motorcycles - see Vehicle Code § 3521 et seq.
Bicycles to keep to right - see TRAF. 476.03
Noise from motorcycles, snowmobiles, etc. see TRAF. 456.05
Operation of motorcycles, snowmobiles, etc. on public and private property - see TRAF. 456.06

468.01   RECKLESS OPERATION.
No person shall ride a bicycle or motorcycle in a weaving fashion, or ride from side to side on any street, or ride without having control of such vehicle.
(Ord. 654. Passed 5-3-54.)

468.99   PENALTY.
(EDITOR'S NOTE: See Section 404.99 for general Traffic Code penalty if no specific penalty is provided.)
CHAPTER 472
Pedestrians

472.01 Hitchhiking.
472.99 Penalty.

CROSS REFERENCES
Rights and duties of pedestrians - see Vehicle Code 3541 et seq.

472.01 HITCHHIKING.
No person shall stand or loiter upon any sidewalk, street, avenue, alley, public highway or grounds within the Municipality for the purpose of hitchhiking, thumbing, requesting, asking or soliciting a ride from the operator of any motor vehicle, and no person shall offer a ride to or accept as a passenger any hitchhiker.
(Ord. 1495. Passed 8-1-77.)

472.99 PENALTY.
(EDITORS NOTE: See Section 404.99 for general Traffic Code penalty if no specific penalty is provided.)
476.01  **PROCESSIONS.**

(a) No funeral, procession or parade containing more than 200 persons or fifty or more vehicles, except the Armed Forces of the United States and the military forces of the Commonwealth, shall occupy, march or proceed along any roadway, except in accordance with a permit issued by Council and with such other regulations as are set forth herein which may apply.

(b) No person shall drive any vehicle between vehicles comprising a funeral or other authorized procession while they are in motion when such vehicles are conspicuously designated, or it is apparent that they are part of such a procession.

(c) Funerals and other authorized processions shall be considered as a single vehicle, and when the head of such funeral or authorized procession proceeds on the proper signal at an intersection controlled by traffic signals, all the vehicles or persons in the funeral or authorized procession shall proceed through the intersection without regard to changes in signals, except in cases of emergency, or as otherwise directed by a traffic officer.

(Ord. 654. Passed 5-3-54.)

476.02  **TOY VEHICLES ON ROADWAY.**

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk.

(Ord. 654. Passed 5-3-54.)

476.03  **BICYCLES, PUSH CARTS, ANIMALS TO KEEP TO RIGHT.**

No person using a bicycle, push car or animal upon a roadway shall fail to keep the same as close as possible to the extreme right side of such roadway.

(Ord. 654. Passed 5-3-54.)

476.99  **PENALTY.**
(EDITOR'S NOTE: See Section 404.99 for general Traffic Code penalty if no specific penalty is provided.)
CHAPTER 478
Abandoned Motor Vehicles

478.01 Definitions.  478.03 Enforcement and abatement.
478.02 Violations; exceptions.

478.01 DEFINITIONS.
(a) The following definitions shall apply to this chapter:
For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number; and the masculine shall include the feminine and neuter. The word shall is always mandatory and not merely directory.
(1) Abandoned motor vehicle on public property. Any motor vehicle which falls under paragraph A. and/or B. hereof, and set forth as follows:
A. Any motorized vehicle which is without current and valid:
   1. License plate or plates; and
   2. Registration sticker; and
   3. Inspection sticker, including emissions inspection, where applicable.
B. Any motorized vehicle which possesses one or more of the following conditions constituting a nuisance:
   1. Sharp edges on motor vehicle parts constituting a dangerous condition, including, but not limited to the following:
      a. Broken windshield, mirrors, headlamps, tail lamps or other glass;
      b. Broken body parts; and
      c. Open or severely damaged floorboards including trunk and firewall.
   2. Protruding motor vehicle parts constituting a dangerous condition, including, but not limited to the following:
      a. Body parts, including glass, broken or otherwise, which protrude from the normal and customary place on a vehicle; and
      b. Doors, trunk or hood which do not latch closed.
   3. Conditions which do or could permit harborage of vermin/animals, including, but not limited to the following:
      a. One or more flat or open tires or tubes;
      b. Missing doors, windshield, windows, hood, or trunk;
      c. Upholstery, which is torn or open;
      d. Doors, trunk or hood which do not latch closed; and
      e. Open or severely damaged floorboards including trunk and firewall.
   4. Conditions which result in the unsafe suspension of a motor vehicle, including, but not limited to the following:
a. Missing tires;
b. Vehicle frame, broken or otherwise, suspended from the ground in an unstable manner; and
c. Suspended on unstable supports.

5. Fluids from the motor vehicle, including, but not limited to the following:
   a. Leaking or damaged oil pan or gas tank which could cause a fire or explosion; and
   b. Exposed battery containing acid.

6. Disassembled motor vehicle parts, including, but not limited to chassis or other motor vehicle parts stored in a disorderly fashion in or about the vehicle.

7. Such other conditions which constitute nuisance and threaten the health, safety and welfare of the citizens of the Municipality.

(2) A. Abandoned motor vehicle on private property. Any motorized vehicle which possesses one or more of the following conditions constituting a nuisance:

   A. Any motor vehicle not garaged which falls under this division (a)(2), and set forth as follows:
      1. Any motorized vehicle which is without current and valid:
         a. License plate or plates; and
         b. Registration sticker; and
         c. Inspection sticker, including emissions inspection, where applicable.

   B. Sharp edges on motor vehicle parts constituting a dangerous condition, including, but not limited to the following:
      1. Broken windshield, mirrors, headlamps, tail lamps or other glass;
      2. Broken body parts; and
      3. Open or severely damaged floorboards including trunk and firewall.

   C. Protruding motor vehicle parts constituting a dangerous condition, including, but not limited to the following:
      1. Body parts, including glass, broken or otherwise, which protrude from the normal and customary place on a vehicle; and
      2. Doors, trunk or hood which do not latch closed.

   D. Conditions which do or could permit harborage of vermin/animals, including, but not limited to the following:
      1. One or more flat or open tires or tubes;
      2. Missing doors, windshield, windows, hood or trunk;
      3. Upholstery, which is torn or open;
      4. Doors, trunk or hood which do not latch closed; and
      5. Open or severely damaged floorboards including trunk and firewall.

   E. Conditions which result in the unsafe suspension of a motor vehicle, including, but not limited to the following:
      1. Missing tires;
2. Vehicle frame, broken or otherwise, suspended from the ground in an unstable manner; and
3. Suspended on unstable supports.

E. Fluids from the motor vehicle including, but not limited to the following:
   1. Leaking or damaged oil pan or gas tank which could cause a fire or explosion; and
   2. Exposed battery containing acid.

F. Disassembled motor vehicle parts, including, but not limited to chassis or other motor vehicle parts stored in a disorderly fashion in or about the vehicle.

G. Such other conditions which constitute nuisance and threaten the health, safety and welfare of the citizens of the Municipality.

(3) Enforcement officer. A police officer, code enforcement officer or other person or entity designated by the Municipality to enforce its ordinances.

(4) Motor vehicle. A car, truck, motorcycle, all-terrain vehicle, or any other 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; and any parts of a motor vehicle.

(5) Nuisance. Any condition or use of motor vehicle or property, structure or improvement which shall constitute a danger or potential danger to, the health, safety and welfare of the citizens of the Municipality.

(6) Person. The owner of the abandoned motor vehicle; or, the owner, tenant, occupant lessee, resident or custodian of the property on which abandoned motor vehicles are located, whether individual or partnership, association or corporation.

(7) Private property. Any real property located within the Municipality, which a person owns, and which is not public property as defined in this section.

(8) Public property. Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel and shall also mean any other publicly owned property or facility.

(b) In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and neuter.

(Ord. 2455. Passed 9-5-06; Ord. 2491. Passed 1-22-08.)

478.02 VIOLATIONS; EXCEPTIONS.

(a) Violation. A person shall be in violation of this chapter for committing the following prohibited behavior:

(1) No person shall keep or leave, or permit to be kept or left, any abandoned motor vehicle, or motor vehicle parts, as defined by this chapter, within the Municipality for more than seventy-two hours.

(2) No person shall keep or leave, or permit to be kept or left, any abandoned motor vehicle, as defined by this chapter, within ten feet of public streets or alleys in the Municipality for more than seventy-two hours.
(b) **Exceptions.** This chapter shall not apply to:

1. A vehicle in an enclosed building, excluding tarps or similar coverings and carport type structures which are open to view and are unsecured;
2. A vehicle on the premises of a business enterprise lawfully licensed to operate a motor vehicle junk yard or other such lawfully licensed business requiring the keeping of abandoned vehicles or parts thereof as defined herein;
3. A classic or antique vehicle which is in the process of being restored; and
4. A vehicle in an appropriate storage place, lawful depository or impoundment facility.
5. Nothing herein shall be construed to permit the storage of abandoned motor vehicles contrary to the provisions of the Municipality’s Zoning Ordinance.

(Ord. 2455. Passed 9-5-06; Ord. 2491. Passed 1-22-08.)

---

**478.03 ENFORCEMENT AND ABATEMENT.**

(a) The Municipality shall enforce or abate the nuisances, defined by this chapter as follows:

1. **Inspections.** The Police and Code Enforcement Officers are hereby authorized and empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this chapter. If Police Officers or Code Enforcement Officers find a violation or violations of this chapter, he or she shall issue a written notice to be served by registered or certified mail upon the owner of the abandoned motor vehicle or if unknown, the owner of the premises, lessee, agent of the owner, household or family member, and/or custodian of the property on which the abandoned motor vehicles are located, whether individual or partnership, association, or corporation. If the whereabouts or identity of the above defined persons is unknown or if they fail to respond to the written notice, service shall be by posting the notice conspicuously upon the premises where the motor vehicles are located.
   
   A. Said notice shall specify the violation complained of, and shall require the person to remove or rectify the violation within ten days of mailing or posting of said notice.
   
   B. The authorized enforcement officer, whether it is the Police or the Code Enforcement Officer, shall have the right and power to enter upon the premises where the abandoned motor vehicles are located to accomplish the service of notice and any other remedy under this chapter.

2. **Impounding.** If the person notified does not comply with the notice to abate, the police or the Code Enforcement Officer is hereby authorized to remove or have removed any abandoned motor vehicle which reasonably appears to be in violation of this chapter, within the boundaries of the Municipality, by the Municipality’s contracted towing company, at the initial expense of the Municipality. Such abandoned motor vehicle shall be impounded by said towing company contracted by the Municipality, until lawfully claimed or disposed of according to law.

2011 Replacement
A. Any vehicle towed, by Code Enforcement or the Police Department, under this chapter shall have the towing charges paid by the Municipality per the towing contract. The Municipality shall then seek reimbursement of costs and assess the person notified with the cost of such towing, impoundment, plus 10% of all costs.

(3) Enforcement. An action shall be brought against any person in violation of this chapter by filing a citation with the Magisterial District Justice for the Municipality, for a summary offense under the Pennsylvania Rules of Criminal Procedure. Any person who shall be convicted of violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine not less than three hundred dollars ($300.00) nor more than one thousand dollars ($1,000), plus costs of prosecution, restitution for the costs of removing the vehicle(s), and/or a term of imprisonment of up to ninety days, per violation. Each day that a violation continues after conviction shall constitute a separate offense.

A. Civil action for unpaid fines, penalties and costs and other relief. The Municipality may file a civil enforcement proceeding with the same Magisterial District Justice to recover the unpaid fines, penalties, costs, restitution and expenses accruing for each day the violation continues, when they are not voluntarily paid. Penalties shall not exceed one thousand dollars ($1,000) per violation. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. In any civil action, the Municipality shall be exempt from the payment of costs of any civil case brought to enforce this chapter, and in accordance with 53 P.S. § 66601(c.1)(1).

B. Remedies not exclusive. The remedies provided herein for the enforcement of this chapter, 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 Municipality.

(Ord. 2455. Passed 9-5-06; Ord. 2491. Passed 1-22-08.)
CODIFIED ORDINANCES OF PENN HILLS

PART SIX - GENERAL OFFENSES CODE

Chap. 612. Animals.
Chap. 620. Civil Rights.
Chap. 630. Fair Housing.
Chap. 640. Planting and Removal of Trees and Other Vegetative Growth.
Chap. 660. Property Offenses.
Chap. 666. Safety, Sanitation and Health.
Chap. 672. Sex Offenses.
Chap. 690. Weapons and Explosives.
Chap. 692. Curfew for Minors.
CHAPTER 612
Animals

612.01 Animals at large.
612.02 Teasing or striking police dogs.
612.03 Injuring or killing police dogs.
612.04 Disposal of animal feces.
612.05 Animal conduct and nuisances prohibited.
612.99 Penalty.

CROSS REFERENCES
Dog law - see Act of December 22, 1965, Act 437, as amended
Cruelty to animals - see Crimes Code §5511
False registration of domestic animals - see Crimes Code §6707
Municipal Canine Corps - see ADM. 234.11
Animals to be kept to right of roadway - see TRAF. 476.03
Removal of dead animals - see S.U. & P.S. 1060.09

612.01 ANIMALS AT LARGE.
(a) No person shall permit an animal of any kind to run at large throughout the Municipality.

(b) Dogs and cats shall be confined on the premises of the owner thereof. When allowed out, the same must be under the control at all times of the owner thereof. Dogs are permitted on the streets and highways of the Municipality when on a leash and in the care of the owner thereof.

(c) It is the duty of the police officers of the Municipality and the dogcatchers to seize and detain any dog bearing a proper license tag and found running at large upon the public streets or highways, or upon property other than that of the owner of such dog, and unaccompanied by the owner or keeper thereof. Police officers and dogcatchers are hereby authorized to go upon any premises and enter any building to seize and detain any dog that has been found running at large unaccompanied by the owner or keeper thereof when such police officer or dogcatcher is in immediate pursuit of such dog.

(d) Where proper complaint or other evidence has verified the fact that a dog is mad, or is suffering from rabies, any such dog shall be shot on sight by a police officer or the dogcatcher, regardless of whether or not the dog bears a proper license tag.
(e) Council shall, from time to time, and as conditions warrant, prescribe additional rules and regulations concerning dogs and cats, including the boarding and providing for all dogs and cats seized and detained by the police and dogcatcher, commitment to the Dog and Cat Pound, examination of diseased animals, especially for rabies, return of dogs or cats to the lawful owners upon reimbursement for expenses incurred and fines, boarding, and destruction of dogs and cats. (Ord. 435. Passed 3-6-44.)

(f) Council may enter into contracts and agreements with the Animal Rescue League or other agencies of the humane type, which are competent and qualified to board, administer to and care for animals, including the destruction of vicious or diseased animals. Such contracts and agreements shall be signed on behalf of the Municipality by the Mayor, attested by the Clerk of Council and the seal of the Municipality impressed thereon.

612.02 TEASING OR STRIKING POLICE DOGS.
No person shall willfully and maliciously taunt, torment, tease, beat, kick or strike any dog used by the Police Department or any member thereof in the performance of the functions or duties of the Department or of such member, or interfere with or meddle with any such dog. (Ord. 1491. Passed 6-6-77.)

612.03 INJURING OR KILLING POLICE DOGS.
No person shall willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by the Police Department in the performance of the functions or duties of the Department, or interfere with or meddle with any such dog used by the Department or any member thereof in the performance of any of the functions or duties of the Department or of such member. (Ord. 1491. Passed 6-6-77.)

612.04 DISPOSAL OF ANIMAL FECES.
(a) Removal Required. Any owner or person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecates in or on any public gutter, street, driveway, alley, curb or sidewalk in the Municipality, or upon the floors or stairways of any Municipal building, or upon the grounds of any Municipal park or Municipal area open to the public, shall be required to immediately remove any feces from such surface and either:
   (1) Carry the same away for disposal in a commode; or
   (2) Place the same in a nonleaking container for deposit in a trash or litter receptacle.

(b) Dogs Accompanying Blind or Handicapped Persons Exempted. This section shall not apply to a guide dog accompanying any blind person or to a dog used to assist any other physically handicapped person. (Ord. 2008. Passed 7-5-88.)
612.05  ANIMAL CONDUCT AND NUISANCES PROHIBITED.

No animal shall be permitted to engage in habitual and continuous howling, barking or crying or otherwise conduct itself in such a manner as to disturb or annoy any person other than the animal owner, regardless of whether or not the dog is on the owner's premises. Habitual and continuous shall be defined as more than 30 minutes at any one time. The Animal Control Agent and/or the Police Department shall request that the owner or guardian of any animal engaged in habitual and continuous nuisance noise making to immediately quiet the animal and/or move it indoors.
(Ord. 2357. Passed 5-2-01.)

612.99  PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates any one or more of the provisions of Section 612.05 shall first be issued a letter of warning by the Animal Control Agent. A fine of fifty dollars ($50.00), plus costs, shall be imposed for a second offense, and a fine of one hundred dollars ($100.00), plus costs, shall be imposed for a third offense. If there are more than three offenses for any one animal, the fines shall increase by one hundred dollars ($100.00) for each offense.
(Ord. 2357. Passed 5-2-01.)
CHAPTER 620
Civil Rights

EDITOR'S NOTE: Resolution 89-073, passed September 5, 1989, adopted policies and procedures implementing Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination relative to handicapped persons. Copies of such resolution and of such policies and procedures may be obtained, at cost, from the Deputy Clerk.

There are no sections in Chapter 620. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Fair housing - see ADM. 242.08
Discrimination by Municipal contractors - see ADM. 252.07
Affirmative action; equal employment opportunity - see ADM. 280.03
Minority business enterprise involvement - see ADM. 280.04
Handicapped parking - see TRAF. 464.085
Fair housing - see GEN. OFF. Ch. 630
Handicap sidewalk ramp construction - see S.U. & P.S. 1028.03(b)(10)
CHAPTER 630
Fair Housing

630.01 Short title.
630.02 Declaration of policy.
630.03 Application of chapter.
630.04 Definitions.
630.05 Exceptions.
630.06 Unlawful housing practices.
630.07 Unlawful public accommodations practices.
630.08 Other requirements.
630.09 Obstruction of fair practices.
630.10 Complaint procedures.
630.11 Enforcement.
630.99 Penalty.

CROSS REFERENCES
Fair housing - see ADM. 242.08
Civil rights - see GEN. OFF. Ch. 620
Property Maintenance Code - see B. & H. Ch. 1480

630.01 SHORT TITLE.
This chapter may be cited as the Penn Hills Fair Housing Ordinance.
(Ord. 2168. Passed 2-7-94.)

630.02 DECLARATION OF POLICY.
It is hereby declared to be the policy of the Municipality of Penn Hills, in the exercise of its powers for the protection of public safety and the general welfare, to assure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of color, race, religion, ancestry, national origin, sex, handicap, or place of birth.

To accomplish these goals, it shall be the policy of the Municipality of Penn Hills to prohibit discrimination because of race, color, religion, ancestry, national origin, sex, handicap, place of birth, or familial status in housing and public accommodation.
(Ord. 2168. Passed 2-7-94.)

630.03 APPLICATION OF CHAPTER.
This chapter applies to discriminatory practices, including discrimination in housing and public accommodations, which occur within the territorial limits of Penn Hills.
(Ord. 2168. Passed 2-7-94.)

630.04 DEFINITIONS.
As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from context:
(a) Discriminate/Discrimination. The terms discriminate and discrimination include any difference in treatment based on color, race, religion, ancestry, national origin, sex, handicap or place of birth.
(b) Familial Status. One or more individuals (who have not attained the age of eighteen years) being domiciled with:
(1) A parent or another person having legal custody of such individual or individuals;
or
(2) The designee of such parent or other person having such custody, or the written
permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall
apply to any person who is pregnant or is in the process of securing legal custody of any
individual who has not attained the age of eighteen years.

(c) Housing Accommodation.

(1) A building, structure or portion thereof which is used or occupied, or is intended,
arranged, or designed to be used or occupied, as a home, residence, or sleeping
place by a person, family, or a group of persons living together; or

(2) A parcel of real property or lot available for the construction of a housing
accommodation.

(d) Lending Institution. Any bank, insurance company, savings and loan association, or any
other person regularly engaged in the business of lending money or guaranteeing loans.

(e) Owner. The term “owner” includes the owner, co-owner, lessee, sublessee, mortgagee,
assignee, manager, agent, or any other person having the right of ownership or
possession of, or the authority to sell, rent, or lease, any housing accommodation, or any
person having an equitable or security interest in any housing accommodation.

(f) Person. Includes one or more individuals, corporations, partnerships, associations, labor
organizations, legal representatives, mutual companies, joint-stock companies, trusts,
unincorporated organizations, trustees, receivers, and fiduciaries.

(g) Public Accommodation. Includes any place or business which is open to or accepts or
solicits the patronage of the general public for the purpose of short term housing or
overnight accommodation, such as, but not limited to, motels and hotels.

(h) Real Estate Broker. Any natural person, partnership, corporation or other association
which for a fee or other valuable consideration manages, sells, purchases, exchanges or
rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or
rental of the real property of another, or holds itself out as engaged in the business of
managing, selling, purchasing, exchanging, or renting the real property of another, or
collects rent for the use of the real property of another, and includes real estate salesmen
or agents or any other person employed by a real estate broker to perform or to assist in
the performance of his business.

(Ord. 2168. Passed 2-7-94.)

630.05 EXCEPTIONS.

(a) Nothing in this chapter (except subsection (b) below) shall apply to:

(1) Any single-family house sold or rented by an owner, provided that such private
individual owner does not own more than three such single-family houses at any
one time; provided further that in the case of the sale of any such single-family
house by a private individual owner not residing in such house at the time of such
sale or who was not the most recent resident of such house prior to such sale, the
exemption granted by this subsection shall apply only with respect to one such sale
within any twenty-four-month period; provided further that such bona fide private
individual owner does not own any interest in, nor is there owned or reserved on
his behalf, under any express or voluntary agreement, title to or any right to all or a
portion of the proceeds of the sale or rental of more than three such single-family
houses at any one time; and provided further that, after December 31, 1969, the
sale or rental of any such single-family house shall be excepted from this chapter
only if such house is sold or rented (a) without the use in any manner of the sales or
rental facilities, or the sales or rental services of any person in the business of
selling or renting dwellings, or of any employee or agent of any such broker, agent,
salesman or person, and (b) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of this chapter; however nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(2) Rooms or units in dwellings containing living quarters occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(b) For purposes of paragraph (a)(2) above, a person shall be deemed to be in the business of selling or renting dwellings if the person:

(1) Has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) Has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) Is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 2168. Passed 2-7-94.)

630.06 UNLAWFUL HOUSING PRACTICES.

It shall be an unlawful housing practice, except as otherwise provided in this section:

(a) For any owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer, of the title, leasehold, or other interest in any housing accommodation by representing that such housing accommodation is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise to deny or withhold any housing accommodation from any person because of race, religion, ancestry, color, national origin, sex, handicap, familial status, or place of birth, or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodations.

(b) For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing accommodation any clause, condition or restriction discriminating against any person or requiring any other person to discriminate against any person in the use or occupancy of such housing accommodation because of race, color, religion ancestry, national origin, sex, handicap, familial status or place of birth.

(c) For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any housing accommodation because of race, color, religion ancestry, national origin, sex, handicap, place of birth, or familial status.

(d) For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, national origin, sex, place of birth, or familial status.

(e) For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agents or employee
thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodations or housing accommodations:

(1) To discriminate against any person or group of persons because of race, color, religion, ancestry, national origin, sex, handicap, place of birth or familial status of such person or group of persons or of the prospective occupants or tenants of such housing accommodation in the granting, withholding, extending, modifying, or reviewing, or in the rates, terms, conditions, or privileges of any such financial assistance in the extension of services in connection therewith;

(2) To use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, ancestry, national origin, sex, handicap, place of birth or familial status, or any intent to make any such limitation, specification or discrimination.

(f) For any real estate broker or real estate salesman or agent, or any other person for business or economic purposes, to induce, directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation by representing that a change has occurred or will or may occur with respect to the racial, religious or ethnic composition of the street, block, neighborhood or area in which said housing accommodation is located.

(g) For any person, whether or not a real estate broker, real estate salesman or agency, owner or lending institution to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful housing practice under this chapter, or to obstruct or prevent enforcement or compliance with the provisions of this chapter or any rule, regulation or order of Council, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful housing practice.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. 2168. Passed 2-7-94.)

630.07 UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES.
It shall be an unlawful public accommodation practice:
(a) For the owner, lessee, proprietor, manager, superintendent, agent or employee of any business for public administration to:

(1) Refuse, withhold from or deny to any person because of his race, color, religion, ancestry, national origin, sex, handicap or place of birth, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation.

(2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on
account of race, color, religion, ancestry, national origin, or place of birth, or that
the patronage of any person of any particular race, color, religion, ancestry,
national origin, or place of birth is unwelcome, objectionable, or not acceptable,
desired, or solicited.

(b) For any person, whether or not included in subsection (a) hereof, to aid, incite, compel,
coerce, or participate in the doing of any act declared to be an unlawful public
accommodations practice under this chapter.
(Ord. 2168. Passed 2-7-94.)

630.08 OTHER REQUIREMENTS.
(a) All leases for housing must be in writing, and the tenant shall receive a copy prior to the
first day of his or her tenancy.

(b) If a buyer or prospective tenant is denied financing or denied rental of a housing
accommodation, the reasons for such denial shall be in writing, with a copy provided to the
prospective buyer/tenant.
(Ord. 2168. Passed 2-7-94.)

630.09 OBSTRUCTION OF FAIR PRACTICES.
No person, whether or not within the named classifications set forth in this chapter, shall aid,
incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice
under this chapter, or obstruct or prevent enforcement of compliance with the provisions of this
chapter or any rule, regulation or order of Council or attempt directly or indirectly to commit any
act declared by this chapter to be an unlawful practice.
(Ord. 2168. Passed 2-7-94.)

630.10 COMPLAINT PROCEDURES.
(a) A complaint charging that any person has engaged or is engaging in any unlawful
practice as set forth in this chapter may be made by an aggrieved resident.

(b) The complaint shall be in writing, signed and verified, and include the name and address
of the person or persons alleged to have committed the unlawful practice and the particulars
thereof and such other information as may be required by the Planning and Development
Department.

(c) The Planning and Development Department shall review each complaint and shall
forward the complaint to the appropriate County, State, or Federal agency, or any other appropriate
agency, within thirty days of the formal complaint. Each and every party to the complaint shall be
notified of the Planning and Development Department’s action.

(d) New information or facts after the Planning and Development Department has
forwarded the original complaint shall be forwarded directly to the agency to which the Planning
and Development Department sent the complaint.

(e) The Planning and Development Department may, of its own volition, attempt to
negotiate an equitable solution to the problem. Suggestions from the Planning and Development
Department are non-binding on either party; however, if accommodation and agreement is
reached, the terms to which both parties are agreeing and consenting shall be reduced to writing
and treated as a normal legal agreement between both parties.

(f) If, in the opinion of the Planning and Development Department, irreparable harm may
result if the alleged unlawful act would continue or be consummated during the period that the complaint is being forwarded, the Planning and Development Department may request the Municipal Manager to seek an injunction restraining the action until such time as procedures pursuant to this chapter can be normally concluded.  
(Ord. 2168. Passed 2-7-94.)

630.11 ENFORCEMENT.  
In the event the respondent refuses or fails to comply with the terms of this chapter or violates any of the provisions of this chapter, the Planning and Development Department shall forward the case to the Municipal Attorney who shall invoke the aid of the appropriate court to secure compliance with the provisions of this chapter.  
(Ord. 2168. Passed 2-7-94.)

630.99 PENALTY.  
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 640
Planting and Removal of Trees and Other Vegetative Growth

640.01 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The masculine shall include the feminine and the neuter.

(a) Penn Hills is the Municipality of Penn Hills.

(b) Person shall mean any individual, partnership, association, firm, corporation, group, company, society, or any other combination of human beings whether legal or natural.

(Ord. 2360. Passed 7-11-01.)

640.02 Restrictions and prohibitions. It shall be unlawful for any person within the Municipality to plant, maintain or allow to grow any [designate type of species of tree or any tree], or other vegetative growth, within the lines of any street, alley, sidewalk, or municipal easement or right-of-way or within [designate number of feet] of any public or private sewer or to maintain or allow to grow any tree or vegetative growth or the roots of which have been identified to obstruct, interfere with or cause damage to, or is in dangerous proximity with, any curb, gutter, street, sidewalk, sewer or public utility.

(Ord. 2360. Passed 7-11-01.)

640.03 Clearance above street and sidewalk. Every owner or occupant of property within the Municipality shall be required to keep limbs and branches of all trees or other vegetative growth growing upon such property in such condition that no part of such limbs or branches or of the foliage growing thereupon shall have clearance of less than ten feet above the surface of the sidewalk or of less than 14 feet above the surface of the roadway of any street or alley.

(Ord. 2360. Passed 7-11-01.)

640.05 Notice to remove, trim or cut.

640.06 Right of entry upon private property.

640.07 Remedies not mutually exclusive.

640.08 Penalties for violation.

2005 Replacement
640.04 REMOVAL AND TRIMMING.
It shall be the responsibility of all property owners or occupants thereof within the Municipality to conform to the requirements of this chapter regarding trees and other vegetative growth upon property owned or occupied by them, or along streets, alleys and sidewalks abutting such property or upon any area within a municipal easement or right-of-way, and, upon notice from the Municipality, to remove any tree or trees or other vegetative growth growing in violation of Section 640.02, and to trim or cut the branches on limbs of trees or other vegetative growth as required by Section 640.03. Any person failing to comply with any such notice, within the time limit stated herein, shall be in violation of this chapter. Any trees, vegetative growth or any parts of which are located upon any property in violation of any of the provisions of this chapter is hereby declared to be a nuisance and detrimental to the health, safety and welfare of the residents of the Municipality.
(Ord. 2360. Passed 7-11-01.)

640.05 NOTICE TO REMOVE, TRIM OR CUT.
The Municipality, or any officer or employee of the Municipality designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any property whereon trees or other vegetative growth or any parts of which are growing or remaining in violation of the provisions of this chapter, directing and requiring such owner or occupant to remove, trim or cut such tree or trees or other vegetative growth so as to conform to the requirements of this chapter, within 30 days after issuance of such notice. Whenever in the judgment of the Municipality or any officer or employee thereof, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Municipality or any officer or employee of the Municipality designated thereby for such purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 30 days. In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Municipality may order the removal, trimming or cutting of such tree or other vegetative growth or any parts of it, and the cost thereof, together with a penalty of 10% of the cost thereof, which shall be collected by the Municipality from such person in any manner provided by law.
(Ord. 2360. Passed 7-11-01.)

640.06 RIGHT OF ENTRY UPON PRIVATE PROPERTY.
The Municipality, or any officer or employee of Penn Hills designated thereby for such purpose, shall, from time to time, seek entry to private property in order to inspect the trees and/or other vegetative growth located upon the property. Such person shall first seek the property owner's and/or occupant's permission to conduct such an inspection. If the owner or occupant refuses or ignores the request of the Municipality to enter the property for purposes of inspection as stated herein, the Municipality or any of its officers or employees may seek, from a court or magistrate of competent jurisdiction, a warrant to inspect the property in accordance with this chapter. Should a condition of
2005 Replacement
extreme danger be known to exist, the warrant requirements of this section may be dispensed with, but only if there is reasonable cause to believe that the delay involved in compliance with the warrant requirement would pose a serious imminent danger to person(s) or property.

(Ord. 2360. Passed 7-11-01.)

640.07 REMEDIES NOT MUTUALLY EXCLUSIVE.

The remedies provided herein for the enforcement of this chapter, 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 Municipality.

(Ord. 2360. Passed 7-11-01.)

640.08 PENALTIES FOR VIOLATION.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars ($600.00), and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this chapter continues after notice shall constitute a separate offense.

(Ord. 2360. Passed 7-11-01.)
CHAPTER 654
Peace Disturbances

654.01  Loitering; obstruction of public passage.
654.02  Abuse of family.
654.03  False alarms.
654.99  Penalty.

CROSS REFERENCES
Riot - see Crimes Code ● 5501, 5502
Disorderly conduct - see Crimes Code ● 5503
Public drunkenness - see Crimes Code ● 5505
Loitering and prowling at night time - see Crimes Code ● 5506
Noise from motorcycles, snowmobiles, etc. - see TRAF. 456.05
Disorderly conduct at amusements - see B.R. & T. 810.03
Use of loud noises and speaking devices by peddlers, etc. - see B.R. & T. 840.10

654.01  LOITERING; OBSTRUCTION OF PUBLIC PASSAGE.
No person shall loaf, loiter or stand upon any sidewalk, street, pavement or other public way or place in the Municipality, at or near the entrance to a church, bus station or stop, school, place of public resort or entertainment or place of business or otherwise, so as to interfere with or design to interfere with or obstruct the free passage or access of residents or travelers along any of such public ways or places, thoroughfares or to and from the places above mentioned, when ordered by a police officer to move on.
(Ord. 1222. Passed 2-3-69.)

654.02  ABUSE OF FAMILY.
No person shall abuse his or her family or any member thereof.
(Ord. 124. Passed 10-7-26.)

654.03  FALSE ALARMS.
No person shall make or cause to be made any false alarm of fire.
(Ord. 124. Passed 10-7-26.)

654.99  PENALTY.
(EDITOR’S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 660
Property Offenses

660.01 Trespass upon public grounds.

660.02 Reward for information.

660.99 Penalty.

CROSS REFERENCES
Arson, criminal mischief and other property destruction - see Crimes Code Ch. 33
Burglary and other criminal intrusion - see Crimes Code Ch. 35
Criminal trespass - see Crimes Code Ch. 3503
Robbery - see Crimes Code Ch. 37
Theft and related offenses - see Crimes Code Ch. 39
Forgery and fraudulent practices - see Crimes Code Ch. 41

660.01 TRESPASS UPON PUBLIC GROUNDS.
No person shall trespass or be in and upon any public grounds, buildings or premises of the Municipality or of the School District of the Municipality for other than proper and legitimate purposes.
(Ord. 1238. Passed 9-2-69.)

660.02 REWARD FOR INFORMATION.
The Manager is hereby authorized to establish a reward in an amount up to one thousand dollars ($1,000) for information leading to the arrest and conviction of a person found vandalizing Municipal equipment and property.
(Res. 8-1981. Passed 2-4-81.)

660.99 PENALTY.
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 666
Safety, Sanitation and Health

666.01 Depositing snow and ice in public ways.
(a) No person, as owner, general agent, lessee, tenant or employee of land or buildings, whether business or residential, in the Municipality, shall shovel or otherwise deposit snow and/or ice from the premises of such person back into the streets or highways of the Municipality after the same have been snow-plowed, salted, cindered or otherwise winterized.

(b) The aforesaid owner, tenant, lessee, or agent shall dispose of snow in accordance with the rules and regulations of Council by piling snow from driveways or sidewalks along the curbside, or as otherwise directed in accordance with the aforesaid rules and regulations.

(c) The Police Department shall enforce the provisions of this section and shall make information and arrests for violations thereof.
(Ord. 905. Passed 2-6-61.)

666.02 Authority of Manager to contract for snow removal.
The Manager is hereby authorized to enter into contracts for the removal of snow from Municipally maintained streets and roadways as is necessary to maintain the public safety during times of emergency only. Such contracts may be in excess of four thousand dollars ($4,000) and may be awarded without competitive bidding as is deemed necessary by the Manager and will be chargeable from and payable from the appropriate code accounts.
(Ord. 1781. Passed 12-15-82.)
666.03 SMOKING AND CARRYING OF LIGHTED OBJECTS IN MUNICIPAL BUILDINGS AND VEHICLES.

(a) Effective April 1, 1994, smoking, including the lighting, holding or carrying of lighted objects, or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind, by any person, shall be unlawful in the following areas:

1. Inside any building or enclosed area owned, occupied or leased by the Municipality, including, but not limited to, the Municipal Building, the Library (including satellite centers), the Senior Services Center, the William McKinley Center, the Multi-Purpose Center (Lincoln Park), the Public Works Garage and Storage Facility, and all Water Pollution Treatment Plants at any time;
2. Inside any ambulance at any time; and
3. Inside any Municipal vehicle while any non-smoking persons are in the vehicle.

(b) The Municipal Manager reserves the right to waive this policy for non-profit organizations that meet during non-business hours.
(Ord. 2172. Passed 3-7-94.)

666.04 SMOKING IN MUNICIPAL BUILDINGS PROHIBITED.

(a) Definitions. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

1. Municipality shall mean the Municipality of Penn Hills.
2. Fire Inspector shall mean the Fire Inspector of the Municipality of Penn Hills.
3. Municipal buildings means those buildings owned by the Municipality used in providing municipal services.
4. Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
5. Smoking means the lighting, holding or carrying of or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

(b) Smoking Prohibited in Specified Places. No person shall smoke or carry a lighted cigar, cigarette, or pipe in any of the Municipal Buildings.

(c) Duties of Persons in Control of Premises. The Municipal Manager or designee or the person in control of every Municipal Building where smoking is regulated by this section shall not be cited for any violations of this section if the following actions are taken:

1. Post No Smoking signs and other signs relating to smoking on the premises, including all entranceways, as follows:
   A. Such signs shall be no less than six inches high, with lettering no less than four inches high. A symbol consisting of a circle with a lit cigarette and a line diagonally through its center will be deemed to satisfy this requirement,
long as the sign is at least six inches in height and the symbol is at least four inches in height.

B. Signs posted at entry and exit doors shall include the language No Smoking within 15 feet of this sign.

(2) Take reasonable measures to see to it that no person smokes in such place in violation of this section, which, at a minimum, must include all of the following which apply in the regulated area at issue:
   A. Removing all ashtrays from regulated area; and
   B. Informing any individual smoking in a regulated area that smoking is prohibited by law in that area and requesting that the individual(s) immediately stop smoking or leave the regulated area.

(d) Enforcement. The Municipal Manager, Fire Marshall, and Department Directors are authorized to enforce the provisions of this section.
(Ord. 2474. Passed 8-6-07.)

666.05 PROHIBITING DISCHARGE AND RAKING ONTO THE STREETS AND ROADWAYS.

The discharging of grass clippings and the raking of leaves and lawn debris onto the Municipality's streets and roadways is prohibited.
(Ord. 2548. Passed 8-6-12.)

666.99 PENALTY.
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
GENERAL OFFENSES CODE

8B
CHAPTER 672
Sex Offenses

672.01 Purpose; policy; authority; exclusion.
Council finds that the crass commercial exploitation of explicit sexual conduct through the public exhibition of lewd films, the display and/or sale of lewd publications and the use of so-called massage parlors and model studios for purposes of lewdness, assignation or prostitution, constitutes a debasement and distortion of a sensitive key relationship of human existence, central to family life, community welfare and the development of human personality; is indecent and offensive to the senses and to public morals and interferes with the comfortable enjoyment of life and property, in that such interferes with the interest of the public in the quality of life and total community environment, the tone of commerce in the Municipality, property values and the public safety; and that the continued operation of such activities is detrimental to the best health, safety, convenience, good morals and general welfare of the Municipality and of the residents, citizens, inhabitants and businesses thereof. Council hereby declares such activities to be a public nuisance and herein establishes procedures for the abatement thereof. This chapter shall apply to existing establishments which are presently engaged in the type of activity herein declared to be a public nuisance.
(Ord. 1480. Passed 4-4-77.)
DEFINITIONS.

As used in this chapter:

(a) Knowledge or knowledge of such nuisance means having knowledge of the contents and character of the patently offensive sexual conduct or demonstration which appears in the film or publication, or knowledge of the acts, lewdness, assignation or prostitution which occur on the premises.

(b) Lewd matter means any matter:
   (1) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and
   (2) Which depicts or describes patently offensive representations or descriptions of:
       A. Ultimate sexual acts, normal or perverted, actual or simulated; or
       B. Masturbation, excretory functions or exhibition of the genitals.

Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political or scientific value.

(c) Massage means any method of treating the superficial soft parts of the human body for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading or any similar treatment, accomplished by hand or by the use of any instrument.

(d) Massage parlor means any building or structure or portion thereof, located within the Municipality, which is open to members of the general public, with or without the payment of a fee, at which massage services are offered.

(e) Matter means a motion picture film or a publication, or both.

(f) Model studio means:
   (1) Any premises on which there is conducted the business of furnishing models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee, other consideration or compensation or a gratuity for the right or opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon, the premises; or
   (2) Any premises where there is conducted the business of furnishing, providing or procuring, for a fee or other consideration, compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

   (3) The words model studio do not include:
       A. Any studio which is operated by any State college, junior college, public school, governmental agency wherein the person, firm, association, partnership or corporation operating it has met the requirements established by the Commonwealth for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma;
       B. Any premises where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in subparagraph A. hereof; or
       C. Any studio operated by a tax exempt, nonprofit corporation devoted to the development of art and its appreciation.

(g) Motion picture film means and includes any:
   (1) Film or plate negative;
   (2) Film or plate positive;
   (3) Film designed to be projected on a screen for exhibition;
   (4) Films, glass slides or transparencies, either in negative or positive form, designed
for exhibition by projection on a screen; or
(5) Video tape or any other medium used to electronically reproduce images on a screen.

(h) **Nude** means and includes:
(1) Completely without clothing; or
(2) With the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the covered male genitals in a discernibly turgid state.

(i) **Person** means any individual, partnership, firm, association, corporation or other legal entity.

(j) **Place** means and includes, but is not limited to, any building, structure or space, or any separate part or portion thereof, whether permanent or not, or the ground itself.

(k) **Publication** means and includes any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording or motion picture film, which is displayed in an area open to the public offered for sale or exhibited in a coin-operated machine.

(l) **Sale** means a passing of title or right of possession from a seller to a buyer for valuable consideration, and includes, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or for the transfer of possession of, lewd matter.

(Ord. 1480. Passed 4-4-77.)

672.03 LEWD FILMS AND THEATERS EXHIBITING SAME.

(a) Any and every place in the Municipality where lewd films are publicly exhibited or possessed for the purpose of such exhibition, and any and every place in the Municipality where a lewd film is publicly or repeatedly exhibited or possessed for the purpose of such exhibition, is hereby declared to be a public nuisance.

(b) Any and every lewd film which is publicly exhibited or possessed for such purpose at a place which is a public nuisance under subsection (a) hereof is a public nuisance per se.

(c) From and after service on the theater, its manager, acting manager or person then in charge of such place, of a true and correct copy of this chapter and a true and correct copy of the Resolution and order of summary abatement provided for in Section 672.07, all moneys paid thereafter as admission price to such exhibitions are also declared to be a public nuisance as personal property used in conducting and maintaining a declared public nuisance.

(Ord. 1480. Passed 4-4-77.)

672.04 LEWD PUBLICATIONS AND PLACES EXHIBITING SAME.

(a) Any and every place in the Municipality in which lewd publications constitute a part of the stock in trade is hereby declared to be a public nuisance.

(b) Any and every lewd publication possessed at a place which is a public nuisance under subsection (a) hereof is a public nuisance per se.

(c) From and after service on the place, its manager, acting manager or person then in charge of such place, of a true and correct copy of this chapter and a true and correct copy of the Resolution and order of summary abatement provided for in Section 672.07, all valuable consideration received for the sale of such lewd publications is also declared to be a public nuisance as personal property used in conducting and maintaining a declared public nuisance.

(Ord. 1480. Passed 4-4-77.)
672.05 MASSAGE PARLORS AND MODEL STUDIOS.
(a) Every massage parlor or model studio which, as a regular course of business, is used for the purposes of lewdness, assignation or prostitution, and every such massage parlor or model studio in or upon which acts of lewdness, assignation or prostitution are held or occur, or every massage parlor where any employee operates or performs any service in the nude, is a public nuisance which shall be enjoined, abated and prevented.

(b) From and after service on the place, its manager, acting manager or person then in charge of such place, of a true and correct copy of this chapter and a true and correct copy of the Resolution and order of summary abatement provided for in Section 672.07, all moneys or other valuable consideration paid for services rendered to customers are also declared to be a public nuisance as personal property used in conducting and maintaining a declared public nuisance.
(Ord. 1480. Passed 4-4-77.)

672.06 KNOWLEDGE OF NUISANCE PRESUMED FROM NOTICE OF ORDER OF ABATEMENT; RESPONSIBILITY OF PARTIES THEREFOR; ABATEMENT.
(a) Upon and after receiving notice through service of a true and correct copy of this chapter and of a true and correct copy of the Resolution and order of summary abatement provided for in Section 672.07, any and every person who owns, legally or equitably, leases, maintains, manages, conducts or operates a place in the Municipality which is declared to be a public nuisance as set forth and stated in Sections 672.03 through 672.05 is deemed to be a person who has knowledge of such nuisance for the purpose of this chapter and is, thereafter, responsible for its maintenance, and shall be liable therefor.

(b) The place and subject matter declared to be public nuisances under Sections 672.03 through 672.05 shall be abated as provided for herein.
(Ord. 1480. Passed 4-4-77.)

672.07 ACTION TO BE TAKEN BY COUNCIL.
Upon a specific finding that a public nuisance, as defined in Sections 672.03 through 672.05, exists in the Municipality, Council, in applying the provisions of this chapter to such nuisance, shall provide for the following by Resolution:
(a) Declare the fact that such nuisance exists;
(b) Set forth the description or legal description and street address of the place which constitutes the nuisance; and
(c) Set forth the evidentiary facts considered by Council in arriving at its factual determination;
(1) In the case of a motion picture film, such facts shall include a recitation of the particular sexual conduct and acts which Council finds are patently offensive, and the basis for the finding by Council that such films are publicly exhibited in the course of business, or that such film is publicly or repeatedly exhibited or held for such exhibition at the place declared to be a nuisance.
(2) In the case of a publication, such facts shall include a recitation of:
A. The particular publications or types of publications considered by Council, and those which Council finds to be patently offensive;
B. The basis for the finding by Council that such publications are displayed, sold or held for sale at any place found by Council to be a public nuisance; and
C. The basis of the finding by Council that such publications constitute a part of the stock in trade of such place of business or other place.
(3) In the case of a massage parlor or model studio, such facts shall include a recitation
of the particular acts of lewdness, assignation or prostitution which have occurred, and the basis for the finding by Council that such acts occur in the course of business.

(d) Order any person described in Section 672.06(a) to summarily abate such public nuisance within twenty-four hours of service of such order on any such person, by terminating the exhibition, sale or possession for sale of such lewd subject matter, by ceasing to use the place where the nuisance is declared to exist, or by terminating the use of such premises for the purposes of lewdness, assignation or prostitution, or causing the same to be terminated, and by notifying the Manager and Council of compliance therewith by sworn affidavit as ordered by the action of Council in such Resolution;

(e) Order the Municipal Attorney to proceed as directed in Section 672.09, to do all things necessary to abate such public nuisance through judicial proceedings and to conclude such proceedings as expeditiously as is permissible under the law, including requesting the Court to advance such proceedings on the calendar of the Court;

(f) Inform and give notice to persons designated in Section 672.06(a) that:
   (1) Council has determined that a public nuisance presently exists at such place and address, and that, under Section 672.06(a), such person is deemed to have knowledge thereof and is responsible therefor;
   (2) If the order of the Municipality is not complied with within twenty-four hours, Council has ordered the Municipal Attorney, as provided for under Section 672.09, to commence necessary legal proceedings naming such person as a defendant in a civil action to abate the same judicially under this section and that under Section 672.08 the costs of abatement of such civil abatement action filed, including investigative costs, Court costs, attorneys' fees and other expenses, are made a special assessment against the parcel of land upon which such nuisance is being maintained and, upon their determination in such Court action, will, by separate legal procedure, be made a lien against such property and a personal obligation against any person deemed to be in violation of this chapter;
   (3) Any lewd motion picture film or lewd publication being used in conducting and maintaining such public nuisance is contraband and the subject of forfeiture; and
   (4) From and after service on the place, its manager, acting manager or person then in charge of such place, of a true and correct copy of this chapter and a true and correct copy of such Resolution, any and all moneys paid as admission price to or for the exhibition of such lewd motion picture film, and valuable consideration received for the sale of such lewd publication, and all moneys or other valuable consideration received for services rendered in such massage parlors or model studios, are a public nuisance as personal property used in conducting and maintaining such nuisance and, as such, are the subject of forfeiture; and

(g) Order that a true and correct copy of such Resolution and a true and correct copy of this chapter be delivered forthwith in any manner normally used to effect personal service of process to any person of record having any legal or equitable interest in the real property, and to the regular or acting manager or persons in charge of the place therein declared to be a public nuisance.

(Ord. 1480. Passed 4-4-77.)

672.08 FORFEITURE; COST OF ABATEMENT; MANNER OF COLLECTION.

(a) Upon judgment for the Municipality in legal proceedings brought pursuant to this chapter, an accounting shall be made by the defendant of all moneys or valuable consideration received by him which have been declared to be a public nuisance under Sections 672.03(c), 672.04(c) or 672.05(b). Such moneys or their equivalent and any valuable consideration received shall be forfeited to the General Fund of the Municipality or to the Municipality as property of the
Municipality if any valuable consideration received is not money.

(b) The cost of abatement shall include the following:
   (1) Investigative costs;
   (2) Court costs;
   (3) Reasonable attorney’s fees arising out of the preparation for and trial of the cause, appeals therefrom and other costs allowed on appeal; and
   (4) Printing costs of the trial and appellate briefs, and all other papers filed in such proceeding.

(c) Such cost of abatement is hereby made a special assessment against the parcel of land upon which such nuisance is maintained. Upon its determination in a civil action, such shall, by separate legal proceeding, be made a lien against such property and a personal obligation against any person, and shall be collected at the same time and in the same manner as ordinary Municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary Municipal taxes. All laws applicable to the levy, collection and enforcement of Municipal taxes shall be applicable to such special assessment. (Ord. 1480. Passed 4-4-77.)

672.09 ACTION TO BE TAKEN BY MUNICIPAL ATTORNEY.

Upon a specific finding by Resolution of Council of the fact that a public nuisance exists at a particular location, the Municipal Attorney shall, not later than three days after passage of such Resolution, commence legal proceedings by the filing of a civil action seeking the following relief:

(a) A declaratory judgment that the matter named by Council is lewd, as defined herein;
(b) A declaratory judgment that the matter found to be lewd is a public nuisance per se under this chapter and such Resolution;
(c) A declaratory judgment that each place named by Council is a public nuisance under this chapter and such Resolution;
(d) An accounting of all moneys paid as admission price to or for the exhibition of such lewd motion picture film, and valuable consideration received for the sale of such lewd publication, and all moneys or other valuable consideration received for services rendered in such massage parlor or model studio, from and after the time the person maintaining such nuisance receives notice of the finding by Council by Resolution that the public nuisance exists, and a judgment that such moneys or valuable considerations are a public nuisance under this chapter;
(e) An order that all admission price moneys or valuable consideration received and enumerated in the Court-ordered accounting be forfeited as contraband to the General Fund of the Municipality or as property belonging to the Municipality;
(f) An injunction enjoining and restraining any persons responsible for maintaining such nuisance from possessing or publicly exhibiting such lewd motion picture film, from selling or possessing for sale such lewd publication, or from committing acts of lewdness, assignation or prostitution at any time in the future in the Municipality, and such other injunctive relief as the Court may order.
(g) An order that all positive prints of the named lewd films and all lewd publications or copies or reproductions thereof be forfeited as contraband under this chapter;
(h) Judgment for the Municipality for all costs therein expended, including investigative costs, Court costs, reasonable attorney’s fees and such other expenses as are provided for herein; and
(i) All other relief as the Court may deem proper. (Ord. 1480. Passed 4-4-77.)
672.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 690
Weapons and Explosives

690.01 Firearms and air guns.
690.99 Penalty.

CROSS REFERENCES
Firearms and other dangerous articles - see Crimes Code Ch. 61
Sale of weapons to minors - see Crimes Code § 6302

690.01 FIREARMS AND AIR GUNS.
(a) Definitions. As used in this chapter, unless the context clearly indicates a different meaning:
   (1) Firearm means any pistol, revolver, rifle or shotgun which discharges a bullet, cartridge shell, shot or other missile propelled by the burning or explosion of gun powder.
   (2) Airgun means any gun which uses air under pressure from pumping or other means to discharge missiles through a rifled barrel at a muzzle velocity in excess of 200 feet per second.
   (3) Toy air gun means an air gun which does not contain air under high pressure from pumping or other means, but which derives its force from a spring which is set by a simple cocking operation and discharges missiles through a smooth barrel at a muzzle velocity of less than 200 feet per second.
   (4) Hunting means the hunting and shooting of any type of game, including, but not limited to, pheasant, quail, rabbit, squirrel, deer, groundhog, raccoon, etc.

(b) Firearms and Air Guns Prohibited. From and after the effective date of this chapter, no firearm or air gun shall be fired or discharged anywhere within the Municipal limits, except as hereinafter set forth.

(c) Toy Air Gun Prohibited. From and after the effective date of this chapter, no toy air gun shall be fired or discharged within the Municipal limits, except as hereinafter set forth.

(d) Hunting Prohibited. From and after the effective date of this chapter, hunting shall be prohibited within the Municipal limits.

(e) Parental Responsibility. No parent of a child who has not reached his or her eighteenth birthday shall knowingly permit such child to violate any of the provisions of this chapter.

(f) Permitted Uses. The following uses of firearms and air guns are permitted as follows:
   (1) By officers of the law in the performance of their duties;
   (2) The justifiable use of firearms to protect persons and property by persons duly authorized under the law to own or carry such firearms;
   (3) Under the supervision of duly established target ranges, rifle ranges, trap shooting ranges, etc., where the firing or discharge of all firearms, air guns and toy air guns,
and the flight of their missiles, are confined entirely to the user’s own property or the premises of another with his express consent in writing;

(4) The use of shotguns and Flobert (22) rifles in the extermination of vermin such as rats, weasels, groundhogs, foxes, etc., when discharged on the property of the user, or upon the property of others where the owner has given written consent therefor; and

(5) By those persons and under those circumstances permitted by the Act of the General Assembly of June 24, 1939 (P.L. 872), as amended, or any other law of the Commonwealth.

(Ord. 886. Passed 8-15-60.)

690.99 PENALTY.

(EDITOR’S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
692.01  DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, and words and their derivation shall have the meanings given herein:

(a) Adult. Any individual being over the age of twenty-one.

(b) Municipality. The Municipality of Penn Hills, Allegheny County, Pennsylvania, with administrative offices at 12245 Frankstown Road, Pittsburgh, Pennsylvania 15235.

(c) Minor. Any person under the age of eighteen, or, in equivalent phrasing often herein employed, any person seventeen or fewer years of age.

(d) Parent. Any person having legal custody of a minor:
   (1) As a natural or adoptive parent;
   (2) As a legal guardian;
   (3) As a person who stands in loco parentis; or
   (4) As a person to whom legal custody has been given by Order of Court.

(e) Public place. An area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether they are in motion or stationary, and buildings open to the general public including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

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

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

(h) **Time of night.** Based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Standard Daylight Savings Time, generally observed at that hour by the public in the Municipality, prima facie at the time when observed in the Municipality administrative offices and police station.

(i) **Year of age.** Continues from one birthday, such as the seventeenth, to (but not including the day of) the next, such as the eighteenth birthday, making it clear that seventeen or fewer years of age is herein treated as equivalent to the phrase "under 18 years of age".

(Ord. 2451. Passed 6-5-06.)

692.02 CURFEW FOR MINORS ESTABLISHED.

(a) It shall be unlawful for any person seventeen or fewer years of age (under age eighteen) to be or remain in or upon the streets, alleys, parks, athletic fields, business places, or any other public places within the Municipality between the hours of 10:30 p.m. and 6:00 a.m. the following day, except that on Fridays and Saturdays, the hours shall be from 11:30 p.m. to 6:00 a.m. the following days.

(b) No person, firm or corporation operating places of amusement or entertainment, or any agent, servant or employee of any person, firm or corporation shall permit any person seventeen or fewer years of age (under age eighteen) to enter or to remain in such places of amusement or entertainment during the hours prohibited under this section, unless such person is accompanied by his or her parent, guardian or other adult person having his or her care, custody or control.

(c) No person, firm or corporation operating a hotel, motel, lodging or rooming house, or any agent, servant or employee of such person, firm or corporation operating a hotel, motel, lodging or rooming house, shall permit any person seventeen or fewer years of age (under age eighteen) to visit, loiter, idle, wander or stroll in any portion of such hotel, motel, lodging or rooming house between the hours prohibited under this section, provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care, custody and control of such minor.

(Ord. 2451. Passed 6-5-06.)

692.03 EXCEPTIONS.

In the following exceptional cases, a minor on the street within the Municipality during the nocturnal hours, for which Section 692.02 is intended to provide the maximum limits of regulation and a clear general guide for minors, their parents or custodian, and their fellow citizen, shall not, however, be considered in violation of this chapter:

(a) When such minor is accompanied by a parent, guardian, or person having legal custody of such minor;

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

2007 Replacement
(c) When such minor is going directly home from a school, church, or Municipally-sponsored activity;
(d) When such minor is engaged in gainful lawful employment during the curfew hours or is traveling to or from such employment.

(Ord. 2451. Passed 6-5-06.)

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

(Ord. 2451. Passed 6-5-06.)

692.05 POLICE PROCEDURES.
(a) A police officer of the Municipality, upon finding or having attention called to any minor on the streets in violation of this chapter, normally shall take the minor to the Municipal police station, where a parent or custodian shall immediately be notified to come for such minor, whereupon they shall be questioned. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the shift commander there and then on duty, for accurate, effective, fair, impartial, and uniform enforcement in recording, thus making available experienced supervisory personnel, the best of facilities, and access to information and records. In the absence of convincing evidence, such as a driver's license, police officers on the street shall, in the first instance, use their best judgment in determining age.

(b) Police procedures may constantly be refined in the light of experience, and may provide that the police officer may deliver to a parent or custodian, a minor under appropriate circumstances, for example, a minor of tender age near home whose identity and address may be readily ascertained or are known.

(c) In any event, such police officer shall, within twenty-four hours, file a written report with the Chief of Police, or shall participate, to the extent that the information for which the officer is responsible, in the preparation, by the officer and the shift commander involved in such case, in the filing of such report within twenty-four hours.

(d) When a parent or custodian, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent or custodian. If the parent or custodian cannot be located or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that, in accordance with the police regulations, approved in advance by juvenile authorities, the minor may temporarily
2007 Replacement
be entrusted to a relative, neighbor, or other person who will, on behalf of the parent or custodian, assume the responsibility of caring for the minor pending the availability or arrival of a parent or custodian.
(Ord. 2451. Passed 6-5-06.)

692.99 PENALTY.
Any person or persons, violating the provisions of this chapter, minor or parent (or custodian), shall upon conviction thereof be sentenced to pay a fine of twenty-five dollars ($25.00) for each offense up to three offenses and a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00) plus costs of prosecution for each offense thereafter, and, in default of payment of said fine and costs to a term of imprisonment for such a period of time as may be fixed by the Magisterial District Judge, not, however exceeding thirty days for each offense.
(Ord. 2451. Passed 6-5-06.)
CODIFIED ORDINANCES OF PENN HILLS

PART EIGHT - BUSINESS REGULATION AND TAXATION CODE

TITLE TWO - Business Regulation
Chap. 808. Amusement Devices.
Chap. 810. Amusements.
Chap. 816. Cable Television Rate Regulation.
Chap. 818. Close-Out and Fire Sales.
Chap. 820. Coin-Operated Machines. (Repealed)
Chap. 826. Insurance Companies.
Chap. 835. Antique and Second Hand Dealers.
Chap. 840. Peddlers, Canvassers and Transient Merchants.
Chap. 848. Alarms and Emergency Telephone Information.
Chap. 850. Shooting Galleries.

TITLE FOUR - Taxation
Chap. 862. Earned Income Tax II. (Repealed)
Chap. 870. Occupation Privilege Tax.
Chap. 880. Real Estate Transfer Tax I.
Chap. 882. Real Estate Transfer Tax II.
Chap. 884. Mercantile License and Tax.
Chap. 888. Real Estate Tax.
Chap. 890. Regional Sales and Use Tax.
Chap. 892. Taxpayer Bill of Rights.
Chap. 894. Realty Transfer Tax.
Chap. 896. Local Services Tax.

2013 Replacement
CHAPTER 808
Amusement Devices

808.01 Short title. 808.10 License fees.
808.02 Rules of construction. 808.11 Proximity to schools.
808.03 Definitions. 808.12 License certificates.
808.04 License required. 808.13 Time for payment of fees; late payments.
808.05 Application for license. 808.14 Inspections.
808.06 Oath required. 808.15 Revocation of licenses; forfeiture of devices.
808.07 Persons ineligible for licenses. 808.16 Prohibition of suggestion or promise of non-prosecution.
808.08 Investigation of application; transfers prohibited; use of devices for gambling prohibited; acknowledgments. 808.17 Exclusions.
808.09 Illegal gambling devices not licensed. 808.18 Violations.
808.99 Penalty.

CROSS REFERENCES
Amusements - see B.R. & T. Ch. 810
Shooting galleries - see B.R. & T Ch. 850

2005 Replacement
808.01 SHORT TITLE.
This chapter shall be known as the Amusement Devices Ordinance of the Municipality.
(Ord. 2320. Passed 9-1-00.)

808.02 RULES OF CONSTRUCTION.
In the construction of this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:
(a) Words used in the singular shall include the plural, and the plural the singular.
(b) Words used in the past or present tense shall include the future tense.
(c) Words used in the masculine gender shall include the feminine and neuter.
(d) The word shall is always mandatory and is not discretionary.
(e) The headings prefixed to sections and other divisions of this chapter shall not be considered to control, but may be used to aid in the construction thereof.
(f) General words shall be construed to take their meanings and be restricted by preceding particular words.
(Ord. 2320. Passed 9-1-00.)

808.03 DEFINITIONS.
Unless the context clearly indicates otherwise, the following words and phrases, used in this chapter or in an Application for License of Amusement Devices, shall have the meaning given to them in this section:
(a) Amusement device means any mechanical and/or electronic device, including, but not limited to, a juke box, pool table, video, bowling, dart and pinball machine or apparatus whatsoever, for the purposes of playing games for amusement.
(b) Applicant means any person who seeks to obtain a license for an amusement device under this chapter.
(c) Application for license of amusement devices means the document filed by an applicant requesting a permit to possess any amusement device in the Municipality.
(d) Business establishment means any restaurant, bar, tavern, retail, manufacturing, wholesale, institutional, educational, religious, governmental or other nonresidential establishment, store or business, whether or not in operation.
(e) Illegal gambling device means any device, machine or apparatus designed and/or specifically equipped to be used for the playing of poker, blackjack, keno, bingo, slots or other casino gambling games by the insertion therein of any coin, currency, metal disc, slug or token, which has, or is designed to facilitate the ready use of, a lock-off or knockdown device or other capability for erasing or eliminating accumulated playing credits or is otherwise illegal by violating any local, State or Federal law.
(f) Juke box means any device, machine or apparatus which plays recorded music, whether by record, tape, compact disc or other means, by the insertion therein of any coin, currency, metal disc, slug or token.

(g) Municipality means the Municipality of Penn Hills.

(h) Pool table means any device or apparatus upon which is played the games of 8-ball, billiards, pool, snooker or other similar games for which a fee is charged, whether or not such device is operated through the insertion of any coin, currency, metal disc, slug or token.

(i) Proprietor means any individual, partnership or corporation who owns, leases or maintains a business establishment in which any juke box, pool table, or other amusement device is placed for the use, patronage, recreation or amusement of the public or of persons in or about the business establishment.

(j) Vendor means any individual, partnership or corporation who is the lawful owner of any juke box, pool table, video device or other amusement device for which a license is sought under this chapter, or any individual, partnership or corporation who makes, assembles, sets up, maintains, sells, lends, leases, gives away, or offers for sale, loan, lease or gift, any juke box, pool table or other amusement device for which a license is sought under this chapter.

(k) Video device means any amusement device, machine, or apparatus whose game or results are shown on a video screen for the playing of games or otherwise used for the purpose of amusement or entertainment by the insertion therein of any coin, currency, metal disc, slug or token.

(l) Mechanical and/or electronic amusement device means any amusement device, machine or apparatus operated or otherwise used for the purpose of amusement or entertainment by inserting any coin, currency, metal disc, slug or token, including, but not limited to, a pinball machine, bowling machine, pool table and dart boards.

(Ord. 2320. Passed 9-1-00.)

808.04 LICENSE REQUIRED.

No person shall at any time have in his or her possession within the boundaries of the Municipality any amusement device which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score, without having first procured a license therefor as hereinafter provided. (Ord. 2320. Passed 9-1-00.)

808.05 APPLICATION FOR LICENSE.

Any person desiring to procure a license as required in Section 808.04 shall apply therefor in writing to the Police Department. Said application shall set forth the following information:

(a) The name and residence of the vendor of each amusement device to be licensed.

(b) The name and residence of the proprietor of the business establishment in which each amusement device is to be located, used or installed;

(c) If the vendor and/or proprietor are citizens of the United States.

(d) The manufacturer, name of machine, serial number, type and fee for each amusement device, to be located on the premises, installed or used;

(e) A verification by the vendor and proprietor that the facts set forth in the application are true and correct to the vendor's and proprietor's personal knowledge, information or belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. 4904, relating to unsworn falsification to authorities;

(f) That a license does not sanction or condone the use or possession of any illegal gambling device;
(g) That any amusement device possessed or used in violation of any local, State or Federal laws may result in a criminal prosecution by law enforcement officials.
(Ord. 2320. Passed 9-1-00.)

808.06 OATH REQUIRED.
The information required in Section 808.05 shall be furnished over the signature of the applicant and shall be made under oath or affirmation.
(Ord. 2320. Passed 9-1-00.)

808.07 PERSONS INELIGIBLE FOR LICENSES.
The Police Department shall not issue a license for any amusement device to any person who:
(a) Is not a citizen of the United States;
(b) Is not at least twenty-one years of age;
(c) Has been found guilty of, or accepted Accelerated Rehabilitative Disposition for, possessing or using an amusement device in violation of any local, State or Federal laws, within five years of the date of the application.
(Ord. 2320. Passed 9-1-00.)

808.08 INVESTIGATION OF APPLICATION; TRANSFERS PROHIBITED; USE OF DEVICES FOR GAMBLING PROHIBITED; ACKNOWLEDGMENTS.
No license shall be granted until a period of seven days shall have elapsed from the date of the application, during which time the Police Department shall investigate the facts set forth in the application. No license shall be transferred unless specifically authorized in writing by the Municipality.
(a) The Police Department shall refuse to issue a license for any amusement device that the applicant has not affirmed will not be designed or intended to be used for illegal gambling purposes.
(b) A license shall not be issued unless the applicant acknowledges the following:
(1) That obtaining or displaying an amusement device license does not sanction or permit the use of any amusement device for illegal gambling purposes or possession of an illegal gambling device;
(2) That if the applicant or licensee uses or possesses an illegal gambling device, he or she may be prosecuted by law enforcement officials.
(Ord. 2320. Passed 9-1-00.)

808.09 ILLEGAL GAMBLING DEVICES NOT LICENSED.
Nothing in this chapter shall in any way be construed to authorize, license or permit any illegal gambling device whatsoever or any mechanism that has been judicially determined to be an illegal gambling device either per se or as modified or in any way contrary to law, or that may be contrary to any present or future local, State or Federal laws.
(Ord. 2320. Passed 9-1-00.)

808.10 LICENSE FEES.
After inspection has been made, if inspection was warranted, and after the application has been approved, the license required in Section 808.04 shall be issued upon the payment to the Police Department of the following annual fees per machine or device:
(a) For juke boxes installed, owned, possessed or used under the provisions of this chapter, the fee shall be fifty dollars ($50.00) for each juke box,
(b) For mechanical and/or electronic devices, the fee shall be three hundred dollars ($300.00) per device.
(c) For video devices, the fee shall be five hundred dollars ($500.00) per device.
808.11 PROXIMITY TO SCHOOLS.
No person shall place any amusement device upon any premises within 500 feet of any public, parochial or private school building.
(Ord. 2320. Passed 9-1-00.)

808.12 LICENSE CERTIFICATES.
Upon the payment of the license fee provided in Section 808.10, the Police Department, or any agent or employee of the Municipality lawfully authorized by Council to do so, shall issue a license certificate which shall set forth the number of amusement devices, games or machines permitted on the premises. The license certificate must be kept on the premises at all times and posted so that it is clearly observable to a police officer. The license certificate shall not be affixed to any amusement device. No person shall install, use or keep an amusement device or machine in excess of the number permitted on the license certificate. All license certificates shall state that the amusement device is for amusement purposes only, that it is not an illegal gambling device and that only games and not money may be won on said devices.
(Ord. 2320. Passed 9-1-00.)

808.13 TIME FOR PAYMENT OF FEES; LATE PAYMENTS.
An licenses must be obtained and a fee paid not later than January 31 for each year. A penalty of ten percent must be paid for each month after the due date the payment is not received.
(Ord. 2320. Passed 9-1-00.)

808.14 INSPECTIONS.
The Municipality or its agents may, during regular business hours, conduct inspections of any business establishment where any amusement device licensed under this chapter is located, installed, placed or used, to ensure compliance with this chapter.
(Ord. 2320. Passed 9-1-00.)

808.15 REVOCATION OF LICENSES; FORFEITURE OF DEVICES.
(a) If any applicant, vendor or proprietor falsifies any information on an Application for License of Amusement Devices, or otherwise violates any provisions of this chapter, the Municipality shall immediately revoke all licenses issued under this chapter to such applicant, vendor or proprietor and take whatever appropriate legal action is necessary.

(b) If a vendor of an amusement device or a proprietor of a business establishment is convicted of possessing or using an illegal amusement device, the Municipality shall revoke each license issued to such person, as an applicant, vendor or proprietor.

(c) Any illegal amusement device used or possessed in violation of any local, State or Federal law may be deemed contraband and forfeited in accordance with the law.
(Ord. 2320. Passed 9-1-00.)

808.16 PROHIBITION OF SUGGESTION OR PROMISE OF NON-PROSECUTION.
Because the Municipality intends to foster compliance with the laws of the Commonwealth and the United States regarding illegal possession and/or use of illegal gambling devices, no Municipal employee or agent may promise, suggest or insinuate, either expressly or by implication, that the applicant, licensee, proprietor or vendor, who illegally uses or possesses any device used or intended to be used for illegal gambling purposes, shall not be prosecuted.
(Ord. 2320. Passed 9-1-00.)
808.17 EXCLUSIONS.
This chapter shall not apply to mechanical devices that dispense tobacco, food or drink products.
(Ord. 2320. Passed 9-1-00.)

808.18 VIOLATIONS.
A violation of any of the provisions of this chapter shall be deemed a summary offense.
(Ord. 2320. Passed 9-1-00.)

808.99 PENALTY.
(EDITOR’S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 810
Amusements

810.01 License required; fee; deposit.
810.02 Use of deposit.
810.03 Indecency; disorderly conduct; gambling; schemes of chance.
810.99 Penalty.

CROSS REFERENCES
Department of Parks and Recreation - see ADM. Ch. 240
Peace disturbances - see GEN. OFF. Ch. 654
Sex offenses - see GEN. OFF. Ch. 672
Coin-operated machines - see B.R. & T. Ch. 820
Shooting galleries - see B.R. & T. Ch. 850

810.01 LICENSE REQUIRED; FEE; DEPOSIT.
No person shall operate, conduct, exhibit or perform, within the Municipality, any circus, carnival, menagerie, wild west show, gypsy exhibit or other similar exhibition, without first obtaining a license therefor from the Manager. The fee for such license shall be five dollars ($5.00) for each day or part thereof that such exhibition is to be given. Such license shall express for what purpose it is granted and the time it is to continue and shall be issued only upon payment by the applicant of the proper fee therefor, as aforesaid, and upon the deposit of fifty dollars ($50.00) by the applicant with the Manager to secure the Municipality against the cost of cleaning the public highways in the vicinity of the proposed exhibition of all rubbish and refuse caused by such exhibition.

810.02 USE OF DEPOSIT.
The deposit required by Section 810.01 shall be returned to the applicant, less the cost to the Municipality of cleaning rubbish and refuse on the highways, upon the certification by the Director of Code Enforcement to the Manager that all such rubbish and refuse has been removed or does not exist.

810.03 INDECENCY; DISORDERLY CONDUCT; GAMBLING; SCHEMES OF CHANCE.
No person shall operate, conduct, exhibit or perform within the Municipality any indecent, disorderly or blasphemous exhibition, show, entertainment or performance, or any exhibition, show, entertainment or performance at which disorderly conduct or gambling on the part of the patrons, spectators or employees is permitted, or at which any personal or real property is given or distributed, by lottery or scheme of chance, to or among any person attending or proposing to attend the same.
(Ord. 78. Passed 7-6-22.)

810.99 PENALTY
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 816
Cable Television Rate Regulation

816.01 Definitions.
816.02 Regulation of basic cable rates and service.
816.03 Initial review of basic cable rates.
816.04 Review of request for increase in basic cable rates.
816.05 Cable operator information; confidentiality.
816.06 Automatic rate adjustments.
816.07 Refunds; compliance.

CROSS REFERENCES
Contracts and purchases - see ADM. Ch. 252
Telecommunications towers and facilities - see P. & Z. 1280.05(r)

816.01 DEFINITIONS.
The following definitions shall apply:
(a) BASIC CABLE RATES. The monthly charges for a subscription to the basic service
tier and the associated equipment.
(b) BASIC SERVICE TIER. A separately available service tier to which subscription is
required for access to any other tier of service, including as a minimum, but not limited
to, all must-carry signals, all PEG channels, and all domestic television signals other
than superstations.
(c) BENCHMARK. A per channel rate of charge for cable service and associated
equipment which the FCC has determined is reasonable.
(d) CABLE ACT OF 1992. The Cable Television Consumer Protection and Competition
(e) CABLE OPERATOR. Any person or group of persons:
(1) Who provides cable service over a cable system and directly or through one or
more affiliates owns a significant interest in such a cable system; or
(2) Who otherwise controls or is responsible for, through any arrangement, the
management and operation of such a cable system.
(f) COST OF SERVICE SHOWING. A filing in which the cable operator attempts to show
the benchmark rate or the price cap is not sufficient to allow the cable operator to fully
recover the costs of providing the basic service tier and to continue to attract capital.
(g) FCC. The Federal Communications Commission.
(h) INITIAL BASIC CABLE RATES. The rates that the cable operator is charging for the
basic service tier, including charges for associated equipment, at the time the
Municipality notifies the cable operator of the Municipality’s qualification and intent to
regulate basic cable rates.
(i) PRICE CAP. The ceiling set by the FCC on future increases in basic cable rates
regulated by the Municipality, based on a formula using the GNP fixed weight price
index, reflecting general increases in the cost of doing business and changes in overall
inflation.
(j) REASONABLE RATE STANDARD. A per channel rate that is at, or below, the
benchmark or price cap level.
(Ord. 2171. Passed 3-7-94.)
816.02 REGULATION OF BASIC CABLE RATES AND SERVICE.

The Municipal Council of the Municipality of Penn Hills will regulate cable television rates and service pursuant to the Cable Act of 1992. The Municipal Manager is hereby authorized and directed to file the necessary certification and application materials with the FCC and to take all other actions required to certify the Municipality with the full authority under the Cable Television Consumer Protection and Competition Act of 1992 and to inform the Municipal Council, as necessary, on the information regarding regulation. The Municipality hereby declares that it will abide by the requirements of any and all FCC rules; that the Municipality has the legal authority and the personnel to adopt and administer these regulations; that the Municipality will provide a reasonable opportunity for the consideration of views of interested citizens; and that the cable system currently operating within the Municipality has no effective competition. The Municipality’s power to regulate cable television rates and service is not limited to the provisions of this chapter and extends to the full authority granted to it, now or in the future, under the Cable Act or any FCC rulings or regulations.

(Ord. 2171. Passed 3-7-94.)

816.03 INITIAL REVIEW OF BASIC CABLE RATES.

(a) Notice. Upon the adoption of this chapter and the certification of the Municipality by the FCC, the Municipality shall immediately notify all cable operators in the Municipality, by certified mail, return receipt requested, that the Municipality intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Act of 1992.

(b) Cable Operator Response. Within thirty days of receiving notice from the Municipality, a cable operator shall file with the Municipality its current rates for the basic service tier and associated equipment and any supporting material concerning the reasonableness of its rates for review by the Municipality in accordance with FCC regulations.

(c) Public Hearing. Before taking action on the current or proposed rate, the Municipal Council shall hold at least one public hearing at a Council meeting at which interested persons may express their views and record objections.

(d) Decisions.

(1) By formal resolution. After completion of its review of the cable operator’s proposed rates, the Municipal Council shall adopt its decision by formal resolution. The decision shall include one of the following:

A. If the proposal is within the FCC’s reasonable rate standard or is justified by a cost-of-service analysis, the Municipal Council shall approve the initial basic cable rates proposed by the cable operator; or

B. If the proposal is not within the FCC’s reasonable rate standard and the cost-of-service analysis, if any, does not justify the proposed rates, the Municipal Council shall establish initial basic cable rates that are within the FCC’s reasonable rate standard or that are justified by a cost-of-service analysis.

(2) Rollbacks and refunds. If the Municipal Council determines that the initial basic cable rates as submitted exceed the reasonable rate standard or that the cable operator’s cost-of-service showing justifies lower rates, the Municipal Council may order the rates reduced in accordance with FCC regulations. In addition, the Municipal Council may order the cable operator to pay to subscribers refunds of the excessive portion of the rates with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund
and the interest rate will be in accordance with FCC regulations as directed in the Municipal Council’s decision resolution.

(3) **Statement of reasons for decision and public notice.** If rates proposed by a cable operator are disapproved in whole or in part, or if there were objections made by other parties to the proposed rates, the resolution must state the reasons for the decision and the Municipal Council must give public notice of its decision. Public notice will be given by one advertisement.

(e) **Appeal.** The Municipal Council’s decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable Federal regulations.

(Ord. 2171. Passed 3-7-94.)

816.04 REVIEW OF REQUEST FOR INCREASE IN BASIC CABLE RATES.

(a) **Notice.** A cable operator in the Municipality who wishes to increase the rates for the basic service tier or associated equipment shall file a request with the Municipal Manager and notify all subscribers at least thirty days before the cable operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one year after the determination of the initial basic cable rates.

(b) **Public Hearing.** During the extended review period and before taking action on the requested rate increase, the Municipal Council shall hold at least one public hearing at a Council meeting in which interested persons may express their views and record objections.

(c) **Decision.** The Municipal Council’s decision concerning the requested rate increase shall be adopted by formal resolution. If a rate increase proposed by a cable operator is disapproved in whole or in part, or if objections were made by other parties to the proposed rate increase, the resolution must state the reasons for the decision. Objections may be made at the public hearing or may be submitted in writing at any time before the decision resolution is adopted.

(d) **Refunds.**

1. The Municipal Council may order refunds of subscribers’ rate payments with interest if:
   A. The Municipal Council was unable to make a decision within the extended time period for review provided by law;
   B. The cable operator implemented the rate increase at the end of the extended review period; and
   C. The Municipal Council determines that the rate increase as submitted exceeds the applicable price cap or that the cable operator failed to justify the rate increase by a cost-of-service showing, and the Municipal Council disapproves any portion of the rate increase.

2. The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the Municipal Council’s decision resolution.

(e) **Appeal.** The Municipal Council’s decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable Federal regulations.

(Ord. 2171. Passed 3-7-94.)

816.05 CABLE OPERATOR INFORMATION; CONFIDENTIALITY.

(a) **Information Required by Municipality.** The Municipality may require.
(1) In those cases when the cable operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the Municipal Council may require the cable operator to produce information in addition to that submitted, including proprietary information which shall be kept confidential in accordance with this section.

(2) In cases where initial or proposed rates comply with the reasonable rate standard, the Municipal Council may request additional information only in order to document that the cable operator's rates are in accord with the standard.

(b) Request for Confidentiality.
   (1) A cable operator submitting information to the Municipal Council may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies.
   (2) Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based.

(c) Council Action. Requests which comply with the requirements of subsection (b) hereof will be acted upon by the Municipal Council. The Municipal Council will grant the request if the cable operator presents, by a preponderance of the evidence, a case for nondisclosure consistent with applicable Federal regulations. If the request is granted, the ruling will be placed in a public file in lieu of the information withheld from public inspection.

(d) Appeal. If the Municipal Council denies the request for confidentiality, the cable operator may seek review of that decision from the FCC within five working days of the Municipal Council's decision, and the release of the information will be stayed pending review.

816.06 AUTOMATIC RATE ADJUSTMENTS.
   (a) Annual Inflation Adjustment. In accordance with FCC regulations, the cable operator may adjust its capped base per channel rate for the basic service tier annually by the final GNP-PI index.

   (b) Other External Costs.
      (1) The FCC regulations also allow the cable operator to increase its rate for the basic service tier automatically to reflect certain external cost factors to the extent that the increase in cost of those factors exceeds the GNP-PI. These factors include the retransmission consent fees, programming costs, State and local taxes applicable to the provision of cable television service, and the costs of franchise requirements. The total cost of an increase in a franchise fee may be automatically added to the base per channel rate, without regard to its relation to the GNP-PI.
      (2) For all categories of external costs other than retransmission consent and franchise fees, the starting date for measuring changes in external costs for which the basic service per channel rate may be adjusted will be the date on which the basic service tier becomes subject to regulation or February 28, 1994, whichever occurs first. The permitted per channel charge may not be adjusted for costs of retransmission consent fees or changes in those fees incurred before October 6, 1994.

   (c) Notification and Review. The cable operator shall notify the Municipality at least thirty days in advance of a rate increase based on automatic adjustment items. The Municipality shall review the increase to determine whether the item or items qualify as automatic adjustments. If the
Municipality makes no objection within thirty days of receiving notice of the increase, the increase may go into effect.  
(Ord. 2171. Passed 3-7-94.)

816.07  REFUNDS; COMPLIANCE.  
(a) Refunds. The Municipality may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:  
(1) A portion of the previously paid rates have been determined to be in excess of the permitted tier charge or above the actual cost of equipment; or  
(2) The cable operator has failed to comply with a valid rate order issued by the Municipality.  

(b) Compliance. If the cable operator fails to comply with a rate decision or refund order, the cable operator shall be subject to action in compliance with the FCC regulations.  
(Ord. 2171. Passed 3-7-94.)
CHAPTER 818
Close-Out and Fire Sales

818.01 License required.
818.02 Application procedures, enforcement, investigations and penalty.
818.03 Administration.

CROSS REFERENCES
Peddlers, canvassers and transient merchants - see B.R. & T. Ch. 840
Littering; distribution of advertising matter - see H. & S. Ch. 1840

818.01 LICENSE REQUIRED.
No person shall advertise or hold out by any means that the sale of any goods, wares or merchandise is a close-out sale, a sale of goods damaged by fire, smoke or water, or a defunct business sale, without first obtaining a license from the Code Enforcement Office to conduct such a sale.
(Ord. 1968. Passed 9-8-87.)

818.02 APPLICATION PROCEDURES, ENFORCEMENT, INVESTIGATIONS AND PENALTY.
Regulations governing application procedures, enforcement, investigation and penalties for this chapter shall be those regulations set forth in Act 217 of 1963, as amended (53 P.S. Secs. 4471-1 et seq.).
(Ord. 1968. Passed 9-8-87.)

818.03 ADMINISTRATION.
The Code Enforcement Office of the Municipality shall administer the licensing requirements of this chapter.
(Ord. 1368. Passed 9-8-87.)
(EDITOR’S NOTE: Chapter 820 was repealed by Ordinance 2320, passed September 1, 1999. See Chapter 808.)
826.01 Disposition of fire insurance proceeds.
826.99 Penalty.

CROSS REFERENCES
Department of Finance - see ADM. Ch. 230
Department of Fire Prevention - see ADM. Ch. 236
Workmen's compensation - see ADM. 252.05
Social Security - see ADM. 280.01
Life insurance - see ADM. 284.14, 284.15

826.01 DISPOSITION OF FIRE INSURANCE PROCEEDS.

(a) The purpose of this section is to deter the commission of arson and related crimes, to
discourage the abandonment of property, to prevent urban blight and deterioration and to provide a
means of collecting delinquent taxes, assessments, penalties, user charges and costs which exist
against property incurring a fire loss.

(b) No insurance company, association or exchange doing business in this Commonwealth
shall pay a claim of a name insured for fire damage to a structure located within the Municipality
where the amount recoverable for the fire loss to the structure under all policies exceeds five
thousand dollars ($5,000), unless the insurance company, association or exchange is furnished
with a certificate pursuant to subsection (c) hereof and unless there is compliance with the
procedures set forth in subsections (d) and (e) hereof.

(c) The Finance Director shall, upon the written request of the named insured specifying the
tax description of the property and the date agreed upon by the insurance company, association or
exchange and the named insured as the date of the receipt of a proof of loss of the claim, furnish the
named insured with either of the following, which shall then be supplied by the named insured to
the insurance company, association or exchange:

1. A certificate to the effect that, as of the date specified in the request, there are no
delinquent taxes, assessments, penalties or user charges against the property owed
to the Municipality, or costs incurred by the Municipality for the removal, repair or
securing of a building or other structure on the property as of the date of the
Finance Director's certificate; or

2. A certificate and bill showing the amount of delinquent taxes, assessments,
penalties and user charges against the property as of the date specified in the
request that have not been paid as of the date of the certificate, and also showing,
as of the date of the Finance Director's certificate, the amount of the total costs, if
any, certified to the Finance Director that have been incurred by the Municipality
for the removal, repair or securing of a building or other structure on the property.
For the purposes of this paragraph, the Municipality shall certify to the Finance
Director the total amount, if any, of such costs.

Upon the receipt of a certificate pursuant to paragraph (c)(1) hereof, the insurance company,
association or exchange 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 company, association or
exchange equals or exceeds sixty percent of the aggregate limits of liability on all fire policies covering the building or other structure. In the case of such a loss, the insurance company, association or exchange, the insured property owner and the Municipality shall follow the procedures set forth in subsection (d) and (e) hereof.

Upon the receipt of a certificate and bill pursuant to paragraph (c)(2) hereof, the insurance company, association or exchange shall return the bill to the Finance Director and transfer to the Finance Director an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill. The Municipality shall receive the amount and apply or credit it to payment of the items shown in the bill.

(d) When the loss agreed to between the named insured and the insurance company, association or exchange equals or exceeds sixty percent of the aggregate limits of liability on all fire policies covering the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds to the Finance Director in the aggregate one thousand dollars ($1,000) for each twenty thousand dollars ($20,000) of a claim, and each fraction of that amount; or if, at the time of a proof of loss agreed to between the named insured and the insurance company, association or exchange, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds the amount specified in the estimate. The transfer of proceeds shall be on a pro rata basis by all insurance companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the Municipality shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the Municipality shall be disbursed in accordance with the policy terms. 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 Finance Director shall return the amount of the fund in excess of the estimate to the named insured if the Municipality has not commenced to remove, repair or secure the building or other structure.

(e) Upon receipt of proceeds by the Municipality as authorized by this section, the Finance Director 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 Municipality. When transferring the funds as required in subsection (d) hereof, an insurance company, association or exchange shall provide the Municipality, with the name and address of the named insured, whereupon the Municipality shall contact the named insured, certify that the proceeds have been received by the Municipality and notify the named insured that the procedures under this subsection shall be followed. 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 Finance Director, if the Municipality has not incurred any costs for repairs, removal or securing. If the Municipality has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund. If excess funds remain, the Municipality shall transfer the remaining funds to the named insured. Nothing in this subsection shall be construed to prohibit the Municipality 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.

(f) Nothing in this section shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this section, to make the Municipality or a public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes,
unpaid removal liens or expenses other than as provided in this section.
(Ord. 2133. Passed 1-4-93.)

826.99 PENALTY.
(EDITOR’S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 830
Junk Yards

830.01 License required.
830.02 License fee; renewal.
830.03 Vehicle license required; fee.
830.04 Additional locations.
830.05 Purchases from minors or unknown and irresponsible parties prohibited.
830.06 Inspection of premises.
830.07 Inspection of vehicles.
830.08 Mandatory holding period for items received.
830.09 Rules and regulations.
830.99 Penalty.

CROSS REFERENCES
Impounding of vehicles - see TRAF. Ch. 432
Accumulations of flammable materials - see F.P. Ch. 1610

830.01 LICENSE REQUIRED.
No person shall use, maintain or operate any automobile junk yard for used and junk automobiles on any premises within the Municipality, or use, maintain and operate upon any such premises junk yards dealing in the business of buying, selling, exchanging or dealing in junk, junk parts, rope, scrap iron, lead, brass, copper and rags, and other materials commonly referred to as junk without first having obtained a license therefor from the Manager.

830.02 LICENSE FEE; RENEWAL.
The fee for the license required in Section 830.01 shall be six hundred dollars ($600.00), which shall be renewed annually on June 1 of each year.
(Ord. 1666. Passed 4-1-81; Ord. 1914. Passed 12-1-85; Ord. 2146. Passed 6-7-93.)

830.03 VEHICLE LICENSE REQUIRED; FEE.
(a) No person shall carry on the junk automobile or general junk business within the Municipality by the use of a vehicle for that purpose, whether or not the same is accompanied by one or more men, without first obtaining a license therefor from the Manager.

(b) For each and every vehicle, including tow trucks or towing machines, so used by such person in carrying on the business of buying, selling and dealing in junk automobiles or general junk, junk parts, rope, scrap iron, lead, brass, copper, rags, bones and other materials commonly referred to as junk, within the Municipality, such person shall pay a license fee of five dollars ($5.00).
(Ord. 982. Passed 4-1-63.)

830.04 ADDITIONAL LOCATIONS.
No person licensed under Section 830.01 shall, by virtue of such license, maintain more than one place of business, and the location thereof shall be specified in such license. No such licensee shall engage in such business in a place other than that for which such license is granted. If, at the effective date of this section (Ordinance 1666, passed April 1, 1981) any licensee owns, operates
and maintains more than one junk yard in the Municipality, he shall pay for each junk yard so owned, operated and maintained, a separate license fee of three hundred dollars ($300.00).
(Ord. 1666. Passed 4-1-81.)

830.05 PURCHASES FROM MINORS OR UNKNOWN AND IRRESPONSIBLE PARTIES PROHIBITED.

No person licensed under the provisions of this chapter shall receive or buy from minors or unknown and irresponsible parties, any junk automobile or junk part, scrap iron, brass, lead, tires, copper or other metals, rags, bones or other materials commonly referred to as junk.
(Ord. 982. Passed 4-1-63.)

830.06 INSPECTION OF PREMISES.

The premises of all persons licensed under the provisions of this chapter, wherever the same are situated, shall be accessible at all times to the authorized representatives of Council, such representatives to include members of the Police Force, for the purpose of examining, inquiring into and searching for any articles and materials which may be received or purchased under the provisions of this chapter, and to enforce the rules and regulations provided for in Section 830.09.
(Ord. 982. Passed 4-1-63.)

830.07 INSPECTION OF VEHICLES.

The vehicles of all persons licensed under the provisions of this chapter shall be accessible at all times, upon demand, to the authorized representatives of Council, including members of the Police Force, for the purpose of examining, inquiring into and searching for any articles and materials which may be received or purchased, or are being transported under the provisions of this chapter, as well as for sanitary purposes.
(Ord. 982. Passed 4-1-63.)

830.08 MANDATORY HOLDING PERIOD FOR ITEMS RECEIVED.

No person licensed under the provisions of this chapter shall fail to keep and retain on his premises all junk automobiles and junk parts, scrap iron, brass, lead, copper or other metals, and rags, bones and other materials commonly referred to as junk, and including tires in their original forms, shapes and conditions, for a minimum period of forty-eight hours, and no such person shall dispose of, reduce or alter such original forms, shapes or conditions until such minimum period of forty-eight hours has passed.
(Ord. 982. Passed 4-1-63.)

830.09 RULES AND REGULATIONS.

No licensee under the provisions of this chapter shall fail to comply strictly with the following rules and regulations:

(a) Dealers in Junk, Scrap Iron, Etc.

(1) Persons carrying on a general junk business shall operate trucks that are leakproof and so constructed that articles and materials within such trucks shall not blow out or be discharged upon the streets or other public ways of the Municipality.

(2) The Municipal license issued for such vehicle shall be secured in the cab of such vehicle so as to be plainly visible.

(3) Such licensees shall not interfere with the rubbish pickup conducted by the Municipal Contractor and neither they nor their agents shall sort through, examine, scatter or otherwise disturb or discard articles, refuse or other items that the residents of the Municipality have placed along their respective curb lines for pickup purposes.

(b) Automobile Junk Yards.
Licensees operating automobile junk yards shall keep their premises as neat and orderly as can reasonably be expected in a business of such nature.

In all instances where incineration is used, licensees shall strictly comply with the provisions of the regulations of the County concerning smoke control.

In any instance where incineration is used either by means of fireplaces or furnaces, or by open fireplace, such incineration shall not begin before 9:00 a.m. and shall be concluded at 5:00 p.m. In instances where fires are still burning after 5:00 p.m., licensees shall pour water on the fire or embers so that the same is reduced to cold or wet ash. In those instances where incineration is made by means of a stone or brick fireplace or furnace, a suitable grating shall be placed on top of the same so as to prevent the escape of sparks.

In the parking of used or junk automobiles, the same shall be parked entirely within the confines of the premises and no part of any automobile shall encroach upon public or private property, or on any highway, street, lane or alley, or upon the berm of streets, roads or sidewalks within the Municipality. All such used or junk automobiles shall be so parked as to eliminate any danger of slipping or being dislodged so as to move out upon adjoining public streets, roads, highways, alleys, sidewalks or upon private property. Where necessary in order to prevent used or junk automobiles from endangering the highways, streets, etc. described in this paragraph, some sort of fence or wall shall be constructed in the interest of public safety.

The authorized individuals of the Municipality, including the police, shall make periodic inspections upon the premises in the interests of public health and sanitation, and licensees shall constantly cooperate with such officials and representatives in the suppression of all vermin, particularly rats and mice.

Additional Provisions. In addition to the foregoing, Council may adopt rules and regulations which, in its judgment and considering the nature of the business being conducted, are necessary for the proper administration and enforcement of the provisions of this chapter, and particularly so in the interest of public health and safety. A copy of any such rules and regulations, as well as a copy of this chapter, shall be furnished the applicant at the time of the issuance of the license.

830.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 835
Antique and Second Hand Dealers

835.01 Definitions.

Unless the context clearly indicates otherwise, the following words and phrases used in this chapter, or in an application for license of antique or second hand dealers, shall have the meaning given to them in this section:

(a) ■Antique dealer• or ■Second hand dealer• means any person who either wholly or partly engages in or operates the trade or business of buying and selling used goods or second hand goods, including but not limited to, antiques, precious stones, metals and jewelry, tools, electrical devices, fixtures, appliances, second hand cars, automobile accessories or tires, household goods, firearms and bric-a-brac.

(b) ■Applicant• means any person who seeks to obtain a license as an antique dealer or second hand dealer under this chapter.

(c) ■Application• means the document filed by an applicant requesting a permit to engage in or operate as an antique dealer or second hand dealer.

(d) ■Goods• or ■Second hand goods• mean any articles, items or property that are purchased, salvaged, or received from any person.

(Ord. 2403. Passed 12-3-03.)

835.02 License required.

No person shall engage in or operate the business of being an antique dealer or second hand dealer without first having obtained a license from the License Officer, as designated by the Municipal Manager.

(Ord. 2403. Passed 12-3-03.)

835.03 License application.

Applicants for the license required in Section 835.02 shall file with the Police Department a sworn application in writing, on a form to be provided by the Municipality, which shall contain the following information:
(a) The complete name, permanent home address and local address of the applicant, with corresponding telephone numbers;

(b) The complete name, address and telephone number of the owner of the property where the applicant wishes to operate the antique or second hand dealer business, if different from division (a) above;

(c) The complete name, address and telephone number of the antique or second hand dealer business and a brief description of the nature of the proposed or existing business and the goods to be purchased and sold;

(d) A recent photograph of the applicant, which picture shall be no smaller than two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;

(e) The applicant's fingerprints on a noncriminal file card which may be reclaimed upon the expiration of the license;

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

(g) A verification by the applicant that the facts set forth in the application are true and correct to the applicant's personal knowledge, information or belief, and that any false statements therein are made subject to the penalties of the Pennsylvania Crimes Code, 18 Pa. C.S. § 4904, relating to sworn falsification to authorities.

(Ord. 2403. Passed 12-3-03.)

835.04 LICENSE FEE; RENEWAL.
The fee for the license required in Section 835.02 shall be two hundred fifty dollars ($250.00), which shall be renewed annually on June 1 of each year.
(Ord. 2403. Passed 12-3-03.)

835.05 ADDITIONAL LOCATIONS.
No person licensed under this chapter shall, by virtue of such license, maintain more than one place of business, and the location thereof shall be specified in such license. No such licensee shall engage in such business in a place other than that for which such license is granted. If at the effective date of this chapter any licensee owns, operates or maintains more than one antique dealer business operation in the Municipality he or she shall pay a separate license fee for each business owned, operated or maintained, pro rated until the yearly renewal date of June 1.
(Ord. 2403. Passed 12-3-03.)

835.06 RECORDS TO BE KEPT.
Every antique and second hand dealer shall keep a book legibly written in the English language at the time of acquiring goods in the course of business, which book shall contain:

(a) An accurate description of the goods purchased, including serial numbers, if available;

(b) The name and address of the person(s) selling any goods and an identification number, i.e. driver's license number, state identification card, military identification, etc.; and
835.07 PROHIBITED TRANSACTIONS.
No antique dealer or second hand dealer shall receive or purchase any goods from any person under 18 years of age, nor from any visibly intoxicated person or known thief.
(Ord. 2403. Passed 12-3-03.)

835.08 INSPECTION OF PREMISES.
The premises of all persons licensed under the provisions of this chapter, wherever the same are situated, shall be accessible at all times to the authorized representatives of Council, such representatives to include members of the Police Department, for the purpose of examining, inquiring into and searching for any goods which may be received or purchased under the provisions of this chapter and to enforce the provisions of this chapter.
(Ord. 2403. Passed 12-3-03.)

835.09 MANDATORY HOLDING PERIOD FOR ITEMS RECEIVED.
No second hand or antique dealer shall sell or dispose of in any way until 30 days after the purchase or acquisition of any of the following goods or second hand goods: antiques, jewelry, watches, old gold, platinum, silver or other precious metals, or any similar goods or things. No second hand or antiques dealer shall sell or dispose of in any way any other goods or second hand goods until seven days after purchase of the same.
(Ord. 2403. Passed 12-3-03.)

835.10 WEEKLY REPORTS TO POLICE.
Every second hand and antiques dealer shall furnish by 12:00 noon every Monday to the Chief of Police the information specified and required by Section 835.06 for the previous business week. The Chief of Police will then notify the Pittsburgh Pawn Section at the following address: Pittsburgh Police Department, Pawn Section, 202 Penn Circle West, Pittsburgh, PA 15206.
(Ord. 2403. Passed 12-3-03.)

835.11 REVOCATION FOR CONVICTION OF CERTAIN CRIMES.
(a) Any license issued pursuant to the provisions of this chapter may be revoked or suspended by the License Officer for any of the following reasons:

1. Fraud, misrepresentation or false statement contained in the license application;
2. Fraud, misrepresentation or false statement made in the course of carrying on the business;
3. Violation of any provision of this chapter or rules or regulations duly made in accordance therewith;
4. Conviction of robbery, burglary, larceny, receiving stolen goods or any other crime involving the unlawful attainment of goods or property;
(5) Conducting the business or using any vehicle, premises, machine or other device in connection therewith in an unlawful manner or in such a manner as to constitute a breach of peace or a menace to the health, safety or general welfare of the public;

(6) Obstruction of or denial of entry for authorized inspections; or

(7) Violation of any Municipal or State building or zoning laws, or rules or regulations duly made in accordance therewith.

(b) The License Officer shall revoke the license of any licensee whose license was suspended twice within any one year's period of time, and no new license or reinstatement or renewal shall be approved or issued for one year from the revocation date.

(Ord. 2403. Passed 12-3-03.)
CHAPTER 840
Peddlers, Canvassers and Transient Merchants

840.01 Definitions.
840.02 License required.
840.03 General exemptions.
840.04 License application.
840.05 Exemptions for noncommercial canvassers.
840.06 Investigation and issuance of license.
840.07 Contents of license; transferability; records and reports.
840.08 License fees.
840.09 Bond required.
840.10 Loud noises and speaking devices.
840.11 Use of streets and highways; time restrictions.
840.12 Possession and display of license.
840.99 Penalty.

CROSS REFERENCES
Pedestrians - see TRAF. Ch. 472
Trespass upon public grounds - see GEN. OFF. 660.01
Littering; distribution of advertising matter - see H. & S. Ch. 1840

840.01 DEFINITIONS.
As used in this chapter:
(a) Peddler and transient merchant mean any person, whether a resident of the Municipality or not, who goes from house to house, from place to place, from street to street, or in or along the public streets, highways or alleys within the Municipality, conveying or transporting goods, wares and merchandise, and offering or exposing the same for sale, or making sales and delivering articles, items, etc., to purchasers.
(b) Commercial canvasser means any person, whether a resident of the Municipality or not, who goes from house to house, from place to place, or from street to street, soliciting or attempting to take orders from individuals for the sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature for future delivery or for service to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.
(c) Noncommercial canvasser means any organization, society, association, corporation or individual desiring to solicit or have solicited, in its or his or her name, donations, money, property or financial assistance of any kind, or desiring to sell any item of literature, tokens or merchandise, or disseminate any type or form of information without a fee or donation, from or to persons, other than members of such organizations, upon the streets, in office buildings, by house to house canvass or in public places, for a charitable, religious, patriotic, philanthropic or political purpose.
(Ord. 1854. Passed 7-2-84.)

840.02 LICENSE REQUIRED.
No peddler, transient merchant, or commercial or noncommercial canvasser shall engage in
any such business within the Municipality without first having obtained a license therefor in compliance with the provisions of this chapter.
(Ord. 1854. Passed 7-2-84.)

840.03 GENERAL EXEMPTIONS.
The provisions of this chapter shall not apply to acts of persons selling personal property at wholesale to dealers in such articles, or to newsboys, or to the acts of merchants or their employees in delivering goods in the regular course of business, or to any farmer or truck gardener who vends, sells or disposes of, or offers to sell, vend or dispose of, the products of the farm or garden occupied and cultivated by him, or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products, or to the activities of any franchisee of the Municipality. Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court, or to prevent any person from conducting a bona fide auction sale pursuant to law.
(Ord. 1712. Passed 10-21-81.)

840.04 LICENSE APPLICATION.
Applicants for the license required in Section 840.02 shall file with the Police Department a sworn application in writing, on a form to be furnished by the Municipality, which shall contain the following information:
(a) The name and physical description of the applicant;
(b) The complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be mailed;
(c) A brief description of the nature of the business and the goods to be sold;
(d) If the applicant is employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
(e) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, and the proposed method of delivery;
(f) A recent photograph of the applicant, which picture shall be approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
(g) The applicant’s fingerprints upon a noncriminal file card which can be reclaimed upon the expiration of the license; and
(h) A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor or any violation of any municipal ordinance, other than traffic violations, and the nature of the offense and the punishment or penalty assessed therefor.
(Ord. 983. Passed 4-1-63.)

840.05 EXEMPTIONS FOR NONCOMMERCIAL CANVASSERS.
Noncommercial canvassers shall be exempt from Sections 840.04, 840.06, 840.07, 840.08 and 840.09, provided that there is filed a sworn application, in writing, on a form furnished by the Police Department, which application contains the following information:
(a) The name and purpose of the cause for which a license is sought;
(b) The name and address of the officers and directors of the organization;
(c) The period during which solicitation is to be conducted; and
(d) The names and addresses of those individuals doing solicitation and canvassing.
Upon receipt of the completed application, the Police Department shall issue a license without charge.
(Ord. 1854. Passed 7-2-84.)

840.06 INVESTIGATION AND ISSUANCE OF LICENSE.
(a) Upon receipt of each application, it shall be referred to the Director of Police, who shall immediately institute such investigation of the applicant’s business and moral character as he deems necessary for the protection of the public safety.

(b) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Director shall endorse on the application his approval and return the application to the Police Clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his or her license within seventy-two hours after it has been filed by the applicant with the Police Clerk.

(Ord. 983. Passed 4-1-63.)

840.07 CONTENTS OF LICENSE; TRANSFERABILITY; RECORDS AND REPORTS.

(a) The license required in Section 840.02 shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the expiration date, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or transient merchant shall secure an individual license.

(b) No license shall be used at any time by any person other than the one to whom it is issued.

(c) The Police Clerk shall keep a permanent record of all licenses issued and those rejected and shall also issue a monthly report to Council of such applicants and of moneys received.

(Ord. 983. Passed 4-1-63.)

840.08 LICENSE FEES.

(a) Every applicant for the license required in Section 840.02 who owns real or personal property located within the Municipality used primarily for the business for which the license application is made and which property is on the tax rolls of the Municipality, or who is an agent or representative of a person who owns property located within the Municipality used for the business for which the license application is made and which property is on the tax rolls of the Municipality, shall pay the following license fee for the use of the Municipality:

1. Three dollars ($3.00) per day;
2. Ten dollars ($10.00) per week;
3. Twenty-five dollars ($25.00) per month; and
4. One hundred dollars ($100.00) per year.

(b) Every applicant for such license who does not own real or personal property located within the Municipality used primarily for the business for which the license application is made and which property is not on the tax rolls of the Municipality shall pay the following license fee:

1. Five dollars ($5.00) per day;
2. Twenty dollars ($20.00) per week;
3. Fifty dollars ($50.00) per month; and
4. Two hundred dollars ($200.00) per year.

(c) Each and every additional peddler, canvasser or transient merchant employed by the applicant peddler, canvasser or transient merchant shall pay the following license fee for the use of the Municipality:

1. Three dollars ($3.00) per day;
2. Ten dollars ($10.00) per week;
Twenty-five dollars ($25.00) per month; and

One hundred dollars ($100.00) per year.

(d) None of the license fees provided for in this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon such commerce, he or she may apply to Council for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce.

(Ord. 983. Passed 4-1-63 ; Ord. 1750. Passed 6-16-82.)

840.09 BOND REQUIRED.

Every applicant for the license required in Section 840.02 who is not a resident of the County or who, being such resident, represents a firm whose principal place of business is located outside the State, shall file with the Police Clerk a surety bond, payable to the Municipality, in the amount of two hundred dollars ($200.00) if the license is issued for less than six months, and five hundred dollars ($500.00) if the license is issued for six months or longer, with a surety acceptable to and approved by the Director of Police, conditioned on the applicant’s full compliance with all the provisions of these Codified Ordinances and the statutes of the State regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants or itinerant vendors, as the case may be, and guaranteeing to any resident of the Municipality that all moneys paid as down payment will be accounted for and applied according to representations of the licensee and further guaranteeing to any such resident doing business with such solicitor that the property or object purchased will be delivered according to the representations of the solicitor. An action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of court in which suit is commenced, be relieved without costs of all further liability.

(Ord. 983. Passed 4-1-63.)

840.10 LOUD NOISSEs AND SPEAKING DEVICES.

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

(Ord. 983. Passed 4-1-63.)

840.11 USE OF STREETS AND HIGHWAYS; TIME RESTRICTIONS.

(a) No licensee under the provisions of this chapter shall have any exclusive right to any location in or along the public streets or highways of the Municipality, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, highways or sidewalks.

(b) No licensee, except a licensee granted a license pursuant to Section 840.05, shall solicit on Sundays, on State or Federal holidays or before 9:00 a.m. or after 6:00 p.m. on weekdays or Saturdays, prevailing time.

(c) Licensees granted licenses pursuant to Section 840.05 shall be permitted to canvass and solicit from 9:00 a.m. until 8:00 p.m., Monday through Saturday. Licensees granted licenses pursuant to Section 840.05 shall not canvass or solicit on Sundays or on State or Federal holidays.

(Ord. 1854. Passed 7-2-84.)
840.12 POSSESSION AND DISPLAY OF LICENSE.

(a) During all periods of solicitation, all licensees must have in their possession a valid license as defined in this chapter. During all periods of solicitation, all exempt members of organizations as defined in Section 840.05 must have in their possession a copy of the license issued by the Police Department to the exempt organization.

(b) All licensees under this chapter must show either their license or a copy of the license to every person or organization prior to any solicitation.

(c) No licensee under the provisions of this chapter shall fail to exhibit his or her license or a copy of a license at the request of any resident of the Municipality.
(Ord. 1854. Passed 7-2-84.)

840.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 848
Alarms and Emergency Telephone Information

EDITOR'S NOTE: This chapter, previously a codification of Ordinance 1718, passed December 16, 1981, and Ordinance 1783, passed December 15, 1982, was repealed in its entirety and re-enacted by Ordinance 2295, passed August 5, 1998.

848.01 Definitions.
848.02 Permit required; information.
848.03 Administration and enforcement.
848.04 False alarm charges.
848.05 Permit revocation or denial; appeal.
848.06 Limitation of liability.
848.07 Appeals.
848.08 Commercial or industrial businesses.
848.09 Violations.
848.99 Penalty.

CROSS REFERENCES
Arson, criminal mischief and other property destruction - see Crimes Code Ch. 33
Burglary and other criminal intrusion - see Crimes Code Ch. 35
Theft and related offenses - see Crimes Code Ch. 39
Loitering and prowling at night time - see Crimes Code • 5506
False alarms - see GEN. OFF. 654.03
Display of emergency telephone numbers - see F.P. 1610.05

848.01 DEFINITIONS.
As used in this chapter:

(a) Alarm system means a device or group of devices designed for the detection of an unauthorized entry or an attempted unauthorized entry on premises or for alerting others of the commission of any unlawful act, or both, or for the detection of fire or other health hazards, and which, when actuated, emits sound or light or transmit a signal or message, including an automatic protection device.

(b) Audible alarm system means an alarm system which causes an alarm to be sounded on the exterior of a premises in such a manner that it is intended to be heard by a person not within the premises from which it is transmitted or received.

(c) Automatic protection device means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for police, fire or emergency medical personnel response. This definition includes alarms received from private security companies. For purposes of this chapter, an automatic dialing device is deemed to be an alarm system and subject to the regulations set forth herein.

(d) Commercial building means all structures whose primary use is not a dwelling and more than fifty percent of the floor space of which is not used as a dwelling.

(e) False alarm means any signal transmitted by an alarm system or automatic protection device that alerts a municipal organization, and which is not the result of an actual or threatened emergency requiring its immediate response. False alarms shall include, but
not be limited to, negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely or accidentally activated to summon emergency medical, fire or police personnel in non-emergency situations; and alarm signals for which the actual cause is not determined.

(f) Subscriber means the user, tenant, lessee, agent, employee, resident or other entity who or which owns or is entitled to possession of any premises on which an alarm has been installed.

(g) Person means any individual, partnership, firm, association, corporation or other legal entity.

(h) Private residence means a structure that is primarily used as a dwelling.

848.02 PERMIT REQUIRED; INFORMATION.

No person shall install or maintain an automatic protection device, or an alarm system, without first obtaining an alarm permit from the Director of Police, for medical or security alarm systems, or the Fire Marshal, for fire alarm systems. Such permit shall contain the following information: the person’s name and address; the address where the alarm is installed; the type of building and use; the type of system (silent, visual, audible or fire); the manufacturer’s name and service company; whom to notify in case of emergency; and the terms and conditions of the permit.

848.03 ADMINISTRATION AND ENFORCEMENT.

(a) The Director of Police, or his or her designee, shall have the right to inspect medical and security alarm systems, and the Fire Marshal, or his or her designee, shall have the right to inspect fire alarm systems on the premises where it is installed, both prior to and subsequent to the issuance of the permit, at reasonable times, to determine whether a permit should be granted or whether it is being used in conformity with the terms and conditions of the permit and the provisions of this chapter.

(b) Subscribers shall maintain alarm systems in proper operating condition at all times.

(c) Each subscriber shall supply the Director of Police or the Fire Marshal, upon application for the permit, with the subscriber’s name, address and telephone number and the name, address and telephone number of an agent or other responsible persons designated to respond to the location from which the alarm is received when notified by the police, fire or emergency medical personnel. Thereafter, any change in the name, address or telephone number of the persons designated to respond must be immediately furnished to the Director of Police or the Fire Marshal.

(d) The persons designated by the subscriber to respond to the alarm location shall do so expeditiously, in any case not longer than one hour from the time of notification by police, fire or emergency medical personnel. An administrative fee of thirty dollars ($30.00) shall be imposed for each one-half hour thereafter until such time as the designee arrives at the location. In the event the subscriber has failed to provide or keep current the information required in subsection (c) hereof, or if notification cannot be made, due to the fault of the subscriber, the administrative fee shall be imposed from the time of attempted notification until the designated person arrives at the location.

(e) Audible alarms shall have, as part of the device, a system whereby the alarm is shut off, automatically or manually, within a maximum of thirty minutes from the time of activation.

(Ord. 2295. Passed 8-5-98.)
848.04  FALSE ALARM CHARGES.
For each false alarm received in excess of three within any calendar year a charge of fifty
dollar ($50.00) shall be made on an alarm system subscriber in a commercial building and
twenty-five dollars ($25.00) in a private dwelling. Payment of the false alarm charge is due to the
Municipality within thirty calendar days of notice of such charge. No person shall refuse to pay the
charge for answering a false alarm when imposed.
(Ord. 2295. Passed 8-5-98.)

848.05  PERMIT REVOCATION OR DENIAL; APPEAL.
The Director of Police may, upon reasonable cause, order an alarm device disconnected from
the police or fire telephone lines. Further, the Director may revoke a permit which has been issued
or prevent the issuance of a permit. The person so affected may appeal the decision of the Director,
in writing, to the Municipal Manager, within ten working days.
(Ord. 2295. Passed 8-5-98.)

848.06  LIMITATION OF LIABILITY.
The Municipality shall not be liable to any person under the provisions of this chapter for any
damage or loss which may result from a delay in response to an alarm or a delay in the
transmission of an alarm or the emergency medical, fire or police personnel leaving the location
prior to the designated person arriving, because of another emergency.
(Ord. 2295. Passed 8-5-98.)

848.07  APPEALS.
An individual charged an administration fee or a false alarm charge pursuant to this chapter
may appeal such fee or charge, in writing, to the Director of Police, for medical and/or security
alarms, and to the Fire Marshal, for fire alarms, within ten working days from receipt of notice of
such charge. The Director of Police or the Fire Marshal shall meet with the appellant and if the
Director or the Fire Marshal determines the fee or charge is unwarranted, the fee and/or charge
may be waived. An appeal from the Director or the Fire Marshal’s decision may be made, in
writing, within ten working days, to the Municipal Manager. The Manager, or his or her designee,
shall provide a hearing for the appellant and may sustain or overrule the decision of the Director or
the Fire Marshal.
(Ord. 2295. Passed 8-5-98.)

848.08  COMMERCIAL OR INDUSTRIAL BUSINESSES.
(a) Any person who owns or operates a commercial or industrial business, including, but
not limited to, retail shops, hotels, restaurants, places of amusement or entertainment, factories,
and places of public assembly or meeting, shall provide to the Director of Police the names,
addresses and telephone numbers of at least three persons designated to respond to the location in
the event of an emergency occurring outside of normal business operating hours when so
requested by emergency medical, fire or police personnel.

(b) Any change in the names, addresses or telephone numbers of the persons designated to
respond must be immediately furnished to the Director of Police.

(c) The person or persons designated to respond to the location shall do so expeditiously, in
any case not longer than one hour from the time of notification by the emergency medical, fire or
police personnel. An administrative fee of thirty dollars ($30.00) shall be imposed for each
one-half hour thereafter until such time as the designee arrives at the location. In the event the
Director of Police has not been provided with the information or change in information required in
this section, or if notification cannot be made, which is due to the fault of the person required to give the information, the administrative fee shall be imposed from the time of attempted notification until the responsible person arrives at the location.

(d) Any person charged an administrative fee hereunder shall have those rights of appeal set forth in Section 848.07.
(Ord. 2295. Passed 8-5-98.)

848.09 VIOLATIONS.
No person shall fail to comply with any of the provisions of this chapter after being notified by the Director of Police or the Fire Marshal, in writing, of such violation. Such notice shall continue in force and effect until full compliance with the provisions of this chapter. A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues after three days have been allowed for compliance.
(Ord. 2295. Passed 8-5-98.)

848.99 PENALTY.
(EDITORS NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 850
Shooting Galleries

850.01 License required.
850.02 License application.
850.03 License fee and issuance.
850.99 Penalty.

CROSS REFERENCES
Firearms and air guns - see GEN. OFF. 690.01
Amusements - see B.R. & T. Ch. 810
Coin-operated machines - see B.R. & T. Ch. 820

850.01 LICENSE REQUIRED.
No person shall build, operate or maintain within the Municipality, whether for profit or otherwise, any range, field, gallery or other place of any type or character, for the purpose of firing, discharging or shooting high powered rifles, without first having obtained a license therefor.
(Ord. 208. Passed 2-6-31.)

850.02 LICENSE APPLICATION.
Applications for the license required in Section 850.01 shall be made in writing and presented to Council. Each such application shall state the name and address of each and every person having an interest or share in the undertaking, and shall be accompanied by a draft or survey showing the exact location of the site to be so used and complete specifications as to all materials to be used and all devices to be employed.
(Ord. 208. Passed 2-6-31.)

850.03 LICENSE FEE AND ISSUANCE.
(a) The fee for the license required in Section 850.01 shall be twenty-five dollars ($25.00) per year.

(b) The issuance of such license shall be within the discretion of Council.
(Ord. 208. Passed 2-6-31.)

850.99 PENALTY.
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
TITLE FOUR - Taxation
Chap. 862. Earned Income Tax II. (Repealed)
Chap. 870. Occupation Privilege Tax.
Chap. 880. Real Estate Transfer Tax I.
Chap. 882. Real Estate Transfer Tax II.
Chap. 884. Mercantile License and Tax.
Chap. 888. Real Estate Tax.
Chap. 890. Regional Sales and Use Tax.
Chap. 892. Taxpayer Bill of Rights.
Chap. 894. Realty Transfer Tax.
Chap. 896. Local Services Tax.

CHAPTER 860
Earned Income Tax


860.01 Incorporation by reference.  860.04 Administration; powers and duties of officer.
860.02 Definitions.  860.05 Exemptions and credits.
860.03 Imposition of tax.

CROSS REFERENCES
Power to tax - see Act 511 of 12-31-65 (53 P.S. §§ 6901-6924)
Collection of delinquent accounts - see ADM. Ch. 209
Authority to contract for tax collection services - see ADM. 230.03
Registration of new residents for tax purposes - see ADM. 230.04

860.01 INCORPORATION BY REFERENCE.
Act 32 (53 P.S. §§ 6924.101 through 6924.901) and its definitions, duties, directives, rules, regulations, powers and penalties is hereby adopted by reference as if same had been set forth fully herein.
(Ord. 2536. Passed 10-3-11.)

860.02 DEFINITIONS.
The following words and phrases are included herein when used in this section shall have the meanings given to them in this section unless the context clearly indicates otherwise:

2013 Replacement
(a) "Domicile" means the place where a person lives and has a permanent home and to which the person has the intention of returning whenever 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 the person to adopt some other permanent home. In the case of a business, domicile is that place considered as the center of business affairs and the place where its functions are discharged.

(b) "Earned income" means the compensation as required to be reported to or as determined by the Department of Revenue under section 303[fn2] of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971, and rules and regulations promulgated under that section. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code of 1971 shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

(c) "Net profits" means the net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Department of Revenue under section 303 of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971, and rules and regulations promulgated under that section.

(d) "Nonresident" means a person or business domiciled outside the political subdivision levying the tax.

(e) "Resident" means a person or business domiciled in the political subdivision levying the tax.

(f) "Tax Collection Committee (TCC)" is the Southeast Tax Collection Committee established to govern this tax collection district for the purpose of income tax collection.

(g) "Tax Collection District (TCD)" is the Southeast Tax Collection District as established under section 504 of Act 32.

(h) "Tax officer/tax collector" is the agency engaged to administer and collect earned income taxes for this tax collection district. Unless otherwise specifically provided, for purposes of the obligations of an employer, the term shall mean the tax officer for the tax collection district within which the employer is located, or, if an employer maintains workplaces in more than one district, the tax officer for each such district with respect to employees principally employed therein.

In addition to the above definitions, this section incorporates by reference those words, phrases and definitions as listed in Act 32 (53 P.S. §§ 6924.101 through 6924.901).

(Ord. 2536. Passed 10-3-11.)

860.03 IMPOSITION OF TAX.

(a) Resident Tax. A tax at the rate of 1.75 percent is hereby levied on all earned income and net profits, as defined by Act 32, on residents of Penn Hills. This includes .5 percent for the Penn Hills School District and 1.25 percent for the Municipality of Penn Hills.

2013 Replacement
(b) **Nonresident Tax.** A tax at the rate of 1.0 percent is hereby levied on all earned income and net profits earned by nonresidents for work done or services performed or rendered in the Municipality of Penn Hills.

(c) All changes shall remain in effect on a calendar year basis without annual reenactment unless the rate of tax is subsequently changed.

(Ord. 2536. Passed 10-3-11.)

860.04 **ADMINISTRATION; POWERS AND DUTIES OF OFFICER.**

The collection and administration of the tax provided for in this chapter shall be performed by the tax officer appointed by the Tax Collection Committee. Said tax officer shall receive compensation for services and expenses as determined by agreement between the TCC and the tax officer. The tax officer shall have the powers as provided for by the Local Tax Enabling Act.

(Ord. 2536. Passed 10-3-11.)

860.05 **EXEMPTIONS AND CREDITS.**

No exemptions or credits based on age or income, or any other conditions are granted by this chapter. Nothing in this chapter is intended to preclude or inhibit any credit or exemption imposed by act of law or regulation.

(Ord. 2536. Passed 10-3-11.)
CHAPTER 862
Earned Income Tax II (Repealed)


Chapter 862 was repealed in its entirety by Ordinance 2536, passed October 3, 2011. See Chapter 860 for Earned Income Tax rules and regulations.

[Chapter 870 begins on Page 39]
CHAPTER 870
Occupation Privilege Tax

EDITOR'S NOTE: Resolution 52-1980, passed July 2, 1980, adopted rules and regulations governing the collection and administration of the Occupation Privilege Tax. Copies of such rules and regulations are available, at cost, from the Manager.


870.01 Short title. 870.07 Nonresident taxpayers.
870.02 Definitions. 870.08 Administration and enforcement.
870.03 Levy and Exemptions. 870.09 Collection and refunds.
870.04 Collection through employers. 870.095 Collection of taxes by suit.
870.05 Direct payment by taxpayers. 870.10 Application of chapter.
870.06 Individuals engaged in more than one occupation. 870.99 Penalty.

CROSS REFERENCES
Power to tax - see Act 511 of 12-31-65 (53 P. S. § 69016924).
Authority to contract for tax collection services - see ADM. 230.03
Registration of new residents for tax purposes - see ADM. 230.04

870.01 SHORT TITLE.
This chapter shall be known and may be cited as the Occupation Privilege Tax Ordinance or just the Occupation Privilege Tax.
(Ord. 1353. Passed 11-6-72.)

870.02 DEFINITIONS.
As used in this chapter, unless the context indicates clearly a different meaning:
(a) Municipality means the Municipality of Penn Hills.
(b) Income from all sources or compensation means salaries, wages, commissions, tips, bonuses, fees, gross receipts or any other earned income.
(c) Employer means any person, partnership, limited partnership, unincorporated association, institution, trust, corporation, governmental agency or any other body engaged in business or situated in the Municipality, employing one or more employees engaged in any occupation, other than domestic servants.
(d) Occupation means any livelihood, job, trade, profession, business or enterprise of any kind, including services, domestic or other, for which any compensation or income is received.
(e) Tax means the tax imposed by this chapter.
(f) Taxpayer means any natural person liable for the tax levied by this chapter.
(g) Tax Collector means the Pennsylvania Municipal Service Company or any other person or agency appointed by Council to collect the Occupation Privilege Tax imposed by this chapter.

(Ord. 1353. Passed 11-6-72.)

870.03 LEVY AND EXEMPTIONS.
For general revenue purposes, a tax in the amount of ten dollars ($10.00) is hereby levied upon the privilege of engaging in an occupation within the Municipality for the year commencing January 1, 1972, through December 31, 1972, and each subsequent year. However, any person deriving less than seven thousand dollars ($7,000) per year from such occupation shall be exempt from such tax.

(Ord. 1353. Passed 11-6-72; Ord. 2445. Passed 12-19-05.)

870.04 COLLECTION THROUGH EMPLOYERS.
(a) Every employer not registered under the provisions of Chapter 860 shall, within fifteen days after the effective date of this section (Ordinance 1433, passed October 6, 1975) or within fifteen days after first becoming an employer, register with the Tax Collector the employer’s name, address and such other information as the Collector may require.

(b) Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to him by the Collector.

(c) (EDITOR’S NOTE: Subsection (c) hereof was repealed by Ordinance 1620, passed June 4, 1980.)

(d) For the purpose of collection through employers as to each taxpayer employed for any length of time on or before January 1 of the calendar year for which the tax is imposed, each employer shall deduct the tax from compensation payable to the taxpayer, file a return on a form prescribed by the Collector and pay the Collector the full amount of all such taxes on or before February 15 of the calendar year. As to each taxpayer for whom no prior deduction has been made, who is employed for any length of time in any of the three-month periods ending March 31, June 30, September 30 and December 31 of each year, each employer shall deduct the tax from compensation payable to the taxpayer, file a return on a form prescribed by the Collector and pay to the Collector the full amount of all taxes deducted for each such three-month period on or before April 15, July 15 or October 15 of the calendar year, and January 15 of the ensuing year.

(e) Any employer who discontinues business or ceases operation during the fiscal year, shall, within fifteen days after discontinuing business or ceasing operation, file his return and pay over the tax if he has not already done so.

(f) Each employer is hereby authorized to deduct this tax from each employee. The failure of any employer to deduct the tax shall not relieve the employee from the duty to
file a return and pay the tax. An employer who fails to deduct the tax or who fails to pay it over shall be liable for such tax in full, as though the tax had originally been levied against such employer.
(Ord. 1433. Passed 10-6-75.)

870.05 DIRECT PAYMENT BY TAXPAYERS.
Every taxpayer who is self-employed or whose tax for any reason is not collected under Section 870.04 shall file a return on a form prescribed by the Tax Collector and shall pay the tax directly to the Collector. Each such taxpayer who first becomes subject to the tax on or before January 1 of any calendar year shall file the return and pay the tax on or before February 15 of the calendar year. Each such taxpayer who first becomes subject to the tax after January 1 of any calendar year shall file the return and pay the tax on or before April 15, July 15 or October 15 of the calendar year and February 15 of the ensuing year, whichever of such payment dates first occurs at least thirty days after the taxpayer first becomes subject to the tax.
(Ord. 1433. Passed 10-6-75.)

870.06 INDIVIDUALS ENGAGED IN MORE THAN ONE OCCUPATION.
Every individual shall be subject to the payment of the tax on his principal occupation and his principal employer shall deduct the tax. Evidence of the deduction must be furnished to the secondary employer who shall not make any additional deduction, but must notify the Tax Collector of the employee’s name, address, account number and original deduction.
(Ord. 1353. Passed 11-6-72.)

870.07 NONRESIDENT TAXPAYERS.
Both resident and nonresident taxpayers shall, by virtue of engaging in an occupation within the Municipality, be subject to the tax. Any individual engaged in an occupation within the Municipality, and an employee of a nonresident employer, shall, for the purpose of this chapter, be considered a self-employed individual and subject to the tax.
(Ord. 1353. Passed 11-6-72.)

870.08 ADMINISTRATION AND ENFORCEMENT.
(a) The Tax Collector shall accept, and receive payment of this tax and keep a record thereof showing the amount received from each employer and self-employed individual together with the date received. The Collector shall make reports and accountings to Council monthly.

(b) The Collector shall prescribe and issue all forms necessary for the administration of the tax.

(c) Council may adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration of this chapter, including, but not limited to, refunds, examinations, corrections and investigations of returns. No person shall violate or fail to comply with such regulations.

(d) The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return or to ascertain the tax due if no return is made.
(Ord. 1353. Passed 11-6-72.)

870.09 COLLECTION AND REFUNDS.
The Tax Collector shall collect, by suit or otherwise, all taxes, interest, costs, fines, surcharges and penalties due under this chapter and unpaid. If, for any reason, any tax is not paid
when due, interest at the rate of six percent per year on the amount of unpaid tax and an additional surcharge of one-half of one percent of the amount of unpaid tax for each month or fraction of a month during which the tax remains unpaid, shall be added and collected. Whenever suit is brought for the recovery of unpaid tax, the taxpayer shall, in addition, be liable for the costs of collection as well as for interest, surcharges and penalties. The Collector may accept payment under protest of the tax claimed by the Municipality in any case where any person disputes the Municipality's claim for tax. If a court of competent jurisdiction thereafter decides that there has been overpayment to the Collector, the Collector shall refund the amount of the overpayment to the person who paid under protest.
(Ord. 1353. Passed 11-6-72.)

870.095 COLLECTION OF TAXES BY SUIT.
Council hereby authorizes the Municipal Attorney's office to utilize assumpsit lawsuits for the collection of delinquent occupation privilege taxes when such suits are deemed appropriate.
(Res. 91-021. Passed 3-4-91.)

870.10 APPLICATION OF CHAPTER.
The provisions of this chapter shall not apply to any subject of tax or person not within the taxing power of the Municipality under the Constitution of the United States and the Constitution and laws of the Commonwealth.
(Ord. 1353. Passed 11-6-72.)

870.99 PENALTY.
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 880
Realty Transfer Tax I

EDITOR'S NOTE: This chapter, previously titled Real Estate Transfer Tax I and being a codification of Ordinance 1210, passed November 18, 1968, and new matter, was repealed and re-enacted in its entirety by Ordinance 1999, passed April 4, 1987.

880.01 Short title.
880.02 Authority to tax.
880.03 Definitions.
880.04 Imposition of tax; interest.
880.05 Exception for governmental bodies.
880.06 Excluded transactions.
880.07 Documents relating to associations or corporations.
880.08 Acquired companies.
880.09 Tax credits.
880.10 Extensions of leases.
880.11 Disposition of proceeds of judicial sales.
880.12 Collection of tax; duties of Recorder of Deeds.
880.13 Statements of value.
880.14 Underpayments; failure to record declarations.
880.15 Prohibited acts.
880.16 Unpaid taxes as liens.
880.17 Recoverability of tax.
880.18 Regulations.
880.19 Effective period of chapter and tax.
880.99 Penalty.

CROSS REFERENCES
Real property appraisals - see CHTR. Art. IX, 5
Authority to enact - see Act No. 511 of 1965, 2; Act 77 of 1986, 8101-D
Annual re-enactment unnecessary - see Act No. 511 of 1965, 4
Limitation on rate - see Act No. 511 of 1965, 8(5)
Authority to contract for tax collection services - see ADM. 230.03
Registration of new residents for tax purposes - see ADM. 230.04

880.01 SHORT TITLE.
This chapter shall be known and may be cited as the Realty Transfer Tax Ordinance I of Penn Hills or just the reality transfer tax I.
(Ord. 1999. Passed 4-4-87.)

880.02 AUTHORITY TO TAX.
A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Municipality, regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place, as authorized by Article XI-D, Local Real Estate Transfer Tax, 72 P.S. Sections 8101-D et seq., and the Home Rule and Optional Plans Law, 53 P.S. Sections 1-101 et seq.
(Ord. 1999. Passed 4-4-87.)
DEFINITIONS.
As used in this chapter:

(a) **Association** means 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.

(b) **Corporation** means a corporation, joint-stock association, business trust or banking institution which is organized under the laws of the Commonwealth, the United States or any other state, territory, foreign country or dependency.

(c) **Document** means 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 until any cancellation thereof, unless the consideration is payable over a period of time exceeding thirty years; or instruments which solely grant, vest or confirm a public utility easement. **Document** also includes a declaration of acquisition required to be presented for recording under Section 880.08.

(d) **Family farm corporation** means a corporation, at least seventy-five percent of the assets of which are devoted to the business of agriculture and at least seventy-five percent of each class of stock of which is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

1. Recreational activities, including, but not limited to, hunting, fishing, camping, skiing, show competition or racing;
2. The raising, breeding or training of game animals, game birds, fish, cats, dogs, pets or animals intended for use in sporting or recreational activities;
3. Fur farming;
4. Stockyard and slaughterhouse operations; or
5. Manufacturing or processing operations of any kind.

(e) **Members of the same family** means any individual, such individual’s brothers and sisters, the brothers and sisters of such individual’s parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

(f) **Municipality** means the Municipality of Penn Hills.

(g) **Person** means every natural person, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, **person** as applied to associations, includes the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

(h) **Real estate** means:

1. All lands, tenements or hereditaments within the Municipality, including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interests which, by custom, usage or law, pass with a conveyance or land, but excluding permanently attached machinery and equipment in an industrial plant;
2. Condominium units; or
3. A tenant-stockholder’s interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

(i) **Real estate company** means a corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, and in which ninety percent or more of the ownership interest is held by thirty-five or fewer persons, and which:
(1) Derives sixty percent or more of its annual gross receipts from the ownership or disposition of real estate; or

(2) Holds real estate, the value of which comprises ninety percent 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.

(j) **Title to real estate** means:

(1) Any interest in real estate which endures for a period of time, the termination of which interest is not fixed or ascertained by a specific number of years, including, without limitation, an estate in fee simple, a life estate or a perpetual leasehold; or

(2) Any interest in real estate enduring for a fixed period of years, but which interest, 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 approximately those of an estate in fee simple, a life estate or a perpetual leasehold, including, without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty years or more, or a leasehold interest or possessory interest in real estate in which the lessee has equity.

(k) **Transaction** means the making, executing, delivering, accepting or presenting for recording of a document.

(l) **Value** means:

(1) In the case of any bona fide sale of real estate at arm’s length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed; and ground rents, or a commensurate part thereof, where such liens or other encumbrances and ground rents also encumber or are charged against other real estate, provided that where such documents 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;

(2) In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, -a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations;

(3) In the case of an easement or other interest in real estate, the value of which is not determinable under paragraph (l)(1) or (2) hereof, the actual monetary worth of such interest; or

(4) 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 or the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

(Ord. 1999. Passed 4-4-87.)

880.04 IMPOSITION OF TAX; INTEREST.

(a) Every person who makes, executes, delivers, accepts or presents for recording any document, or in whose behalf any document is made, executed, delivered, accepted or presented
for recording, shall be subject to pay, for and in respect to the transaction or any part thereof, a tax at the rate of one percent 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 thirty days of acceptance of such document, or within thirty days of becoming an acquired company, provided, however, that it shall be the duty of the grantee or grantees named in the document to ascertain that the tax has been paid by the grantor or grantors before accepting delivery of such document, and provided, further, that if such grantee or grantees accept delivery of a document which does not reflect any official stamp or writing that the tax has been paid, then the grantee or grantees shall become jointly liable with the grantor or grantors for the payment of such tax.

(b) The payment of the tax imposed in this chapter shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds whereon the date of the payment of the tax, the amount of the tax and the signature of the collecting agent shall be set forth.

(c) It is the intent of this chapter that the entire burden of such tax on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, being the Act of December 31, 1965, P.L. 1257, 53 P. S. Sections 6901 et seq., as amended, so that if any other political subdivision has imposed or hereafter imposes such tax on the same person or transfer, then the tax levied by the Municipality under the authority of such Act shall, during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half of the rate, and such one-half rate shall become effective without any action on the part of the Municipality, provided, however, that the Municipality and any other political subdivision which imposes such tax on the same person or transfer may agree that instead of limiting their respective rates to one-half of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.

(d) If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due shall be added and collected.

880.05 EXCEPTION FOR GOVERNMENTAL BODIES.
The United States, the Commonwealth and all of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this chapter. However, the exemption of such governmental bodies shall not relieve any other party to a transaction from liability for the tax.

880.06 EXCLUDED TRANSACTIONS.
The tax imposed in Section 880.04 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 by deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation, which reconveyance may include property fine adjustments, provided that such reconveyance is made within one year from the date of condemnation;

(b) A document which the Municipality 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 a sheriff sale or tax claim bureau sale;

(d) A transfer, for no actual consideration or for 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 actual consideration or for nominal actual consideration, of property, passed by testate or intestate succession and held by co-tenants, provided, however, that if any party takes shares greater in value than his or her 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 that the property or interest therein subject to such transfer was acquired by the husband and wife or by the 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 brother or sister or the spouse of a brother or sister; and between 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 actual consideration or for nominal actual consideration, of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir;

(h) A transfer, for no actual consideration or for nominal actual consideration, to a trustee of an ordinary trust, where the transfer of the same property would be exempt if the transfer were made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named, except that 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 actual consideration or for nominal actual consideration, from a trustee to a beneficiary of an ordinary trust;

(j) A transfer, for no actual consideration or for nominal actual consideration, from a trustee to a successor trustee;

(k) A transfer, for no actual consideration or for nominal actual consideration, between a principal and agent or straw party, or from or to an agent or straw party where, if the agent or straw party were his or her principal, no tax would be imposed under this chapter, provided that 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 or her principal, there is a rebuttable presumption that the property is the property of the grantee in his or her individual capacity if the grantee claims an exemption from taxation under this subsection;

(l) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Municipality reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this chapter;

(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 or her 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 the grantee directly uses such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing,
research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture, and if 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 Section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. Section 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 seventy-five 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 one dollar ($1.00) or less; and

(v) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

In order to exercise any exclusion provided in this section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this chapter.

(Ord. 1999. Passed 4-4-87.)

880.07 DOCUMENTS RELATING TO ASSOCIATIONS OR CORPORATIONS.

Except as otherwise provided in Section 880.06, 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 section, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

(Ord. 1999. Passed 4-4-87.)

880.08 ACQUIRED COMPANIES.

(a) A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company, and if the change, by itself or together with prior changes, has the effect of transferring, directly or indirectly, ninety percent or more of the total ownership interest in the company within three years.

(b) With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation, or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this chapter.

(c) Within thirty days after becoming an acquired company, such company shall present a declaration of acquisition to the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real
estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.
(Ord. 1999. Passed 4-4-87.)

880.09 TAX CREDITS.
(a) Where there is a transfer of residential property by a licensed real estate broker, which property was transferred to him or her 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 or her shall be given to him or her toward the amount of the tax due upon the transfer.

(b) Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

(c) Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given to the grantor toward the tax due upon the transfer.

(d) Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given to the grantor toward the tax due upon the deed.

(e) If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carry-over credit shall be allowed.
(Ord. 1999. Passed 4-4-87.)

880.10 EXTENSIONS OF CEASES.
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. 1999. Passed 4-4-87.)

880.11 DISPOSITION OF PROCEEDS OF JUDICIAL SALES.
The tax imposed in this chapter shall be fully paid and shall have priority out of the proceeds of any judicial sale of real estate before payment of any other obligation, claim, lien, judgment, estate or cost of the sale, and of the writ upon which the sale is made, except the State realty transfer tax. The sheriff or other officer conducting such sale shall pay the tax out of the first moneys paid to him or her in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax, the purchaser shall be liable for the remaining tax.
(Ord. 1999. Passed 4-4-87.)

880.12 COLLECTION OF TAX; DUTIES OF RECORDER OF DEEDS.
(a) As provided in 16 P.S. Section 11011-6, as amended by the Act of July 7, 1983 (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Municipality based on a redetermination of the amount of tax due by the Commonwealth of the Pennsylvania realty transfer tax, without compensation from the Municipality.

(b) In order to ascertain the amount of taxes due when the property is located in more than
one political subdivision, the Recorder shall not accept a deed for recording, unless it is accompanied by a statement of value showing what taxes are due each municipality.

(c) On or before the tenth day of each month, the Recorder shall pay over to the Township all local realty transfer taxes collected, less two percent for use of the County, together with a report containing the information as is required by the Commonwealth in reporting collections of the Pennsylvania realty transfer tax. The two percent commission shall be paid to the County.

(d) Upon a redetermination of the amount of realty transfer tax due by the Commonwealth, the Recorder shall re-record the deed or record the additional realty transfer tax form only when both the State and local amounts and a re-recording or recording fee has been tendered.

(Ord. 1999. Passed 4-4-87.)

880.13 STATEMENTS OF VALUE.
Every document lodged with or presented to the Recorder of Deeds for recording shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction, showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this chapter. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. This section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of each document and a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this chapter.

(Ord. 1999. Passed 4-4-87.)

880.14 UNDERPAYMENTS: FAILURE TO RECORD DECLARATIONS.
(a) If any part of any underpayment of tax imposed by this chapter is due to fraud, there shall be added to the tax an amount equal to fifty percent of the underpayment.

(b) In the case of failure to record a declaration required under this chapter on the date prescribed therefor, or for any other reason the tax is not paid when due, there shall be added to the tax five percent of the amount of such tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which such failure continues, not exceeding fifty percent in the aggregate.

(c) Where suit is brought for the recovery of the tax, the persons liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

(Ord. 1999. Passed 4-4-87.)

880.15 PROHIBITED ACTS.
No person shall:
(a) Accept or present for recording or cause to be accepted or presented for recording any document without the full amount of the tax thereon being duly paid;
(b) Make use of any documentary stamp to denote payment of any tax imposed by this chapter, or as prescribed by the Manager, without canceling such stamp as required by this chapter or as prescribed by the County Recorder of Deeds;
(c) Fail, neglect or refuse to comply with or violate the rules and regulations prescribed, adopted and promulgated by the Municipal Manager under the provisions of Section 880.18;
(d) Fraudulently cut, tear or remove from a document any documentary stamp;
(e) Fraudulently affix to any document upon which a tax is imposed by this chapter any documentary stamp which has been cut, torn or removed from any other document upon which tax is imposed by this chapter, or any documentary stamp of insufficient value, or any forged or counterfeited stamp, or any impression of any forged or counterfeited stamp, die, plate or other article;
(f) Willfully remove or alter the cancellation marks of any documentary stamp, or restore any such documentary stamp, with intent to use or cause the same to be used after it has already been used, or knowingly buy, sell, offer for sale or give away any such altered or restored stamp to any person for use, or knowingly use the same;
(g) Knowingly have in his or her possession any altered or restored documentary stamp which has been removed from any document upon which tax is imposed by this chapter (the possession of such stamps shall be prima-facie evidence of an intent to violate the provisions of this chapter);
(h) Knowingly or willfully prepare, keep, sell, offer for sale or have in his or her possession any forged or counterfeited documentary stamps;
(i) Make a false statement of value or declaration of acquisition, when he or she does not believe the statement or declaration to be true;
(j) Fail to pay the tax imposed by this chapter; or
(k) Fail, neglect or refuse to comply with, or violate, the rules and regulations prescribed, adopted and promulgated by the Manager under authority of this chapter.
(Ord. 1999. Passed 4-4-87.)

880.16 UNPAID TAXES AS LIENS.
The tax imposed by this chapter shall become a lien upon the lands, tenements or hereditaments, or any interest therein, lying or situated, wholly or in part, within the Municipality, which lands, tenements or hereditaments or interests therein, are described in, conveyed by or transferred by the document which is the subject of the tax imposed, assessed and levied by this chapter. Such lien shall begin at the time the tax under this chapter is due and payable, and shall continue until discharge by payment or in accordance with law. The Solicitor or his or her designee is hereby authorized to file a Municipal or tax claim in the County Court of Common Pleas, in accordance with the Municipal Claims and Liens Act of 1923, 53 P.S. Sections 7101 et seq., its supplements and amendments.
(Ord. 1999. Passed 4-4-87.)

880.17 RECOVERABILITY OF TAX.
In addition to other remedies now or hereafter provided by law, all taxes imposed by this chapter, together with interest, surcharges, costs of collection and penalties due thereon, shall be recoverable as other debts of like character are recovered in the name of the Municipality.
(Ord. 1999. Passed 4-4-87.)

880.18 REGULATIONS.
The Municipal Manager is hereby charged with the enforcement and collection of the tax imposed by this chapter and is hereby authorized to promulgate and enforce reasonable regulations for such enforcement and collection. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. Secs. 8101-C et seq. are hereby incorporated into and made a part of this chapter.
(Ord. 1999. Passed 4-4-87.)

880.19 EFFECTIVE PERIOD OF CHAPTER AND TAX.
This chapter and the tax levied hereunder shall continue in full force and effect for the tax
year 1987 and each year thereafter without annual re-enactment. All dates referred to herein shall be applicable to each succeeding year.
(Ord. 1999. Passed 4-4-87.)

880.99 PENALTY.
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 882
Realty Transfer Tax II

EDITOR'S NOTE: This chapter, previously titled Real Estate Transfer Tax II and being a codification of Ordinance 1557, passed January 22, 1979, was repealed and re-enacted in its entirety by Ordinance 2000, passed April 4, 1987.

882.01 Short title.
882.02 Authority to tax.
882.03 Definitions.
882.04 Imposition of tax; interest.
882.05 Exception for governmental bodies.
882.06 Excluded transactions.
882.07 Documents relating to associations or corporations.
882.08 Acquired companies.
882.09 Tax credits.
882.10 Extensions of leases.
882.11 Disposition of proceeds of judicial sales.
882.13 Statements of value.
882.14 Underpayments; failure to record declarations.
882.15 Prohibited acts.
882.16 Unpaid taxes as liens.
882.17 Recoverability of tax.
882.18 Regulations.
882.19 Effective period of chapter and tax.
882.99 Penalty.

CROSS REFERENCES
Real property appraisals - see CHTR. Art. IX, § 5
Authority to enact - see Act No. 511 of 1965, § 2; Act 77 of 1986, § 8101-D
Annual re-enactment unnecessary - see Act No. 511 of 1965, § 4
Limitation on rate - see Act No. 511 of 1965, § 8(5)
Authority to contract for tax collection services - see ADM. 230.03
Registration of new residents for tax purposes - see ADM. 230.04

882.01 SHORT TITLE.
This chapter shall be known and may be cited as the Realty Transfer Tax Ordinance II of Penn Hills or just the realty transfer tax II.
(Ord. 2000. Passed 4-4-87.)

882.02 AUTHORITY TO TAX.
A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Municipality, regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place, as authorized by Article XI-C, Realty Transfer Tax, 72 P.S. Sections 8101-C to 8113-C, and the Home Rule and Optional Plans Law, 53 P.S. Sections 1-101 et seq., and the authority granted in Article II, Section 1, of the Municipal Charter, as amended.
(Ord. 2000. Passed 4-4-87.)
882.03   DEFINITIONS.

As used in this chapter:

(a) **Association** means 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.

(b) **Corporation** means a corporation, joint-stock association, business trust or banking institution which is organized under the laws of the Commonwealth, the United States or any other state, territory, foreign country or dependency.

(c) **Document** means any deed, instrument or writing which conveys, transfers, demises or vests title to real estate, or 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 until any cancellation thereof, unless the consideration is payable over a period of time exceeding thirty years; or instruments which solely grant, vest or confirm a public utility easement. **Document** also includes a declaration of acquisition required to be presented for recording under Section 882.08.

(d) **Family farm corporation** means a corporation, at least seventy-five percent of the assets of which are devoted to the business of agriculture and at least seventy-five percent of each class of stock of which is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

1. Recreational activities, including, but not limited to, hunting, fishing, camping, skiing, show competition or racing;
2. The raising, breeding or training of game animals, game birds, fish, cats, dogs, pets or animals intended for use in sporting or recreational activities;
3. Fur farming;
4. Stockyard and slaughterhouse operations; or
5. Manufacturing or processing operations of any kind.

(e) **Members of the same family** means any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

(f) **Municipality** means the Municipality of Penn Hills.

(g) **Person** means every natural person, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, **person** as applied to associations, includes the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

(h) **Real estate** means:

1. All lands, tenements or hereditaments within the Municipality, including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interests which, by custom, usage or law, pass with a conveyance or land, but excluding permanently attached machinery and equipment in an industrial plant;
2. Condominium units; or
3. A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

(i) **Real estate company** means a corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, and in which ninety percent or
more of the interest is held by thirty-five or fewer persons, and which:

(1) Derives sixty percent or more of its annual gross receipts from the ownership or disposition of real estate; or

(2) Holds real estate, the value of which comprises ninety percent 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.

(j) "Title to real estate" means:

(1) Any interest in real estate which endures for a period of time, the termination of which interest is not fixed or ascertained by a specific number of years, including, without limitation, an estate in fee simple, a life estate or a perpetual leasehold; or

(2) Any interest in real estate enduring for a fixed period of years, but which interest, 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 approximately those of an estate in fee simple, a life estate or a perpetual leasehold, including, without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty years or more, or a leasehold interest or possessory interest in real estate in which the lessee has equity.

(k) "Transaction" means the making, executing, delivering, accepting or presenting for recording of a document.

(l) "Value" means:

(1) In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed; and ground rents, or a commensurate part thereof, where such liens or other encumbrances and ground rents also encumber or are charged against other real estate, provided that where such documents 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;

(2) In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculation;

(3) In the case of an easement or other interest in real estate, the value of which is not determinable under paragraph (l)(1) or (2) hereof, the actual monetary worth of such interest; or

(4) 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 or the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

(Ord. 2000. Passed 4-4-87.)

882.04 IMPOSITION OF TAX; INTEREST.

(a) Every person who makes, executes, delivers, accepts or presents for recording any
document, or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay, for and in respect to the transaction or any part thereof, a tax at the rate of one percent 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 thirty days of acceptance of such document, or within thirty days of becoming an acquired company, provided, however, that it shall be the duty of the grantee or grantees named in the document to ascertain that the tax has been paid by the grantor or grantors before accepting delivery of such document, and provided, further, that if such grantee or grantees accept delivery of a document which does not reflect any official stamp or writing that the tax has been paid, then the grantee or grantees shall become jointly liable with the grantor or grantors for the payment of such tax.

(b) The payment of the tax imposed in this chapter shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds whereon the date of the payment of the tax, the amount of the tax and the signature of the collecting agent shall be set forth.

(c) As authorized by section (g) of the Home Rule Charter and Optional Plans Law, 53 P.S. Sec. 1-302, it shall be the intent of this chapter that the rate of tax imposed herein by the Municipality on a person or transfer shall be one percent, which amount shall not be subject to the limitations of the Local Tax Enabling Act, 53 P.S. Secs. 6901 et seq. If any other political subdivision has imposed or hereafter imposes such tax on the same person or transfer, the rate of tax levied by the Municipality herein shall remain at one percent and shall not be reduced.

(d) If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due shall be added and collected.

(Ord. 2000. Passed 4-4-87.)

882.05 EXCEPTION FOR GOVERNMENTAL BODIES.
The United States, the Commonwealth and all of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this chapter. However, the exemption of such governmental bodies shall not relieve any other party to a transaction from liability for the tax.

(Ord. 2000. Passed 4-4-87.)

882.06 EXCLUDED TRANSACTIONS.
The tax imposed in Section 882.04 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 by deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation, which reconveyance may include property fine adjustments, provided that such reconveyance is made within one year from the date of condemnation;

(b) A document which the Municipality 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 a sheriff sale or tax claim bureau sale;

(d) A transfer, for no actual consideration or for 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 actual consideration or for nominal actual
consideration, of property passed by testate or intestate succession and held by co-tenants, provided, however, that if any party takes shares greater in value than his or her 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 that the property or interest therein subject to such transfer was acquired by the husband and wife or by the 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 brother or sister or the spouse of a brother or sister; and between 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 actual consideration or for nominal actual consideration, of property passing by testate or intestate succession from a personal representative of a decedent to the decedent’s devisee or heir;

(h) A transfer, for no actual consideration or for nominal actual consideration, to a trustee of an ordinary trust, where the transfer of the same property would be exempt if the transfer were made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named, except that 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 actual consideration or for nominal actual consideration, from a trustee to a beneficiary of an ordinary trust;

(j) A transfer, for no actual consideration or for nominal actual consideration, from a trustee to a successor trustee;

(k) A transfer, for no actual consideration or for nominal actual consideration, between a principal and agent or straw party, or from or to an agent or straw party where, if the agent or straw party were his or her principal, no tax would be imposed under this chapter, provided that 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 or her principal, there is a rebuttable presumption that the property is the property of the grantee in his or her individual capacity if the grantee claims an exemption from taxation under this subsection;

(l) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Municipality reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this chapter;

(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 or her 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 the grantee directly uses such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture, and if 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 Section 501(c)(3) of the Internal Revenue Code of 1954, (68A Stat. 3, 26 U.S.C. Section 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 seventy-five 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 one dollar ($1.00) or less; and

(v) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

In order to exercise any exclusion provided in this section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this chapter.

(Ord. 2000. Passed 4-4-87.)

882.07 DOCUMENTS RELATING TO ASSOCIATIONS OR CORPORATIONS.

Except as otherwise provided in Section 882.06, 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 section, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

(Ord. 2000. Passed 4-4-87.)

882.08 ACQUIRED COMPANIES.

(a) A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company, and if the change, by itself or together with prior changes, has the effect of transferring, directly or indirectly, ninety percent or more of the total ownership interest in the company within three years.

(b) With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation, or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this chapter.

(c) Within thirty days after becoming an acquired company, such company shall present a declaration of acquisition to the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

(Ord. 2000. Passed 4-4-87.)

882.09 TAX CREDITS.
(a) Where there is a transfer of residential property by a licensed real estate broker, which
property was transferred to him or her 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
or her shall be given to him or her toward the amount of the tax due upon the transfer.

(b) Where there is a transfer by a builder of residential property which was transferred to
the builder within the preceding year as consideration for the purchase of new, previously
unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to
the builder shall be given to the builder toward the amount of the tax due upon the transfer.

(c) Where there is a transfer of real estate which is leased by the grantor, a credit for the
amount of tax paid at the time of the lease shall be given to the grantor toward the tax due upon the
transfer.

(d) Where there is a conveyance by deed of real estate which was previously sold under a
land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given
to the grantor toward the tax due upon the deed.

(e) If the tax due upon the transfer is greater than the credit given under this section, the
difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or
carry-over credit shall be allowed.

(Ord. 2000. Passed 4-4-87.)

882.10 EXTENSIONS OF LEASES.
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. 2000. Passed 4-4-87.)

882.11 DISPOSITION OF PROCEEDS OF JUDICIAL SALES.
The tax imposed in this chapter shall be fully paid and shall have priority out of the proceeds
of any judicial sale of real estate before payment of any other obligation, claim, lien, judgment,
estate or cost of the sale, and of the writ upon which the sale is made, except the State realty
transfer tax. The sheriff or other officer conducting such sale shall pay the tax out of the first
moneys paid to him or her in connection therewith. If the proceeds of the sale are insufficient to
pay the entire tax, the purchaser shall be liable for the remaining tax.
(Ord. 2000. Passed 4-4-87.)

882.12 COLLECTION OF TAX; DUTIES OF RECORDER OF DEEDS.
(a) As provided in 16 P.S. Section 11011-6, as amended by the Act of July 7, 1983 (P.L. 40,
No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax,
including any amount payable to the Municipality based on a redetermination of the amount of tax
due by the Commonwealth of the Commonwealth realty transfer tax, without compensation from
the Municipality.

(b) In order to ascertain the amount of taxes due when the property is located in more than
one political subdivision, the Recorder shall not accept a deed for recording, unless it is
accompanied by a statement of value showing what taxes are due each municipality.

(c) On or before the tenth day of each month, the Recorder shall pay over to the
Municipality all local realty transfer taxes collected, less two percent for use of the County,
together with a report containing the information as is required by the Commonwealth in reporting
collections of the Commonwealth realty transfer tax. The two percent commission shall be paid to
the County.

(d) Upon a redetermination of the amount of realty transfer tax due by the Commonwealth,
the Recorder shall re-record the deed or record the additional realty transfer tax form only when
bona the State and local amounts and a re-recording or recording fee has been tendered.
(Ord. 2000. Passed 4-4-87.)

882.13 STATEMENTS OF VALUE.
Every document lodged with or presented to the Recorder of Deeds for recording shall set
forth therein and as a part of such document the true, full and complete value thereof, or shall be
accompanied by a statement of value executed by a responsible person connected with the
transaction, showing such connection and setting forth the true, full and complete value thereof or
the reason, if any, why such document is not subject to tax under this chapter. A copy of the
Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. This
section shall not apply to any excludable real estate transfers which are exempt from taxation
based on family relationship. Other documents presented for the affixation of stamps shall be
accompanied by a certified copy of each document and a statement of value executed by a
responsible person connected with the transaction showing such connection and setting forth the
true, full and complete value thereof or the reason, if any, why such document is not subject to tax
under this chapter.
(Ord. 2000. Passed 4-4-87.)

882.14 UNDERPAYMENTS: FAILURE TO RECORD DECLARATIONS.
(a) If any part of any underpayment of tax imposed by this chapter is due to fraud, there
shall be added to the tax an amount equal to fifty percent of the underpayment.

(b) In the case of failure to record a declaration required under this chapter on the date
prescribed therefor, or for any other reason the tax is not paid when due, there shall be added to the
tax five percent of the amount of such tax if the failure is for not more than one month, with an
additional five percent for each additional month or fraction thereof during which such failure
continues, not exceeding fifty percent in the aggregate.

(c) Where suit is brought for the recovery of the tax, the persons liable therefor shall, in
addition, be liable for the costs of collection and the interest and penalties herein imposed.
(Ord. 2000. Passed 4-4-87.)

882.15 PROHIBITED ACTS.
No person shall:
(a) Accept or present for recording or cause to be accepted or presented for recording any
document without the full amount of the tax thereon being duly paid;
(b) Make use of any documentary stamp to denote payment of any tax imposed by this
chapter, or as prescribed by the Manager, without canceling such stamp as required by
this chapter or as prescribed by the County Recorder of Deeds;
(c) Fail, neglect or refuse to comply with or violate the rules and regulations prescribed,
adopted and promulgated by the Municipal Manager under the provisions of Section
882.18;
(d) Fraudulently cut, tear or remove from a document any documentary stamp;
(e) Fraudulently affix to any document upon which a tax is imposed by this chapter any
documentary stamp which has been cut, torn or removed from any other document upon
which tax is imposed by this chapter, or any documentary stamp of insufficient value, or any forged or counterfeited stamp, or any impression of any forged or counterfeited stamp, die, plate or other article;

(f) Willfully remove or alter the cancellation marks of any documentary stamp, or restore any such documentary stamp, with intent to use or cause the same to be used after it has already been used, or knowingly buy, sell, offer for sale or give away any such altered or restored stamp to any person for use, or knowingly use the same;

(g) Knowingly have in his or her possession any altered or restored documentary stamp which has been removed from any document upon which tax is imposed by this chapter (the possession of such stamps shall be prima-facie evidence of an intent to violate the provisions of this chapter);

(h) Knowingly or willfully prepare, keep, sell, offer for sale or have in his or her possession any forged or counterfeited documentary stamps;

(i) Make a false statement of value or declaration of acquisition, when he or she does not believe the statement or declaration to be true;

(j) Fail to pay the tax imposed by this chapter; or

(k) Fail, neglect or refuse to comply with, or violate, the rules and regulations prescribed, adopted and promulgated by the Manager under authority of this chapter.

(Ord. 2000. Passed 4-4-87.)

882.16 UNPAID TAXES AS LIENS.

The tax imposed by this chapter shall be come a lien upon the lands, tenements or hereditaments, or any interest therein, lying or situated, wholly or in part, within the Municipality, which lands, tenements or hereditaments or interests therein, are described in, conveyed by or transferred by the document which is the subject of the tax imposed, assessed and levied by this chapter. Such lien shall begin at the time the tax under this chapter is due and payable, and shall continue until discharge by payment or in accordance with law. The Solicitor or his or her designee is hereby authorized to file a Municipal or tax claim in the County Court of Common Pleas, in accordance with the Municipal Claims and Liens Act of 1923, 53 P.S. Sections 7101 et seq., its supplements and amendments.

(Ord. 2000. Passed 4-4-87.)

882.17 RECOVERABILITY OF TAX.

In addition to other remedies now or hereafter provided by law, all taxes imposed by this chapter, together with interest, surcharges, costs of collection and penalties due thereon, shall be recoverable as other debts of like character are recovered in the name of the Municipality.

(Ord. 2000. Passed 4-4-87.)

882.18 REGULATIONS.

The Municipal Manager is hereby charged with the enforcement and collection of the tax imposed by this chapter and is hereby authorized to promulgate and enforce reasonable regulations for such enforcement and collection. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. Sections 8101-C et seq. are hereby incorporated into and made a part of this chapter.

(Ord. 2000. Passed 4-4-87.)

882.19 EFFECTIVE PERIOD OF CHAPTER AND TAX.

This chapter and the tax levied hereunder shall continue in full force and effect for the tax year 1987 and each year thereafter without annual re-enactment. All dates referred to herein shall be applicable to each succeeding year.

(Ord. 2000. Passed 4-4-87.)
882.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 884
Mercantile License and Tax


884.01 Short title.
884.02 Authority.
884.03 Definitions.
884.04 Levy and collection of tax.
884.05 License required; fee.
884.06 Imposition and rate of tax.
884.07 Computation of business volume.
884.08 Returns.
884.09 Payment.
884.10 Powers and duties of Manager.
884.11 Confidential nature of returns.
884.12 Suit on collection; unpaid taxes.
884.13 Refunds.
884.14 Applicability.
884.15 Extensions.
884.16 Effective date.
884.17 Violations.
884.99 Penalty.

CROSS REFERENCES
Authority to contract for tax collection services - see ADM. 230.03
Business privilege tax - see B.R. & T. Ch. 886
Registration of new residents for tax purposes - see ADM. 230.04
Nonpayment of tax by City vendors - see ADM. 252.17

884.01 SHORT TITLE.
This chapter shall be known and may be cited as the Mercantile License and Tax Ordinance or just the Mercantile License and Tax.
(Ord. 1591. Passed 11-20-79.)

884.02 AUTHORITY.
This chapter is enacted pursuant to the authority of Act 62 of 1972, known as the Home Rule Charter and Optional Plans Law, and the authority granted in Article II, Section 1, of the Municipal Charter, as amended.
(Ord. 1591. Passed 11-20-79.)

884.03 DEFINITIONS.
As used in this chapter, unless the context clearly indicates a different meaning:
(a) Gross volume of business means and includes both cash and credit transactions.
(b) License year means the calendar year 1979 and each calendar year thereafter.
(c) Municipal Manager of the Mercantile License and Tax or Municipal Manager or
Manager means the Manager as collector of the mercantile license and tax of the Municipality.

(d) Person means an individual, partnership, limited partnership, association or corporation. The words person, wholesale dealer, wholesale vendor, retail dealer and retail vendor do not include nonprofit corporations organized for religious, charitable or educational purposes, an association organized for such purposes, an agency of the government of the United States or of the Commonwealth or a person vending or disposing of articles of his or her own growth, production or manufacture.

(e) Place of amusement means a place indoors or outdoors where the general public or a limited or selected number thereof may, upon payment of an established price, attend or engage in an amusement, contest or recreation, including, among other places, theaters, opera houses, motion picture houses, amusement parks, stadiums, arenas, baseball or football parks or fields, skating rinks, circus or carnival tents or grounds, fairgrounds, bowling alleys, billiard or pool rooms, nine or ten-pin alleys, riding academies, golf courses, bathing and swimming places, dance halls, tennis courts, archery, rifle or shotgun ranges and other like places. The term does not include an exhibition, amusement, performance or contest conducted by a nonprofit corporation or association organized for religious, charitable or educational purposes.

(f) Restaurant or other place where food, drink or refreshments are sold does not include such facilities of nonprofit corporations and/or beneficial associations which are deemed or considered to be services under either statutory or case law, or any other such facility which is exempt by law.

(g) Retail dealer or retail vendor means a person who is a dealer in or vendor of goods, wares and merchandise who is not a wholesale dealer or vendor.

(h) Temporary, seasonal or itinerant business means a business that is conducted at one location for less than sixty consecutive days.

(i) Wholesale dealer or retail vendor means a person who sells to dealers in, or vendors of, goods, wares and merchandise and to no other person.

(Ord. 1591. Passed 11-20-79.)

884.04 LEVY AND COLLECTION OF TAX.
Beginning in the license year 1979, and annually thereafter, the Municipality hereby imposes a mercantile license tax in the manner and at the rates hereinafter set forth.
(Ord. 1591. Passed 11-20-79.)

884.05 LICENSE REQUIRED; FEE.
Beginning in the license year 1979, every person desiring to continue to engage in, or thereafter to begin to engage in, the business of a wholesale or retail vendor or dealer in goods, wares and merchandise, and any other person conducting a restaurant or other place where food, drink or refreshments are sold, or place of amusement, whether or not the same is incidental to some other business or occupation, shall, on or before January 15 of each license year or prior to commencing business in such license year, procure a mercantile license for his or her place of business in the Municipality from the Manager as required by law. Such license shall be conspicuously posted at the place of business or each of the places of business of every person at all times. The fee for such license shall be fifteen dollars ($15.00) and shall be paid at the time of filing of the license application. A separate license shall be required for each type of business conducted on the same premises.
(Ord. 1591. Passed 11-20-79.)

884.06 IMPOSITION AND RATE OF TAX.
(a) Every person engaged in any of the following occupations or businesses in the Municipality shall pay an annual mercantile license tax for each license year at the rate set forth:
(1) Wholesale vendors or dealers in goods, wares and merchandise, at the rate of one mill on each one dollar ($1.00) of volume of the annual gross business transacted by such vendor or dealer;

(2) Retail vendors or dealers in goods, wares and merchandise, all persons engaged in conducting restaurants or other places where food, drink or refreshments are sold, whether or not the same are incidental to some other business or occupation, and all persons conducting places of amusement, whether or not the same are incidental to some other business or occupation, at the rate of one and one-half mills on each one dollar ($1.00) of the volume of the annual gross business transacted by such vendor or dealer; and

(3) Wholesale and retail vendors or dealers in goods, wares and merchandise, at the rate of one mill on each one dollar ($1.00) of the annual gross wholesale business transacted by such vendor or dealer, and one and one-half mills on each one dollar ($1.00) of the volume of the annual gross retail business transacted by such vendor or dealer.

(b) No tax shall be levied on the dollar volume of business transacted by wholesale and retail dealers, derived from the resale of goods, wares and merchandise taken by a dealer as a trade-in or as part-payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade-in allowance.

(Ord. 1591. Passed 11-20-79.)

884.07 COMPUTATION OF BUSINESS VOLUME.

(a) Every person subject to the payment of the tax imposed by this chapter who has commenced his or her business at least one year prior to the beginning of the license year shall compute his or her annual gross volume of business upon the actual gross amount of business transacted by him or her during the preceding calendar year.

(b) Every person subject to the payment of the tax imposed by this chapter who has commenced or who commences his or her business less than one full year prior to the beginning of the license year shall compute his or her annual gross volume of business for such license year upon the gross volume of business transacted by him or her during the first month he or she engaged in business multiplied by twelve.

(c) Every person subject to the payment of the tax imposed by this chapter who commences his or her business after the beginning of the license year shall compute his or her annual gross volume of business for the license year upon the gross volume of business transacted by him or her during the first month of his or her engaging in business multiplied by the number of months remaining in the license year.

(d) Every person subject to the payment of the tax imposed by this chapter who engaged in a business which is temporary, seasonal or itinerant by its nature shall compute his or her annual gross volume of business upon the actual gross amount of business transacted by him or her during the license year.

(e) The Manager is hereby authorized to accept payment under protest of the amount of mercantile tax claimed by the Municipality in a case where the taxpayer disputes the validity or amount of the Municipality’s claim for the tax. If it is thereafter judicially determined by a court of competent jurisdiction that the Municipality has been overpaid, the amount of the overpayment shall be refunded to the taxpayer. The provisions of this section shall be applicable to cases in which the facts are similar to those in a case litigated in a court of competent jurisdiction.
884.08  RETURNS.
(a) Every return shall be made upon a form furnished by the Manager. Every person making a return shall certify the correctness thereof by affidavit.

(b) Every person subject to the tax imposed by this chapter who commenced his or her business at least one full year prior to the beginning of a license year shall, on or before April 15, file with the Manager a return setting forth his or her name, his or her business and business address, and such other information as may be necessary in arriving at the actual gross amount of business transacted by him or her during the preceding calendar year, and the amount of the tax due.

(c) Every person subject to the tax imposed by this chapter who has commenced his or her business less than one full year prior to the beginning of a license year shall, on or before April 15 of the current license year, file with the Manager a return setting forth his or her name, his or her business and business address and such other information as may be necessary in arriving at the actual gross amount of business transacted by him or her during the first month of business, and the amount of the tax due.

(d) Every person subject to the tax imposed by this chapter who commences business subsequent to the beginning of a license year shall, within forty days from the day of commencing such business, file a return with the Manager setting forth his or her name, his or her business and business address and such information as may be necessary in arriving at the actual gross amount of business transacted by him or her during his or her first month of business, and the amount of tax due.

(e) Every person subject to the payment of the tax imposed by this chapter who engages in a business which is temporary, seasonal or itinerant by its nature shall, within seven days from the day he or she completes such business, file a return with the Manager setting forth his or her name, his or her business address and such information as may be necessary in arriving at the actual gross amount of business transacted by him or her during such period, and the amount of tax due.

(Ord. 1591. Passed 11-20-79.)

884.09  PAYMENT.
At the time of filing the return, the person making the same shall pay the amount of the tax shown as due thereon to the Manager.

(Ord. 1591. Passed 11-20-79.)

884.10  POWERS AND DUTIES OF MANAGER.
(a) It shall be the duty of the Manager to collect and receive the taxes, fines and penalties imposed by this chapter. It shall also be his or her duty to keep a record showing the amount received by him or her from each person paying the tax and the date of each receipt.

(b) The Manager is hereby charged with the administration and enforcement of this chapter and is hereby authorized to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred. Any person aggrieved by a decision of the Manager shall have the right to appeal to the Court of Common Pleas or courts of competent jurisdiction as in other cases provided.
The Manager is hereby authorized to examine the books, papers and records of a taxpayer or supposed taxpayer, in order to verify the accuracy of a return made or, if no return was made, to ascertain the tax due. Every such taxpayer, or supposed taxpayer, is hereby directed and required to give to the Manager the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

The Manager is further authorized to delegate any of his or her authority herein established or contained to other employees of the Municipality, or to accountants, auditors or collectors retained by the Municipality, for the purpose of assisting in the administration of this chapter, the enforcement and collection of the taxes imposed hereunder and the auditing of the accounts of the taxpayers and persons licensed hereunder.

The Manager shall not receive any additional compensation for acting as such under this chapter, but all expenses for the administration of this chapter, the enforcement and collection of the taxes imposed hereunder and the auditing of accounts shall be borne by the Municipality.

(C) Council hereby authorizes the Municipal Attorney’s office to utilize assumpsit lawsuits for the collection of delinquent mercantile taxes when such suits are deemed appropriate.

884.13 REFUNDS.

Every person who ceases to carry on a business during a tax year after having paid the mercantile tax for the entire year shall, upon proper application to the collector, be entitled to receive a refund of the pro rata amount of the tax paid based upon the period of time he or she was not in business during any tax year. If a person ceases to carry on a business during a tax year before payment of his or her tax becomes due for such tax year, he or she shall be permitted to apportion his or her tax for such tax year and pay an amount to be computed by multiplying his or her gross receipts for the preceding full calendar year by a fraction whose numerator shall be the...
number of months such person was in business during the tax year and whose denominator shall be twelve.
(Ord. 1591. Passed 11-20-79.)

884.14 APPLICABILITY.
Nothing contained in this chapter shall be construed to authorize the Municipality to levy and collect the taxes hereby imposed on a person, business or portion of a business not within the taxing power of the Municipality under the Constitution of the United States and the laws and Constitution of the Commonwealth.
(Ord. 1591. Passed 11-20-79.)

884.15 EXTENSIONS.
This chapter and the tax levied hereunder shall continue in full force and effect for the license year 1979 and each license year thereafter without annual re-enactment. All dates referred to herein shall be applicable to each succeeding year.
(Ord. 1591. Passed 11-20-79.)

884.16 EFFECTIVE DATE.
The provisions of this chapter shall become effective January 1, 1979.
(Ord. 1591. Passed 11-20-79.)

884.17 VIOLATIONS.
No person shall do any of the following:
(a) Make any false or untrue statement on his or her return;
(b) Refuse to permit inspection of the books, records or accounts of any business in his or her custody when the right to make such inspection by the Manager is requested;
(c) Fail or refuse to file a return required by this chapter or refuse to pay an amount due under such return; or
(d) Fail or refuse to procure a mercantile license when required under this chapter or fail to keep such license conspicuously posted at his or her place of business.
(Ord. 1591. Passed 11-20-79.)

884.99 PENALTY.
(EDITOR\S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
The penalty imposed in Section 202.99 shall be in addition to any other penalty or surcharge imposed under this chapter. A violator shall also be required to pay the amount of any tax withheld, together with any interest as is otherwise provided for in this chapter. Where the taxpayer is a firm or association, the fine or penalty may be imposed upon any of the partners or members thereof, and in the case of corporations, upon any of the officers thereof.
(Ord. 1591. Passed 11-20-79.)
CHAPTER 886
Business Privilege Tax


886.01 Short title.
886.02 Authority.
886.03 Definitions.
886.04 Imposition and rate of tax.
886.05 Computation of gross annual receipts.
886.06 Return and registration.
886.07 Payment at time of filing return.
886.08 Powers and duties of Manager.
886.09 Suit on collection; unpaid taxes.
886.10 Refunds.
886.11 Applicability.
886.12 Payment under protest; refunds.
886.13 Extensions.
886.14 Effective date.
886.15 Violations.
886.99 Penalty.

CROSS REFERENCES
Authority to contract for tax collection services - see ADM. 230.03
Registration of new residents for tax purposes - see ADM. 230.04
Nonpayment of tax by City vendors - see ADM. 252.17
Mercantile license and tax - see B.R. & T. Ch. 884

886.01 SHORT TITLE.
This chapter shall be known and may be cited as the Business Privilege Tax Ordinance or just the Business Privilege Tax.
(Ord. 1592. Passed 11-20-79.)

886.02 AUTHORITY.
This chapter is enacted pursuant to the authority of Act 62 of 1972, known as the Home Rule Charter and Optional Plans Law, and the authority granted in Article II, Section 1, of the Municipal Charter, as amended.
(Ord. 1592. Passed 11-20-79.)

886.03 DEFINITIONS.
As used in this chapter, unless the context clearly indicates a different meaning:
(a) Business is defined as follows:
   (1) Business means carrying on or exercising, whether for gain or profit or otherwise, within the Municipality, a trade, business, including a financial business as hereinafter defined, profession, vocation, service, construction, communication or commercial activity, or making sales to persons or rendering services from or attributable to an office or place of business in the Municipality.
(2) **Business** does not include that portion of a business which is subject to the Municipal mercantile license and tax, the business or services of a political subdivision, employment for a wage or salary and a business or portion thereof upon which the power to levy a tax is withheld by law.

(3) **Business** includes any corporation organized under the business law of any state or commonwealth.

(b) **Financial business** means the services and transactions of banks and bankers, trust, credit and investment companies, where not prohibited by law, holding companies, dealers and brokers in money, credits, commercial paper, bonds, notes, securities and stocks, monetary metals, factors and commission merchants.

(c) **Gross receipts** means cash, credit or properly of any kind or nature, received in or allocable or attributable to the Municipality from a business transaction and within the Municipality, without deduction therefrom of the cost of property sold, materials used, labor service or other cost, interest or discount paid or any other expense. **Gross receipts** includes both cash and credit transactions. **Gross receipts** does not include, however,

(1) In the case of financial business, the cost of securities and other property sold, exchanged, paid at maturity or redeemed, and money or credit received in repayment of advances, credits and loans, but not to exceed the principal amount of such advances, credits and loans, and also excluding deposits;

(2) In the case of a broker, a commission paid by him or her to another broker on account of a purchase or sales contract initiated, executed or cleared in conjunction with such other broker; and

(3) Receipts or that portion thereof attributable to interstate or foreign commerce or to an office or place of business regularly maintained by the taxpayer outside the limits of the Municipality and not for the purpose of evading payment of this tax and receipts which the Municipality is prohibited from taxing by law. Such receipts shall be segregated as set forth in Section 886.05(f).

(d) **Manager** means the Manager as collector of the business privilege tax of the Municipality.

(e) **Person** means a natural person, partnership, unincorporated association or corporation, nonprofit or otherwise. Whenever used in a provision prescribing a fine or a penalty, **person** as applied to partnerships, means the partners thereof, and as applied to corporations and unincorporated associations, the officers thereof.

(f) **Services** means diversified activities, other than retail or wholesale vending, including, but not limited to, consultation, repairs, professional advice, preparation of forms, commission sales, rentals, professional treatment and/or counseling, training, supplying men or material, building, engineering, planning, installations and similar activities.

(g) **Tax year** means the twelve-month period from January 1 to December 31.

(h) **Temporary, seasonal or itinerant business** means a business that is conducted at one location for less than sixty consecutive days.

(Ord. 1592. Passed 11-20-79.)

886.04 IMPOSITION AND RATE OF TAX.

Every person engaging in a business in the Municipality beginning with the tax year 1979, and annually thereafter, shall pay an annual tax at the rate of one mill on each dollar of volume of the gross annual receipts thereof.

(Ord. 1592. Passed 11-20-79.)
886.05 **COMPUTATION OF GROSS ANNUAL RECEIPTS.**

(a) Every person subject to the payment of the tax imposed by this chapter who has commenced his or her business at least one full year prior to the beginning of a tax year shall compute his or her annual gross receipts upon the actual receipts received by him or her during the preceding calendar year.

(b) Every person subject to the payment of the tax imposed by this chapter who has commenced or who commences his or her business less than one full year prior to the beginning of a tax year shall compute his or her annual gross receipts for such tax year upon the gross receipts generated by the business transacted within the Municipality during the first month he or she engages in such business activity multiplied by twelve.

(c) Every person subject to the payment of the tax imposed by this chapter who commences his or her business after the beginning of the tax year shall compute his or her annual gross volume of business for the tax year upon the gross volume of business transacted by him or her during the first month of his or her engaging in business multiplied by the number of months remaining in the tax year.

(d) Every person subject to the payment of the tax hereby imposed who engages in a business, temporary, seasonal or itinerant by its nature, shall compute his or her annual gross receipts upon the actual gross receipts received by him or her during such tax year.

(e) Every person subject to the payment of the tax hereby imposed and who is also subject to the occupation privilege tax levied under Chapter 870 may deduct such occupation privilege tax from the amount of tax due and owing under this chapter.

(f) Where a receipt in its entirety cannot be subjected to the tax imposed by this chapter by reason of the provisions of the Constitution of the United States, or any other provision of law, including exemptions within this chapter, the Manager shall establish rules and regulations and methods of allocation and evaluation so that only that part of such receipts which is properly attributable and allocable to the doing of business in the Municipality shall be taxed hereunder. The Manager may make such allocation with due regard to the nature of the business concerned on the basis of millage division of the receipt according to the number of jurisdictions in which it may be taxed, the ratio of the value of the properly or assets of the taxpayer owned and situated in the Municipality to the total property or assets of the taxpayer wherever owned and situated, and any other method or methods of calculation other than the foregoing, calculated to effect a fair and proper allocation.

(Ord. 1592. Passed 11-20-79.)

886.06 **RETURN AND REGISTRATION.**

(a) Every person subject to the tax imposed by this chapter shall forthwith register with the Manager and set forth his or her name, address, business address and the nature of the business activity in which he or she is engaged.

(b) Every return shall be made upon a form furnished by the Manager. Every person making a return shall certify the correctness thereof.

(c) Every person subject to the tax imposed by this chapter who has commenced his or her business at least one full year prior to the beginning of any tax year shall, on or before April 15, file with the Manager a return setting forth his or her name, business and business address and such other information as may be necessary in arriving at the annual gross volume of business
transacted by him or her during the preceding calendar year, and the amount of the tax due.

(d) Every person subject to the tax imposed by this chapter who has commenced his or her business less than one full year prior to the beginning of any tax year shall, on or before April 15 of the current tax year, file with the Manager a return setting forth his or her name, business, business address and such other information as may be necessary in arriving at the actual gross amount of business transacted by him or her during the first month of business, and the amount of tax due.

(e) Every person subject to the tax imposed by this chapter who commences business subsequent to the beginning of any tax year shall, within forty days from the day of commencing such business, file a return with the Manager setting forth his or her name, business and business address, and such other information as may be necessary in arriving at the actual gross amount of business transacted by him or her during his or her first month of business, and the amount of tax due.

(f) Every person subject to the payment of the tax imposed by this chapter who engages in a business, temporary, seasonal or itinerant by its nature, shall, within seven days from the date he or she completes such business, file a return with the Manager setting forth his or her name, business and business address and such other information as may be necessary in arriving at the actual gross volume of business during the tax period, and the amount of tax due.

(Ord. 1592. Passed 11-20-79.)

886.07 PAYMENT AT TIME OF FILING RETURN.

The person making the return shall, at the time of filing the return, pay the amount of tax shown as due thereon to the Manager.

(Ord. 1592. Passed 11-20-79.)

886.08 POWERS AND DUTIES OF MANAGER.

(a) It shall be the duty of the Manager to collect and receive the taxes, fines and penalties imposed by this chapter. It shall also be his or her duty to keep a record showing the amount received by him or her from each person paying the tax and the date of such receipts.

(b) The Manager is hereby charged with the administration and enforcement of the provisions of this chapter and is hereby authorized to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provision for the re-examination and correction of returns, and payments alleged, or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to make refunds where necessary. A person aggrieved by a decision of the Manager shall have the right to appeal to a court as in other cases provided.

(c) The Manager is hereby authorized to compel the production of books, papers and records and the attendance of all persons before him or her, whether as parties or witnesses, whom he or she believes to have knowledge of such receipts and to otherwise administer and enforce this chapter as provided in the document entitled Business Privilege Tax Ordinance - rules and regulations pertaining to enforcement and administration, which document is attached to original Ordinance 1592, passed November 20, 1979, and is hereby made a part hereof, as amended.

(Ord. 1592. Passed 11-20-79.)

886.09 SUIT ON COLLECTION; UNPAID TAXES.

(a) The Manager, on behalf of the Municipality, may sue for the recovery of taxes due and unpaid under this chapter.
(b) If, for any reason, the tax is not paid when due in each year, interest at the rate of six percent per year and an additional surcharge of one-half of one percent of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the cost of collection and the interest and surcharges herein imposed.
(Ord. 1592. Passed 11-20-79.)

(c) Council hereby authorizes the Municipal Attorney's office to utilize assumpsit lawsuits for the collection of delinquent business privilege taxes when such suits are deemed appropriate.
(Res. 91-021. Passed 3-4-91.)

886.10 REFUNDS.
Every person who ceases to carry on a business during a tax year after having paid the business privilege tax for the entire year shall, upon proper application to the Manager, be entitled to receive a refund of the pro rata amount of the tax paid based upon the period of time he or she was not in business during any tax year. If a person ceases to carry on a business during a tax year before payment of his or her tax becomes due for such tax year, he or she shall be permitted to apportion his or her tax for such tax year and pay an amount to be computed by multiplying his or her gross receipts for the preceding full calendar year by a fraction whose numerator shall be the number of months such person was in business during the tax year and whose denominator shall be twelve.
(Ord. 1592. Passed 11-20-79.)

886.11 APPLICABILITY.
Nothing contained in this chapter shall be construed to authorize the Municipality to levy and collect the taxes hereby imposed on a person, business or portion of a business not within the taxing power of the Municipality under the Constitution of the United States and the laws and Constitution of the Commonwealth.
(Ord. 1592. Passed 11-20-79.)

886.12 PAYMENT UNDER PROTEST; REFUNDS.
The Municipality is hereby authorized to accept payment under protest of the amount of business privilege tax claimed by the Municipality in a case where the taxpayer disputes the validity or amount of the Municipality's claim for tax. If it is thereafter judicially determined by a court of competent jurisdiction that the Municipality has been overpaid, the amount of the overpayment shall be refunded to the taxpayer.
(Ord. 1592. Passed 11-20-79.)

886.13 EXTENSIONS.
This chapter and the tax levied hereunder shall continue in full force and effect for the tax year 1979 and each year thereafter without annual re-enactment. All dates referred to herein shall be applicable to each succeeding year.
(Ord. 1592. Passed 11-20-79.)

886.14 EFFECTIVE DATE.
The provisions of this chapter shall become effective January 1, 1979.
(Ord. 1592. Passed 11-20-79.)

886.15 VIOLATIONS.
No person shall:
(a) Make a false or untrue statement on his or her return;
(b) Refuse to permit inspection of the books, records or accounts of a business in his or her custody or control when the right to make such inspection by the Manager is requested;
(c) Fail or refuse to file a return required by this chapter; or
(d) Refuse to pay an amount due under this chapter.
(Ord. 1592. Passed 11-20-79.)

886.99 PENALTY.
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

The penalty imposed in Section 202.99 shall be in addition to any other penalty or surcharge imposed under this chapter. A violator shall also be required to pay the amount of the tax withheld, together with any interest as is otherwise provided for in this chapter.
(Ord. 1592. Passed 11-20-79.)
CHAPTER 888
Real Estate Tax

EDITORS NOTE: Ordinance 1858, passed September 4, 1984, as amended by Ordinance 2051, passed November 13, 1989, established a tax exemption schedule for certain improvements in Economic Incentive Areas pursuant to Act 76 of 1977 (72 P.S. ● 4722 et seq.) known as the Local Economic Revitalization Tax Assistance Law (LERTA).


888.01 Discounts and surcharges.  888.02 Tax Assessment Limitation Program.

CROSS REFERENCES
Collection of delinquent accounts - see ADM. Ch. 209
Real property appraisals - see CHTR. Art. IX, ● 5
Registration of new residents for tax purposes - see ADM. 230.04
Real estate transfer taxes - see B.R. & T. Ch. 880, Ch. 882

888.01 DISCOUNTS AND SURCHARGES.
(a) For real estate taxes levied and assessed in 1980 and each year thereafter there shall be:
(1) A discount of two percent from the amount of the tax due, upon the payment of the whole amount of tax due within two months from the date of the tax notice to the taxpayer; or
(2) A penalty or surcharge of ten percent to be added to the tax of a taxpayer who fails to make payment of the same four months after the date of the tax notice.

(b) The allowance of the discount and the imposition of the penalty or surcharge established by this section shall not be applicable in the case of real estate tax installment payments when such payments are made in the manner authorized and permitted by law or regulation of the Municipality permitting such installment payments.
(Ord. 1615. Passed 3-5-80.)
888.02 TAX ASSESSMENT LIMITATION PROGRAM.

(a) Definitions. As used in this section:


(2) Allegheny Regional Asset District Law (See the definition of “Act 77” above.)

(3) Assessment means the fair market value of property as determined by the Board of Property Assessment, Appeals and Review.

(4) Board of Commissioners means the Board of Commissioners of Allegheny County.

(5) County means Allegheny County.

(6) Department of Property Assessment means the Department of Property Assessment, Appeals, Review and Registry of Allegheny County.

(7) Eligible taxpayer means a longtime owner/occupant of a principal residence in the Municipality of Penn Hills who is: a single person aged sixty-five or older during a calendar year in which County real property taxes are due and assessed; or married persons, if either spouse is sixty-five or older during a calendar year in which Municipal real property taxes are due and assessed.

(8) Household income means all income received by an eligible taxpayer while residing in his or her principal residence during a calendar year.

(9) Income means all income from whatever source derived, including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities, including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State Unemployment Insurance laws and Veteran’s Disability Payments, all interest received from the Federal or any state government or any instrumentality or political subdivision hereof, realized capital gains, rentals, workmen’s compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first five thousand dollars ($5,000) of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of three hundred dollars ($300.00), but shall not include surplus food or other relief in kind supplied by a government agency or property tax or rent rebate or inflation dividend.
(10) Longtime owner/occupant means any person who for at least ten continuous years has owned or has occupied the same dwelling place as a principal residence and domicile, or any person who for at least five years has owned and occupied the same dwelling as a principal residence and domicile if that person received assistance in the acquisition of the property as part of a government or nonprofit housing program.

(11) Person means a natural person.

(12) Principal residence means the dwelling place of a person, including the principal house and lot, and such lots as are used in connection therewith which contribute to its enjoyment, comfort and convenience; or a building with a maximum of one commercial establishment and a maximum of three residential units of which one residential unit must be a principal residence of the longtime owner/occupant.


(b) Limitation of Assessment for Eligible Taxpayers. All eligible taxpayers in the Municipality of Penn Hills who are longtime owner/occupants shall be entitled to have the assessment on his or her principal residence maintained at or limited to the amount determined by the Department of Property Assessment for the calendar year 1993 if the eligible taxpayer meets the household income limits for qualification for any amount of property tax rebate under the Senior Citizens Rebate and Assistance Act.

(c) Participation in Limitation of Tax Assessment Program. Any person paying property taxes in the Municipality of Penn Hills may apply to the Department of Property Assessment and to the Municipality of Penn Hills for certification as a participant in the senior citizen gentrification program authorized under this section. In order to be eligible to participate in the program, the person must meet the following conditions:

1. The person must be a single person aged sixty-five or older, or be a married person with either spouse being sixty-five years of age or older.
2. The person must be a longtime owner/occupant.
3. The property owned by the person must be the principal residence and domicile of the resident.
4. The person’s household income must qualify him or her to receive any amount of property tax rebate under the Senior Citizens Rebate and Assistance Act.

(d) Rules and Regulations. The Municipality of Penn Hills shall have the authority to issue rules and regulations with respect to the administration of the limitation of tax assessment programs established under this section. Such rules and regulations shall include, but not be limited to, reasonable proof of household income, proof of residence, proof of qualification for or receipt of a property tax rebate under the Senior Citizens Rebate and Assistance Act and any other reasonable requirements and conditions as may be necessary to operate the limitation of tax assessment program.

(Ord. 2213. Passed 2-1-95.)
CHAPTER 890
Regional Sales and Use Tax

890.01 Budgetary reserve account.  890.03 Unanticipated fiscal emergencies.
890.02 Use of funds.  

CROSS REFERENCES
Power to tax - see Act. 511 of 1965 (53 P.S. 6901-6924)
Authority to contract for tax collection services - see ADM. 230.03
Mercantile license and tax - see B.R. & T. Ch. 884
Business privilege tax - see B.R. & T. Ch. 886

890.01 BUDGETARY RESERVE ACCOUNT.
There is hereby established in and for the Municipality a budgetary reserve account pursuant to Section 3156-B of Act 77 of 1993, and all revenues received in 1994 from the sales tax authorized by said Act are to be deposited in this budgetary account.
(Ord. 2192. Passed 10-5-94.)

890.02 USE OF FUNDS.
The budgetary reserve account established in Section 890.01 shall be maintained by the Municipality and the funds therein shall be retained by the Municipality until such time as the Municipality shall, by resolution, direct their expenditure, whether total or partial, for payment of unanticipated fiscal emergencies, and said payments made pursuant to this chapter shall not be subject to the requirements of Act 77 regarding the utilization of disbursements.
(Ord. 2192. Passed 10-5-94.)

890.03 UNANTICIPATED FISCAL EMERGENCIES.
An unanticipated fiscal emergency shall include, but shall not be limited to, all appropriate costs relating to adverse snowstorms or weather conditions specifically included in those emergencies as declared by the Governor or the Commonwealth of Pennsylvania, the County Commissioners for Allegheny County or the Mayor and Council of the Municipality, such as excess purchases of materials or equipment, or rental thereof, overtime pay related thereto and other necessary and proper costs incurred as a result of such unanticipated fiscal emergencies. Unanticipated fiscal emergencies shall also include the cost of repairing and repaving municipal roads, water and sewer lines which may be damaged as a result of severe weather conditions, and the cost of any other unanticipated fiscal emergency as deemed appropriate by the Mayor and Council.
(Ord. 2192. Passed 10-5-94.)

2000 Replacement
892.01 Definitions. The following definitions shall apply to the Local Taxpayer Bill of Rights as well as exhibits attached hereto:

(a) **Assessment** means the determination by the local taxing authority of the amount of underpayment by a taxpayer.

(b) **Eligible taxes** means and includes all taxes levied under the Local Tax Enabling Act (Act 511), as well as any per capita, occupation, occupation assessment, occupational privilege, income, gross receipts, privilege, amusement, admissions, earned income or net profits tax. This policy does not apply to real property taxes.

(c) **Overpayment** means any payment of eligible tax which is determined in the manner provided by law not to be legally due.

(d) **Taxing authority** means the Municipality of Penn Hills, as well as any officer, agent, agency, clerk, income tax officer, collector, employee or other person to whom the Municipality has assigned responsibility for the audit, assessment, determination or administration of an eligible tax.
(e) **Taxpayer** means an individual, corporation, partnership or other entity subject to or claiming exemption from any eligible tax.

(f) **Underpayment** means the amount or portion of any eligible tax determined to be legally due in the a manner provided by law for which payment or remittance has not been made.

(Res. 99-011. Passed 2-3-99.)

892.02 LOCAL TAXPAYER BILL OF RIGHTS.

(a) **Local Taxpayer Bill of Rights Disclosure Statement.** The Taxing Authority hereby adopts the Disclosure Statement in Exhibit A following the text of this chapter. Any taxpayer contacted regarding an assessment, audit, determination, review or collection of an eligible tax shall simultaneously receive a Notice of Availability of Local Taxpayer Bill of Rights. The requisite Notice of Availability set forth in Exhibit B following the text of this chapter. If a taxpayer requests the Local Taxpayer Bill of Rights Disclosure Statement, a copy shall be mailed to the taxpayer at the Taxing Authority's expense.

(b) **Confidentiality of Information.** Any information obtained by the Taxing Authority as a result of an audit, return, report, investigation, hearing or verification shall be confidential except as otherwise provided by law, or for official purposes. If an officer, employee or agent of the Taxing Authority divulges in any manner confidential information gained as a result of the foregoing, he or she shall be subject to dismissal from office or discharge from employment.

(c) **Time Limits for Response to Information Requests.** A taxpayer shall have at least thirty days to respond to a request for information from the Taxing Authority. When the Taxing Authority requests information from a taxpayer, it shall simultaneously provide the taxpayer with an Information Request Time Extension Procedure Notice. The form for such notice is set forth in Exhibit C following the text of this chapter. If the taxpayer requests a reasonable extension of time to respond to an information request and states good cause, the request will be granted. The Taxing Authority will not take any action against a taxpayer for the tax year in question until the expiration of the applicable response period, including extensions.

(d) **Tax Appeals.** Act 50 requires the Taxing Authority to adopt regulations concerning the form and content of petitions, as well as practice and procedure for tax appeal petitions. The required regulations as adopted by the Taxing Authority are set forth in Exhibit D following the text of this chapter.

(e) **Administrative Process.** In order to make the determinations on petitions from taxpayers relating to an assessment or refund of an eligible tax, the Taxing Authority hereby adopts the following administrative process: Review and decision by the Taxing Authority in executive session.

(Res. 99-011. Passed 2-3-99.)
EXHIBIT A

MUNICIPALITY OF PENN HILLS

TAXPAYER BILL OF RIGHTS DISCLOSURE STATEMENT

Every taxpayer is obligated to pay all taxes levied by the Municipality to which the taxpayer is subject. When taxes are not paid or the Municipality or its designated tax collector have questions about whether a taxpayer has fulfilled all tax obligations, relating the filing of tax returns, the payment of taxes due and/or any other matter relating to taxpayer compliance with any applicable tax ordinance, the Municipality has legal rights to enforce taxpayer obligations. In conjunction with taxpayer obligations and Municipality rights, the Commonwealth of Pennsylvania has enacted a Local Taxpayers Bill of Rights which grants legal rights to taxpayers and creates obligations for the Municipality so that equity and fairness control how certain eligible taxes are collected. This document is the Disclosure Statement required by the Bill of Rights. This document is merely a summary of your rights. For a complete statement of your rights and obligations of the Municipality, see 53 P.S. Subch. C.

APPLICABILITY/ELIGIBLE TAXES

This Disclosure Statement applies to eligible taxes levied by the Municipality. For this purpose, eligible taxes include any tax levied by the Municipality other than the real estate tax. This Disclosure Statement does not apply to real estate taxes. The specific eligible taxes which may, from time to time, be levied by the Municipality include the following.

1. Per Capita
2. Occupational Privilege Tax
3. Earned Income
4. Business Privilege
5. Real Estate Transfer Tax

Unless expressly provided in the Local Taxpayers Bill of Rights, the failure of any Municipality representative to comply with any of the provisions of this Disclosure Statement, related regulations or the Local Taxpayers Bill of Rights will not excuse the taxpayer from paying the taxes owed.

TAXPAYER RIGHTS AND MUNICIPALITY OBLIGATIONS WHEN THE MUNICIPALITY OR ITS DESIGNATED COLLECTION AGENT REQUESTS INFORMATION OR AUDITS TAXPAYER RECORDS

Minimum Time Period for Taxpayer Response

9 The taxpayer has 30 calendar days from the mailing date to respond to request for tax information as may be made by the Municipality or its designated collection agent.

9 Upon written request, the Municipality or its designated collection agent will grant reasonable time extensions for good cause.
The Municipality or its designated collection agent will notify the taxpayer of the procedures to obtain an extension in this initial request for tax information.

Requests for Prior Year Returns

An initial request may cover only taxes required to be paid or tax returns required to be filed no more than 3 years prior to the mailing date of the request.

The Municipality or its designated collection agent will notify the taxpayer of the procedures to obtain an extension in this initial request for tax information.

The Municipality or its designated collection agent may make a subsequent request relating to other taxes or returns if, after the initial request, it is determined that the taxpayer failed to file a tax return, under reported income, or failed to pay a tax for one or more of the tax periods covered by the initial request.

Use of Federal Tax Information

The Municipality or its designated collection agent may require a taxpayer to provide copies of federal tax returns if the information is reasonably necessary for enforcement or collection of a tax and the information is not readily available from the Pennsylvania Department of Revenue or other sources.

TAX OVERPAYMENT REFUNDS

A taxpayer may file a written request with the Municipality or its designated collection agent for refund or credit. The filing of a written request will not preclude a taxpayer from later filing a tax appeal petition as discussed below. The request must be made within 3 years of the due date for filing the return or 1 year after payment of the tax, whichever is later. If no return is required, the request must be made within 3 years after the payment due date, or within 1 year after payment, whichever is later. A tax return filed by the tax-payer showing a tax overpayment will be considered a written request for a cash refund unless the return indicates otherwise. If the taxpayer pays a tax as a result of receiving a notice of underpayment, the taxpayer must file a written request for a refund within 1 year of the payment date. Subject to certain exceptions, the Municipality or its designated collection agent will pay interest at a rate determined pursuant to state law, from the date of overpayment until the date of the resolution.

TAX ASSESSMENT/UNDERPAYMENT/REQUIRED NOTICE

The Municipality or its designated collection agent must notify the tax-payer in writing of the basis for any under payment determined.

TAX APPEALS

Tax Appeal Petitions

To appeal a tax assessment or denial of a refund request, the taxpayer must file a tax Appeal Petition with the Municipality. The petition must be mailed or delivered to the attention of the Manager of the Municipality of Penn Hills at the following address:
Municipality of Penn Hills
12245 Frankstown Road
Pittsburgh, PA 15235

Tax Appeal Petitions requesting a refund must be filed with the time set forth above under Tax Overpayment Refunds.

Tax Appeal Petitions appeal a tax assessment or notice of underpayment must be filed within 90 days after the date of the tax assessment or underpayment notice.

Regulations regarding the form and content of petitions, as well as practice and procedure for tax appeals may be obtained in person, or by mailing a request to the above address, or by calling the Municipality offices at (412) 795-3500 during the hours of 8:00 a.m. to 4:30 p.m. on any weekday other than holiday.

Decision

A decision will be issued on Tax Appeal Petitions within 60 days after receipt of a complete and accurate petition.

If the petition was complete and accurate when filed, the failure to render a decision within 60 days will result in the petition being deemed approved.

Appeals to Court

Any person aggrieved by a decision of the Municipality who has a direct interest in the decision has the right to appeal to the Allegheny County Court of Common Pleas.

Appeals to court must be filed with the court within 30 days after the date of the Municipality of Penn Hills adverse decision.

ENFORCEMENT PROCEDURES

Depending on the type of tax involved and the specific circumstances, if a taxpayer has not paid a tax liability determined to be due or which the Municipality or its designated collection agent have reason to believe might be due, the Municipality or its designated agent may pursue additional enforcement options including but not limited to:

Inquiry by the Municipality to taxpayer.

An audit of taxpayer records.

The Municipality or its designated collection agent may contact the taxpayer and attempt to resolve the liability through payment in full, an installment payment plan, or compromise.

The employment of private collection agencies to collect the tax.

The filing of a lien against the taxpayer, and in some cases, against the employer.

The attachment of or requirement directed to an employer to make reductions in the wage or earnings of the taxpayer.
The filing of a suit against the tax-payer before a district justice or in the Allegheny County Court of Common Pleas.

Execution and attachment of taxpayer bank accounts, sale of tax-payer vehicles or other personal property or real estate based on a judgment or lien obtained through the foregoing legal proceedings.

Any additional tax recovery alternative permissible by any applicable legislation.

TAX INFORMATION CONFIDENTIALITY

Information gained by the Municipality or its designated collection agent as the result of any audit, return report, investigation, hearing or verification shall be confidential. However, confidentiality will not preclude disclosure for official purposes, whether in connection with legal proceedings or otherwise, and will not preclude disclosure to the ex-tent required by an applicable law.

TAXPAYER COMPLAINTS

If a taxpayer has a complaint about any action relating to taxes in question, complaints should be directed to the Manager of the Municipality of Penn Hills at 12245 Frankstown Road, Pittsburgh PA 15235 or any other person as may be designated by the Municipal Council to facilitate resolution of the complaint by working with the appropriate personnel.

(Res. 99-011. Passed 2-3-99.)
EXHIBIT B

MUNICIPALITY OF PENN HILLS

TAXPAYER BILL OF RIGHTS NOTICE

You are entitled to receive a written explanation of your rights with regard to the assessment, audit, appeal, enforcement, refund and collection of certain eligible taxes levied by the local political subdivision. The written explanation is entitled Municipality of Penn Hills Taxpayers Bill of Rights Disclosure Statement. Upon receiving a request from you, the Municipality will give you a copy of the Disclosure Statement at no charge. You may request a copy in person, or by mailing a request to the following address:

Municipality of Penn Hills
12245 Frankstown Road
Pittsburgh, PA 15235

A copy will also be mailed to you if you call the following number:

(412) 795-3500

You may call the above telephone number or appear in person at the above address to request a copy during the hours of 8:00 a.m. to 4:30 p.m. on any weekday other than a holiday.
(Res. 99-011. Passed 2-3-99.)
EXHIBIT C

MUNICIPALITY OF PENN HILLS

INFORMATION REQUEST TIME EXTENSION PROCEDURE NOTICE

Under Pennsylvania Law (53 P.S. Section 8424, Act 50 of 1998) you have 30 calendar days from the mailing date of this information request to respond by:

1. Providing the Municipality of Penn Hills or its designated collection agent with the requested information; or

2. Requesting an extension of time in which to provide the requested information. If you need an extension, send a written request, specifying the reasons for the extension and facts supporting those reasons to the following address:

   Municipality of Penn Hills
   12245 Frankstown Road
   Pittsburgh, PA 15235

   Reasonable time extensions will be granted for good cause. The Municipality of Penn Hills will notify you in writing of whether a time extension has been granted. If your request is not granted, the Municipality of Penn Hills will inform you of the basis for its denial and that you must immediately provide the requested information.

(Res. 99-011. Passed 2-3-99.)
EXHIBIT D

MUNICIPALITY OF PENN HILLS

TAX APPEAL INFORMATION AND REGULATIONS

The Local Taxpayer Bill of Rights required the adoption of regulations concerning the form and content of petitions, as well as practice and procedure for tax appeal petitions. This document contains those regulations required by the Bill of Rights. In addition, the Municipality of Penn Hills has published a Disclosure Statement as required by the Bill of Rights.

APPLICABILITY/ELIGIBLE TAXES

These regulations apply to eligible taxes as may be levied from time to time by the Municipality of Penn Hills. For this purpose, eligible taxes include any tax other than the real estate tax. Specific eligible taxes levied by Municipality of Penn Hills are:

1. Per Capita
2. Occupational Privilege Tax
3. Earned Income
4. Business Privilege
5. Real Estate Transfer Tax

TAX APPEAL PETITIONS

Filing

As explained more fully in the Disclosure Statement, petitions should be filed with Manager of the Municipality of Penn Hills.

Petitions must be filed within the time limits explained in the Disclosure Statement. Petitions received by Municipality of Penn Hills are considered timely filed if received by the required date or if mailed and postmarked by the United States Postal Service on or before the required date.

The burden is on the taxpayer to present evidence sufficient to prove that the petition was timely filed.

Contents

Petitions must be in writing, signed by the taxpayer(s) (if the taxpayer is an entity, a partner or officer must sign) and must contain:

Taxpayer's name address, Social Security number, and work and home telephone numbers.

A statement of when the taxpayer first established domicile within the Municipality of Penn Hills.

If taxpayer is represented by an attorney, accountant or other qualified individual as
explained below, the name, address and telephone number of the representative.

9 Designation of the eligible tax and/or penalty and interest to which the petition relates, including the year or other period and tax amount. A copy of any tax bill refund request denial, or other essential documents relating to the petition shall be attached.

9 Taxpayer’s license number, account number, employer identification number, or other additional identifying designation.

9 A detailed statement in separate numbered paragraphs of the reasons requiring a refund, or the objections to the assessment or notice of underpayment being appealed, and the facts supporting such reasons or objections.

9 Copies of local and federal tax returns for the 3 years prior to the year of tax being challenged.

9 A statement specifying the relief requested by the taxpayer.

9 A statement certifying that the facts contained in the petition are true and correct to the taxpayer’s knowledge and belief, and that the petition is not filed for purposes of delay.

Incomplete Petitions

If the petition fails to satisfy the above requirements, the Municipality may request the taxpayer to submit the missing information or may make a decision based on the information in the petition. If additional information is requested, the taxpayer’s failure to submit the requested additional information within 30 days of the date of the request shall result in dismissal of the petition.

TAX APPEAL PETITION PRACTICE AND PROCEDURE

General

Practice and procedure before the Municipality of Penn Hills relating to tax appeal petitions is not governed by the Local Agency Law.

Representation

9 A taxpayer or an officer or partner of an entity taxpayer may file a petition and appear at any hearing, or may be represented by a person possessing appropriate education, training or experience to represent taxpayers in tax appeals. There is no requirement that a taxpayer be represented by an attorney or certified public accountant. A taxpayer’s representative must be authorized as a representative in the petition signed by the taxpayer which will be accepted as authorization for representation.

9 A notice or other written communication from the Municipality to the taxpayer may be given to the taxpayer’s authorized representative, and any such notice or other communication shall have the same effect as if given to the taxpayer directly. Action taken by taxpayer’s authorized representative shall have the same force and effect as if taken by the taxpayer.

Burden of Proof
The taxpayer has the burden of proof on all issues.

(Res. 99-011. Passed 2-3-99.)
CHAPTER 894
Realty Transfer Tax

894.01   Imposition of tax.
894.02   Administration.
894.03   Interest.

894.01   IMPOSITION OF TAX.
The Municipality adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that Article subject to the rate limitations therein. The tax imposed under this chapter shall be at the rate of one and one-half percent (1.5%).
(Ord. 2458. Passed 11-20-06.)

894.02   ADMINISTRATION.
The tax imposed under Section 894.01 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, the Municipality, pursuant to Section 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. 2458. Passed 11-20-06.)

894.03   INTEREST.
Any tax imposed under Section 894.01 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 upon delinquent Commonwealth taxes as provided in Section 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. 2458. Passed 11-20-06.)
### CHAPTER 896
Local Services Tax

| 896.01 | Definitions. | 896.08 | Individuals engaged in more than one occupation or employed in more than one political subdivision. |
| 896.02 | Levy of taxes. | 896.09 | Nonresidents subject to tax. |
| 896.03 | Exemption and refunds. | 896.10 | Administration of tax. |
| 896.04 | Duty of employers to collect. | 896.11 | Suits for collection. |
| 896.05 | Returns. | 896.12 | Violations and penalties. |
| 896.06 | Dates for determining tax liability and payment. | 896.13 | Interpretation. |
| 896.07 | Self-employed individuals. | 896.14 | Conflicting ordinances. |

#### 896.01 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context of the language clearly indicates or requires a different meaning:

(a) *Collector.* The person, public employee or private agency designated by the political subdivision to collect and administer the tax herein imposed.

(b) *DCED.* The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(c) *Earned income.* Compensation as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of Dec. 31 1965, P.L. 1257, • 13, as amended, 53 P.S. • 6913, as amended.

(d) *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.

(e) *He,* *his* or *him.* Indicates the singular and plural number, as well as male, female and neuter genders.

(f) *Individual.* Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the political subdivision.

(g) *Net profits.* The net income from the operation of a business, profession; or other activity, as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of Dec. 31 1965, P.L. 1257, • 13, as amended, 53 P.S. • 6913, as amended.

(h) *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.

(i) Political subdivision. The area within the corporate limits of the Municipality of Penn Hills.

(j) Tax. The local services tax at the fixed rate in Section 896.02.

(k) Tax year. The period from January 1 until December 31 in any year; a calendar year.

(Ord. 2481. Passed 11-13-07.)

896.02 LEVY OF TAXES.

(a) For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008; upon the privilege of engaging in an occupation with a primary place of employment within the Municipality 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 fifty-two dollars ($52.00), assessed on a pro rata basis, in accordance with the provisions of this chapter. This tax may be used solely for the following purposes as the same may be allocated by the Municipality from time to time:

(1) Emergency services. Shall 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).

(b) 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 fifty-two dollars ($52.00) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

(Ord. 2481. Passed 11-13-07.)

896.03 EXEMPTION AND REFUNDS.

(a) Exemption. Any person whose total earned income and net profits from all sources within the political subdivision is less than twelve thousand dollars ($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:

(1) 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 100% disability.
(2) 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 division (a)(2), 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, then Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

(b) Procedure to Claim Exemption.

(1) 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 twelve thousand dollars ($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 employees’ 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 division (b)(2) of this section, 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.

(2) 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 twelve thousand dollars ($12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for the calendar year, or upon and employer’s payment to the person of earned income within the Municipality in an amount equal to or in excess of twelve thousand dollars ($12,000) in that calendar year, an employer shall withhold the local services tax from the person under division (b)(3).

(3) 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 division (b)(2) 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 division (b)(2), 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 division (b)(3), plus the per payroll amount due for that first payroll period. The amount of
2011 Replacement
DUTY OF EMPLOYERS TO COLLECT.

(a) 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.

(b) 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 one-hundredth 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 division (d) of this section. For purposes of this division, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the Municipality.
(c) No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

(d) 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 employer 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.

(e) The tax shall be no more than fifty-two dollars ($52.00) 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.

(f) 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 Section 896.03(b) of this chapter and this section, and remits the amount so withheld in accordance with this chapter.

(g) Employers shall be required to remit the local services tax 30 days after the end of each quarter of a calendar year.

(Ord. 2481. Passed 11-13-07.)

896.05 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 make collection thereof from salary, wages or commissions paid by him or her to an employee, except as provided thereafter in this chapter, the employer shall be responsible for the payment for the tax in full as though the tax has been originally levied against the employer.

(Ord. 2481. Passed 11-13-07.)

896.06 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 for whom such tax shall be deducted and paid over to the collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

(Ord. 2481. Passed 11-13-07.)
896.07 SELF-EMPLOYED INDIVIDUALS.

Each self-employed individual who performs services of any type of kind engages in any occupation or profession within a primary place of employment within the political subdivision shall be required to comply with this chapter and pay the pro rata portion of the tax due to the collector on or before the thirtieth day following the end of each quarter.

(Ord. 2481. Passed 11-13-07.)

896.08 INDIVIDUALS ENGAGED IN MORE THAN ONE OCCUPATION OR EMPLOYED IN MORE THAN ONE POLITICAL SUBDIVISION.

(a) The situs of the tax shall be the place of employment in 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:

1. The political subdivision in which the person maintains his or her principal office or is principally employed;
2. The political subdivision in which the person resides and works if the tax is levied by the political subdivision;
3. The political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

(b) In case of dispute, a tax receipt of the taxing authority of that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

(Ord. 2481. Passed 11-13-07.)

896.09 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 to, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this chapter 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 chapter, 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. 2481. Passed 11-13-07.)

896.10 ADMINISTRATION OF TAX.

(a) 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.

2011 Replacement
(b) The collector is hereby charged with the administration and enforcement of this chapter and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relation to any matter pertaining to the administration and enforcement of this chapter, including provisions for the examination of payroll records of any employer subject to this chapter, the examination and correction of any return made in compliance with this chapter 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.

(c) 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. 2481. Passed 11-13-07.)

896.11 SUITS FOR COLLECTION.

(a) In the event that any tax under this chapter 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 chapter, together with interest and penalty.

(b) If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of 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. 2481. Passed 11-13-07.)

896.12 VIOLATIONS AND PENALTIES.

Whoever makes any false or untrue statements on any return required by this chapter, 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 chapter, shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than six hundred dollars ($600.00) 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 chapter.

(Ord. 2481. Passed 11-13-07.)

896.13 INTERPRETATION.

(a) Nothing contained in this chapter 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 of America and the laws of the Commonwealth of Pennsylvania.

(b) If the tax hereby imposed under the provisions of this chapter shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States of America or of the law 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. 2481. Passed 11-13-07.)

896.14 CONFLICTING ORDINANCES.

Any ordinance or part of any ordinance, conflicting with the provisions of this chapter, is hereby repealed to the extent of said conflict.

(Ord. 2481. Passed 11-13-07.)
CODIFIED ORDINANCES OF PENN HILLS

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas
  Chap. 1018.  Streets Generally.
  Chap. 1020.  Street Construction Standards.
  Chap. 1024.  Excavations.
  Chap. 1028.  Sidewalk Regulations.
  Chap. 1030.  Trees.
  Chap. 1032.  House Numbers and Street Addresses.

TITLE FOUR - Utilities
  Chap. 1040.  Sewers Generally.
  Chap. 1042.  Sewer Service Charges.
  Chap. 1043.  Wastewater Discharge Regulations.
  Chap. 1044.  Sewer Agreements.
  Chap. 1045.  Sewage Holding Tanks.
  Chap. 1046.  Water.
  Chap. 1050.  Gas.
  Chap. 1052.  Electricity.
  Chap. 1054.  Utility Poles.
  Chap. 1058.  Stormwater Management Regulations.

TITLE SIX - Other Public Services
  Chap. 1064.  Summer Recreation Program.
  Chap. 1068.  Parks, Recreation Areas and Public Buildings.

2005 Replacement
CODIFIED ORDINANCES OF PENN HILLS

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

________________________

TITLE TWO - Street and Sidewalk Areas
Chap. 1018. Streets Generally.
Chap. 1020. Street Construction Standards.
Chap. 1024. Excavations.
Chap. 1028. Sidewalk Regulations.
Chap. 1030. Trees.
Chap. 1032. House Numbers and Street Addresses.

________________________

CHAPTER 1018
Streets Generally

1018.01 Acceptance of private streets.

CROSS REFERENCES
Public ways - see TRAF. Ch. 476
Depositing snow and ice in streets - see GEN. OFF. 666.01
Construction standards - see S.U. & P.S. Ch. 1020
Excavations - see S.U. & P.S. Ch. 1024
Loads dropping or leaking on streets - see S.U. & P.S. 1060.12
Site development - see P. & Z. 1220.11

1018.01 ACCEPTANCE OF PRIVATE STREETS.
(a) At least eighty percent of the owners of property abutting a private street must petition Council in order for the street to be accepted.

(b) Upon receipt of a petition, the Manager shall direct the Municipal Engineer to perform a visual inspection of the street requested to be accepted, shall prepare a report as to the current condition of such street, regarding its make-up, slope, drainage, etc., and shall make recommendations as to the work which will be necessary to bring the roadway up to at least the following minimum acceptable standards

(1) The minimum necessary grading as determined by the Municipal Engineer;
(2) On certain types of existing roadway surfaces, and as determined by the Municipal Engineer, as a preliminary measure, placing a tack-coat at the rate of one-fourth gallon per square yard, pursuant to State Department of Transportation specifications;
(3) Two and one-half inches of 2-B slag, after rolling and compaction; and
(4) Two gallons per square yard of H-1, C-1 or other application, pursuant to State Department of Transportation specifications (Modern Pressure Distribution).
(5) One-half inch 1-B slag, to be rolled;
(6) One-third to one-half gallon per square yard of seal coat application as per State Department of Transportation specifications (Modern Pressure Distribution); and
(7) One-fourth inch 1-B slag for dusting.

(c) The Municipal Engineer shall pay particular attention to the drainage of the street once it is approved and accepted. An estimate of the cost to improve the street shall be provided in the report. In addition, the Municipal Engineer shall prepare a right-of-way description and map showing the right-of-way of the street proposed for acceptance.

(d) Council may, if warranted, condemn property to provide for sufficient right-of-way widths and drainage facilities. Sufficient right-of-way widths will be determined by Council based upon a report from the Municipal Engineer regarding topography, drainage requirements, road curvature and other design considerations. As a minimum, proposed right-of-way dedications must be of sufficient width to provide a two-lane roadway with adequate provisions for drainage and must meet all qualifications for the State Department of Transportation Liquid Fuels Program.

Council may refuse to consider the acceptance of private streets due to insufficient right-of-ways, excessive condemnation costs or excessive construction costs, or for any other reason.

(e) In signing the petition, all petitioners agree that they, as well as those property owners who have not signed, will bear the responsibility to pay for engineering and legal fees, the cost of the road improvements and condemnation of property, as well as other expenses in connection with the road acceptance, by means of an assessment of eighty percent of the total cost involved. All property owners, whether they have signed the petition or not, will be assessed according to their frontage along the roadway to be improved. The Municipality shall be responsible for paying the remaining twenty percent of the project cost.

(f) This section does not preclude the right of the Municipality to install permanent street improvements in the future or to upgrade a street beyond requirements for substandard streets at any time.

(Ord. 1897. Passed 10-7-85)
CHAPTER 1020
Street Construction Standards

1020.01  1972 standards adopted.
1020.02  Distribution copies.
1020.03  Amendments.

CROSS REFERENCES
Public ways - see TRAF. Ch. 476
Excavations - see S.U. & P.S. Ch. 1024
Drives and roads in site development plans - see P. & Z. 1220.11

1020.01  1972 STANDARDS ADOPTED.
In order to consolidate into one set all of the drawings and standards for road bases, road
paving material, manhole construction, catch basin construction, etc., covered by prior legislation
and, in addition, to promulgate new standards at the same time, there is hereby adopted a set of
drawings prepared by the Municipal Engineer and known as Standards For Construction For Penn
Hills Township - 1972.
(Ord. 1338. Passed 2-7-72.)

1020.02  DISTRIBUTION COPIES.
The sets of drawings referred to in Section 1020.01 shall be prenumbered and sold at cost to
any individual, developer or contractor who requests the same. A list of all persons receiving such
a set shall be kept by the Code Enforcement Department and any future amendments shall be sent
to these individuals at no charge.
(Ord. 1338. Passed 2-7-72.)

1020.03  AMENDMENTS.
All future amendments to this chapter and the standards adopted in Section 1020.01 shall be
by a resolution of Council. Such resolution shall be adopted at either a regular or special meeting
of Council
(Ord. 1338. Passed 2-7-72.)
CHAPTER 1024
Excavations

1024.01 Permit required.
No person shall open or excavate in any street, alley, road or highway of the Municipality, or cause the same to be done, for the purpose of laying, relaying or repairing any gas, water, sewer, oil and other piping or any electric light, telephone, telegraph, heating or other conduit, including the making of house or service connections therewith, or for the purpose of erecting or removing any pole, to which telegraph, telephone, electric light, street railway or guy wires are or are to be attached, or for any other purpose whatsoever, without first having obtained a permit therefor from the Municipality.
(Ord. 312. Passed 8-5-37.)

1024.02 Permit application.
Applications for the permit required in Section 1024.01 shall be made to the Department of Code Enforcement.

1024.03 Permit fees.
(a) At the time of securing the permit required in Section 1024.01, a fee of two dollars ($2.00) per square foot of excavation, with a minimum fee of twenty-five dollars ($25.00) and a maximum fee of five hundred dollars ($500.00), shall be paid to the Director of Code Enforcement for the use of the Municipality and to defray the cost of two inspections to be made by Municipal officials or employees.

(b) For the erection of poles, not exceeding five in number, the permit fee shall be one dollar ($1.00) per pole, and for the erection of poles exceeding five in number, the fee shall be as follows:
From six to twenty-five poles, fifty cents (50) per pole extra;
(2) From twenty-six to fifty poles, twenty-five cents (25) per pole extra; and
(3) Fifty-one poles or over, ten cents (10) per pole extra.
Such charge shall be to cover the cost of inspection of the poles, etc.

(c) All permit lees shall be made payable to the Municipality and may be paid by check, money order or other negotiable paper.
(Ord. 312. Passed 8-5-37; Res. 41-1981. Passed 4-15-81; Ord. 2146. Passed 6-7-93.)

1024.04 BONDS, ETC. REQUIRED.
(a) Bond for Protection Against Accidents. Before the permit required in Section 1024.01 is issued by the Director of Code Enforcement a bond of an approved surety company in the sum of one thousand dollars ($1,000), for the protection of the public and to indemnify the Municipality in case of accident, etc., shall be given to the Director. If the application is in proper order and the liability and indemnity bond of an approved surety company offered, the Director shall then issue a permit subject to the provisions of this chapter, and notify the Construction Superintendent as to the time and place when and where the opening or excavation is to be made. Any person wishing to do so may, instead of furnishing a bond of one thousand dollars ($1,000) on each and every application for such a permit, file one bond each year to run from January 1 to December 31 in a sum of not less than five thousand dollars ($5,000), provided, however, that such bond is of an approved surety company, and is for the protection of the public, and to indemnify the Municipality in case of accident, etc., by reason of such excavation work, etc.
(Adopting Ordinance)

(b) Bond for Restoration and Repairs. In addition to the requirements of subsection (a) hereof, as a guarantee of good faith in repairing or restoring the surface of any street, road, alley or highway opened, a bond, deposit of cash or certified check for such guarantee shall be made in the name of the Municipality and deposited with the Director based upon the following rates:

1. A total amount in a sum based upon forty cents (40) per square foot of surface to be opened in the case of any unimproved street, road, alley or highway of the Municipality; and
2. A total amount in a sum based upon one dollar ($1.00) per square foot of surface to be opened in the case of any concrete, bituminous, brick or otherwise permanently improved surface of any street, road, alley or highway of the Municipality, or in lieu thereof, the actual cost of repair.

Such bond, deposit of cash or certified check, so deposited with the Director shall be turned over to the proper Municipal authority as Council may, by motion, direct and shall be retained for one year from the date of the issuance of the permit. In the event the restoration of the surface of the excavated street, road, alley or highway is deemed to be improper, faulty, defective or not done at all, then, in any such case, the permittee shall be given ten days written notice by the Director to make such repair or restoration as Council deems proper, and upon the failure of the permittee to do so, Council may make such repair or restoration forthwith and charge or deduct the cost of the same against the bond, deposit of cash or certified check of the permittee. At the expiration of the year, the Municipality shall return or refund to the permittee his bond, deposit of cash or certified check, or any portion of the same to which he is entitled.

(c) Public Service Corporations or Municipal Authorities. Where the applicant is a public service corporation, or a Municipal Authority furnishing service heretofore furnished by a privately owned public utility or public service corporation, lawfully using the public highways of the Municipality, the applicant may, at the discretion of Council, file a continuing bond in the amount of ten thousand dollars ($10,000) and the same shall be conditioned upon the protection of
the Municipality and the saving harmless of the Municipality from any loss, damage, suit or expense in any manner occasioned by, or arising from, the opening of the surface of any Municipal street, alley or highway. Such bond shall also be conditioned upon the restoration, at the expense of the permittee, public service corporation or Municipal Authority engaged in services heretofore rendered or being defined as a public service or public utility, of the earth, pavements and surface of all such streets, roads, highways, alleys, sidewalks, manhole covers, drains or castings that have been disturbed in the doing or constructing of the work, to the condition to which they were before being so disturbed, and upon keeping the same, at the expense of the permittee, in good repair for a period of sixty days from the date repair or restoration work was done on all dirt, slag or cinder streets, etc., and, in the case of hard surface streets or sidewalks (meaning brick, brick on concrete, concrete, macadam or other type of bituminous substance or its equivalent) for a period of six months from the date of repair or replacement of the same. As a further condition of such bond, the permittee shall observe at all times all ordinances, rules and regulations of Council concerning excavations and openings of the Municipal streets, etc. In the case of all other persons, the conditions of the bond so filed shall be as herein stated and, in addition thereto, the permittee or applicant shall also exhibit evidence of proper insurance for public liability and property damage in such sum or sums as Council may prescribe as being reasonable but, in any event, such insurance policies shall be for not less than five thousand dollars ($5,000). The bonds required under this section shall be bonds of approved surety companies.

(Ord. 312. Passed 8-5-37; Ord. 547. Passed 11-16-50.)

1024.05 WAIVER OF FEES AND BONDS.

When relocation of pipes, poles or conduits is requested by Council, then Council, at its discretion, may waive the permit fee and bond, deposit of cash or certified check as guarantee for restoration of the surface of any street, road, alley or highway of the Municipality that may be affected by such relocation.

(Ord. 312. Passed 8-5-37.)

1024.06 PLANS MAY BE REQUIRED.

With any application for the permit required in Section 1024.01, the proper Municipal officers may, and if the proposed opening, excavation or improvement is of material size or materially affects the use of the highway affected, shall, require a plan drawn to scale, showing the nature, size and location of the proposed opening or excavation and the final location of any conduits, pipes, lines, connections and property of the applicant to be placed thereon, showing what part thereof is to be removed and what part thereof is to remain. A copy of such plan, when required, shall be retained by the Municipality and kept by it on file with the application or otherwise. In all cases where replacement of the surface is to be made by the applicant, the nature and character of such replacement must also be shown.

(Ord. 480. Passed 12-1-47.)

1024.07 DISPLAY OF PERMIT.

In all cases where a permit is required under the provisions of this chapter, a copy thereof, attested by the proper Municipal officer, shall be kept at all times on the job during the continuance of operations by those performing the work, otherwise the work may be stopped at the direction of the police or other officers of the Municipality until such permit is produced.

(Ord. 480. Passed 12-1-47.)

1024.08 SPECIAL REQUIREMENTS FOR CONCRETE STREETS.

In the case of the opening or excavation of concrete streets, alleys, roads or highways of the Municipality, all work shall be done in accordance with the following specifications:

(a) Paving of Plain Concrete, Reinforced Concrete. The opening or excavation shall be at
approximately right angles to the centerline. Such opening or excavation shall be made by tunneling under the existing paving from outside of the existing curbs to the connection with the existing gas, water, sewer, oil or other piping, and such tunneling shall remove all excavated material from the bottom of the ditch to the underside of the paving. After the connection has been made to the piping and the new extension laid in the ditch under the paving, the new piping shall be covered with approximately one foot of clean earth, or clay, properly rammed, and the remaining part of the ditch under the paving shall be backfilled, mechanically rammed with granulated slag, dampened and mixed with cement in the proportion of one part cement and four parts granulated slag and such slag shall be approved by the Municipal Engineer.

(b) Paving of Plain Concrete or Reinforced Concrete. The opening or excavation shall be generally parallel with the centerline. To provide for an opening or excavation being made along the street generally parallel to the centerline of the street which, in the opinion of the Municipal Engineer, should not be tunnelled, to make repairs to a break in gas, water, sewer, oil or other piping, the breaking of the surface shall be permitted in the following manner only:

(1) The entire slab or slabs within the area of the opening or excavation shall be removed from expansion joint to contraction joint, or from expansion joints to contraction joints.

(2) After the necessary repair work has been done to the gas, water, sewer, oil or other pipeline, the piping shall be covered with approximately one foot of clean earth, or clay, properly rammed, and the remaining part of the ditch under the paving shall be backfilled, mechanically rammed with granulated slag, dampened and mixed with cement in the proportion of one part cement and four parts granulated slag, and such slag must be approved by the Municipal Engineer.

(3) The area of the concrete surface removed shall then be repaved with concrete of a quality which will have a strength of at least 2,000 pounds per square inch in seven days and 3,000 pounds per square inch in twenty-eight days, from tests taken of cylinders by a responsible laboratory. In the event of failure of the concrete cylinders tested by a laboratory to develop the aforesaid compressive strength of at least 2,000 pounds per square inch in seven days and 3,000 pounds per square inch in twenty-eight days, Council hereby reserves the right to order the paving to be removed and relaid until the required strength is developed. Whenever and wherever the paving is reinforced concrete, reinforcement must be included similar or equal to the existing paving. Further, whenever and wherever an opening or excavation occurs in a slab or lane of paving adjacent and adjoining the existing curbs, the removal of the slab shall also include the existing curb, which shall also be restored in like manner.

(Ord. 480. Passed 12-1-47.)

1024.09 PRECAUTIONARY MEASURES FOR SUPPORTING EXCAVATIONS.

Any permittee under this chapter, his agents, employees and all those operating under him, shall at all times be required to adequately support the surface of the highway under which they are tunneling, the use of which highway is permitted by the public, and to take all precautions necessary to prevent injury or damage to the public. All excavations, whether for tunneling or otherwise, made under the provisions of this chapter shall be done in such manner as to afford adequate support to the remainder of the street affected so as to prevent caving or movements adjacent to the excavation, and, where necessary, sheeting, shoring or other support shall be used and so placed as to provide for removal of the same during the refilling and ramming of the excavation. If, in the opinion of the Municipal officers in charge, it becomes necessary for the safety of the public to have open trench excavation in lieu of tunneling on openings or excavations
at approximately right angles to the centerline of the street or highway, then the same shall be required of the permittee, his employees and agents, subject to the supervision of Council, but all other requirements of this chapter relative thereto shall apply. The Municipal Engineer may add additional requirements necessary for the public safety.
(Ord. 480. Passed 12-1-47.)

1024.10 BARRICADES AND WARNING LIGHTS REQUIRED.
Every opening or excavation made pursuant to the permit required in Section 1024.01, so long as the same remain open, shall be protected by a suitable barricade during daylight, and a barricade and red or amber lights at night, and the same shall be allowed to remain open only so long as is reasonably necessary.
(Ord. 312. Passed 8-5-37.)

1024.11 BACKFILLING.
The opening or excavation in an unimproved street, alley, road or highway shall be carefully refilled and the earth removed shall be replaced and thoroughly tamped, and the unimproved street, alley, road or highway shall be restored to as good a condition as when the opening or excavation was begun. In the case of excavations in improved streets, alleys, roads or highways, the earth removed shall be replaced and thoroughly tamped, and the brick, concrete, bituminous or other hard surface shall be replaced with the same type of material, in as good a condition as possible.
(Ord. 312. Passed 8-5-37.)

1024.12 COMPLIANCE WITH PERMIT TERMS REQUIRED.
No person shall excavate for a longer distance than authorized by the permit required in Section 1024.01.
(Ord. 480. Passed 12-1-47.)

1024.13 EQUITABLE REMEDY.
Upon the violation of any of the provisions of this chapter by any person, such person's property may be removed from any street, avenue or alley, and the same restored to its former condition at such person's proper cost and charge, and both such removal and restoration, or either of them, may be made at the option of the Municipal Engineer, and the permit granted shall thereupon be deemed forfeited.
(Ord. 480. Passed 12-1-47.)

1024.99 PENALTY.
(EDITORS NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
### CHAPTER 1028
Sidewalk Regulations

EDITOR’S NOTE: Chapter 1028, previously a codification of Ordinance 18, passed August 17, 1912, was re-enacted in its entirety by Ordinance 2041, passed August 7, 1989.

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1028.01</td>
<td>Definitions.</td>
</tr>
<tr>
<td>1028.02</td>
<td>Conformity with subdivision and zoning regulations.</td>
</tr>
<tr>
<td>1028.03</td>
<td>Construction standards.</td>
</tr>
<tr>
<td>1028.04</td>
<td>Permits required.</td>
</tr>
<tr>
<td>1028.05</td>
<td>Variances.</td>
</tr>
<tr>
<td>1028.06</td>
<td>Plans.</td>
</tr>
<tr>
<td>1028.07</td>
<td>Duty to repair and maintain; equitable remedy.</td>
</tr>
<tr>
<td>1028.08</td>
<td>Duty to grade and pave.</td>
</tr>
<tr>
<td>1028.09</td>
<td>Emergency repairs.</td>
</tr>
<tr>
<td>1028.10</td>
<td>Construction and repair done on owner’s initiative without notice.</td>
</tr>
<tr>
<td>1028.11</td>
<td>Blocking of sidewalks prohibited.</td>
</tr>
<tr>
<td>1028.12</td>
<td>Driving on sidewalks prohibited.</td>
</tr>
<tr>
<td>1028.13</td>
<td>Construction safety regulations.</td>
</tr>
<tr>
<td>1028.14</td>
<td>Approval by Department of Code Enforcement.</td>
</tr>
<tr>
<td>1028.15</td>
<td>Snow and ice removal.</td>
</tr>
<tr>
<td>1028.16</td>
<td>Enforcement.</td>
</tr>
<tr>
<td>1028.17</td>
<td>Savings clause.</td>
</tr>
<tr>
<td>1028.99</td>
<td>Penalty.</td>
</tr>
</tbody>
</table>

**CROSS REFERENCES**
- Sidewalk obstructions - see GEN. OFF. 654.01
- Depositing snow and ice in public ways - see GEN. OFF. 666.01
- Sidewalks in site development plans - see P. & Z. 1220.10
- Littering on public and private property - see H. & S. 1840.01

### 1028.01 DEFINITIONS.
For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the following meanings:

(a) **Applicant** means any person making written application to the Penn Hills Department of Code Enforcement for a permit to construct, replace or repair any sidewalk within the Municipality.

(b) **Cartway** means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

(c) **Council** means the Municipal Council for the Municipality of Penn Hills.

(d) **Municipality** means the Municipality of Penn Hills.

(e) **Person** means any individual, firm, partnership, association, corporation, company or organization of any kind.

(f) **Sidewalk** means that portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.
(g) A Street means the entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

In addition to the definitions provided herein, and when not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

(Ord. 2041. Passed 8-7-89.)

1028.02 CONFORMITY WITH SUBDIVISION AND ZONING REGULATIONS.

(a) Sidewalks shall be constructed, repaired, replaced and/or maintained pursuant to the Subdivision and Land Development Regulations (Title Four of Part Twelve of these Codified Ordinances), the Zoning Code (Title Six of Part Twelve of these Codified Ordinances), and as authorized by Council.

(b) Any person who is required to construct, repair or replace any sidewalk within the Municipality shall do so pursuant to the requirements of this chapter and all applicable ordinances of the Municipality, including, but not limited to, the Subdivision and Land Development Regulations (Title Four of Part Twelve of these Codified Ordinances) and the Zoning Code (Title Six of Part Twelve of these Codified Ordinances).

(Ord. 2349. Passed 12-6-00.)

1028.03 CONSTRUCTION STANDARDS.

(a) All newly constructed, repaired or replaced sidewalk pavements laid alongside any public highway within the Municipality after the effective date of this chapter shall be required to be in compliance with the standards and regulations of this chapter, the requirements of Allegheny County for those public highways under the jurisdiction of Allegheny County and the Pennsylvania Department of Transportation for those public highways under the jurisdiction of the Commonwealth of Pennsylvania.

(b) The standards for construction, repair or replacement of any sidewalk within the Municipality are as follows and shall include the diagrams marked Addendum A and Addendum A-1 following the text of this chapter:

(1) Minimum width; materials; thickness. All sidewalks abutting a local street shall be not less than four feet, eight inches wide, including the curb. All sidewalks abutting an arterial or collector street shall not be less than five feet, eight inches wide, including the curb. All sidewalks shall be constructed of concrete and have a thickness, exclusive of the foundation, of at least four inches.
(2) **Sub-base; materials.** All sidewalk pavements shall be properly supported by a sub-base or foundation as required by Pennsylvania Department of Transportation (PennDOT) specifications, including Type 2-B slag base or an equivalent limestone or river gravel, for a depth of at least four inches.

(3) **Joints.** All sidewalks shall have construction joints located every five feet and expansion joints located every ten feet (one-half inch felt expansion joint).

(4) **Required grade and declination; surface drainage.** All sidewalk pavement shall have a declination of one-quarter inch per linear foot from the property line to the curb line to allow proper surface drainage.

(5) **Slope of ground.** The slope of the ground behind a sidewalk shall have a declination of one and one-half inches per linear foot, whether cut or fill. The slope shall receive sufficient topsoil and be seeded to allow for the sufficient growth of grass immediately after construction of the sidewalk.

(6) **Curb.** A concrete curb shall be constructed every time a sidewalk is constructed, repaired or replaced alongside a street. No person shall allow an asphalt curb to remain after a sidewalk is constructed, repaired or replaced. Where a minimum width of two feet of grass is provided between the sidewalk and the street, a concrete curb will not be required, provided that there is an asphalt curb present along the street and that the curb is in a good and safe condition. The owner of the adjacent property where the curb is to be constructed, or the contractor thereof, has the option of constructing a monolithic curb or standard curb, pursuant to paragraphs (b)(6)A. and B. hereof.
   A. **Monolithic curbs.** All monolithic curbs must be eight inches in width between the sidewalk and street, eighteen inches in depth from top to bottom and eight inches between the street pavement and the surface or top level of the sidewalk. All monolithic curbs shall have a double joint or saw cut between the curb and sidewalk.
   B. **Standard curbs.** All standard curbs must be eight inches wide between the sidewalk and street, eighteen inches in depth from top to bottom, and eight inches between the street pavement and the surface or top level of the sidewalk. All standard curbs shall have an under drain of 1-B slag base eight inches wide and twelve inches in depth. Expansion and intermediate joints shall be constructed in accordance with PennDOT specifications (Plain Cement Concrete Curb).

(7) **Saw cutting.** Where a new sidewalk and curb are to be constructed, the existing asphalt curb shall be removed and the road pavement must be saw cut to obtain a uniform alignment between the street and sidewalk curb.

(8) **Sealing.** Bituminous sealing shall be furnished along the joint formed by the concrete sidewalk and the street and/or the berm area.

(9) **Curing.** Procedures for concrete curing of sidewalks and curbs shall be as follows:
   A. An approved membrane-type shall be applied;
   B. The surface shall be covered thoroughly; and
   C. All persons and equipment shall be kept off the surface for three consecutive days after the concrete is poured. New sidewalks must also be treated with an anti-spalling compound to prevent chipping, spalling and salt damage.

(10) **Handicap ramps.** Handicap ramps shall be constructed at all curb cuts and street corners. The slope of the handicap ramps shall have a declination of one inch per linear foot. The ramp shall be scored to provide for a non-skid surface.

(11) **Utilities.** All utilities, including manholes, fire hydrants and valve boxes, shall be level with the surface of the sidewalk.
(12) **Signs.** When it is necessary to remove a street sign because of construction, maintenance, repair or replacement of a sidewalk, such street sign shall be replaced in the same location before the construction took place.

(13) **Poles, light standards and hydrants.** If the existing poles, light standards and hydrants are located within a new sidewalk area, they shall be boxed around and remain in place. Extra width shall be added to the sidewalk on both sides of the pole, light standard or hydrant so that there is a maximum unobstructed pavement area of thirty inches for sole passage of handicapped individuals using wheelchairs. Hydrants must be adjusted according to the requirements of the Director-Fire Marshall and at the abutting landowner’s expense.

(14) **Mailboxes.** All mailboxes must be constructed so that neither part of the box nor the supporting structure of the mailbox suspends over or interferes with the free passage of pedestrians on the sidewalk. Where mail is delivered in vehicles, mailboxes may be placed in the grass strip or at the edge of the sidewalk. Mailboxes shall not extend out beyond the curb nor shall they take up more than one-quarter of the sidewalk width. Consultation with a local mail carrier to determine a preferred location may be required.

(15) **Inspection.** At any time during the performance of the required work, the Municipal Engineer or a designated official of the Municipality may inspect the work to determine whether the construction work is being performed according to the requirements of this chapter and other applicable ordinances of the Municipality.

(16) **Conformity to line and grade.** All sidewalks, curbs and gutters shall be constructed, paved, repaved or repaired upon the line and grade obtained from the Municipal Engineer.

(17) **Support under sidewalks and curbs.** Where sidewalks or curbs are to be constructed, paved, repaved or repaired over coal cellars or other excavations, such sidewalks shall be supported by iron or steel beams, girders, or stone or concrete arches. Any support of wood or perishable material shall be prohibited.

(Ord. 2041. Passed 8-7-89.)

1028.04 PERMITS REQUIRED.

No person shall construct, repair or replace a sidewalk within the Municipality until that person applies for and receives a permit from the Department of Code Enforcement. If the sidewalk where the proposed work is to be performed is located within Allegheny County-owned rights-of-way or Commonwealth of Pennsylvania owned rights-of-way, then the applicant shall apply for and receive a permit from Allegheny County or the Pennsylvania Department of Transportation, whichever the case may be, before the work shall begin.

(Ord. 2041. Passed 8-7-89.)

1028.05 VARIANCES.

(a) When, owing to special conditions, a literal enforcement of the provisions of this chapter or any other applicable ordinance of the Municipality will result in unreasonable hardship, Council may make such reasonable waiver thereof which is not contrary to the public interest and safety.

(b) A completed application form and required fee shall be submitted by the applicant at the time a permit is applied for pursuant to Section 1028.04 or within fifteen days of receiving written notice from the Municipality pursuant to Sections 1028.07 and 1028.08.

(c) Whenever a waiver is requested by the applicant, Council may refer the matter to the Municipal Engineer for his or her review. The Engineer shall study the request, make findings and
submit such findings to Council.
(Ord. 2041. Passed 8-7-89.)

1028.06 PLANS.
At the time of making application for a permit, all applicants shall submit plans showing
property boundaries, right-of-way lines, existing roadways or cartways, existing road ditches,
existing curbs and curb cuts, the location of underground utilities, storm sewer inlets, manholes,
utility poles, street lights and water and gas valves, the proposed location of sidewalks, the
sidewalk width, thickness of construction and depth, the types of materials proposed to be used and
the degrees of grade and slope for the sidewalks and the adjacent ground areas.
(Ord. 2041. Passed 8-7-89.)

1028.07 DUTY TO REPAIR AND MAINTAIN; EQUITABLE REMEDY.
All owners of property shall keep in good order and repair the sidewalk pavements in front of
their properties. Whenever, in the judgment of a member of the Department of Code Enforcement,
after visual inspection, any sidewalk pavement alongside any public street within the Municipality
is laid in violation of any of the requirements of this chapter, or is in such condition as to require
repair or replacement, the owner, or his or her agent, shall be given thirty days written notice to
re-lay the same, to make the needed repair or to replace the same with a new sidewalk pavement, as
the case may be, in accordance with the requirements of this chapter. In the event that such owner
or his or her agent fails, neglects or refuses to re-lay, to repair or to replace the same in accordance
with the requirements of this chapter, as the case may be, within thirty days after the service of
such notice, the same shall be done by the Municipality, and the cost of so doing, together with a
penalty of ten percent thereof to cover the expense of collection, shall be collected by the
Municipality from such owner, by the filing of a Municipal lien for the same against the lot in front
of which the sidewalk pavement is laid, or the same may be collected in any other manner
authorized by law.
(Ord. 2041. Passed 8-7-89.)

1028.08 DUTY TO GRADE AND PAVE.
Whenever the Municipality requires that sidewalks be graded and paved alongside of any
public street within the Municipality by the owner of the lots respectively fronting thereon, or his
or her agent, sixty days written notice to grade and pave such sidewalks shall be given to such
owner or his or her agent. Upon the failure of such owner or his or her agent, to grade and pave
such sidewalks within such sixty-day period, the Municipality shall cause such sidewalks to be
graded and paved, and the Municipality shall collect from such owner, or his or her agent, the cost,
together with a penalty of ten percent to cover the expense of collection, by the filing of a
Municipal lien for the same against the lot in front of which the sidewalk pavement is laid, or the
same may be collected in any other manner authorized by law. The Municipality may require an
existing sidewalk to comply with the construction standards as provided in Section 1028.03 if any
work is related to sidewalk construction on adjacent property as part of a capital project or private
development.
(Ord. 2041. Passed 8-7-89.)

1028.09 EMERGENCY REPAIRS.
When, in the opinion of an official of the Department of Code Enforcement, a dangerous
condition exists that can be repaired by an expenditure of one hundred dollars ($100.00), the
Municipality shall send such property owner, or his or her agent, written notice by registered or
certified mail, stating that emergency repairs are required. Upon failure of such owner to comply
with the notice within forty-eight hours after receiving such written notice, the Municipality may
make emergency repairs and levy costs for its work on such owner, or his or her agent, as a
property lien to be collected in the manner provided by law.
(Ord. 2041. Passed 8-7-89.)

1028.10 CONSTRUCTION AND REPAIR DONE ON OWNER’S INITIATIVE WITHOUT NOTICE.

Any property owner not required by notice to construct, pave, re-pave or keep in repair sidewalks, curbs or gutters, may construct, pave, repave or repair the sidewalk, curb and gutter abutting his or her property, provided that such owner shall make application to the Department of Code Enforcement before commencing work, shall apply for and receive a permit for such work, shall conform to the provisions of this chapter and other applicable ordinances of the Municipality for said construction and repair work, and shall notify the Department of Code Enforcement within two days after completion of his or her work.
(Ord. 2041. Passed 8-7-89.)

1028.11 BLOCKING OF SIDEWALKS PROHIBITED.

It shall be unlawful for any person to obstruct or cause to be obstructed a public sidewalk by placing thereon any boxes, barrels, merchandise or any other article or debris, or by allowing the overgrowth of vegetation on such sidewalk, except that barricades temporarily placed on such sidewalk for the purpose of protecting pedestrians from holes, uneven joints, broken pavement or other safety hazards that require repair work, or for the purpose of loading, unloading or storing away any article, shall be permitted. If a sidewalk is barricaded, work shall be performed in compliance with this chapter.
(Ord. 2041. Passed 8-7-89.)

1028.12 DRIVING ON SIDEWALKS PROHIBITED.

It shall be unlawful for any person to drive or cause to be driven any vehicle on, over or across any curb or sidewalk without first obtaining permission to do so from the abutting property owner and without first placing a proper platform, covering or other device over such curb or sidewalk for the protection of such curb or sidewalk. Any depression, break or damage caused to any curb or sidewalk by any vehicle, or by any other agency, shall be reported to the Department of Code Enforcement within twenty-four hours after the damage has occurred, and emergency repairs must be made by the property owner or tenant, or his or her agent, within forty-eight hours after notice to such owner or tenant, or his or her agent, sent by registered or certified mail from the Municipality after receiving such report of damage.
(Ord. 2041. Passed 8-7-89.)

1028.13 CONSTRUCTION SAFETY REGULATIONS.

(a) Precautions Used During Sidewalk Construction. When any person shall erect, construct, alter, repair, roof, unroof or remove any building, or perform any other work on any building fronting on any street in the Municipality, whereby a risk may be incurred by persons passing the same, it shall be the duty of the owner, lessee, contractor or person or persons performing any work on such building to erect a good and substantial covering over the pavement, sidewalk or footway in front of such building, of such elevation as will provide for the safety of pedestrians who use the sidewalk without interfering with the free use of such pavement, sidewalk or footway.

(b) Temporary Bridges. Whenever, in excavating for walls, cellars, foundations or vaults, or the making of other improvements, on streets and within the limits mentioned in subsection (a) hereof, it becomes necessary to excavate the pavement, sidewalk or footway, the owner, lessee, contractor or other person in charge of the work shall, before commencing any such excavation, cause to be erected a good and substantial bridge not less than four feet in width nor more than four
feet in height, with steps at each end, a banister on the side next to the street, and a tight board fence or wall on the side next to the cellar or excavation, at least seven feet high, so as to facilitate the free use of such sidewalk or bridge by pedestrians. Such owner, lessee, contractor or builder shall also keep such sidewalk or bridge sufficiently lighted at night.

(Ord. 2041. Passed 8-7-89.)

1028.14 APPROVAL BY DEPARTMENT OF CODE ENFORCEMENT.
All work done under the provisions of this chapter shall be approved by an official of the Department of Code Enforcement or other designated representative of the Municipality.

(Ord. 2041. Passed 8-7-89.)

1028.15 SNOW AND ICE REMOVAL.
(a) Responsibility for Removal From Sidewalks. 
(1) Every person in charge or in control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed and cleared away, snow and/or ice from a path of at least thirty inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.
(2) Except as provided in paragraph (a)(3) hereof, snow and ice shall be removed from sidewalks within six hours after the cessation of any fall of snow, sleet or freezing rain.
(3) In the event that snow and/or ice on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in paragraph (a)(2) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe, and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least thirty inches in width.

(b) Responsibility for Removal From Roofs Near Sidewalks or Streets. Every person in charge or in control of any building or other structure, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which is liable to fall on any sidewalk, street or other public way. Such work shall be completed within a reasonable time, but not later than six hours after the cessation of any fall of snow, sleet or freezing rain.

(c) Depositing of Snow and Ice Restricted. No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, street or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by the Municipality on that portion of a street or cartway, exclusive of the berm or shoulder, incident to the cleaning thereof, or mounded on curbs incident to the clearing of sidewalks in business districts.

(Ord. 2041. Passed 8-7-89.)

1028.16 ENFORCEMENT.
The Manager or his or her designated agent, shall institute the prosecution of all persons violating any of the provisions of this chapter to the end that the terms of this chapter are strictly enforced.

(Ord. 2041. Passed 8-7-89.)

1028.17 SAVINGS CLAUSE.
Nothing in Section 1028.03 shall be construed to affect any existing sidewalk within the
Municipality or any lawsuit or proceeding pending in any court or within the Municipality of Penn Hills, or any rights acquired, or liability incurred, or any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. No right or remedy of any character shall be lost, impaired or affected by this chapter, provided, however, that this savings clause shall not include any newly constructed, repaired or replaced sidewalk pavements within the Municipality after the effective date of this chapter.
(Ord. 2041. Passed 8-7-89.)

1028.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not less than fifty ($50.00) dollars nor more than three hundred ($300.00) dollars and/or imprisoned not more than thirty days. Each day that a violation occurs or continues shall constitute a separate offense.
(Ord. 2041. Passed 8-7-89.)
ADDENDUM A

CONCRETE SIDEWALK DETAIL A

MUNICIPALITY OF PENN HILLS, PENN HILLS, PA

CONCRETE SIDEWALK DETAIL A

NOT TO SCALE.
Pennsylvania Department of Transportation Specifications
Type I-B Slag Base 4" thickness

NOTE: Expansion joints of 1/4" expansion, dummy joints to be placed every 90'.

Addendum A-1
Concrete Sidewalk Detail B
Not to Scale

Municipality of Penn Hills, Penn Hills, PA
CHAPTER 1030
Trees

EDITOR’S NOTE: Resolution 89-044, passed August 7, 1989, adopted a Comprehensive Sidewalk Plan and Shade Tree Program, which provides policy guidelines for Council, the Planning Commission and the Planning and Development Department regarding sidewalks and shade trees. Copies of this resolution and of the Plan and Program may be obtained, at cost, from the Deputy Clerk.

There are no sections in Chapter 1030. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Leaf recycling and composting - see S.U. & P.S. 1061.05
Site development landscaping - see P. & Z. 1220.16 et seq.
CHAPTER 1032
House Numbers and Street Addresses

1032.01 Assignment.
1032.02 Administration.

1032.01 ASSIGNMENT.
In order to provide the benefit of enhanced 911 service to the residents of the Municipality and for the general purpose of assigning a numeric house number and street address, every telephone number location and property location within the Municipality shall be assigned a house number and street address.
(Ord. 2249. Passed 12-4-96.)

1032.02 ADMINISTRATION.
The Municipal Manager’s Office, in conjunction with the Police Department, is hereby authorized to assign house numbers and street addresses to telephone number locations and property locations within the Municipality as necessary, and to generally administer this program.
(Ord. 2249. Passed 12-4-96.)
1034.01 Definitions.

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

(a) Applicant means the person who has applied for a right-of-way permit or a construction permit.

(b) Application means the form prescribed by the Municipality which the applicant must complete in order to obtain a right-of-way permit.

(c) Construction means the building, erection, or installation in, on or under a right-of-way. It does not include maintenance or repair of equipment in a right-of-way or a single line extension from equipment in the right-of-way.

(d) Construction permit means the document that must be obtained before a person may perform construction in a right-of-way.

(e) Emergency means an interruption of service or a condition that poses a clear and immediate danger to life or health, or significant loss of property.

(f) Equipment means any tangible property located or proposed to be located in a right-of-way, including, but not limited to, wires, lines, cables, conduits, pipes, supporting structures or other facilities.

(g) Maintenance means work of a minor nature that will keep an existing condition from failure or decline.

(h) Permit holder means the person obtaining a right-of-way permit.

(i) Person means any individual, firm, partnership, association, corporation, company or other business entity.
(j) **Restore**• or **restoration**• means the process by which a right-of-way is returned to a state that is as good or better as its condition before construction.

(k) **Right-of-way**• means the surface and space in, on, above and below any real property in which the Municipality has an interest in law or in equity, including, but not limited to, any public street, boulevard, avenue, road, highway, easement, freeway, lane, alley, court or any other place, other than real property owned in fee by the Municipality.

(l) **Right-of-way permit**• or **permit**• means a written authorization granted by the Municipality to an applicant for use of the rights-of-way in the Municipality for wires, lines, cables, conduits, pipes, supporting structures and other facilities.

(m) **Telecommunications services**• means the services offered to customers involving the transmission of voice, data and/or video communications and/or content, both active and interactive, and associated usage.

(n) **Telecommunications system**• means a system used or to be used to provide telecommunication services.

(o) **Underground equipment**• means all equipment that is located wholly or partially underneath a right-of-way.

(Ord. 2373. Passed 4-3-02.)

1034.02 REQUIREMENT FORA RIGHT-OF-WAY PERMIT.

(a) No person shall enter upon or occupy any right-of-way for the purpose of installing, constructing, maintaining or operating a telecommunications system without first having obtained a right-of-way permit unless authorized by separate written agreement. Any person maintaining or operating a telecommunications system as of the effective date of this chapter shall also obtain a right-of-way permit. The right-of-way permit is in addition to, and is not a substitute for, any other permits required by the Municipality.

(b) Before a right-of-way permit is issued, the holder of or applicant for a right-of-way permit shall have applied for any and all regulatory approvals, permits or authorizations from the appropriate Federal and State authorities, if required. Upon the request of the Municipality, the applicant shall submit written evidence of its applications for or receipt of all such approvals, permits or authorizations.

(c) Nothing in this chapter shall be construed as a waiver of any chapters or regulations of the Municipality or the Municipality's right to require prospective or current right-of-way permit holders to secure and remit payment for any and all required permits or authorizations.

(Ord. 2373. Passed 4-3-02.)

1034.03 APPLICATION FOR A RIGHT-OF-WAY PERMIT.

(a) A right-of-way permit shall only be granted after an applicant has completed an application in the form that has been prescribed by the Municipality, which form may be revised from time to time. Upon request, an applicant shall be provided with a copy of the then current
application for a right-of-way permit. The application shall request information regarding the applicant's proposed or actual physical use and occupation of the rights-of-way. Specifically, the application shall request: (1) a brief description of the telecommunications service or services to be offered or provided in or through the Municipality; (2) specific information regarding the equipment it proposes to place or currently maintains in the rights-of-way; (3) the expected physical burden that such equipment will place or does place on the rights-of-way; and (4) whether the equipment will or does have a detrimental effect on public safety as it relates to the rights-of-way. If the completed application does not fully provide such requested information, the Municipality may request such additional information as is necessary to enable it to make a determination regarding the physical use and occupation of the rights-of-way by the applicant. The application may request less information from a permit holder applying for a renewal of a right-of-way permit.

(b) Upon submission of a fully completed application to the Municipality and the accompanying fee, the Municipality shall review the application as follows. For new applicants, the Municipality shall grant or deny such applications within 40 business days. For existing permit holders applying for a renewal of their permits, who are not under suspension in accordance with Section 1034.04, the Municipality shall grant or deny such applications within 20 business days. If the Municipality fails to grant or reject such Application within the time periods specified above, the application shall be deemed approved. In each case, the Municipality shall review the application to determine whether such use would have a detrimental effect on public safety as it relates to the rights-of-way or would place an undue physical burden on the rights-of-way.

(c) In considering an application, the Municipality may use such outside expert or experts as it deems necessary. In the event the Municipality deems it necessary to employ an outside expert or experts to advise the Municipality with respect to a particular application, the reasonable costs of such expert or experts shall be borne by the applicant.

(Ord. 2373. Passed 4-3-02.)

1034.04 DURATION AND SUSPENSION OF RIGHT-OF-WAY PERMIT.

(a) The right-of-way permit shall be issued for a period of one year. Permit holders shall apply for a renewal of a right-of-way permit prior to its expiration. The municipality may suspend such right-of-way permit in the event any one or more of the following has occurred:

(1) The permit holder shall have caused damage to Municipal property or the right-of-way without the prior consent of the Municipality (except in the case of an emergency) and without completing proper restoration;
(2) The permit holder or the permit holder's equipment in the right-of-way has had a detrimental effect on public safety as it relates to the rights-of-way;
(3) The permit holder failed to pay the fees required under this chapter;
(4) The permit holder failed to comply with construction standards in accordance with the provisions contained in Section 1034.08;
(5) The permit holder failed to indemnify, hold harmless and insure the Municipality in accordance with the provisions contained in Section 1034.09.

(b) If the Municipality has reason to believe that one or more of the above events has occurred, it shall notify the permit holder in writing. The permit holder shall have 20 business days to cure the violation, unless the Municipality reasonably determines that the event is an emergency, in which case the Municipality may impose a shorter time period to cure the violation.

(c) If the permit holder fails to cure the violation within the specified time period, the Municipality shall be permitted to immediately suspend the right-of-way permit. A suspension shall be brought to the attention of the Penn Hills Municipal Council at its next meeting, at which time the Council shall be permitted to uphold or withdraw the suspension. The permit holder shall be provided an opportunity to be heard at such meeting.

(Ord. 2373. Passed 4-3-02.)

1034.05 REQUIREMENT FOR A CONSTRUCTION PERMIT.

(a) Except in the case of an emergency, before commencing any construction in the rights-of-way, a person shall submit to the Municipality detailed plans of the proposed construction activity. Such plans shall include the type of construction activity, the equipment proposed to be installed or erected, the specific locations of the construction activity and the scheduled beginning and ending dates of all planned construction. Such plans shall also include the name(s), address(es) and experience of any and all subcontractors whom the applicant intends to utilize. Such information may be submitted concurrently with an application for a right-of-way permit.

(b) Upon submission of all such information required in division (a) of this section, the Municipality shall review such information and either grant or deny a construction permit within 40 business days. If the Municipality fails to grant or deny the construction permit within such time period, the permit shall be deemed granted. In each such case, the Municipality shall review the information provided herein to determine whether such construction would have a detrimental impact on public safety as it relates to the rights-of-way. The Municipality may impose conditions on the construction permit regulating the times, locations, and manner of construction to preserve effective traffic flow, prevent hazardous road conditions and/or minimize noise impacts.

(Ord. 2373. Passed 4-3-02.)

1034.06 FEES AND EXPENSES.

(a) Each new applicant for a right-of-way permit shall include with its application an application fee in the amount of one thousand dollars ($1,000.00). This fee, which may be adjusted from time to time by the Municipal Council by resolution, is directly related to the Municipality's costs in reviewing the application (excluding expert costs) and managing the rights-of-way with respect to each permit holder. Such costs in managing the rights-of-way include, but are not limited to, inspection costs, administrative costs, costs of maintaining the rights-of-way and costs of
2005 Replacement
degradation of streets and right-of-way property. This fee will not be refunded in the event the application is denied. If the application is granted, the application fee will apply to the full term of the right-of-way permit of one year. If the applicant applies for a construction permit concurrently with the application for a right-of-way permit, then the application fee contained herein shall apply to both the right-of-way permit and the construction permit.

(b) Each existing permit holder applying for a renewal of its right-of-way permit shall include with its application an annual fee in the amount of seven hundred fifty dollars ($750.00). This fee, which may be adjusted from time to time by the Municipal Council by resolution, is directly related to the Municipality's costs in managing the rights-of-way with respect to each permit holder. Such costs include, but are not limited to, inspection costs, administrative costs, costs of maintaining the rights-of-way and costs of degradation of streets and right-of-way property.

(c) Each applicant for a construction permit shall include with its application an application fee in the amount of two hundred fifty dollars ($250.00). This fee, which may be adjusted from time to time by the Municipal Council by resolution, is directly related to the Municipality's costs in reviewing the application and determining time, place and manner restrictions on the construction activity. If the application for a construction permit is denied, this fee shall not be refunded. If the application is granted, then the applicant shall pay, within 30 days of the presentation of a statement, the Municipality's actual costs based on the hourly rate established by Resolution of the Municipal Council. Such actual costs include, but are not limited to, costs of disruption and rerouting of traffic, inspection costs and administrative costs.

(d) Extraordinary Expenses. In addition to the fees set forth above, a permit holder shall pay, within 30 days of the presentation of a statement, any extraordinary or unusual expenses reasonably incurred by the Municipality as a result of the permit holder's use of the rights-of-way, provided that the Municipality notifies the permit holder of the expected expenses prior to them being incurred and provides the permit holder with an opportunity to mitigate such expenses. Examples of extraordinary or unusual costs include, but are not limited to, the cost of obtaining and operating a backhoe, dump truck or other heavy equipment used to repair the right-of-way, overtime or special pay for police officers or other emergency services. The statement of such expenses presented to the permit holder shall be directly related to the Municipality's actual costs.

(e) In the event that payment of any of the fees identified above is not made upon submission of the application or by the date due, the applicant or permit holder shall pay a late payment penalty of simple interest at 10% annual percentage rate of the total amount past due. Such penalty shall be in lieu of any other monetary penalty. Acceptance of payment under this section shall not in any way limit or waive the Municipality's right to suspend or terminate the permit according to the terms of this chapter.

(Ord. 2373. Passed 4-3-02.)
1034.07 MANAGEMENT OF THE RIGHTS-OF-WAY.

(a) The Municipality shall have the right to limit the placement of new or additional equipment in the right-of-way if there is insufficient space to reasonably accommodate all requests to occupy and use the rights-of-way. The Municipality shall consider requests for occupying and using the rights-of-way in the order of receipt of fully completed applications for right-of-way permits. The Municipality shall strive, to the extent possible, to accommodate all requests, but shall be guided by the physical condition of the right-of-way and whether such use would have a detrimental effect on public safety as it relates to the right-of-way.

(b) The Municipality shall have the right to monitor the telecommunications systems and the equipment related thereto located in the rights-of-way in order to prevent interference between and among such systems and equipment.

(c) A permit holder shall allow the Municipality to make inspections of any part of the permit holder's telecommunications system located in the rights-of-way at any time upon three days notice, or, in case of an emergency, upon demand.

(Ord. 2373. Passed 4-3-02.)

1034.08 CONSTRUCTION STANDARDS.

(a) Whenever a permit holder or any of its subcontractors shall disturb any pavement, sidewalk or other public property in order to perform any underground activities, the permit holder will fully comply by registering with Pennsylvania's One Call System pursuant to 73 P.S. §176 et seq. Each permit holder shall perform construction activity in a manner consistent and in compliance with the detailed plans it submitted to the Municipality and all applicable Federal, State and local laws and regulations.

(b) Whenever a permit holder or any of its subcontractors shall cause damage to the right-of-way or to Municipality property in the right-of-way, the permit holder shall restore such right-of-way or property within 20 business days, weather permitting. Upon failure of the permit holder or its subcontractors to restore such right-of-way or property within the specified time period, the Municipality may cause proper restoration and the expense of such work shall be paid by the permit holder upon demand along with any penalties in accordance with Section 1034.99.

(c) The telecommunications system shall not endanger or interfere with the safety of persons or property within the Municipality. All operating, maintenance, construction and repair personnel shall be thoroughly trained in the safe use of all equipment and in the safe operation of vehicles. Such personnel shall follow all safety procedures required by applicable Federal, State and local laws and regulations. The permit holder shall routinely inspect and maintain all areas of the telecommunications system so that conditions that could develop into safety hazards shall be corrected before they become a hazard. The permit holder shall have a drug and alcohol policy in effect for all operating, maintenance, construction and repair personnel.

2005 Replacement
(d) Except in the case of an emergency, at least three days prior to the commencement of any construction activity, a permit holder shall notify nearby residents of such construction activity in a manner which is satisfactory to the Municipality. The name of the permit holder shall be clearly disclosed to such residents.

(e) All construction activity shall be performed in an orderly and workmanlike manner, and in close coordination with public utilities serving the Municipality following accepted industry construction procedures and practices.

(f) All wires, cables and other equipment shall be installed, where possible, parallel with electric and telephone lines, and multiple cable configurations shall be arranged in parallel and bundles with due respect for engineering considerations.

(g) All wires, cables and other equipment shall be installed underground where required by municipal ordinance or regulation consistent with the same requirement being imposed on all other similarly situated companies, including public utilities.

1034.09 LIABILITY AND INDEMNIFICATION.

(a) A permit holder shall, at its sole cost and expense, indemnify and hold harmless the Municipality, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising out of the permit holder's use or occupancy of the rights-of-way. A permit holder shall defend any actions or proceedings against the Municipality in which it is claimed that personal injury, including death, or property damage was caused by the permit holder's use or occupancy of the rights-of-way. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification. A permit holder shall not be required to indemnify and hold the Municipality harmless for claims caused by the Municipality's negligence, gross negligence or willful misconduct.

(b) A permit holder shall at all times during the life of a permit carry and require its subcontractors to carry liability, property damage, worker's disability, and vehicle insurance in such form and amount as shall be determined by the Municipality as set forth in the permit. A permit holder shall name the Municipality as an additional insured on its liability insurance policies. All required insurance coverage shall provide for 30 days notice to the Municipality in the event of material alteration or cancellation of such coverage prior to the effective date of such material alteration or cancellation.

(Ord. 2373. Passed 4-3-02.)
1034.10 REPORTING REQUIREMENTS.

(a) A permit holder shall annually provide the Municipality, upon application for renewal of the permit, or upon request, the current maps of the horizontal and vertical locations of its existing installations and a summary of all additions and deletions of equipment in the rights-of-way, unless no changes have occurred in the previous year. If no changes have occurred in the previous year, the permit holder shall so inform the Municipality.

(b) A permit holder shall submit to the Municipality such reasonable information directly related to the permit holder's use and occupation of the rights-of-way as the Municipality may request. All information provided to the Municipality shall be maintained by the Municipality as proprietary and confidential to the extent permitted under applicable State law if such information is designated in good faith as such prior to the time it is provided to the Municipality.

(Ord. 2373. Passed 4-3-02.)

1034.11 SALE OR TRANSFER OF RIGHTS OF PERMIT HOLDER.

A right-of-way permit may be transferred or assigned, upon 30 days written notice to the Municipality, provided that the transferee/assignee agrees in writing to comply with all of the obligations and requirements contained in this chapter.

(Ord. 2373. Passed 4-3-02.)

1034.12 PERFORMANCE BOND.

A permit holder may be required, prior to construction, to obtain a performance bond in a reasonable amount set by the Municipality based upon the construction cost of the equipment to be installed in the rights-of-way and the extent of the disturbance of such rights-of-way. The performance bond shall ensure the permit holder's faithful performance of its construction obligations. The Municipality may reduce or cancel the bond requirement when construction is completed.

(Ord. 2373. Passed 4-3-02.)

1034.13 TERMINATION OF PERMIT.

(a) In addition to all other rights and powers reserved by the Municipality, the Municipality reserves the right to terminate a permit and all rights and privileges of a permit holder for any of the following reasons:

(1) A permit holder fails, after 30 days prior written notice, to comply with any of the material provisions of the permit or this chapter;

(2) A permit holder becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt;

(3) All or part of a permit holder's facilities are sold under an instrument to secure a debt and are not redeemed by the permit holder within nine days from such sale;

(4) A permit holder attempts to or does practice any fraud or deceit in its conduct or relations with the Municipality under the permit;

2005 Replacement
(5) The Municipality condemns all of the property of a permit holder within the Municipality by the lawful exercise of eminent domain;
(6) The permit holder abandons the telecommunication system.

(b) No termination shall be effective unless and until the Municipal Council shall have adopted a Resolution setting forth the cause and reason for the termination and the effective date, which Resolution shall not be adopted without 30 days prior notice to the permit holder and an opportunity for the permit holder to be heard before the Municipal Council on the proposed Resolution.
(Ord. 2373. Passed 4-3-02.)

1034.14 REMOVAL.
(a) Upon expiration or termination of the permit, if the permit is not renewed, the permit holder shall, upon written notice to the permit holder, remove its equipment from the rights-of-way and shall restore said areas. If such removal is not completed within six months of such notice, the Municipality may deem any property not removed as abandoned and the Municipality may remove it at the former permit holder's expense.

(b) During the term of the permit, if the permit holder decides to abandon or no longer use all or part of its telecommunications system, it shall provide the Municipality with written notice of its decision at least 30 days prior to such decision, which notice shall describe the equipment and its location. The Municipality shall have the right to require the permit holder to remove the equipment upon written notice to the permit holder. If such removal is not completed within six months of such notice, the Municipality may remove it at the permit holder's expense.
(Ord. 2373. Passed 4-3-02.)

1034.15 POLICE POWERS.
The Municipality, by granting any permit under this chapter, does not waive, diminish, impair or surrender the lawful police powers vested in the Municipality under applicable Federal, State and local laws pertaining to the regulation or use of the rights-of-way.
(Ord. 2373. Passed 4-3-02.)

1034.16 EQUAL APPLICATION.
The provisions of this chapter shall be imposed upon and enforced against all persons requiring a permit from the Municipality.
(Ord. 2373. Passed 4-3-02.)

1034.99 PENALTY.
If the permit holder violates any of the terms of this chapter, it shall be subject to a fine of up to one hundred dollars ($100.00) per day until the violation is cured.
(Ord. 2373. Passed 4-3-02.)

2005 Replacement
EDITOR’S NOTE: The installation of private sewage disposal systems is regulated by the County Department of Health, not by the Municipality.

1040.01 Tap-in fees generally. 1040.06 Prevention of pollution during construction of sanitary sewers.
1040.02 Tap-in fees for properties benefitted by Plum Creek and Snively Run Interceptors. 1040.07 Private storm sewers.
1040.03 Tap-in fees for properties benefitted by Leechburg Road, Hulton Road and Hamil Road Interceptors. 1040.08 Right of entry and inspection.
1040.04 Annual connection charge in Verona Hill Sewer District. 1040.09 Connection of private sanitary sewers into the sanitary system of the Municipality and its facilities.
1040.05 Prohibited discharges. (Repealed) 1040.10 Certification of sanitary sewer status prior to sale of real estate.
1040.99 Penalty.

CROSS REFERENCES
Sewer service charges - see S.U. & P.S. Ch. 1042
Sewer agreements - see S.U. & P.S. Ch. 1044
Prohibited discharges to ALCOSAN - see S.U. & P.S. 1044.07
Storm drainage in site development plans - see P. & Z. 1220.15
Drainage - see B. & H. 1424.13
Plumbing and house drainage - see B. & H. Ch. 1460
Authority of County Health Department - see H. & S. 1810.01
(a) **Plant Charge.** Plant charges shall be as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>$500.00 per dwelling unit</td>
</tr>
<tr>
<td>Double, duplex, row, townhouses</td>
<td>$500.00 per dwelling unit</td>
</tr>
<tr>
<td>Multifamily</td>
<td>$300.00 per dwelling unit</td>
</tr>
<tr>
<td>Commercial /industrial</td>
<td>$400.00 plus charges for all fixtures over four, at the rate of fifty dollars ($50.00) per extra fixture except for the following:</td>
</tr>
<tr>
<td>Restaurant sink</td>
<td>$500.00</td>
</tr>
<tr>
<td>Gas station, per wash bay</td>
<td>$500.00</td>
</tr>
<tr>
<td>Car wash</td>
<td>$700.00</td>
</tr>
<tr>
<td>Commercial laundry</td>
<td>$100.00 per machine</td>
</tr>
</tbody>
</table>

A fixture is defined as a commode, urinal, sink, wash basin, laundry tub, shower, floor drain, fountain, etc.

(b) **Trunk Charge.**

<table>
<thead>
<tr>
<th>Basis of Charge</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per front foot</td>
<td>$1.30</td>
</tr>
</tbody>
</table>

(c) **Tap-in Charge.**

<table>
<thead>
<tr>
<th>Basis of Charge</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per permit</td>
<td>$15.00</td>
</tr>
</tbody>
</table>

(d) **Other Charges.**

(1) For sewer service to properties outside the Municipal boundaries, all of the above fees shall be increased by fifty percent.

(2) In multifamily dwellings, there are no additional charges for laundries restricted to the use of residents of the building.

(3) A twenty-five dollar ($25.00) inspection fee shall be charged for alterations or repairs to existing sewer taps.

(Ord. 1281. Passed 8-3-70; Res. 70-1980. Passed 8-6-80; Ord. 1914. Passed 12-16-85; Ord. 2026. Passed 1-3-89; Ord. 2146. Passed 6-7-93.)

1040.02 TAP-IN FEES FOR PROPERTIES BENEFITTED BY PLUM CREEK AND SNIVELY RUN INTERCEPTORS.

(a) In the case of all properties abutting the Plum Creek and Snively Run Sanitary Sewer Interceptors, where beneficial use or connection can be made directly to such Interceptors, and where settlement has been made between the owners of such properties and the Municipality for the purchase of easements on their properties in which such Interceptors will be constructed, there shall be a maximum tap-in charge of one hundred eighty dollars ($180.00) for each single-family dwelling. Such rate shall be deemed to be additional consideration flowing from the Municipality to those property owners who have given the Municipality validly executed grants of easement, this proposed system of charge being deemed to compare favorably with a sixty-foot lot in other areas of the Municipality.
where easements are not involved. This charge is to be paid at the time property owners obtain a sewer tap-in permit or a building permit.

(b) In all instances where industrial uses and commercial uses of properties are involved, and these properties not only abut such Interceptors but could also have direct use of the Interceptor lines, there shall be a charge of one dollar ($1.00) per 1,000 cubic feet of the cubical contents of any and all such buildings erected, the computation to be based upon floor to ceiling of any one story, and the ceiling to be considered as twenty feet. However, regardless of cubic foot content, there shall be a minimum charge of two hundred dollars ($200.00) per building.

(Ord. 1124. Passed 3-6-67.)

1040.03 TAP-IN FEES FOR PROPERTIES BENEFITTED BY LEECHBURG ROAD, HULTON ROAD AND HAMIL ROAD INTERCEPTORS.

(a) In all instances where the owners of property through which the Leechburg Road, Hulton Road and Hamil Road Interceptor Sewers are constructed are subject to granting an easement and permission for the construction of sewers, and such sewers are of beneficial use to the property affected, a reduced tap-in charge of four dollars ($4.00) per lineal foot shall be made against the benefitted property.

(b) The benefitted properties that have structures constructed thereon should be assessed for trunk sewer charges and sewage plant charges as prescribed in Section 1040.01. There shall also be a plumber's permit fee for inspecting the house or structure connection.

(c) Council hereby reserves the right to make further adjustments in the charges to the benefitting property owners in the event that there are unusually shaped properties, limited benefits and unusable property.

(Ord. 1364. Passed 2-5-73.)

1040.04 ANNUAL CONNECTION CHARGE IN VERONA HILL SEWER DISTRICT.

(a) There is hereby levied against all properties accommodated in Sewer District No. Five (the Verona Hill Sewer District) an annual fee for sewerage connection in the amount of two dollars ($2.00) for each connection.

(b) For the purposes of this section, each apartment or subdivision in a multiple dwelling house, such as a duplex, an apartment house or a row of houses, shall be considered as having a sewer connection.

(Ord. 186. Passed 4-4-29.)

1040.05 PROHIBITED DISCHARGES. (REPEALED).

(EDITOR'S NOTE: Section 1040.05 was repealed by Ordinance 2129, passed November 9, 1992. See Chapter 1043.)

1040.06 PREVENTION OF POLLUTION DURING CONSTRUCTION OF SANITARY SEWERS.

During and after the construction of sanitary sewers, the contractor shall use all care possible to prevent siltation and other pollution of streams. No spoil, brush, tree or other debris shall be dumped into a stream or placed upon the bank where it may wash or slide into a stream. Any cofferdams or other earthen structures used to control a stream during construction shall be removed as soon as possible after the work in the stream is completed and shall not be allowed to wash downstream. The use of equipment in the stream shall be restricted to the very minimum required to complete the work. Upon completion of the work, the stream bed shall be returned as nearly as possible to its original condition and the banks shall be seeded or planted to prevent
erosion.
(Res. 32-1971. Passed 10-4-71.)

1040.07 PRIVATE STORM SEWERS.

(a) As used in this section **private storm sewer** means a sewer that handles any drainage, except sanitary sewage, not accepted by the Municipality, whether it is completely or partially enclosed, and including channelized watercourses and streams.

(b) No person shall allow a private storm sewer or enclosed water channel to be in a state of disrepair or be in such a condition that it cannot adequately handle storm drainage.

(c) A private storm sewer found to be in violation of subsection (b) hereof is hereby declared to be a nuisance and if, after notice to the property owner as required by law, such sewer is not repaired, the Municipality may make the necessary repairs and place a lien on the property or collect its costs using other legal or equitable remedies.

(d) No person shall connect a private storm sewer to a Municipal sewer without first obtaining a permit from the Municipality. All connections shall be made in conformity with plans and specifications approved by the Municipality and shall be subject to inspection.
(Ord. 1642. Passed 12-3-80.)

1040.08 RIGHT OF ENTRY AND INSPECTION.

All persons, including owners of property, individuals, copartnerships, corporations and businesses, their servants, agents and employees, applying for a permit to use, or who are using, or appear to be using, directly or indirectly, legally or illegally, the sanitary sewer system, including, but not limited to, the sanitary sewage treatment disposal plants, pumping stations, sanitary sewer lines and sanitary trunk line sewers of the Municipality or of the Sanitary Authority, shall have thereby consented to the Municipality’s duly appointed representative, or agent thereof, entering, inspecting and performing any tests in any such building or premises at all reasonable times for the purpose of ascertaining the use or uses made or being planned and whether the same are in accordance with the provisions of this chapter.

Should the Municipality’s duly appointed representative, or agent thereof, be denied access to any building or premises where such access was sought for the purposes set forth in this section, he or she may apply to any issuing authority for a search warrant authorizing access to such building or premises for such purposes. The court may, upon such application, issue the search warrant for the purposes requested.
(Ord. 1978. Passed 11-9-87.)

1040.09 CONNECTION OF PRIVATE SANITARY SEWERS INTO THE SANITARY SYSTEM OF THE MUNICIPALITY AND ITS FACILITIES.

(a) Whenever a public sanitary sewer has been or shall be constructed on any public street or alley or otherwise within the corporate limits of the Municipality, each separate building or premises fronting on such street or alley, and not previously connected with the public sanitary sewer, shall be connected therewith by a private sewer running from the building or premises into, upon or abutting such public street or alley or otherwise, within thirty days after written or printed notice given to the owner of every such building or premises described in this section, such notice to be given by the Municipality’s duly appointed representative or any other Municipal officer or employee authorized and directed by Council to do so. Upon the failure of any such owner to make such connection within the thirty-day period, such owner shall be subject to prosecution and liable to the penalty hereinafter provided and, in addition thereto, such connection may be made by the Municipality and the cost thereof, together with a penalty of ten percent additional thereto, shall be collected from such owner in the manner now provided by law, and particularly so far as such law
relates to the abatement of nuisances. However, more than one separate building or premises may
be connected with the public sanitary sewers of the Municipality by a single private sewer when, in
the judgment of the Municipal Engineer, such single type of private sewer is sufficient for all
purposes and needs of the property and the owner thereof and upon the written certification of the
Municipal Engineer to Council that he or she has approved this method of connection.

(b) The construction of every such private sewer shall be under such rules and regulations
as have heretofore been approved by Council and shall be inspected by the Municipality, and the
Municipal specifications both as to size and type of material to be used shall be strictly followed.
The property owner shall obtain a permit from the office of the Municipality authorizing the
aforesaid connection into and with the public sanitary sewers of the Municipality. The
Municipality or any other duly authorized employee or officer shall supervise the making of the
connection from the properties of all persons to the public sanitary sewer lines. The Municipal
branch sewers from the public sanitary sewers of the Municipality shall be laid to the curb line of
all properties abutting the public sanitary sewers when laid and constructed in and upon the public
streets and alleys of the Municipality. Where, because of topography, sanitary sewers are
constructed into the rear yards or sideline yards of the owners of lots in the Municipality, a proper
Y-connection shall be provided so that connection can be made. In any instance where private
sewers will have to be laid connecting one or more houses or buildings with the public sewers of
the Municipality, application shall be made at the offices of the Municipality or of the Municipal
Manager and then certified over to the Municipal Engineer for study and written recommendations
from the Municipal Engineer to Council concerning the installation and construction of the private
sewer and its connection into and with the public sanitary sewer lines of the Municipality.

(c) The Municipality shall have the right to require any additional private sewer to be laid in
any case in which a private sewer previously laid becomes inadequate either because of an increase
in the size of the building or because of additional use that would increase the flow or discharge of
sewage therein.
(Ord. 1978. Passed 11-9-87.)

1040.10 CERTIFICATION OF SANITARY SEWER STATUS PRIOR TO SALE OF
REAL ESTATE.

(a) Certification Required. After the effective date of this section, it shall be unlawful for
any person to sell real estate within the Municipality on which a building or improvement exists
without first delivering unto the purchaser of such property a document of certification or
temporary document of certification from the proper officers of the Municipality.

(b) Definitions. As used in this section:
(1) **Person** means any person, syndicate, associate, partnership, firm, corporation,
institution, agency, authority or other entity recognized by law as the subject of
rights and duties.
(2) **Municipal lien and property tax verification letter** means a written letter from the
proper official of the Municipality concerning Municipal liens and property taxes.
(3) **Document of certification** means an official statement from the proper officer of
the Municipality stating that there are no known illegal storm or surface water
connections into the sanitary sewer connections on the specific property which is
being sold.
(4) **Temporary document of certification** means a temporary statement of
certification from the proper officer of the Municipality issued pursuant to the
terms of subsection (d) hereof.
(5) **Illegal storm or surface water connections** means the prohibited discharge of
substances as described in Section 1040.05(a).
(c) **Document of Certification Application.** Any person selling real estate located within the Municipality shall make application on a form furnished by the Municipality at least seven days before the date of sale. The Director of Code Enforcement, or his designee, shall then make an inspection of the home in conjunction with an occupancy permit inspection required by the Building Code and Zoning Ordinance. If, in the opinion of the Director of Code Enforcement, or his designee, the structure and/or property has been developed in such a manner that storm water inflow and infiltration are likely, then the Director of Code Enforcement, or his designee, may require that the property be tested. The applicant shall then have a plumber or other agent approved by the Director of Code Enforcement, or his designee, perform a dye test, smoke test or air test of the sewer drainage system on the property to be sold, said smoke test to involve the use of nontoxic, nonstaining smoke, which is forced through the sewer system by the use of air blowers. The plumber shall notify the Municipality at least two working days before the test is made so that the Municipality’s agent may witness the test. The Municipality shall have the right to approve the test as performed and/or to require that additional tests be made. The Municipality shall also have the right to rely on the results of any internal televising of the main sewer completed by the Municipality or its contractor. The plumber shall complete the appropriate portions on the form and certify that the property has been dye tested, smoke tested or air tested and certify the results of such test. In the event that there are no illegal storm or surface water connections and the existing drainage system is sound, the Director of Code Enforcement, or his designee, shall issue a document of certification upon the payment of any established fee. When an illegal storm or surface water connection or malfunctioning drainage system is discovered by means of the above-mentioned testing, no document of certification shall be issued until the illegal connection and/or malfunctioning drainage system is removed or repaired, the system is retested and the certification of such removal and/or repair by a registered, licensed plumber is received.

(d) **Temporary Document of Certification.** A temporary document of certification may be issued at the Municipality’s sole discretion when either:

1. The applicant proves that such testing cannot be performed because of weather conditions. When such is the case, the applicant shall provide the Municipality with security in the amount of one thousand dollars ($1,000) to guarantee that the appropriate test shall be performed. The applicant shall cause to have performed the appropriate test within fourteen days of subsequent written notification from the Municipality, which will be given at such time as weather conditions make such testing possible. In addition, the applicant shall provide a signed written acknowledgment from the purchaser of the real estate, agreeing to correct, at such purchaser’s sole expense, any violations and/or defects that may be discovered as the result of subsequent tests. Nothing in this paragraph shall prohibit any purchaser from requiring the applicant to reimburse the purchaser for any costs incurred, provided, however, that primary liability shall run with the land and no such agreement shall affect the Municipality’s enforcement powers or excuse the current owner from performance.

2. An illegal storm or surface water connection or malfunctioning drainage system has been discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the applicant. When such is the case, the applicant may apply to the Department of Code Enforcement for a temporary document of certification, which may only be issued when the applicant provides the Municipality with all of the following:

   A. A bona fide executed contract between the applicant and a registered, licensed plumber to complete the necessary remedial work, with the Municipality listed therein as a third party beneficiary;

   B. Cash security in the amount of said contract as posted with the Municipality;
and

C. An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Municipality to enter upon the property to complete work in case of default by the contractor. The Director of Code Enforcement, or his designee, shall determine, by regulation, when such temporary document of certification shall expire, at which time the security shall be forfeited, and the Municipality may use the security to have the necessary remedial work completed.

(e) Rules and Regulations of Director of Code Enforcement.
(1) The Director of Code Enforcement is hereby authorized, empowered and directed to make reasonable rules and regulations for the operation and enforcement of this section as he deems necessary, which shall include, but not be limited to:
   A. Establishing acceptable forms of security or guarantees;
   B. Acceptable testing methods;
   C. Establishing the forms of applications, purchaser acknowledgments and plumber certifications; and
   D. Limiting the times of the year in which temporary documents of certification are available by reason of weather.
(2) All rules and regulations issued pursuant to this subsection shall be in writing and be approved by Council prior to such rules and regulations being effective.

(f) Enforcement by City County and/or State. Nothing in this section shall limit, in any manner whatsoever, the Municipality’s right to enforce any ordinance or law of the Municipality, the County of Allegheny or the Commonwealth of Pennsylvania. Nothing in this section shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.
(Ord. 2080. Passed 3-4-91.)

EDITOR*S NOTE: Regulations authorized by Section 1040.10(e) have been promulgated by the Director of Code Enforcement and approved by Council. They are set forth below.

MUNICIPALITY OF PENN HILLS
REGULATIONS FOR DOCUMENTS OF CERTIFICATION

1. Application must be made at least seven days prior to closing date.

2. Security for a temporary document of certification, if applicable, must be cash, money order or certified check.

3. A temporary document of certification may be requested only due to weather conditions between November 15 and April 1, as conditions warrant.

4. Applications for a temporary document of certification must include an agreement signed by both purchaser and seller, accompanied by one thousand dollars ($1,000) in cash, or a money order or certified check for such amount, assuring that the test will be completed when weather permits and that any deficiencies discovered will be corrected.

5. When an illegal connection or leaking lateral has been discovered and the necessary remedial activities to correct such connection would require a length of time to create a practical hardship for the applicant, the applicant may apply to the Department of Code Enforcement for a temporary document of certification, which may only be issued when the applicant provides the Municipality with all of the following:
A. A bona fide executed contract between the applicant and a registered, licensed plumber to complete the necessary remedial work, with the Municipality of Penn Hills listed thereon as a third party beneficiary.

B. Cash security in the amount of said contract posted with the Municipality.

C. An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Municipality to enter upon the property to complete work in case of default of the contractor.

A temporary document of certification shall expire after six months from the date of issue, at which time the security shall be forfeited and the Municipality may use the security to complete the necessary remedial work.

6. Plumbers’ certificates and documents of certification are valid for one year from the date of issue, unless there is evidence that construction activity on the property may have invalidated prior certifications. The Municipality shall, however, have the right to perform additional testing at its expense during said one-year period.

7. In reaching a decision as to whether or not to require testing, the Director of Code Enforcement, or his designee, may consider the following:
   A. Previous evidence of testing relating to the property and documented corrective action.
   B. The topography of the land in relationship to the location or presence of sanitary sewers.
   C. Any visual or documented evidence of compliance.
   D. The history of construction methods used for other homes in the neighborhood.
   E. Any other evidence that would assist in reaching a reasonable conclusion that violations are or are not likely.

8. A fee of ten dollars ($10.00) must accompany the application.

9. Testing may include, but not necessarily be limited to, any of the following, the Municipality having the right to require additional testing if the original testing is inconclusive:
   A. Dye testing at each downspout and area drain.
   B. Dye testing of foundation drains by flooding or injection.
   C. Smoke testing of the public sewer and sewer lateral to the house trap.
   D. Smoke testing of the building drain on the house side of the trap.
   E. Air testing of the lateral.
   F. Hydrostatic testing of the lateral.
   G. Televising of the main sewer and/or of the lateral sewer during periods of saturated ground and/or precipitation.

All testing shall be on a pass-fail basis, with the Municipality having the right to reject any tests or test results which it feels are inconclusive or inaccurate.

10. The sewerage systems shall be retested after any corrective action has been taken to demonstrate that the illegal connection or defect has been eliminated or repaired.
APPLICATION FOR DOCUMENT OF CERTIFICATION
(All information must be typed or printed)

CURRENT OWNER____________________
ADDRESS_________________________

DATE MAIN SEWER TV: __/__/__

REPORT PAGE NO.____________________
ESTIMATED I/I: _______________GPD

DATE OF TEST(S): __/__/__
TYPE OF TEST(S): ______________________
(Smoke/Dye/Air)

TEST RESULTS: ________________________
(Positive/Negative)

Number of Downspouts Positive____________
Number of Area Drains Positive____________
Other Positive: ________________________

DATE OF REMOVAL: __/__/__

TYPE OF REMEDIAL ACTION

1. Drained to Surface
2. Drained to Sump
3. Drained to Mun. Storm Sewer
4. Repaired/Replaced Lateral
5. Other (State Method)

______________________________
______________________________
______________________________

I HEREBY CERTIFY THAT THIS PROPERTY HAS BEEN TESTED FOR STORMWATER INFILTRATION TO THE SANITARY SEWER UNDER THE TERMS OF ORDINANCE AND NO VIOLATIONS OR MALFUNCTIONS EXIST.

DATE: __/__/__

NAME_____________________________
(Please Sign)
REGISTRATION NO.__________________

THE DOCUMENT OF CERTIFICATION FOR THIS PROPERTY WAS ISSUED THIS DATE __/__/__

__________________________________
Municipality of Penn Hills
1040.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates any provision of Section 1040.10, or any regulation issued pursuant thereto and authorized thereby, shall be fined one thousand dollars ($1,000) and costs of prosecution, and, in default of payment of such fine and costs, shall be imprisoned not more than ninety days.

(Ord. 2080. Passed 3-4-91.)
CHAPTER 1042
Sewer Service Charges

EDITOR'S NOTE: The Municipality contracts for the collection of sewer service charges. Copies of the latest relevant legislation may be obtained from the Manager.
Res. 21 of 1981, passed March 4, 1981, approved and adopted rules and regulations promulgated by the Central Tax Bureau, Inc. Copies of such rules and regulations are available, at cost, from the Manager.

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1042.01</td>
<td>Establishment</td>
</tr>
<tr>
<td>1042.02</td>
<td>Classification of users; unit rates</td>
</tr>
<tr>
<td>1042.03</td>
<td>Change of rates</td>
</tr>
<tr>
<td>1042.04</td>
<td>Payment of charges</td>
</tr>
<tr>
<td>1042.05</td>
<td>Connection prohibited</td>
</tr>
<tr>
<td>1042.06</td>
<td>Separate uses, etc. in same building</td>
</tr>
<tr>
<td>1042.07</td>
<td>Unclassified property</td>
</tr>
<tr>
<td>1042.08</td>
<td>Surcharges and interest on late payments</td>
</tr>
<tr>
<td>1042.09</td>
<td>Right of entry</td>
</tr>
<tr>
<td>1042.10</td>
<td>Water Pollution Control Fund</td>
</tr>
<tr>
<td>1042.11</td>
<td>Management of Fund and sewerage system</td>
</tr>
<tr>
<td>1042.12</td>
<td>Effective period</td>
</tr>
<tr>
<td>1042.13</td>
<td>Charges and collection procedures for nonresident service</td>
</tr>
<tr>
<td>1042.14</td>
<td>Delinquency; remedies of Municipality</td>
</tr>
<tr>
<td>1042.15</td>
<td>Collection of charges by suit</td>
</tr>
<tr>
<td>1042.16</td>
<td>Customer service charge</td>
</tr>
<tr>
<td>1042.17</td>
<td>Automatic incorporation of fee increases</td>
</tr>
<tr>
<td>1042.18</td>
<td>Billing and collection</td>
</tr>
</tbody>
</table>

CROSS REFERENCES
Sewers generally- see S.U. & P.S. Ch. 1040
Sewer agreements - see S.U. & P.S. Ch. 1044

1042.01 ESTABLISHMENT.
There is hereby established a schedule of Municipal sanitary sewer collection and treatment rates, which shall be known as sewer service charges.
(Ord. 1460. Passed 8-31-76.)

1042.02 CLASSIFICATION OF USERS; UNIT RATES.
The classification of users and the units assigned to each user for determining the quarterly rate and charge for billing purposes, based upon the unit rate and charge and upon the volume rate and charge specified in and established by the provisions of this chapter, shall be as follows:
(a) Residential. (Per Quarter)
   (Single-family, two-family and multiple-family)
   (1) Rate schedule.
       Volume (gallons) | Charge (per 1,000 gallons)
       Per 1,000 gallons | $10.07

2011 Replacement
(2) Flat rates (for users not connected to public water lines.
   A. Single-family residences $100.00
   B. Two-family and multiple-family residences $100.00/dwelling unit

(b) Commercial and Industrial Users. (Per Quarter)
(1) Rate schedule.
   Volume (gallons) Charge (per 1,000 gallons)
   Per 1,000 gallons $10.82

(2) Flat rates (for users not connected to public water lines. $200.00

(c) Public Buildings and Schools, Churches, Schools, Hospitals, Rest Homes, Nursing Homes, Convalescent Homes and Mental Health Institutions. (Per Quarter)
(1) Rate by volume
   Per 1,000 gallons $10.07

(2) Flat rates (for users not connected to public water lines. $100.00

(d) Nonresident Rate. (Per Quarter)
(1) Rate schedule
   Volume (gallons) Charge (per 1,000 gallons)
   Per 1,000 gallons $15.11

   (Ord. 2305. Passed 12-22-98; Ord. 2461. Passed 12-29-06.)

(e) Right of Municipality to Collect Additional Fees. The Municipality reserves the right to assess additional fees to cover any reasonable costs incurred by the Municipality in reviewing and processing applications for the discharge of industrial waste.
   (Ord. 2107. Passed 2-18-92; Ord. 2129. Passed 11-9-92; Ord. 2489. Passed 12-31-07; Ord. 2500. Passed 7-7-08.)

1042.03 CHANGE OF RATES.
The rates herein adopted shall be subject to change by Council upon any change of circumstances as Council determines. Such rate changes shall be adopted by ordinance.
   (Ord. 1460. Passed 8-31-76.)
1042.04 PAYMENT OF CHARGES.
All fees and charges shall be payable as follows:
(a) All billing procedures shall be done by the Manager or his or her designated agent.
(b) Bills shall be issued to users as classified in Section 1042.02(a), (b) and (c) during the months of January, April, July and October.
(c) Payments shall be made upon presentation of the bill and shall be made payable to the Municipal Sewer Fund or such other payee as the Manager from time to time may designate.
(d) Requests for adjustments, corrections, etc., to any bill shall be made in writing, to the Manager or his or her designated agent.
(e) The sewage bill shall be sent to and shall be payable by the party to whom water bills are addressed, and in the case of all water users to whom no water bills are addressed, the sewage bill shall be sent to and shall be payable by the occupant of the premises.
(f) In the event the party billed by the Municipality under subsection (e) hereof is not the owner of the property, and if the occupant does not pay the sewage bill within sixty days from the billing date, it shall be sent to such owner who shall be responsible for such payment.
(g) The quantity of water which does not reach a metered water user's sewer, if separately metered, shall not be included in the quantity upon which the sewage charge is calculated. Subject to the prior written approval of the Manager, a commercial or industrial water user may install a sewage meter, in which event the sewage charge shall be based upon the quantity of sewage so metered. A non-water user single-family resident may also request such approval.
(Ord. 1848. Passed 5-7-84.)

1042.05 CONNECTION PROHIBITED.
No person shall make any connection or tie-in to the Municipality's system unless and until all fees and charges are paid.
(Ord. 1460. Passed 8-31-76.)

1042.06 SEPARATE USES, ETC. IN SAME BUILDING.
Where two or more separate users or classes of uses within a class exist in the same building, as uses are classified and typed in Section 1042.02, the annual charge for each use, shall be as set forth in Section 1042.02, provided, however, that each and every use separately connected to the Municipality's system shall be charged and the full connection charge therefor shall be paid, as well as all annual charges, and provided, further, that the full annual charge shall be paid for each and every use in separate buildings, connected to the system by a single connection or by more than one connection.
(Ord. 1460. Passed 8-31-76.)

1042.07 UNCLASSIFIED PROPERTY.
Owners of a real property use not falling into one of the categories listed herein shall pay such service charges as are determined by the Municipality upon the recommendation of the Manager and after a consideration of all those factors relevant to such a determination. In the event that any user is dissatisfied with the classification assigned to his or its use hereunder, such user may, if he or it so chooses, or shall, before initiating any action for relief before any tribunal having jurisdiction, notify the Municipality in writing that he is so dissatisfied. The Municipality shall give such user an opportunity to be heard at a public meeting occurring within forty-five days of its receipt of such written notice and shall make its decision on the matter at the regular meeting of the Municipality following such hearing, which will be the following month. In making its determination, the Municipality shall forthwith supply such user its findings in writing.
1042.08 SURCHARGES AND INTEREST ON LATE PAYMENTS.

Sewage service charge bills which are not paid promptly shall be subject to surcharges and interest as follows:

(a) Bills of Water Users. All sewage charges billed to water users shall be paid on or before the due date shown on the sewage bill. A surcharge of five percent shall be added to the bill of all sewage users if such bill is not paid by the due date. The surcharge will be charged only on the most recent delinquent bill and not assessed to prior delinquent bills that have already been surcharged. In addition to the surcharge, interest shall be charged on all delinquent bills at the rate of one percent per month, which interest shall begin on the thirty-first day after the due date.

(b) Bills of Nonwater Users. All sewage service charges, flat rate, billed to non-water users shall be subject to the surcharge provided in subsection (a) hereof.

(c) Bills for ALCOSAN Customers. (EDITOR'S NOTE: Subsection (c) was repealed by Ordinance 1794, passed March 2, 1983.)

(d) Liens; Attorney's Commission. All unpaid bills, in addition to such surcharges and interest, shall, after sixty-one days of their due date, be subject to a lien in accordance with law, plus an attorney's commission of five percent.

(e) Adjustments. Requests for adjustment corrections, etc., to any delinquent bill, surcharge or interest assessed against a delinquent bill shall be made in writing to the Manager or his or her designated agent.

(Ord. 1460. Passed 8-31-76.)

1042.09 RIGHT OF ENTRY.

Every person applying for a permit, connecting a building or premises with or using the system of the Municipality, shall have thereby consented to the Municipality's duly appointed representative entering and inspecting any such building or premises at all reasonable times, for the purpose of ascertaining the use or uses made or being planned and whether or not the same are in accordance with the provisions of this chapter.

(Ord. 1460. Passed 8-31-76.)

1042.10 WATER POLLUTION CONTROL FUND.

(a) There is hereby established a separate fund to be known as the Municipal Water Pollution Control Fund, otherwise known as the Municipal Sewer Fund, as provided by law.

(b) Revenues of such Fund shall not be commingled with the Municipal General or any other Municipal Fund, and no surplus which may accrue at the end of the fiscal year to such Fund shall be transferred to the Municipal General Fund. Such surplus, if any, shall be applied in any one or all of the following at the option of Council:

1. To the operating revenues of such Fund;
2. To the prepayment of Sewer Fund debt service; and
3. To the construction of sanitary sewer collection lines or improvements to sanitary sewer treatment plants.

(c) No portion of such Fund's revenues or any surplus therein may be used as an interfund loan to the Municipal General or any other Municipal Fund.

(Ord. 1460. Passed 8-31-76.)

1042.11 MANAGEMENT OF FUND AND SEWERAGE SYSTEM.

The management of the Municipal Sewer Fund and of the Municipal sanitary sewerage system shall remain under the direction of the Manager.

(a) All Municipal employees assigned to perform sanitary sewer system operations and
maintenance duties as of the effective date of this section (Ordinance 1460, passed August 31, 1976), shall remain under the direction of the Manager.

(b) The Manager shall prepare a separate annual Municipal Sewer Fund Operating and Capital Budget in the form prescribed by the Municipal Charter, which budget shall be adopted by Council as prescribed by the Charter and State statute.

(c) No contract for any improvement or capital project of such Fund shall be executed by the Mayor or authorized by Council unless it is fully funded through operating or capital budget appropriations, short term notes or revenue bonds issued in accordance with State law.

(Ord. 1460. Passed 8-31-76.)

1042.12 EFFECTIVE PERIOD.

The rate schedule set forth in this chapter shall be effective on March 1, 1999.

(Ord. 2305. Passed 12-22-98.)
1042.13 CHARGES AND COLLECTION PROCEDURES FOR NONRESIDENT SERVICE.

(a) The Municipality shall directly bill the Borough of Churchill for any sanitary sewer service charge incurred by Borough of Churchill property owners who utilize the Municipal sanitary sewer system, as set forth in the 1956 Agreement (Section 1044.03 of these Codified Ordinances).

(b) The Municipality shall directly bill the Borough of Wilkinsburg for any sanitary sewer service charge incurred by Borough of Wilkinsburg property owners who utilize the Municipal sanitary sewer system, as set forth in the 1971 Agreement.

(c) If property owners, not residing in Penn Hills, but residing in municipalities other than the Borough of Churchill and the Borough of Wilkinsburg, desire to utilize the Municipal sewer system, then the municipalities in which the property owners reside must enter into an agreement with the Municipality of Penn Hills, whereby such municipalities agree to be directly billed by the Municipality of Penn Hills for sanitary sewer services rendered. (Ord. 1572. Passed 8-22-79.)

(d) The sanitary sewer service charge for users residing outside the Municipality of Penn Hills shall be computed as set forth in Section 1042.02(e). (Ord. 1848. Passed 5-7-84.)

(e) The billing, payment and collection procedures shall be controlled by the provisions of this chapter.

(f) The Manager shall forward certified copies of this chapter to the Borough of Churchill, the Borough of Wilkinsburg and any other municipality that enters into an agreement with the Municipality of Penn Hills similar to the agreements between the Municipality of Penn Hills and the aforesaid Boroughs. Further, the Manager shall also give immediate notice of any rate change in the sanitary sewer service charge.

(g) The Manager shall periodically request a list of those nonresidents utilizing the Municipal sewer system. (Ord. 1572. Passed 8-22-79.)

1042.14 DELINQUENCY; REMEDIES OF MUNICIPALITY.

(a) Sewer Payment Required. No person shall fail to pay any sewage fee imposed by the Municipality. (Ord. 1848. Passed 5-7-84.)

(b) Late Payment of Sewage Charges. (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 1779, passed November 3, 1982.)
(c) **Sewer Service Termination.** All accounts that are more than three months delinquent in payment of sewage may be subject to a termination of water service. To effectuate such termination, any authority is hereby authorized and required, at the request of the Municipality or its agents, to terminate water supply to such premises until all such overdue sanitary sewer service charges, together with penalty and interest, are paid. Termination can be requested prior to the filing of a claim or lien being filed for nonpayment for sanitary sewer service. Any termination shall be done by any authority and shall comply with the provisions of the Act of November 26, 1978, P.L. 1255, 68 P.S. 399.1.

(d) **Sewer Service Termination Procedures.**

1. If an account is three months delinquent, the Manager or his or her agent shall send to the person whose account is delinquent a notice of termination of sewage service.
   (Ord. 2062. Passed 3-5-90.)

2. Notice of termination shall be given in either of the following ways:
   A. By United States mail, first class, postage prepaid; or
   B. By personal service.

3. The notice of termination shall contain the following:
   A. The amount to be paid;
   B. The Date of the notice of termination;
   C. The date of termination, which shall be at least fifteen days from the date of the notice of termination;
   D. Notice that unless the Municipality receives complete payment of the amount shown prior to the date of termination, water service will be terminated; and
   E. Notice that in lieu of paying the entire amount shown, a residential customer, prior to the date of termination, may notify the Municipality that he or she disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute.

4. If, prior to the date of termination,
   A. The Municipality has not received complete payment of the amount shown on the notice of termination; or
   B. The person whose account is delinquent has not requested the establishment of a deferred payment plan; or
   C. The person whose account is delinquent has not notified the Municipality that he or she disputes the correctness of all or part of the amount shown on the notice of termination, then the Municipality shall cause to be terminated the water service provided to the person whose account is delinquent on the date of termination.
   (Ord. 1608. Passed 1-23-80.)
(e) **Request for Hearing.**
   (1) Any person who disputes an order to terminate service may request a hearing to challenge the propriety of such termination. All requests for hearings shall be made to the Manager within fifteen days of notice of termination of service. Upon request for a hearing, all proceedings shall be stayed.
   (2) The hearing shall be conducted by the Manager or his or her designated agent. The Manager or his or her designated agent shall, within seven days, notify the person whose account is delinquent of his or her decision.
   (3) The Manager or his or her designated agent, in deciding to cause the water supply to be terminated, shall consider the following:
      A. The payment history of the person relative to delinquent sanitary sewage accounts;
      B. Prior notices of delinquency;
      C. Promptness of the householder in response to the notice of delinquency;
      D. Other criteria bearing on the general welfare of the Municipality;
      E. The financial hardship that might be created.

(f) **Claims and Liens.** Nothing contained in this section shall preclude the Municipality or its designated agent from filing a claim or lien for unpaid delinquent sewer service charges.
(Ord. 1848. Passed 5-7-84.)

(g) **Costs.** Any person whose water supply is terminated because of a delinquent sewage fee shall pay all costs incurred by the Municipality in shutting off and turning on the water supply.
(Ord. 1618. Passed 4-2-80.)

**1042.15 COLLECTION OF CHARGES BY SUIT.**
Council hereby authorizes the Municipal Attorney's office to utilize assumpsit lawsuits for the collection of delinquent sewer service charges when such suits are deemed appropriate.
(Res. 91-021. Passed 3-4-91.)

**1042.16 CUSTOMER SERVICE CHARGE.**
A fifteen dollar ($15.00) customer service charge shall be imposed on sewer service to be provided for the period commencing on January 1, 2011 and shall be imposed for every three-month period thereafter, as follows:
(a) **Residential (per quarter).**
   (1) Single-family residences: $15.00
   (2) Two-family and multiple-family residences $15.00/dwelling unit
(b) **Commercial and Industrial Users (per quarter).** $15.00
(c) **Public Buildings and Schools, Churches, Hospitals, Rest Homes, Nursing Homes, Convalescent Homes and Mental Health Institutions (per quarter).** $15.00

2011 Replacement
(d) **Landlord Responsibility.** Commencing on January 1, 2011, landlords of single-family residences, two-family and multiple-family residences, commercial and industrial buildings, public buildings, schools, hospitals, rest homes, nursing homes, convalescent homes and mental health institutions are only permitted to collect fifteen dollars ($15.00) quarterly from their tenants as the customer service charge imposed on sewer service.


1042.17 **AUTOMATIC INCORPORATION OF FEE INCREASES.**

The Mayor and Council hereby authorizes the automatic incorporation of any fee increases from ALCOSAN to the Municipality into the ALCOSAN portion of the sewer user fees billed to residents by the Municipality, without further action of Mayor and Council.

(Ord. 2477. Passed 10-1-07.)

1042.18 **BILLING AND COLLECTION.**

In the event the Municipality enters into an agreement with one or more Municipal Authorities to provide billing and collection services to the Municipality for sewer service charges, the following shall apply:

(a) Sections 1042.04 Payment of Charges, 1042.08 Surcharges and Interest on Late Payments, and 1042.14 Delinquency; Remedies of Municipality shall be null and void and the rules and regulations, as may be amended from time to time, of the Municipal Authority(ies) with which the Municipality has entered into such billing and collection agreement(s) shall apply as to customers located within the service area of the Municipal Authority(ies).

(Ord. 2499. Passed 6-10-08.)
CHAPTER 1043
Wastewater Discharge Regulations

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1043.01</td>
<td>Application of chapter.</td>
</tr>
<tr>
<td>1043.02</td>
<td>Definitions and abbreviations.</td>
</tr>
<tr>
<td>1043.03</td>
<td>Discharge of unpolluted water.</td>
</tr>
<tr>
<td>1043.04</td>
<td>Prohibited discharges.</td>
</tr>
<tr>
<td>1043.05</td>
<td>Response of Municipality to users contributing prohibited discharges.</td>
</tr>
<tr>
<td>1043.06</td>
<td>Specific pollutant limitations.</td>
</tr>
<tr>
<td>1043.07</td>
<td>Special agreements.</td>
</tr>
<tr>
<td>1043.08</td>
<td>Application of Federal categorical pretreatment standards.</td>
</tr>
<tr>
<td>1043.09</td>
<td>Modification of Federal categorical pretreatment standards.</td>
</tr>
<tr>
<td>1043.10</td>
<td>Application of State requirements.</td>
</tr>
<tr>
<td>1043.11</td>
<td>Municipality’s right of revision.</td>
</tr>
<tr>
<td>1043.12</td>
<td>Excessive discharge or dilution.</td>
</tr>
<tr>
<td>1043.13</td>
<td>Accidental discharge prevention procedures and plans.</td>
</tr>
<tr>
<td>1043.14</td>
<td>Reporting of accidental discharges.</td>
</tr>
<tr>
<td>1043.15</td>
<td>Posting of emergency notification contact number.</td>
</tr>
<tr>
<td>1043.16</td>
<td>Regulation of industrial discharges.</td>
</tr>
<tr>
<td>1043.17</td>
<td>Tap-in permits required.</td>
</tr>
<tr>
<td>1043.18</td>
<td>Industrial waste discharge survey questionnaires.</td>
</tr>
<tr>
<td>1043.19</td>
<td>Industrial waste permits.</td>
</tr>
<tr>
<td>1043.20</td>
<td>Reporting requirements.</td>
</tr>
<tr>
<td>1043.21</td>
<td>Monitoring facilities.</td>
</tr>
<tr>
<td>1043.22</td>
<td>Determination of strength of industrial waste.</td>
</tr>
<tr>
<td>1043.23</td>
<td>Inspections.</td>
</tr>
<tr>
<td>1043.24</td>
<td>Pretreatment.</td>
</tr>
<tr>
<td>1043.25</td>
<td>Confidential information.</td>
</tr>
<tr>
<td>1043.26</td>
<td>Records retention.</td>
</tr>
<tr>
<td>1043.27</td>
<td>Suspension of discharges.</td>
</tr>
<tr>
<td>1043.28</td>
<td>Incorporation of chapter in permits; compliance.</td>
</tr>
<tr>
<td>1043.29</td>
<td>Revocation of permit and suspension of service.</td>
</tr>
<tr>
<td>1043.30</td>
<td>Notification of violations.</td>
</tr>
<tr>
<td>1043.31</td>
<td>Enforcement action.</td>
</tr>
<tr>
<td>1043.32</td>
<td>Upsets.</td>
</tr>
<tr>
<td>1043.33</td>
<td>Consent orders, assurances of voluntary compliance, etc.</td>
</tr>
<tr>
<td>1043.34</td>
<td>Show cause hearings.</td>
</tr>
<tr>
<td>1043.35</td>
<td>Legal or equitable relief.</td>
</tr>
<tr>
<td>1043.36</td>
<td>Compliance orders.</td>
</tr>
<tr>
<td>1043.37</td>
<td>Cease and desist orders.</td>
</tr>
<tr>
<td>1043.38</td>
<td>Right of entry.</td>
</tr>
<tr>
<td>1043.39</td>
<td>Injunctive relief.</td>
</tr>
<tr>
<td>1043.40</td>
<td>Recovery of damages and costs.</td>
</tr>
<tr>
<td>1043.41</td>
<td>Collection of delinquent charges; disconnection.</td>
</tr>
<tr>
<td>1043.42</td>
<td>Remedies not exclusive.</td>
</tr>
<tr>
<td>1043.43</td>
<td>Publication of users in significant noncompliance.</td>
</tr>
<tr>
<td>1043.44</td>
<td>Falsification.</td>
</tr>
<tr>
<td>1043.99</td>
<td>Penalty.</td>
</tr>
</tbody>
</table>

CROSS REFERENCES
Sewers generally- see S.U. & P.S. Ch. 1040
Sewer agreements - see S.U. & P.S. Ch. 1044
Sewage holding tanks - see S.U. & P.S. Ch. 1045
Authority of County Health Department and Municipality- see H. & S. 1810.01

2011 Replacement
1043.01 APPLICATION OF CHAPTER.
This chapter shall apply to each person and any political subdivision who or which, by contract or agreement with the Municipality, avails himself, herself or itself of sanitary sewer service. Every such person or political subdivision, by availing himself, herself or itself of such sanitary sewer service, agrees to be bound by the provisions of this chapter.
(Ord. 2129. Passed 11-9-92.)

1043.02 DEFINITIONS AND ABBREVIATIONS.
(a) Definitions. As used in this chapter, unless the context specifically indicates otherwise, the following terms and phrases shall have the meanings hereinafter set forth:
(1) Abnormal industrial waste means any industrial waste having a suspended solids content or a five-day carbonaceous biochemical oxygen demand (CBOD) appreciably in excess of that normally found in Municipal sewage. For the purposes of this chapter, any industrial waste containing more than 250 milligrams per liter of suspended solids, or having a CBOD in excess of 200 milligrams per liter, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in Municipal sewage.
(2) Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
(3) Approval authority means the Administrator of the United States Environmental Protection Agency (U.S. EPA) Region III office, until such time that the Commonwealth’s pretreatment program is approved, when the Director of the Pennsylvania Department of Environmental Resources (PDER) will become the approval authority.
(4) Authorized representative of the industrial user means:
A. A responsible corporate officer (president, secretary, treasurer or vice-president of a corporation) if the user is a corporation;
B. A general partner or proprietor if the user is a partnership or sole proprietorship, respectively; or
C. A duly authorized representative of an individual described in paragraph (a)(4)A. or B. hereof if:
   1. The authorization is in writing by an individual described in paragraph (a)(4)A. or B. hereof;
   2. Such authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates or overall responsibility for environmental matters for the company; and
   3. The written authorization is submitted to the Municipality.
(5) Carbonaceous biochemical oxygen demand or CBOD, denoting suppressed biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in milligrams per liter (mg/l). It shall be determined by one of the acceptable methods described in the current edition of Standard Methods for the Examination of Water and Wastewater.
(6) Categorical standards or pretreatment standards means Federal categorical pretreatment standards.
(7) Cooling water or noncontact cooling water means the water used for any air conditioning, cooling or refrigeration purposes which does not come into direct contact with any raw material, intermediate product, waste product or finished
(8) Council means the Council of the Municipality of Penn Hills, as now or hereafter constituted, and its duly authorized agents or representatives.

(9) Current edition of `Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, means the latest edition of such document, published and current at the time the determination of any analysis required is to be made.

(10) Customer means the owner or tenant, as hereinafter defined, who is furnished sewage service by the Municipality.

(11) Department of Environmental Resources or PDER means the Pennsylvania Department of Environmental Resources, or, where appropriate, the Director or other duly authorized official of such agency.

(12) Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the Commonwealth.

(13) Environmental Protection Agency or U.S. EPA means the United States Environmental Protection Agency, or, where appropriate, the Administrator or other duly authorized official of such Agency.

(14) Expansion means an increase in hydraulic capacity.

(15) Federal categorical pretreatment standard or national pretreatment standard means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. These terms include national prohibitive discharge limits established pursuant to Section 403.5 of the General Pretreatment Regulations For Existing and New Sources of Pollution (40 CFR, Part 403) and pretreatment standards for specific industrial categories (e.g. 40 CFR, Chapter I, Subchapter N, Parts 405 through 471).

(16) Garbage means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(17) Grab sample means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

(18) Indirect discharge means the discharge or the introduction of nondomestic pollutants from any source, regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding-tank waste discharged into the system).

(19) Industrial service means the provision of sewage service for premises where the customer is engaged in manufacturing or process industries.

(20) Industrial user means a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(21) Industrial waste permit means a discharge permit issued to an industrial user by the Municipality pursuant to the provisions of Section 1043.17.

(22) Industrial wastes means any liquid, gaseous or water-borne wastes from industrial processes or commercial establishments, as distinct from sanitary sewage.

(23) Interference means any discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the
following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

(24) Lateral or service lateral means the sewer pipe from the main sewer to the property line or edge of the right-of-way.

(25) Manager or sewer manager means the Municipal Manager or the duly authorized person placed in charge of the public sanitary sewerage system by Council.

(26) Modification means construction on a site at which an existing source is located where such construction does not create a new building, structure, facility or installation meeting the criteria of paragraph (30)A., B. or C. hereof but otherwise alters, replaces or adds to an existing process or production equipment.


(28) National pollution discharge elimination system (NPDES) permit means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(29) National prohibitive discharge standard or prohibitive discharge standard means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.

(30) New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which standards will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

A. The building, structure, facility or installation is constructed at a site at which no other source is located;

B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

C. The production of wastewater generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general activity as the existing source, should be considered.

Construction of a new source, as defined in this paragraph, has commenced if the owner or operator has begun, or caused to begin as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment, or significant site-preparation work, including clearing, grubbing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or if the owner or operator has entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies, do not constitute a contractual
obligation under this definition.

(31) Occupied building means any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged.

(32) Owner means the person, firm, corporation or association having an interest as owner, or a person, firm, corporation or association representing itself to be the owner, whether legal or equitable, sole or only partial, in any premises which are, or are about to be, furnished sewage service by the Municipality. The term owner means all so interested.

(33) Pass through means a discharge which exits the POTW into navigable waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(34) Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, landowner or governmental entity, or their legal representatives, agents or assigns.

(35) pH mean the logarithm to the base ten of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the current edition of Standard Methods for the Examination of Water and Wastewater.

(36) Pollutant means any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, Municipal and agricultural waste discharged into water.

(37) Pollution means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(38) POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

(39) Premises means the property or area, including improvements thereon, to which sewage service is or will be furnished.

(40) Premises accessible to the public sanitary sewage system means any real estate abutting on or adjoining any street or alley of the Municipality in which a combined sewer or sanitary sewer of the public sanitary sewage system is located.

(41) Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. Such reduction or alteration can be obtained by physical, chemical or biological processes, or process changes and other means, except as prohibited by 40 CFR, Section 403.6(d).

(42) Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a Federal pretreatment standard imposed on an industrial user by the Federal, State or local pretreatment authorities.

(43) Properly shredded garbage means waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce, that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(44) Publicly owned treatment works, POTW or public sanitary sewerage system means all separate sanitary sewers, all combined sewers, all sewage treatment works and all other sewerage facilities owned and operated by the Municipality for
the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances and any additions, extensions or improvements thereto. Such terms shall also include sewers within the Municipal limits which serve one or more persons and discharge into the public sanitary sewerage system even though those sewers may not have been constructed by Municipal funds and are not owned or maintained by the Municipality. Such terms shall not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm water and surface runoff, the discharge from which is not and does not become tributary to the Municipality’s sewage treatment facilities.

(45) **Sanitary sewage** means the normal water-carried household and toilet wastes from residences, business buildings, institutions, industries and commercial establishments, exclusive of storm water runoff, surface water, ground water and industrial wastes.

(46) **Sanitary sewer** means a sewer intended to carry only sanitary sewage or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants and institutions and to which storm, surface and ground waters are not intentionally admitted.

(47) **Sewage** means a combination of water-carried wastes from residences, business buildings, institutions and industrial and commercial establishments.

(48) **Sewer** means a pipe or conduit for carrying sewage or other waste liquids.

(49) **Sewer service connection** or **connection** means the sewer or pipe which connects the plumbing of an occupied building or premises to a Municipal sewer or lateral of the public sanitary sewerage system which conveys sewage to the POTW treatment plant.

(50) **Significant industrial user** or **SIU** means any industrial user who:
   A. Is subject to any Federal categorical pretreatment standards under 40 CFR, Section 403.6, and 40 CFR, Chapter I, Subchapter N;
   B. Discharges an average flow of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
   C. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
   D. Is designated as such by the Municipality, the U.S. EPA or the PDER on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

(51) **Slug load** or **slug** means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 1043.04.

(52) **Standard industrial classification** or **SIC** means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(53) **State** means the Commonwealth of Pennsylvania.

(54) **Storm sewer** means a sewer which is intended to carry storm water runoff, surface waters, ground water drainage, drainage from roof drains, French drains, driveway drains, downspouts and the like, but which is not intended to carry any sanitary sewage or industrial waste.

(55) **Storm water** means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(56) **Storm water runoff** means that portion of the rainfall which reaches a channel, trench, sewer or sink.
(57) **Suspended solids** means solids that either float on the surface of, or are in suspension in, water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the current edition of **Standard Methods for the Examination of Water and Wastewater**.

(58) **Tenant** means anyone occupying premises owned by another person which are furnished sewage service.

(59) **Toxic pollutant** means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the U.S. EPA under Section 307(a) of the Act, or other Acts.

(60) **Treatment works** means any device and system used in the storage, treatment, recycling and reclamation of Municipal sewage or industrial wastes of a liquid nature to implement the provisions of P.L. 92-500, Section 201 (33 U.S.C.), or necessary to recycle or re-use water at the most economical cost over the useful life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extension improvements and remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear water facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or be used for ultimate disposal of residuals resulting from each treatment; or any other method or system for preventing, reducing, storing, treating, separating or disposing of Municipal or industrial waste.

(61) **Unpolluted water or waste** means any water or waste containing none of the following: free or emulsified grease or oil; a pH of less than 5.5 or greater than 9.0; acid or alkali; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; or obnoxious or odorous gases. Unpolluted water or waste shall contain not more than 1,000 milligrams per liter by weight of dissolved solids, of which not more than 250 milligrams per liter shall be as chloride, not more than ten milligrams per liter shall be suspended solids, and not more than ten milligrams per liter shall be CBOD. The color shall not exceed fifty platinum-cobalt color units. Analyses for any of the above mentioned substances shall be made in accordance with the current edition of **Standard Methods for the Examination of Water and Wastewater**.

(62) **Upgrading** means an increase in the level of treatment provided to improve the quality of the effluent water.

(63) **Upset** means any exceptional incident in which there is unintentional and temporary noncompliance with Federal categorical pretreatment standards or local standards adopted pursuant to this chapter because of factors beyond the reasonable control of the industrial user. The term **upset** does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

(64) **User** means any person who contributes or causes or permits the contribution of wastewater into the Municipality's public sanitary sewerage system.

(65) **Wastewater** means liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and storm water that may be present, whether treated or untreated, which are contributed to or permitted to enter the public sanitary sewerage system.

(66) **Water course** means any channel in which a flow of water occurs, either
continuously or intermittently.

(67) **Waters of the State** means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any protection thereof.

In addition to the definitions provided in this subsection, the masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context. Shall is mandatory; may is permissive.

(b) **Abbreviations.** The following abbreviations shall have the following designated meanings:

- CBOD: Carbonaceous biochemical oxygen demand
- CFR: Code of Federal Regulations
- COD: Chemical oxygen demand
- L: Liter
- mg: Milligram
- mg/l: Milligrams per liter
- NPDES: National pollutant discharge elimination system
- PDER: Pennsylvania Department of Environmental Resources
- POTW: Publicly owned treatment works
- SIC: Standard industrial classification
- USC: United States Code
- U.S. EPA: United States Environmental Protection Agency
- TSS: Total suspended solids

(Ord. 2129. Passed 11-9-92.)

1043.03 **DISCHARGE OF UNPOLLUTED WATER.**

The discharge of excessive amounts of unpolluted water or waste to the public sanitary sewerage system is expressly prohibited. The Municipality reserves the right to define the amount it deems excessive in each particular situation.

(Ord. 2129. Passed 11-9-92.)

1043.04 **PROHIBITED DISCHARGES.**

No person or user shall contribute or cause to be contributed, directly or indirectly, any pollutant that will pass through the POTW or the County Sanitary Authorities sewage disposal system, or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW, whether or not such users are subject to Federal categorical pretreatment standards or any other Federal, State or local pretreatment standards or requirements.

A user may not discharge any sanitary sewage or industrial wastes which will contribute the following substances to the POTW:

(a) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with any other substance, to create a fire or explosion hazard in the POTW, including, but not necessarily limited to, any waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit or sixty degrees Celsius, using the test methods specified in 40 CFR, Section 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent, nor any single reading be over ten percent, of the lower explosive limit (LEL) of the meter. Restricted materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene,
xylene, ethers, alcohols, ketones, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, gas tar phenols, residue from petroleum storage, refining or processing, fuel or lubricating oils and any other substance which the Municipality, the PDER or U.S. EPA has notified the user is a fire hazard or a hazard to the system.

(b) Any solid or viscous substance which may cause obstruction to the flow in a sewer, may cause mechanical action which will destroy the sewer structures or, in the opinion of the Municipality, may cause other interference with the operation of the POTW, including, but not limited to, the following: fats, animal guts or tissue, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers and the like from meat processing plants, rendering plants and similar industries and establishments, grease, wax, mud, construction materials or debris, ashes, cinders, sand, spent lime, acetylene sludges, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, spent mash, waste paper, wood, plastics, gas, tar, asphalt residues, residues from the refining or processing of fuel or lubricating oil or glass grinding, polishing wastes, pulp from food processing, water or wastes containing grease in excess of 100 parts per million, or any other solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewers or other facilities of the POTW.

(c) Any sludges or other materials from septic tanks or similar facilities, from sewage, industrial waste treatment or pretreatment plants or from water treatment plants, any mineral acids, waste acid, pickling or plating liquors from the pickling or plating of iron, steel, brass, copper or chromium, or any other dissolved or solid substances that will endanger health or safety, interfere with the flow in sewers, attack or corrode sewers or sewage structures or equipment or otherwise interfere with the operation of the sewer or other facilities of the POTW.

(d) Any garbage, whether ground or not, except properly shredded garbage in a private dwelling, apartment building, hotel, commercial restaurant or retail food store, resulting from the proper use of a garbage grinder or disposer of a type approved by the Municipality or County Health Department and maintained in good operating condition. However, no commercial restaurant or retail food store shall operate more than one grinder or disposer, which shall be not greater than three horsepower in size, shall not discharge particles greater than one-half inch in any dimension and, when so required by the County Health Department, shall be equipped with an approved water meter and limited in use to the consumption of an average of not more than 1,500 gallons of water per day, provided that the foregoing restrictions shall not apply to any existing installation in a retail food store of a garbage grinder or disposer larger than three horsepower in size until such time as the equipment now in use can no longer be kept in good operating condition by ordinary maintenance and repair, at which time such larger than three horsepower grinder or disposer shall be abandoned and shall not be renewed or replaced.

(e) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

(f) Any noxious or malodorous liquid, gas or solid which, either singly or by interaction with other wastes, is, in the opinion of the Municipality, sufficient to create a public nuisance or hazard to life or is sufficient to prevent entry into the sewers for their maintenance and repair.

(g) Any substance which may cause the POTW’s effluent, or any other product of the
POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, or any 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 State criteria applicable to the sludge management method being used.

(h) Any substance which will cause the POTW to violate its NPDES and/or State disposal system permit or the receiving water quality standards for the applicable receiving waters.

(i) Any wastewater containing dyes, paints, pigments, inks or other coloring agents which are not removed by the treatment process, and which, in the opinion of the Municipality, will result in a discoloration or other undesirable physical change in the appearance of the receiving stream.

(j) Any wastewater having a temperature in excess of 140 degree Fahrenheit (sixty degrees Celsius) or which will inhibit biological activity in the POTW treatment plant, resulting in interference, but in no case wastewater that causes the temperature of the wastewater at the point of introduction into the POTW treatment plant to exceed 104 degrees Fahrenheit (forty degrees Celsius).

(k) Any pollutant, including oxygen demanding pollutants (CBOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference to the POTW. Where the Municipality deems it advisable, it may require any person discharging industrial wastes to utilize flow equalization or restricted discharge rates to prevent potential sludge loading problems, such as in the case of batch discharges.

(l) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.

(m) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Municipality in compliance with applicable State or Federal regulations.

(n) Any liquids or wastes containing suspended solids of such quality and/or quantity that they cause interference with the POTW operation or become burdensome to the operation and maintenance of the wastewater treatment plant facilities.

(o) Any wastewater having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property which may cause damage or hazard to structures, equipment or personnel of the POTW. Where the Municipality deems it advisable, it may require any person discharging industrial wastes to install and maintain, at his or her own expense, in a manner approved by the Municipality, a suitable device to continuously measure and record the pH of the wastes so discharged.

(p) Any wastewater containing insoluble, nonfloculent substances having a specific gravity in excess of 2.65, or soluble substances in such concentration as to cause the specific gravity of the waste to be greater than 1.1.

(q) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification.

(r) Any wastewater or pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.

(s) Any wastewater containing more than 10.0 parts per million of any of the following gases: hydrogen, sulfide, sulfur dioxide, nitrous oxide or any of the halogens.

(t) Any trucked or hauled wastewater or pollutants, except at a discharge point designated by the Municipality.

(u) Surface and subsurface water drainage, including, but not limited to, rain and roof water
and water from swimming pools, French drains, driveway drains, storm sewers, downspouts or otherwise.
(Ord. 2129. Passed 11-9-92.)

1043.05 RESPONSE OF MUNICIPALITY TO USERS CONTRIBUTING PROHIBITED DISCHARGES.

When the Municipality determines that a user is contributing any of the substances described in Section 1043.04 to the POTW in such amounts that will pass through or interfere with the operation of the POTW, the Municipality shall:
(a) Advise the user of the impact of the contribution on the POTW;
(b) Develop specific effluent limitations for such user to correct the interference with the POTW; and/or
(c) Initiate appropriate enforcement action against the user pursuant to the provisions of this chapter.
(Ord. 2129. Passed 11-9-92.)

1043.06 SPECIFIC POLLUTANT LIMITATIONS.

No person shall discharge any wastewater containing any of the following substances in solution in concentrations exceeding the following maximum permissible concentrations, or any other elements which may, in the opinion of the Municipality, damage collection facilities or otherwise be detrimental to the treatment processes:
(a) Maximum daily concentration limits shall be as follows:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Maximum Daily Concentration Limit (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (total as As)</td>
<td>0.80</td>
</tr>
<tr>
<td>Cadmium (total as Cd)</td>
<td>0.14</td>
</tr>
<tr>
<td>Chromium (total as Cr)</td>
<td>2.94</td>
</tr>
<tr>
<td>Copper (total as Cu)</td>
<td>0.25</td>
</tr>
<tr>
<td>Lead (total as Pb)</td>
<td>0.19</td>
</tr>
<tr>
<td>Mercury (total as Hg)</td>
<td>0.0002*</td>
</tr>
<tr>
<td>Nickel (total as Ni)</td>
<td>0.60</td>
</tr>
<tr>
<td>Silver (total as Ag)</td>
<td>0.13</td>
</tr>
<tr>
<td>Zinc (total as Zn)</td>
<td>0.76</td>
</tr>
<tr>
<td>Cyanide (total as CN)</td>
<td>0.74</td>
</tr>
<tr>
<td>Phenolic Compounds</td>
<td>0.72</td>
</tr>
<tr>
<td>Total Toxic Organics (TTO)**</td>
<td>0.74</td>
</tr>
</tbody>
</table>

* Minimum detection limit (U.S. EPA Method 245.1 or 245.2)

** TTO is defined as the sum of all priority organic pollutants found in concentrations greater than 0.01 mg/l.

(b) Maximum permissible concentrations shall be as follows:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Maximum Permissible Concentration (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phenolic Compounds as C H OH</td>
<td>1.0</td>
</tr>
<tr>
<td>Cyanides as CN</td>
<td>1.0</td>
</tr>
<tr>
<td>Cyanates as CNO</td>
<td>10.0</td>
</tr>
<tr>
<td>Element</td>
<td>Limit</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Iron as Fe</td>
<td>15.0</td>
</tr>
<tr>
<td>Trivalent Chromium as Cr</td>
<td>3.0</td>
</tr>
<tr>
<td>Hexavalent Chromium as Cr</td>
<td>0.5</td>
</tr>
<tr>
<td>Nickel as Ni</td>
<td>3.0</td>
</tr>
<tr>
<td>Copper as Cu</td>
<td>2.0</td>
</tr>
<tr>
<td>Lead as Pb</td>
<td>2.0</td>
</tr>
<tr>
<td>Tin as Sn</td>
<td>2.0</td>
</tr>
<tr>
<td>Zinc as Zn</td>
<td>2.0</td>
</tr>
<tr>
<td>Cobalt as Co</td>
<td>20.0</td>
</tr>
<tr>
<td>Manganese as Mn</td>
<td>50.0</td>
</tr>
</tbody>
</table>

The limits set forth above may be amended from time to time as deemed necessary by the Municipality to protect the facilities and ensure the POTW’s compliance with applicable NPDES permit conditions and water quality standards. The Municipality reserves the right to impose mass limitations and/or concentration limitations for any pollutant where it deems necessary.

(Ord. 2129. Passed 11-9-92.)

1043.07 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as prohibiting any special agreement or arrangement between the Municipality and any person or industrial user whereby an industrial waste of unusual strength or character may be discharged to the POTW by the user, provided that the objectives of the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403) and the provisions of this chapter are fulfilled. Similar to any other requirements imposed under this chapter, the provisions of any such special agreement will be superseded by any more stringent requirements of any applicable Federal categorical pretreatment standard.

(Ord. 2129. Passed 11-9-92.)

1043.08 APPLICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the Federal categorical pretreatment standard for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed by the Municipality under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed by the Municipality under this chapter. The Municipality shall notify all affected users of the applicable Federal standards and the applicable reporting requirements under 40 CFR, Section 403.12, such as the baseline monitoring report.

(Ord. 2129. Passed 11-9-92.)

1043.09 MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Where the Municipality’s wastewater treatment system achieves consistent removal of pollutants limited by Federal pretreatment standards, the Municipality may apply to the approval authority for modification of specific limits in the Federal pretreatment standards. Removal means a reduction in the amount of a pollutant or an alteration of the nature of a pollutant in the influent to the POTW to a less toxic or harmless state in the effluent. Consistent removal means the average of the lowest fifty percent of the removals measured according to the procedures set forth in Section 403.7(b)(2) of the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403), promulgated pursuant to the Act. The Municipality may modify pollutant discharge limits in the Federal pretreatment standards if the requirements contained in Section 403.7 are fulfilled and prior approval from the approval authority is obtained.

(Ord. 2129. Passed 11-9-92.)
1043.10 APPLICATION OF STATE REQUIREMENTS.
State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those imposed by the Municipality under this chapter.
(Ord. 2129. Passed 11-9-92.)

1043.11 MUNICIPALITY’S RIGHT OF REVISION.
The Municipality reserves the right to establish, by supplemental ordinances, more stringent limitations or requirements on discharges to the POTW if deemed necessary.
(Ord. 2129. Passed 11-9-92.)

1043.12 EXCESSIVE DISCHARGE OR DILUTION.
No user shall ever increase the use of process water or cooling 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 Federal categorical pretreatment standards or in any other specific pollutant limitation developed by the Municipality or State.
(Ord. 2129. Passed 11-9-92.)

1043.13 ACCIDENTAL DISCHARGE PREVENTION PROCEDURES AND PLANS.
Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner’s or user’s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Municipality for review and shall be approved by the Municipality before construction of the facility. All existing users shall complete and submit such a plan within ninety days after the effective date of this chapter. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Municipality. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user’s facility as necessary to meet the requirements of this chapter.
(Ord. 2129. Passed 11-9-92.)

1043.14 REPORTING OF ACCIDENTAL DISCHARGES.
Immediately after an accidental discharge, or as soon as possible after an accidental discharge, the user shall report such discharge to the Municipality or its designated representative. Within five days following an accidental discharge, the user shall submit to the Municipality a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable laws.
(Ord. 2129. Passed 11-9-92.)

1043.15 POSTING OF EMERGENCY NOTIFICATION CONTACT NUMBER.
A notice shall be permanently posted at the user’s place of operation on the user’s bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause such a dangerous discharge to occur or suffer therefrom are advised of the emergency notification procedure.
(Ord. 2129. Passed 11-9-92.)

1043.16 REGULATION OF INDUSTRIAL DISCHARGES.
(a) **Proper Authorization Required.** In general, industrial waste shall not be discharged to the public sanitary sewage system except upon proper authorization and approval in accordance with this chapter. If a permit is required by this chapter, no authorization or approval shall be deemed proper until such permit is obtained.

(b) **Costs.** The treatment of industrial waste may add to the cost of operating and maintaining the public sanitary sewer system, and such additional costs are to be borne by the person or persons receiving the benefit of such treatment. The Municipality reserves the authority to determine such additional costs and to assess fees to cover such costs.

(c) **Refusal or Discontinuance of Connections; Pretreatment or Flow Equalization.** The Municipality reserves the right to refuse connection to the public sanitary sewerage system for deleterious industrial wastes, to compel discontinuance of the use of the system for such wastes or to require pretreatment and/or equalization of flow thereof in order to prevent harmful or adverse effects upon the system. The design, construction and operation of such pretreatment and/or flow equalization facilities shall be made at the sole expense of the person discharging such wastes and shall be subject to the approval of the Municipality or its designated representative.

(Ord. 2129. Passed 11-9-92.)

1043.17 **TAP-IN PERMITS REQUIRED.**

It shall be unlawful for any existing or new commercial or industrial facility or any other non-residential facility to discharge any type of wastewater to the public sanitary sewerage system without first obtaining a sewer tap-in permit from the Manager in accordance with the provisions of this chapter.

(Ord. 2129. Passed 11-9-92.)

1043.18 **INDUSTRIAL WASTE DISCHARGE SURVEY QUESTIONNAIRES.**

Upon notification by the Municipality, all existing commercial and industrial users shall complete and submit to the Municipality, within thirty days after such notification, a completed industrial waste discharge survey questionnaire, using forms provided by the Municipality. All new industrial users shall complete and submit to the Municipality a completed industrial waste discharge survey questionnaire, using forms provided by the Municipality, prior to, and as a condition of, obtaining a sewer tap-in permit.

(Ord. 2129. Passed 11-9-92.)

1043.19 **INDUSTRIAL WASTE PERMITS.**

(a) **Required.**

1. **New users.** All significant industrial users proposing to connect to or contribute to the Municipality’s public sanitary sewerage system must obtain an industrial waste permit from the Municipality before connecting to or contributing to the public sanitary sewerage system.

2. **Existing users.** It shall be unlawful for any existing significant industrial user within the Municipality’s service area to discharge any wastewater to the public sanitary sewerage system without an industrial waste permit issued by the Municipality in accordance with the provisions of this chapter.

(b) **Application.** Users required to obtain an industrial waste permit must first complete and file with the Municipality an application to discharge industrial wastes, in the form prescribed by the Municipality and accompanied by an application fee according to the prevailing fee schedule adopted by the Municipality. Under the provisions of this chapter and Chapter 1042, the Municipality reserves the right to assess additional charges and fees to cover any reasonable costs incurred by the Municipality in reviewing and processing the application to discharge industrial
wastes. Existing significant industrial users shall submit an application within ninety days after written notification from the Municipality that the user must obtain an industrial waste permit. Proposed new users shall submit an application at least ninety days prior to connecting to or contributing to the public sanitary sewerage system. In support of the application to discharge industrial wastes, the user shall submit, in units and terms appropriate for evaluation, the following information wherever possible:

1. The name, address and location of the facility;
2. The SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Wastewater constituents and characteristics, including, but not limited to, those mentioned in this chapter, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended.
4. The time and duration of contribution;
5. The average daily and three minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
6. Site plans, floor plans and mechanical and plumbing plans or sketches to approximate scale and insufficient detail to show all sewers, sewer connections and appurtenances by their size, location and elevation;
7. A description of activities, facilities and plant processes on the premises, including a list of all toxic pollutants and pollutants prohibited or regulated by this chapter which are or could potentially be discharged to the public sanitary sewerage system;
8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Municipal, State or Federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
9. Each product produced by type, amount, process or processes and rate of production;
10. The type and amount of raw material processed (average and maximum per day);
11. The number of employees, hours of operation of the plant and proposed or actual hours of operation of the pretreatment system; and
12. Any other information as may be deemed necessary by the Municipality to evaluate the application.

(c) Schedules for Providing Additional Pretreatment: Reports. If additional pretreatment and/or operation and maintenance procedures will be required to meet pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).
2. No increment referred to in paragraph (c)(1) hereof shall exceed nine months.

No later than fourteen days following each date in the schedule and the final date for
compliance, the user shall submit a progress report to the Municipality, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Municipality.

(d) Application Review. The Manager, or his or her designee, shall review an application for completeness within sixty days of its receipt and notify the applicant, in writing, as to whether the application is considered complete or incomplete. If the application is incomplete, the Manager, or his or her designee, shall specify the additional information that is required to complete the application and a date for submitting the necessary information. After an application is completed, the Manager, or his or her designee, may still request additional information, but only to clarify, modify or supplement the previously submitted material. If the Manager, or his or her designee, deems it necessary, a site visit may be scheduled with the applicant to assist in evaluating the application. Failure or refusal to correct deficiencies in the application within a reasonable time schedule may be cause for permit denial and appropriate enforcement action as provided in this chapter.

(e) Issuance or Denial. The Manager shall issue a draft industrial waste permit or notice of intent to deny a permit application within sixty days after receipt of the completed application. The applicant shall be given a minimum thirty-day period to review and comment on the proposed permit or permit denial action. Upon request, the Manager, or his or her designee, shall schedule an informal meeting with the applicant to review the draft permit or proposed permit denial action. In the event that the applicant and the Manager, or his or her designee, cannot come to an agreement on the draft permit or permit denial action, the applicant may request a formal meeting before Council to appeal the permit denial action or specific provisions of the draft permit. A request for an appeal must be submitted in writing to the Manager within thirty days after the informal meeting. The request shall clearly state the specific action or provision being appealed and the grounds for the appeal. Within thirty days after the close of the applicant’s review period or the appeal meeting, the Municipality shall issue a final industrial waste permit or a formal denial of permission to discharge the proposed industrial wastes.

(f) Modifications After Promulgation of Federal Pretreatment Standards. As soon as possible after the promulgation or revision of a Federal categorical pretreatment standard, the industrial waste permit of any existing users subject to such standards shall be revised to be in compliance with such standard within the time frame prescribed by such standard. Within 180 days after the effective date of an applicable Federal categorical pretreatment standard, any user who has not previously submitted an application to discharge industrial wastes, as required by this chapter, shall submit to the Municipality such application to discharge industrial wastes, together with a baseline monitoring report as required by 40 CFR, Section 403.12(b). Within 180 days after the effective date of the applicable Federal categorical pretreatment standard, any user with an existing industrial waste permit shall submit to the Municipality a baseline monitoring report, including the information required by Section 1043.20(e) and (f).

(g) Conditions. Industrial waste permits shall be expressly subject to all provisions of this chapter and any other applicable regulations, user charges and fees established by the Municipality. Permits may contain the following requirements:

1. Unit charges or a schedule of user charges and fees for the wastewater to be discharged to the public sanitary sewerage system;
2. Limits on the average and maximum wastewater constituents and characteristics;
3. Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization;
(4) Requirements for the installation and maintenance of inspection and sampling facilities;
(5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules;
(6) Compliance schedules, provided, however, that no such compliance schedule shall exempt an industrial user from further enforcement action for failure to meet a compliance date for any applicable Federal pretreatment standards;
(7) Requirements for submission of technical reports or discharge reports;
(8) Requirements for maintaining and retaining plant records relating to the wastewater discharge as specified by the Municipality, and affording the Municipality or any authorized Municipal representative access thereto;
(9) Requirements for prior notification of the Municipality of any new introduction of wastewater pollutants or any substantial change in the volume or character of the wastewater pollutants being introduced into the public sanitary sewerage system;
(10) Requirements for notification of slug or accidental discharges as provided in Sections 1043.13 and 1043.14 and developing and implementing a slug discharge control plan in accordance with the requirements of Section 403.8(f)(1)(v) of 40 CFR, Part 403;
(11) Requirements for compliance with all applicable Federal categorical pretreatment standards and reporting requirements;
(12) Requirements for submitting to the Municipality all sampling and monitoring data conducted in accordance with the procedures provided in 40 CFR, Part 136;
(13) Requirements for developing and implementing a spill prevention and control plan and use of best management practices (BMPs) to prevent spills or accidental discharges from entering the public sanitary sewerage system; and/or
(14) Other conditions as deemed appropriate by the Municipality to ensure compliance with this chapter.

(h) Effective Period. Industrial waste permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The terms and conditions of a permit may be subject to modification by the Municipality during the term of the permit if the limitations or requirements identified in this chapter are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least thirty days prior to the effective date of such change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(i) Renewal. A user with a currently effective permit shall submit a renewal application to the Municipality at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Manager or his or her designee. The terms and conditions of the existing permit shall remain fully effective and enforceable until the effective date of a new permit, provided that the industrial user has properly submitted a complete application for renewal of the permit within the specified time period and the Municipality has not terminated the existing permit or denied the renewal in accordance with the provisions of this chapter.

(j) Transfers. Industrial waste permits are issued to a specific user for a specific operation. A permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without the prior written approval of the Municipality. The permittee shall notify the succeeding owner or controller of the existence of this permit by certified letter, a copy of which shall be forwarded to the Municipality, at least thirty days prior to completing any such transfer. Any succeeding owner or user shall comply with the terms and
conditions of the existing permit until such time that a new permit is issued by the Municipality. (Ord. 2129. Passed 11-9-92.)

1043.20 REPORTING REQUIREMENTS.

(a) Notification of Problem or Accidental Discharges. All categorical and noncategorical industrial users, whether permitted or not, shall notify the Municipality immediately of all discharges that could cause problems to the POTW, including any slug loadings or accidental spills by the industrial user.

(b) Notification of Detected Violations. All categorical and noncategorical users shall notify the Municipality within twenty-four hours of becoming aware of a violation, based on the sampling performed by the industrial user. In addition, the industrial user shall also repeat the sampling and analysis for the pollutant parameter in noncompliance and submit the results of the repeat analysis to the Municipality within thirty days after becoming aware of the violation.

(c) Notification of Proposed Volume or Character Changes. All categorical and noncategorical industrial users, whether permitted or not, shall promptly notify the Municipality in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted an initial notification under 40 CFR, Section 403.12(p). For purposes of this subsection, substantial changes include, but are not limited to, flow increases of ten percent or greater and the discharge of any previously unreported pollutants. Formal written notification shall be submitted to the Municipality at least sixty days prior to any anticipated changes that will result in increased pollutant contributions or the introduction of any new pollutants so that permit requirements can be established as necessary. The Municipality reserves the right to deny or place conditions on any new or increased contributions to its sewer system.

(d) Notification of Hazardous Waste Discharges. All industrial users, whether permitted or not, shall notify the Municipality, the U.S. EPA and the PDER, in writing, of any discharge into the POTW of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261, in accordance with the requirements of 40 CFR, Section 403.12(p). At a minimum, such notification must include the name of the listed or characteristic hazardous wastes, the U.S. EPA hazardous waste number and the type of discharge (continuous, batch or other). The industrial user shall also notify the Municipality, in writing, at least sixty days in advance of any substantial change in the volume or character of any listed or characteristic hazardous wastes discharge for which the permittee has submitted initial notification under 40 CFR, Section 403.12(p).

(e) Baseline Monitoring Reports. Within 180 days after the effective date of any categorical pretreatment standard now or later promulgated by the U.S. EPA, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR, Section 403.6(a)(4), whichever is later, any industrial user subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to, the POTW shall be required to submit to the Municipality a baseline monitoring report (BMR) containing the information listed in 40 CFR, Section 430.12(b)(1) through (7). At least ninety days prior to commencement of any discharge, new sources, and any sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Municipality a baseline monitoring report (BMR) which contains the information listed in 40 CFR, Section 430.12(b)(1) through (5), and information on the method of pretreatment the source intends to use to meet the applicable pretreatment standards.

(f) Ninety-Day Compliance Reports. Within ninety days following the date for final
compliance with applicable categorical pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the Municipality a ninety-day compliance report containing the information described in 40 CFR, Section 403.12(b)(4) through (6). For industrial users subject to equivalent mass or concentration limits established by the Municipality, this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(g) Statement of Compliance. The baseline monitoring report and ninety-day compliance report that must be submitted by categorical industrial users shall include a statement, reviewed and signed by an authorized representative of the industrial user, as defined in this chapter, and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to comply with the applicable pretreatment standards and requirements.

(h) Periodic Compliance Reports.

(1) Categorical pretreatment standard users. Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Municipality during the months of June and December, unless required more frequently in the pretreatment standard or by the Municipality, a periodic compliance report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows during the reporting period. At the discretion of the Municipality, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Municipality may agree to alter the months during which the above reports must be submitted. For industrial users subject to equivalent mass or concentration limits established by the Municipality, this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(2) Noncategorical users. All noncategorical significant industrial users shall submit to the Municipality at least once every six months (on dates specified by the Municipality), unless required more frequently by the Municipality, a periodic compliance report describing the nature, concentration and flow of the pollutants discharged to the POTW, and any other information deemed appropriate by the Municipality.

(i) Basis for Determination of Baseline, Ninety-Day Compliance and Periodic Compliance Reports. Baseline monitoring reports, ninety-day compliance reports and periodic compliance reports, from both categorical and noncategorical industrial users, shall be based upon sampling and analyses of the discharge, including the flow or production and mass where requested by the Municipality, performed during the period covered by the report. All sampling and analyses shall be representative of normal work cycles or production levels and the expected pollutant discharges to the POTW. All sampling techniques, methods of sample preservation and analytical techniques shall be in accordance with the procedures and standards described in 40 CFR, Part 136, and
Where 40 CFR, Part 136, does not include sampling or analytical techniques for the pollutant in question, or where the U.S. EPA Administrator determines that the sampling and analytical techniques provided in 40 CFR, Part 136, are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Municipality or other persons, approved by the U.S. EPA Administrator.

(j) Certification Statement. All baseline monitoring reports, ninety-day compliance reports and periodic compliance reports from both categorical and noncategorical industrial users shall be signed by an authorized representative of the industrial user, as defined in this chapter, and include the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(k) Grease and/or Oil Interceptor Reports. Any user who is required by the Allegheny County Plumbing Code or the BOCA National Plumbing Code to have installed in their facility a mechanical device to trap and collect grease, oil or grease-like substances shall maintain a monthly maintenance record. The maintenance record shall indicate the date and individual who serviced and cleaned the mechanical device for collection of grease, oil or grease-like substances. If the maintenance of the device is done by an independent contractor, records must be maintained of the name, date and location of the contractor who cleaned the device. If maintenance is done internally by employees of the user, the record shall indicate the name of the employee who performed the maintenance service along with the date and method of how the maintenance was performed. These records shall be open to review by any employee of the Municipality. The failure to keep such records will be construed as a violation of this chapter.

In addition to the monthly maintenance log, each user must submit to the Municipality an annual maintenance report of the mechanical device used to trap grease, oil or grease-like substances. The report form will be provided to each user by the Municipality.

(Ord. 2129. Passed 11-9-92.)

1043.21 MONITORING FACILITIES.

(a) Manholes; Alternative Facilities. When required by the Municipality as a condition of the permit, an industrial user shall install a suitable manhole on his or her connecting sewer to facilitate observation, sampling and measurement of the combined flow of wastes from his or her premises. Alternative monitoring facilities or arrangements may be acceptable to the Municipality under certain conditions and will be considered on a case-by-case basis. Such manhole shall be accessible, safely located and constructed in accordance with plans approved by the Municipality. The monitoring facilities shall be installed by the user at his or her own expense and shall be maintained by the user so as to be safe and accessible to the Municipality or its authorized representative at all times.

(b) Maintenance. There shall be ample room in or near such sampling manhole or monitoring facility to allow accurate sampling and preparation of samples for analysis. The monitoring facilities that the user is required to install shall be maintained at all times in a safe and proper operating condition at the expense of the user.
(c) **Construction Standards and Specifications: Right of Entry.** Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Municipality’s requirements and all applicable local construction standards and specifications. Construction shall be completed within 180 days following written notification by the Municipality.

The right of access for inspection shall extend to, but not necessarily be limited to, production areas or other premises where wastewater discharges are generated, chemical storage areas, hazardous waste storage areas, any pretreatment facilities and any sampling and monitoring equipment or facilities.

(Ord. 2129. Passed 11-9-92.)

1043.22 **DETERMINATION OF STRENGTH OF INDUSTRIAL WASTE.**

The strength of any industrial waste, the discharge of which is to be subject to a surcharge, shall be determined monthly, or more frequently if the Municipality deems necessary, from samples taken either at the manhole, metering chamber or other facility referred to in Section 1043.21(a), or any other sampling point mutually agreed upon by the Municipality and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the Municipality, will permit a reasonably reliable determination of the average composition of such waste. Samples shall be collected or their collection supervised by the user or representative of the user at the expense of the user, and shall be in proportion to the flow of waste and shall be composited for analysis in accordance with the current edition of Standard Methods for Examination of Water and Wastewater. Except as otherwise provided in this chapter, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. All analysis is to be done by the user or a representative of the user and at the expense of the user.

(Ord. 2129. Passed 11-9-92.)

1043.23 **INSPECTIONS.**

The Municipality shall inspect the facilities of any user to ascertain whether the purposes of this chapter are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Municipality or its authorized representatives ready access at all reasonable times to all parts of the premises necessary for the purposes of inspection, sampling, records examination and copying, or in the performance of their duties. The Municipality shall have the right to set-up on the user’s property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into his or her premises, the user shall make necessary arrangements with his or her security guards such that upon presentation of suitable identification, personnel from the Municipality or designated representatives of the Municipality will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. 2129. Passed 11-9-92.)

1043.24 **PRETREATMENT.**

(a) **Required.** Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal categorical pretreatment regulations. Existing sources shall comply with a categorical pretreatment standard within three years of the date such standard is effective, unless a shorter compliance time is specified in the applicable standard. New sources shall install, have in operating condition and start-up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge to the POTW. Within the shortest feasible time (not to exceed ninety days), new sources must meet all applicable pretreatment standards.
Facilities. Any facilities required to pretreat wastewater to a level acceptable to the Municipality shall be provided, operated and maintained at the user’s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Municipality for review, and shall be acceptable to the Municipality before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Municipality under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Municipality prior to the user’s initiation of the changes.

(Ord. 2129. Passed 11-9-92.)

1043.25 CONFIDENTIAL INFORMATION.

(a) Compliance Records. All records relating to compliance with pretreatment standards shall be made available to officials of the U.S. EPA or PDER upon request.

(b) Trade Secrets.

(1) Information and data on a user obtained from reports, questionnaires, applications, service agreements, monitoring programs and inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Municipality that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Documents or information prepared in anticipation of litigation or enforcement proceedings, or documents or information prepared for existing litigation or enforcement proceedings, shall only be made available to the general public by court order.

(2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the general public but shall be made available, upon written request, to governmental agencies for uses related to this chapter, the Municipality’s NPDES permit and/or the State disposal system, provided, however, that such portions of a report shall be available for the use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(Ord. 2129. Passed 11-9-92.)

1043.26 RECORDS RETENTION.

Users subject to the reporting requirements of this chapter shall retain, preserve and make available for inspection and copying any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. Records shall include the date, the exact place, the method and time of sampling, the name of the person taking the samples, the dates analyses were performed, the name of the person who performed the analyses, the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or Municipality, or where the user has been specifically notified of a longer retention period by the Manager.

(Ord. 2129. Passed 11-9-92.)

1043.27 SUSPENSION OF DISCHARGES.
(a) **Emergency Suspensions.** The Manager, or his or her designee, may, upon informal notice to an industrial user, order the user to immediately halt or prevent a discharge to the public sanitary sewerage system which, in the opinion of the Manager, or his or her designee, reasonably appears to present an imminent endangerment to the health or welfare of persons. For the purpose of this section, informal notice to an industrial user may be issued by a telephone call, an on-site inspection/visit, a cease and desist order or any combination of these methods.

(b) **Failure to Comply: Action by the Municipality.** In the event that an industrial user should fail to voluntarily comply with an emergency order to immediately halt or prevent a discharge to the public sanitary sewerage system, the Manager, or his or her designee, shall take whatever action deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the public sanitary sewerage system or the endangerment of any individuals. The costs associated with any such emergency action shall be assessed to the industrial user, and the Municipality shall not be responsible for any damages, including loss of income, as a result of such emergency action.

(c) **Non-Emergency Suspensions.** In the event of a non-emergency situation where the Municipality has determined that a user's discharge presents or may present a threat to the environment or to the operation of the public sanitary sewerage system, or where revocation of a user's permit is warranted as an enforcement action, the Municipality shall, after formal written notification to the affected user and provision of ample opportunity for the user to respond, require the user to halt or prevent the discharge.

(d) **Resumption of Discharges.** The Municipality shall authorize permission to resume a discharge that has been halted under the emergency action provisions of subsection (a) hereof upon satisfactory proof that the imminent danger has been eliminated. Within fifteen days after the date of any such emergency action, the industrial user shall submit to the Municipality a detailed written statement describing the cause or causes of the harmful contribution that necessitated the emergency action and the measures that will be taken to prevent any future occurrence of the incident.

(Ord. 2129. Passed 11-9-92.)

1043.28 INCORPORATION OF CHAPTER IN PERMITS; COMPLIANCE.

The conditions and requirements of this chapter are applicable to all industrial users and shall be incorporated into the user's industrial waste permit either expressly, implicitly or by reference. The industrial user has a duty to comply with all of the conditions of this chapter. Any noncompliance constitutes a violation of this chapter and is subject to appropriate enforcement action, including, but not limited to, revocation of the users industrial waste permit or denial of a permit renewal application in accordance with the provisions of this chapter.

(Ord. 2129. Passed 11-9-92.)

1043.29 REVOCATION OF PERMIT AND SUSPENSION OF SERVICE.

In addition to the provisions of Section 1043.27, the Municipality may terminate an industrial user's permit and suspend wastewater treatment service, or deny a permit renewal application, for any of the following reasons:

(a) Determination by the Municipality that the discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the public sanitary sewerage system;

(b) Failure of the user to disclose fully all relevant facts during the application process, or the user's misrepresentation of any relevant facts at any time;

(c) Falsifying monitoring or compliance reports or tampering with or knowingly rendering inaccurate any monitoring device or method required to be maintained as a condition of
the user’s permit;

(d) Refusal by the user of reasonable access to the user’s premises for the purpose of inspection or monitoring; or

(e) Willful and knowing failure to comply with any conditions of the user’s permit or this chapter.

(Ord. 2129. Passed 11-9-92.)

1043.30 NOTIFICATION OF VIOLATIONS.

(a) Non-Emergencies; Correction by Users. Whenever, except in an emergency situation or action by the Municipality under Chapter 1042, the Municipality determines that an industrial user has violated or is violating any prohibition, limitation or requirement of the user’s permit or this chapter, the Municipality shall issue, by certified mail, a formal written notification stating the nature of the violation. The user shall be afforded a minimum period of thirty days after the receipt of the notification of violation within which to correct the deficiency or violation, or to submit to the Municipality a proposed corrective action plan and schedule for correcting the violation.

(b) Procedural Violations. In the case of procedural violations, an industrial user may correct the violation by fulfilling the duties or requirements that are deficient. The Manager, or his or her designee, shall review the corrective action taken by the user to determine whether or not the violation has been adequately corrected. Failure to correct a violation within a reasonable time period may result in further enforcement action.

(c) Discharge Violations. In the case of discharge violations, the industrial user may correct the violation by process modifications or by implementing appropriate pretreatment technology. The Municipality shall review the proposed corrective action plan and schedule submitted by the user to determine whether or not the plan is adequate to correct the violation and consistent with the objectives of any applicable Federal pretreatment standards and General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403). The Municipality may require modifications to the plan and schedule, including the submission of interim progress reports, to verify correction of the violation within an appropriate compliance schedule. The Municipality may modify the user’s permit to incorporate a reasonable schedule of compliance to implement an acceptable corrective action plan.

(Ord. 2129. Passed 11-9-92.)

1043.31 ENFORCEMENT ACTION.

(a) Notification. Except in the case of emergency situations subject to the provisions of Section 1043.27, whenever the Municipality deems it necessary to take enforcement action, including revocation of the user’s permit, under the provisions of this chapter, the Municipality may issue the affected user a formal written notification of the proposed enforcement action by certified mail. Such notice shall state the basis for the proposed action and the reasons for the Municipality’s tentative action.

(b) Appeals. Except in the case of emergency situations subject to the provisions of Section 1043.27, the industrial user shall be afforded a minimum period of thirty days within which to comment on the proposed action and to submit to the Municipality a written request for a meeting with Council to appeal the proposed action. All requests for an appeal meeting shall clearly state the specific action or provision of the proposed action that is being appealed and the grounds upon which the appeal is based. Any supporting evidence that is relevant to the appeal must also be submitted with the request for the appeal. Council may deny the appeal request on the basis of insufficient grounds, or may schedule a meeting for the user to present the appeal to Council. As soon as practicable after the conclusion of the review period or the appeal meeting, Council shall issue to the user a formal written notification of the intended enforcement action and its
conclusions.
(Ord. 2129. Passed 11-9-92.)

1043.32 UPSETS.

Under the conditions specified in Section 403.16 of the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403), an upset shall constitute an affirmative defense to an enforcement action for noncompliance with either Federal categorical standards or local standards adopted pursuant to this chapter. Any industrial user seeking to establish the occurrence of an upset shall have the burden of proof to demonstrate that the conditions necessary for an upset according to the General Pretreatment Regulations have been met.
(Ord. 2129. Passed 11-9-92.)

1043.33 CONSENT ORDERS, ASSURANCES OF VOLUNTARY COMPLIANCE, ETC.

The Municipality is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified in the order. In no case will any such order exempt a user from further enforcement action for failure to meet a compliance date in any applicable Federal pretreatment standards.
(Ord. 2129. Passed 11-9-92.)

1043.34 SHOW CAUSE HEARINGS.

(a) Order to Show Cause. In certain cases, such as those involving revocation of a user's permit, Council may order a user to show cause before Council why the proposed enforcement action should not be taken. A notice shall be served on the user, specifying the time and place of a hearing to be held by Council regarding the violation, the reasons why the action is to be taken and the proposed enforcement action, and directing the user to show cause before Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(b) Procedure. Council may itself conduct the hearing and take evidence, or may designate any of its members or, in conjunction with the affected user, and designate an arbitrator or board of arbitration, to:

(1) Issue, in the name of Council, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
(2) Take the evidence;
(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to Council for action thereon.

(c) Testimony. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(d) Order of Council. After Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances, and that such are properly operated. Further orders and directives as are necessary and appropriate
may be issued.
(Ord. 2129. Passed 11-9-92.)

1043.35 LEGAL OR EQUITABLE RELIEF.
If any person discharges sewage, industrial wastes or other wastes into the public sanitary sewerage system contrary to the provisions of this chapter, Federal or State pretreatment requirements or any order of the Municipality, the Municipality's Attorney may commence an action for appropriate legal and/or equitable relief, plus costs and attorney's fees, in a court of competent jurisdiction.
(Ord. 2129. Passed 11-9-92.)

1043.36 COMPLIANCE ORDERS.
When the Municipality finds that an industrial user has violated or continues to violate this chapter or a permit or order issued under the provisions of this chapter, the Municipality may issue a compliance order to the industrial user responsible for the discharge directing that following a specified time period, sewer service facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.
(Ord. 2129. Passed 11-9-92.)

1043.37 CEASE AND DESIST ORDERS.
When the Municipality finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the Municipality may issue an order to cease and desist all such violations and direct the industrial user in noncompliance to:
(a) Comply forthwith; and
(b) Take such appropriate remedial or preventative actions needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
(Ord. 2129. Passed 11-9-92.)

1043.38 RIGHT OF ENTRY.
(a) Consent of Users. All persons, including owners of property, individuals, co-partnerships, corporations and businesses, and their servants, agents and employees, applying for a permit to use, or who are using or appear to be using, directly or indirectly, legally or illegally, the sanitary sewer system, including, but not limited to, the sanitary sewage treatment disposal plants, pumping stations, sanitary sewer lines and sanitary trunk line sewers of the Municipality or of the County Sanitary Authority, shall have thereby consented to the Municipality's duly appointed representative, or agent thereof, entering, inspecting and performing any tests in any such building or premises at all reasonable times for the purpose of ascertaining the use or uses made or being planned and whether the same are in accordance with the provisions of this chapter.

(b) Denial of Access; Search Warrants. Should the Municipality's duly appointed representative, or agent thereof, be denied access to any building or premises where such access was sought for the purposes set forth in this section, he or she may apply to any issuing authority for a search warrant authorizing access to such building or premises for such purposes. The court may, upon such application, issue the search warrant for the purposes requested.
(Ord. 2129. Passed 11-9-92.)

1043.39 INJUNCTIVE RELIEF.
When the Municipality finds that a user has violated or continues to violate any provision of
this chapter, a wastewater discharge permit, an order issued under the provisions of this chapter or any other pretreatment standard or requirement, the Municipality may petition the court of jurisdiction through the Municipal Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of a wastewater discharge permit, order or other requirement imposed by this chapter on activities of the user.

(Ord. 2129. Passed 11-9-92.)

1043.40  RECOVERY OF DAMAGES AND COSTS.

Any person violating any of the provisions of this chapter or who discharges or causes a discharge which produces a deposit or obstruction or otherwise causes damage to or impairs the operation of the public sanitary sewerage system, shall be liable to the Municipality for any expenses, losses or damages caused by such violation or discharge. The Municipality shall bill the user for the costs incurred by the Municipality for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter and shall be subject to further enforcement action and penalties according to the provisions of this chapter.

(Ord. 2129. Passed 11-9-92.)

1043.41  COLLECTION OF DELINQUENT CHARGES; DISCONNECTION.

(a) Charges and Interest as Lien. Each charge or penalty imposed by this chapter, together with interest at a rate of six percent per annum from the expiration of thirty days after the date upon which such charge or penalty shall become due, shall be a debt due the Municipality and shall be a lien on the property served, and, if not paid within thirty days after such charge or penalty shall become due, shall be deemed delinquent. In such event, the Municipality may proceed to file a lien in the office of the Prothonotary of Allegheny County, Pennsylvania, and collect the same in the manner provided by law for the filing and collection of municipal claims. Nothing in this subsection shall affect the Municipality's remedies and powers under Section 1042.14 or this chapter.

(b) Disconnection. In the event of failure to pay any charge or penalty after they become delinquent, as herein provided, the Municipality shall be authorized to remove or close the sewer service connection and shall have the right to enter upon the property served for such purpose and to take such step as may be necessary to accomplish such removal or closing. The expense of such removal or closing, as well as the expense of restoring any such service, shall likewise be a debt due the Municipality and a lien on the property served, and may be filed and collected as provided in subsection (a) hereof. Such sewage service connection shall not again be turned on or the sewage service restored until all sewage service charges, additional charges, surcharges and penalties, including the expense of removal, closing and restoration, shall have been paid, or adequate provisions for their payment shall have been made. Nothing in this subsection shall affect the Municipality's remedies and powers under Section 1042.14 or this chapter.

(c) Change of Ownership or Occupancy. Change of ownership or occupancy of any property served by the public sanitary sewerage system to which a charge or penalty imposed by this chapter is delinquent shall not be cause for reducing or eliminating the rights and remedies of the Municipality set forth in this chapter.

(Ord. 2129. Passed 11-9-92.)

1043.42  REMEDIES NOT EXCLUSIVE.

Nothing in this chapter shall affect the Municipality's remedies for delinquencies of payment of sewer service fees provided in Section 1042.14, or any other remedies afforded to the Municipality by the ordinances of the Municipality or State or Federal law.

(Ord. 2129. Passed 11-9-92.)
1043.43 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

The Municipality shall publish annually, in the largest daily newspaper published in the Municipality, a list of the users who, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. As used in this section, the term significant noncompliance means:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other discharge violation that the Municipality believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Municipality’s exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

(f) Failure to provide, within thirty days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;

(g) Failure to adequately report noncompliance; or

(h) Any other violation which the Municipality determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 2129. Passed 11-9-92.)

1043.44 FALSIFICATION.

No person shall make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under the industrial waste discharge provisions of this chapter, or falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter.

(Ord. 2129. Passed 11-9-92.)

1043.99 PENALTY.

(a) Civil Penalties.

(1) Any industrial user who has violated or continues to violate this chapter or any order or permit issued under the provisions of this chapter, shall be liable to the Municipality for a civil penalty of not more than twenty-five thousand dollars ($25,000), plus actual damages incurred by the Municipality, per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Municipality may recover reasonable attorney fees, court costs and other expenses associated with the enforcement activities, including, but not limited to, sampling and monitoring expenses.

(2) The Municipality shall petition the court of jurisdiction to impose, assess, and recover such sums. In determining the amount of liability, the court shall take into
account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user and any other factor as justice permits.

(b) Criminal Penalties.

(1) Any person who is found to have violated an order of Council or who willfully or negligently fails to comply with any provision of this chapter or the orders, rules, regulations and permits issued under the provisions of this chapter by the Municipality, shall be fined not less than one thousand dollars ($1,000) nor more than twenty-five thousand dollars ($25,000), and costs of prosecution, and in default of payment of fine and costs, imprisoned for not more than thirty days, for each and every offense. Each day's continuation of a violation shall constitute a separate offense. In addition to the penalties provided in this subsection, the Municipality shall be able to recover court costs, court reporters' fees and any other expense of litigation by appropriate suit at law against the person found to have violated the provisions of this chapter.

(2) Whoever violates Section 1043.44 shall be fined not more than three hundred dollars ($300.00) and costs of prosecution, and in default of payment of fine and costs, imprisoned for not more than thirty days, for each and every offense. In addition to the penalties provided in this subsection, the Municipality shall be able to recover court costs, court reporters' fees and any other expenses of litigation by appropriate suit at law against the person found to have violated Section 1043.44.

(Ord. 2129. Passed 11-9-92.)
CHAPTER 1044
Sewer Agreements

1044.01 Agreement with City of Pittsburgh and County Sanitary Authority.
1044.02 Supplementary Agreement with City of Pittsburgh and County Sanitary Authority.
1044.03 Agreement with Borough of Churchill.
1044.04 Collection of sewer service charge from Churchill residents. (Repealed).
1044.05 Agreement with City of Pittsburgh, County Sanitary Authority, Borough of Blawnox, Borough of Verona, Township of O'Hara and County Work House and Inebriate Asylum.
1044.06 Agreement to pay sewage service charges imposed by County Sanitary Authority.
1044.07 Prohibited discharges to ALCOSAN.
1044.08 Agreement with the Pittsburgh Water and Sewer Authority/Hansell Avenue Sewer District.
1044.09 Agreement with the Allegheny Valley Joint Sewage Authority.
1044.10 Agreements with Borough of Plum.

CROSS REFERENCES
Sewers generally - see S.U. & P.S. Ch. 1040
Sewer service charges - see S.U. & P.S. Ch. 1042

1044.01 AGREEMENT WITH CITY OF PITTSBURGH AND COUNTY SANITARY AUTHORITY.
The Municipality shall enter into, execute and deliver an Agreement with the City of Pittsburgh and the Allegheny County Sanitary Authority in substantially the following form:

AGREEMENT

THIS AGREEMENT, dated for convenience of reference as of the first day of_______, 1949, by and among

CITY OF PITTSBURGH
(hereinafter sometimes called the City), a municipal corporation of the Commonwealth of Pennsylvania located within the County of Allegheny,

ALLEGHENY COUNTY
SANITARY AUTHORITY
(hereinafter sometimes called the Sanitary Authority), a body corporate and politic of the Commonwealth of Pennsylvania duly created and existing under the provisions of the Municipality Authorities Act of 1945, as amended, and

TOWNSHIP OF PENN
(hereinafter sometimes called the Township), a political subdivision of the Commonwealth of Pennsylvania also located within the County of Allegheny.

WITNESSETH:

WHEREAS, the City and the Township have heretofore constructed certain sewers but do not have adequate facilities for the treatment and disposal of sewage, and sewage entering their sewers is being discharged without treatment into the rivers and streams; and

WHEREAS, a number of municipalities adjacent to the City have connected their sewers with the City's sewerage system; and

WHEREAS, there are many industries in the Pittsburgh area which are discharging large...
quantities of industrial wastes without treatment either directly into such rivers and streams or indirectly through the sewers of the municipalities in which they are located; and

WHEREAS, such discharge of untreated sewage and industrial wastes has polluted the rivers and streams, and such pollution has made the rivers and streams undesirable as sources of public water supply and unsafe for bathing, boating and other recreational purposes; is detrimental to business and commercial interests in the Pittsburgh area; and constitutes a serious menace to the health and safety of the inhabitants of the City, the Township and such adjacent municipalities; and

WHEREAS, the Sanitary Water Board of the Commonwealth of Pennsylvania (hereinafter sometimes called the State Board), acting to abate stream pollution, pursuant to authority conferred upon it by the Act of the General Assembly of Pennsylvania approved June 22, 1937, P.L. 1987, as amended, ordered and directed all sewered municipalities in Allegheny County, including the City and the Township:

(a) To discontinue the discharge of untreated sewage into the waters of the Commonwealth, and

(b) To submit, either alone or jointly with any other mutually interested municipality or municipalities, construction plans and specifications for the necessary sewers, pumping stations and treatment works to collect and convey its sewage to a suitable site or sites and provide treatment thereof; and

WHEREAS, shortly thereafter, the Sanitary Authority was organized by the County Commissioners of Allegheny County to collect, transport, treat and dispose of the sewage and industrial wastes of all the municipalities in the County and thus enable them to comply with the orders of the State Board; and

WHEREAS, the Sanitary Authority, after extensive studies and investigations, submitted a metropolitan project to serve, under a uniform schedule of rates, almost all of the sewered municipalities in Allegheny County and the Cities of New Kensington and Arnold in Westmoreland County, but such project was not accepted by the affected municipalities; and

WHEREAS, the Sanitary Authority thereupon prepared a number of zone projects to serve groups of such municipalities, among which projects were several centering about the City; and

WHEREAS, of these projects, the City has accepted one capable of serving a potential area comprising not only the whole City but also all or portions of fifty-eight adjacent municipalities, including the Township; and

WHEREAS, the City has executed an agreement with the Sanitary Authority for the preparation of detailed construction plans and specifications for a Sewage Disposal System adequate to meet the present and foreseeable future needs of such potential area, and has agreed to advance to the Sanitary Authority, as a loan, the entire cost of such plans and specifications, estimated at two million dollars ($2,000,000); and

WHEREAS, plans and specifications for any sewage disposal system will be valueless unless substantially all the municipalities to be served, or their residents, become legally bound to accept and pay for sewage collection and treatment service from the time the system goes into operation until such time as the bonds to be issued for constructing the system shall be fully retired by the revenues thereof; and

WHEREAS, the agreement between the City and the Sanitary Authority therefore provides that every drainage basin beyond the City within the potential service area shall be excluded unless substantially all the municipalities therein, or their residents, become so bound; and

WHEREAS, the City is willing to pay, or to require its residents to pay, after the sewage disposal system is constructed and goes into operation, the same rates for service therefrom as shall be charged and collected throughout the remainder of the system’s entire service area; and

WHEREAS, such uniform rates would result in much lower cost to the Township and its residents than would result from the construction and operation of a sewage disposal system for the Township alone; and

WHEREAS, the State Board has recently ordered the Township to inform it that the Township has executed an agreement with the Sanitary Authority to participate in the project
accepted by the City, or to inform the State Board that it has engaged a consulting engineer to proceed in some manner with the preparation of plans for treatment of the sewage of the Township; and

WHEREAS, the execution of the present Agreement by the Township will benefit the Township and its residents and will constitute compliance with the orders of the State Board.

NOW, THEREFORE, in consideration of the premises and the undertakings of each party to the others, the parties hereto, each intending to legally bind itself, its successors and its assigns, covenant and agree as follows:

1. The City and the Sanitary Authority reaffirm their agreement of August 1, 1949, whereunder the City agrees to loan to the Sanitary Authority two million dollars ($2,000,000) for the preparation of detailed construction plans and specifications for a sewage disposal system adequate to serve a potential area comprising the City and all or portions of fifty-eight adjacent municipalities, including the Township. The City and the Sanitary Authority each covenants with the Township to carry out its undertakings under said agreement of August 1, 1949.

2. The City has decided to include in the service area of the sewage disposal system only such drainage basins beyond the City as may be served without increasing the cost of service to the City and its residents. The City therefore reserves the right, by ordinance, to terminate and rescind this Agreement if in its opinion an insufficient number of municipalities in the same drainage basin or basins as the Township have executed agreements similar to the present Agreement on or before November 1, 1949.

If the City shall enact such ordinance on or before December 31, 1949, this Agreement shall automatically terminate and become null and void on January 1, 1950, and neither the City nor the Sanitary Authority shall be liable to the Township in any way for excluding the Township from the service area of the sewage disposal system to be designed by the Sanitary Authority, or for the consequences of such exclusion. If no such ordinance shall be enacted by the City on or before December 31, 1949, this Agreement shall continue in full force and effect.

3. The City reserves the right, after the plans and specifications to be prepared by the Sanitary Authority shall have received the final approval of the State Board, to designate the agency which shall construct and operate the sewage disposal system. Such agency, hereinafter referred to as the Sewage Agency, may be the City itself, the Sanitary Authority, a municipal Authority to be organized by the City, or any other agency having legal authority to construct and operate the sewage disposal system.

The parties agree that the rights given under this Agreement to the Sewage Agency are primarily given to the Sanitary Authority, for the benefit of the City, and that the Sewage Agency designated by the City, if other than the Sanitary Authority, shall be the assignee of the Sanitary Authority’s rights. The Sanitary Authority agrees that the designation by the City of a Sewage Agency other than the Sanitary Authority shall constitute an assignment, by the Sanitary Authority to the Sewage Agency so designated by the City, of the Sanitary Authority’s rights as Sewage Agency under this Agreement. If the designated Sewage Agency is the City, such assignment shall become effective automatically; if it is neither the City nor the Sanitary Authority such assignment shall become effective upon formal acceptance of this Agreement by the designated Sewage Agency. The Sanitary Authority further covenants to execute promptly, upon requests of the City, a formal assignment of such rights to such designated Sewage Agency, though such formal assignment is not necessary. The Township recognizes that performance of the duties imposed by this Agreement on the Sewage Agency will be substantially the same whether done by the City itself, the Sanitary Authority, an authority to be organized for such purpose by the City, or any other lawful agency, inasmuch as the personnel of the Sewage Agency during the extended life of this Agreement cannot be foreseen and would in any event not be selected by the Township, and since the sewage service charges of the Sewage Agency, as more fully hereinafter set forth, must be uniform and are limited to yield only sufficient revenues to meet administrative and operating expenses and debt requirements. The Township therefore hereby specifically assents to any such assignment, and covenants to perform all acts and discharge all duties and obligations required of
the Township under this Agreement, whether the Sewage Agency be the Sanitary Authority or any other agency designated by the City.

The City covenants that within a reasonable time after receiving an order from the State Board to construct the sewage disposal system, following final approval of the plans and specifications therefor, the City will by proper ordinance designate a suitable Sewage Agency to construct and operate the sewage disposal system in accordance with this Agreement. Paragraphs 4 to 18 of this Agreement shall not be carried into effect until the City shall, by formal ordinance duly enacted, designate such Sewage Agency.

4. The Sanitary Authority covenants with the City and Township, and the City similarly covenants with the Township, that if it is designated by the City to be the Sewage Agency, it will well and truly perform all the acts and discharge all the duties and obligations imposed upon the Sewage Agency by this Agreement; and that if it is not so designated, it will cooperate fully with the designated Sewage Agency and will assign to it, without charge, any rights and powers it may have in aid of the carrying out of the remaining provisions of this Agreement.

5. The City covenants with the Township and the Sewage Agency that the rates and charges to be imposed and collected by the Sewage Agency, as hereinafter set forth, shall be uniform throughout the service area of the sewage disposal system and in particular shall be the same within the City as within the Township, and that all duties and obligations hereinafter imposed upon the Township will likewise be assumed and borne by the City.

6. The Sewage Agency designated and qualified pursuant to the provisions of Paragraph 3 of this Agreement shall:

(a) Promptly issue and sell revenue bonds, secured by its revenues and receipts collected pursuant to this Agreement and to similar agreements with other municipalities and by all other revenues and receipts of the sewage disposal system, in sufficient amount to pay:

(1) The cost of constructing the sewage disposal system and placing the same in operation;

(2) All loans and advances heretofore or hereafter made to the Sanitary Authority by the City and the Federal Works Administration;

(3) All obligations incurred by the Sanitary Authority and by the Sewage Agency which are repayable out of such bond proceeds; and

(4) All other lawful requirements of the Sewage Agency, including, but without limitation, the cost of all lands, property, rights, easements and franchises acquired, financing charges, the cost of legal services, administrative expenses and all other expenses necessary or incident to the construction of the sewage disposal system and to the financing thereof;

(b) Upon receipt of the proceeds of such bonds, proceed promptly and with due diligence in the construction of the sewage disposal system, with the privilege of awarding all or portions of the actual construction work under separate contracts to the lowest responsible bidder for each contract;

(c) Upon completion of the sewage disposal system, intercept all sewage and wastes of the Township which are discharged from any municipal outfall sewers located along the interceptor sewers of the sewage disposal system (subject to the provisions of Paragraph 7 of this Agreement), transport such sewage and wastes to its treatment plant, provide such treatment and disposal thereof as may be required by law, and operate the sewage disposal system in an efficient and economical manner; and

(d) Make such changes in and additions to the sewage disposal system as may be necessary to enable the Township to comply with any future lawful orders of the State Board or any other State or Federal Agency in respect of the treatment and disposal of the Township’s municipal sewage and wastes which enter the Sewage Agency’s interceptor sewers, and shall issue additional revenue bonds for such purpose or purposes; provided, however, that the Sewage Agency shall have the right to increase its sewage service charges to such extent as will yield the additional revenue needed to meet all bond requirements and operating and other expenses incurred by the Sewage Agency in the design, construction and
operation of such added facilities.

If any portions of the Sewage Agency’s interceptor sewers and appurtenances thereof are located in the Township, the Sewage Agency shall have the right to enter upon and open such streets, public thoroughfares and vacant land owned by the Township as may be necessary to install, construct, extend, replace, repair and maintain the same or any part thereof; provided, however, that all pavements and underground structures disturbed in the course of such work shall be restored to substantially their original condition. No Township permit or license shall be required for any such work, and the Township hereby waives all fees and charges in connection therewith.

It is understood and agreed that the Sewage Agency shall indemnify and save the Township harmless from all costs and expenses (except those provided for in this Agreement), liability, claims and demands of any sort arising out of the construction, extension, replacement, operation, maintenance, repair or possession of the sewage disposal system by the Sewage Agency.

7. The Sewage Agency’s interceptor sewers will be constructed approximately where shown on the map marked Exhibit A attached hereto and made a part of this Agreement. (EDITOR’S NOTE: Exhibit A follows this Section 1044.01.) The Township understands and agrees that the Sewage Agency will accept for treatment and disposal only such sewage and wastes entering the Township’s sewers as are discharged from municipal outfall sewers (belonging to the Township or to any other municipality) located along such interceptor sewers, and that it shall be the obligation of the Township to bring its sewage and wastes to a proper point of connection with such interceptor sewers, as hereinafter set forth. If the Township is not wholly within the service area shown on Exhibit A attached hereto (EDITOR’S NOTE: Exhibit A follows this Section 1044.01), the Sewage Agency shall not have any obligation to serve any portion of the Township outside such area unless another agreement similar to the present Agreement shall be executed covering such outside territory, as provided in Paragraph 8 hereof. No sewer connection whereby sewage or wastes from any such outside territory may reach a Sewage Agency interceptor sewer shall be made or permitted by the Township in the absence of such an agreement.

 Provision will be made, in the plans and specifications to be prepared by the Sanitary Authority, for the connection with the Sewage Agency’s interceptor sewers of all municipal outfall sewers now in place therealong, and only such outfall sewers now being used by the Township as are located therealong will be connected with the Sewage Agency’s interceptor sewers without cost to the Township.

All other outfall sewers now used by the Township and every municipal outfall sewer hereafter constructed shall be brought to a point to be approved by the Sewage Agency (or, prior to the designation and qualification of the Sewage Agency, by the Sanitary Authority), in order that proper connection with the sewage disposal system may be made. Each such connection shall be made in such manner as the Sewage Agency shall direct, and at the expense of the municipality or municipalities using such outfall sewer.

8. The City and the Sanitary Authority reserve the right, prior to the designation of the Sewage Agency, and the City and the Sewage Agency shall have the right thereafter, subject to the approval of the State Board but without consulting or notifying the Township, to permit municipalities which are partially or entirely outside such service area to pump or drain additional sewage or wastes from territory outside such service area into the sewage disposal system for treatment and disposal by the Sewage Agency; provided, however, that no such permission shall be given unless an agreement similar to the present Agreement shall be executed with the affected municipality or municipalities.

 The City and the Sanitary Authority, or the City and the Sewage Agency, as the case may be, also reserve the similar right to enter into agreements with industrial firms within and without the service area for the treatment and disposal of their sewage and wastes which do not enter a municipal sewer; provided, however, that the service charges shall be at least as high as those imposed on the Township and its water users by this Agreement.

9. The Township covenants and agrees that the Sewage Agency shall be the sole and
exclusive agency, during the entire life of this Agreement, to provide sewage treatment and disposal service to the Township or to such portion thereof as is within the service area of the sewage disposal system and to all its water users therein who or which discharge sewage or wastes into the Township’s sewerage system. The Township hereby permits and authorizes the Sewage Agency to impose upon and collect from all such water users the sewage service charges hereinafter set forth, and covenants to perform all the acts, and discharge all the duties and obligations imposed upon it by this Agreement. The Township further covenants that it will not itself engage in the business of providing sewage treatment and disposal service to such water users, nor will it authorize or permit any other agency, public or private, to do so in competition with or in substitution for the Sewage Agency.

10. Beginning immediately after the sewage disposal system has been completed and put in operation, the Sewage Agency shall, for the services and facilities furnished or to be furnished by it, impose upon and collect from the owner, tenant or occupant of each lot or parcel of land within the Township from which sewage or wastes enter a Township sewer and thence reach the sewage disposal system (hereinafter sometimes called a user or water user), rates, fees or charges (hereinafter sometimes called sewage service charges or charges), which shall be based or computed upon the quantity of water used in or upon such lot or parcel as determined by gauging or metering or otherwise.

The Sewage Agency’s schedule of sewage service charges shall be uniform throughout the entire service area of the sewage disposal system, and shall be so calculated as to yield in the aggregate during each month or quarter year the amount required in each such month or quarter year for paying all current administrative and operating expenses of the Sewage Agency and the interest on and the principal of all outstanding bonds and other obligations as the same become due and payable, and to create such reserves for such purposes as may be required by the resolution authorizing the issuance of its bonds or in the trust indenture securing the same. The schedule shall impose reasonable minimum charges, may include such block rates for metered water users and such charges for flat-rate water users as the Sewage Agency shall determine, and shall provide extra charges for commercial and industrial wastes which impose an extraordinary burden on the sewage disposal system. The schedule shall be adjusted from time to time in such manner as the Sewage Agency shall deem necessary or proper to insure the collection of adequate revenues to meet its financial requirements.

In case any water user is not the owner of the premises in or on which the water is used, the Sewage Agency may also impose such sewage service charges upon and demand payment thereof from the owner of such premises, so that if payment is not made promptly, a lien therefor against the premises served may be filed by the Township as assignee of the Sewage Agency delinquent accounts, as provided in Paragraph 14 of this Agreement.

11. The Township covenants that during such time as sewage service charges of the Sewage Agency are in effect, the Township will not impose upon any person, firm or corporation, or upon any property, any rental, rate or charge whatever for the use of or for the privilege of using any Township sewer connected with the sewage disposal system, to the end that no person, firm or corporation shall be subject to both the Sewage Agency’s sewage service charge, as herein provided, and a Township sewer rental, rate or charge of any kind whatever excepting general real estate taxes, sewer connection and street opening permit or license fees, and special assessments imposed according to law upon property benefitted by the construction of additional sewers, and excepting charges imposed on other municipalities for the joint use, maintenance or repair of a Township sewer or sewers. The provisions of this Paragraph shall not apply so long as the optional method of payment provided for in Paragraph 16 of this Agreement is in effect.

12. All bills for sewage service charges shall be computed on the basis of the quantity of water used, whether the water is furnished by the waterworks system of the Township or secured from any other source. The sewage service charge to be paid by each water user within the Township shall be computed as follows:

(a) Metered water customers - by applying the Sewage Agency’s schedule of charges
then in effect to the quantity of water delivered to each water customer during the preceding quarter year or other meter period, as measured by the most recent water meter reading;

(b) Flat-rate water customers - by applying the percentage set forth in the Sewage Agency’s schedule of charges then in effect to the flat-rate water bill;

(c) Users of water taken from a private water source or public stream - by applying the Sewage Agency’s schedule of charges then in effect to the quantity of water estimated by the Sewage Agency; provided, however, that if any such water user shall at his or its own expense install and maintain in good operating condition a meter or other measuring device of a type approved by the Sewage Agency, the amount payable by such water user shall be based upon the quantity of water used as so measured.

If the Township or other water supplying agency does not make available promptly to the Sewage Agency the necessary data for computing the sewage service charge of any water user, such water user shall be deemed to be a flat-rate water customer, and the sewage service charge for such water user shall be calculated in the same manner as for flat-rate water customers, based upon the estimated flat-rate water bill such customer would have to pay.

There shall be no free services rendered by the sewage disposal system, and the Township (or any department, agency or instrumentality thereof) and all public corporations, all charitable or nonprofit institutions and all school districts and other political subdivisions shall pay for the use of the services and facilities thereof in accordance with the established schedule of sewage service charges.

If any substantial portion of the water used regularly on any lot or parcel of land does not enter the Township’s sewerage system, the owner, tenant or occupant of such lot or parcel may secure a reduction in the amount of the sewage service charges to be paid by him, subject to the established minimum charges, by installing, at his own expense and subject to such regulations as may be prescribed by the Sewage Agency, a separate meter or other measuring device approved by the Sewage Agency for measuring the water so used, in which event the quantity of water so used shall thereafter be excluded in computing the sewage service charges to be paid by the owner, tenant or occupant of such lot or parcel.

In cases where the character of sewage or industrial wastes from any commercial, manufacturing or industrial plant, building or premises is such that it imposes a burden upon the sewage disposal system in addition to the burden imposed by the average sewage, such additional charge shall be made therefor as the Sewage Agency shall deem to be fair and equitable to meet the additional cost of collecting, transporting, treating and disposing of such sewage or wastes; or the Sewage Agency may, if it deems it advisable, require the owner, tenant or occupant of such commercial, manufacturing or industrial plant, building or premises to pre-treat such sewage or wastes in such manner as shall be specified by the Sewage Agency before discharging such sewage or wastes into the Township’s sewerage system.

13. In order to enable the Sewage Agency to compute its sewage service charges based thereon, as provided in Paragraph 12 hereof, the Township, if it operates its own waterworks system, shall furnish to the Sewage Agency, not later than the fifteenth day of the month following the month during which water bills are issued, a list or lists of all water meter readings and flat-rate water bills issued during the preceding calendar month together with the basis for each flat-rate water user’s water bill, and shall include therein the meter readings of meters installed by water users taking water from a private water source or public stream. The Sewage Agency will request similar information from the private water company, municipal authority or other agency supplying water to any water users within the Township. If, by any reason of failure to obtain such data promptly, the Sewage Agency is compelled to treat any water users as though they were flat-rate water customers, as further provided above in the said Paragraph 12, and in so doing is obliged to survey the premises of each such water user for the purpose of determining his or its flat-rate water status, the cost incurred by the Sewage Agency in making such survey or surveys shall be repaid to it by the Township. The Township authorizes the Sewage Agency to make such survey or surveys, and it is agreed that every water user, in accepting the Sewage Agency’s
service, authorizes the Sewage Agency to enter upon his or its premises for such purpose.

The Sewage Agency will reimburse the Township and other water supplying agencies, on or before April 1 of each year, for the reasonable added clerical expense incurred by each of them during the previous calendar year in preparing the lists of metered water data and of flat rate bills hereinabove referred to, but not for the cost of reading meters, excepting only the cost of reading such meters as may be installed by or for users of water who are not connected with their respective waterworks systems.

14. The schedule of sewage service charges to be imposed and collected during any year by the Sewage Agency shall be so calculated and adjusted as to provide revenues which will be sufficient to pay all current expenses and meet all obligations of the Sewage Agency during such year. It is understood by the Township that not all bills for sewage service charges will be paid promptly, and that some of such bills in an indeterminate amount will become delinquent each year. In consideration of the services rendered by the Sewage Agency to the Township under the provisions of this Agreement, which will effect compliance by the Township with the duty imposed upon it by law to cease pollution of the waters of the Commonwealth, and in further consideration of the assignment to it of the delinquent accounts, as hereinafter provided, the Township agrees to pay to the Sewage Agency, out of the Township’s current revenues as hereinafter provided, the face amount of all delinquent accounts of the Sewage Agency.

If any water user shall fail to pay the sewage service charges of the Sewage Agency within sixty days after the due date of the bill therefor, the account of such water user shall be deemed delinquent. The Sewage Agency shall prepare and submit to the Township, on or before January 1, April 1, July 1 and October 1 of each year, a list of all delinquent accounts, showing the face amount of each account, the penalty thereon, and the interest accrued. The Township shall, within sixty days after the furnishing of such list, pay to the Sewage Agency the face amount of all such delinquent accounts. Upon receipt of such amount from the Township, the Sewage Agency shall promptly assign to the Township all such accounts, for the sole use and benefit of the Township.

The Sewage Agency agrees that the Township shall have the right to pursue and enforce any and all remedies now available or hereafter to become available to it, to compel payment by any delinquent water user of the sewage service charges, together with penalties, interest and costs, which may be due and owing by him or it.

15. The Township agrees that if the schedule of sewage service charges in effect at any time does not, or in the opinion of the Sewage Agency may not, yield sufficient revenue to meet the Sewage Agency’s financial requirements, or if the Sewage Agency finds that such schedule has proved to be inequitable, the Sewage Agency shall have the right at any time and from time to time to revise and adjust its sewage service charges in such manner and to such extent as it may deem advisable.

At least sixty days before any revised sewage service charges shall become effective, the Sewage Agency shall submit in writing to the Township a statement setting forth the new schedule of sewage service charges and the reasons why it was found necessary or desirable to put them into effect. Such new schedule of charges shall go into effect at the time specified in said statement (not earlier, however, than sixty days from the furnishing of such statement), unless suspended by a final decree of a court of competent jurisdiction.

16. The Township shall have the option of paying the aggregate amount of all sewage service charges which, under Paragraphs 10 to 15 of this Agreement, would be payable by its water users, in consideration of the performance by the Sewage Agency of the Township’s legal duty to cease the pollution of the waters of the Commonwealth. In such event, the individual charges of each water user shall be computed in the same manner as hereinbefore set forth, but instead of sending individual bills to all water users, all such individual bills shall be totaled and the aggregate amount thereof shall be billed quarterly to the Township. The Township covenants that so long as such method of payment is in effect it will pay each such quarterly aggregate amount, out of the Township’s current revenues as hereinafter provided, within sixty days after the date of the bill therefor. The Sewage Agency will refund to the Township, on or before April 1 of each
year, as a credit for the saving in billing expense, a sum equal to the average cost per customer incurred by the Sewage Agency during the preceding calendar year for billing and collecting its charges from individual water users in all other municipalities served by it, multiplied by the average number of individual water users in the Township.

Before the sewage disposal system is completed and put in operation, the Sewage Agency shall request the Township in writing to indicate whether it desires to adopt the optional method of payment provided for in this Paragraph. Unless the Township shall so indicate, by ordinance duly enacted not less than ninety days after the date of the Sewage Agency’s written request, and shall promptly send to the Sewage Agency a certified copy of such ordinance, the method of payment provided for in Paragraphs 10 to 15 of this Agreement shall become effective.

No change in the method of payment applicable to the Township and its water users shall be made except at the request of the Township, made by ordinance duly enacted, and with the approval of the Sewage Agency, formally given by ordinance or resolution.

17. If there exists any connection through which sewage or wastes emanating from any territory outside the corporate limits of the Township enters the Township’s sewerage system and thence reaches the Sewage Agency’s interceptor sewer, and if the municipality having jurisdiction over such territory does not execute an agreement with the Sewage Agency similar to this Agreement, the Township shall either promptly shut off or remove such connection or shall pay to the Sewage Agency, so long as such sewage continues to enter the Township’s sewerage system, the estimated cost of collecting, transporting, treating and disposing of such sewage, such estimated cost to be approximately the same as if the water users within such territory were subject to the Sewage Agency’s prevailing sewage service charges.

18. The Township shall annually provide in its budget for obtaining the funds necessary to meet its obligations under this Agreement. On or before October 1 of each year, the Sewage Agency shall supply to the Township’s governing body a written estimate of the total amount of delinquent accounts, or (if the optional method of payment is applicable to the Township) of the total aggregate amount of all sewage service charges, which the Township will probably be required to pay to the Sewage Agency during the ensuing fiscal year; plus, in either case, the estimated amount (if any) due under Paragraph 17 of this Agreement.

The Township shall, by proper ordinance, promptly levy a special tax, or provide for obtaining revenues in any other lawful manner, or resort to any two or more methods of securing the funds required under this Agreement, in such manner as to assure that the Township shall obtain or collect during the ensuing fiscal year a sum which, together with any unused moneys remaining from previous years, will be at least 120 percent of such estimated amount to become due under this Agreement during such year. The revenues collected from such tax levy or from any other source so designated by the Township, or from any combination thereof which the Township may elect to employ, shall be deposited to the credit of a special fund to be designated Sewage Agency Fund, the moneys in which shall be used by the Township to meet its obligations under this Agreement and shall not be used for any other purpose whatever.

If the entire amount due the Sewage Agency under this Agreement for any year is not paid out of the current revenues of the Township for such year the balance thereof shall be paid out of the current revenues of succeeding years.

19. The Sewage Agency shall have the right to promulgate, issue, publish and enforce rules and regulations governing its activities and carrying into effect the provisions of this Agreement. Such rules and regulations may include provisions prohibiting or regulating the discharge into the Township’s sewerage system of oils, acids and other substances which maybe harmful to the Sewage Agency’s sewers, pumping stations or other structures or which may interfere with the sewage treatment processes at the Sewage Agency’s plant.

The Township may, in its own discretion and without let or hindrance from the Sewage Agency, permit the connection with any Township sewer that discharges into a Sewage Agency interceptor sewer of any and all premises used wholly as private dwellings, but no permit shall be issued by the Township for the connection with any such sewer of any premises used wholly or in
part for commercial or industrial purposes unless the application for such permit shall first have been submitted to and been approved by the Sewage Agency.

The Township recognizes that the carrying out by the Sewage Agency of its obligations under this Agreement will enable the Township to perform the duty imposed upon it by law to provide for the proper treatment and disposal of its sewage, and the Township therefore agrees to exercise for the benefit of the Sewage Agency all rights and powers which it may possess to carry into effect the purposes and intent of this Agreement. The Township accordingly agrees, on request of the Sewage Agency, to enact an ordinance incorporating all or designated portions of the Sewage Agency’s rules and regulations and providing appropriate penalties for the violation thereof, to amend such ordinance from time to time as requested by the Sewage Agency, and to enforce the provisions thereof fully and prosecute all violators thereof diligently.

20. This Agreement shall become effective immediately, and shall remain in full force and effect, subject to the provisions of Paragraphs 2 and 3 hereof, until the date of expiration of the legal existence of the Sewage Agency or until the expiration of one calendar year following the payment in full of all bonds, notes and other obligations of the Sewage Agency, original and refunding, issued by it to finance the construction, replacement, maintenance and operation of the sewage disposal system and additions thereto, whichever date shall be later.

IN WITNESS WHEREOF, the City of Pittsburgh has caused this Agreement to be executed by its Mayor and Director of the Department of Public Works and its official seal to be hereunto impressed, pursuant to Ordinance No. _______, duly enacted and approved on the ______ day of _______, 1949; the Allegheny County Sanitary Authority has caused this Agreement to be executed by its Chairman and its official seal to be hereunto impressed and attested by its Secretary, pursuant to a resolution duly adopted by its Board on the ______ day of _______, 1949; and the Township of ____________ has caused this Agreement to be executed by its President of the Board of Township Commissioners and its official seal to be hereunto impressed and attested, pursuant to Ordinance No. _______, duly enacted and approved on the ______ day of _______, 1949.

CITY OF PITTSBURGH
By Mayor

_______________________________
Director, Department of Public Works

Attest:

_______________________________
Secretary to Mayor
Attest:

_______________________________
Chief Clerk

Approved as to form:

City Solicitor

_______________________________
Countersigned:

_______________________________
City Controller

ALLEGHENY COUNTY SANITARY AUTHORITY
By Chairman
TOWNSHIP OF PENN
By President of the Board of Township Commissioners

Attest:
Township Secretary

Approved as to form:
Township Solicitor

(Ord. 518. Passed 10-3-49.)

EXHIBIT A•
SUPPLEMENTARY AGREEMENT WITH CITY OF PITTSBURGH AND COUNTY SANITARY AUTHORITY.

The Municipality shall enter into execute and deliver a Supplementary Agreement with the City of Pittsburgh and the Allegheny County Sanitary Authority in substantially the following form:

THIS SUPPLEMENTARY AGREEMENT
Made and effective as of the _______ day of __________, 1966, by and among

CITY OF PITTSBURGH
(hereinafter sometimes called the City), a municipal corporation of the Commonwealth of Pennsylvania located within the County of Allegheny.

ALLEGHENY COUNTY SANITARY AUTHORITY
(hereinafter sometimes called the Sanitary Authority), a municipal authority of the Commonwealth of Pennsylvania located within the County of Allegheny; and

TOWNSHIP OF PENN HILLS
Formerly Township of Penn (hereinafter sometimes called the Township), a municipal corporation of the Commonwealth of Pennsylvania also located within the County of Allegheny;

WITNESSETH

Whereas, the parties have entered into two long-term sewage service agreements one of which, for service at the Sanitary Authority’s Project Z rates, hereinafter called the Standard Municipal Agreement, was entered into pursuant to City Ordinance No. 54 duly enacted and approved on February 11, 1950, Sanitary Authority Resolution duly adopted December 9, 1949, and Township Ordinance No. 518 duly enacted and approved October 3, 1949, at which time the Township was Township of Penn; and

Whereas, it is desired by the Township, and it is of mutual benefit to the City, the Sanitary Authority, the Township and all others served by the Sanitary Authority, to enlarge the Authority’s Project Z service area by including an additional area of the Township not now served by the Sanitary Authority; and

Whereas, Paragraphs 7 and 8 of the aforesaid Standard Municipal Agreement provide for enlargement of the service area by a similar amending agreement between the City, the Sanitary Authority and the Township;

NOW, THEREFORE, in consideration of the premises and the undertakings of each party to the others, the parties hereto, each intending to be legally bound, covenant and agree as follows:

1. The City, the Sanitary Authority and the Township hereby amend the aforesaid Standard Municipal Agreement between the parties hereto, dated December 1, 1949, by enlarging the service area within the Township to be served at Project Z rates by the Sanitary Authority as the designated Sewage Agency. Such enlarged service area shall comprise not only the portion of the Township now served at Project Z rates, as shown on the service area map marked Exhibit (EDITOR’S NOTE: This Exhibit follows Section 1044.01.), but also a second portion of the Township located adjacent to Wilkins Township, namely, the area shown on the Plan marked Exhibit which is attached to and made part of said Standard Municipal Agreement (EDITOR’S NOTE: See original Ordinance 1068, passed February 7, 1966, for a copy of this Exhibit), which Plan, prepared by the Township’s Engineer, is identified as Alex Hutchinson & Son Order No. 13878 and also as Allegheny County Sanitary Authority Engr. File No. 1522-25-0.

2. Except as modified hereby, the parties hereby approve, ratify and confirm the said Standard Municipal Agreement dated December 1, 1949, and covenant and agree to be bound by all the terms thereof.
IN WITNESS WHEREOF, the City of Pittsburgh has caused this Agreement to be executed by its Mayor and Director of the Department of Public Works and its official seal to be hereunto impressed, pursuant to Ordinance No. ______, duly enacted and approved on the _____ day of ______, 1966; the Allegheny County Sanitary Authority has caused this Agreement to be executed by its ________ Chairman and its official seal to be hereunto impressed and attested by its ________ Secretary, pursuant to a resolution duly adopted by its Board on the _____ day of ______, 1966; and the Township of Penn Hills, formerly the Township of Penn, has caused this Agreement to be executed by its ________ President of the Board of Township Commissioners and its official seal to be hereunto impressed and attested, pursuant to Ordinance No. ______, duly enacted and approved on the _____ day of ______, 1966.

CITY OF PITTSBURGH
By ____________________________
Mayor

ATTEST:
_____________________________________________________
Secretary to Mayor

___________________________
Director, Department of Public Works

ATTEST:
_____________________________________________________
Chief Clerk

Approved as to form:
_____________________________________________________
City Solicitor
Countersigned:
_____________________________________________________
City Controller

ALLEGHENY COUNTY SANITARY AUTHORITY
By ____________________________
Chairman

ATTEST:
_____________________________________________________
Secretary Approved as to form:
Chief Counsel

TOWNSHIP OF PENN HILLS
By ____________________________
President, Board of Township Commissioners

ATTEST:
_____________________________________________________
Township Secretary
Approved as to form:
_____________________________________________________
Township Solicitor
1044.03 AGREEMENT WITH BOROUGH OF CHURCHILL.

The following Articles of Agreement between the parties, as therein stated, are hereby approved, and the proper officer of the Township, being the President of the Board of Commissioners, is hereby named, authorized and directed to execute the following Agreement for and on behalf of the Board of Commissioners of the Township, properly attested by the Township Secretary and with the Seal of the Township impressed thereon:

ARTICLES OF AGREEMENT

Made and entered into this ______ day of ________ A. D. 1956 by and between THE TOWNSHIP OF PENN, a Township of the First Class organized and existing under the laws of the Commonwealth of Pennsylvania in and for the County of Allegheny and Commonwealth of Pennsylvania, party of the first part,

AND

THE BOROUGH OF CHURCHILL, a municipal corporation in and of the County of Allegheny and State of Pennsylvania, organized and existing under the General Borough Code, party of the second part.

WITNESSETH:

That, Whereas, the Township of Penn now owns and operates a sanitary sewage disposal plant located adjacent to Long Road within said Township, and a trunk line sewer from said plant in, along or adjacent to Long Road; thence through private property to a point at or near where said sewer crosses a State highway known as Beulah Road, and at which point a sewer connection has been made from the trunk line sewer by Beulah Road Land Company to its sanitary pump or lift station located on its property, and adjacent to Beulah Road; and

WHEREAS, C.D. Crawford Co. is developing a certain Plan of Lots known as Chapel Hill Plan, located in the aforesaid Borough, and residents from said Plan and the Borough of Churchill are desirous of making sewer connections whereby sanitary sewerage will be drained and carried away through a trunk line from said Plan of Lots, by way of Beulah Road; and thence into the lift or pump station of Beulah Road Land Company aforesaid.

NOW, THEREFORE, in consideration of the foregoing, and in consideration of the mutual covenants and conditions hereinafter contained, it is hereby mutually agreed as follows:

1. The said Township of Penn does, hereby grant to the said Borough of Churchill, its successors and assigns, the right, use and privilege of having all that certain sanitary sewerage that would accumulate in thirty-three houses in said Plan, and from the Beulah Presbyterian Church, to be drained or conducted into the pump or lift station now on premises of the Beulah Road Land Co.; and thence into a Township conveying trunk line sewer; and thence into the Long Road Sewerage Disposal Plant of the said Township, where said sanitary sewerage will be treated and disposed of. The aforesaid sanitary sewerage connection is to be made and used for sanitary sewerage drainage of a territory of land within the said Borough, as laid out by C.D. Crawford Co., and known as Chapel Hill Plan of Lots, same to be recorded in the Recorders Office of Allegheny County, Pennsylvania. In addition thereto, the only other territory to be drained as aforesaid, is from the premises of the Beulah Presbyterian Church.

2. The said connection and the connecting main sewer or the trunk line sewer, all connections therewith and all appurtenant and connecting service lines, including all manholes, Y-connections and other sewer appurtenances, shall be constructed and maintained at all times in a good, safe and workmanlike manner. And the said trunk line sewer coming down Beulah Road, and the connection of same into the lift or pump station now on the premises of the Beulah Road Land Co., shall be constructed and maintained in accordance with plans and specifications to be
submitted to and approved by the said Township's Engineer, and shall be subject, at all times, to
the supervision and approval of the said Township's Engineer and/or the Sewer and Sanitation
Committee of the Township.

3. That no oils, greases, waste or other materials having a tendency to clog up or injure the
sewer system shall at any time be discharged into, or knowingly permitted to be discharged into
the said sewer connections, and more particularly allow such discharge into the Beulah Road trunk
line sewer, and thus find its way into the lift or pump station aforesaid; and the said sewer
connection leading from the Borough and into the Township sewer system shall, at all times, be
operated, used and maintained so as to promote and maintain a safe and sanitary sewer condition.

4. That the said Borough of Churchill shall procure all necessary permits for the
construction of the sewer system serving the Chapel Hill Plan of Lots and the Beulah Presbyterian
Church, and also so far as its portion of a trunk line sewer coming down Beulah Road, and being
within the Borough limits. Also, said Borough must obtain necessary permits, including
connection with the Township sewer system. These various permits shall include, among others,
those necessary from the State Sanitary Water Board or the State Board of Health, County of
Allegheny and/or State Highway Departments, as well as other required public permits, other than
those of the Township of Penn.

5. That the Borough of Churchill will see to and be responsible for the forbidding and
eliminating of the discharge of roof water or storm water from the properties within its Borough,
and affected by this Agreement, into the sanitary sewer lines serving said properties. All roof
drainage water and/or other storm and drainage water shall not be directed, conveyed, conducted
or discharged into the sanitary sewer lines constructed within said Borough, nor into the trunk line
sanitary sewer to be constructed on Beulah Road, and lying within the confines of said Borough.

6. That the Township of Penn, through its Board of Commissioners, more particularly its
Sanitation and Sewer Committee, or through its Township Engineer, may terminate the discharge
of any sewage through or from the aforesaid connection by reason of the violation of the terms and
conditions hereof.

7. The discharge of sanitary sewerage through the lines and connections as outlined above
shall be limited in extent to and for the use of the property heretofore described, and being
developed by C.D. Crawford Co., known as Chapel Hill Plan of Lots and to be recorded, and
within said Plan allowance has been made for thirty-three houses, and in addition thereto the
Beulah Presbyterian Church. Said sewer facilities shall not be used for any additional territory or
taps, unless and except from the written consent of the Township of Penn so authorized by
ordinance through its Board of Commissioners.

8. That C.D. Crawford Co., as per its agreement with the Borough of Churchill, shall
install and pay the entire cost of construction of the portion of the sanitary trunk sewer which is
located within the confines of the Township of Penn. The Township of Penn will maintain and
repair the portion of the sanitary trunk sewer which is located within the confines of the Township,
after the same has been installed by Crawford and accepted by the Township. The Borough of
Churchill will maintain and repair the portion of the sanitary trunk sewer which is located within
the confines of the Borough, after the same has been installed by Crawford and accepted by the
Borough.

9. Should said sewer connections of the Borough at any time become a public nuisance, or
be so operated and maintained so as to become either a public nuisance or a nuisance to the
Township, the said Township may abate the nuisance, after reasonable notice to the Borough of
Churchill, its successors and assigns, which reasonable notice shall be deemed to be at least thirty
days, same to be a written notice addressed to the office of the Borough Secretary. The said
Township, its successors or assigns, shall also have any right of action against the owner or
occupiers of the premises responsible for the neglect, default or misuse of the said sewer
connection or connections, in the same force and effect as now provided by ordinances, rules and
regulations of the Township of Penn concerning same, or any Act of Legislature concerning same.
However, for the purpose of attempting to prevent and eliminate such misuse or wrongful use of
said sewer system, etc. it is mutually agreed herein that the Township of Penn, its successors and assigns, through its inspectors or engineers will, in conjunction with and in cooperation with the Borough of Churchill, its successors and assigns, through proper Borough inspectors and engineers, inspect said sewers or sewer system at any time.

10. That the Borough of Churchill, its successors or assigns, shall and will indemnify and save harmless the Township of Penn, its successors or assigns, from all and any loss or damage which may be caused by the Borough Is negligent use and maintenance of said sewers, by which the lines become filled up or blocked, as well as any damage that may be caused to the service lines, connections, and/or the Long Road Disposal Plant by materials which are injurious to them, and which materials come from or originate in the Chapel Hill Plan and Beulah Presbyterian Church sewerage systems.

11. All rights and privileges granted under this Agreement to the Borough of Churchill, its successors and assigns, shall be solely for sanitary sewer services or purposes, and shall at all times be subject to the rules and regulations of the Pennsylvania State Water Board, or State and local Boards of Health, and the rules and regulations of the Township of Penn.

12. In consideration of the foregoing, the Borough of Churchill, for itself, its successors and assigns, agrees to pay to the Township of Penn, its successors and assigns, after the due signing and execution of this agreement and its confirmation and ratification by official Ordinances, the following sums of money and by the following method, viz: As and when C. D. Crawford Company begins its building operations in the Chapel Hill Plan and applies for building permits from the Borough, it will pay the sum of two hundred dollars ($200.00) for each building permit as issued, same to be for single-family dwelling house. After this payment has been made by C. D. Crawford Company, the Borough of Churchill will remit to the Township of Penn the money thus paid by C. D. Crawford Co. to the Borough, said payment to be made., at the option of the Borough, either immediately or at the end of any calendar month.

In addition thereto, the Borough of Churchill, its successors and assigns, agrees to pay to the Township of Penn, its successors and assigns, annual charges for service and maintenance for disposal of sewage, at the rate of two dollars and fifty cents ($2.50) per month on all single-family units, not exceeding thirty-three houses or an annual rate of thirty dollars ($30.00) per year per unit, to be paid by said Borough to said Township in quarterly payments. Service charges for Beulah Presbyterian Church shall likewise be at the same rate, and to be collected in the same manner, until such time as Beulah Presbyterian Church would increase its facilities; at which time a different rate per month shall be paid, such different rate to be determined by the Township of Penn, its successors and assigns, as determined either by its Township Engineer or its Sewer Committee.

Provided, however, that should the rate of two dollars and fifty cents ($2.50) per month for not more than thirty-three single-family units be found to be inadequate and out of proportion to the cost of service rendered, then, and as determined and verified by a committee equally represented by the Borough of Churchill's official officers and the Township of Penn's Board of Commissioners, said monthly service charge shall be increased by the said Township of Penn, its successors and assigns, in such amount or amounts so determined, as would fairly compensate the Township for services thus rendered. Any changes or increases in the charge for monthly service rates as may be made by the Township shall be made known by letter or other written instrument mailed to the office of the Borough Secretary of said Borough thirty days before the beginning of any fiscal year; such increase of service charge rates or changes in said rates, if any, shall be effective between the parties hereto as of January 1 of the year next succeeding such notice.

13. Failure on the part of the Borough of Churchill, its successors and assigns, to pay the service charges as hereinabove set forth, shall constitute a breach of this Agreement, and all rights and privileges set forth in this Agreement shall immediately cease and terminate.

IN WITNESS WHEREOF, the parties have hereunto set their common and corporate seals by the hands of their respective officers, duly authorized hereto by ordinances of each of said parties, duly and regularly enacted in accordance with the law, the day and year first above written.
TOWNSHIP OF PENN
By ________________
    Chester R. Keith
    Board of Commissioners

ATTEST:
____________________________________
John W. Watson, Secretary

BOROUGH OF CHURCHILL
By ________________
    President of Council

APPROVED:
____________________________________
Burgess.

ATTEST:
____________________________________
Borough Secretary
(Corporate Seal)
(Ord. 723. Passed 4-2-56.)

1044.04 COLLECTION OF SEWER SERVICE CHARGE FROM CHURCHILL RESIDENTS. (REPEALED)

(EDITOR’S NOTE: Section 1044.04 was repealed by Ordinance 1572, passed August 22, 1979. See Section 1042.13.)

1044.05 AGREEMENT WITH CITY OF PITTSBURGH, COUNTY SANITARY AUTHORITY, BOROUGH OF BLAWNOX, BOROUGH OF VERONA, TOWNSHIP OF O•HARA AND COUNTY WORK HOUSE AND INEBRIATE ASYLUM.

(a) The Municipality shall enter into, execute and deliver an Agreement with the City of Pittsburgh, the Allegheny County Sanitary Authority, the Borough of Blawnox, the Borough of Verona, the Township of O•Hara and the Allegheny County Work House and Inebriate Asylum, in substantially the following form:

AGREEMENT

THIS AGREEMENT, dated for the convenience of reference as of the first day of February, 1952, by and among

CITY OF PITTSBURGH
(hereinafter sometimes called the City), a municipal corporation of the Commonwealth of Pennsylvania located within the County of Allegheny,

ALLEGHENY COUNTY SANITARY AUTHORITY
(hereinafter sometimes called the Sanitary Authority), a body corporate and politic of the Commonwealth of Pennsylvania duly created and existing under the provisions of the Municipality Authorities Act of 1945, as amended,

BOROUGH OF BLAWNOX
TOWNSHIP OF O•HARA
BOROUGH OF VERONA
TOWNSHIP OF PENN
(hereinafter sometimes called singly Blawnox, O'Hara, Verona and Penn, indiscriminately the Municipality and collectively the Municipalities), municipal corporations or political subdivisions of the Commonwealth of Pennsylvania located in the northeastern part of Allegheny County, and

ALLEGHENY COUNTY WORK HOUSE AND INEBRIATE ASYLUM

(hereinafter sometimes called the Workhouse), a Pennsylvania corporation created by and existing under the provisions of the Act of Assembly of February 1, 1866 (P.L. 8), as supplemented and amended, with premises located adjacent to the Borough of Blawnox,

WITNESSETH:

WHEREAS, the City, the Municipalities and the Workhouse have heretofore constructed certain sewers but do not have facilities for the treatment and disposal of sewage, and sewage entering their sewers is being discharged without treatment into the rivers and streams; and

WHEREAS, a number of municipalities adjacent to the City have connected their sewers with the City's sewerage system; and

WHEREAS, there are many industries in the Pittsburgh area which are discharging large quantities of industrial wastes without treatment either directly into such rivers and streams or indirectly through the sewers of the municipalities in which they are located; and

WHEREAS, such discharge of untreated sewage and industrial wastes has polluted the rivers and streams, and such pollution has made the rivers and streams undesirable as sources of public water supply and unsafe for bathing, boating and other recreational purposes; is detrimental to business and commercial interests in the Pittsburgh area; and constitutes a serious menace to the health and safety of the inhabitants of the City, the Municipalities, the Workhouse and such adjacent municipalities and industries; and

WHEREAS, the Sanitary Water Board of the Commonwealth of Pennsylvania (hereinafter sometimes called the State Board), acting to abate stream pollution, pursuant to authority conferred upon it by the Act of the General Assembly of Pennsylvania approved June 22, 1937 (P.L. 1987), as amended, ordered and directed sewered municipalities and waterfront corporations in Pennsylvania, including the City, the Municipalities and the Workhouse;

(a) To discontinue the discharge of untreated sewage into the waters of the Commonwealth; and

(b) To submit, either alone or jointly with any mutually interested municipality or municipalities, construction plans and specifications for the necessary sewers, pumping stations and treatment works to collect and convey its sewage to a suitable site or sites and provide treatment thereof; and

WHEREAS, the Sanitary Authority was organized by the County Commissioners of Allegheny County to collect, transport, treat and dispose of the sewage and industrial wastes of all the municipalities in the County and thus enable them to comply with the orders of the State Board; and

WHEREAS, after careful consideration of alternative projects the City selected one called Project Z, and pursuant to such decision executed an agreement with the Sanitary Authority for the preparation of detailed construction plans and specifications for a sewage disposal system to serve at uniform rates an area comprising the City and all or portions of numerous adjacent municipalities, but excluding the Municipalities (except for parts of O'Hara and Penn) and the Workhouse, and agreed to advance to the Sanitary Authority, as a loan, the entire cost of such plans and specifications, estimated at two million dollars ($2,000,000); and

WHEREAS, except for a portion of O'Hara and a portion of Penn, which by separate Standard Municipal Agreements heretofore executed will be served by the sewage disposal system at Project Z rates, no arrangements have been made to treat and dispose of the sewage of the Municipalities or the Workhouse in compliance with the State Board's orders; and

WHEREAS, the City and the Sanitary Authority are willing that the sewage disposal system contemplated by Project Z be enlarged to provide sewage disposal facilities to serve the Municipalities and the Workhouse, if the Project Z rates will not be increased thereby and if the
revenues derived from the Municipalities and their inhabitants and from the Workhouse, as provided in this Agreement, will pay for the added cost of serving them, including, without limitation, debt service on the Upper Allegheny bonds; and

WHEREAS, the preparation of construction plans for an enlarged sewage disposal system will be unjustified, and the plans for the extra sewage collection facilities to serve the Municipalities and the Workhouse will be valueless, unless they or their residents become legally bound to accept and pay for sewage collection and treatment service from the time service can begin until such time as the revenue bonds to be issued for construction shall be fully retired; and

WHEREAS, the securing of sewage service from the facilities of Project Z under the terms of this Agreement will result in much lower cost to the Municipalities and their residents and to the Workhouse than would result from the construction and operation of separate or joint sewage disposal facilities for themselves alone; and

WHEREAS, the execution and performance of the present Agreement by the Municipalities will benefit the Municipalities and their residents and will constitute compliance with the orders of the State Board.

NOW, THEREFORE, in consideration of the premises and the undertakings of each party to the others, the parties hereto, each intending to legally bind itself, its successors and its assigns, covenant and agree as follows:

1. As used in this Agreement:

a. Project Z means the project contemplated by the City under its agreement of August 1, 1949, with the Sanitary Authority (of which agreement a copy has been furnished to each of the Municipalities and to the Workhouse), for the collection, treatment and disposal of the sewage of the City and certain adjacent municipalities by a single system at uniform rates.

b. Standard Municipal Agreement means the tri-party agreement of December 1, 1949, for sewage service at uniform rates from Project Z executed severally in substantially identical form by the City, the Sanitary Authority and each of sixty-one adjacent municipalities, of which agreement a copy has been furnished to each of the Municipalities and to the Workhouse.

c. Sewage disposal system means the sewage collection, transportation, treatment and disposal system contemplated by the Agreement of August 1, 1949, between the City and the Sanitary Authority and by the several Standard Municipal Agreements of December 1, 1949, with added treatment plant capacity to handle the maximum quantity of municipal sewage emanating from the enlarged service area as estimated for the year 1965, and with interceptor sewers within the original service area enlarged to accommodate the maximum foreseeable future quantity of such sewage (as estimated for the year 2000). The general layout is shown on Exhibit A attached to and made a part of this Agreement. (EDITOR'S NOTE: See subsection (c) hereof.)

d. Upper Allegheny System means the sewage interception and transportation system required to intercept the sewage of the Municipalities and the Workhouse and transport the same to a connection with the sewage disposal system at the eastern terminus of its Allegheny River interceptor sewer in the Borough of Aspinwall. The system shall consist of interceptor sewers, pumping stations, force mains, storm water control works and appurtenant facilities, as shown generally on Exhibit B attached to and made a part of this Agreement. (EDITOR'S NOTE: See subsection (c) hereof.) Such Upper Allegheny System shall include interceptor sewers of adequate capacity to accommodate the maximum foreseeable future quantity of municipal sewage of the Municipalities and the Workhouse (as estimated for the year 2000).

e. The Sewage Agency means the agency, to be designated by the City pursuant to Paragraph 3 hereof, which will build and operate the sewage disposal system and
the Upper Allegheny System.

f. Original service area means the area shown on the map marked Exhibit A (EDITOR'S NOTE: See subsection (c) hereof.) attached to and made a part of this Agreement (which includes a portion of O'Hara and a portion of Penn), and additional areas entitled by agreement with the City and the Sanitary Authority or with the Sewage Agency to receive sewage service from the sewage disposal system at Project Z rates.

g. Added service area means the entire service area of the Upper Allegheny System, comprising all three of the zones shown on Exhibit B (EDITOR'S NOTE: See subsection (c) hereof.) attached to and made a part of this Agreement (encompassing Blawnox, the Workhouse and indicated portions of O'Hara, Verona and Penn) and any additions to any or all of such zones.

h. Enlarged service area means the original service area plus the added service area.

i. Project Z bonds means the revenue bonds to be issued by the Sewage Agency, the proceeds of which are used for constructing and putting into operation the sewage disposal system and for other purposes required under the several Standard Municipal Agreements, and all revenue bonds issued by the Sewage Agency to maintain, repair, improve, rebuild or extend the sewage disposal system.

j. Upper Allegheny bonds means the revenue bonds to be issued by the Sewage Agency, the proceeds of which are used to construct and put into operation the Upper Allegheny System, which bonds may be secured by the provisions of a separate resolution or indenture and the pledge of the Upper Allegheny extra charges only or may be secured by the provisions of the same resolution or indenture as the Project Z bonds and, ratably with the Project Z bonds, by the pledge of all the revenues of Project Z and the Upper Allegheny System, and all revenue bonds issued by the Sewage Agency to maintain, repair, improve, rebuild or extend the Upper Allegheny System, howsoever such bonds may be designated when issued.

k. Sewage service charges means the Sewage Agency's charges for sewage collection, treatment and disposal service (sometimes herein called sewage service), whether calculated under the Project Z rates or under any of the three Upper Allegheny zone rates, and whether payable by the Municipalities or by their inhabitants using water in or on sewered premises therein.

l. Project Z rates means the schedule of uniform sewage service charges of the Sewage Agency applicable throughout the original service area of the sewage disposal system and comprising a portion of each of the several Upper Allegheny schedules of zones rates, based upon water usage in sewered premises (as set forth in Paragraph 14 hereof) and so calculated as to yield in the aggregate during each month or quarter year the amount required in each such month or quarter year for paying all current administrative, operating and maintenance expenses of the Sewage Agency in providing service within the original service area, and the interest on and the principal of all outstanding Project Z bonds and other Project Z obligations as the same become due and payable, and to create such reserves for such purposes as may be required by any resolution authorizing the issuance of such Project Z bonds or in any trust indenture securing the same.

m. Zone 1" or Upper Allegheny Zone 1" means the area from which the sewage and wastes shall enter the Upper Allegheny interceptor sewer at the existing Blawnox sewer outfall, at the Squaw Run pumping station or at any intermediate connecting point along the said interceptor sewer located on the right bank of the Allegheny River. The present approximate area of such Zone 1 is indicated generally on Exhibit B (EDITOR'S NOTE: See subsection (c) hereof.) attached hereto.

n. Zone 2" or Upper Allegheny Zone 2" means the area from which the sewage and
wastes shall enter the said Upper Allegheny interceptor sewer located on the right bank of the Allegheny River at any point upstream from the existing Blawnox sewer outfall. The present approximate area of such Zone 2 is indicated generally on Exhibit B (EDITOR’S NOTE: See subsection (c) hereof.) attached hereto.

o. **Zone 3** or **Upper Allegheny Zone 3** means the area from which the sewage and wastes shall enter the Upper Allegheny interceptor sewer system on the left bank of the Allegheny River, including the sewage ejector station and the Verona pumping station. The present approximate area of such Zone 3 is indicated generally on Exhibit B attached hereto.

p. **Zone 1 extra charges** means the extra sums, whether paid by water users as amounts added to the Project Z rates on their individual bills or paid in the aggregate by the affected Municipalities and by the Workhouse, which the Sewage Agency shall compute as being reasonably required to yield, from all customers in Zone 1, thirty-five and three-tenths percent of the annual burden and coverage required for the Upper Allegheny System. Such annual burden and coverage shall consist of:

(a) The cost of operating and maintaining the Upper Allegheny System, and all administrative and other expenses in connection therewith;
(b) The interest on and the principal of all outstanding Upper Allegheny bonds and other Upper Allegheny obligations as the same become due and payable; and
(c) Such reserves for such purposes as may be required by any resolution authorizing the issuance of such Upper Allegheny bonds or in any trust indenture securing the same.

q. **Zone 2 extra charges** means the extra sums, whether paid by water users as amounts added to the Project Z rates on their individual bills or paid in the aggregate by the affected Municipalities, which the Sewage Agency shall compute as being reasonably required to yield, from all customers in Zone 2, nine and three-tenths percent of the annual burden and coverage required for the Upper Allegheny System, as defined above in subparagraph p.

r. **Zone 3 extra charges** means the sums, whether paid by water users as amounts added to the Project Z rates on their individual bills or paid in the aggregate by the affected Municipalities, which the Sewage Agency shall compute as being reasonably required to yield, from all customers in Zone 3, fifty-five and four-tenths percent of the annual burden and coverage required for the Upper Allegheny System, as defined above in subparagraph p.

s. **Zone 1 rates** or **Upper Allegheny Zone 1 rates** means the Sewage Agency’s schedule of sewage service charges comprising the Project Z rates plus the Zone 1 extra charges (either totaled or shown separately on the Sewage Agency’s bills or tariffs, at the option of the Sewage Agency).

t. **Zone 2 rates** or **Upper Allegheny Zone 2 rates** means the Sewage Agency’s schedule of sewage service charges comprising the Project Z rates plus the Zone 2 extra charges (either totaled or shown separately on the Sewage Agency’s bills or tariffs, at the option of the Sewage Agency).

u. **Zone 3 rates** or **Upper Allegheny Zone 3 rates** means the Sewage Agency’s schedule of sewage service charges comprising the Project Z rates plus the Zone 3 extra charges (either totaled or shown separately on the Sewage Agency’s bills or tariffs, at the option of the Sewage Agency).

2. The City and the Sanitary Authority reaffirm their agreement of August 1, 1949, whereunder the City agrees to loan to the Sanitary Authority two million dollars ($2,000,000) for the preparation of detailed construction plans and specifications for the Project Z sewage disposal system, and in consideration of the undertakings of the Municipalities and the Workhouse
hereunder the City and the Sanitary Authority hereby agree to modify and extend the facilities to the end that the Municipalities and the Workhouse shall receive sewage service from Project Z and the Upper Allegheny System, at the rates and under the conditions hereinafter set forth. The City and the Sanitary Authority each covenants with the Municipalities and the Workhouse to carry out its undertakings under said agreement of August 1, 1949, as thus amended to include the Municipalities and the Workhouse.

In no event shall the rights of the Municipalities or of the Workhouse under this Agreement be greater than the rights of the Municipalities in the original service area under the several Standard Municipal Agreements executed by them.

3. The City reserves the right, after the plans and specifications to be prepared by the Sanitary Authority shall have received the final approval of the State Board, to designate the agency which shall construct and operate the sewage disposal system and the Upper Allegheny System. Such Agency, herein referred to as the Sewage Agency, may be the City itself, the Sanitary Authority, a Municipal Authority to be organized by the City, or any other agency having legal authority to construct and operate the sewage disposal system.

The parties agree that the rights given under this Agreement to the Sewage Agency are primarily given to the Sanitary Authority, for the benefit of the City, and that the Sewage Agency designated by the City, if other than the Sanitary Authority, shall be the assignee of the Sanitary Authority’s rights. The Sanitary Authority agrees that the designation by the City of a Sewage Agency other than the Sanitary Authority shall constitute an assignment, by the Sanitary Authority to the Sewage Agency so designated by the City, of the Sanitary Authority’s rights as Sewage Agency under this Agreement. If the designated Sewage Agency is the City, such assignment shall become effective automatically. If it is neither the City nor the Sanitary Authority such assignment shall become effective upon formal acceptance of this Agreement by the designated Sewage Agency. The Sanitary Authority further covenants to execute promptly, upon request of the City, a formal assignment of such rights to such designated Sewage Agency, though such formal assignment is not necessary. The Municipalities and the Workhouse recognize that performance of the duties imposed by this Agreement on the Sewage Agency will be substantially the same whether done by the City itself, the Sanitary Authority, an authority to be organized for such purpose by the City or any other lawful agency, inasmuch as the personnel of the Sewage Agency during the extended life of this Agreement cannot be foreseen and would in any event not be selected by the Municipalities or the Workhouse and since the sewage service charges of the Sewage Agency, as more fully hereinafter set forth, are limited to yield only sufficient revenues to meet administrative and operating expenses and the debt requirements hereinafter set forth. The Municipalities and the Workhouse, therefore, hereby specifically assent to any such assignment, and covenant severally to perform all acts and discharge all duties and obligations required of them under this Agreement, whether the Sewage Agency be the Sanitary Authority or any other agency designated by the City.

The City covenants that within a reasonable time after receiving an order or orders from the State Board to construct the sewage disposal system and the Upper Allegheny System, following final approval of the plans and specifications therefor, the City will by proper ordinance designate a suitable Sewage Agency to construct and operate the sewage disposal system and the Upper Allegheny System in accordance with this Agreement. Paragraphs 6 through 24 of this Agreement shall not be carried into effect until the City shall, by formal ordinance duly enacted, designate such Sewage Agency.

4. The Municipalities and the Workhouse understand that the undertakings, pursuant to this Agreement, of the Sanitary Authority to design, and of the Sewage Agency to construct and operate, the Upper Allegheny System are solely for the benefit of the Municipalities and the Workhouse, to enable them to comply with the orders of the State Board and in discharge of their legal duty to cease polluting the waters of the Commonwealth. The Municipalities and the Workhouse therefore agree to pay, in the manner hereinafter set forth, the cost of preparing detailed construction plans and specifications for the Upper Allegheny System and for design
modification of the sewage disposal system necessitated thereby, and to pay also, either alone or in conjunction with additional municipalities and other water users who or which may hereafter be permitted to use the Upper Allegheny System, the full cost of the construction, maintenance, operation, repair, reconstruction, improvement and extension thereof. Separate books of account shall be kept by the Sewage Agency showing in reasonable detail the items of cost or expense in connection with the Upper Allegheny System, including those relating to the Upper Allegheny bonds.

5. It is agreed that the cost of preparing detailed construction plans and specifications for the Upper Allegheny System and for modifications of the sewage disposal system necessitated thereby, is twenty-seven thousand seven hundred dollars ($27,700), which the Municipalities and the Workhouse hereby covenant to pay to the Sanitary Authority as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blawnox</td>
<td>$ 6,200</td>
</tr>
<tr>
<td>Workhouse</td>
<td>2,000</td>
</tr>
<tr>
<td>O'Hara</td>
<td>3,500</td>
</tr>
<tr>
<td>Verona</td>
<td>13,000</td>
</tr>
<tr>
<td>Penn</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$27,700</strong></td>
</tr>
</tbody>
</table>

Half the above allocated sums shall be paid within sixty days after the execution of this Agreement and the remainder not later than February 1, 1953. Prompt payment of all said sums is hereby made of the essence of this Agreement, and failure of any Municipality or of the Workhouse to pay its share of the installment of thirty thousand eight hundred fifty dollars ($13,850) before the expiration of said sixty-day period shall release the Sanitary Authority, the City and the Sewage Agency from any obligation to provide sewage facilities for or sewage treatment service to the Municipalities or the Workhouse or to any of them and their respective inhabitants. Failure of any Municipality or of the Workhouse to pay its share of the balance of thirteen thousand eight hundred dollars ($13,850) on or before February 1, 1953, shall have the same effect.

6. The Sanitary Authority covenants with the City, the Municipalities and the Workhouse, and the City similarly covenants with the Municipalities and the Workhouse, that if it is designated by the City to be the Sewage Agency, it will well and truly perform all the acts and discharge all the duties and obligations imposed upon the Sewage Agency by this Agreement; and that if it is not so designated, it will cooperate fully with the designated Sewage Agency and will assign to it, without charge, any rights and powers it may have in aid of the carrying out of the remaining provisions of this Agreement.

7. The City covenants with the Municipalities that the same duties and obligations which are herein imposed upon the Municipalities (except the payment of the sums required under Paragraph 5 hereof and except the payment of any sewage service charges in excess of the Project Z rates) will likewise be assumed and borne by the City.

8. The Sewage Agency designated and qualified pursuant to the provisions of Paragraph 3 of this Agreement shall:

(a) Promptly issue and sell project bonds, in sufficient amount to pay:

(1) The cost of constructing the sewage disposal system and placing the same in operation;
(2) All loans and advances heretofore or hereafter made to the Sanitary Authority by the City and the Federal Works Administration;
(3) All obligations incurred by the Sanitary Authority and by the Sewage Agency which are repayable out of such bond proceeds; and
(4) All other lawful requirements of the Sewage Agency in connection with the sewage disposal system, including, but without limitation, the cost of all lands, property, rights, easements and franchises acquired, financing charges, the cost of
legal services, administrative expenses and all other expenses necessary or incident to the construction of the sewage disposal system and to the financing thereof;

(b) Upon receipt of the proceeds of such Project Z bonds, proceed promptly and with due diligence in the construction of the sewage disposal system, with the privilege of awarding all or portions of the actual construction work under separate contracts to the lowest responsible bidder for each contract;

(c) Concurrently with or promptly after the issuance and sale of the Project Z bonds, and after approval by the State Board of the plans and specifications for the Upper Allegheny System, issue and sell Upper Allegheny bonds, either as a part of the Project Z issue or as a separate issue, at the option of the Sewage Agency, in sufficient amount to pay:

(1) The cost of constructing the Upper Allegheny System and placing the same in operation; and

(2) All other lawful requirements in connection therewith, including, but without limitation, the cost of all lands, property, rights, easements and franchises acquired, financing charges, the cost of legal services, administrative expenses and all other expenses necessary or incident to the construction of the Upper Allegheny System and to the financing thereof;

(d) Upon receipt of the proceeds of such Upper Allegheny bonds, proceed promptly and with due diligence in the construction of the Upper Allegheny System, with the privilege of awarding all or portions of the actual construction work under separate contracts to the lowest responsible bidder for each contract;

(e) Upon completion of the sewage disposal system and the Upper Allegheny System, intercept all sewage and wastes of the Municipalities and the Workhouse which are discharged from any Municipal or Workhouse outfall sewer located along the interceptor sewers of the Upper Allegheny System (subject to the provisions of Paragraph 9 of this Agreement), transport such sewage and wastes to its Project Z treatment plant, provide such treatment and disposal thereof as may be required by law, and operate the sewage disposal system and the Upper Allegheny System in an efficient and economical manner; and

(f) Make such modifications of and additions to the sewage disposal system and the Upper Allegheny System as may be necessary to enable the Municipalities and the Workhouse to comply with any future lawful orders of the State Board or any other State or Federal agency in respect of the treatment and disposal of their sewage and wastes which enter the Sewage Agency's interceptor sewers, and issue additional revenue bonds for such purpose or purposes; provided, however, that the Sewage Agency shall have the right to increase its Project Z rates and Upper Allegheny rates to such extent as will yield the additional revenue needed to meet all bond requirements and operating and other expenses incurred by the Sewage Agency in the design, construction, maintenance and operation of such modified or added facilities, and shall have the right to charge the aggregate thereof to the Municipalities and the Workhouse under the provisions of Paragraph 18 hereof.

The Sewage Agency shall have the right to enter upon and open such streets and public thoroughfares with the Municipalities and such vacant land owned by them, and to enter upon and open such land of the Workhouse, as may be necessary to install, construct, extend, repair and maintain the Upper Allegheny System or any part thereof; provided, however, that all pavements and underground structures disturbed in the course of such work shall be restored to substantially their original condition. No municipal permit or license shall be required for any such work, and the Municipalities and the Workhouse hereby waive all fees and charges in connection therewith.

It is understood and agreed that the Sewage Agency shall indemnify and save the Municipalities and the Workhouse harmless from all costs and expenses (except those provided for
in this Agreement), liability, claims and demands of any sort arising out of the construction, extension, replacement, operation, maintenance, repair or possession by the Sewage Agency of the Upper Allegheny System and the sewage disposal system.

9. Subject to the conditions hereinafter set forth, provisions will be made, in the plans and specifications to be prepared by the Sanitary Authority, for the connection with the Upper Allegheny System interceptor sewers (shown generally on Exhibit B hereof) (EDITOR'S NOTE: See subsection (c) hereof) of all of the Municipalities's outfall sewers now in place therealong, and of the Workhouse's existing outfall sewer, and such connections will be made by the Sewage Agency without cost to the Municipalities or the Workhouse.

Every other outfall sewer now or hereafter used by any of the Municipalities or by the Workhouse shall be brought by them, respectively, to a point to be approved by the Sewage Agency (or, prior to the designation and qualification of the Sewage Agency, by the Sanitary Authority), in order that proper connection with the Sewage Agency's interceptor sewer may be made. Each such connection shall be made in such manner as the Sewage Agency shall direct, and at the expense of the Municipality or Municipalities involved, or of the Workhouse, as the case may be.

Each of the Municipalities agrees to furnish to the Sanitary Authority at its own expense all data, including plans, with respect to the number, size and location of all outfall sewers used by it and, to each such sewer, the invert elevation at the outlet and the grade thereof for a distance of 300 feet back from the outlet thereof, and the Workhouse similarly agrees to furnish such information respecting its outfall sewer. If such data is not made available promptly, the Sanitary Authority shall have the right to examine and explore the sewer or sewers for the purpose of obtaining such data and shall charge the cost of such work to each Municipality involved, or to the Workhouse, as the case may be.

No existing or future outfall sewer into which flows a surface or sub-surface stream or the acid drainage of a coal mine shall be connected with the Sewage Agency's interceptor sewer. If any such outfall sewer is discovered by the Sanitary Authority, it shall notify the affected Municipality or Municipalities (or the Workhouse) thereof in writing, and if such condition is not promptly remedied, no provision shall be made in the plans and specifications for the connection of such outfall sewer with the Upper Allegheny System. If any such condition occurs or is discovered after a connection has been made, and if the Workhouse or the affected Municipality or Municipalities do not divert and exclude such stream or acid drainage promptly after receiving written notice from the Sewage Agency to do so, the Sewage Agency shall have the right either to disconnect such outfall sewer from the Upper Allegheny System or to construct the necessary facilities to divert and exclude such stream or acid drainage and to charge the cost thereof to each Municipality involved or to the Workhouse, as the case may be. The Municipalities and the Workhouse hereby agree to pay such cost in such event.

10. The City and the Sanitary Authority reserve the right, prior to the designation of the Sewage Agency, and the City and the Sewage Agency shall have the right thereafter, subject to the approval of the State Board but without consulting or notifying the Municipalities or the Workhouse, to permit additional municipalities which are partially or entirely outside the enlarged service area to pump or drain additional sewage or wastes from territory outside such enlarged service area into the sewage disposal system and into the Upper Allegheny System for treatment and disposal by the Sewage Agency; provided, however, that no such permission shall be given unless an agreement similar to the Standard Municipal Agreement, or, if the sewage or wastes enter the Upper Allegheny System, or any similar extra-rate system, unless an agreement similar to the present Agreement, shall be executed with the affected municipality or municipalities.

The City and the Sanitary Authority, or the City and the Sewage Agency, as the case may be, also reserve the similar right to enter into agreements with private or public firms or corporations within and without the enlarged service area for the treatment and disposal of their sewage and wastes which do not enter a municipal sewer; provided, however, that the service charges shall be at least as high as the Project Z rates or, if any such customer's wastes enter the Upper Allegheny
System, at least as high as the applicable Upper Allegheny zone rates currently in effect.

11. The Municipalities and the Workhouse covenant and agree that the Sewage Agency shall be the sole and exclusive agency, during the entire life of this Agreement, to provide sewage treatment and disposal service to the territory of the Municipalities lying within the service area of the Upper Allegheny System (and to all their water users therein who or which discharge sewage or wastes into the Municipalities’ sewerage systems) and to the Workhouse, and that they will not authorize or permit any other agency, public or private, to do so in competition with or in substitution for the Sewage Agency. The Municipalities hereby permit and authorize the Sewage Agency to impose upon and collect from all such water users its prevailing Upper Allegheny zone rates (or, in the event of the contingency set forth in Paragraph 18 hereof, its prevailing Project Z rates) for sewage service, and covenant to perform all the acts and discharge all the duties and obligations imposed upon them by this Agreement. The Municipalities further covenant that they will not themselves engage in the business of providing sewage treatment and disposal service to such water users.

12. For intercepting, transporting, treating and disposing of the sewage and wastes emanating from the added service area the Sewage Agency shall impose and collect sewage service charges under these schedules of zone rates, to be known as Upper Allegheny Zone 1 rates, Upper Allegheny Zone 2 rates and Upper Allegheny Zone 3 rates, applicable within Upper Allegheny Zones 1, 2 and 3 respectively, as such terms are defined in Paragraph 1 of this Agreement. Such rates shall become effective immediately after the sewage disposal system and Upper Allegheny System have been completed and put in operation and shall continue in effect during the remainder of the term of this Agreement, subject to the provisions hereinafter set forth.

13. For sewage service to the present premises of the Workhouse and to all existing and future structures thereon, the Workhouse covenants to pay promptly to the Sewage Agency the Upper Allegheny Zone 1 rates, which shall be applied to the quantity of water used in or on such premises, less credits for water, separately metered, which does not enter a Workhouse sewer; or, if the Sewage Agency’s requirements for measuring such water quantity are not met, to the quantity of sewage discharged from such premises into the Upper Allegheny interceptor. It shall be the obligation of the Workhouse to install and keep in good operating condition meters or other measuring devices satisfactory to the Sewage Agency, to measure such water or sewage. The billing period may be a month, a quarter year, a half year or a year, at the option of the Sewage Agency. The Workhouse shall promptly notify the Sewage Agency of the quantity of water used or of sewage discharged during the preceding billing period, and the Sewage Agency shall have the right to read and inspect such meters or other measuring devices for the purpose of determining or verifying such quantities. If for any reason the Sewage Agency shall fail to obtain or receive such information it shall have the right to estimate the quantity of water used or of sewage discharged and to calculate its charges upon such estimated quantity.

At least sixty days before the beginning of each Workhouse fiscal year, the Sewage Agency shall provide the Workhouse with a written estimate of the total charges for sewage service which the Workhouse will probably be required to pay to the Sewage Agency during the ensuing fiscal year. The Workhouse covenants to provide annually in its budget for obtaining the necessary funds which, together with unused funds remaining from prior years, will be at least 120 percent of such estimated amount to become due under this Agreement during such year, plus unpaid balances of prior years. Such sum shall be set aside by the Workhouse in a special account to be designated Sewage Agency Fund, the moneys in which shall be used by the Workhouse to meet its obligations under this Agreement and shall not be used for any other purpose whatever. Paragraphs 14 to 22, inclusive, of this Agreement shall not apply to the Workhouse.

14. The Sewage Agency shall, for the services and facilities furnished or to be furnished by it, impose upon and collect from the owner, tenant or occupant of each lot or parcel of land within the several Municipalities from which sewage or wastes enter a Municipal sewer and the rethrough reach the Upper Allegheny System and thence the sewage disposal system (hereinafter sometimes called a user or water user), the Sewage Agency’s applicable Upper Allegheny zone rates,
which shall be based or computed upon the quantity of water used in or upon such lot or parcel as
determined by gauging or metering or otherwise.

Each of the Sewage Agency’s several schedules of Upper Allegheny zone rates shall be
uniform throughout the applicable zone served by the Upper Allegheny System. Each schedule
shall impose reasonable minimum charges, may include such block rates for metered water users
and such charges for flat-rate water users as the Sewage Agency shall determine, and shall provide
reasonable surcharges for commercial and industrial wastes which impose an extraordinary burden
on the sewage disposal system. The schedules shall be adjusted from time to time in such manner
as the Sewage Agency shall deem necessary or proper to insure the collection of adequate revenues
to meet the financial requirements herein set forth.

In case any water user is not the owner of the premises in or on which the water is used, the
Sewage Agency may also impose such sewage service charges upon and demand payment thereof
from the owner of such premises, so that if payment is not made promptly, a lien therefor against
the premises served may be filed by the Municipality in which such premises are located, as
assignee of the Sewage Agency delinquent accounts, as provided in Paragraph 19 of this
Agreement.

15. Each of the Municipalities covenants that during such time as sewage service charges of
the Sewage Agency are in effect it will not impose upon any person, firm or corporation, or upon
any property, any rental, rate or charge whatever for the use of or for the privilege of using any
Municipal sewer connected with the Upper Allegheny System, to the end that no person, firm or
corporation shall be subject to both the Sewage Agency’s service rates, as herein provided, and a
Municipal sewer rental, rate or charge of any kind whatever excepting general real estate taxes,
sewer connection and street opening permit or license fees, and special assessments imposed
according to law upon property benefitted by the construction of additional sewers, and excepting
charges imposed on other municipalities for the joint use, maintenance or repair of a
Municipality’s sewer or sewers.

The provisions of this paragraph shall not apply so long as the optional method of payment
provided for in Paragraph 20 of this Agreement is in effect.

16. All Sewage Agency bills for sewage service shall be computed on the basis of the
quantity of water used, whether measured by meter or by flat rate or otherwise, and whether the
water is furnished by a Municipal waterworks system or secured from any other source.

The bills to be paid by each water user within the Municipalities shall be computed, subject to
the provisions of Paragraph 18 hereof, as follows:

(a) Metered water customers, by applying the Sewage Agency’s applicable schedule
of Upper Allegheny zone rates then in effect to the quantity of water delivered to each water
customer during the preceding quarter year or other meter period, as measured by the most
recent water meter reading;

(b) Flat-rate water customers, by applying the percentage set forth in the Sewage
Agency’s applicable schedule of Upper Allegheny zone rates then in effect to the flat-rate
water bill;

(c) Users of water taken from a private water source or public stream, by applying the
Sewage Agency’s applicable schedule of Upper Allegheny zone rates then in effect to the quantity of water used as estimated by the Sewage Agency; provided, however, that if any
such water user shall at his or its own expense install and maintain in good operating
condition a meter or other measuring device of a type approved by the Sewage Agency, the
amount payable by such water user shall be based upon the quantity of water used as so
measured.

If the Municipality or other water supplying agency does not make available promptly to the
Sewage Agency the necessary data for computing the sewage service bills of any water user, such
water user shall be deemed to be a flat-rate water customer, and the sewage service bill for such
water user shall be calculated in the same manner as for flat-rate customers, based upon the
estimated flat-rate water bill such customer would have to pay.
There shall be no free services rendered by the sewage disposal system or by the Upper Allegheny System, and the Municipalities (or any department, agency or instrumentality thereof) and all public corporations, all charitable or nonprofit institutions and all school districts and other political subdivisions shall pay for the use of the services and facilities thereof in accordance with the Sewage Agency’s applicable established schedule of rates.

If any substantial portion of the water used regularly on any lot or parcel of land does not enter the Municipality’s sewerage system, the owner, tenant or occupant of such lot or parcel may secure a reduction in the amount of the sewage service charges to be paid by him, subject to the established minimum charges, by installing, at his own expense and subject to such regulations as may be prescribed by the Sewage Agency, a separate meter or other measuring device approved by the Sewage Agency for measuring the water so used, in which event the quantity of water so used shall thereafter be excluded in computing the sewage service charges to be paid by the owner, tenant or occupant of such lot or parcel.

In cases where the character of sewage or industrial wastes from any commercial, manufacturing or industrial plant, building or premises is such that it imposes a burden upon the sewage disposal system or the Upper Allegheny System in addition to the burden imposed by the average sewage, such surcharge shall be made therefor as the Sewage Agency shall deem to be fair and equitable to meet the additional cost of collecting, transporting, treating and disposing of such sewage or wastes; or the Sewage Agency may, if it deems it advisable, require the owner, tenant or occupant of such commercial, manufacturing or industrial plant, building or premises to pre-treat such sewage or wastes in such manner as shall be specified by the Sewage Agency before discharging such sewage or wastes into the Municipality’s sewerage system.

17. In order to enable the Sewage Agency to compute its sewage service charges based thereon, as provided in Paragraph 16 hereof, each of the Municipalities, if it operates its own waterworks system, shall furnish to the Sewage Agency, not later than the fifteenth day of the month following the month during which water bills are issued, a list or lists of all water meter readings and flat-rate water bills issued during the preceding calendar month together with the basis for each flat-rate water user’s water bill, and shall include therein the meter readings of meters installed by water users taking water from a private water source or public stream. The Sewage Agency will request similar information from the private water company, municipal authority or other agency supplying water to any water users within the Municipalities. If, by reason of failure to obtain such data promptly, the Sewage Agency is compelled to treat any water users as though they were flat-rate water customers, as further provided above in the said Paragraph 16, and in so doing is obliged to survey the premises of each such water user for the purpose of determining his or its flat-rate water status, the cost incurred by the Sewage Agency in making such survey or surveys shall be repaid to it by the Municipality in which such premises are located.

18. It is the intent of the parties to this Agreement that the extension to the Municipalities and the Workhouse of the privilege of receiving sewage service from Project Z shall in no event increase the sewage rates payable by water users within the original service area of the sewage disposal system. The imposition of the several Upper Allegheny schedules of zone rates upon individual water users as a means of collecting all costs and expenses relating to the Upper Allegheny System is resorted to for the convenience and at the request of the Municipalities. If, therefore, a court of competent jurisdiction shall determine that the Sewage Agency may not legally impose upon and collect from individual water users within the Municipalities higher sewage service rates than those payable by water users within the original service area of the sewage disposal system, then, in such event, the Project Z rates shall apply to individual water users throughout the enlarged service area, and the extra charges which would have been added thereto and included in the several Upper Allegheny zone rates in billing water users served by the Upper Allegheny System shall instead be totaled for each Municipality (and each other municipality, if any, using the Upper Allegheny System) and billed to the affected Municipality (or other municipality). In consideration of the services furnished by the Sewage Agency in
constructing and operating the Upper Allegheny System and thus discharging the Municipalities' legal duty to cease polluting the streams of the Commonwealth, each of the Municipalities hereby covenants to pay such aggregated extra charges, and to provide for the payment thereof out of its current revenues, as provided in Paragraph 22 hereof, to the end that the Sewage Agency shall receive the Project Z rates plus the annual burden and coverage required for the Upper Allegheny System as hereinabove defined in subparagraph p of Paragraph 1.

19. The several schedules of sewage service rates to be imposed upon and collected from individual water users by the Sewage Agency during any year shall be so calculated and adjusted as to provide revenues which will be sufficient to meet all obligations required under this and other Agreements to be paid with the proceeds thereof during such year. It is understood by the Municipalities that not all bills for sewage service will be paid promptly, and that some of such bills in an indeterminate amount will become delinquent each year. In consideration of the services rendered by the Sewage Agency to the Municipalities under the provisions of this Agreement, which will effect compliance by the Municipalities with the duty imposed upon them by law to cease the pollution of the waters of the Commonwealth, and in further consideration of the assignment to them of the delinquent accounts, as hereinafter provided, each Municipality covenants to pay to the Sewage Agency, out of its current revenues as hereinafter provided, the face amount of the delinquent accounts of all water users within such Municipality.

If any water user shall fail to pay the sewage service charges of the Sewage Agency within sixty days after the due date of the bill therefor, the account of such water user shall be deemed delinquent. The Sewage Agency shall prepare and submit to each of the Municipalities, on or before January 1, April 1, July 1 and October 1 of each year, a list of all delinquent accounts applicable to it, showing the face amount of each account, the penalty thereon, and the interest accrued. Each of the Municipalities shall, within sixty days after the furnishing of such list, pay to the Sewage Agency the face amount of all such delinquent accounts. Upon receipt of such amount from the Municipality, the Sewage Agency shall promptly assign to such Municipality all such accounts, for the sole use and benefit of the Municipality.

The Sewage Agency agrees that the Municipalities shall have the right to pursue and enforce any and all remedies now available or hereafter to become available to them, to compel payment by any delinquent water user of the sewage service charges, together with penalties, interest and costs, which may be due and owing by him or it.

20. Each of the Municipalities shall have the option of paying the aggregate amount of all sewage service charges which, under Paragraphs 14 through 19 of this Agreement, would be payable by its water users, in consideration of the performance by the Sewage Agency of such Municipality's legal duty to cease the pollution of the waters of the Commonwealth. In such event, the individual charges of each water user shall be computed in the same manner as hereinbefore set forth, but instead of sending individual bills to all water users, all such individual bills shall be totaled for each Municipality and the aggregate amount thereof shall be billed quarterly to the Municipality. Each of the Municipalities covenants that so long as such method of payment is in effect it will pay each such quarterly aggregate amount, out of the Municipality's current revenues as hereinafter provided, within sixty days after the date of the bill therefor. The Sewage Agency will refund to the Municipality, on or before April 1 of each year, as a credit for the saving in billing expense, a sum equal to the average cost per customer incurred by the Sewage Agency during the preceding calendar year for billing and collecting its charges from individual water users in all other municipalities within the enlarged service area of Project Z, multiplied by the average number of individual water users in the Municipality.

Before the sewage disposal system and the Upper Allegheny System are completed and put in operation, the Sewage Agency shall request each of the Municipalities in writing to indicate whether it desires to adopt the optional method of payment provided for in this Paragraph. Unless the Municipality shall so indicate by ordinance duly enacted not later than ninety days after the date of the Sewage Agency's written request, and shall promptly send to the Sewage Agency a certified copy of such ordinance, the method of payment provided for in Paragraphs 14 through 19
of this Agreement shall become effective.

No change in the method of payment applicable to any Municipality and its water users shall be made except at the request of the Municipality made by ordinance duly enacted, and with the approval of the Sewage Agency, formally given by ordinance or resolution.

21. If there exists any connection through which sewage or wastes emanating from any territory outside the corporate limits of the Municipality enter the Municipality's sewerage system and thence reach the Sewage Agency's interceptor sewer, and if the municipality having jurisdiction over such territory does not execute an agreement with the Sewage Agency similar to this Agreement, the Municipality shall either promptly shut off or remove such connection or shall pay to the Sewage Agency, so long as such sewage continues to enter the Municipality's sewerage system, the estimated cost of collecting, transporting, treating and disposing of such sewage, such estimated cost to be approximately the same as if the water users within such territory were subject to the Sewage Agency's prevailing sewage service charges.

22. Each of the Municipalities shall annually provide in its budget for obtaining the funds necessary to meet its obligations under this Agreement. On or before October 1 of each year the Sewage Agency shall supply to the governing body of each of the Municipalities a written estimate of the total amount of delinquent accounts, or, if the optional method of payment is applicable to the Municipality, of the total aggregate amount of all sewage service charges, which the Municipality will probably be required to pay to the Sewage Agency during the ensuing fiscal year; plus, in either case, the estimated amounts (if any) due under Paragraphs 18 and 21 of this Agreement. Each of the Municipalities shall, by proper ordinance, promptly levy a special tax or provide for obtaining revenues in any other lawful manner, or resort to any two or more methods of securing the funds required under this Agreement, in such manner as to assure that the Municipality shall obtain or collect during the ensuing fiscal year a sum which, together with any unused moneys remaining from previous years, will be at least 120 percent of such estimated amount to become due under this Agreement during such year, plus unpaid balances of prior years. The revenues collected from such tax levy or from any other sources so designated by the Municipality, or from any combination thereof which the Municipality may elect to employ, shall be deposited to the credit of a special fund to be designated Sewage Agency Fund, in which shall be used by the Municipality to meet its obligations under this Agreement and shall not be used for any other purpose whatever.

If the entire amount due the Sewage Agency under this Agreement for any year is not paid out of the current revenues of the Municipality for such year the balance thereof shall be paid out of the current revenues of succeeding years.

23. The Municipalities and the Workhouse agree that if the schedules of sewage service charges in effect at any time do not, or in the opinion of the Sewage Agency may not, yield sufficient revenue to meet the Sewage Agency's financial requirements payable therewith, or if the Sewage Agency finds that any of such schedules has proved to be inequitable, the Sewage Agency shall have the right at any time and from time to time to revise and adjust its sewage service charges in such manner and to such extent as it may deem advisable.

At least sixty days before any revised schedule of sewage service charges shall become effective, the Sewage Agency shall submit in writing to each of the Municipalities affected thereby, and to the Workhouse, if affected, a statement setting forth the new schedule of sewage service charges and the reasons why it was found necessary or desirable to put it into effect. Such new schedule of charges shall go into effect at the time specified in said statement, not earlier, however, than sixty days from the furnishing of such statement, unless suspended by a final decree of a court of competent jurisdiction.

24. The Sewage Agency shall have the right to promulgate, issue, publish and enforce rules and regulations governing its activities and carrying into effect the provisions of this Agreement. Such rules and regulations may include provisions prohibiting or regulating the discharge into the Municipalities' and Workhouse's sewerage systems of oils, acids and other substances which may be harmful to the Sewage Agency's sewers, pumping stations or other structures or which may
interfere with the sewage treatment processes of the Sewage Agency’s plant, as well as excessive amounts of surface or ground water.

Each of the Municipalities may, in its own discretion and without let or hindrance from the Sewage Agency, permit the connection with any Municipal sewer that discharges into a Sewage Agency interceptor sewer of any and all premises used wholly as private dwellings, but no permit shall be issued by the Municipality for the connection with any such sewer of any premises used wholly or in part for commercial or industrial purposes unless the application for such permit shall first have been submitted to and been approved by the Sewage Agency.

Each of the Municipalities recognizes that the carrying out by the Sewage Agency of its obligations under this Agreement will enable it to perform the duty imposed upon it by law to provide for the proper treatment and disposal of its sewage, and each of the Municipalities therefore agrees to exercise for the benefit of the Sewage Agency all rights and powers which it may possess to carry into effect the purposes and intent of this Agreement. Each of the Municipalities agrees, on request of the Sewage Agency, to enact an ordinance incorporating all or designated portions of the Sewage Agency’s rules and regulations and providing appropriate penalties for the violation thereof, to amend such ordinance from time to time as requested by the Sewage Agency, and to enforce the provisions thereof fully and prosecute all violators thereof diligently.

25. The provisions of this Agreement relating to the Municipalities collectively or indiscriminately shall apply to each of them severally and not jointly.

26. This Agreement shall become effective immediately, and shall remain in full force and effect, subject to the provisions of Paragraphs 3 and 5 hereof, until the date of expiration of the legal existence of the Sewage Agency or until the expiration of one calendar year following the payment in full of all bonds, notes and other obligations of the Sewage Agency, original and refunding, issued by it to finance the construction, replacement, maintenance and operation of the sewage disposal system and the Upper Allegheny System and additions thereto, whichever date shall be later.

IN WITNESS WHEREOF, the City of Pittsburgh has caused this Agreement to be executed by its Mayor and Director of the Department of Public Works and its official seal to be hereunto impressed, pursuant to Ordinance No. ______ duly enacted and approved on the ______ day of _______ 1952; the Allegheny County Sanitary Authority has caused this Agreement to be executed by its Chairman and its official seal to be hereunto impressed and attested by its Secretary, pursuant to a resolution duly adopted by its Board on the ______ day of ______ 195__; and the Municipalities and the Workhouse have caused this Agreement to be executed by their respective proper officers and their official seals to be hereunto impressed and attested, pursuant to Borough of Blawnox Ordinance No. ______ duly enacted and approved on the ______ day of ______ 195__, Borough of Verona Ordinance No. ______ duly enacted and approved on the ______ day of ______ 1952, Township of O’Hara Ordinance No. ______ duly enacted and approved on the ______ day of ______ 1952, Township of Penn Ordinance No. ______ duly enacted and approved on the ______ day of ______ 1952; and resolution of the Board of Managers of Allegheny County Work House and Inebriate Asylum adopted on the ______ day of ______ 195__.

Attest:

________________________
Secretary to Mayor

________________________
Mayor

Attest:

________________________
Chief Clerk

________________________
Director, Dept. of Public Works

Approved as to form:
City Solicitor

Countersigned:

City Controller

Attest:  

Secretary

Approved as to form:

Chief Counsel

Attest:  

BOROUGH OF BLAWNOX

By

Borough Secretary

By  

Burgess

Approved as to form:

Borough Solicitor

Attest:  

BOROUGH OF VERONA

By

Borough Secretary

By  

Burgess

President of Council

Approved as to form:

Borough Solicitor

Attest:  

TOWNSHIP OF OHARA

By

Twp. Secretary

By  

Pres., Board of Twp. Commissioners

Approved as to form:

Township Solicitor

Attest:  

TOWNSHIP OF PENN

By

Township Secretary

By  

Pres., Board of Twp. Commissioners

Approved as to form:

Township Solicitor

Attest:  

ALLEGHENY COUNTY WORK HOUSE AND INEBRIATE ASYLUM

By

In the absence of the President of the Board of Commissioners of Penn Township, or in case of his inability to act, the Vice President of the Board of Township Commissioners is hereby authorized, empowered and directed to act in the same capacity as the President of the Board for and on behalf of the Township of Penn, effecting all matters pertaining to the above described proposed agreement.

(c) The maps, drawings or plans attached to the Agreement as presented to the Sanitary Authority are on file in the Municipal Building, 12245 Frankstown Road, where all parties interested may see and examine the same. These maps or plans are dated January, 1952, are known as Location Maps - Upper Allegheny System Connecting with Project Z, and are referred to as Exhibits A and B in the proposed Agreement, and such maps, plans or drawings, so far as they may pertain as being an essential part of the Agreement, are hereby also adopted.

1044.06 AGREEMENT TO PAY SEWAGE SERVICE CHARGES IMPOSED BY COUNTY SANITARY AUTHORITY.

The Municipality, pursuant to the provisions of the Agreements entered into pursuant to Ordinances 518 and 610 with the City of Pittsburgh, the Allegheny County Sanitary Authority, the Borough of Blawnox, the Borough of Verona, the Township of O'Hara and the Allegheny County Work House and Inebriate Asylum, does hereby agree to pay the bulk aggregate amount of all sewage service charges imposed by the Allegheny County Sanitary Authority pursuant to such Agreements, which would otherwise be payable by sewer users within the Municipality for the transportation and treatment service rendered, in consideration of the performance by the Allegheny County Sanitary Authority of the Municipality's legal duty to cease the pollution of waters of the Commonwealth. The Municipality covenants that it will pay each quarterly statement of the Allegheny County Sanitary Authority for the transportation and treatment services rendered out of current revenues of the Municipality within sixty days after the date of billing therefor. The aforementioned change in the method of billing and obligations of the Municipality in connection therewith shall become effective not later than February 1, 1970, upon the happening of the following three conditions:

(a) Approval of the change in the method of billing by the Allegheny County Sanitary Authority;

(b) Payment to the Allegheny County Sanitary Authority of any and all delinquent sanitary sewer service bills rendered to the Municipality on or prior to the effective date of the change of the billing; and

(c) Six-month written notice to the Allegheny County Sanitary Authority of the effective date of the change in the billing.

1044.07 PROHIBITED DISCHARGES TO ALCOSAN.

(a) Definitions. As used in this section:

(1) Interference. Interference means any inhibition or disruption of the ALCOSAN facilities, its treatment processes or operations, its sludge processes, use or disposal, or of any sewer, pipe or other conveyance located in the Municipality and transmitting substances into the ALCOSAN facilities, which inhibition or disruption is a cause of and significantly contributes to either a violation of any
requirement of ALCOSAN's National Pollution Discharge Elimination System permit (hereinafter called NPDES permit), including an increase in the magnitude or duration of a violation, or to the prevention of sewage sludge use or disposal by ALCOSAN in accordance with the following statutory provisions and rules, regulations or permits issued thereunder: Pennsylvania Sewage Facilities Act (35 P.S. 750.1 et seq.), Pennsylvania Clean Streams Act (35 P.S. 691.1 et seq.), Pennsylvania Solid Waste Management Act (35 P.S. 6018.101), Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including Title II, more commonly referred to as the Resource Conservation and Recovery Act, and including all Commonwealth statutes and Pennsylvania Department of Environmental Resources regulations prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act (42 U.S.C. 6901 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), the County Health Code and the Pollution Control Standards of the Ohio River Valley Water Sanitation Commission. All such statutory provisions, rules, regulations and permits are hereinafter collectively referred to as "laws." A user significantly contributes to such a permit violation or to the prevention of sludge use or disposal in accordance with such laws whenever such user:

A. Discharges daily pollutant loading in excess of that allowed by permit or by contract with ALCOSAN or by Federal, Commonwealth, County, ALCOSAN or Municipal laws, ordinances, rules or regulations;

B. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or

C. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a violation of ALCOSAN's NPDES permit or prevent sewage sludge use or disposal in accordance with such laws as they apply to ALCOSAN's selected method of sludge management.

(2) "Pass through." Pass through means any discharge of pollutants through the facilities of ALCOSAN into navigable waters or any stream in the Commonwealth in quantities or concentrations which are a cause of and significantly contribute to a violation of any requirement of ALCOSAN's NPDES permit (including an increase in the magnitude or duration of a violation). A user significantly contributes to such a permit violation where it

A. Discharges a daily pollutant loading in excess of that allowed by permit, by contract with ALCOSAN or by Federal, Commonwealth, County, ALCOSAN or Municipal laws, ordinances, rules or regulations;

B. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge;

C. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or

D. Knows or has reason to know that ALCOSAN is, for any reason, violating its final effluent limitations in its permit and that such user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of ALCOSAN's violations.

(b) General Prohibition. No person shall introduce or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Municipality and transmitting substances into the facilities of ALCOSAN, any toxic substance, pollutant or other wastewater which will either cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities or pass through ALCOSAN's treatment plant or other facilities.
(c) **Specific Prohibitions.** No person shall introduce or permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Municipality and transmitting substances into the facilities of ALCOSAN, any of the following:

1. Any pollutant or wastewater which will interfere with or substantially adversely affect the operation or performance of the ALCOSAN treatment plant, or pass through the plant into navigable waters or streams of the Commonwealth in quantities or concentrations which are a cause of and significantly contribute to a violation of any requirement of the laws of the ALCOSAN NPDES permit, or which adversely affect the use or disposal of ALCOSAN’s sludge or other residues;

2. Any substance which will endanger the life, health or safety of the treatment plant or sewer maintenance and plant operations personnel or which would preclude sewage entry into the sewer system or any portion of the treatment plant;

3. Any ignitible, reactive, explosive or corrosive waste;

4. All wastes that are defined or listed as hazardous under the regulations enacted by agencies of the Federal government or the Commonwealth;

5. Any wastewater with a temperature great enough to inhibit biological activity in the ALCOSAN treatment plant;

6. Any waste which exceeds the naturally occurring background levels for either alpha, beta or gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as is not in compliance with applicable State or Federal regulations;

7. Any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of ALCOSAN’s facilities or facilities discharging into ALCOSAN’s system;

8. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, may create a public nuisance or adversely affect public health or safety;

9. Pathological wastes from a hospital or other medical establishment;

10. Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer of a type approved by ALCOSAN and maintained in good operating condition;

11. Sludges or other materials from septic tanks or similar facilities, from sewage or industrial waste treatment plants or from water treatment plants unless the discharge of such sludges and other materials is specifically approved by ALCOSAN; or

12. Any substance which violates discharge regulations, as established by authorized agencies of the Federal government, the Commonwealth, the Ohio River Valley Water Sanitation Commission, the County or ALCOSAN.

(d) **Violations of U.S. EPA Regulations.** No person shall introduce or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Municipality and transmitting substances into the facilities of ALCOSAN, any toxic substance, pollutant or other wastewater in violation of a national categorical or general pretreatment standard promulgated by the U. S. Environmental Protection Agency pursuant to Section 307 (b) and (c) of the Federal Water Pollution Control Act (33 U.S.C. 1317(b) and (c)).

(e) **Violations of Federal Water Pollution Control Act.** No person shall take any action or do or cause to be done anything in violation of any of the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1317(b) and (c)).
Control Act or of any regulation promulgated by the U. S. Environmental Protection Agency pursuant thereto.

(f) Other Violations. No person shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN or of laws, ordinances, rules or regulations of the Commonwealth, the County, the Ohio River Valley Water Sanitation Commission or the Municipality, pertaining to sewage discharge, introduction or treatment.

(Ord. 1861. Passed 9-17-84.)

1044.08 AGREEMENT WITH THE PITTSBURGH WATER AND SEWER AUTHORITY/HANSELL AVENUE SEWER DISTRICT.

AGREEMENT

Made this _____ day of _________, 1985, by and between The Pittsburgh Water and Sewer Authority, a body corporate and politic organized and existing under the laws of the Commonwealth of Pennsylvania, hereinafter called AUTHORITY, and

Municipality of Penn Hills, a municipal corporation of the Commonwealth of Pennsylvania, situate in the County of Allegheny, hereinafter called MUNICIPALITY.

WITNESSETH:

WHEREAS, the Municipality desires to drain a five (5) acre parcel of land known as the Hansell Avenue Sewer District of the Municipality of Penn Hills, extending from the City line northeast of Standard Street into the Negley Run Sewer System in the City of Pittsburgh; and

WHEREAS, the Authority is willing to permit such drainage on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual premises and intending to be legally bound, the parties hereby agree as follows

1. The Authority shall permit the Municipality to discharge the sanitary wastes from a parcel of land having an area of five (5) acres presently containing fifteen (15) dwelling units, known as the Hansell Avenue Sewer District of the Municipality of Penn Hills, extending from the City line northeast of Standard Street into the Negley Run Sewer System in the City of Pittsburgh.

2. The Municipality shall make the following payments to the Authority:
   a. Two hundred fifty dollars ($250.00) for each tap-in, or an initial total of three thousand seven hundred fifty dollars ($3,750) for the existing fifteen (15) dwelling units. This amount shall be paid to the Authority within sixty (60) days after completion of the connection to the Negley Run Sewer System.
   b. Two hundred fifty dollars ($250.00) for the tap-in of each additional dwelling unit in excess of the fifteen (15) existing units. These amounts shall be paid to the Authority within thirty (30) days after each additional tap-in is made.
   c. Based upon quantities shown on quarterly Alcosan billings, the Municipality shall pay the Authority, at Authority sewer rates and charges, as established from time
to time, within thirty (30) days after receipt by the Municipality of quarterly bills from the Authority.

3. The Authority shall maintain and keep in repair the Negley Run Sewer System from the Municipality of Penn Hills line to the Allegheny River, it being understood and agreed that the necessity for any of such work and the cost of the same will be determined solely by the Director of the Department of Public Works of the City of Pittsburgh, agent for the Authority under a Lease and Management Agreement as of May 1, 1984. Other than its obligation to make the payments described in Paragraph 2 hereof, the Municipality shall not be responsible for the cost of such repairs.

4. The Municipality shall pay to the Allegheny County Sanitary Authority all costs or charges pertaining to the transportation, treatment and disposal of all sewage as the same pertains to the parcel of land described in Paragraph 1 hereof in conformity with the terms of the existing Agreement by and among the City of Pittsburgh, the Allegheny County Sanitary Authority and the Municipality pertaining to this area of the Municipality.

5. In the event of any dispute as to the interpretation of the terms of this Agreement, the decision of the Authority shall be final, it being understood and agreed that the Authority shall not unreasonably exercise its discretion in resolving such disputes.

6. The Authority reserves and shall have the right to revoke the permission granted by this Agreement, without liability, upon six (6) months notice to the Municipality.

This Agreement is executed by the Authority pursuant to Resolution No. ______ adopted at a meeting of its Board held on ___________, 1985, as amended by Resolution No. ______ adopted ___________, 1985, and by the Municipality pursuant to (Ordinance) (Resolution) No. ______ adopted _______, 1985.

In witness whereof, the parties hereto have duly executed this Agreement the day and year first above written.

ATTEST: 

________________________
(Secretary)
(Assistant Secretary-Treasurer)

________________________
Authority Solicitor

________________________
(Chairman) (Vice-Chairman)

________________________
MUNICIPALITY OF PENN HILLS

By: Mayor

(Ord. 1906. Passed 10-21-85.)

1044.09 AGREEMENT WITH THE ALLEGHENY VALLEY JOINT SEWAGE AUTHORITY.

AGREEMENT

MADE AS OF THE __________ day of __________, 1990

by and between the

ALLEGHENY VALLEY JOINT SEWAGE AUTHORITY (AVJSA)
and the MUNICIPALITY OF PENN HILLS

In consideration of the mutual covenants contained herein, the parties hereto hereby agree as
follows:

1. AVJSA agrees to accept from and dispose of domestic waste sludge produced at the Municipality of Penn Hills sewage treatment plants.
   (a) Domestic waste sludge as used herein shall be defined as: non-hazardous domestic sanitary sewer sludge approved or approvable by the Pennsylvania Department of Environmental Resources (DER) as suitable for disposal at a sanitary landfill.

2. All sludge shall be delivered by Penn Hills, at its sole cost, expense and responsibility, to AVJSA in tank trucks, and discharged at points in the AVJSA system, as directed by the AVJSA Plant Manager.
   (a) Penn Hills shall, at least twenty-four (24) hours prior to dispatching any delivery, notify AVJSA and receive instructions as to the time and point of discharge.

3. Prior to the shipment of any sludge, Penn Hills shall, at its sole cost and expense, obtain and deliver to AVJSA all chemical analytical reports required by DER, AVJSA, or any other regulatory agency having jurisdiction, as such reports are required from time to time.
   (a) The obligations of AVJSA to accept and dispose of domestic waste sludge is conditioned upon the issuance of any permits required by DER or any other regulatory agency having jurisdiction.
   (b) In the event any analysis indicates that sludge is placed in any category other than domestic waste sludge, AVJSA may, at its option:
      (i) Terminate this contract; or
      (ii) Revise the contract under terms and conditions mutually agreed upon by the parties.

4. Penn Hills shall not be obligated to deliver any minimum amount of sludge, and AVJSA shall have the right to designate the times that sludge may be delivered, based on AVJSA's ability to process the sludge, the condition of machinery and equipment or other factors relevant to the processing operations.

5. Penn Hills shall pay to AVJSA for the processing of sludge; the price shall be determined based on ease of processing and solids concentration.
   (a) Gallonage shall be conclusively presumed to be the capacity of the tanker making delivery.
   (b) AVJSA shall invoice Penn Hills monthly for the services rendered hereunder, and Penn Hills shall pay AVJSA within thirty (30) days of the receipt of any invoice.

6. This Agreement may be terminated by either party after thirty (30) days notice given by certified mail.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by vote of the Authority Board taken at a duly assembled public meeting.

Date:_______________ ALLEGHENY VALLEY JOINT SEWAGE AUTHORITY

ATTEST: ____________________________ CHAIRMAN
______________________________
Secretary

Date: 6-18-90 MUNICIPALITY OF PENN HILLS

______________________________ Harry R. McIndoe /s/
MUNICIPAL MANAGER

ATTEST: ____________________________
______________________________ Secretary
1044.10 AGREEMENTS WITH BOROUGH OF PLUM.

(a) Resolution 85-045, passed June 17, 1985, amended a May 7, 1984, intermunicipal Sewage agreement between the Borough of Plum and the Municipality of Penn Hills.

(b) Resolution 88-072, passed July 25, 1988, authorized a 1988 intermunicipal agreement between the Municipality and the Borough of Plum for the collection and treatment of sewage from the Borough of Plum to be tested at the Penn Hills Plum Creek Plant.

(c) Resolution 89-070, passed September 5, 1989, authorized an amendment to the agreement authorized by Resolution 88-072.

(d) Ordinance 2330, passed January 19, 2000, authorized the Municipality to enter into an Intermunicipal Sewer Service Agreement with the Plum Borough Municipal Authority for the purpose of setting forth the terms and conditions for the sale and purchase of 600,000 gallons per day of additional sewage capacity for the consideration of two million, two hundred and thirty-two thousand dollars ($2,232,000).

(e) Copies of the agreements and amendments referred to in this section may be obtained, at cost, from the Clerk or the Deputy Clerk.

1044.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of Section 1044.07 shall be fined not more than three hundred dollars ($300.00), with costs, for each offense, and, in default of the payment of such fine and costs, shall be subject to imprisonment for not more than thirty days. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations, upon the officers thereof.

(Ord. 1861. Passed 9-17-84.)
CHAPTER 1045
Sewage Holding Tanks

1045.01 Purpose.

1045.02 Definitions.

1045.03 Rules and regulations.

1045.04 Collection, transportation and disposal standards.

1045.05 Duties of the improved property owner or lessee.

1045.06 Required data.

1045.07 Appeals.

1045.08 Interpretation of chapter.

1045.09 Declaration of nuisances; remedies.

1045.99 Penalty.

CROSS REFERENCES
Sewers generally - see S.U. & P.S. Ch. 1040
Plumbing and house drainage - see B. & H. Ch. 1460

1045.01 PURPOSE.
The purpose of this chapter is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage, whether from residential or commercial uses. This chapter is hereby declared to be necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Municipality.

(Ord. 1894. Passed 8-5-85.)

1045.02 DEFINITIONS.
Unless the context specifically and clearly indicates otherwise, as used in this chapter:
(a) Holding tank means a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:
(1) Chemical toilet, which is a toilet using chemicals that discharge to a holding tank;
(2) Retention tank, which is a holding tank system where sewage is conveyed to the tank by a water-carrying system; and
(3) Vault pit privy, which is a holding tank system designed to receive sewage where water under pressure is not available.
(b) Improved property means any property within the Municipality upon which there is erected a structure intended for continuous or habitual habitation, occupancy or use by human beings or animals, and from which structure sewage is discharged.
(c) Lessee means any person who has a leasehold interest in any realty within the Municipality, whether the original lessee or a subtenant.
(d) Owner means any person vested with ownership, legal or equitable, sole or partial, of any property located within the Municipality.
(e) Sewage means any substance that contains any of the waste products, excrement or other discharges from the bodies of human beings or animals and any noxious or deleterious substance that is harmful or inimical to the public health, welfare or safety, to animal or aquatic life, to the streams and rivers or to the use of water, whether for domestic water consumption, supply or recreation.
(f) Zoning Officer means the Zoning Officer of the Municipality.
1045.03 RULES AND REGULATIONS.
(a) Council may adopt such rules and regulations concerning sewage which it may deem necessary from time to time to control the methods of holding tank sewage collection, transportation and disposal. Council may adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. Such rules and regulations shall be adopted by a resolution of Council.

(b) Rules and regulations adopted by Council shall be in conformity with all applicable laws, rules and regulations of administrative agencies of the Commonwealth.

1045.04 COLLECTION, TRANSPORTATION AND DISPOSAL STANDARDS.
The collection and transportation of sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Zoning Officer, and the disposal thereof shall be made only in accordance with the regulations of, and only at such sites as may be approved and regulated by, the Department of Environmental Resources of the Commonwealth, and in accordance with any other applicable rules and regulations promulgated by any administrative agency authorized by applicable law to enact such rules and regulations.

1045.05 DUTIES OF THE IMPROVED PROPERTY OWNER OR LESSEE.
(a) The owner and the lessee, severally and jointly, of an improved property that utilizes holding tanks, shall:

1. Maintain the holding tank in conformity with this chapter and any other ordinance of the Municipality, and with the provisions of any applicable law, rules and regulations of the Municipality and any administrative agency of the Commonwealth or the County; and

2. Prior to the collection, transportation and disposal of the contents of any holding tank, make application to the Zoning Officer setting forth the following:
   A. The name of the person making such collection;
   B. The method of collection and transportation; and
   C. The name and location of the disposal site.

(b) Upon receipt of the application, the Zoning Officer shall review the application for compliance with the rules and regulations of the Municipality or the provisions of applicable laws.

(c) If the Zoning Officer disapproves the application for collection and disposal, the Zoning Officer shall, by written statement, state the objections of the Municipality and what provisions are necessary to correct the application. The owner and lessee shall immediately take steps to correct the deficiencies of the application and resubmit a new application for collection, transportation and disposal of the contents of the holding tank.

(d) The collection, transportation and disposal of the contents of any holding tank shall be done at the cost of the owner and/or lessee, severally or jointly. However, if, in the opinion of the Zoning Officer, the owner or lessee has neglected or failed to collect, transport and dispose of the contents of any holding tank as may be necessary, the Zoning Officer is hereby authorized to engage a qualified person to collect, transport and dispose of the contents of such holding tank. The cost of such collection, transportation and disposal, shall be billed to the owner and/or lessee, jointly or severally.
(e) Prior to the construction of any holding tank authorized by the Zoning Officer pursuant to this chapter or any other applicable written laws, rules and regulations, the owner and/or lessee shall make application for a holding tank permit, which application shall be accompanied by a three hundred dollar ($300.00) permit fee. In addition to the fee required, the owner and/or lessee shall be required to place with the Municipality a performance bond, with approved security, conditioned upon the faithful performance of the collection, transportation and disposal of the contents of the holding tank, and the removal of such tank, in such amounts as determined by the Municipal Engineer. In setting the amount of the bond, the Municipal Engineer shall determine the size of the holding tank in relation to the anticipated use as indicated by the structure or dwelling such holding tank is to service, and shall make a calculation of the number of times the contents of such holding tank will need to be collected, transported and disposed of within a calendar year, and of the cost of removal of such tank when no longer needed. The Municipal Engineer shall further estimate the cost of the collection, transportation and disposal of the contents therein for each year, which cost shall be the principal amount of the bond required. All such bonds, with approved sureties, shall be renewed annually and shall be required during the use of such tanks. The principal amount of such bonds may be increased or decreased annually by the Municipal Engineer in accordance with the anticipated cost as determined by the aforesaid calculations.

(f) If any owner and/or lessee neglects or fails to make collection, transportation and disposal of the contents, as required, or fails to do so within five days after notification by the Zoning Officer, the Zoning Officer shall take one or more of the following steps:
   (1) Arrange and contract for the collection, transportation and disposal of the contents of such holding tank;
   (2) Issue a cease and desist order for use of the toilet and sewage facilities which void into such holding tank; and/or
   (3) Suspend and/or revoke the occupancy permit of the buildings or structures such holding tanks service.

(g) Owners and lessees shall prevent any leakage of the contents of a holding tank into the ground, into any watershed or into any watercourse. Upon discovery of any leakage by any person or the Zoning Officer, the owner and/or lessee shall immediately cease using all toilet and sewage facilities voiding into such holding tank until repaired or replaced, and, within one day, shall collect, transport and dispose of the contents.

(h) Upon construction of sanitary sewers in the area, the owner shall, within thirty days after notice by the Municipality, tap into the Municipal sanitary sewer line and pay any and all fees or costs connected with such tap-in. Prior service of the realty by a holding tank shall not be construed to relieve the owner of the realty from payment of any assessed benefits to the realty benefitted by the construction of sanitary sewers.

(i) Upon completion of the tap-in of any holding tank site into the Municipal sanitary sewerage system, or upon the expiration of thirty days from the date of notice, whichever is sooner, the owner and/or lessee shall collect, transport and dispose of the contents of any holding tank and remove the holding tank from the site. In the proper case or circumstance the Zoning Officer may give written consent to the owner and/or lessee to fill the holding tank with sand in lieu of removal.

(Ord. 1894. Passed 8-5-85.)

1045.06 REQUIRED DATA.

Prior to any installation of any holding tank or issuance of a holding tank permit by the Zoning Officer, the owner, lessee or person making actual installation of the holding tank shall submit, in writing, to the Zoning Officer, at least two weeks prior to the intended installation, the
following data:

(a) The type of holding tank intended to be installed, together with the size and capacity of such tank;
(b) The useful life of such tank;
(c) A certification from the manufacturer or any other qualified person that such tank will not leak its contents during the useful life of such tank; and
(d) The method of installation and the person hired to do such installation. Upon review of the application by the Zoning Officer, after consultation with the Municipal Engineer, the Zoning Officer shall make a determination as to whether or not the proposed tank, its capacity and size, and the installation methods, are consistent with the rules and regulations of the Commonwealth, the County or any other governmental agencies regulating these matters. If the Zoning Officer approves the application for installation, then upon payment of the required fee, the Zoning Officer shall issue the holding tank permit. If the Zoning Officer disapproves the tank, he or she shall set forth, in writing, the causes and basis for his or her disapproval.

(Ord. 1894. Passed 8-5-85.)

1045.07 APPEALS.

Any applicant or affected person may, within ten days of a decision of the Zoning Officer, appeal such decision to Council. The requested review shall be conducted during a regularly scheduled meeting. Council may affirm, reverse or modify the findings of the Zoning Officer. Any person adversely affected by the decision of Council may appeal to a court of competent jurisdiction within thirty days of the date of the decision. However, no such appeal from a decision of the Zoning Officer or Council shall act as a stay on any decision rendered by the Zoning Officer or Council.

(Ord. 1894. Passed 8-5-85.)

1045.08 INTERPRETATION OF CHAPTER.

The provisions of this chapter shall be interpreted to be the minimum requirements for the promotion of the public health, safety and general welfare. This chapter is not intended to interfere with, abrogate or annul any other ordinance, rule, regulation or permit previously adopted or issued, except as amended hereby, or any rule or regulation of any administrative agency having jurisdiction over this matter. Where this chapter imposes greater restrictions upon the use of holding tanks, then this chapter shall control.

(Ord. 1894. Passed 8-5-85.)

1045.09 DECLARATION OF NUISANCES; REMEDIES.

In addition to any other remedies provided in this chapter, any violation of this chapter shall constitute a nuisance and may be abated by either seeking appropriate equitable relief from a court of competent jurisdiction, or, when the Zoning Officer, as authorized by this chapter, is required to take affirmative steps to correct the condition, by hiring contractors for the collection, transportation and disposal of the contents of a holding tank or for the removal of such holding tank. In all cases, the costs incurred shall be imposed on the owner of the property, and the Municipal Attorney is hereby authorized to lien the property for recovery of costs and/or to file action to recover such costs from the bonding company of the owner or lessee. In addition, the Attorney is hereby authorized to file a civil suit in a court of competent jurisdiction to recover costs.

(Ord. 1894. Passed 8-5-85.)

1045.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter, or aids, abets or assists in violation thereof, shall be fined not more than three hundred dollars ($300.00) and costs of prosecution for each offense, and, in default of the payment of such fine and costs of
prosecution, shall be subject to imprisonment in the County Jail for not more than thirty days. A separate offense shall be deemed committed each day during or on which a violation or noncompliance continues after notification in writing.
(Ord. 1894. Passed 8-5-85.)
CHAPTER 1046
Water

EDITOR’S NOTE: There are no sections in Chapter 1046. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Department of Water Pollution Control - see ADM. Ch. 246
Swimming pools - see B. & H. Ch. 1428
Flood control - see B. & H. Ch. 1436
Plumbing and house drainage - see B. & H. Ch. 1460
CHAPTER 1050
Gas

EDITOR'S NOTE: Natural gas service is provided in and for the Municipality by independent suppliers. Rates are fixed by the Public Utilities Commission of the Commonwealth.

1050.01 Use of odorants to indicate leakage.

CROSS REFERENCES
Required improvements in subdivisions - see P. & Z. Ch. 1248
Fire Prevention Code - see F.P. Ch. 1620

1050.01 USE OF ODORANTS TO INDICATE LEAKAGE.

All corporations, partnerships and other persons furnishing gas, and in particular natural gas, as a means of fuel, illumination, etc., to the general public, shall, by action of State and Federal laws, be compelled to introduce into their distribution service lines, mains, etc., an odorant of such type that will clearly indicate the leakage or escape of gas.

A copy of this section shall be brought to the attention of the law-making agencies of the State and Federal governments.
(Res. 8-1952. Passed 3-3-52.)
CHAPTER 1052
Electricity

EDITOR’S NOTE: Electrical service is provided in and for the Municipality by independent suppliers. Rates are fixed by the Public Utilities Commission of the Commonwealth.

There are no sections in Chapter 1052. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Utility poles - see S.U. & P.S. Ch. 1054
Lighting in site development plans - see P. & Z. 1220.20
Required improvements in subdivisions - see P. & Z. Ch. 1248
National Electrical Code - see B. & H. Ch. 1440
CHAPTER 1054
Utility Poles

1054.01 Annual license fee required.
1054.02 Due date; surcharge for late payment or nonpayment.
1054.03 Statement of number of poles; list of Manager.
1054.99 Penalty.

CROSS REFERENCES
Electricity - see S. U. & P. S. Ch. 1052
Required improvements in subdivisions - see P. & Z. Ch. 1248

1054.01 ANNUAL LICENSE FEE REQUIRED.
There is hereby charged and imposed an annual license fee of twenty-five cents (25) on each and every pole on which a wire or a cable is strung or attached, owned by any and every telegraph, telephone, electric light, electric power, street passenger railway, motor traction, gas or water company, which occupies any public highway of the Municipality, such license fee being charged and imposed for the purpose of providing for the cost of inspection and regulation of such poles and such wires and cables as may be strung thereon.
(Ord. 57. Passed 4-4-18.)

1054.02 DUE DATE; SURCHARGE FOR LATE PAYMENT OR NONPAYMENT.
The license fee provided for in Section 1054.01 shall be paid by the telegraph, telephone, electric light, electric power, street passenger railway, motor traction, gas or water company to the Manager on or before February 1 of each year. In the event of a failure to do so, a surcharge of ten percent shall be added by the Manager to such tax.

1054.03 STATEMENT OF NUMBER OF POLES; LIST OF MANAGER.
At the time of paying such tax by any telegraph, telephone, electric light, electric power, street passenger railway, motor traction, gas or water company, a proper officer or employee of each company shall submit to the Manager a sworn statement of the number of poles in the Municipality owned by the company of which he is officer or employee, and the Manager shall keep a complete list of the number of such poles owned by each company in the Municipality.

1054.99 PENALTY.
(EDITOR'SNOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 1056
Easement and Right-of-Way Regulations

1056.01 Definitions.
For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory. The masculine shall include the feminine and the neuter.
(a) Easement and/or right-of-way shall mean all easements and/or rights-of-way owned or legally acquired by the Municipality.
(b) Penn Hills is the Municipality of Penn Hills, Allegheny County, Pennsylvania.
(c) Person shall mean any individual, partnership, association, firm, corporation, group, company, society, or any other combination of human beings whether legal or natural.
(Ord. 2398. Passed 10-1-03.)

1056.02 Restrictions and Prohibitions.
It shall be unlawful for any person to place, erect, construct or to allow to remain in place any building, structure, device or thing of any nature whatsoever within, over, under, into or otherwise occupying any easement and/or right-of-way area so as to obstruct or otherwise interfere with the Municipality's right to use said easement and/or right-of-way, except any traffic or other sign placed, erected or maintained by the proper State or municipal authorities and any sign attached to a building erected and maintained under a permit and otherwise meeting the requirements of the Ordinances of the Municipality.
(Ord. 2398. Passed 10-1-03.)

1056.03 Removal of Buildings, Structures, Devices, etc.
It shall be the responsibility of all property owners or occupants thereof, within the Municipality, to conform to the requirements of this chapter. If any person fails to comply after notice from the Municipality to remove or eliminate any obstruction or interference with the Municipality's right to use said easement and right-of-way, pursuant to Section 1056.04, said person shall be in violation of this chapter.
(Ord. 2398. Passed 10-1-03.)
1056.04  NOTICE TO REMOVE; MUNICIPALITY MAY DO WORK AND COLLECT COST AND ADDITIONAL AMOUNT.

The Municipality, or any officer or employee of Penn Hills designated thereby for this purpose, is hereby authorized to give written notice, by personal service or by United States mail, to the owner or occupant, as the case may be, who, in the judgment of said officer or employee of the Municipality who reasonably believes said owner or occupant is or remains in violation of the provisions of this chapter. Said notice shall direct and require such owner or occupant to remove or eliminate the obstruction or interference with the Municipality's right to use its easement and/or right-of-way, so as to conform to the requirements of this chapter, within 30 days after issuance of such notice. Whenever in the judgment of the Municipality or any officer or employee thereof, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Municipality or any officer or employee of the Municipality designated thereby for such purpose, may give notice by posting conspicuously on the property where such obstruction exists, a notice or order directing and requiring that such obstruction or interference be removed or eliminated within 30 days. In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the person shall be in violation of this chapter, the Municipality may order the removal and elimination of such obstruction and interference and the cost thereof, together with a penalty of 10% of the cost thereof, which shall be collected by the Municipality from such person in any manner provided by law.
(Ord. 2398. Passed 10-1-03.)

1056.05  EMERGENCY REPAIRS.

If, in the opinion of the Municipality or its designated officer or employee, a dangerous condition exists which poses an immediate threat to the safety and health of individuals or damage to property, the Municipality may remove or eliminate the obstruction or interference with the use of its easement and/or right-of-way, without the necessity of providing said notice to the property owner and/or occupant of the property where the easement is located, pursuant to Sections 1056.03 and 1056.04, and the cost thereof, together with a penalty of 10% of the cost thereof, shall be collected by the Municipality from such person in any manner provided by law.
(Ord. 2398. Passed 10-1-03.)

1056.06  REMEDIES NOT MUTUALLY EXCLUSIVE.

The remedies provided herein for the enforcement of this chapter, 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 Municipality.
(Ord. 2398. Passed 10-1-03.)

1056.07  PENALTIES FOR VIOLATION.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred ($600.00) dollars, and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this chapter continues after notice shall constitute a separate offense.
(Ord. 2398. Passed 10-1-03.)
CHAPTER 1058
Stormwater Management Regulations

1058.01 Short title. 1058.16 Operations and maintenance agreement for privately-owned stormwater BMPs.
1058.02 Statement of findings. 1058.17 Stormwater management easements.
1058.03 Purpose. 1058.18 Recording of approved BMP operations and maintenance plan and related agreements.
1058.04 Statutory authority. 1058.19 Municipal stormwater BMP operation and maintenance fund.
1058.05 Applicability. 1058.20 Inspections.
1058.06 Compatibility with other requirements. 1058.21 Right of entry.
1058.07 Definitions. 1058.22 Fees and expenses; generally.
1058.08 General requirements for stormwater management. 1058.23 Expenses covered by fees.
1058.09 Permit requirements by other government entities. 1058.24 Prohibited discharges.
1058.10 Erosion and sediment control during regulated earth disturbance activities. 1058.25 Prohibited connections.
1058.11 Water quality requirements after regulated earth disturbance activities are complete. 1058.26 Roof drains.
1058.12 General requirements for BMP operations and maintenance plan. 1058.27 Alteration of BMPs.
1058.13 Responsibilities for operations and maintenance of BMPs. 1058.28 Public nuisance.
1058.14 Municipality review of BMP operations and maintenance plan. 1058.29 Enforcement generally.
1058.15 Adherence to approved BMP operations and maintenance plan. 1058.30 Suspension and revocation of permits and approvals.
1058.99 Penalty.

CROSS REFERENCES
Stormwater management - see P. & Z. 1250.12

1058.01 SHORT TITLE.
This chapter shall be known and may be cited as the Municipality of Penn Hills Pennsylvania Department of Environmental Protection NPDES Phase II Federal Storm Water Management regulations.
(Ord. 2414. Passed 4-19-04.)
1058.02 STATEMENT OF FINDINGS.
The governing body of the Municipality finds that:

(a) Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of rainwater and increased runoff flows and velocities which overtax the carrying capacity of existing streams and storm sewers, and greatly increases the cost to the public to manage storm water.

(b) Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream beds and stream banks, thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.

(c) A program of stormwater management, including reasonable regulation of land development and redevelopment causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality and all the people of the Commonwealth, their resources, and the environment.

(d) Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.

(e) Public education on the control of pollution from stormwater is an essential component in successfully addressing storm water.

(f) Federal and State regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

(g) Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Municipality.

(Ord. 2414. Passed 4-19-04.)

1058.03 PURPOSE.
The purpose of this chapter is to promote health, safety, and welfare within the Municipality and its watershed by minimizing the harms and maximizing the benefits described in Section 1058.02, through provisions designed to:

(a) Manage stormwater runoff impacts at their source by regulating activities that cause the problems.

(b) Provide review procedures and performance standards for stormwater planning and management.

(c) Utilize and preserve the existing natural drainage systems as much as possible.
(d) Manage stormwater impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.

(e) Focus on infiltration of stormwater to maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.

(f) Maintain existing flows and quality of streams and watercourses.

(g) Meet legal water quality requirements under State law, including regulations at 25 Pa. Code Chapter 93.4a to protect and maintain existing uses and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in special protection streams.

(h) Prevent scour and erosion of stream banks and stream beds.

(i) Provide for proper operations and maintenance of all permanent stormwater management BMPs that are implemented in the Municipality.

(j) Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.

(k) Implement an illegal discharge detection and elimination program to address non-stormwater discharges into the Municipality’s separate storm sewer system.

(Ord. 2414. Passed 4-19-04.)

1058.04 STATUTORY AUTHORITY.

The Municipality is empowered to regulate land use activities that affect stormwater impacts by the authority of the [cite relevant section of the applicable municipal code (e.g. 53 P.S. 55101 et seq., First Class Township Code) and or the Municipalities Planning Code - confer with municipal solicitor].

(Ord. 2414. Passed 4-19-04.)

1058.05 APPLICABILITY.

(a) This chapter applies to any regulated earth disturbance activities within the Municipality, and all stormwater runoff entering into the Municipality’s separate storm sewer system from lands within the boundaries of the Municipality.

(b) Earth disturbance activities and associated stormwater management controls are also regulated under existing State law and implementing regulations. This chapter shall operate in coordination with those parallel requirements: the requirements of this chapter shall be no less restrictive in meeting the purposes of this chapter than State law.

(Ord. 2414. Passed 4-19-04.)

1058.06 COMPATIBILITY WITH OTHER REQUIREMENTS.

(a) Approvals issued and actions taken under this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance. To the extent that this chapter imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this chapter shall be followed.
(b) Nothing in this chapter shall be construed to affect any of the Municipality's requirements regarding stormwater matters which do not conflict with the provisions of this chapter, such as local stormwater management design criteria (e.g. inlet spacing, inlet type collection system design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this chapter addressing State water quality requirements.

(Ord. 2414. Passed 4-19-04.)

1058.07 DEFINITIONS.

(a) For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

(1) Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.

(2) The word includes or including shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.

(3) The words shall and must are mandatory; the words may and should are permissive.

(b) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) Accelerated erosion. The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

(2) Applicant. A landowner, developer or other person who has filed an application for approval to engage in any regulated earth disturbance activity at a project site in the Municipality.

(3) BMP (Best Management Practice). Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated earth disturbance activities, to meet State water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter. BMPs include but are not limited to infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

(4) Conservation District. The Allegheny County Conservation District.

(5) DEP. The Pennsylvania Department of Environmental Protection.

(6) Developer. A person that seeks to undertake any regulated earth disturbance activities at a project site in the Municipality.

(7) Development. See Earth disturbance activity as defined in this section. The term includes redevelopment.

(8) Development site. The specific tract of land where any earth disturbance activities in the Municipality are planned, conducted or maintained.
(9) ■Earth disturbance activity.● A construction or other human activity which disturbs the surface of the land, including, but not limited to clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

(10) ■Erosion.● The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

(11) ■Erosion and Sediment Control Plan.● A plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

(12) ■Groundwater recharge.● Replenishment of existing natural underground water supplies.

(13) ■Impervious surface.● A surface that prevents the infiltration of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.


(15) ■NPDES.● National Pollutant Discharge Elimination System, the Federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

(16) ■Outfall.● Point source● as described in 40 C.F.R. ● 122.2 at the point where the Municipality's storm sewer system discharges to surface waters of the Commonwealth.

(17) ■Person.● An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(18) ■Point source.● Any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pa. Code ● 92.1.

(19) ■Project site.● The specific area of land where any regulated earth disturbance activities in the Municipality are planned, conducted or maintained.

(20) ■Redevelopment.● Earth disturbance activities on land which has previously been disturbed or developed.

(21) ■Regulated earth disturbance activity.● Earth disturbance activity one acre or more with a point source discharge to surface waters or the Municipality's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part, or during any stage of a larger common plan of development. This only includes road maintenance activities involving 25 acres or more or earth disturbance.

(22) ■Road maintenance.● Earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

(23) ■Separate storm sewer system.● A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches,
man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

(24) **State water quality requirements.** As defined under State regulations: protection of designated and existing uses (See 25 Pa. Code Chapters 93 and 96), including:

A. Each stream segment in Pennsylvania has a **designated use**, such as **cold water fishery** or **potable water supply** which are listed in 25 Pa. Code Chapter 93. These uses must be protected and maintained, under State regulations.

B. **Existing uses** are those attained as of November 1975, regardless of whether they have been designated in 25 Pa. Code Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.

C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, stream bed and structural integrity of the waterway, to prevent these impacts.

(25) **Stormwater.** The surface runoff generated by precipitation reaching the ground surface.

(26) **Surface waters of the Commonwealth.** Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

(27) **Watercourse.** A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

(28) **Watershed.** Region or area drained by a river, watercourse or other body of water, whether natural or artificial.

(Ord. 2414. Passed 4-19-04.)

**1058.08 GENERAL REQUIREMENTS FOR STORMWATER MANAGEMENT.**

(a) All regulated earth disturbance activities within the Municipality shall be designed, implemented, operated and maintained to meet the purposes of this chapter, through these two elements:

1. Erosion and sediment control during the earth disturbance activities (e.g., during construction); and
(2) Water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance.

(b) No regulated earth disturbance activities within the Municipality shall commence until the requirements of this chapter are met.

(c) Erosion and sediment control during regulated earth disturbance activities shall be addressed as required by Section 1058.10.

(d) Post-construction water quality protection shall be addressed as required by Section 1058.11. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Sections 1058.12 through 1058.19.

(e) All best management practices (BMPs) used to meet the requirements of this chapter shall conform to the State water quality requirements, and any more stringent requirements as determined by the Municipality.

(f) Techniques described in Appendix A (Low Impact Development) attached to Ord. 2414 are encouraged, because they reduce the costs of complying with the requirements of this chapter and the State water quality requirements.

(Ord. 2414. Passed 4-19-04.)

1058.09 PERMIT REQUIREMENTS BY OTHER GOVERNMENT ENTITIES.

The following permit requirements may apply to certain regulated earth disturbance activities, and must be met prior to commencement of regulated earth disturbance activities, as applicable:

(a) All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.

(b) Work within natural drainageways subject to permit by DEP under 25 Pa. Code Chapter 105.

(c) Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.

(d) Any stormwater management facility that would be located on a State highway right-of-way, or require access-from a State highway, shall be subject to approval by the Pennsylvania Department of Transportation (PENNDOT).

(e) Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

(Ord. 2414. Passed 4-19-04.)

1058.10 EROSION AND SEDIMENT CONTROL DURING REGULATED EARTH DISTURBANCE ACTIVITIES.

(a) No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of an Erosion and Sediment Control Plan for construction activities.
(b) DEP has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code 102.4(b).

(c) In addition, under 25 Pa. Code Chapter 92, a DEP NPDES Construction Activities permit is required for regulated earth disturbance activities.

(d) Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Municipality. The issuance of an NPDES Construction permit (or permit coverage under the State-wide general permit (PAG-2) satisfies the requirements of division (a) of this section.

(e) A copy of the Erosion and Sediment Control Plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

(Ord. 2414. Passed 4-19-04.)

1058.11 WATER QUALITY REQUIREMENTS AFTER REGULATED EARTH DISTURBANCE ACTIVITIES ARE COMPLETE.

(a) No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of a plan which demonstrates compliance with State water quality requirements after construction is complete.

(b) The BMPs must be designed, implemented and maintained to meet State water quality requirements, and any other more stringent requirements as determined by the Municipality.

(c) To control post-construction stormwater impacts from regulated earth disturbance activities, State water quality requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:

(1) Infiltration: replication of pre-construction stormwater infiltration conditions;
(2) Treatment: use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff; and
(3) Stream bank and stream bed protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).

(d) DEP has regulations that require municipalities to ensure design, implementation and maintenance of BMPs that control runoff from new development and redevelopment after regulated earth disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.

2005 Replacement
(e) Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office must be provided to the Municipality. The issuance of an NPDES construction permit (or permit coverage under the State-wide general permit (PAG-2)) satisfies the requirements of division (a) of this section.

(f) BMP operations and maintenance requirements are described in Section 1058.12 through 1058.19.

(Ord. 2414. Passed 4-19-04.)

1058.12 GENERAL REQUIREMENTS FOR STORMWATER BMP OPERATIONS AND MAINTENANCE PLAN.

(a) No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of a BMP Operations and Maintenance Plan which describes how the permanent (e.g. post-construction) stormwater BMPs will be properly operated and maintained.

(b) The following items shall be included in the BMP Operations and Maintenance Plan:

1. Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Allegheny County, and shall be submitted on 24-inch by 36-inch or 30-inch by 42-inch sheets. The contents of the maps(s) shall include, but not be limited to:
   A. Clear identification of the location and nature of permanent stormwater BMPs;
   B. The location of the project site relative to highways, municipal boundaries or other identifiable landmarks;
   C. Existing and final contours at intervals of two feet, or others as appropriate;
   D. Existing streams, lakes, ponds or other bodies of water within the project site area;
   E. Other physical features, including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved;
   F. The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines of the project site;
   G. Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added;
   H. Proposed final structures, roads, paved areas, and buildings; and
   I. A 15-foot wide access easement around all stormwater BMPs that would provide ingress to and egress from a public right-of-way.

2. A description of how each permanent stormwater BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance;

3. The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the Plan; and
(4) A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that can be altered or removed only after approval by the Municipality. (Ord. 2414. Passed 4-19-04.)

1058.13 RESPONSIBILITIES FOR OPERATIONS AND MAINTENANCE OF BMPS.
(a) The BMP Operations and Maintenance Plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs as follows:
   (1) If a Plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Municipality, stormwater BMPs may also be dedicated to and maintained by the Municipality;
   (2) If a Plan includes operations and maintenance by a single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity.

(b) The Municipality shall make the final determination on the continuing operations and maintenance responsibilities. The Municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs. (Ord. 2414. Passed 4-19-04.)

1058.14 MUNICIPALITY REVIEW OF BMP OPERATIONS AND MAINTENANCE PLAN.
(a) The Municipality shall review the BMP Operations and Maintenance Plan for consistency with the purposes and requirements of this chapter, and any permits issued by DEP.

(b) The Municipality shall notify the applicant in writing whether the BMP Operations and Maintenance Plan is approved.

(c) The Municipality may require an as-built survey of all stormwater BMPs, and an explanation of any discrepancies with the Operations and Maintenance Plan. (Ord. 2414. Passed 4-19-04.)

1058.15 ADHERENCE TO APPROVED BMP OPERATIONS AND MAINTENANCE PLAN.
It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP Operations and Maintenance Plan, or to allow the property to remain in a condition which does not conform to an approved BMP Operations and Maintenance Plan, unless an exception is granted in writing by the Municipality. (Ord. 2414. Passed 4-19-04.)
1058.16 OPERATIONS AND MAINTENANCE AGREEMENT FOR PRIVATELY-OWNED STORMWATER BMPs.
(a) The property owner shall sign an operations and maintenance agreement with the Municipality covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix B attached to Ord. 2414.

(b) Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the Municipality.
(Ord. 2414. Passed 4-19-04.)

1058.17 STORMWATER MANAGEMENT EASEMENTS.
(a) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Municipal Engineer.

(b) Stormwater management easements shall be provided by the property owner if necessary for (1) access for inspections and maintenance, or (2) preservation of stormwater runoff conveyance, infiltration, and detention areas and other BMPs by persons other than the property owner. The purpose of the easement shall be specified in any agreement under Section 1058.16.
(Ord. 2414. Passed 4-19-04.)

1058.18 RECORDING OF APPROVED BMP OPERATIONS AND MAINTENANCE PLAN AND RELATED AGREEMENTS.
(a) The owner of an land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP Operations and Maintenance Plan, shall record the following documents in the Office of the Recorder of Deeds for Allegheny County within 15 days of approval of the BMP Operations Plan by the Municipality:
   (1) The Operations and Maintenance Plan, or a summary thereof;
   (2) Operations and maintenance agreements under Section 1058.16; and
   (3) Easements under Section 1058.17.

(b) The Municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.
(Ord. 2414. Passed 4-19-04.)

1058.19 MUNICIPAL STORMWATER BMP OPERATION AND MAINTENANCE FUND.
(a) If stormwater BMPs are accepted by the Municipality for dedication, the Municipality may require persons installing stormwater BMPs to pay a specified amount to the Municipal Stormwater BMP Operation and Maintenance Fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:
   (1) If the BMP is to be owned and maintained by the Municipality, the amount shall cover the estimated costs for operations and maintenance for ten years, as determined by the Municipality.

2005 Replacement
(2) The amount shall then be converted to present worth of the annual series values.

(b) If a BMP is proposed that also serves as a recreation facility (e.g. ball field, lake), the Municipality may adjust the amount due accordingly.
(Ord. 2414. Passed 4-19-04.)

1058.20 INSPECTIONS.
(a) DEP or its designees (e.g., County Conservation Districts) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the Municipality or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.

(b) During any stage of the regulated earth disturbance activities, if the Municipality or its designee determines that any BMPs are not being implemented in accordance with this chapter, the Municipality may suspend or revoke any existing permits or other approvals until the deficiencies are corrected.
(Ord. 2414. Passed 4-19-04.)

1058.21 RIGHT OF ENTRY.
(a) Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition, or operation and maintenance of the stormwater BMPs in regard to any aspect governed by this chapter.

(b) BMP owners and operators shall allow persons working on behalf of the Municipality ready access to all parts of the premises for the purposes of determining compliance with this chapter.

(c) Persons working on behalf of the Municipality shall have the right to temporarily locate on any BMP in the Municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMP.

(d) Unreasonable delays in allowing the Municipality access to a BMP is a violation of this chapter.
(Ord. 2414. Passed 4-19-04.)

1058.22 FEES AND EXPENSES; GENERALLY.
The Municipality may change a reasonable fee for review of BMP Operations and Maintenance Plans to defray review costs incurred by the Municipality. The applicant shall pay all such fees.
(Ord. 2414. Passed 4-19-04.)

1058.23 EXPENSES COVERED BY FEES.
The fees required by this chapter may cover:
(a) Administrative/clerical costs.
(b) The review of the BMP Operations and Maintenance Plan by the Municipal Engineer.
(c) The site inspections including, but not limited to, pre-construction meetings, inspections during construction of stormwater BMPs, and final inspection upon completion of the stormwater BMPs.
(d) Any additional work required to monitor and enforce any provisions of this chapter, correct violations, and assure proper completion of stipulated remedial actions.

(Ord. 2414. Passed 4-19-04.)

1058.24 PROHIBITED DISCHARGES.
(a) No person in the Municipality shall allow, or cause to allow, stormwater discharges into the Municipality's separate storm sewer system which are not composed entirely of stormwater. Prohibited discharges include but are not limited to gasoline, oil, petroleum-containing waste, solvents, anti-freeze, paints, soaps and detergents, sewage, animal waste, hazardous or toxic chemicals, litter and trash, grass clippings and leaves, and anything that can cause a film, sheen or discoloration of water. The exceptions are provided in division (b) of this section and any discharges allowed under a State or Federal permit.

(b) Discharges which may be allowed, based on a finding by the Municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:

1. Discharges from fire fighting activities;
2. Potable water sources including dechlorinated water line and fire hydrant flushings;
3. Irrigation drainage;
4. Routine external building washdown which does not use detergents or other compounds;
5. Air conditioning condensate;
6. Water from individual residential car washing;
7. Springs;
8. Water from crawl space pumps;
9. Uncontaminated water from foundation or from footing drains;
10. Flows from riparian habitats and wetlands;
11. Lawn watering;
12. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred, unless all spill material has been removed, and where detergents are not used;
13. Dechlorinated swimming pool discharges;

(c) In the event that the Municipality determines that any of the discharges identified in division (b) of this section of this section significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Municipality will notify the responsible person to cease the discharge.

(d) Upon notice provided by the Municipality under division (c) of this section, the discharger will have a reasonable time, as determined by the Municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.
(e) Nothing in this section shall affect a discharger's responsibilities under State law.
(Ord. 2414. Passed 4-19-04; Ord. 2549. Passed 8-6-12.)

1058.25 PROHIBITED CONNECTIONS.
The following connections are prohibited, except as provided in Section 1058.24(b):
(a) Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge, including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and
(b) Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Municipality.
(Ord. 2414. Passed 4-19-04.)

1058.26 ROOF DRAINS.
(a) Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches, except as provided in division (b) of this section.

(b) When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Municipality.

(c) Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.
(Ord. 2414. Passed 4-19-04.)

1058.27 ALTERATION OF BMPS.
(a) No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program, without the written approval of the Municipality.

(b) No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the Municipality.
(Ord. 2414. Passed 4-19-04.)

1058.28 PUBLIC NUISANCE.
(a) The violation of any provision of this chapter is hereby deemed a public nuisance.

(b) Each day that a violation continues shall constitute a separate violation.
(Ord. 2414. Passed 4-19-04.)

2013 Replacement
1058.29 ENFORCEMENT GENERALLY.

(a) Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the Municipality may order compliance by written notice to the responsible person. Such notice may require, without limitation:

1. The performance of monitoring, analyses and reporting;
2. The elimination of prohibited connections or discharges;
3. Cessation of any violating discharges, practices or operations;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
5. Payment of a fine to cover administrative and remediation costs;
6. The implementation of stormwater BMPs; and
7. Operation and maintenance of stormwater BMPs.

(b) Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Municipality or designee and the expense thereof shall be charged to the violator.

(c) Failure to comply within the time specified shall also subject such person to the penalty provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

(Ord. 2414. Passed 4-19-04.)

1058.30 SUSPENSION AND REVOCATION OF PERMITS AND APPROVALS.

(a) Any building, land development or other permit or approval issued by the Municipality may be suspended or revoked by the Municipality for:

1. Noncompliance with or failure to implement any provision of the permit;
2. A violation of any provision of this chapter; or
3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard, nuisance, pollution or which endangers the life or property of others.

(b) A suspended permit or approval shall be reinstated by the Municipality when:

1. The Municipal Engineer or designee has inspected and approved the corrections to the stormwater BMPs, or the elimination of the hazard or nuisance; and/or
2. The Municipality is satisfied that the violation of the chapter, law, or rule and regulation has been corrected.

(c) A permit or approval which has been revoked by the Municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this chapter.

(Ord. 2414. Passed 4-19-04.)
1058.31  APPEALS.
Any person aggrieved by any action of the Municipality or its designee, relevant to the provisions of this chapter, may appeal to the relevant judicial or administrative body according to law, within the time period allowed.
(Ord. 2414. Passed 4-19-04.)

1058.99  PENALTIES.
(a) Any person violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than five hundred dollars ($500.00) for each violation, recoverable with costs, or imprisonment of not more than 60 days, or both. Each day that the violation continues shall be a separate offense.

(b) In addition, the Municipality, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.
(Ord. 2414. Passed 4-19-04.)
CHAPTER 1060
Garbage and Rubbish Collection and Disposal


1060.001 Title.
1060.01 Effect of Commonwealth law; rules and regulations.
1060.02 Definitions.
1060.03 Manner of transporting and disposing of solid waste. (Repealed)
1060.04 Reduction plants.
1060.05 Restrictions on rubbish. (Repealed)
1060.06 Duty of collector. (Repealed)
1060.07 Collections by nonauthorized personnel prohibited. (Repealed)
1060.08 Frequency of collections. (Repealed)
1060.09 Removal of dead animals.
1060.10 Vehicles and other conveyances. (Repealed)
1060.11 Control and supervision of collection and transporting garbage, etc.
1060.12 Loads dropping, leaking, etc., on public ways. (Repealed)
1060.13 Compensation of collector.
1060.14 Use of sufficient facilities, etc., by contractor; enforcement.
1060.15 Noncompliance; remedy of Municipality.
1060.16 Monthly reports.
1060.17 Violations by the collector or his agents.
1060.18 Liability of collector.
1060.19 Receptacles. (Repealed)
1060.20 Notice to residents; failure to collect; remedy of Municipality. (Repealed)
1060.21 Bidding for contract; performance bond.
1060.22 Responsibility for labor and equipment.
1060.23 Assignment of contract; violations; cancellation of contract.
1060.24 Interpretation.
1060.25 Payment of collector.
1060.26 Determination of questions of fact. (Repealed)
1060.27 Notice to collector of assessment of liquidated damages and fines.
1060.28 Sworn statements of tonnage.
1060.29 Prohibited collection and disposal activities.
1060.30 Standards for storage of solid waste.
1060.31 Standards and regulations for collection.
1060.32 Collection and disposal charges.
1060.33 Placement for collection.
1060.34 Backyard pick-up.
1060.35 Administrative appeals.
1060.36 Injunction powers.
1060.99 Penalties.

CROSS REFERENCES
Sewers - see S.U. & P.S. Chs. 1040, 1042, 1044
Recycling - see S.U. & P.S. Ch. 1061
Authority of County Health Department - see H. & S. 1810.01

1060.001 TITLE.
This chapter shall be known and referred to as the Solid Waste Ordinance. (Ord. 2103. Passed 1-20-92.)

1060.01 EFFECT OF COMMONWEALTH LAW; RULES AND REGULATIONS.
All provisions of Acts of Assembly of the Commonwealth now in force or hereafter put in force applying to or affecting the collection or garbage, its transportation and disposal, as well as all rules of the Manager now in force or hereafter put in force, shall also be deemed, taken and included and made part of the specifications of this chapter.

1060.02 DEFINITIONS.
As used in this chapter, unless the context clearly indicates a different meaning:
(2) Agricultural waste means poultry and livestock manure or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided that such waste is not a hazardous waste. The term agricultural waste includes the residual materials generated in the producing, harvesting and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forests or other agricultural lands.
(3) Bulky waste means large items of solid waste, including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to their size, shape or weight.
(4) Commercial establishment means any establishment engaged in a nonmanufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.
(5) Construction and demolition waste means all municipal and residual waste building materials, grubbing waste and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.
(6) Department shall mean the Pennsylvania Department of Environmental Resources.
(7) Disposal means the incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on land or water in a manner that the solid waste or a constituent of such solid waste enters the environment, is emitted into the air or is
A Domestic waste or household waste means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

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

A Hauler or private collector means any person, firm, copartnership, association or corporation who or which has been licensed by the Municipality, or its designated representative, to collect, transport and dispose of refuse for a fee as prescribed in this chapter.

A Hazardous waste means any solid waste or combination of solid waste, as defined in the Act, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:
A. Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or
B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

A Industrial establishment means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

A Institutional establishment means any establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

A Municipal waste means garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

A Municipality means the Municipality of Penn Hills, Allegheny County, Pennsylvania.

A Person means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution or agency or any other legal entity which is recognized by law as the subject of rights and duties. In any provision of this chapter prescribing a fine, imprisonment or penalty, or any combination thereof, the term Person shall include the officers and directors of any corporation or other legal entity having officers and directors.

A Processing means any technology used for the purpose of reducing the volume of bulk of Municipal or residual waste or any technology used to convert part or all of such waste materials for off-site re-use. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

A Recycling means the collection, separation, recovery and sale or re-use of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as Municipal waste, or the mechanized separation and treatment of Municipal waste (other than through combustion) and creation and recovery of re-usable materials.

A Refuse means all solid waste materials which are discarded as useless.

A Residual waste means any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials, resulting from industrial, mining and agricultural operations, and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term Residual waste...
shall not include coal refuse as defined in the Coal Refuse Disposal Control Act. The term residual waste shall also not include treatment sludges from coal mine drainage treatment plants, the disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to The Clean Streams Law.

(21) Rubbish means all non-putrescible Municipal waste, except garbage and other decomposable matter. The term rubbish includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

(22) Scavenging means the unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

(23) Sewage treatment residues means any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septicage which are a Municipal solid waste and require proper disposal under Act 97.

(24) Solid waste means any waste, including, but not limited to, Municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

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

(26) Transfer station means any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

(27) Transportation means the off-site removal of any solid waste at any time after generation.

In addition to the definitions provided herein, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 2103. Passed 1-20-92.)

1060.03 MANNER OF TRANSPORTING AND DISPOSING OF SOLID WASTE. (REPEALED)

(EDITOR'S NOTE: Section 1060.03 was repealed by implication by Ordinance 2103, passed January 20, 1992.)

1060.04 REDUCTION PLANTS.

Any reduction, incineration or other type of plant or facility that may be necessary for carrying out the provisions of this chapter in their entirety, if located within the limits of the Municipality, shall be at such point as Council selects and approves and as may be approved by the courts of the County as provided by law, but the contractor may locate his plant outside of the corporate limits of the Municipality if he so desires or may go to any other incinerator within or without the County. However, any garbage reduction plant located within the corporate limits of the Municipality shall be constructed, maintained and operated in accordance with the provisions of the Act of July 28, 1953 (P.L. 723), as amended, and its maintenance and operation shall be in accordance with the rules and regulations of Council and/or the Manager insofar as such rules and regulations would apply under the existing laws, and as the same may be amended and supplemented.

1060.05 RESTRICTIONS ON RUBBISH. (REPEALED)

(EDITOR'S NOTE: Section 1060.05 was repealed by implication by Ordinance 2103, passed January 20, 1992.)

1060.06 DUTY OF COLLECTOR. (REPEALED)

(EDITOR'S NOTE: Section 1060.06 was repealed by implication by Ordinance 2103, passed January 20, 1992.)

1060.07 COLLECTIONS BY NONAUTHORIZED PERSONNEL PROHIBITED.
1060.07 FREQUENCY OF COLLECTIONS. (REPEALED)
(EDITOR'S NOTE: Section 1060.07 was repealed by implication by Ordinance 2103, passed January 20, 1992.)

1060.08 FREQUENCY OF COLLECTIONS. (REPEALED)
(EDITOR'S NOTE: Section 1060.08 was repealed by implication by Ordinance 2103, passed January 20, 1992.)

1060.09 REMOVAL OF DEAD ANIMALS.
Dead animals lying upon any of the streets, alleys or highways or elsewhere in the Municipality shall be removed immediately by the contractor upon receiving notification thereof from the Manager or the police. If the contractor fails, neglects or refuses to have the same removed within five hours after receiving notice either by telephone or otherwise (except in cases where such notice is given between the hours of 9:00 p.m. and 6:00 a.m., in which instance the computing of the five hours shall start from 6:00 a.m.) the sum of fifteen dollars ($15.00) per day for every day of failure, neglect or refusal to comply herewith shall be deducted from the next monthly bill of such contractor, which deduction shall be deemed, taken and treated as liquidated damages and not as a penalty.

1060.10 VEHICLES AND OTHER CONVEYANCES. (REPEALED)
(EDITOR'S NOTE: Section 1060.10 was repealed by implication by Ordinance 2103, passed January 20, 1992.)

1060.11 CONTROL AND SUPERVISION OF COLLECTION AND TRANSPORTING GARBAGE, ETC.
The entire work of collecting, removing and transporting garbage, dead animals, offal, decaying matter or organic waste substance of any kind shall at all times be under the control and supervision of Council and its authorized representatives through the Manager, and for the purpose of supervising the collection of garbage, etc., and inspection of transportation equipment, all policemen of the Municipality are hereby designated and appointed health officers.

1060.12 LOADS DROPPING, LEAKING, ETC., ON PUBLIC WAYS. (REPEALED)
(EDITOR'S NOTE: Section 1060.12 was repealed by implication by Ordinance 2103, passed January 20, 1992.)

1060.13 COMPENSATION OF COLLECTOR.
No money, gratuity, reward, fee or other valuable consideration, except the compensation agreed to be paid by the Municipality, shall be charged, received or taken by the collector or any of his agents or employees for doing or failing to do any part of the work required to be done under this chapter.
(Ord. 452. Passed 2-28-46.)

1060.14 USE OF SUFFICIENT FACILITIES, ETC., BY CONTRACTOR; ENFORCEMENT.
The collector shall at all times use such appliances and equipment and employ such or so many men for the performance of all of the operations connected with the work embraced under this chapter as will secure a satisfactory rate of progress and quality of work. If it appears at any time that the work, or any part thereof, is not being properly done, the same shall be immediately corrected upon demand of Council or its agents, such as the Manager.

1060.15 NONCOMPLIANCE; REMEDY OF MUNICIPALITY.
In case of failure by the collector to comply in any respect with this chapter or with the
contract, Council shall have the right and power to authorize or provide for the collection, removal and disposal of garbage, offal, condemned meat, dead animals, decaying matter or organic waste substance which the collector fails to collect, remove, etc., and to charge the expenses to the collector, and the collector and his sureties shall be liable for the expense incurred therein.

(Ord. 452. Passed 2-28-46.)

1060.16 MONTHLY REPORTS.
The collector shall make monthly reports on forms approved by either Council or the Manager which will show the number of all loads or parts of loads as well as the tonnage collected, including dead animals, and such reports shall be sworn before a magistrate or notary public.

1060.17 VIOLATIONS BY THE COLLECTOR OR HIS AGENTS.
Any official or employee of the collector who, while on duty, under the terms of the contract, uses improper or vile language, or is under the influence of alcoholic beverages or drugs, or fills his receptacle or truck bed with water or any other foreign matter, or demands or accepts pay from residents for services rendered, or falsifies any report he may be called upon to make, or refuses to collect or remove garbage, etc., without being paid for the same, except such lawful compensation as is provided for under the contract with the Municipality, shall immediately be discharged and barred from further employment in such work within the corporate limits of the Municipality. Should the collector keep in his employ, or at any time, re-employ, any such person, the same shall constitute a violation of the contract as well as the provisions of this chapter, and there shall be deducted from the next monthly sum due such collector seven dollars and fifty cents ($7.50) for each such person for each and every day so employed, which sum shall be deemed, taken and treated as liquidated damages and not as a penalty. Only adult men shall be employed in the collection, removal and transportation of garbage, etc.

(Ord. 452. Passed 2-28-46.)

1060.18 LIABILITY OF COLLECTOR.
The collector shall indemnify and save harmless the Municipality, the Manager and Municipal employees against any and all claims which may be made by reason of any infringement of any patent right in the use of any machinery, equipment or apparatus necessary in the collection, disposal and transportation of garbage, offal, dead animals, condemned meat, decaying matter or organic waste substance of any kind under this chapter, and the collector shall also indemnify and save harmless Council, the Manager and Municipal employees and each and every one of them against and from all suits and actions brought against them or any of them, and also from all damages and costs to which they, or any of them, may be put by reason of injury to the person or property of any other, resulting from negligence or carelessness or otherwise, in the performance of the obligations of the collector under the contractor, or from any defective or improper appliance used in the performance of the same.

1060.19 RECEPtACLES. (REPEALED)
(EDITOR'S NOTE: Section 1060.19 was repealed by implication by Ordinance 2103, passed January 20, 1992.)

1060.20 NOTICE TO RESIDENTS; FAILURE TO COLLECT; REMEDY OF MUNICIPALITY. (REPEALED)
(EDITOR'S NOTE: Section 1060.20 was repealed by implication by Ordinance 2103, passed January 20, 1992.)

1060.21 BIDDING FOR CONTRACT; PERFORMANCE BOND.
The proper officers of the Municipality are hereby authorized and directed to advertise, from time to time, for bids for the collection, removal and transportation of garbage, offal, dead animals, condemned meat, decaying matter and organic waste substances of any kind in accordance with
the provisions of this chapter; to enter into a contract or contracts with the successful bidders; and
to otherwise provide for the continuous collection and removal of garbage, etc., from the
Municipality. Each bid shall be accompanied by a certified check or treasurer’s check payable to
the Director of Finance of the Municipality, and the person to whom the contract is awarded shall
file a performance bond in favor of the Municipality within ten days after the contract has been
awarded in the sum of fifty percent of the contract price, conditioned on faithfully carrying out and
performing all of the provisions of the contract and of this chapter.
(Ord. 452. Passed 2-28-46.)

1060.22 RESPONSIBILITY FOR LABOR AND EQUIPMENT.
All labor and equipment of every kind necessary to carry out the provisions of this chapter
shall be furnished by and at the expense of the collector.
(Ord. 452. Passed 2-28-46.)

1060.23 ASSIGNMENT OF CONTRACT; VIOLATIONS; CANCELLATION OF
CONTRACT.
When the contract has been entered into, it shall not be assigned, transferred or set over to any
other person, and any party assuming the direction of the work or taking part therein shall be
considered as an employee under this chapter and under the contract. Any violation of the Acts of
Assembly of the Commonwealth or of the ordinances of the Municipality shall be sufficient cause
for the immediate cancellation of the contract by Council, which may thereupon employ the
necessary labor to perform the work and re-advertise and re-let the work at the expense of the
offending contractor and his sureties.
(Ord. 452. Passed 2-28-46.)

1060.24 INTERPRETATION.
The provisions of this chapter are intended to be explanatory of each other, but in case any
misunderstanding or doubt as to the meaning of any of the provisions hereof arises, the same shall
be submitted to the Manager for his interpretation, and his decision and interpretation shall be
final, binding and conclusive without exception or appeal.

1060.25 PAYMENT OF COLLECTOR.
Payments shall be made to the collector either monthly or semimonthly, as is set forth in the
contract, but only after a sworn statement of the collector has been submitted to the Manager. The
amount of payment shall be agreed upon and fixed in the contract entered into between the
Municipality and the collector. Such payments shall be made subject to the provisions of this
chapter.

1060.26 DETERMINATION OF QUESTIONS OF FACT. (REPEALED)
(EDITOR’S NOTE: Section 1060.26 was repealed by implication by Ordinance 2103, passed
January 20, 1992.)

1060.27 NOTICE TO COLLECTOR OF ASSESSMENT OF LIQUIDATED DAMAGES
AND FINES.
The Manager shall notify the collector within forty-eight hours after each and every
assessment of liquidated damages or any fine imposed under the provisions of this chapter. The
signed statement of any householder of failure to collect garbage, etc., according to the provisions
of this chapter shall be sufficient evidence of the contractor’s failure to do so, when verified by a
representative of the Manager. Notice to the collector shall be notice by telephone or otherwise, to
his place of business, office or home.

1060.28 SWORN STATEMENTS OF TONNAGE.
If the contract for the work herein provided for is let on a tonnage basis, the collector shall
furnish monthly sworn statements or semimonthly sworn statements of the tonnage as herein provided. However, the Municipality reserves the right to require all garbage to be weighed upon scales designated by it within the corporate limits of the Municipality and may, at any time, require the same. The Municipality shall pay the expense of the weighing.

(Ord. 452. Passed 2-28-46.)

1060.29 PROHIBITED COLLECTION AND DISPOSAL ACTIVITIES.

(a) It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Municipality, any garbage, rubbish, bulky waste or any other Municipal or residual solid waste, except in accordance with the provisions of this chapter, any Department rules and regulations adopted pursuant to Act 97 and Health Department Rules and Regulations, Article VIII.

(b) It shall be unlawful for any person to burn any solid waste within the Municipality except in accordance with the provisions of this chapter, any Department rules and regulations adopted pursuant to Act 97 and Health Department Rules and Regulations, Article VIII.

(c) It shall be unlawful for any person to dispose of any solid waste in the Municipality except in accordance with the provisions of this chapter, any Department rules and regulations adopted pursuant to Act 97 and Health Department Rules and Regulations, Article VIII.

(d) It shall be unlawful for any person to haul, transport, collect or remove any solid waste from public or private property within the Municipality without first securing a license to do so in accordance with the provisions of this chapter.

(e) It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Municipality without prior approval by the Municipality.

(f) It shall be unlawful for any person to salvage or reclaim any solid wastes within the Municipality except at an approved and permitted resource recovery facility under Act 97 and any Department rules and regulations adopted pursuant to Act 97.

(g) It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited, any solid waste in or upon any street, alley, sidewalk, body of water or public or private property within the Municipality except as provided for in this chapter.

(Ord. 2103. Passed 1-20-92.)

1060.30 STANDARDS FOR STORAGE OF SOLID WASTE.

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

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

(c) Any person storing Municipal waste for collection shall comply with the following preparation standards:
   (1) All Municipal waste shall be drained of free liquids before being placed in storage containers.
   (2) All garbage or other putrescible waste shall be securely wrapped in paper, plastic
or similar material, or placed in properly tied plastic bags.

(3) All clear, brown and green glass containers and plastic jugs and jars are to be recycled, not placed out as solid waste.

(4) Hedge cuttings, limbs and branches from trees are not to exceed three inches in diameter and shall be securely tied in bundles not exceeding forty-eight inches in length and not exceeding seventy-five pounds.

(5) Magazines and newspapers, unless recycled, are to be securely tied or placed in a closed container.

(6) When specified by the Municipality or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.

(d) All Municipal waste shall be stored in containers approved by the Municipality or its designated representative. Individual containers and bulk containers utilized for the storage of Municipal waste shall comply with the following standards:

(1) Reusable containers shall be constructed of durable, watertight, rust and corrosion-resistant material, such as plastic, metal or fiberglass, in such a manner as to be leak-proof, weatherproof, insect-proof and rodent-proof.

(2) Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.

(3) Reusable containers for individual residences shall have a capacity of not more than twenty-six gallons and a loaded weight of not more than forty pounds.

(4) Disposable plastic bags or sacks are acceptable containers provided that the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied at the top for collection and shall have a capacity of not more than thirty gallons and a loaded weight of not more than thirty-five pounds. A total of ten items can be placed out for collection.

(5) All containers, either reusable or disposable, shall also comply with the minimum standards established by the National Sanitation Foundation.

(e) Any person storing Municipal waste for collection shall comply with the following storage standards:

(1) Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.

(2) Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.

(3) Containers shall be used and maintained so as to prevent public nuisances.

(4) Containers that do not conform to the standards of this chapter, or that have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel, shall be promptly replaced by the owner upon notice from the Municipality or its designated representative.

(5) Containers shall be placed by the owner or customer at a collection point specified by the Municipality or its designated representative.

(6) With the exception of pick-up days when the containers are placed out for collection, the containers shall be properly stored on the owner's or customer's premises at all times.

(7) Bulk waste items, such as furniture, automobile parts, machinery, appliances and tires, shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards.
(f) The storage of all Municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources, is subject to the regulations and standards set forth in this chapter. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and are subject to approval by the Municipality.

(Ord. 2103. Passed 1-20-92.)

1060.31 STANDARDS AND REGULATIONS FOR COLLECTION.

(a) The Municipality shall provide for the collection of all garbage, rubbish and bulky wastes from individual residences and multifamily residential sources with two or fewer units, or it may contract with a private collector or collectors to provide this essential residential collection service.

(b) All households and homeowners shall utilize the residential collection service provided by the Municipality unless they can demonstrate that they have made alternative arrangements that are consistent with this chapter and approved by the Municipality.

(c) All multifamily residential sources with three or more units and all commercial, institutional and industrial establishments shall negotiate and individually contract collection service with the Municipality's collector or any other properly licensed waste hauler of their choice.

(d) All residential garbage and rubbish shall be collected at least once a week. Bulky wastes shall be collected following prior arrangement with the Municipality's collector and payment of any required special fees.

(e) All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies and unsightly conditions. The Municipality reserves the right to require more frequent collection when deemed necessary.

(f) Residential collection schedules shall be published regularly by the Municipality or its contracted hauler.

(g) All solid waste collection activity shall be conducted Monday through Friday between the hours of 6:00 a.m. and 6:00 p.m., or on Saturdays between the hours of 6:00 a.m. and 6:00 p.m., unless prior approval of any exception has been granted by the Municipality. No collection, hauling or transporting of solid waste shall be permitted on Sunday.

(h) All licensed haulers and haulers under contract with the Municipality shall comply with the following standards and regulations:

1. All Municipal waste collected within the Municipality shall ultimately be disposed of only at a landfill cited in the Allegheny County Solid Waste Plan - 1990, or subsequent revisions thereto.

2. All trucks and other vehicles used for the collection and transportation of Municipal waste must comply with the requirements of Act 57 and any Department regulations adopted pursuant to Act 97, and such vehicles must be licensed by the Allegheny County Health Department.

3. All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.
(4) Collection vehicles for rubbish and other non-putrescible solid waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.

(5) All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

(6) All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

(Ord. 2103. Passed 1-20-92.)

1060.32 COLLECTION AND DISPOSAL CHARGES.

(a) The governing body of the Municipality shall be authorized to make funds available, in accordance with the laws and procedures of the Municipality, for the establishment, maintenance and operation of a Municipal solid waste collection and disposal system, or for the contracting of such service to a private collector.

(b) Annual fee schedules, if appropriate, shall be published by the Municipality based on any competitively bid residential collection service contract that may be awarded by the Municipality.

(c) The Municipality shall be responsible for the collection of any fees for solid waste collection and disposal from residential customers in buildings of two or fewer units. Licensed haulers shall be responsible for the collection of any collection and disposal fees from commercial, institutional and industrial customers and multifamily sources of three or more units.

(Ord. 2103. Passed 1-20-92.)

1060.33 PLACEMENT FOR COLLECTION.

(a) As used in this section, garbage, rubbish or other refuse means and includes the container in which such garbage, rubbish or other refuse may be placed, and this section shall apply to such containers, whether they are filled or empty.

(b) Garbage, rubbish or other refuse shall not be placed in the front yard or at the curb line prior to 4:00 p.m. on the day preceding the day designated for pick-up of garbage, rubbish or other refuse.

(c) The resident, occupant or person in charge of the property from which garbage, rubbish or other refuse has been picked up shall remove or cause to be removed from the curb line and/or front yard, and shall cause to be placed out of view from the street, the emptied garbage, rubbish or other refuse container. Such removal shall be accomplished not later than 12:00 midnight on the day of pick-up.

(d) This section shall be enforced by either the Director of Code Enforcement or the Department of Police of the Municipality.

(Ord. 1738. Passed 5-19-82.)

1060.34 BACKYARD PICK-UP.

If the private refuse hauler for the Municipality offers backyard pick-up, the Manager will establish procedures to identify those residents of the Municipality who are disabled and/or indigent and who require backyard pick-up. The Manager will establish the criteria to determine which residents qualify for backyard pick-up, subject to the consent of Council.

Once it has been established that a resident qualifies for backyard pick-up under this section, the Manager will contact the private refuse hauler and arrange for backyard pick-up at no cost to the qualified residents. Such cost shall be paid by the Municipality.

Nothing in this section shall prohibit a resident from contracting individually with the private
refuse hauler for backyard pick-up if the same is available from the contractor.  
(Ord. 1828. Passed 12-15-83.)

1060.35 ADMINISTRATIVE APPEALS.
(a) All appeals shall be made in writing to the governing body of the Municipality, together 
with a filing fee of one hundred dollars ($100.00).

(b) Pending a reversal or modification, all decisions of the Municipality shall remain 
effective and enforceable.

(c) Appeals may be made by any person who is aggrieved by a new standard or regulation 
issued by the Municipality. Appeals must be made within ten days after the Municipality gives 
notice of its intention to issue the new standard or regulation.

(d) The notice of appeal shall be served in writing and sent by certified mail with return 
receipt requested. Within twenty days after receipt of the notice of appeal, the Municipality shall 
hold a public hearing. Notice of the hearing shall be sent to both parties in time to adequately 
prepare for the hearing. In addition to publication in the local newspaper, notice shall be sent to the 
parties by certified mail with return receipt requested at the last known address.  
(Ord. 2103. Passed 1-20-92.)

1060.36 INJUNCTION POWERS.
The Municipality may petition a court for an injunction, either mandatory or prohibitive, to 
enforce any of the provisions of this chapter.  
(Ord. 2103. Passed 1-20-92.)

1060.99 PENALTIES.
Whoever violates any provision of this chapter is guilty of a misdemeanor and shall be fined 
not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or, in default of 
payment of such fine, shall be imprisoned not more than thirty days. Each day that a violation 
occurs or continues shall be considered a separate and distinct offense.  
(Ord. 2103. Passed 1-20-92.)
CHAPTER 1061
Recycling

1061.01 Definitions.
1061.02 Program established.
1061.03 Administration and enforcement.
1061.04 Separation of recyclables; collection.
1061.05 Leaf recycling and composting.
1061.06 Unauthorized collection.
1061.07 Disposal of recyclable materials.
1061.08 Operation of recycling facilities.
1061.09 Additional methods of disposal.
1061.10 Incentives for recycling.
1061.11 Conflicts.
1061.12 Exemptions.
1061.13 Amendments.
1061.99 Penalty.

CROSS REFERENCES
Sewers - see S.U. & P.S. Chs. 1040, 1042, 1044
Garbage and rubbish collection and disposal - see S.U & P.S. 1060
Authority of County Health Department - see H. & S. 1810.01

1061.01 DEFINITIONS.
As used in this chapter:
(b) Alu"m means all empty aluminum beverage or food cans.
(c) Bi"metal containers means empty food or beverage containers consisting of steel and aluminum.
(d) Collector means the entity or entities authorized by the Municipality to collect recyclables from residences or community activities authorized by commercial, Municipal, institutional and multifamily establishments, and community activities that do not receive collection services from the Municipality to collect recyclable materials from those properties.
(e) Community activities means events that are sponsored by public or private agencies or individuals that include, but are not limited to, fairs, bazaars, picnics and organized sporting events attended by 200 or more individuals per day.
(f) Corrugated paper means structural paper material with an inner core shaped in rigid parallel furrows and ridges.
(g) Glass containers means bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.
(h) High grade office paper means all white paper, bond paper and computer paper used in commercial, institutional and Municipal establishments or at community activities.
(i) Institutional establishments means all facilities that house or serve groups of people, including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and universities.
(j) Leaf waste means leaves from trees, bushes and other plants, garden residues, chipped
shrubbery and tree trimmings, but not including grass clippings.

(k) **Multifamily housing** means any properties having three or more dwelling units per structure.

(l) **Municipal establishments** means public facilities operated by the Municipality and other governmental and quasi-governmental authorities.

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

(n) **Newspaper** means paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions and containing therein advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, color comics and glossy advertising inserts printed in colors other than black and white often included with newspapers.

(Ord. 2084. Passed 2-4-91.)

(o) **Operator** means a person engaged in the operation of a recycling facility and/or collection and transportation program associated with such facility. When more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with this chapter.

(Ord. 2093. Passed 7-1-91.)

(p) **Person** means an owner, lessee or occupant of a residence or of a commercial, Municipal or institutional establishment, or an attendant at a community activity.

(q) **Plastic containers** means empty plastic milk jugs and plastic pop bottles.

(r) **Recyclable materials** means materials which are specified by the Municipality and generated by residences, commercial, Municipal and institutional establishments and community activities and which can be separated from Municipal waste and returned to commerce to be reused as a resource in the development of useful products.

(s) **Recycling** means the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as Municipal waste, or the mechanized separation and treatment of Municipal waste (other than through combustion) and the creation and recovery of reusable materials.

(Ord. 2084. Passed 2-4-91.)

(t) **Recycling facility** means a facility employing a technology that is a process that separates or classifies Municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term **recycling facility** shall not mean transfer stations or landfills for solid waste or composting facilities or resource recovery facilities.

(Ord. 2093. Passed 7-1-91.)

(u) **Single-family residence** means a detached, single-family home, a townhouse, a duplex and apartment units in a building with two or fewer units.

(v) **Source-separated recyclable materials** means those materials separated at the point of origin for the purpose of being recycled.

(Ord. 2084. Passed 2-4-91.)

1061.02 PROGRAM ESTABLISHED.

There is hereby established a recycling program, which program shall include mandatory source separation and collection of recyclables from garbage and rubbish in the Municipality of
Penn Hills.
(Ord. 2084. Passed 2-4-91.)

1061.03 ADMINISTRATION AND ENFORCEMENT.
(a) The Manager is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this chapter as deemed necessary, including, but not limited to, the following:
   (1) Establishing recyclable materials to be separated for collection and recycling by residences, and additional materials to be separated by commercial, Municipal and institutional establishments and at community activities.
   (2) Establishing collection procedures for recyclable materials.
   (3) Establishing reporting procedures for amounts of materials recycled.
   (4) Establishing procedures for the distribution, monitoring and collection of recycling containers.
   (5) Establishing procedures and rules for the collection of leaf waste.

(b) The Municipality hereby authorizes the Manager and/or his agents, including, but not limited to, police officers, Department of Code Enforcement officers and zoning officers, to enforce any and all provisions of this chapter. The Municipality also has the power of random inspection to insure compliance.
(Ord. 2084. Passed 2-4-91.)

1061.04 SEPARATION OF RECYCLABLES; COLLECTION.
(a) All persons who are residents of the Municipality shall separate all of those recyclable materials designated by the Municipality from all other Municipal waste produced at their homes, apartments and other residential establishments, and store such materials for collection in accordance with the guidelines established herein.

(b) The Municipality hereby selects clear and colored glass, aluminum and other metal cans, plastic milk jugs, plastic pop bottles, newspapers and leaves as materials to be recycled. The Municipality also reserves the right to revise the selection of these materials in accordance with Act 101 to respond to changing markets. By amendment to this chapter, the Municipality may expand, reduce or otherwise change materials to be recycled.

(c) Glass containers shall be emptied and cleaned, and metal rings or caps shall be removed.

(d) All recyclables shall be emptied and rinsed. Recyclables shall not be compacted in household trash compactors.

(e) Newspapers shall be tied in easy-to-manage bundles or placed in paper bags, stacked alongside the curbside collection container and kept dry.

(f) All recyclable materials, except leaves, shall be placed in the household recycling container provided to each single-family residence in the Municipality, with newspapers placed alongside the container. Recyclables shall be placed at the curbside for collection, unless rear-yard pick-up has been authorized by the Municipality. It shall be unlawful for a person to dispose of solid waste which contains recyclables.

(g) The Municipality will deliver to each household a container which must be used as the container for recyclables. No other use of this container is permissible. It must remain with the property upon change of ownership or tenancy, and it must be replaced, at the expense of the property owner, should the container be damaged, lost, stolen or otherwise not available. The
Municipality will also purchase a container for each apartment unit. Owners or managers of the buildings are responsible for receiving and distributing the containers to each resident of their building. The container must be used only for recycling and must remain with the unit. If the container is lost, it must be replaced at the owner's or tenant's expense.

(h) An owner or landlord of multifamily rental housing property with three or more units, or his or her agent, shall comply with its recycling responsibilities by establishing a collection system for recyclables and leaves at each property. The collection system must include suitable containers for sorting the recyclable materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. An owner or landlord, or his or her agent, who complies with this chapter shall not be liable for noncompliance of occupants of such owner's or landlord's buildings.

If recyclable materials are collected by a collector other than the Municipality or its authorized agents, an owner or landlord, or his or her agent, shall submit an annual report to the Department of Planning and Development by January 15 of each year. The report shall contain information on the tonnage of materials recycled during the previous year.

(i) Persons must separate high grade office paper, aluminum, corrugated paper, leaf waste and other such materials as may be designated by the Municipality, generated at commercial, Municipal and institutional establishments and from community activities, and store such recyclable materials until collection. A person may be exempted from the provisions of this subsection if that person submits documentation to the Municipality annually indicating that the designated recyclable materials are being recycled in an appropriate manner.

If recyclable materials are collected by a collector other than the Municipality or its authorized agent, occupants of said establishments shall submit an annual report to the Municipality by January 15 of each year. The report shall contain information on the tonnage of materials recycled during the previous year.

(Ord. 2084. Passed 2-4-91.)

1061.05 LEAF RECYCLING AND COMPOSTING.

(a) The Municipality will establish a leaf collection program for single-family residences.

(b) Leaves shall not be placed out for garbage collection. Leaves are to be bagged in specially formulated bags available at various locations throughout the Municipality. The Municipality will distribute information as to where the leaf bags can be purchased. Leaves shall be placed at the curb no sooner than twenty-four hours prior to designated leaf collection days, at which time they will become the property of and collected by Municipal agents.

(c) Single-family residences are not required to bag leaves for collection at the curb but have the option of creating household leaf composting areas, provided that such areas are properly maintained so as to not create a nuisance to adjacent properties.

(d) The Municipality shall provide for the collection, transportation and composting of leaves from single-family residences. Such compost shall become the property of the Municipality, and a program shall be developed for the distribution, sale or use of this compost.

(Ord. 2084. Passed 2-4-91.)

1061.06 UNAUTHORIZED COLLECTION.

From the time of placement of recyclables at the curb for collection, or otherwise when delivered to an authorized recycling agent in accordance with the terms of this chapter, items shall be the property of the Municipality or its authorized agent. It shall be a violation of this chapter for any person not authorized by the Municipality to collect a pickup or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations
shall constitute a separate and distinct offense punishable as provided in Section 1061.99. This section is not intended to prevent the homeowner from directly delivering recyclable materials to any authorized recycling agent. (Ord. 2084. Passed 2-4-91.)

1061.07 DISPOSAL OF RECYCLABLE MATERIALS.
Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this chapter. Collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated recyclable materials in landfills or by the burning of such materials in incinerators is prohibited. (Ord. 2084. Passed 2-4-91.)

1061.08 OPERATION OF RECYCLING FACILITIES.
(a) Generally. An operator of a recycling facility within the boundaries of the Municipality shall:
(1) Develop the recycling facility in accordance with the local Zoning Ordinance, Building Code and other local development ordinances.
(2) Comply with the recycling fee provisions provided in subsection (b) hereof.
(3) Comply with the reporting and record-keeping provisions provided in subsection (c) hereof.

(b) Recycling Fee. There is hereby imposed a recycling fee of one dollar ($1.00) per ton for all recyclables processed at a recycling facility. Operators shall make the recycling fee payment quarterly. The fee shall be paid on or before the fifteenth day of April, July, October and January for the three months ending the last day of March, June, September and December. Recyclables shall be weighed in accordance with Section 701(c) of Act 101.

(c) Reporting and Record-Keeping. The operator's recycling fee shall be accompanied by information sufficient to describe the weight and volume of recyclables received by the recycling facility during the payment period and any other aggregate deemed necessary by the Municipality to carry out the purposes of this chapter or Act 101. A copy of records must be kept at the facility for a period of five years and shall be made available to the Municipality for inspection upon request. (Ord. 2093. Passed 7-1-91.)

1061.09 ADDITIONAL METHODS OF DISPOSAL.
(a) The Municipality may provide drop-off centers for various recyclables, and residents may choose to transport recyclables to these drop-off centers or otherwise transport recyclables in accordance with Act 101.

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

(c) The Municipality and/or its agents shall not be responsible for collecting recyclables, other than bundled newspaper, not contained in the household container provided by the Municipality. Households with unusually large quantities of recyclables can store these recyclable for the next available collection, transport the materials to a drop-off center or authorized recycling
agent or contract independently for collection. Additional containers can be purchased from the Municipality if the household determines that one container will not be sufficient on a regular basis.
(Ord. 2084. Passed 2-4-91.)

1061.10 INCENTIVES FOR RECYCLING.
The Municipality shall, from time to time, create incentive programs to promote and increase participation in recycling programs. No such incentive program shall relieve property owners from the responsibility for compliance with this chapter.
(Ord. 2084. Passed 2-4-91.)

1061.11 CONFLICTS.
Council hereby adopts this chapter in accordance with the provisions of Act 101. Where provisions of Allegheny County plans or other authorities conflict with the provisions of this chapter, the provisions of this chapter shall apply.
(Ord. 2084. Passed 2-4-91.)

1061.12 EXEMPTIONS.
Any property owner subject to the creation of undue hardship as a result of the provisions of this chapter may apply for an exemption. The property owner must demonstrate that the hardship is extreme and not self-imposed, and otherwise demonstrate just cause. The Manager may deny the request, approve the request or approve the request with conditions.
(Ord. 2084. Passed 2-4-91.)

1061.13 AMENDMENTS.
The Municipality may, from time to time, modify, add to or remove from the standards and regulations provided in this chapter as authorized by Section 1061.03.
(Ord. 2084. Passed 2-4-91.)

1061.99 PENALTY.
(a) Except as otherwise provided in this section, whoever violates or fails to comply with any provision of this chapter shall be fined not more that five hundred dollars ($500.00).

(b) Whoever violates Section 1061.04 shall be fined not more than fifty dollars ($50.00) for a first offense or two hundred dollars ($200.00) for a second offense. No enforcement of Section 1061.04 shall be made until two months from the effective date thereof, and until such time as the household, landowner and/or business is advised, via direct mail, of the contents of Section 1061.04 and this section, to enable the Municipality to implement educational programs.
(Ord. 2084. Passed 2-4-91.)
CHAPTER 1062
Ambulance Service

1062.01 Declaration of necessity.
1062.02 Fees.
1062.03 Payment of fees.
1062.04 Minimum standard of care.

CROSS REFERENCES
Exemption of ambulance and rescue squad personnel from civil liability - see ACT 14 of June 17, 1971
Penn Hills Area Agency on Aging - see ADM. Ch. 270
Operation of vehicles - see TRAF. Ch. 456
Parking - see TRAF. Ch. 464

1062.01 DECLARATION OF NECESSITY.
   The Mayor and Council find and, therefore, declare that it is necessary that an adequate public ambulance service be established and operated for the benefit and preservation of the public health, comfort, convenience and general welfare of all individuals who are in need of emergency health service while in the Municipality.
   (Ord. 2336. Passed 5-3-00.)

1062.02 FEES.
   (a) User Fees. Ambulance user fees and special services costs shall be imposed upon nonresidents of the Municipality for emergency medical services rendered by the Emergency Health Services Division of the Police Department. These fees can be increased on an annual basis by the Director of the Department or Chief of Police. Any increase in fees shall be commensurate with the cost of rendering such service.

   (b) Third Party Billing. The Municipality is hereby authorized to charge third-party payers, where applicable, for the rendering of emergency ambulance service to resident and nonresident users of such service. The fee shall be commensurate with the cost of rendering such service.

      By requesting Municipal ambulance services, the user shall be deemed to assign his or her rights related to such services against the third-party payers to the Municipality.

      A resident or nonresident user shall provide to the Division of Emergency Health Services of the Police Department all third party billing information as requested. If, after written request, the user fails to provide such third party billing information, the user shall be solely responsible for payment.

      All residents or nonresidents shall be responsible for any deductible or co-pay amounts or balances due after third-party and co-insurance payments have been received. Waivers of a portion or all of any deductible, co-pay amounts or balances due may be granted by the Director of the Department or Chief of Police only in cases of genuine financial hardship or indigency cases where the user does not have the financial ability to pay said user fee. All reasonable efforts shall be made to verify that said user qualifies as a true financial hardship case or indigent.
   (Ord. 2336. Passed 5-3-00.)

1062.03 PAYMENT OF FEES.
   (a) A resident or nonresident charged a fee for the use of emergency medical services of the Municipality shall pay such fee within thirty days unless it is established that he or she is without
the financial means to pay such fee, as aforesaid. There shall be a late fee of twenty-five dollars ($25.00) if payment is not received within thirty days from the date of the notice for payment.

(b) The Division of Emergency Health Services of the Police Department is hereby authorized to promulgate appropriate regulations for billing and collection of such charges, provided that nothing herein shall require payment prior to and conditioned upon the rendering of services and transportation by the Division.

(c) The Municipality shall make all reasonable efforts to collect any fees and/or charges from the user until such time it is determined that no further efforts would be successful or economically feasible.
(Ord. 2336. Passed 5-3-00.)

1062.04 MINIMUM STANDARD OF CARE.
The minimum level of emergency medical service care and transportation in the Municipality shall be advanced life support. This provision is applicable to the services provided by the Division of Emergency Health Services of the Police Department and to services provided by all mutual aid or backup providers providing services within the Municipality, except in an emergency when all advanced life support units are unavailable.
(Ord. 2336. Passed 5-3-00.)
CHAPTER 1064
Summer Recreation Program

1064.01 Administration of program.

CROSS REFERENCES
Department of Parks and Recreation see ADM. Ch. 240

1064.01 ADMINISTRATION OF PROGRAM.
(a) Effective June 1, 1976, the Municipality shall assume responsibility for the operation of the summer recreation program.

(b) Such program shall be administered by the Director of Parks and Recreation reporting to the Municipal Manager.

(c) All planning and programming for such program shall be conducted in cooperation with school personnel.

(d) Instructor personnel for such program shall be obtained primarily from qualified teacher personnel.

(e) The Municipality shall incur no direct budgetary expenditure for the operation of such program.

(f) Such program shall be entirely self-sustaining. Any course provided within such program which does not meet enrollment standards shall be dropped.

(g) No transportation shall be provided for individuals utilizing the program.

(h) The program shall be revised from time to time by the administrative staff of the Municipality and the School District, and reports shall be made to the appropriate governing bodies concerning its effectiveness.
(Res. 26-1976. Passed 5-3-76.)
CHAPTER 1066
Secondary Summer School Program

1066.01 Development and implementation of program.
1066.02 Responsibility of School District.
1066.03 General conditions.
1066.04 Curriculum.

CROSS REFERENCES
Proximity of coin-operated machines to schools - see B.R. & T. 820.07

1066.01 DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.
The Municipality shall develop and implement a Summer School Program in a manner that will be in compliance with the Pennsylvania School Code provisions, employ certified staff personnel (including a program administrator), establish and collect reasonable tuition fees, pay salaries and other related program costs (including custodial charges, secretarial expenses, etc.) and maintain a system of pupil accounting and student evaluation. (Res. 47-1977. Passed 5-9-77.)

1066.02 RESPONSIBILITY OF SCHOOL DISTRICT.
The School District shall make available necessary space to house the program, arrange for custodial services, lend students proper textbooks and review student achievements at the conclusion of the program to determine the granting of School District credits. (Res. 47-1977. Passed 5-9-77.)

1066.03 GENERAL CONDITIONS.
In order to achieve the best possible results in regard to the development, implementation and management (including supervision) of a high quality pilot educational Summer School Program, other areas of agreement are as follows:
(a) A minimum of fifteen students shall be the number of participants necessary to have a class.
(b) A course offering shall consist of sixty instructional hours.
(c) A student not complying with any dress standards established for the program or who seems disruptive in regard to behavior may be refused further participation.
(d) A refund shall not be possible after the second scheduled class is held.
(e) A student who misses school or is tardy may be denied credit for the course.
(f) A refundable book deposit fee of five dollars ($5.00, per student shall be collected. (Res. 47-1977. Passed 5-9-77.)

1066.04 CURRICULUM.
(a) Classes to be held shall include:
   (1) Typing, reading (improvement-speed), English I, II, III, IV, history (world culture-American), math (general I & II - algebra I - geometry I), science (life) and physical education.
   (2) Student fees shall be thirty dollars ($30.00) per resident and fifty dollars ($50.00) per nonresident.
   (3) Should any profits result, these moneys shall be used in regard to planning and implementation of another Municipality community program or special activity.
(b) Despite the generality of the foregoing, the School District shall have no right of control over any aspect of this Summer School Program. This chapter merely establishes minimal educational standards which the School District represents. It shall apply in determining whether or not to accept credits earned by participating students.

(Res. 47-1977. Passed 5-9-77.)
CHAPTER 1068
Parks, Recreation Areas and Public Buildings

1068.01 Alcoholic beverages in Municipal parks and public buildings.
1068.02 William McKinley Citizens Center.
1068.03 Fee for use of Council Chambers.
1068.99 Penalty.

CROSS REFERENCES
Department of Parks and Recreation - see ADM. Ch. 240
Recreation Advisory Committee - see ADM. Ch. 276

1068.01 ALCOHOLIC BEVERAGES IN MUNICIPAL PARKS AND PUBLIC BUILDINGS.

(a) Permit Required. No person or organization shall transport alcoholic beverages into a Municipal park or municipally owned building being used for Municipal purposes, or consume alcoholic beverages in any such park or building, without first obtaining a permit therefor.

(b) Permit Application and Issuance; Conditions. Any person or organization who or which desires to transport alcoholic beverages into a Municipal park or consume or use alcoholic beverages in a Municipal park must apply for a special permit therefor with the Department of Parks and Recreation. The granting of such a permit is at the discretion of the Department. If a permit is granted, it must be kept at the park site by the applicant. Permitted sales or consumption of alcoholic beverages shall be made only in individual drinks, not in the original packages or otherwise in bulk, and such drinks shall be served for consumption on the immediate premises of the concession.

(c) Permit Fee. In addition to the standard park permit fee, an additional fee of ten dollars ($10.00) must be paid to the Department of Parks and Recreation when the park permit allows consumption of alcoholic beverages pursuant to subsection (b) hereof.

(d) Intoxicated Persons Prohibited. No person shall enter or remain in a Municipal park or municipally owned building who is visibly under the influence of alcoholic beverages.

(Ord. 1815. Passed 9-7-83.)

1068.02 WILLIAM McKinLEY CITIZENS CENTER.

(a) Definitions. As used in this section:

(1) - Outdoor Facilities- means and includes all parks, playgrounds, recreation areas and structures, basketball courts, fields, and pavilions and entrances and approaches thereto, and all other land, property or structures of the Center, now or hereafter owned or acquired by the Municipality for the Center.

(2) - Person- means any natural person, corporation, organization of persons, company, association or partnership.

(3) - Rules and Regulations- means any rules and regulations hereby or hereafter promulgated by the Board of Directors of the Center or Municipal Council under the authority herein conferred.

(b) Park, Basketball Court and Field Hours. The park, basketball court, field and other outdoor facilities of the Center shall be opened daily to the public at such hours as the Board of
Directors of the Center may from time to time designate, but in no event shall any person be permitted to be in attendance in any park, basketball court, field or other outdoor facility between 9:00 p.m. and 6:00 a.m. of the following day, unless special permission is granted by the Center’s Board of Directors.

(c) Prohibited Conduct. No person in attendance at a park, basketball court, field or other outdoor facility of the center shall:

(1) Injure, deface, remove, cut or damage any of the trees, plants, turf, buildings, fences, structures, signs, fixtures, outdoor facilities or any other property of the Center as owned by the Municipality.

(2) Litter any outdoor facility or other area surrounding the Center with garbage, paper, bottles, cans or other waste material; nor dispose of the same in any way except in receptacles designated for such purposes.

(3) Injure, deface, destroy or remove any notice, rule or regulation posted at any place within the Center’s property by authority of the Board of Directors of the Center or Municipal Council.

(4) Bring onto the premises, possess or consume any alcoholic beverage or illegal drugs of any kind. No person shall enter the Center’s grounds or outdoor facilities in an intoxicated state or otherwise be under the influence of alcohol or illegal drugs.

(5) Carry or discharge any firearms, knives, slingshots, firecrackers, fireworks or other missile propelling instruments, explosives or arrows, or other dangerous weapons which have such characteristics as to cause annoyance or injury to any person or property. Police officers in the performance of their duties are exempt from this provision.

(6) Golf, play ball or participate in any other form of recreation or sporting endeavor except in those areas designated from time to time for that purpose by the Board of Directors of the Center or Municipal Council.

(7) Use threatening, abusive, insulting, profane or obscene language or commit any disorderly or immoral acts.

(8) Permit dogs or other pets at any outdoor facility or on property of the Center.

(9) Disobey a proper order of a police officer or member of the Center’s Board of Directors, or disobey, disregard or fail to comply with any rule, regulation, warning, prohibition, instruction or direction given by an authorized person;

(d) Authority to Promulgate Additional Rules. The Board of Directors of the Center is authorized to establish additional rules and regulations as deemed necessary and with approval of Municipal Council.

(e) Enforcement. The police officers of the Municipality are hereby charged with enforcement of the provisions of this section.

(Ord. 2287. Passed 2-4-97.)

1068.03 FEE FOR USE OF COUNCIL CHAMBERS.
The fee for the use of Council Chambers shall be twenty-five dollars ($25.00).

(Ord. 2146. Passed 6-7-93.)

1068.99 PENALTY.
(EDITOR’S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 1070
Volunteer Fire Company Services

1070.01 Purpose.
1070.02 Volunteer fire companies recognized.
1070.03 Authorized activities of volunteer fire companies.
1070.04 Authorized activities of members of volunteer fire companies.

CROSS REFERENCES
Fire Marshall; fire prevention - see CHTR. Art. XI
Department of Fire Prevention - see ADM. Ch. 236
Fire Prevention Code - see F.P. Ch. 1620

1070.01 PURPOSE.
The purpose of this chapter is to recognize the Penn Hills Volunteer Fire Companies, Nos. 1-7, collectively referred to as the Volunteer Fire Companies, as official Volunteer Fire Companies of the Municipality of Penn Hills and to state authorized services and activities for firefighters for purposes of workmen’s compensation.
(Ord. 2283. Passed 2-4-98.)

1070.02 VOLUNTEER FIRE COMPANIES RECOGNIZED.
Penn Hills Volunteer Fire Companies Nos. 1-7, organized and existing in the Municipality of Penn Hills, Allegheny County, Pennsylvania, are hereby collectively designated as the officially recognized Volunteer Fire Companies of the Municipality. Neither the recognition set forth herein nor the authorizations set forth in Section 1070.02 or 1070.03 shall be construed as constituting Volunteer Fire Companies as agents, companies, or employees of the Municipality of Penn Hills except insofar as such effect is provided under the provisions of the Act of June 2, 1915 (P.L. 736, No. 338), known as The Pennsylvania Workmen’s Compensation Act, or the Act of November 26, 1978 (P.L. 1399, No. 330), known as the Political Subdivision Torts Claim Act.
(Ord. 2283. Passed 2-4-98.)

1070.03 AUTHORIZED ACTIVITIES OF VOLUNTEER FIRE COMPANIES.
(a) The Volunteer Fire Companies, as recognized by the Municipality of Penn Hills, are hereby authorized to provide such services to the Municipality as may be necessary for the protection of property and persons situate therein, including, but not limited to, the extinguishment and prevention of loss of life and property from fire, automobile accidents, medical emergencies, incidents including hazardous materials, and other dangerous or life threatening situations.

(b) The Volunteer Fire Companies may provide non-emergency and public services, as needed, to the Municipality of Penn Hills, including, but not limited to, removing water from property after storms, and assisting in the removal, abatement and prevention of damage or injury to persons or property, whether through natural causes or man-made situations.

(c) The Volunteer Fire Companies may conduct and participate in such training activities and drills, both within and outside of the Municipality, as may be deemed necessary by the officers of the respective Volunteer Fire Companies to maintain proficiency in providing service.

(d) When necessary, the Volunteer Fire Companies may respond to calls and provide services to municipalities outside of the Municipality of Penn Hills.
(Ord. 2283. Passed 2-4-98.)
1070.04 AUTHORIZED ACTIVITIES OF MEMBERS OF VOLUNTEER FIRE COMPANIES.

In addition to the activities of the Volunteer Fire Companies authorized by Section 1070.02, the members of the Volunteer Fire Companies recognized by the Municipality of Penn Hills are authorized to:

(a) Engage in any type of drill, training, ceremony, practice, test or parade, when duly called for or authorized by an officer or officers of the respective Volunteer Fire Company.

(b) Engage in fund-raising activities on behalf of the Volunteer Fire Company, when authorized by an officer of the respective Volunteer Fire Company.

(c) Engage in the performance of any other duty or activity authorized by an officer of the recognized Volunteer Fire Companies.

(Ord. 2283. Passed 2-4-98.)
TITKE TWO - Planning
    Chap. 1220. Site Development Plans. (Repealed)
    Chap. 1224. Land Use and Housing Plans.
    Chap. 1230. Planning Commission.

TITKE FOUR - Subdivision and Land Development Regulations
    Chap. 1242. Administration, Enforcement and Penalty.
    Chap. 1244. General Requirements for Subdividing.
    Chap. 1248. Required Improvements.
    Chap. 1250. Design Standards.
    Chap. 1252. Mobile Home Parks.
    App. A - Street and Alley Design Standards.
    App. B - Allegheny County Certifications and Approvals.

TITKE SIX - Zoning
    Chap. 1262. Administration, Enforcement and Penalty.
    Chap. 1264. Zoning Hearing Board.
    Chap. 1266. Districts Generally and Zoning Map.
    Chap. 1268. Residential Districts.
    Chap. 1272. Industrial Districts.
    Chap. 1274. Mixed Use Districts.
    Chap. 1276. Signs.
    Chap. 1278. Performance Standards.
    Chap. 1280. Conditional Uses.
    Chap. 1282. Special Exceptions.
    Chap. 1286. Site Plan Approval and Review.
    Chap. 1288. Planned Residential Development.
    Chap. 1290. EastGate District.
    Chap. 1292. Forestry Regulations.
CHAPTER 1220
Site Development Plans

(EDITOR'S NOTE: Chapter 1220 was repealed by implication by Ordinance 2121, passed November 9, 1992 (the Zoning Code). See Chapter 1286 of this Planning and Zoning Code.)
CHAPTER 1222
Comprehensive Plan

EDITOR’S NOTE: Resolution 91-008, passed April 1, 1991, adopted a Comprehensive Plan in accordance with Section 301 of the Pennsylvania Municipalities Planning Code (Act 170). Copies of such Plan may be obtained, at cost, from the Deputy Clerk.

There are no sections in Chapter 1222. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
   P. & Z. Chs. 1240 et seq.
Planning Advisory Council - see ADM. Ch. 264
Planning Commission - see ADM. Ch. 266
Citizens Advisory Council on Community Development - see ADM. Ch. 274
Site development plans - see P. & Z. Ch. 1220
Planned Unit Residential Developments - see P. & Z. Ch. 1288
Grading, excavation and fill - see B. & H. Ch. 1424
Flood control - see B. & H. Ch. 1436
Chapter 1224
Land Use and Housing Plans


There are no sections in Chapter 1224. This chapter has been established to provide a place for cross references and any future legislation.

Cross References
P. & Z. Chs. 1240 et seq.
Planning Advisory Council - see ADM. Ch. 264
Planning Commission - see ADM. Ch. 266
Citizen's Advisory Council on Community Development - see ADM. Ch. 274
Site development plans - see P. & Z. Ch. 1220
Planned Unit Residential Developments - see P. & Z. Ch. 1288
Grading, excavation and fill - see B. & H. Ch. 1424
Flood control - see B. & H. Ch. 1436
CHAPTER 1230
Planning Commission

1230.01 Planning Commission to replace Planning Advisory Council.
1230.02 Powers and duties.
1230.03 Membership.
1230.04 Terms of office; vacancies.
1230.05 Removal from office.
1230.06 Conduct of business.

CROSS REFERENCES
Boards, commissions and authorities - see CHTR. Art. XIV, § 3
Planning and zoning - see CHTR. Art. XVII
Department of Planning and Development - see ADM. Ch. 242
Subdivision Regulations - see P. & Z. Chs. 1240 et seq.
Zoning Code - see P. & Z. Chs. 1260 et seq.
Planning Commission - see P. & Z. 1262.03

1230.01 PLANNING COMMISSION TO REPLACE PLANNING ADVISORY COUNCIL.
The Planning Advisory Council, as established by Ordinance 1458, passed July 12, 1976, is hereby renamed the Planning Commission, with such powers and duties as outlined in this chapter. The powers and duties conferred on the Planning Advisory Council by other ordinances are hereby transferred to the Planning Commission.
(Ord. 1716. Passed 11-18-81.)

1230.02 POWERS AND DUTIES.
(a) The Planning Commission shall have the following broad functions and duties related solely to its role as an advisor to Council, the Manager and the Director of Planning and Development. The Commission shall:
   (1) Review and submit recommendations related to the adoption or amendment of the Zoning Code, the Subdivision Regulations, the Grading Ordinance, the site development plan regulations, the Land Use Plan or other ordinances related to the orderly growth of the community;
   (2) Conduct public hearings for the purpose of securing citizen input pertaining to any proposed or amended zoning ordinance, subdivision ordinance, site plan ordinance or any allied ordinance, or any proposed or amended land use plan or comprehensive plan. The Commission shall, upon conclusion of such public hearings, submit its findings and recommendations to Council, the Manager and the Director of Planning and Development.
   (3) Submit recommendations for the economic development of the community.

(b) The Commission may, at the request of Council:
   (1) Prepare and present to Council, the Manager and the Director of Planning and Development, an environmental study;
   (2) Promote public interest in, and understanding of, comprehensive planning; and
   (3) Require from other departments of the Municipality such information as relates to the work of the Commission.

(c) The Department of Planning and Development, under the supervision of the Director of
Planning and Development, shall:

(1) Advise Council and the Manager on all matters relative to community planning;

(2) Review all applications for subdivisions, site plans, zoning changes and grading permits (in conjunction with the Municipal Engineer) and present appropriate recommendations thereon to Council.

   The Director shall recommend to Council additional requirements, terms and conditions incidental to guaranteeing effective and orderly community development, adequate density control, protection and preservation of the environment in general, and the accommodation of proposed projects to the physical configuration of the land on a proposed site, in the absence of, or as a supplement to, any provisions or standards established by ordinance.

(3) Present recommendations to Council and the Manager concerning the following:
   A. A Municipal comprehensive plan;
   B. A Municipal land use plan;
   C. A Municipal zoning ordinance;
   D. A Municipal subdivision ordinance;
   E. A Municipal grading ordinance;
   F. A building code, housing code and/or property maintenance code;
   G. Community development plans and programs;
   H. Municipal housing and rehabilitation plans and programs; and
   I. Related community planning affairs.

(4) Recommend, subject to the approval of the governing body, administrative regulations designed to implement the provisions of this chapter;

(5) Develop and implement, with the approval of the governing body, plans and programs designed to further the economic growth of the community;

(6) Conduct such other related planning functions as may be designated from time to time by the Manager and the governing body;

(7) Administer approved community development programs; and

(8) Apply for and seek, when requested, available Federal and State funds for the Municipality.

(Ord. 1716. Passed 11-18-81.)

1230.03 MEMBERSHIP.

The Mayor, with the consent of Council, shall appoint members of the Planning Commission, which shall be comprised of five residents of the Municipality. The present members of the Planning Advisory Council are hereby appointed to the Commission until they are reappointed or their terms expire. The term of office for each member of the newly created Commission shall be equal to his or her unexpired term as a member of the Planning Advisory Council.

(Ord. 1716. Passed 11-18-81.)

1230.04 TERMS OF OFFICE; VACANCIES.

The term of office for membership on the Planning Commission shall be for years, as provided in Section 203 of the Pennsylvania Municipalities Planning Code. A vacancy occurring on the Commission shall be filled by the Mayor, with the consent of Council.

(Ord. 1716. Passed 11-18-81.)

1230.05 REMOVAL FROM OFFICE.

Members of the Planning Commission shall be subject to removal only as provided in Section 206 of the Pennsylvania Municipalities Planning Code.

(Ord. 1716. Passed 11-18-81.)

1230.06 CONDUCT OF BUSINESS.
The Planning Commission shall conduct its business in compliance with Section 207 of the Pennsylvania Municipalities Planning Code.

(Ord. 1716. Passed 11-18-81.)
TITLE FOUR - Subdivision and Land Development Regulations

Chap. 1242. Administration, Enforcement and Penalty.
Chap. 1244. General Requirements for Subdividing.
Chap. 1246. Subdivision and Land Development Procedures and Approval Process
Chap. 1248. Required Improvements.
Chap. 1250. Design Standards.
Chap. 1252. Mobile Home Parks.

Appx. A - Street and Alley Design Standards.
Appx. B - Allegheny County Certifications and Approvals.

CHAPTER 1240
General Provisions and Definitions

1240.01 Short title. These regulations shall be known as, and may be cited as, The Municipality of Penn Hills Subdivision and Land Development Ordinance No. 2136. They shall be referred to throughout this Title Four of Part Twelve of these Codified Ordinances as the Subdivision Regulations or just these Regulations.
(Ord. 2136. Passed 2-1-93.)

1240.02 Purpose. The intention of these Regulations is to set forth regulations for subdivision and land development so that the community may develop in a well-considered and orderly manner, that it shall be developed primarily as a residential community with provisions for sufficient commercial areas to furnish service and provide for the needs of the residents, and sufficient industrial areas to encourage employment and provide a sound tax base. Furthermore, these regulations serve to provide the most beneficial relationship between the uses of land and buildings and the circulation...
of traffic throughout the Municipality and to insure appropriate development. It is important that new developments receive adequate and efficient street, water, sewage, recreation areas and other public requirements and facilities.
(Ord. 2136. Passed 2-1-93.)

1240.03 INTERPRETATION; CONFLICTS OF LAWS.

The provisions of these Regulations shall be held to be minimum requirements to meet the above-stated purposes. Where the provisions of these Regulations impose greater restrictions than those of any other ordinance or regulation, the provisions of these Regulations shall prevail. Where the provisions of any other ordinance or regulation impose greater restrictions than those of these Regulations, the provisions of such ordinance or regulation shall prevail.
(Ord. 2136. Passed 2-1-93.)

1240.04 APPLICATION CATEGORIES.

These Regulations shall be applied in the following manner for the types of development described:

(a) **Two-Lot Subdivisions.** Any subdivision where only two lots are created, including the original parcel, lot, or tract. Each newly formed lot is required to conform to the bulk and area requirements of the zoning district in which it is situated. Two-lot subdivisions in single-family residential zoning districts as described by the local zoning ordinance shall be reviewed and approved by the Chief Zoning Officer, upon conformance with this and other municipal ordinances. Procedures for approval are described in Section 1246.01(a). Two-lot subdivisions in non-Residential Districts shall be approved by the Planning Commission at a public meeting. The process for approval of non-residential two-lot subdivisions is described in Section 1246.01(b).

(b) **Minor Subdivisions.** A minor subdivision is a subdivision containing three (3) to nine (9) lots served by an existing public street, public sewers and water lines. The developer may choose not to submit a preliminary subdivision plan. However, the final subdivision plan must meet all other requirements of these Subdivision Regulations. The subdivision plan shall be submitted to the Allegheny County Planning Department by the Municipality for its review and report. Final subdivision approval by the Penn Hills Planning Commission shall not be granted until such time that it has received the County’s report, or a period of thirty (30) days has expired since the application was forwarded to the County. All action shall be taken at a public meeting.

(c) **Major Subdivisions.** A major subdivision is a subdivision containing ten (10) or more lots including the original parcel, lot, or tract, or any subdivision where a new street and/or other public improvement is proposed. All provisions of the preliminary and final plan procedures shall be adhered to. The subdivision plan shall be submitted to the Allegheny County Planning Department by the Municipality for review and report. Subdivision approval, whether preliminary or final, shall not be granted until such time that the Municipality has received the County’s report, or a period of thirty (30) days has expired since the subdivision plan was forwarded to the County. The Penn Hills Planning Commission shall have approval of all major subdivisions. All action shall be taken at a public meeting.

(d) **Land Developments.** Any land development, except two-lot subdivisions in Residential Districts, shall meet the requirements of Chapter 1250, and shall be approved by the Penn Hills Planning Commission at a public meeting. A copy of land development applications will be submitted to the Allegheny County Planning Department for review at least thirty (30) days in advance of the Planning Commission meeting.
(Ord. 2136. Passed 2-1-93.)

1240.05 SEVERABILITY.
If any section, clause, provision, or portion of these Regulations shall be deemed invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of these Regulations.

(Ord. 2136. Passed 2-1-93.)

1240.06 DEFINITIONS.

(a) Words in the singular include the plural, and words in the plural include the singular. The words person and owner include an individual corporation, partnership, joint venture or any other legal entity whatsoever. Building includes structure and shall be construed as if followed by the words or part thereof. The word street includes road, highway, and lane. Watercourse includes drain, ditch, and stream. The word may is permissive; the words shall and will are mandatory, subject, however, to the provisions of Section 1240.05.

(b) Unless otherwise expressly stated, the following words and terms shall, for the purpose of these Regulations, have the meaning indicated:

1. **Alley** - A strip of land over which there is a right-of-way, municipally or privately owned, on which no dwelling fronts, serving as a secondary means of access to two or more properties.

2. **Applicant** - A landowner or developer, as hereinafter defined, who has filed an application for development, including his or her heirs, successors and assigns.

3. **Application for Development** - Every application, whether preliminary, tentative, or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for a building permit for the approval of a development plan.

4. **Architect** - A professional architect duly licensed and registered by the Commonwealth of Pennsylvania.

5. **Authority** - A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the Municipality Authorities Act of 1945. Either the Zoning Officer, the Department of Planning and Economic Development and/or the Planning Commission, whoever has the responsibility to review and/or approve subdivision and land development plans, according to these Regulations.

6. **Building Line or Setback** - A line within a lot, so designated on a subdivision or land development plan, between which line and the right-of-way line of the street on which the lot abuts no building may be erected.

7. **Cartway** - The portion of a street or alley intended for vehicular use.

8. **Chairman** - The Chairman of the Penn Hills Planning Commission.

9. **Common Open Space** - A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.


11. **Contour** - An imaginary line on the surface of the earth connecting all points that are of equal heights above some reference plane, usually sea level. Contour lines never cross one another.


13. **Crosswalk** - A right-of-way, Municipally-owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

14. **Cul-de-sac** - A short street having one end open to traffic and being terminated by a vehicle turnaround. (The turnaround at the end of a dead-end street.)
Cut - An excavation. The difference between a point on the original ground and a designation point of lower elevation on the final grade. Also, the material removed in excavation.

Developer - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes, or causes to be made, a subdivision of land or a land development.

Development Plan - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase provisions of the development plan when used in these Regulations shall mean the written and graphic materials referred to in this definition. The following types of development plans are required by various provisions of these Regulations.

A. Plan (as built) - Updated set of drawings certified by a professional engineer showing all details in the as-built condition, illustrating field adjustments and true conditions of the improved installations.

B. Plan (construction) - A plan prepared by a registered engineer showing the horizontal details, profile, and typical cross-section of a street and its appurtenances to be constructed or installed.

C. Plan (final) - A complete and exact subdivision plan prepared for recording by a registered engineer or registered surveyor, showing right-of-way lines, easements, lot lines and areas and any other relevant information pertaining to the streets or lot layout of a subdivision, or of a land development.

D. Plan (preliminary) - A plan prepared by a registered engineer or registered surveyor showing existing features and topography of the land and proposed street and lot layout within and adjacent to a subdivision or to a land development.

E. Plan (sketch) - An informal drawing, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

F. Plat - The map or plan of subdivision or land development, whether preliminary or final, prepared by a registered engineer or registered surveyor.

G. Site plan - A land development plan for one or more lots, whether preliminary or final, prepared by a registered surveyor, architect, landscape architect, or engineer; more particularly required by Chapter 1286 of the Zoning Code and Section 1246.11, as amended.

Easement - A right to use certain land granted for a special purpose not inconsistent with the general property rights of the owner.

Engineer - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Municipality, or Planning Agency, or joint Planning Commission.

Governing Body - The Penn Hills Council.

Improvements - Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including grading, pavement, curbs, gutters, and sanitary sewers, storm sewers, drains and betterments to existing watercourses, water mains, wells, fire hydrants, sidewalks, street signs, shade trees, underground gas mains and electric and telephone conduits.

Inspector - A code enforcement officer or other authorized representative of Penn Hills, assigned to make any or all necessary inspections of the work performed, and materials furnished, by the subdivider.

Land Development.
A. The improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving:
   1. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
   2. The division or allocation of land of space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.

B. A subdivision of land.

C. The following provisions are exclusions of certain land developments from the definition of land developments contained in this section only when such land development involves:
   1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
   2. The addition of an accessory building, including a farm building, on a lot or lots subordinate to an existing principal building; or
   3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this paragraph, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

(24) Landowner - The legal or beneficial owner, or owners, of land, including the holder of an option or contract to purchase (whether or not such contract is subject to any condition), a lessee, if he or she is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of these Regulations.

(25) Lot - A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed, or built upon as a unit. Land intended for transfer of ownership or building development, whether immediate or future.

(26) Lot Area - The area contained within the property lines of an individual parcel of land, excluding space within the street right-of-way, but including the area of any easement.

(27) Mobile Home - A transportable single-family dwelling intended for permanent occupancy, or an office, or two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

(28) Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

(29) Mobile Home Park - A parcel of land under single ownership, which consists of two (2) or more mobile home lots, which have been planned and improved for the placement of mobile homes for non-transient use.

(30) Modification - Relief granted by the governing body or planning agency when literal enforcement of the provisions of this Subdivision and Land Development Ordinance would cause undue hardship, due to conditions pertaining to the land in
(31) Municipal Engineer - See Engineer.
(34) Planned Residential Development - An area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units, or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity lot coverage and required open space, to the regulations established in any one district created, from time to time under the provisions of a municipal zoning ordinance.

(35) Plan (construction) - See Development Plan.
(36) Plan (as-built) - See Development Plan.
(37) Plan (final) - See Development Plan.
(38) Plan (preliminary) - See Development Plan.
(39) Plan (sketch) - See Development Plan.
(40) Planning Agency - A Planning Commission, Planning Department, or Planning Committee of the governing body.
(41) Planning Commission - The Penn Hills Planning Commission.
(42) Plat - See Development Plan.
(43) Public Grounds - Includes:
A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
B. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and
C. Publicly owned or operated scenic and historic sites.
(44) Public Hearing - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with Act 170, 1988.
(45) Public Meeting - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 308, No. 84) known as the Sunshine Act.
(46) Public Notice - Notice published once a week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
(47) Recreation Vehicle - A vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power, or is mounted on, or drawn by, another vehicle. The basic entities are: travel trailers, camping trailers, truck campers and motor homes.
(48) Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, public utilities, or other special uses.
(49) Service or Recreation Building - A structure housing an operational, recreational, or park maintenance office and other facilities built to conform to local standards in a mobile home park.
(50) Sight Distance - The distance of an object six (6) inches off the pavement as visible from an eye level three and three-quarters (3-3/4) feet above the pavement. (Average height of a driver's eyes.)
(51) Sight Triangle - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of a motorist entering or
leaving an intersection.

(52) Standards for Construction - The Standards for Construction for Penn Hills, adopted by Ordinance No. 1338, dated February 7, 1972, and amended from time to time, copies of which are on file at the Penn Hills Municipal Building or at the office of the Municipal Engineer.

(53) Street - A general term used to describe a right-of-way, municipally or privately-owned, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties, with space for sewers and public utilities.

(54) Subdivider - Any person who undertakes the subdivision of land as defined herein. The subdivider may be the landowner, or the authorized agent of the owner of the land to be subdivided, or the land developer.

(55) Subdivision - The division or subdivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development, or partition by the Court for distribution to heirs or devisees, provided that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or any residential development, shall be exempted.

(56) Substantially Completed - Where, in the judgment of the Municipal Engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Municipalities Planning Code) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

(57) Variance - Relief granted pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code, Act 170 of 1988, and the Zoning Codes granted by the Penn Hills Zoning Hearing Board. Also see Modification.

(58) Watercourse - A natural or artificial channel where water would, or does, flow. The word watercourse shall include channel, creek, drain, river and stream.

(59) Water Survey - An inventory of the source, quantity, yield and use of ground water and surface-water resources within a municipality.

(Ord. 2136. Passed 2-1-93.)
1242.01 AUTHORIZATION.

The Municipality of Penn Hills is vested by Pennsylvania State Law with the jurisdiction and control of the subdivision and development of land located within its corporate limits in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 170, 1988. (Ord. 2136. Passed 2-1-93.)

1242.02 JURISDICTION.

(a) No subdivision or land development of any lot, tract, or parcel of land shall be affected, and no street, alley, sanitary sewer, storm drain, water main, or other facilities in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with these Regulations.

(b) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision or affected by land development after the effective date of, and not in conformity with, the provisions of these Regulations. (Ord. 2136. Passed 2-1-93.)

1242.03 PLAN APPROVAL REQUIRED.

No person shall record any plan unless the same shall bear thereon, by endorsement or otherwise, the approval of the responsible reviewing body. The disapproval of any such plan by the responsible reviewing body shall be deemed a refusal of the privilege to record such plan. (Ord. 2136. Passed 2-1-93.)
1242.04 PREVENTIVE REMEDIES.

(a) In addition to other remedies, the Municipality may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

(b) The Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to these Regulations. This authority to deny such a permit or approval shall apply to any of the following applicants:

1. The owner of record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Municipality shall require compliance with the conditions that would have been applicable to the property at the time that the applicant acquired an interest in such real property.

(Ord. 2136. Passed 2-1-93.)

1242.05 AMENDMENTS.

(a) The Penn Hills Council may from time to time revise, modify, and amend these Regulations by appropriate action taken at a scheduled public hearing.

(b) Public notice, as prescribed by the Municipalities Planning Code, together with a brief summary setting forth the principal revisions, modifications or amendments, and a statement of the place or places within the Municipality where copies of the proposed revisions, modifications, or amendments may be examined, shall be published in a paper of general circulation in the Municipality. Amendment to these Regulations shall become effective in accordance with the Pennsylvania Municipalities Planning Code, Act 170, 1988, Article V, Section 505.

(c) In case of an amendment other than that prepared by the planning agency, the governing body shall submit each such amendment to the planning agency for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

(Ord. 2136. Passed 2-1-93.)

1242.06 MODIFICATIONS.

Where the Planning Commission or planning agency finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications to these Subdivision Regulations so that substantial justice may be done and the public interest served, provided that such modification shall not have the effect of nullifying the intent and purpose of these Regulations; and further provided the Planning Commission or planning agency shall not approve modifications unless it shall make findings based upon the
evidence presented to it in each specific case that:
(a) The granting of the modification will not be detrimental to the public safety, health, or welfare, or injurious to other property.
(b) The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property.
(c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations were carried out.
(d) The modifications will not in any manner vary the provisions of the Zoning Ordinance, Master Plan, or Official Map.

In approving modifications, the Planning Commission or planning agency may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Regulations.

A petition for any such modification shall be submitted in writing, on the appropriate form supplied by the Planning Department by the subdivider or land developer at the time when the preliminary plat or site plan is filed for the consideration of the Planning Commission or planning agency. The petition shall state fully grounds and facts of requirements or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

(Ord. 2136. Passed 2-1-93.)

1242.07 APPEALS.
Persons aggrieved by any final decision of the Penn Hills Planning Commission or planning agency may file an appeal in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 170, 1988.
(Ord. 2136. Passed 2-1-93.)

1242.08 PLANNING COMMISSION AND PLANNING AGENCY RECORDS.
The Municipality shall keep a record of its findings, decisions and recommendations relative to all subdivision and land development applications filed.
All records of the Planning Commission and planning agency shall be a public record and shall be available for public review at the Department of Planning and Economic Development.
(Ord. 2136. Passed 2-1-93.)

1242.09 FEES.
Fees for subdivision approval by the Mayor and Council shall be as follows:
(a) Residential, twenty dollars ($20.00) per lot, with a minimum fee of sixty dollars ($60.00).
(b) Commercial/industrial, fifty dollars ($50.00) per lot, with a minimum fee of two hundred dollars ($200.00).
(Res. 70-1980. Passed 8-6-80; Ord. 2026. Passed 1-3-89; Ord. 2146. Passed 6-7-93.)

1242.99 PENALTY.
(a) Any person, partnership or corporation who or which has violated any of the provisions of these Regulations or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the
applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

(b) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

(c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Municipality the right to commence any action for enforcement pursuant to this section.
(Ord. 2136. Passed 2-1-93.)
CHAPTER 1244
General Requirements for Subdividing

1244.01 Access; drainage; geology.
1244.02 Street requirements.
1244.03 Grading; recording of deeds.

CROSS REFERENCES
Planning and zoning - see CHTR. Art. XVII
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Street construction standards - see S.U. & P.S. Ch. 1020
Excavations - see S.U. & P.S. Ch. 1024
Sidewalks - see S.U. & P.S. Ch. 1028
Utilities - see S.U. & P.S. Ch. 1040 et seq.
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224

1244.01 ACCESS; DRAINAGE; GEOLOGY.
No land shall be subdivided for residential, commercial, industrial, or public use:
(a) Unless adequate access to the land over adequate streets or thoroughfares exists, or will
be provided by the subdivider.
(b) If such land is considered by the Planning Commission or, in the case of two-lot
subdivisions, the Chief Zoning Officer, to be unsuitable for such use by reason of
flooding or improper drainage, objectionable earth and rock formation, topography, or
any other feature harmful to the health and safety of possible residents and the
community as a whole.
(Ord. 2136. Passed 2-1-93.)

1244.02 STREET REQUIREMENTS.
The Planning Commission shall not approve any plat unless all streets shown thereon shall be
of width and grade as set forth in Appendix A following the text of these Regulations, and shall be
so located as to accommodate the projected volume of traffic thereon, afford adequate light and air,
facilitate fire protection, provide access of fire-fighting equipment to buildings, provide adequate
community safety and provide a coordinated system of streets, conforming to the Municipality's
plan of streets. A subdivision abutting and having its access upon a public street which does not
meet the width requirements of Table I in Appendix A shall not be approved, unless the applicant
can demonstrate through traffic studies and alternative design proposal that a suitable alternative is
acceptable. In considering suitable alternatives, the Planning Commission and/or Chief Zoning
Officer may request any additional information needed to evaluate the application and shall have
the authority to impose appropriate conditions.
(Ord. 2136. Passed 2-1-93.)

1244.03 GRADING; RECORDING OF DEEDS.
No person, firm, or corporation proposing to make, or having made a subdivision within the
area of jurisdiction of these regulations, shall proceed with any grading before obtaining from the
Planning Commission the approval of the preliminary plat of the proposed subdivision, and no
deeds shall be recorded for lots in any subdivision before obtaining from the Planning Commission
the approval of the final plat of the proposed subdivision.
(Ord. 2136. Passed 2-1-93.)
CHAPTER 1246
Subdivision and Land Development Procedures and Approval Process

1246.01 Procedural steps and required plans for subdivision and land development applications.
1246.02 Official subdivision and land development approval requirement.
1246.03 Approval of development plans.
1246.04 Effect of changes in the ordinance on plats.
1246.05 Advisory meetings.
1246.06 Preliminary plan procedures.
1246.07 Final plan procedures.
1246.08 Final plat.
1246.09 Completion of improvements; performance guarantee; prerequisite to final plat approval.
1246.10 Recording of plat.
1246.11 Land development approval.

CROSS REFERENCES
Planning and zoning - see CHTR. Art. XVII
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Street construction standards - see S.U. & P.S. Ch. 1020
Excavations - see S.U. & P.S. Ch. 1024
Sidewalks - see S.U. & P.S. Ch. 1028
Utilities - see S.U. & P.S. Ch. 1040 et seq.
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224

1246.01 PROCEDURAL STEPS AND REQUIRED PLANS FOR SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS.
   (a) Two-Lot Subdivision/Residential: Application filed with Chief Zoning Officer for preliminary and final approval. The Chief Zoning Officer may approve two-lot residential subdivisions with or without modifications, and may impose reasonable conditions. A site plan approval is not required.
       The Chief Zoning Officer, however, shall not approve under this process any subdivision that involves land which has been, in whole or in part, portion of a previous subdivision recorded within five (5) years of the date of application, in which case a final plat must be approved in accordance with subsection (c) hereof.

   (b) Two-Lot Subdivision/Non-Residential:
       (1) Advisory meeting (optional)
       (2) Site plan and final plat approval.

   (c) Minor Subdivisions:
       (1) Advisory meeting (optional)
       (2) Site plan and final plat approval.

   (d) Major Subdivisions:
       (1) Advisory meeting (optional)
(2) Site plan and preliminary plat approval
(3) Final subdivision plat approval.

(e) Land Development:
(1) Advisory meeting (optional)
(2) Site plan approval.
(Ord. 2136. Passed 2-1-93.)

1246.02 OFFICIAL SUBDIVISION AND LAND DEVELOPMENT APPROVAL REQUIREMENT.

(a) A landowner proposing a subdivision or land development must first submit an application for approval at the office of the Department of Planning and Economic Development.

(b) All applications for approval of a land development and/or site plan or plat, whether preliminary or final, shall be acted upon by the planning agency within such time limits as may be fixed in these Regulations, but the planning agency shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission following the date the application was filed, provided that if the said next regular meeting occurs more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.

(c) Whenever the Department of Planning and Economic Development finds that a proposal raises no substantial design problems, it is hereby authorized to approve an exemption. Such an exemption may be granted for minor additions to existing buildings which, in the opinion of the Director, have no negative impact on local traffic conditions or adjacent properties, are in compliance with other local development ordinances, and are otherwise in conformance with related performance standards. An exemption may also be approved for small free-standing accessory buildings and principal buildings under 500 square feet in size. In approving such an exemption, the Director shall do so in writing and maintain a record explaining the basis for exemption. A short written summary detailing all approvals during the previous month shall be given to the Planning Commission each month.

An exemption may also be approved by the Planning Director for relief from subdivision requirements consistent with Section 403.1 of the Allegheny County Subdivision and Land Development Regulations, as amended, in order to permit a resolution of boundary disputes. Similar exemptions may be approved by the Planning Director for just cause when the filing of a subdivision plan serves no public purpose and is an unnecessary hardship to the landowner.

The Director, in approving an exemption, may impose appropriate conditions, including the imposition of appropriate performance standards, the construction of sidewalks, fire hydrants or other improvements, or other conditions deemed necessary.
(Ord. 2136. Passed 2-1-93.)

1246.03 APPROVAL OF DEVELOPMENT PLANS.

(a) The decision of the planning agency shall be in writing and shall be communicated to the applicant personally, to his last known address, not later than fifteen (15) days following the decision.

(b) When the application is not approved as filed, the decision shall specify the defects found in the application, shall describe the requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon.

(c) Failure of the Planning Commission or planning agency to render a decision and
communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or a change in the prescribed manner of presentation of communication shall have like effect.

   (d) When either a preliminary or final subdivision or land development application is approved with conditions, the applicant shall receive written notice of the decision. Upon receipt of this decision, the applicant must respond within thirty (30) days with an indication that the decision, and the accompanying conditions, are accepted. If the applicant fails to provide this written response or responds with a statement that the conditions are not accepted, then the decision shall be automatically rescinded.

(Ord. 2136. Passed 2-1-93.)

1246.04 EFFECT OF CHANGES IN THE ORDINANCE ON PLATS.

(a) (1) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in these Regulations, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, an applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

(2) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant’s acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

(3) Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

(4) Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the governing body, no change of Municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street, or utility location.

(5) In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.
Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to, or violated, any of the conditions of the preliminary plan approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period, the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

Failure of a landowner to adhere to the aforesaid schedule or submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinances enacted by the Municipality subsequent to the date of the initial preliminary plan submission.

Before acting on any subdivision plat, the Planning Commission may hold a public hearing thereon, after public notice.

Prior to filing an application for approval of a subdivision or land development, an applicant may appear before the Planning Department to discuss the proposal. This step does not require any fee or formal application and is not to be construed as filing an application. The purpose is to afford the subdivider advice and assistance in order to save time and money, suggest professional assistance if needed, and answer any questions the applicant may have in regard to filing an application or other items required.

A subdivider desiring approval of a subdivision plan of any land lying within the Municipality of Penn Hills shall submit a written application to the Department of Planning and Economic Development. A suitable form supplied by the Planning Department shall be accompanied by the following information and plans:

A preliminary plat of the subdivision, drawn to a scale of fifty (50) feet to one (1) inch, or 100 feet to one (1) inch. The preliminary plat shall be twenty-four (24) inches by thirty-six (36) inches in size, or made in multiples of this size and cut along match lines, and shall show the following details:

1. Vicinity sketch. At a scale of not less than 1 inch=1,000 feet. This sketch may be
located in any convenient space on the plat. The vicinity sketch shows the relationship of the proposed division to its general surroundings, and shall show the following details:

A. Existing or mapped streets within 500 feet of the subdivision.
B. Proposed street with connections to existing or mapped streets.
C. Municipal boundaries within 500 feet of the tract.
D. Public sewer and water lines within 1,000 feet of the tract plus any other power, gas, or other public utility easements or rights-of-way which may traverse the property.

(2) Proposed name of subdivision.
(3) Names and addresses of landowner, subdivider, land planning consultant, engineer, surveyor, and/or others who are associated with the general development of the subdivision.
(4) Street patterns, showing the names and widths of rights-of-way of streets and widths of easements for alleys and approximate grades of streets.
(5) Layout of lots, showing dimensions and numbers.
(6) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes. Size is to be specified.
(7) Key plan, legend and notes.
(8) Building setback or front yard lines.
(9) Graphic scale, north point and date.

(b) Site Plan. A site plan and landscaping plan in accordance with Section 1246.11.
(c) Soils Report. The subdivider shall request from the Allegheny County Conservation District a report concerning the soil conditions. A copy of this report shall be required for preliminary approval.
(d) Engineering Plans. Accompanying the preliminary plan and site plan, engineering plans are required showing profiles, typical cross-sections and specifications for proposed street improvements, profiles and other explanatory data concerning the installation of utility distribution systems and sanitary and storm sewer systems. The sewerage systems data shall include the following information:
(1) A report on the feasibility of connection to any existing or proposed public sewerage system shall be made. This study shall include the distance from the nearest existing or proposed public sewer and the capacity of the existing or proposed system intended to handle the additional sewage load.
(2) Sewage planning modules shall be submitted to the Municipality by the applicant with sufficient copies for review by the Municipal Engineer, the Allegheny County Health Department, and the State Department of Environmental Resources. Approval of the planning modules and a sewer permit shall be obtained prior to the construction of the sewers or treatment works.
(3) If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the governing body or planning agency, as the case may be, that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility.
(e) Fees. The appropriate filing fees as periodically established by the Penn Hills Council.

1246.07 FINAL PLAN PROCEDURES.
(a) The applicant shall, not later than six (6) months after the date of approval of the preliminary plan, file with the Planning Commission, at the office of the Department of Planning
and Economic Development, a final plan on that portion he intends to develop. Failure to comply with the time limitations herein provided shall make the approval of the preliminary plan null and void, unless an extension of time is requested by the applicant for a good cause, and granted by the Commission.

(b) The final plan will have incorporated all the changes and modifications required by the Commission. Otherwise it shall conform to the approved preliminary plan and may constitute only that portion of the approved preliminary plans which the applicant proposed to record and develop at the time, provided such portion conforms with all the requirements of these Regulations.

(c) Before approval of a final plan, the Commission must be assured that all the improvements, as shown on the plan, have been installed, or the proper completion bond is filed with the Municipality in accordance with these Regulations.

(d) Before approval of the final plans, the planning staff will make a field inspection at the subdivision site to ascertain that all provisions have been completed as shown on the final plat, and shall provide a written report to the Planning Commission.

(e) No changes, erasures, modifications, or revisions shall be made on any final plan of a subdivision after approval has been given by the Commission and endorsed in writing on the plan, unless the plan is first resubmitted to the Commission.

(f) Within ninety (90) days after the date of approval of a final plan by the Commission, the developer shall record an approved original plan in the office of the Recorder of Deeds of Allegheny County and forthwith file with the Municipality a Recorder’s Certificate that the approved plan has been recorded, with the Plat Book and page numbers indicated, and two copies of the recorded plan.

(g) The Recorder of Deeds of the County shall not accept any plan for recording unless such final plan officially notes the approval of the Penn Hills Planning Commission.

(h) No vested rights shall accrue to any plan by reason of final approval until the actual signing of the plan by the Chairman and Secretary of the Planning Commission, or acting representative of either, or the Planning Director, in the case of a two-lot residential subdivision.

(Ord. 2136. Passed 2-1-93.)

1246.08 THE FINAL PLAT.

(a) Original Drawings and Copies. The original drawings of the plat of the subdivision shall be twenty-four (24) inches by thirty-six (36) inches or made in multiples of this size and cut along match lines. They shall be drawn at a minimum scale of fifty (50) feet to the inch.

Two reproducible linens (one for the County Recorder and one for the Municipality of Penn Hills), along with ten (10) black or blue-line prints, shall be submitted.

(b) Drawing Requirements. Drawings shall include the following information:

(1) The appropriate notations for certifications and approvals. (See Appendix B following the text of these Regulations.)

(2) Title to the land of the total plat and of adjacent land, all shown on the deed registry sheets of the County.

(3) Accurate boundary lines with metes and bounds, which provide a survey of the tract.

(4) Accurate distances between items shown thereon, as well as accurate distance and direction to the nearest established street corners or official monuments. Reference
corners shall be accurately described on the plan.

(5) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

(6) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley, and lot lines.

(7) Street names.

(8) Complete curve data for all curves included in the plan.

(9) Lot numbers and dimensions and areas in square feet.

(10) Easements for utilities and limitations on such easements.

(11) Accurate dimensions of any property to be dedicated or reserved for public, semi-public, or community use.

(12) Location of all monuments and lot markers.

(13) Name of the subdivision.

(14) Name and address of the owner and the subdivider.

(15) North point, graphic scale, and date.

(16) Certification by a registered professional engineer or registered land surveyor.

(17) Building setback line, the minimum as fixed in the Penn Hills Zoning Ordinance, as amended.

(c) As-Built Construction Plans. Construction plans illustrating the as-built condition of streets, sidewalks, sanitary and storm sewers, drainage facilities, and other public improvements shall be submitted to the Department of Planning and Economic Development upon completion of construction. These (as-built) construction plans shall be filed as a condition to final plan approval. The Planning Commission may approve the final plan before the as-built plans are filed, provided evidence is furnished that a completion bond for the installation of these improvements is filed with the Municipality. Before the Municipality accepts dedication of these improvements and releases the developer from the completion bond, the as-built construction plans shall be submitted to the Department of Planning and Economic Development.

(Ord. 2136. Passed 2-1-93.)

1246.09 COMPLETION OF IMPROVEMENTS; PERFORMANCE GUARANTEE; PREREQUISITE TO FINAL PLAT APPROVAL.

(a) No plat shall be finally approved unless the streets shown on such plat have been improved as required by these Regulations and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by these Regulations have been installed in accordance herewith. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant to Chapter 1248, these Regulations shall provide for the deposit, with the Municipality, of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

(b) When requested by the developer, in order to facilitate financing, the governing body or the planning agency, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the governing body. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
(c) Without limitation as to other types of financial security which the Municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

(d) Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

(e) Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action or approval or accompanying agreement for completion of the improvements.

(f) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Municipality may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Municipality may require the developer to post additional. Security in order to assure that the financial security equals said 110 percent. Any additional security shall be posted by the developer in accordance with this subsection.

(g) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Municipality and the applicant or developer.

(h) If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

(i) In the case where development is projected over a period of years, the governing body or the planning agency may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

(j) As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to
time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

(k) Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to the installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

(l) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction of, and pursuant to the rules and regulations of, a public utility or municipal authority separate and distinct from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

(m) If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

(n) (1) When the developer has completed all the necessary and appropriate improvements, the developer shall notify the Municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements, and shall send a copy thereof to the Municipal Engineer. The Municipal governing body shall, within ten (10) days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report in writing, with the municipal governing body and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Municipal Engineer of the aforesaid
authorization from the governing body. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be approved, or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

(2) The Municipal governing body shall notify the developer within fifteen (15) days of the receipt of the engineer’s report, in writing, by certified or registered mail, of the action of said Municipal governing body with relation thereto.

(3) If the Municipal governing body, or the Municipal Engineer, fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to the performance guaranty bond or other security agreement.

(4) If any portion of the said improvements shall not be approved, or shall be rejected by the Municipal governing body, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as outlined herein shall be followed.

(5) Nothing herein, however, shall be construed in limitation of the developer’s right to contest or question by legal proceedings, or otherwise, any determination of the Municipal governing body or the Municipal Engineer.

(6) Where reference is made herein to the Municipal Engineer, he shall be as a consultant thereto. The applicant shall reimburse the Municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Municipal Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Municipality when fees are not reimbursed or otherwise imposed on applicants.

A. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Municipality that such expenses are disputed as unreasonable or unnecessary, in which case the Municipality shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant’s request over disputed engineer expenses.

B. If, within twenty (20) days from the date of billing, the Municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Municipality shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

D. In the event that the Municipality and the applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at that time there is no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the
Municipal Engineer nor any professional engineer who has been retained by, or performed services for, the Municipality or the applicant within the preceding five years.

E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars ($1,000) or more, the Municipality shall pay the fee of the professional engineer, but otherwise the Municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.

(o) In the event any improvements which may be required have not been installed as provided in these Regulations or in accord with the approved final plat, the governing body of the Municipality is hereby granted the power to enforce any corporation bond, or other security, by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body of the Municipality may, at its option, install part of such improvements in all or part of the subdivision or land development, and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and related legal and administrative fees and not for any other Municipal purpose.

(Ord. 2136. Passed 2-1-93.)

1246.10 RECORDING OF PLAT.

(a) Upon the approval of a final plat, the developer shall, within ninety (90) days of such final approval, record such plat in the office of the Recorder of Deeds of the county in which the municipality is located. Whenever plat approval is required by a municipality, the Recorder of Deeds of the county shall not accept any plat for recording unless such plat officially notes the approval of the Planning Commission, or the Planning Director, in the case of a two-lot residential subdivision.

(b) The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

(c) After a plot has been approved and recorded as provided in this section, all streets and public grounds on such plat shall be, and become, a part of the official map of the Municipality of Penn Hills without public hearing.

(Ord. 2136. Passed 2-1-93.)

1246.11 LAND DEVELOPMENT APPROVAL.

(a) Any applicant considering a proposed land development or preliminary plat may wish to prepare a sketch plan and attend an advisory meeting as described in this chapter.

(b) Any application for approval of a subdivision or land development, with the exception of two-lot subdivisions in residential zoning districts, must include the submission of a final site plan containing the following information:

(1) A site plan or plans, drawn at a scale adequate to show clearly the following:
   A. The dimensions, orientation and acreage of each lot or plot to be built upon or otherwise used.
B. Location and dimensions of present and proposed street and highway dedications.
C. Location of adjacent property lines and names of owners.
D. Location and dimensions of existing and proposed utilities and utility easements.
E. Indication of existing zoning.
F. Location of existing streams or water courses and an indication of existing and proposed storm water drainage patterns.
G. The seal of a registered surveyor.
H. Layout of the entire project and its relation to surrounding properties and the existing buildings thereon.
I. All existing and proposed topography at two (2) foot intervals, when average site slope is less than ten (10) percent, when the average site slope is greater than ten (10) percent contour intervals of five (5) feet are required.
J. Location and design of proposed circulation systems, both the vehicular and pedestrian, including dimensions and specified materials.
K. The size, shape, and location of existing and proposed construction.
L. The seal of a registered architect or landscape architect.

(2) A landscape plan, and/or plans, drawn at a scale adequate to show clearly the following:
A. Location of existing natural features, including streams or watercourses, wooded areas, ground cover, any other important natural features, and individual trees of four (4) inch caliper or greater.
B. Location of all proposed landscaping, including trees, shrubs, and ground cover, with an indication of types and sizes.
C. Indication of location and type of exterior lighting adequate to determine its character and to enable review of possible hazards and disturbances to the public and to adjacent properties.
D. Location, size, and design of exterior signs and outdoor advertising.
E. Location of walls, fences, or railings and an indication of their height and materials of construction.
F. The seal of a registered architect or landscape architect.


(4) An Environmental Report, if required by Section 1250.15(a).

(5) A completed application form as provided by the Department of Planning and Economic Development, and a modification request form, if applicable.

(6) The appropriate fees as periodically established by the Penn Hills Council, payable to the Municipality of Penn Hills.

All of the above shall, whenever possible, be presented on a standard twenty-four (24) inch by thirty-six (36) inch sheet size at a scale not less than one (1) inch equals fifty (50) feet; drawings, documents, etc., must be submitted.

All site plans must be prepared in accordance with Chapters 1248 and 1250 and other provisions of these Regulations.

(Ord. 2136. Passed 2-1-93.)
CHAPTER 1248
Required Improvements

1248.01 IN GENERAL.
Improvements listed in Section 1248.02 are required for all subdivisions and land development, with the exception of two lot single-family residential subdivisions, unless expressly waived by the Planning Commission. A land developer will be required to submit plans and information sufficient to determine that the requirements and standards of this chapter will be met, together with a declaration of which improvements are intended to be dedicated to the Municipality. Performance bonds or other guarantees may be required prior to either the issuance of building and/or occupancy permits.
(Ord. 2136. Passed 2-1-93.)

1248.02 IMPROVEMENTS.
All improvements to a subdivision must be completed in accordance with the requirements of this section, the Municipal Standards for Construction (Chapter 1020), and all other applicable ordinances and resolutions of the Municipality. The following improvements shall be required:
(a) Survey Monuments. Permanent monuments to mark all streets at the beginning points of the curvatures, set five (5) feet within the right-of-way lines. The final location and the number of monuments shall be determined by the Engineer. The installation and certification should be made by a registered engineer or a registered surveyor prior to the approval of the final subdivision plat.
(b) Streets.
(1) Excavations. The slope of excavations for streets and roads shall be trimmed neatly to the width and rate of slope by the contractor, and the work shall be completed in a neat and acceptable condition. The slope of cuts may be reduced during construction, as required by the Zoning Officer, in order to obtain satisfactory stability. In no case shall the slope of cuts exceed 2 to 1.
(2) Grading. All streets shall be graded to stakes set by the subdivider in accordance with the cross-section shown in the Municipal Standards for Construction (Chapter 1020), to the satisfaction of the Municipal Engineer. Where fill material
is necessary to establish uniform grades, compaction shall be in accordance with
the latest Pennsylvania Department of Transportation specifications. The subgrade
shall be free of, or made free of, sod, vegetation matter, or other similar material.
Where poor subgrade drainage conditions are found during construction,
additional necessary drainage shall be installed as directed by the Engineer.

(3) **Drainage.** Suitable drainage structures, culverts, storm sewers, ditches, and related
installations shall be provided to insure adequate drainage of all low points along
the line of streets.

(4) **Curb.** Curb shall be required in accordance with the Municipal Standards for
Construction.

(5) **Roads and streets.** Roads and streets shall be put to the grade limits shown on
Table I of Appendix A following the text of these Regulations and shall be
constructed of concrete or bituminous macadam. The specifications and method of
the use of concrete or bituminous macadam shall comply with the latest
Pennsylvania Department of Transportation specifications.

(6) **Subgrade.** The subgrade shall be formed by shaping the graded roadway surface
correctly with approved material, and shall be brought to a firm, thoroughly
compacted surface for the width of the base or pavement, by rolling with a power
roller weighing not less than ten (10) tons. All unsuitable material which will not
compact satisfactorily shall be removed as directed by the Engineer. In no case
shall vehicles be allowed to travel over the subgrade in a single tract.

(7) **Base.** The base shall be in accordance with the Municipal Standards for
Construction.

(8) **Surface.** The surface shall be in accordance with the Municipal Standards for
Construction.

(9) **Shoulders.** Street shoulders shall be constructed with suitable material from
roadway or structure excavation supplemented by additional suitable material, if
directed, from borrow pit. The entire shoulder area shall be uniformly and
thoroughly compacted by rolling and must be level with the tops of curbs, as
directed by the Zoning Officer. The maximum slope on cuts beyond shoulders is
1:1 and on fills is 2:1.

(c) **Alleys.** Alleys shall be in conformance with Table I of Appendix A, following the text
of these Regulations, and the Municipal Standards for Construction.

(d) **Storm Drainage.** The construction of a storm drainage system shall be required, shall be
constructed in accordance with the Municipal Standards for Construction and Chapter
1250, and shall be consistent with Pennsylvania Act 167.

(e) **Water Supply.** The subdivider shall construct a system of water mains with required fire
hydrants, and shall connect to a public water supply of adequate capacity, with
provisions for a connection for each lot.

(f) **Sanitary Sewers.**

(1) The subdivider shall provide the subdivision with a complete sanitary sewer
system to be connected to the Municipal sewer sanitary system.

(2) The sanitary sewer system must clearly show the method of disposal, which must
be legal.

(g) **Utilities.** Every lot in a subdivision shall be capable of being served by utilities, and
easements acceptable to the utility companies shall be granted as required. Electric, gas,
and all other piping and distribution lines shall be installed underground within public
rights-of-way or within properly designated easements. To the fullest extent possible,
underground utility lines located in street rights-of-way shall not be installed beneath
existing or proposed paved areas, and in any case, shall be installed prior to the
placement of any paving. Electrical distribution shall comply with Order No. 99 of the
Pennsylvania Public Utility Commission.
(h) **Street Signs.** Street name signs shall be under the current Municipality fee system, and shall be installed by the Municipality.

(i) **Street Lights.** For the safety, convenience, and attractiveness of the subdivision, street lights of a type approved by the Council must be installed on the streets, on decorative poles as prescribed by the Municipality. The cost shall be borne by the subdivider.

(j) **Sidewalks.** Continuous sidewalks shall be required along the entire frontage of the property, including driveways unless expressly waived by the Planning Commission. Sidewalks must be installed in conformance with Chapter 1028.

(k) **Driveways.** Driveways and grade shall comply with the Municipal Standards for Construction.

(l) **Recreation Areas.** Recreation areas for major residential subdivisions shall be provided in accordance with Chapter 1250.

(Ord. 2136. Passed 2-1-93.)

1248.03 NOTIFICATION.

In the event that plans for roads, streets, or alleys located within the Municipality have been approved and recorded, as provided in these Regulations, any subdivider shall first notify the Zoning Officer of his intention to proceed with the construction or installation of said roads, streets, or alleys. Said notification shall be made at least one (1) week before any such construction or installation shall commence, so as to give the Municipal officials an opportunity to inspect the site prior to commencement of work, and to inspect the installation or construction of said roads, streets, or alleys during the course of work being performed.

(Ord. 2136. Passed 2-1-93.)

1248.04 TESTING OF CONSTRUCTION MATERIALS.

All construction materials used for the construction of required improvements may be required to be tested by a qualified testing laboratory approved by the Municipality. Costs for tests are to be borne by the developer.

(Ord. 2136. Passed 2-1-93.)

1248.05 ACCEPTANCE.

The subdivider or developer must declare in his application what facilities, such as roads and recreation land, that he anticipates dedicating to the Municipality.

After said roads, streets, alleys, sanitary sewers, storm sewers, or other public facilities have been installed and constructed pursuant to the specifications and requirements contained in these Regulations, and in the event any subdivider or developer then desires to have the Municipality accept said roads, streets, alleys, sanitary sewers, storm sewers, or other public facilities as a part of the Municipal system, then said subdivider or developer shall notify the Zoning Officer that the construction or installation has been completed, and shall supply the Municipality with a tracing of the plan of lots or development in question as-built in accordance with final approval, and said tracing shall be certified by a registered engineer. The subdivider or developer shall also supply the Municipality with a minimum of four (4) copies of the as-built plan on which the road, street alley, or other public facility in question has been constructed or installed. The aforesaid tracing and four (4) copies of said plan shall be conformed copies in every respect, and shall contain a notice thereon as to where and when the plan was recorded in the Recorder’s Office of Allegheny County.

With respect to the public facilities which the subdivider or developer desires to have the Municipality accept, he shall shade or color that portion of said road, street or alley in yellow crayon on each of said copies and shall also clearly designate the number of lineal feet of said road, street, alley, which he desires to have accepted by the Municipality, or otherwise accurately describe any other public facility. A maintenance bond shall contain an accurate well-defined description of the portion of road, street, alley, or public facility which the subdivider or developer desires the Municipality to accept as aforesaid. The maintenance bond shall be in an eighteen (18)
month period in favor of the Municipality of Penn Hills in a format approved by the Municipal Attorney. The amount of the maintenance bond shall not exceed fifteen (15) percent of the actual cost of said improvements.

Upon compliance with all applicable provisions of these Regulations, said roads, streets, alleys or public facilities may be accepted by the Municipality of Penn Hills.

(Ord. 2136. Passed 2-1-93.)
CHAPTER 1250
Design Standards

1250.01 Conformity of site plans.
1250.02 Parking areas.
1250.03 Sidewalks.
1250.04 Drives, roads and streets.
1250.05 Subdivision land requirements and lot design.
1250.06 Blocks.
1250.07 Building location.
1250.08 Easements.
1250.09 Grading and excavation.
1250.10 Site preparation; erosion and sedimentation.
1250.11 Responsibility.
1250.12 Stormwater management.
1250.13 Landscaping.
1250.14 Lighting.
1250.15 Environmental report.
1250.16 Recreation and open space.
1250.17 Other items to be considered during review.
1250.18 Waiver of requirements.
1250.19 Request for additional information.
1250.20 Additional requirements.

CROSS REFERENCES
Planning and zoning - see CHTR. Art. XVII
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Street construction standards - see S.U. & P.S. Ch. 1020
Excavations - see S.U. & P.S. Ch. 1024
Sidewalks - see S.U. & P.S. Ch. 1028
Utilities - see S.U. & P.S. Ch. 1040 et seq.
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224

1250.01 CONFORMITY OF SITE PLANS.
All site plan submissions must be designed in conformance with the following standards and requirements, which will be used by the Department of Planning and Economic Development and the Planning Commission in reviewing all applications.
(Ord. 2136. Passed 2-1-93.)

1250.02 PARKING AREAS.
(a) All parking and loading areas and driveways shall be located and designed in accordance with the Zoning Code.

(b) Concrete curbing shall be provided along the perimeter of parking areas to contain and control cars, direct surface drainage, and control erosion. Curbing may be eliminated or interrupted in approved areas to facilitate stormwater management design.
(c) Line markings shall be provided to separate parking stalls. Double three (3) inch wide lines separated by twelve (12) to fifteen (15) feet are suggested.

(d) Parking lot gradients shall be a maximum five (5) percent cross slope, and a maximum seven (7) percent longitudinal slope.

(e) The following curb-to-curb widths shall be minimum requirement in parking areas:
(1) Ninety (90) degree angle parking/double loaded, with cars free to overhang curbs, width curb-to-curb to be a minimum of sixty-two (62) feet. Area behind curbs shall be clear of structures, trees, or hedges for a minimum distance of four feet.
(2) Sixty (60) degree angle parking/double loaded, with cars free to overhang curbs, width curb-to-curb to be a minimum of fifty-eight (58) feet. Areas behind curbs shall be clear of structures, trees, hedges for a minimum distance of four feet.
(3) Forty-five (45) degree angle parking/double loaded, with cars free to overhang curbs, width curb-to-curb to be fifty-two (52) feet.

(f) All driveways and open off-street parking spaces shall be surfaced with a bituminous or concrete surface, except those for single-family residences and properties in I-1 and B-2 Districts, which may be of alternative dust-free surfaces.

(g) Parking areas are to be designed in such a way as to avoid the necessity of vehicles backing onto the street right-of-way in order to exit.

(h) Bumper blocks must be provided for each parking space to prevent the overhang of vehicles over adjacent sidewalks, driveways, or roads. Bumper blocks may be eliminated when the parking area design does not allow such overhangs.
(Ord. 2136. Passed 2-1-93.)

1250.03 SIDEWALKS.
(a) Sidewalks shall be installed along the entire length of any portion of the site which abuts Municipal, County, or State rights-of-way, unless expressly waived by the Planning Commission. Sidewalk waivers shall, in all cases, be granted on a temporary basis until sidewalks are constructed on adjacent properties and only after the applicant has demonstrated just cause.

(b) Sidewalks shall be installed along at least one side of all parking areas, entrance drives and streets, providing for safe, pleasant, and efficient pedestrian circulation from all parking stalls to all entrances to structures.

(c) At least one means of access to all public and commercial buildings must be provided to accommodate handicapped individuals. Ramp gradient, the requirement of railings, and the treatment of pavement surfacing shall comply with applicable requirements of the Pennsylvania Department of Labor and Industry.

(d) Sidewalks adjacent to any public right-of-way are to be constructed according to the Penn Hills Standards for Construction (Chapter 1020) and Chapter 1028, including concrete curbings.

(e) Internal sidewalks shall be of concrete, pre-cast blocks, terrazzo (textured surface only), brick, flagstone, rubblestone, or blackstone.
(Ord. 2136. Passed 2-1-93.)
1250.04 DRIVES, ROADS AND STREETS.

(a) Entrance, service, and delivery roads shall be located and designed in accordance with the Pennsylvania Department of Transportation guidelines for design of local roads and streets, the Penn Hills Standards for Construction (Chapter 1020), and the Zoning Code.

(b) Concrete curbs shall be installed on sides of roads as required, to contain vehicular traffic, protect pedestrians, and reduce maintenance of adjacent seeded or planted areas. Curbing may be eliminated or interrupted in approved areas to facilitate stormwater management design.

(c) Centerline markings shall be installed on roads, streets and drives to guide and control traffic flows. Install line markings shall be installed to define and control parallel parking on streets, roads, and drives.

(d) All surfaces are to be paved concrete or bituminous.

(e) All street and alley layouts shall take into consideration prospective plans made by the Municipality. Also, the subdivider shall comply with all plans officially adopted by the Municipality.

The method of construction of all road work shall be in accordance with both the Pennsylvania Department of Transportation Specification Form 408 and Design Manual Part 2, Chapter 14, and the Penn Hills Standards for Construction (Chapter 1020), as they may be amended from time to time.

(f) Wherever there exists a dedicated or platted portion of a street or alley along the boundary of the tract being subdivided, the remainder of said street or alley to the prescribed width shall be platted within the proposed subdivision.

(g) No cul-de-sac shall be longer than 600 feet. A cul-de-sac shall include a turnaround at the closed end with an outside curb radius of at least forty (40) feet, and a right-of-way radius of not less than fifty (50) feet, and said turnaround shall have a maximum grade of five (5) percent.

(h) The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be 125 feet.

(i) Intersections of more than two (2) streets at one point shall be prohibited.

(j) The Penn Hills Planning Commission may, when it deems it advisable, require a right-of-way with a width in excess of that required in these Regulations. Right-of-way requirements may be increased for specific thoroughfares if drainage easements parallel such thoroughfares. Such increased width shall be set by the Planning Commission under the advisement of the Municipal Engineer.

(k) Short extensions of existing streets with lesser rights-of-ways and/or cartway widths than prescribed in this section may be permitted provided, however, that no section of the new right-of-way to be extended is less than the minimums as prescribed in Table I of Appendix A following the text of these Regulations.

(l) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, a dedication of additional right-of-way, in conformance with the above standards, shall be required.

(m) Minimum right-of-way widths, paving widths, angles of intersection, distances along
sides of sight triangles, sidewalks required horizontal alignment, vertical alignment, as well as maximum and minimum grades, shall be in accordance with Table I of Appendix A following the text of these Regulations.

(n) Design standards of streets are as shown in attached Table I of Appendix A following the text of these Regulations. (Ord. 2136. Passed 2-1-93.)

1250.05 SUBDIVISION LAND REQUIREMENTS AND LOT DESIGN.
(a) Land shall be suited to the purpose for which it is to be subdivided.

(b) Every lot shall be accessible for the use of public safety vehicles and other public or private purposes, and shall be served by a public or private street system improved in accordance with these Regulations and connected to the general street system.

(c) Double frontage lots should be avoided. However, where a subdivision abuts an existing or proposed major traffic streets, the Planning Commission may require marginal access streets, rear service alleys, reverse frontage lots, or other such treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic.

(d) Lot width and area are to be specified in the Penn Hills Zoning Ordinance, as amended.

(e) The depth of a residential lot shall not exceed three (3) times the width. The Planning Commission may permit lots longer than three (3) times the width in instances where conditions warrant it. Likewise, lots too shallow for building shall be avoided.

(f) All lots shall front on a Municipal street, existing or proposed.

(g) If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Municipality.

(h) The depth and width of parcels laid out or reserved for non-residential use shall be adequate for the proposed use and sufficient to provide satisfactory space for off-street parking and unloading.

(i) Side lines of lots shall be approximately at right angles to straight streets and radial to lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided unless it is clearly evident that such variation will improve the overall neighborhood design.

(j) When a tract is subdivided into larger than required building lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and resubdividing, with provisions for adequate utility connections for each subdivision.

(k) Corner lots shall have an extra width that is adequate to permit building setbacks from both streets. (Ord. 2136. Passed 2-1-93.)

1250.06 BLOCKS.
(a) Blocks shall ordinarily not exceed 1,000 feet in length. Where it is necessary for blocks to exceed this length, pedestrian ways and/or easements may be required near the center of the
(b) Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots except where reverse frontage lots bordering a major traffic street are used. (Ord. 2136. Passed 2-1-93.)

1250.07 BUILDING LOCATION.
As specified in the Zoning Code, a building setback line shall be established and shown on the plan, in accordance with the yard requirements of the Zoning Code. (Ord. 2136. Passed 2-1-93.)

1250.08 EASEMENTS.
Easements for sewers and utilities shall be required at a minimum width of fifteen (15) feet. Where a subdivision is, or will be, traversed by a water course, there shall be provided a stormwater easement or drainage right-of-way of a width sufficient for the purpose, twenty (20) feet minimum. (Ord. 2136. Passed 2-1-93.)

1250.09 GRADING AND EXCAVATION.
(a) General Purpose. The purpose of this section is to provide minimum standards to safeguard persons, to protect property and promote the public welfare by regulating the design, construction, quality of materials, use, location and maintenance of grading, excavation and fill. Earthmoving activities may cause damage to adjacent property and the environment. These requirements and standards are intended to minimize adverse effects. All new grading excavation or fill must conform to the standards of this section.

(b) Scope. No grading shall take place in such a manner that it:
   (1) Damages adjacent property
   (2) Causes settlement, slides, and/or excessive erosion
   (3) Causes traffic safety problems
   (4) Utilizes improper fill materials
   (5) Adversely affects drainage patterns
   (6) Leaves earth exposed for extended periods of time
   (7) Leaves property in an unsafe condition
   (8) Transports grading materials in such a manner that damages public or private streets and/or other public facilities.

(c) Permit Required.
   (1) No person shall commence or perform any grading, excavation, or fill without first having obtained a grading permit issued by the Municipality. A separate grading permit shall be required for each site. One permit may cover both an excavation and any fill made on the same site.
   (2) Whenever subdivision and/or land development is otherwise required, a grading permit will not be issued prior to subdivision and/or land development approval. A building permit must also be obtained for imminent development prior to the issuance of a grading permit, with the exception of new residential subdivision developments, which must have an approved preliminary plan.
   (3) No grading permit will be issued for imminent development without prior approval of an approved method of sewage treatment, a highway occupancy permit, an erosion and sediment control plan, a building permit, and other required permits.
   (4) A grading permit will be issued where grading is limited to mining, quarrying or
stock piling of coal, rock, sand, aggregate or clay that satisfy the requirements of the Regulations of the Commonwealth of Pennsylvania, and upon receipt of plans approved by the appropriate department of the Commonwealth, provided such operation has had prior zoning and site plan approvals and other required approval by the proper Penn Hills Municipal authorities.

A grading permit may be issued where grading is limited to solid waste disposal areas or sanitary land fills, operated in accordance with the requirements, rules, and ordinances adopted by the Pennsylvania Department of Environmental Resources, the Allegheny County Department of Health, and the Municipality of Penn Hills upon receipt of plans approved by said proper Penn Hills Municipal authorities.

(d) Permit Not Required. A grading permit will not be required in the following situations, but in all other respects the provisions of these Regulations shall apply:

(1) An excavation or fill which does not exceed five (5) feet in vertical depth at its deepest point measured from the natural surface; does not result in cut and/or fill slopes deeper than three (3) horizontal to one (1) vertical and does not exceed an area of 1,000 square feet: and there is less than 100 cubic yards of excavation or fill.

(2) An excavation below finished grade for basements and footings of a building, swimming pool, or underground structure authorized by a building permit and the excavation of a driveway between a building site and the street, provided, however, that a permit is required for excavation of a driveway between the building site and the street when conditions such as excessive cut or fill make a grading permit necessary. A grading permit shall not be required for the temporary stockpiling on the same site of the material from such excavation.

(3) Grading or excavation which exposes less than 8,000 square feet of surface area, is otherwise consistent with the provisions of these Regulations, and, in the opinion of the Chief Code Enforcement Officer, is not detrimental to adjacent property. In making this determination, the Chief Code Enforcement Officer may impose reasonable conditions on the property owner and/or the contractor including, but not limited to:
   A. The preservation of certain vegetation
   B. Time restrictions
   C. Erosion and sediment controls
   D. Drainage controls.

(e) Application and Approval Process. Every applicant for a grading permit shall file a written application to the Director of Code Enforcement. Accompanied with the application, the applicant shall supply a survey of the property. On the survey, plot plan or other such drawing of the owner=s property, the applicant or owner may be required to show the area and extent of the proposed grading activity.

The Director may approve the application provided that there appears to be no hazards associated with the property; that public utilities are located and protected; and that storm water will not be diverted onto neighboring properties.

Any excavation or fill project which exceeds 500 cubic yards, involves the piping of a waterway, the raising of sewer manholes, or the installation or adjustment of utilities or other improvements, shall be reviewed by the Municipal Engineer. Applications requiring the Engineer=s review shall contain the following information:

(1) A description of the work.
(2) Plans and specs prepared by a registered professional engineer.
(3) An appropriate number of cross sections.
A grading plan showing existing and proposed contours, natural features, existing
and proposed buildings, trees over fifteen (15) inches in caliper, drainage patterns,
fences, walls, and other information as may be required by the Director or the
Engineer.

All plans shall be dated and bear:
A. The name and seal of the registered professional engineer, or registered
   surveyor, who prepared the same
B. The name of the applicant
C. The owner of the land
D. The estimated dates of the starting and completion of the grading work
E. The purpose for which the grading application is filed.
F. Whether or not a building, structure or other improvement, the construction
   of which will require a building permit under the Building Code of the
   Municipality of Penn Hills, will be, or is intended to be, erected on the land
   on which the grading is to be done.

Permit Fees. Grading permits must be accompanied by appropriate fees as may be
established from time to time by Council resolution.

Work Completion Guarantee; Additional Bonds. In conjunction with the issuance of a
grading permit, the Code Enforcement Officer and/or the Municipal Engineer may require the
applicant to post a performance bond or other approved security to guarantee the completion of the
work, including slope treatment and drainage, contemplated by the permit. The amount of such
bond shall normally be twenty-five (25) percent of the cost of the work. For grading permits of a
small scale, cash deposits shall be an acceptable form of security.

The Engineer, upon his discretion and knowledge of local streets, may require a bond to
cover possible damage to local streets caused by heavy equipment and trucks which will be using
those streets.

Inspections.
(1) If at any stage of the work, the Municipal Engineer or the Director of Code
   Enforcement shall determine by inspection that the nature of the formation is such
that further work as authorized by an existing permit is likely to endanger any
property or streets or alleys, or create hazardous conditions, the Municipal
Engineer or the Director of Code Enforcement may suspend operations. The
Municipal official may require as a condition to allowing the work to continue that
the permit holder take reasonable safety precautions to avoid such likelihood of
danger. Safety precautions may include, but shall not be limited to, specifying a
flatter exposed slope, and the construction of additional drainage facilities, berms,
terracing, compaction, cribbing or walls, and all work must be done in such a
manner.
(2) The permit holder is required to keep all roads free of material including mud, dirt,
gravel, etc. so as to prevent a traffic hazard.
(3) The applicant and landowner are required to permit the inspection of work at all
times during grading operations and are required to comply with any additional
conditions as may be imposed by the inspector to protect adjacent property and
otherwise correct violations.

General Requirements.
(1) The top or bottom edge of slopes shall be at least three (3) feet from property or
right-of-way lines of streets in order to permit the normal rounding of the edge
without encroaching on the abutting property. A fence not less than four (4) feet in
height, of a design approved by the Municipality or the Municipal Engineer, and meeting Municipal fence requirements, shall be placed at the top of all cuts or fill slopes in excess of one and one-half (1 1/2) horizontal to one (1) vertical.

(2) The owner of a property shall be responsible for the protection of lower properties from damage which would be caused by silt and debris washing from his property as a result of the grading operation, and for clean-up, if damage does occur.

(3) In order to prevent the denuding of the landscape, wherever practicable, large trees and other natural features constituting important physical, esthetic and economic assets to existing or impending suburban development shall be preserved.

(4) Prior to any grading work, all topsoil shall be removed from the area to be graded and stockpiled and preserved for re-use on the site.

(j) Standards for Fill.

(1) No fill shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical, except under one or more of the following conditions:
   A. The fill, in the opinion of the Municipal Engineer, is located so that settlement, sliding, or erosion of the fill material will not result in property damage or be a hazard to adjoining property, streets, alleys or buildings.
   B. A written statement, from a registered professional engineer, licensed by the Commonwealth of Pennsylvania and experienced in soils engineering, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Municipal Engineer.

(2) The Municipal Engineer may require that the fill be constructed with an exposed surface flatter than two (2) horizontal to one (1) vertical if he finds that under the particular conditions such flatter surface is necessary for stability and safety.

(3) Fills, embankments and finish grading shall be designed in accordance with the following:
   A. The bearing value and stability of the material under proposed fills and embankments shall be determined by subsurface investigation performed by a qualified registered engineer because of the potential for unexpected conditions in earth materials and a possibility of earth movement.
   B. The type of fill material available in each stage of the grading operations shall be determined in order to plan proper filling procedures:
      1. Broken concrete, concrete block, cinder block, brick, slag, and stone may be incorporated in fills and embankments, but only in layers twenty-four (24) inches thick, maximum, as revised, with voids filled and a blanket of compacted fill separating one layer of rock from the next (as per PennDOT Form 408 specifications). Rock fill should be placed near the bottom of fill and in relation to the toe of the proposed embankments, building foundations, building caissons and subsurface utility installations. Suitable earth shall be reserved or be provided to cover rock fill under proposed seeded or planted areas.
      2. Coal, boney, red-dog, expansive shale and cinders shall not be placed in fill areas.
      3. No combustibles, including plastic, wood or decomposable material, shall be placed in fill areas.
   C. All organic debris and all topsoil shall be removed from areas to receive fill. Trees, shrubs and brush shall be cut on all slopes and any area where fill will cover two (2) feet of the tree trunk.
   D. On major fills or embankments, as determined by the Municipal Engineer, a
toe bench shall be constructed below mantle under the toe of fill.

E. To take care of ground and subsurface water in the proposed fill area, a porous drain shall be installed on the bottom and back wall of the toe bench, together with a drain pipe and suitable discharge pipe to existing surface beyond and below the toe of the proposed fill.

F. Overfilling of slopes is desirable to permit final shaping of the surface to the proposed grade without the addition of loose fill over the surface of the slope, provided that no fill shall be higher than six (6) feet vertically before the slope is shaped to proper grade.

G. At the end of each work day, the horizontal surface of the fill area shall be shaped, compacted and rolled to slope to the outside edge to provide for drainage.

(k) Standards for Excavations. No excavation shall be made with a cut face steeper in slope than two (2) horizontal to one (1) vertical, except under one or more of the following conditions:

1. The excavation is located so that a line having a slope of two (2) horizontal to one (1) vertical and passing through any portion of the cut face will be entirely inside the property lines of the property on which the excavation is made.

2. A written statement, from a registered professional engineer, licensed by the Commonwealth of Pennsylvania and experienced in soils engineering, certifying that he has inspected the site and that the material in which the excavation is to be made is sufficiently stable to sustain a slope steeper than two (2) horizontal to one (1) vertical and that said steeper slope will not endanger any property or result in property damage, is submitted to and approved by the Municipal Engineer.

3. In no event shall the slope be steeper than one (1) horizontal to one (1) vertical unless a retaining wall or other approved support, designed by and bearing the seal of a professional engineer and approved by the Municipal Engineer, is provided to support the face of the excavation.

4. The Municipal Engineer may require an excavation to be made with a cut face flatter in slope than two (2) horizontal to one (1) vertical, if he finds that the material in which the excavation is to be made is unusually subject to erosion, or if other conditions exist which, under applicable engineering practice, make such flatter cut slope necessary for stability and safety.

5. Excavations adjacent to any footing, foundation, or structure shall not extend below the angle of repose or natural slope of the soil under the nearest point of same unless such footing, foundation, or structure is first properly underpinned or protected against settlement.

6. Before commencing any excavation which will in any way affect an adjoining property or structures thereon, the person making or causing the excavation to be made shall notify in writing the owners of adjoining buildings not less than thirty (30) days before such excavation is to be made. Adjoining properties and structures shall be protected as provided.

(l) Ground Cover. All exposed areas shall be seeded and mulched with approved mixtures in accordance with approved erosion and sediment control plans.

(m) Compaction. All fills shall be compacted to prevent settlement. When required, the fill shall be spread in eight (8) inch layers and compacted by a sheepfoot roller. Fill should be placed at the optimum moisture content for the specified degree of compaction. The Municipal Engineer may require, at no cost to the Municipality, tests or other information, if in his opinion, the conditions or materials are such that additional information is necessary.

(n) Drainage.
(1) Adequate provisions shall be made to prevent any surface water from damaging the cut face of an excavation or the sloping surface of a fill.

(2) The drainage pattern prior to construction shall be indicated on the plans and adequate measures shall be taken to eliminate any erosion and water runoff damage to adjacent properties during the construction and after completion of construction.

(3) The necessary storm sewers, sediment ponds, catch basins, drainage ditches and swales to protect adjacent properties shall be constructed before the property to be graded is cleared and grubbed and before any excavation of filling is started. The storm sewers, catch basins, drainage ditches and swales must be maintained, cleaned and open during construction. If the above is not complied with, the Municipal Engineer, or the Director of Code Enforcement, or an authorized agent, shall stop clearing and grading on the site until the necessary drainage facilities are completed, or the permit will be revoked and the required bond will be forfeited.

(4) Drainage ditches shall be constructed at the toe and top of the cut and ahead of fill slopes to divert the surface water to drainage facilities during and after construction.

(5) New storm sewers and other facilities and utilities transversing a proposed fill area shall be buried a minimum of three (3) feet from top of pipe to existing grade, or the fill shall be constructed in that area prior to excavation for the installation of said sewers and utilities. The minimum size storm sewer shall be fifteen (15) inches in diameter unless a variation of size is approved by the Municipal Engineer. The storm sewer shall be constructed and maintained so as to not to cause ponding or water backup. Any ponding that does occur as a means of storm water retention shall be capable of draining into the storm sewers within twenty-four (24) hours of the termination of a storm.

(6) Slopes steeper than two (2) horizontal to one (1) vertical and of more than fifteen (15) feet in vertical height shall be separated by a level berm of at least four (4) feet in width at intervals of no more than fifteen (15) feet vertically. On slopes of two (2) horizontal to one (1) vertical of less steep, the four (4) foot level berms will not be required unless deemed necessary by the Municipal Engineer.

(7) Drainage ditches with a grade of seven (7) percent or greater, or a velocity of more than seven (7) feet per second, shall be paved with concrete, bituminous mixture, brick, half pipe, rubble or other hard surface material.

(8) Drainage ditches with a grade of less than seven (7) percent or a velocity of less than seven (7) feet per second, shall be grassed and sloped in such a manner that they can be conveniently cut and maintained.

(9) Drainage structures, storm sewers and appurtenances shall be of proper design and so constructed as to carry surface water and any subsurface water encountered to the nearest practical storm drain or natural water course approved by the Municipal Engineer as a safe place to deposit and receive such waters. Approval by the Municipal Engineer in no way relieves the owner of his legal responsibilities to adjacent property owners. Where proposed storm sewer pipes, ditches, etc., are to discharge into existing Pennsylvania Department of Transportation or Allegheny County storm water facilities, highway occupancy permits are to be obtained from the proper department, approving said discharge before grading operations can commence.

(o) Maintenance. The owner of any property on which an excavation or fill has been made shall maintain in good condition and repair all slopes, retaining walls, cribbing, drainage structures, fences, ground cover, and other protective devices as established by permit. The continued use of said area shall be contingent upon the maintenance and upkeep, satisfactory to the
Municipality and subject to such further conditions as the Municipality may prescribe from time to time.

(p) **Expiration of Permit.** Every permit shall expire within a time period of six (6) months unless otherwise specifically extended for just cause by the Chief Code Enforcement Officer or the Municipal Engineer. On small grading projects where a minimal amount of disturbance is important, the Municipality may further limit a time period.

(q) **Denial of Permit.** Where, in the opinion of the Engineer or the Chief Code Enforcement officer, the proposed grading is likely to endanger any property, street, or structure, the permit may be denied.

(r) **Alternative Methods.** Nothing shall prevent the Code Enforcement Officer or the Municipal Engineer from considering alternative methods, standards, or materials as may be proposed by the applicant. These alternatives must be considered to be equal to or better than expressed provisions of these Regulations and approved in writing by the Engineer or the Code Enforcement Officer.

(Ord. 2136. Passed 2-1-93.)

1250.10 SITE PREPARATION; EROSION AND SEDIMENTATION.
The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

(a) Stripping of vegetation, regrading, or other development, shall be done in such a way that will minimize erosion.

(b) Development plans shall preserve salient natural features, keep cut/fill operations to a minimum, and insure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

(c) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

(d) The disturbed area and the duration of soil exposure shall be kept to a practical minimum.

(e) Disturbed soils shall be stabilized as quickly as practicable.

(f) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(g) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(h) Provisions shall be made to effectively control runoff caused by changed soil and surface conditions before, during, and after construction. Where necessary, the rate of surface water runoff shall be structurally retarded.

(Ord. 2136. Passed 2-1-93.)

1250.11 RESPONSIBILITY.
(a) Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at his expense immediately.

(b) Maintenance of all roads, streets, parking areas, drainage facilities and watercourses within any land development is the responsibility of the developer until the development is formally accepted by the Municipality.

(c) It is the responsibility of any person, corporation, or other entity performing any act on or across a communal stream, watercourse, or swale, or upon the flood plain or right-of-way
thereof, to maintain as nearly as possible in its present state such stream, watercourse, swale, flood plain or right-of-way until the activity is completed.

(d) Maintenance of drainage facilities or watercourses originating on, and completely on, private property, is the responsibility of the owner to the point of open discharge at the property line, or at a communal watercourse within the property.

(e) No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing in, or commit any act which will affect, normal or flood flow in any communal stream or watercourse, without having obtained prior approval from the Municipality or the State Department of Environmental Resources.

(Ord. 2136. Passed 2-1-93.)

1250.12 STORMWATER MANAGEMENT.

(a) General Purpose. These Regulations are adopted and implemented to achieve the following general purposes and objectives:

(1) To manage and control stormwater runoff resulting from land alteration and disturbance activities in accordance with the watershed stormwater management plans adopted pursuant to the Pennsylvania Storm Water Management Act (Act 167 of 1978, as amended).

(2) To utilize and preserve the desirable existing natural drainage systems and to preserve the flood-carrying capacity of streams.

(3) To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.

(4) To provide for adequate maintenance of all permanent stormwater management structures in the Municipality.

(b) Applicability. The provisions of this section shall apply to all subdivisions and/or land development within the Municipality.

(c) Liability Disclaimer. Neither the granting of any approval under the stormwater management provisions of these Regulations, nor the compliance with the provisions of these Regulations, or with any condition imposed by a Municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the Municipality for damage to persons or property.

The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee or warranty of any kind by the Municipality, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

(d) Performance Districts. For the purpose of stormwater management, the Municipality of Penn Hills is divided into the following districts:

(1) Thompson Run
(2) Thompson Run Tributary
(3) Duff Run
(4) Chalfant Run
(5) Plum Creek
(6) Sandy Creek
(7) Shades Run/Nadine Road
(8) Nine Mile Run.

The location and boundaries of watersheds are identified on maps available in the Penn Hills
Department of Planning and Economic Development. The boundaries and subareas of the Turtle Creek Watershed are identified in the Turtle Creek Act 167 Stormwater Management Plan.

(e) **General Standards.** Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:

1. To assure that the maximum rate of stormwater run-off is no greater after development than prior to development activities; or
2. To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury;
3. To consider all the stormwater runoff flowing over the site; or
4. To prevent the discharge of toxic or unlawful materials into the system.

(f) **Watershed Standards/Turtle Creek Watershed.** The Municipality fully intends to implement the standards and criteria contained in the Turtle Creek Stormwater Management Plan, adopted and approved in accordance with the Pennsylvania Storm Water Management Act. These standards and criteria, together with subsequent amendments to the current plan, shall apply to all land within the Turtle Creek Watershed.

The Turtle Creek Act 167 Watershed Plan is hereby adopted by reference as if fully set forth herein. Information on standards, procedures for use, no harm evaluations, criteria for infiltration systems, storm water detention facilities, collection/conveyance facilities, and erosion control, is all applicable to land within the Turtle Creek Watershed.

(g) **Storm Frequencies/Turtle Creek Watershed.** Stormwater management facilities on all development sites shall control the peak stormwater discharge for the 2-, 10-, 25-, and 100-year storm frequencies. The SCS 24-Hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre- and post-development conditions. The 24-hour total rainfall for these storm frequencies in the watershed are:

<table>
<thead>
<tr>
<th>Storm Frequency</th>
<th>Rainfall Depth (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-year</td>
<td>2.50</td>
</tr>
<tr>
<td>10-year</td>
<td>3.61</td>
</tr>
<tr>
<td>25-year</td>
<td>4.31</td>
</tr>
<tr>
<td>100-year</td>
<td>5.71</td>
</tr>
</tbody>
</table>

(h) **Calculation Methods/Turtle Creek Watershed.**

1. Development sites. For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: SCS publications, Technical Release (TR) 55 or 20, HECI, or Penn State Runoff Model.

2. Stormwater collection/conveyance facilities. For the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, any of the above listed calculation methods or the Rational Method may be used. Rainfall intensities for design should be obtained from the Pennsylvania Department of Transportation rainfall charts.

3. Predevelopment conditions. Predevelopment conditions shall be assumed to be those which exist on any site at the time of adoption of the Turtle Creek Stormwater Management Plan. Hydrologic conditions for all areas with previous cover (i.e., fields, woods, lawn areas, pastures, cropland, etc.) shall be assumed to be in a good condition, and the lowest recommended SCS runoff curve number.
shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group.

4) Detention/retention facilities. The routing of hydrographs through detention/retention facilities for the purpose of design of those facilities shall be accomplished using the Modified-Puls Method or recognized reservoir routing method subject to the approval of the Municipality and County.

(i) Watershed Standards/Other Watersheds. Development consistent with subsections (f), (g) and (h) hereof will be considered to be acceptable for all watersheds. Watersheds other than the Turtle Creek Watershed, however, may utilize the Rational Method of design and shall provide for the retention of 2.5 inches of rainfall generated in a 100-year flood storm for a duration of one hour.

(j) Plan Requirements. No final subdivision/land development plan shall be approved, no permit authorizing construction issued, or any earthmoving or land disturbance activity initiated until the final stormwater management plan for the development site is approved in accordance with the provisions of these Regulations.

(k) Exemptions for Small Developments.
   (1) At the time of application, the Municipality shall determine if the subdivision/land development qualifies as a small development and, therefore, is eligible for a simplified stormwater plan submission. For the purposes of these Regulations, a small development is any subdivision or land development which results in (or will result when fully constructed) the creation of 5,000 or less square feet of impervious area in the Turtle Creek Watershed or 10,000 square feet in other watersheds.
   (2) Applications for small developments shall include a plan which describes the type and location of proposed on-site stormwater management techniques or the proposed connection to an existing storm sewer system. The plan should show accurately site boundaries, five (5) foot interval contours, locations of watershed and/or subarea boundaries on the site (if applicable) and any watercourses, floodplains, or existing drainage facilities or structures located on the site. Contingent upon the approval of the Municipal Engineer, alternative runoff computational techniques such as the Rational Method may be used where applicable. The Municipality reserves the right to require that the plan be prepared by a registered professional engineer, surveyor or landscape architect.
   (3) The Municipal Engineer shall review and approve the proposed provisions for stormwater management in accordance with the standards and requirements of these Regulations.

(l) Contents of Plan. The plan shall be drawn to scale and provide watershed location, floodplain boundaries, natural features, contours, management controls, and other information deemed necessary to determine compliance with these Regulations and Pennsylvania Act 167, as amended. The plan shall be prepared by a professional with expertise in hydrology and hydraulics and include the necessary calculations.

(m) Submissions/Plan Reviews. The plan shall be submitted in conjunction with a subdivision or land development application and:
   (1) The Municipality shall notify municipalities upstream and downstream of the development site which may be affected by the stormwater runoff and proposed controls for the site. Copies of the plans will be made available to such municipalities upon request. Comments received from any affected municipality will be considered by the Municipal Engineer and County agencies in their
reviews.

(2) A copy of the stormwater plan, along with all run-off calculations, shall be forwarded to the Allegheny County Planning Department. A report of its findings will be returned to the Municipality within thirty (30) days.

(3) If the Planning Department review identifies that the plan fails to comply with the watershed standards and criteria or that a possibility exists for harmful downstream impacts from the development site, the applicant will be advised so that the necessary modifications can be made to the stormwater management controls for the development site. The Municipal Engineer shall not approve the development site's stormwater management plan until modifications are made and the plan receives a positive review from the County Planning Department.

(4) The Municipal Engineer shall approve or disapprove the stormwater management plan based on the requirements of municipal ordinances, the standards and criteria of the watershed plan and good engineering practice. The Engineer shall submit a written report, along with supporting documentation, stating his reasons for approval or disapproval.

(5) The approval or disapproval of the site's stormwater management plan by the Municipal Engineer shall be considered final. The Planning Commission shall not reverse the Engineer's determination by approving or disapproving the site's stormwater management plan or any specific control measure in contradiction to the Engineer's action. The Planning Commission may request modifications or alternative approaches to the stormwater management controls, provided these are agreed to by the Municipal Engineer and the applicant's engineer.

(n) Other Stormwater Plan Considerations. The status of plans after approval, modifications to existing and approved plans, inspections, financial guarantees, dedication, maintenance and enforcement remedies must all be consistent with other provisions of these Regulations, the Pennsylvania Municipalities Planning Code, and PA Act 167.

(Ord. 2136. Passed 2-1-93.)

1250.13 LANDSCAPING.

(a) Purpose. Recognizing the fact that land development necessitates the destruction and removal of natural vegetation, specific landscaping requirements are hereafter specified and required for the purpose of soil conservation, insuring proper visual and audio separation of uses, and to promote individual privacy, and further, to enhance the public health and economic value of the Municipality of Penn Hills.

(b) General Requirements.

(1) Planting shall complement and accentuate the best features of the building(s) and site.

(2) Planting shall provide essential shade, effective cooling, sound and light control by screening and traffic control on direction.

(3) Planting shall be organized to minimize maintenance by:

A. Selecting hedge and screen plants which tolerate clipping or shaping.

B. Installing fences and screens located at the edge by paving placed at least six (6) inches inside the outer edge of paving.

C. Treating major slopes and removed areas to crown vetch for a permanent, low-maintenance, attractive cover. (See Chapter 1424 of the Building Code.)

(4) It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, or other reasons for discontinued growth.

(5) All front and side yard areas shall be seeded.
(6) All required deciduous trees shall be a minimum of two (2) inches in caliper at a point one (1) foot above the ground.

(7) During the site plan review process, the Planning Department and/or the Planning Commission may impose additional landscaping to requirements not normally required under the following sections to provide for additional erosion control, buffer areas or additional screening.

c) Residential Areas.
(1) In addition to general requirements, at least two (2) deciduous trees for each single-family dwelling unit and one (1) deciduous tree for each multifamily unit shall be required. In single-family districts, the trees required by this paragraph must be planted in the front yard area.

(2) All transitional yards shall require a belt of landscaping at least five (5) feet in width of massed plantings, which planting shall consist of one (1) deciduous tree for each 2,000 square feet of paved area, and one (1) evergreen tree for each five (5) foot length of side yard and/or rear yard abutting a residential zone. Evergreen trees shall be a minimum of three (3) feet in height at the time of planting.

(3) Parking areas shall be divided every fifteen (15) stalls, or 135 feet, with planting strips of three (3) feet minimum width unless alternative plans are approved by the Planning Commission.

d) Commercial and Industrial Zones.
(1) In addition to general requirements, at least one (1) deciduous tree for each 300 square feet of floor area shall be required.

(2) All transitional yards shall require a belt of landscaping at least five (5) feet in width of massed plantings, which planting shall consist of one (1) deciduous tree for each 2,000 square feet of paved area, and one (1) evergreen tree for each five (5) foot length of side yard and/or rear yard abutting a residential zone. Evergreen trees shall be a minimum of three (3) feet in height at the time of planting.

(3) Parking areas shall be divided every fifteen (15) stalls, or 135 feet, with planting strips of three (3) feet minimum width unless alternative plans are approved by the Planning Commission.

(4) When abutting public rights-of-way, the exterior perimeters (property lines) of all parking areas shall be landscaped with a buffer strip of not less than three (3) feet in width. These buffer strips shall include one (1) tree for each fifty (50) linear feet, or fraction thereof, of perimeter. Also, within these buffer strips, a hedge, decorative masonry wall, or other durable landscape barrier, shall be installed in such a manner as to screen the parking area from the public right-of-way. If such barrier is of non-living material, its height, design, and location must be approved, and for each ten (10) linear feet of said barrier and the right-of-way, said barrier shall be placed a minimum of three (3) feet inside the property line. The remainder of the landscape strip shall be improved with grass, ground cover, shrubs, or other landscape treatment, excluding paving or sand.

(5) Where parking areas abut property zoned for non-residential use, the requirements of paragraph (d)(3) hereof shall apply, except that the number of trees may be reduced to one (1) tree for every seventy-five (75) linear feet of parking area.

(6) An area, or combination of areas, equal to ten (10) percent of the total paved area exclusive of perimeter landscape buffers required by paragraphs (d)(4) and (5) hereof, shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required by paragraphs (d)(4) and (5) hereof may be counted as part of the interior landscaping requirement.

(Ord. 2136. Passed 2-1-93.)
1250.14 LIGHTING.

(a) All sidewalks, pedestrian walkways, steps and grade changes shall be suitably lighted at all times. Details of proposed lighting fixtures and supports, and the location thereof, shall be submitted as part of the site plan application.

(b) All parking areas shall be lighted with said lighting so arranged as to deflect the light away from all abutting properties. Floodlights projected from buildings shall not be approved unless design specifications are submitted demonstrating that glare will not present a traffic problem or a nuisance to adjacent properties.

(c) All lighting fixtures are to be installed with underground wiring.

(d) Electrical service to all new structures shall be underground, including telephone, television cable, or other types of wiring.

(Ord. 2136. Passed 2-1-93.)

1250.15 ENVIRONMENTAL REPORT.

(a) When Required. If one or more of the following circumstances exist, as part of the site plan application, the Department of Planning and Economic Development and/or the Planning Commission may determine that an Environmental Impact Statement will be required as part of the application:

1. Development in undermined areas with less than 100 feet of overburden, as designated by the U.S. Geological Survey.
2. Development or encroachment involving a natural stream or watercourse.
3. Development within a landslide-susceptible area, as designated by the U.S. Geological Survey.
4. Development disturbing slopes of twenty-five (25) percent or greater, as designated by the U.S. Geological Survey.
5. Development involving the removal of 10,000 square feet or more of woodland, as designated by the U.S. Geological Survey, or development involving the removal of natural vegetation of five (5) acres or more in area.
6. Residential development of 100 or more housing units, and commercial developments with 50,000 square feet, or more, of floor area.
7. Any industrial development.

(b) Contents of Report. When required, the applicant shall submit a written report including the following:

1. A description of the project.
2. An assessment of the environmental impact of the proposed development with particular attention to those items as outlined in subsection (a) hereof.
3. A list of all licenses, permits, and other approvals required by Municipal, County, or State law and the status of each. The approvals and permits should be required before final consideration of the site plan.
4. A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of watercourses, protection of air resources, and noise control are some factors to be considered.
5. Evidence that the Environmental Impact Statement was prepared by a professional competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or geotechnical consultant for undermining and landsliding problems, etc.
(c) **Waiver.** The Planning Commission may waive the requirement for an Environmental Impact Statement upon recommendation from the Department of Planning and Economic Development if an applicant requests said waiver in writing, and further, provided said development meets all the standards of the Zoning Code, will be served by both public water and sewer systems, does not involve the relocation, improvement, or alteration of any streamway, and no portion of the site is located within a flood hazard or flood-prone area, as designated by the Federal Emergency Management Agency (FEMA) through the Flood Insurance Study and maps. (Ord. 2136. Passed 2-1-93.)

1250.16 **RECREATION AND OPEN SPACE.**

For major residential subdivisions, certain open space and recreational amenities must be provided above and beyond the front/side/rear yard bulk and area requirements specified in the Zoning Code. All dedicated land must be usable for parks and recreation and accessible to those who utilize the development.

(a) Required open space and recreation amenities for major residential subdivisions are discussed in subsection (b) hereof. Land dedication is mandatory, except when agreement is reached between the Municipality and the developer to provide other options, which include:

1. In-lieu fees (for standard, see paragraph (b)(3) hereof).
2. Construction of recreational facilities.
3. Private reservation of land.
4. Combination of the above.

(b) Recreation and Open Space Development Schedule:

1. A plan and development schedule meeting the following requirements must be submitted with facilities suitable to serve the users of the planned structures: ten (10) percent of the gross site area shall be dedicated for recreational purposes.
2. Said facilities shall be located so as not to be detrimental to adjacent property owners by virtue of noise, light, glare, or any other objectionable features emanating therefrom.
3. In lieu of dedication of land for open space or recreational purposes, the developer may agree to pay a fee calculated as follows: 100% of market land value of land required to be dedicated.

\[
\text{Market land value (gross site) x Required sq. ft. to be dedicated = Fee in lieu of dedication} \\
\text{Total square feet}
\]

The Municipality shall, in the event of the collection of an in-lieu fee, use such funds in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 170, 1988, Section 503.11-iii, vi, vii. (Ord. 2136. Passed 2-1-93.)

1250.17 **OTHER ITEMS TO BE CONSIDERED DURING REVIEW.**

When applicable, the site plan shall properly address the following items which will be considered during the review process:

(a) Signs (must conform to Chapter 1276).
(b) Refuse storage and pickup.
(c) Service, delivery and loading areas.
(d) Traffic control devices.
(e) Street furniture (benches, waste cans, planters, tree pots, shelters, etc.).

(Ord. 2136. Passed 2-1-93.)
1250.18 WAIVER OF REQUIREMENTS.
Provided the site plan application is in conformance with all other applicable Municipal ordinances, that the applicant has requested the waiver in writing, and that the Department of Planning and Economic Development has made a recommendation, the Planning Commission may waive, alter, or reduce any requirement or standard of these Regulations under the following circumstances:

(a) Suitable Alternative. Whenever a proposal presents an alternative which conforms to the spirit and intention of these Regulations.

(b) Unusual Site Characteristics. Whenever a physical feature may exist on or adjacent to the site which prevents a literal conformance to requirements or standards.

(Ord. 2136. Passed 2-1-93.)

1250.19 REQUEST FOR ADDITIONAL INFORMATION.
Whenever it is determined by the Department of Planning and Economic Development and/or the Planning Commission that additional information is needed in order to make a proper decision related to the site plan application, the applicant will be informed of such and the information must be provided at the applicant's expense before the application will be considered complete.
(Ord. 2136. Passed 2-1-93.)

1250.20 ADDITIONAL REQUIREMENTS.
Whenever unusual circumstances arise not normally considered by requirements and standards, the Planning Commission may impose conditions upon application approvals that are consistent with the purpose and objectives of these Regulations.
(Ord. 2136. Passed 2-1-93.)
CHAPTER 1252
Mobile Home Parks

1252.01 Application of chapter.
1252.02 Mobile home park defined.
1252.03 Proper zoning and lot required.
1252.04 Site plan approval required.
1252.05 Registration and licensing.
1252.06 Inspections.
1252.07 Register of occupants.
1252.08 Removal of mobile homes.
1252.09 Recreation vehicles.
1252.10 General site requirements.
1252.11 Notices, hearings and orders.
1252.12 Records; appeals.
1252.99 Penalty; equitable remedies.

CROSS REFERENCES
Planning and zoning - see CHTR. Art. XVII
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Street construction standards - see S.U. & P.S. Ch. 1020
Excavations - see S.U. & P.S. Ch. 1024
Sidewalks - see S.U. & P.S. Ch. 1028
Utilities - see S.U. & P.S. Ch. 1040 et seq.
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224

1252.01 APPLICATION OF CHAPTER.
This chapter sets forth uniform standards governing mobile home parks, establishing
requirements for the design, construction, alteration, extension, and maintenance of mobile home
parks, and regulating utilities, the issuance of construction permits, the licensing of owners of
mobile home parks, authorizing the inspection of mobile home parks, and fixing penalties for
violations of any of these provisions.
(Ord. 2136. Passed 2-1-93.)

1252.02 MOBILE HOME PARK DEFINED.
A mobile home park is a subdivision and/or land development, and all portions of these
Regulations, and applicable portions of the Zoning Code, shall be adhered to.
(Ord. 2136. Passed 2-1-93.)

1252.03 PROPER ZONING AND LOT REQUIRED.
All mobile home parks shall be located only in R-3 Districts. (See Section 1268.02(d) of the
Zoning Code.) They shall consist of a tract of land (15) fifteen acres, or greater, in size.
(Ord. 2136. Passed 2-1-93.)

1252.04 SITE PLAN APPROVAL REQUIRED.
It shall be unlawful for any person, partnership, or corporation to construct, alter, or expand
any mobile home park unless site plan approval has been received from the Penn Hills Planning Commission (in accordance with Chapter 1250), and unless a valid permit issued by the Pennsylvania Department of Environmental Resources is held.
(Ord. 2136. Passed 2-1-93.)

1252.05 REGISTRATION AND LICENSING.
Mobile home parks shall be licensed and registered in accordance with State regulations.
(Ord. 2136. Passed 2-1-93.)

1252.06 INSPECTIONS.
The Penn Hills Zoning Officer, or other authorized representative, may inspect a mobile home park periodically to determine compliance with this chapter. As a result of such inspection, the Zoning Officer may give notice for any violations of this chapter.
(Ord. 2136. Passed 2-1-93.)

1252.07 REGISTER OF OCCUPANTS.
The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any person authorized to inspect the park. The management shall apply for occupancy permits in accordance with State and local ordinances and local taxation laws governing the arrival and departure of each mobile home. In addition, an occupancy permit is required any time there is a change of tenants or occupants of a mobile home.
(Ord. 2136. Passed 2-1-93.)

1252.08 REMOVAL OF MOBILE HOMES.
No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Municipality without first obtaining a removal permit from the Municipal Tax Collector, as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee of fifteen dollars ($15.00) and real estate taxes assessed against the home and unpaid at the time the permit is requested.
(Ord. 2136. Passed 2-1-93.)

1252.09 RECREATION VEHICLES.
No recreation vehicle is permitted to be used as primary or accessory living quarters, or dwelling.
(Ord. 2136. Passed 2-1-93.)

1252.10 GENERAL SITE REQUIREMENTS.
(a) Site Location. The location of all mobile home parks shall comply with the following minimum requirements. The location shall:

   (1) Be free from adverse influences by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects and rodents.
   (2) Not be subject to flooding. (See Penn Hills Flood Plain Regulations and accompanying FEMA report and F.I.S. maps.)
   (3) Not be subject to any hazard or nuisance, such as excessive, noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

   (b) Adaptation to Tract Assets. Each mobile home unit, dwelling, or structure shall be fitted to the terrain with a minimum disturbance of the land and a minimum elevation under it. Existing trees and shrubs, rock formations, streams, flood plains, steep slopes, and other natural features of the tract shall be preserved to the maximum extent practical. Favorable views shall be emphasized by the plan.
Orientation. Mobile homes are encouraged to be arranged in a variety of orientations and are strongly encouraged to have many units with their long sides facing the street rather than their ends, in order to provide variety and interest. Site layout shall be designed to insure that mobile home units are offset to prevent direct views into neighboring units.

Street Layout. Gridiron layouts and street patterns unrelated to the topography of the site are to be avoided. Conversely, curvilinear designs are encouraged.

Street Systems and Designs.
(1) Access streets. The mobile home park development shall be designed with only one access street which connects the development with a public street.
(2) Internal streets. A system of internal streets shall provide access to lots within the mobile home park development.
(3) Construction standards. (See Chapter 1020.)

Site Improvements Required. Lot size, streets, sidewalks, sanitary sewers, waterlines, setbacks, buffer strips, screening, stormwater management, erosion and sediment control, placement of mobile homes, parking areas, and recreation areas are subject to the requirements of Chapter 1250 of the Zoning Code.

Water Supply.
(1) In general. All mobile home parks shall connect to the public water supply system and every mobile home, service building, and any other accessory facility shall use water from the public system exclusively.
(2) Individual connections.
   A. Individual water rise pipes having an inside diameter of no less than one-half (\(\frac{1}{2}\)) inch shall be provided on each mobile home stand and shall terminate no less than four (4) inches above the ground level.
   B. Adequate provisions shall be made to prevent freezing of service lines, valves and rise pipes, and to protect risers from the heaving and thawing action of the ground during freezing weather.
   C. A shut-off valve below the front line shall be provided near the water riser pipe on each mobile home lot.

Sewage Disposal.
(1) In general. All mobile home parks shall be connected to the public sewage system, and every mobile home, service building, and other accessory facility shall use the public sewage system exclusively. All such proposed sewage disposal facilities shall be approved by the Municipality of Penn Hills, the Allegheny County Health Department, and the Pennsylvania Department of Environmental Resources.
(2) Individual connections.
   A. Individual sewer riser pipes having at least a four (4) inch diameter shall be located on each mobile home stand and shall extend at least one (1) inch above the ground level.
   B. Provisions shall be made for plugging the sewer riser pipe when the mobile home lot is unoccupied.

Electrical Distribution System.
(1) In general. Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power specifications regulating such systems.
(2) Power distribution lines.
A. All power lines shall be placed underground at least eighteen (18) inches below the ground surface and shall be insulated and specifically designed for such installation. Such lines shall be located not less than one (1) foot from any other utility lines, facility or installation.

B. Meter poles shall have a maximum height of six (6) feet.

(3) Individual electrical connections. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

(4) Required grounding. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for the mobile home or other equipment.

(j) Service Buildings and Other Park Service Facilities.

(1) Applicability. The requirements of this subsection shall apply to service buildings, recreation buildings, and other community service facilities, as follows:
   A. Management offices, repair shops and storage areas
   B. Laundry facilities
   C. Indoor recreation areas
   D. Commercial uses supplying essential goods or services for the exclusive use of park occupants.

(2) Facilities. 
   A. Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.
   B. Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

(3) Structural requirements for buildings.
   A. All service and accessory buildings shall be constructed in conformance with the Penn Hills Building and Fire Codes.
   B. All rooms containing lavatory facilities shall:
      1. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories, and other plumbing fixtures, shall be constructed of dense, non-absorbent waterproof material, or covered with moisture-resistant materials.
      2. Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them.
      3. Have at least one (1) window which can be easily opened, or a mechanical device which will adequately ventilate the room.
   C. Toilets shall be located in separate compartments equipped with self-closing doors.

(k) Refuse Handling. The storage, collection and disposal of refuse in the mobile home park shall be the responsibility of the mobile home park owner or manager and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution, and shall comply with all applicable Municipal and State regulations.

(l) Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall comply with all applicable Municipal and State regulations.
(m) **Fuel Supply and Storage.** All fuel supply and storage facilities shall be in conformance with the Penn Hills Fire Code and all national and State codes governing such.

1. **Natural gas system.**
   A. Natural gas piping systems, when installed in mobile home parks, shall be installed and maintained in conformity with the specifications of the company serving the area.
   B. Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. **Liquefied petroleum gas systems.** Liquefied petroleum gas systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with applicable rules and regulations, and shall include the following:
   A. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
   B. Systems shall have at least one (1) accessible means of shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
   C. All LPG piping outside the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
   D. Vessels of more than twelve (12) U.S. gallons and less than sixty (60) gallons gross capacity may be securely, but not permanently, fastened to prevent accidental overturning.
   E. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure unless such installations are specially approved by the authority having jurisdiction.

3. **Fuel oil supply systems.**
   A. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with applicable rules and regulations.
   B. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
   C. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shut-off valves located within (5) five inches of storage tanks.
   D. All fuel storage tanks or cylinders shall be securely placed and shall not be less than five (5) feet from any mobile home existing.
   E. Storage tanks located in areas subject to traffic shall be protected against physical damage.

(n) **Fire Protection.**

1. **Local regulations.** Mobile home park areas shall be subject to local fire protection rules and regulations.

2. **Litter control.** Mobile home park areas shall be kept free of litter, rubbish, and other flammable materials.

3. **Fire extinguishers.** Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control and a sufficient number shall be maintained through the park in readily accessible and well-marked positions.

4. **Fire hydrants.**
A. Fire hydrants shall be installed if their water supply source is capable of serving them in accordance with the following requirements:
   1. The water supply source shall permit the operation of a minimum of two (2) one and one-half (1 1/2) inch hose streams.
   2. Each of two nozzles, held four (4) feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.

B. Fire hydrants shall be located within 600 feet of any mobile home, service building, or other structure in the park, and shall be installed in accordance with all applicable Municipal specifications.

C. The park management shall give the Zoning Officer, or other authorized representative, free access to all mobile home lots, service buildings, and other community service facilities for inspection purposes.

(Ord. 2136. Passed 2-1-93.)

1252.11 NOTICES, HEARINGS AND ORDERS.

(a) Notices. Whenever the Zoning Officer, or other authorized representative, determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of this chapter or of any regulations adopted pursuant thereto, such authority shall give notice of such alleged violation to the person to whom the permit, certificate, or license was issued, as hereinafter provided. Such notice shall:
   (1) Be in writing.
   (2) Include a statement of the reasons for its issuance.
   (3) Allow a reasonable time for any action which is required.
   (4) Be served upon the 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 by any method authorized or required by the laws of this State.
   (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter, or any part thereof, and with the regulations adopted pursuant thereto.

(b) Hearings. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any regulation adopted pursuant thereto, may request, and shall be granted, a hearing on the matter before the Penn Hills Council, provided that such person shall file in the office of the Municipal authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice. Upon the receipt of such petition, the Zoning Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be held not later than ten (10) days after the day of which the petition was filed, unless upon the application of the petitioner, the Zoning Officer may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

(c) Findings and Orders. After such hearing, the Penn Hills Council shall make findings as to compliance with the provisions of this chapter and regulations issued thereunder, and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice, which shall be served as provided in subsection (a) hereof. Upon failure to comply with any order sustaining or modifying a notice, the license of the mobile home park shall be revoked.
1252.12 RECORDS; APPEALS.

The proceedings at such a hearing, including the findings and decision of the Penn Hills Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Manager of the Municipality, but a transcription of the proceedings need not be provided unless judicial review of the decision is sought, as provided by this section. Any person aggrieved by the decision of the Council may seek relief therefrom in any court of competent jurisdiction.

(Ord. 2136. Passed 2-1-93.)

1252.99 PENALTY; EQUITABLE REMEDIES.

(a) Summary Offense. Any person who violates any operation or maintenance provision of this chapter shall be guilty of a summary offense, and, upon conviction, shall be required to pay a penalty of not less than twenty-five dollars ($25.00), nor more than three hundred dollars ($300.00), together with the costs of prosecution, and, in default of such payment, shall be imprisoned in the County prison for a term of not to exceed ten (10) days. Each day during which any violation of this chapter shall constitute a separate offense. The Municipality of Penn Hills may also bring any actions at law or in equity to enforce the terms of this chapter at its sole discretion.

(b) Revocation or Suspension of License. Upon repeated violations by the same licensee, his right to the issuance of a license, or to continued operation under a license, may be suspended for a fixed term, or permanently revoked, after notice and hearing by the Municipality of Penn Hills, subject to the right of appeal to the Allegheny County Court of Common Pleas.

(Ord. 2136. Passed 2-1-93.)
APPENDIX A

TABLE I

STREET AND ALLEY DESIGN STANDARDS

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Right-of-Way</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Minimum Cartway</td>
<td>27 ft. 6 in.</td>
</tr>
<tr>
<td>Minimum Grade</td>
<td>1%</td>
</tr>
<tr>
<td>Maximum Grade</td>
<td>12%</td>
</tr>
<tr>
<td>Minimum Angle for Intersection</td>
<td>90°</td>
</tr>
<tr>
<td>Minimum Curb Radius:</td>
<td></td>
</tr>
<tr>
<td>with Municipal Street</td>
<td>20 ft.</td>
</tr>
<tr>
<td>with State or County Road</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Maximum Grade (25 ft. before centerline intersection)</td>
<td>3%</td>
</tr>
<tr>
<td>Site Triangles (measured along centerline of intersecting streets)</td>
<td></td>
</tr>
<tr>
<td>with Municipal Street</td>
<td>75 ft.</td>
</tr>
<tr>
<td>with State or County Road</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Horizontal Alignment (minimum radius of centerline)</td>
<td>125 ft.</td>
</tr>
<tr>
<td>Vertical curve</td>
<td>100 ft.</td>
</tr>
</tbody>
</table>

**Sidewalks** (including curb):
- Local Street: 4 ft. 6 in.
- Collector Street: 5 ft. 6 in.
- Arterial Street: 5 ft. 6 in.

**Alleys**:
- Minimum Cartway: 16 ft.

**Cul-De-Sac**:
- Minimum Cartway Width: 25 ft.
- Minimum Radius to Edge of Pavement: 40 ft.
- Maximum Street Length: 600 ft.

**Other Considerations**:
1. The above standards are minimum standards. From time to time, the Commission may increase minimal standards when necessary to protect the public interest.
2. The Commission may consider a waiver or modification of any of the above standards under procedures described in Section 1242.06.
3. Other design standards and performance standards are set forth in Chapters 1020, 1028 and 1250 of the Penn Hills Codified Ordinances. (Ord. 2136. Passed 2-1-93.)
APPENDIX B

ALLEGHENY COUNTY CERTIFICATIONS AND APPROVALS

The following Article VIII, Certifications and Approvals, is from the Allegheny County Subdivision and Land Development Regulations. They are to be referred to in the preparation of final plats.
ARTICLE VIII
CERTIFICATIONS AND APPROVALS

SECTION 800 PROVISIONS

The certificates stated below shall be inscribed with black waterproof India ink or varitype on the plan, exactly as stated, and shall be properly signed with black waterproof India ink and attested to when the plan is submitted for approval by the Allegheny County Planning Commission.

SECTION 801 OWNERS ADOPTION

KNOW ALL MEN BY THESE PRESENTS, THAT (I or We) (name of individual owner) of the (City, Borough, Township, Municipality) of ________________________, of the County of Allegheny, Commonwealth of Pennsylvania, for (myself, ourselves) or (my, our) heirs, executors, administrators and assigns, do hereby adopt this plan as (my, our) (Plan of Lots, Land Development) of (my, our) property, situated in (City, Borough, Township, Municipality), Allegheny County, Pennsylvania, and for divers advantages accruing to (me, us), do hereby dedicate forever, for public use for highway purposes all slope areas and all drives, roads, streets, lanes, ways and other public highways shown upon the plan, with the same force and effect as if the same had been through legal proceedings, and in consideration of the approval of said plan, any future acceptance of said public highways by the Commonwealth of Pennsylvania, County of Allegheny, and (City, Borough, Township, Municipality) of ________________________, (I, We) hereby covenant and agree to and by these presents do release and forever discharge said Commonwealth of Pennsylvania, County of Allegheny and (City, Borough, Township, Municipality) of ________________________, their successors or assigns from any liability for damages arising and to arise from any appropriation of said ground for public highways and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon (Name of Owner) (My, Our) heirs, executors, administrators and assigns and purchasers of (Lots, Units) in this plan.

IN WITNESS HEREOF, (I, We) hereunto set (My, Our) hand and seal this ______ day of ______, 20____.

ATTEST:

_________________________ (SEAL) ____________________________
Notary Public Owner Owner

SECTION 802 CORPORATION ADOPTION

KNOW ALL MEN BY THESE PRESENTS; that the (Name of Corporation), a corporation incorporated under the laws of the Commonwealth of Pennsylvania, by virtue of a resolution by the Board of Directors, thereof, does hereby adopt this plan as its (Plan of Lots, Land Development Plan) of its property situate in (City, Borough, Township, Municipality), Allegheny County, Pennsylvania, and for divers advantages accruing to it, does hereby dedicate forever, for public use
for highway purposes, all slope areas and all drives, roads, streets, lanes and ways and other public highways shown upon the plan, with the same force and effect as if the same had been opened through legal proceedings, and in consideration of the approval of said plan, and any future acceptance of said public highways by the Commonwealth of Pennsylvania, County of Allegheny, and (City, Borough, Township) of _____________________, (Name of Corporation) hereby covenants and agrees to and by these presents does release and forever discharge said Commonwealth of Pennsylvania, County of Allegheny and (City, Borough, Township, Municipality) of _____________________, their successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public highways and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon (Name of Corporation), its successors and assigns and purchasers of (Lots, Units) in this plan.

IN WITNESS WHEREOF, the said corporation has caused its corporate seal to be affixed by the hand of its president and same to be attested by its secretary this _____ day of ________, 20____.

ATTEST:

Name of Corporation
_________________________ (SEAL) __________________________
Secretary 
President

SECTION 803 TOWNHOUSE AND GARDEN APARTMENT ADOPTION

KNOW ALL MEN BY THESE PRESENTS, THAT (I or We) (Name of owner/developer) of the (City, Borough, Municipality) of _____________________, of the County of Allegheny, Commonwealth of Pennsylvania, for (myself, ourselves), (my, our) heirs, executors, administrators and assigns, do hereby adopt this plan as (my, our) (Plan of Lots, Land Development) of (my, our) property, situated in (City, Borough, Township, Municipality), Allegheny County, Pennsylvania, and for divers advantages accruing to (me, us), do hereby dedicate forever, for public use for highway purposes all slope areas and all drives, roads, streets, lanes, ways and other public highways shown upon the plan, with the same force and effect as if the same had been through legal proceedings, and in consideration of the approval of said plan, any future acceptance of said public highways by the Commonwealth of Pennsylvania, County of Allegheny, and (City, Borough, Township, Municipality) of _____________________, (I, We) hereby covenant and agree to and by these presents do release and forever discharge said Commonwealth of Pennsylvania, County of Allegheny and (City, Borough, Township, Municipality) of _____________________, their successors or assigns from any liability for damages arising and to arise from any appropriation of said ground for public highways and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon (Name of Owner) (My, Our) heirs, executors, administrators and assigns and purchasers of (Lots, Units) in this plan.

(I or We) (Owner/Developer) also hereby agree to and by these presents do record a survey of final construction for each lot with the Office of the Recorder of Deeds of Allegheny County prior to any conveyance of any part thereof.

IN WITNESS WHEREOF, (I, We) hereunto set (My, Our) hand and seal this ______ day of __________, 20____.

ATTEST:
SECTION 804 INDIVIDUAL ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA ) SS:
COUNTY OF ALLEGHENY )

Before me, the subscriber, a Notary Public in and for said Commonwealth and County, personally appeared the above named (Name of Owner), and acknowledged the foregoing release and dedication and plan to be (his, her, their) act and deed and desired the same to be recorded as such. Sworn to and subscribed before me this day.

WITNESS MY HAND AND NOTARIAL SEAL this _____ day of __________, 20____.

My Commission Expires the _____ day of __________, 20____.

(SEAL)

__________________________
Title of Officer

Sworn and subscribed before me this day.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ day of __________, 20____.

(SEAL)

__________________________
Title of Officer

Notary Public

SECTION 805 CORPORATION ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA ) SS:
COUNTY OF ALLEGHENY )

Before me, the subscriber, a Notary Public in and for said Commonwealth and County personally appeared (Name and Title of Officer) of the (Name of Corporation), who being duly sworn, deposeseth and saith that (he, she) was personally present at the execution of the adoption, release and dedication and saw the common and corporate seal of said corporation duly affixed and that the above release and dedication was duly signed and sealed by and as for the act and deed of the said (Name of Corporation), for the uses and purposes therein mentioned and that the name of this deponent subscribed to the said release and dedication as (Title of Officer) of said corporation, in attestation of the due execution and delivery of said release and dedication is this deponent’s own and proper respective handwriting.

__________________________
Title of Officer

Sworn and subscribed before me this day.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ day of __________, 20____.

(SEAL)

__________________________
Title of Officer

Notary Public
SECTION 806 TITLE CLAUSES

A. Title Clause (No Mortgage)
I (or We), (Name of Owner), owners of the (Name of Plan), do hereby certify that the title of this property is in the name of ______________, as recorded in Deed Book Volume ______ page ______, Recorder of Deeds Office. I (or We) further certify that there is no mortgage, lien or encumbrance against this property.

________________________  __________________________
Witness                          Owner

B. Title Clause (Having Mortgage or Encumbrance)
1. I (or We), (Name of Owner), owners of the (Name of Plan), do hereby certify that the title of this property is in the name of ______________, as recorded in Deed Book Volume ______ page ______, Recorder of Deeds Office.

________________________  __________________________
Witness                          Owner

2. I (or We), (Name of Mortgage), mortgagee of the property embraced in this (Name of Plan), do hereby consent to the recording of said plan in the Recorder of Deeds Office of Allegheny County, Pennsylvania, and to the dedications and covenants appearing hereon.

________________________  __________________________
Witness                          Mortgagee

SECTION 807 SURVEYOR'S CERTIFICATION

I, ________________, a Professional Land Surveyor of the Commonwealth of Pennsylvania, do hereby certify, to the best of my knowledge, information and belief, that this plan correctly represents the lots, lands, streets and highways as surveyed and plotted by me for the owners or agents.

________________________ (SEAL) __________________________ (Signature of Surveyor)
Date                           Registration Number

PROCEDURAL CHANGE #2

SECTION 808 MUNICIPAL ENGINEER'S CERTIFICATION

I, ________________, a Registered Professional Engineer for the (City, Borough, Township, Municipality) of ________________, do hereby certify that this Subdivision Plan meets all the engineering and design requirements of the (City, Borough, Township, Municipality) Subdivision and Zoning Ordinances, except as departures have been authorized by the approval authority.
I further certify that this plan is in compliance with existing zoning regulations.

(SEAL) (Signature of Surveyor)

Date Registration Number

SECTION 810 DEVELOPER’S CERTIFICATION
(Compliance with Soundproofing Requirements)

I, ____________________, the owner and/or developer, their successor or assigns, of this plan do hereby certify that all material and construction techniques to be used in the construction phase of this plan shall be satisfactory in meeting the acoustical treatment requirements outlined in Section 502 of the Allegheny County Subdivision Regulations.

SECTION 811 MUNICIPAL STIPULATIONS (PRIVATE STREETS AND UTILITIES)

The (City Council, Borough Council, Board of Commissioners, Board of Supervisors) of the (City, Borough, Township, Municipality) of _______________________ hereby gives public notice that in approving this plan for recording purposes only, the (City, Borough, Township, Municipality) of ______________________ assumes no obligations, legal or otherwise, expressed or implied, either to accept said streets as (City, Borough, Township, Municipality) streets, or roads, or grade, pave and curb the streets in said plan, or to construct sewers therein or to install any other such service ordinarily installed in (City, Borough, Township, Municipality) streets or roads.

(SEAL) ________________________
Secretary President

SECTION 812 LOCAL PLANNING COMMISSION APPROVAL

Approved by the (Name of Municipality) Planning Commission this ______ day of __________, 20____.

(SEAL) ________________________
Secretary Chairman

SECTION 813 MUNICIPAL APPROVAL

A. Council System

Approved by the (City, Borough, Municipality) Council of the (City, Borough, Municipality) of _______________________ by Resolution, this ______ day of __________, 20____.

(SEAL) ________________________
Secretary President of Council
B. Board of Commissioners or Supervisors
   Approved by the (Board of Commissioners, Board of Supervisors) of the Township of
   _______________________ this ______ day of ________ , 20___.

   __________________ (SEAL) __________________________
   Secretary Chairman of Board

C. This declaration may be used only when a subdivision plan has two municipalities involved. If, and only if, one municipality has an insignificant amount of property that is shown on the plan and therefore has very little interest because the major portion of the plan is in the bordering municipality, then this statement alone may be used and signed and no other declarations from that municipality will be required.

The Township/City/Borough/Municipality of _______________________ agrees to abide by all applicable ordinances and regulations of the (Township/City/Borough/Municipality) of _______________________ in connection with or in reference to this subdivision plan.

   __________________ (Signature) ____________________
   Secretary Chairman of the Board/
   President of Council

SECTION 814 COUNTY PLANNING COMMISSION APPROVAL

   Approved by the Allegheny County Planning Commission this _____ day of ________ , 20___.

   __________________ __________________________
   SEAL Director

SECTION 815 PROOF OF RECORDING

COMMONWEALTH OF PENNSYLVANIA ) SS:
COUNTY OF ALLEGHENY )

   Recorded in the Recorders Office for the recording of deeds, plans, etc., in said County in
   Plan Book Volume _______ Page _______.
   Given under my hand and seal this _____ day of ________ , 20___.

   __________________ __________________________
   SEAL Recorder

__________________________   __________________
Witness Owner

PROCEDURAL CHANGE

COMBINE SECTION 811 WITH SECTION 813, A•, B• OR C•, SECRETARY AND
CHAIRMAN OR PRESIDENT OF COUNCIL WILL SIGN ONCE INSTEAD OF TWICE
Section 811 - Municipal Stipulations (Private Streets and Utilities)

The (City Council, Borough Council, Board of Commissioners, Board of Supervisors) of the (City, Borough, Township, Municipality) of _________________________ hereby gives public notice that in approving this plan for recording purposes only, the (City, Borough, Township, Municipality) of _________________________ assumes no obligations, legal or otherwise, expressed or implied, either to accept said streets as (City, Borough, Township, Municipality) streets, or roads, or grade, pave and curb the streets in said plan, or to construct sewers therein or to install any other such service ordinarily installed in (City, Borough, Township, Municipality) streets or roads.

Section 813 - Municipal Approval

A. Council System

Approved by the (City, Borough, Municipality) Council of the (City, Borough, Municipality) of _________________________ by Resolution, this ______ day of ________, 20__.

_____________________ (SEAL) ________________________
Secretary President of Council

B. Board of Commissioners or Supervisors

Approved by the (Board of Commissioners, Board of Supervisors) of the Township of _________________________ this ______ day of ________, 20__.

_____________________ (SEAL) ________________________
Secretary Chairman of Board

C. This declaration may be used only when a subdivision plan has two municipalities involved. If, and only if, one municipality has an insignificant amount of property that is shown on the plan and therefore has very little interest because the major portion of the plan is in the bordering municipality, then this statement alone may be used and signed and no other declarations from that municipality will be required.

The Township/City/Borough/Municipality of _________________________ agrees to abide by all applicable ordinances and regulations of the (Township/City/Borough/Municipality) of _________________________ in connection with or in reference to this subdivision plan.

_____________________ (Signature)  _______________________ (Signature)
Secretary  Chairman of the Board/
President of Council
TITLE SIX - Zoning

Chap. 1262. Administration, Enforcement and Penalty.
Chap. 1264. Zoning Hearing Board.
Chap. 1266. Districts Generally and Zoning Map.
Chap. 1268. Residential Districts.
Chap. 1272. Industrial Districts.
Chap. 1274. Mixed Use Districts.
Chap. 1276. Signs.
Chap. 1278. Performance Standards.
Chap. 1280. Conditional Uses.
Chap. 1282. Special Exceptions.
Chap. 1286. Site Plan Approval and Review.
Chap. 1288. Planned Residential Development.
Chap. 1290. EastGate District.
Chap. 1292. Forestry Regulations.

CHAPTER 1260
General Provisions and Definitions

EDITOR’S NOTE: The original Zoning Code of the Township, being Ordinance 370, passed January 25, 1940, was amended, revised and re-enacted by Ordinance 992, passed August 19, 1963. Ordinance 992 was in turn amended, revised and re-enacted by Ordinance 1617, passed March 26, 1980. An entirely new Zoning Code was enacted by Ordinance 2121, passed November 9, 1992.

1260.01 Short title.
1260.02 Statement of purpose; application of other documents and plans; conflicts of laws.
1260.03 File and distribution copies.
1260.04 Application of Zoning Code to Municipally-owned property.
1260.05 Severability.
1260.06 Repealer.
1260.07 Rules of construction; definitions.

2005 Replacement
1260.01 SHORT TITLE.

This Title Six of Part Twelve of these Codified Ordinances shall be known as, and may be referred to as, The Municipality of Penn Hills Zoning Ordinance of 1980. It shall be referred to throughout this Title Six as his Zoning Code.

(Ord. 2121. Passed 11-9-92.)

1260.02 STATEMENT OF PURPOSE; APPLICATION OF OTHER DOCUMENTS AND PLANS; CONFLICTS OF LAWS.

The Mayor and the Council of the Municipality of Penn Hills hereby declare that the provisions of this Zoning Code have been designed to promote, protect, and facilitate the public health, safety, and general welfare. To accomplish this, additional provisions, regulations, and minimum standards have been established regarding population density, the provision of adequate light and air, police protection, off-street parking and loading spaces, adequate transportation facilities, public water and sewage facilities, educational facilities, open space and other public facilities.

This Zoning Code is further designed to prevent the overcrowding of land, physical blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, landslides, subsidence, and other dangers.

In 1976, the Municipality began a process of updating the 1957 Comprehensive Plan. Included in this effort was the completion and adoption of the following publications and documents:

1. Critical Environmental Factors and Land Use Planning.
2. Housing/Analysis of Existing Conditions, 1976.
3. Housing Policy Plan.
4. Land Use Policy Plan.

These studies include the adoption of policies and objectives for the rational physical development of the community and are hereby incorporated as an integral part of this Zoning Code and a statement of community development objectives.

2000 Replacement
The Municipality has also adopted several other ordinances designed to control the physical development of the community, which also establish minimum standards and procedures for proper review, including:

1. The Subdivision and Land Development Ordinance.
2. The Municipal Standards of Construction.

This Zoning Code is to be enforced and applied in conjunction with the above ordinances. Whenever conflicts appear in regard to minimum standards or other requirements of this Zoning Code and the requirements of other ordinances, the regulations which are more restrictive shall govern.

(Ord. 2121. Passed 11-9-92.)

1260.03 FILE AND DISTRIBUTION COPIES.

This Zoning Code, its amendments and regulations, and the Municipal Zoning Map, shall be on file and available for public inspection in the Planning Department. Copies of the above will be available for purchase by the general public at the cost of printing.

(Ord. 2121. Passed 11-9-92.)

1260.04 APPLICATION OF ZONING CODE TO MUNICIPALLY-OWNED PROPERTY.

This Zoning Code shall not apply to property owned by the Municipality of Penn Hills. The Municipality will develop and control property in accordance with the Charter of the Municipality of Penn Hills and will have no obligation to enforce the provisions of this Zoning Code upon itself.

(Ord. 2121. Passed 11-9-92.)

1260.05 SEVERABILITY.

The provisions of this Zoning Code are severable, and any section, sentence, phrase, paragraph or other part hereof, which is found unconstitutional, illegal, or unenforceable, shall not invalidate any other provisions of this Zoning Code, which shall remain in full force and effect.

(Ord. 2121. Passed 11-9-92.)

1260.06 REPEALER.

Any ordinance, resolution, or policy of the Municipality of Penn Hills that is inconsistent with the provisions of this Zoning Code, is hereby repealed and is null and void.

(Ord. 2121. Passed 11-9-92.)

1260.07 RULES OF CONSTRUCTION; DEFINITIONS.

(a) The following rules shall apply in construing this Zoning Code unless the context clearly indicates otherwise:

1. Words used in the singular shall include the plural, and the plural the singular, and words used in the present tense shall include the future.
2. The word **shall** is mandatory and not discretionary.
3. The word **may** is discretionary and not mandatory.
4. The word **lot** shall include the words **piece** and **parcel**.
5. The word **building** shall include all other structures of every kind.
6. The phrase **used for** shall include the phrases **arranged for**, **designed for**, **intended for**, **maintained for**, and **occupied for**.
(7) The word Council includes the Mayor and the Council.

(b) Words and terms used in this Zoning Code shall have the meanings given them as follows:

(1) **Accessory Use or Structure (Commercial, Mixed Use)** - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure on the lot. Accessory uses include, but are not limited to the following:
   A. Parking garages, automobile parking
   B. Storage buildings
   C. Commercial canopies
   D. Parking of commercial and recreation vehicles but not commercial equipment or construction equipment unless in an approved outdoor storage yard
   E. Vehicles not in running condition, located on lot no longer than thirty (30) days
   F. Recreation equipment
   G. Outdoor storage yard, as described by Section 1278.06(e)(2)
   H. Incidental sales, sidewalk sales, outdoor cafes and similar outdoor activities, subject to Section 1278.06(e)(2)
   I. Outdoor employee picnic pavilions.

(2) **Accessory Use or Structure (Residential)** - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure on the lot. Accessory uses include, but are not limited to, the following:
   A. Garages, automobile parking.
   B. Storage sheds.
   C. Greenhouses.
D. Recreational equipment and facilities.
E. A boat, camper, recreation vehicles or utility trailer located in a rear yard, side yard, or garage.
F. Vehicles, not in running condition, located on a lot for no longer than thirty (30) days.
G. Commercial vehicles whose GVWR is not over 11,000 pounds, garaged and limited to one per lot.

3) **Adult Arcade** - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displaced are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

4) **Adult Bookstore or Adult Video Store** - A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
   A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or
   B. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

   A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store as long as one (1) of its principal business purposes is the offering for sale or rental for consideration of the specified materials which depict or describe specified sexual activities or specified anatomical areas.

5) **Adult Cabaret** - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
   A. Persons who appear in the state of nudity; or
   B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
   C. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
(6) **Adult Entertainment** - Either or both of the following:
   A. An exhibition of any adult oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
   B. A live performance, display or dance of any type, which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities, the exhibition and viewing of specified anatomical areas, the removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered patrons.

(7) **Adult Mini-Motion Picture Theater** - An enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

(8) **Adult Motel** - A hotel, motel or similar commercial establishment which:
   A. Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and which has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
   B. Offers any single sleeping room for rent, four (4) or more times in one (1) calendar day during five (5) or more calendar days in any continuous thirty (30)-day period.

(9) **Adult Motion Picture Theater** - An enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

(10) **Adult Theater** - A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(11) **Advertising Sign** - See **Sign, Advertising**.

(12) **Agriculture** - Farming, the cultivation of soil for the purpose of producing crops and/or raising livestock for either personal use or resale. Such activity shall be permitted only on tracts of land at least five (5) acres in size and under single ownership or control.
(13) **Alley** - A public right-of-way which affords a secondary means of access to abutting property.

(14) **Alteration** - See **Structural Alteration**.

(15) **Applicant** - A person whose name appears on the application to operate a sexually oriented establishment.

(16) **Arcade, Amusement** - A facility designed and operated as an amusement center, equipped with any combination of five (5) or more mechanical and/or electronic amusement devices, either as the sole use or in combination with other business activity, shall be considered to be an amusement arcade.

(17) **Arterial Highways** - Major State, county or municipal roads, or highways, having regional as well as local significance, and designated by the Planning Commission as such.

(18) **Auto Laundry** - A building, or portion thereof, wherein more than one automobile may be washed simultaneously, using mechanized laundry equipment.

(19) **Automobile Pounds** - Repair garages designated by the Council where vehicles wrecked, abandoned, or not in running condition, may be temporarily stored.

(20) **Automobile Service Station** - Any land and structures which are used for the sale of gasoline or other motor vehicle fuel, and oil and other lubricants, including any sale of motor vehicle accessories and other items. This term includes uses which have facilities for lubricating, washing, or performing repairs on vehicles, provided these activities are carried on within an enclosed building. This term does not include auto laundries, which are special exceptions in B-2 Community Business Districts (see Section 1270.04(b)(1)). This term does include auto body garages, detailing, and auto painting.

(21) **Average Gross Density** - see **Gross Dwelling Density**.

(22) **Awning** - A structure which may overhang a public or private pedestrian walkway to provide protection from the elements.

(23) **Basement** - The space enclosed by the foundation or ground floor walls of a building with a minimum depth of six (6) feet. A basement shall not be counted as a story for purposes of height measurement unless one-half or more of its volume is above the average elevation of the finished grade at the front of the building.

(24) **Beer Distribution** - The legal sale of beer entirely for off-premises consumption.
(25) **Billboard** - see Sign, Advertising.

(26) **Boarder** - An individual(s), other than a member of the family, occupying the dwelling unit, or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

(27) **Boarding Home** - A dwelling unit, or part thereof, in which lodging is provided by the owner or operator for more than two boarders. A boarding home shall not be considered a family care or group care facility. A boarding home will be permitted only in an R-5 District.

(28) **Buffer** - A buffer, buffer area, buffer yard, or buffer setback is a portion of a developed property which must be reserved for landscaping purposes. A buffer cannot be used for parking, outdoor storage, structures, or any purpose other than fencing and landscaping.

(29) **Building** - Any structure intended for the shelter, housing, or enclosure of any person, animal, or personal property of any kind.

(30) **Building, Detached** - A building surrounded by open space on the same lot with another building.

(31) **Building Height** - Unless otherwise specified, the vertical distance measured from the average elevation of the proposed or actual finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of a mansard roof, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs, and to the highest point of any other roof. Chimneys shall not be included in building height.

(32) **Building, Non-Residential** - A building used exclusively for non-residential purposes.

(33) **Building, Principal** - A non-accessory building in which the principal use of the lot on which it is located is conducted.

(34) **Building, Residential** - A building which is arranged, designed, used, or intended to be used, for residential occupancy by one or more families, and which includes the following types:

A. One-family detached dwellings  
B. Multiple-family dwellings  
C. Two-family dwellings  
D. Townhouses  
E. Mobile homes  
F. Senior citizens housing  
G. Boarding homes  
H. Penthouses.
(35) **Bulk** - The term used to indicate the size, setback, and location of buildings with respect to each other on a single zoning lot, including the following specifications:
   A. Size of buildings
   B. Location of exterior walls at all levels in relation to lot line, streets, or to other buildings
   C. Gross floor area of buildings in relation to lot area (floor area ratio)
   D. All open spaces allocated to buildings
   E. Amount of lot area provided per dwelling unit.

(36) **Bus** - See Vehicle, Bus.

(37) **Business Sign** - See Sign, Business.

(38) **Canopy** - A roofed structure supported by columns and with no walls, used for sheltering patrons or gasoline pumps of self-service gasoline stations. A canopy is not considered a building.

(39) **Carport** - A structure arranged, used, or intended to be used, for the shelter of a car, which includes a roof and is open from the roof to the ground on two or more sides.

(40) **Child Oriented Business** - A commercial establishment which, as one of its principal business purposes, serves and/or sells to children and their families, food, apparel, goods, services, play and/or entertainment.

(41) **Club or Lodge, Private** - A non-profit association of persons which owns, or leases, a building, or portion thereof, for use by members and their guests only. It shall be permissible to serve food and meals on such premises, providing adequate dining space and food preparation space and equipment are available. The sale of alcoholic beverages to members and their guests shall be allowed unless otherwise specified, providing such sale is secondary to the operation of the dining facility for the purpose of serving food or meals, and further providing that such sale of alcoholic beverages is in compliance with applicable Federal, State, and County regulations.

(42) **Code Enforcement Officer** - The staff members of the Department of Code Enforcement responsible for the enforcement of this Zoning Code. This term also applies to a zoning officer, building inspector, or inspector. Under certain circumstances the Principal Planner, the Planner, and the Housing Coordinator also have status as code enforcement officers and enforcement authority. The Director of Planning and Economic Development and the Director of the Code Enforcement Department have both enforcement and supervisory authority. See Section 1.11, Authority.

(43) **Commercial Vehicle** - See Vehicle, Commercial.

(44) **Community Facility** - A non-profit building/structure, open to the general public and designed for educational, recreational, leisure-time and similar activities. Such facility includes, but is not limited to, libraries, senior citizen centers, YMCAs and YWCAs.
(45) **Common Open Space** - A parcel or parcels of land or an area of water, or a combination of land and water within a planned residential development site and designed and intended for the use or enjoyment of the residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

(46) **Conditional Use** - A use permitted in a particular zoning district pursuant to the provisions in Article VI of the Municipalities Planning Code, Act 170 of 1988 and Chapter 1280, as amended.

(47) **Conference Center** - A permitted use in a B-2 Community Business District, a B-3 Professional Office District and an M Mixed Use District. Conference centers may also be approved as conditional uses in Residential and Conservation Districts, in accordance with the provisions and standards of Chapter 1280.

(48) **Construction Equipment** - Equipment commonly used commercially in one or more of the following uses: construction, demolition, maintenance, and excavation of buildings, roads, and lands. Equipment includes, but is not limited to, bulldozers, hi-lifts, backhoes, road graders, concrete mixers, portable air compressors and generators powered by an internal combustion engine, concrete forms, scaffolding, commercial landscaping machinery, etc.

(49) **Coverage** - That percentage of a lot covered by structures.

(50) **Curb Level** - The level of the curb in front of a building as established on a municipally-approved plan, or a level to be determined by the Municipal Engineer if the curb levels are not established on a municipally-approved plan.

(51) **Deck** - An open area usually attached to, or part of, and with direct access to, a building, where said open area is elevated above ground level and is not covered by a permanent roof.

(51A) **Deep Well** - Wells in excess of 4,000 feet designed to recover and remove subsurface gas, oil and other renewable natural resource deposits drilled with the intent to explore or produce oil, natural gas, or other renewable natural resources from a depth of greater than 4,000 feet from surface elevation. Deep wells include all Marcellus Shale wells and similar operations and facilities.

(52) **Development** - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase **provisions of the development plan** when used in this Zoning Code, shall mean the written and graphic materials referred to in this definition. The following types of development plans are required by various provisions of this Zoning Code:

A. **Plan (as built)** - Updated set of drawings showing all details in the as-built condition, illustrating field adjustments and true conditions of the improved installations.
B. Plan (construction) - A plan prepared by a registered engineer showing the horizontal details, profile, and typical cross-section of a street and its appurtenances to be constructed or installed.

C. Plan (final) - A complete and exact subdivision plan prepared for recording by a registered engineer or registered surveyor, showing right-of-way lines, easements, lot lines and areas and any other relevant information pertaining to the streets or lot layout of a subdivision, or of a land development.

D. Plan (preliminary) - A plan prepared by a registered engineer or registered surveyor showing existing features and topography of the land and proposed street and lot layout within and adjacent to a subdivision or to a land development.

E. Plan (sketch) - An informal drawing, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

F. Plat - The map or plan of a subdivision or land development, whether preliminary or final.

G. Site Plan - A land development plan for one or more lots, whether preliminary or final, prepared by a registered surveyor, architect, landscape architect, or engineer; more particularly required by Chapter 1286 and Section 1246.11 of the Subdivision Regulations.

(53) Development Ownership Organization - A single development ownership organization formed by all the landowners in a planned residential development, which organization shall then be known as the landowner.

(54) Dwelling - A building or structure, or portion thereof, or house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwellings and multiple-family dwellings, but not including hotels, or lodging and boarding houses.

(55) Dwelling, Attached - A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

(56) Dwelling, Detached - A dwelling which is entirely surrounded by open space on the same lot.

(57) Dwelling Unit - A dwelling consisting of one or more rooms in a residential building, which are arranged, designed, used, or intended for use, as living quarters by a family.

(58) Dwelling, Single-Family - A dwelling designed or used exclusively for occupancy by one family. This term does not include mobile homes, or house trailers.

(59) Dwelling, Multifamily - A building, or portion thereof, containing two or more dwelling units.

(60) Employee - Any and all persons, including independent contractors, who work in or at or render any service directly related to the operation of a sexually oriented establishment.
(61) **Entertainer** - A person who provides entertainment within a sexually oriented establishment, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

(62) **Escort** - A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(63) **Escort Agency** - A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

(64) **Establishment, Business or Commercial** - A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot, or on adjacent zoning lots.

(65) **Family** - A family shall be considered one of the following:

A. A single person occupying a dwelling unit and maintaining a household.

B. Two or more persons related by blood, marriage, or adoption, or a household caring for foster children occupying a dwelling unit, sharing common cooking and bathing facilities and maintaining a common household.

C. Two or more persons related by blood, marriage or adoption, and not more than two boarders occupying a dwelling unit, who share common cooking and bathing facilities but do not necessarily maintain a common household.

D. Not more than four unrelated persons occupying a dwelling unit, sharing common cooking and bathing facilities and maintaining a common household. This subsection shall not apply in those situations that are covered under the Federal Fair Housing Act, which permits certain groups of persons, such as, but not limited to, mentally handicapped, to be considered as a family, and to live together in a home with supervision.

(66) **Family Day Care Home** - A residence offering baby-sitting services and child care services to a maximum of six (6) children unrelated to the resident household. A family day care home is a permitted accessory use in any Residential District. For facilities offering service to a larger number of children, see Group Day Care Home and Nursery. A family day care home must, however, register with the Department of Planning and Economic Development.

(67) **Farm** - Any residentially or conservation zoned parcel of land containing five (5) acres or more, with principal and accessory buildings thereon. Truck gardens and nurseries shall be considered farms.

(68) **Farm Animal** - Any animal normally raised for its meat, milk, skins, or other products, or for its ability to perform work. Horses, cows, pigs, sheep, goats, chickens, ducks, rabbits, pigeons, doves and other similar animals are examples of farm animals and not household pets. Farm animals shall be restricted to farms and parcels of land in excess of five (5) acres. Any resident may be permitted one rabbit.

2013 Replacement
and/or one duck, and one pot-belly pig, ferret and other animals that from time to time become popular which will be considered to be a household pet and not a farm animal. Bees are not considered to be farm animals, but are regulated by PA Act 58 of April 6, 1921, P.L. 95. For other regulations regarding animals, see Chapter 612 of these Codified Ordinances.

(69) **Felling** - The act of cutting a standing tree so that it falls to the ground.

(70) **Floor Area** - When prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, floor area shall mean the sum of gross areas of the floors of the buildings, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. All other building areas shall not be considered in the computation of floor area, except areas in excess of thirty (30) percent of the area of each floor.

(71) **Floor Space Index** - The floor space index or floor area ratio of the building, or buildings, on any zoning lot is the floor space of the building, or buildings, on that zoning lot divided by the area of such zoning lot, or, in the case of a planned development, by the net site area.

(72) **Forestry** - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

(73) **Frontage, Building** - The distance between lines which project perpendicularly from the front lot line to the side limits of the building.

(74) **Frontage, Lot** - The distance between the points of intersection of the side and front lot lines. On a corner lot, frontage is the distance between the corner of the property abutting the intersection of right-of-ways and the intersection of the side lot line and the front property line. On lots arranged around a cul-de-sac, where the radius of curvature of the street is less than 150 feet, frontage shall be deemed to be the same as mean lot width.

(75) **Funeral Home** - An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals. A funeral home is a conditional use in an R-1 District or as a permitted service establishment in a B-2 District.

(76) **Gardening** - The cultivation of land on which flowers, plants or domestic vegetables are grown for personal use and not for sale.

(77) **Gasoline Station** - See Automobile Service Station.

(78) **Gross Dwelling Density** - The ratio of the number of dwellings in a given area to the sum of the square feet of the lot areas of those dwellings.

(79) **Gross Site Area** - The entire area within a site.
(80) **Ground Floor** - A floor that does not vary in elevation more than four (4) feet from the level of the adjacent ground to which it has direct access. A building on a sloping lot can have a ground floor on two different levels.

(81) **Group Care Facility** - A facility which provides services to seven (7) or more individuals who are mentally or physically handicapped, homeless, disabled, are undergoing rehabilitation, and are provided a program to meet their needs. When required, or available, group care facilities must be licensed by appropriate Federal, State or County health/welfare agencies.

A group care facility is not a family as defined by this Zoning Code, but is a conditional use in R-5, R-6, R-7 and B-2 Districts. Neither is a group care facility a nursing home or senior citizen housing, which are regulated separately.

(82) **Group Day Care Home** - A residence offering baby-sitting services and child care service to a maximum of twelve (12) children unrelated to the resident household. A group day care home is permitted as a home occupation only after obtaining the approval of a special exception application from the Zoning Hearing Board. (See Section 1260.07, Definition: Home Occupation, Chapter 1268, Schedule of District Regulations and Chapter 1282, Special Exceptions.) For residences offering services for four (4) to six (6) children, see Section 1260.07, Definition: Family Day Care Home.

(83) **Half-Way House** - A conditional use in a B-2 District. A half-way house is a facility designed to provide residential and rehabilitative treatment services to persons being treated for drug and/or alcohol abuse, or persons under the supervision of the courts or County, State, or Federal parole boards, either after being charged with a criminal offense or in lieu of criminal charges.

(84) **Health Care Facility** - An establishment primarily engaged in furnishing medical, surgical, or other services to individuals, including offices of physicians, dentists and other health care practitioners, medical and dental laboratories, outpatient care facilities, blood banks, oxygen and miscellaneous types of medical supplies and services. Services offered at such facilities shall not include those which necessitate overnight care or recuperation of patients (inpatient care).

(85) **Height** - See Building Height.

(86) **Home Occupation** - An occupation conducted in a dwelling unit. Home occupations shall be special exceptions, subject to the approval of the Zoning Hearing Board. Exception - No Impact Home Occupation as defined in this section. In reviewing applications for home occupations, the Board may impose appropriate and reasonable conditions necessary to protect the surrounding properties. The following conditions shall apply to all home occupations unless expressly waived by the Board after a demonstration of good cause:
A. No person other than members of the family residing on the premises shall be engaged in such occupation.

B. The use of the dwelling unit for the home occupation shall be clearly incidental to, and subordinate to, its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, non-illuminated and non-animated, not exceeding one square foot in area.

D. No home occupation shall be conducted in any accessory building.

E. There shall be no stocking of goods or keeping of an inventory or finished goods in connection with such home occupation. Retail goods must be made to order or selected from catalogues and/or samples, and delivered to customers. There shall be no over-the-counter sales of retail or wholesale goods.

F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and in other than a required front yard.

G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

H. No home occupation shall involve the use of toxic materials or any materials which present a deleterious effect on adjacent properties.

I. Professional and service-oriented businesses, such as doctors, lawyers, barbers, etc., shall be conducted by appointment only to prevent overlapping of customers.

J. For day care homes, Items A and B, above, shall not apply and 100 percent of a home and surrounding property may be used for such purpose. Day care homes must, however, meet the following additional conditions:

1. Operators are responsible for compliance with Pennsylvania Department of Public Welfare licensing requirements and any other County, State, or Federal regulations.
2. The Zoning Hearing Board may require buffering along all property boundaries with landscaping, fencing, or other methods suitable to protect the children and the immediate neighborhood.

3. A minimum of 100 square feet of usable outdoor play space, and forty (40) square feet of usable indoor space, must be provided for each child present at the facility, including resident children.

4. Care shall not be provided to more than twelve (12) children who are not residents of the property.

5. A minimum of two (2) care-givers shall be available at the facility whenever there are more than six (6) children at the facility, including resident children.

6. Operators must supply to the Municipality (and keep current) the names of persons responsible for responding quickly to a complaint filed by the Municipality.

K. There shall be no home occupation for the wholesale and/or retail sale of firearms or ammunition. Neither shall there be a home occupation for the service or repair of firearms or the loading of bullets or preparation of ammunition.

(87) **Home Occupation/ No-Impact Home Occupation** - No Impact Home Occupation, as defined by PA Act 43 of 2002, which amended the PA MPC, is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. No impact home based businesses shall be a use permitted by right in all residential zones of the Municipality, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community. No-Impact Home Occupations shall be subject to administrative review and approval by the Chief Zoning Officer, provided that the business or commercial activity meets the following conditions:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail or wholesale goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use including, but not limited to, parking signs or lights.
E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area. The business may not involve any illegal activity.

(88) Hospital - An institution engaged in providing medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities.

(89) House Trailer - See Mobile Home.

(90) Impervious Surface - Impervious surfaces are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition.

(91) Inspector - An employee of the Allegheny County Health Department authorized and designated by the director of the department and/or the Municipal Building Inspector, and/or an employee of the Municipal Police Department, authorized by the commanding officer of the Police Department, or other persons designated by the Municipality to inspect premises regulated under this Zoning Code, and to cooperate in taking the required actions authorized by this Zoning Code where violations are found on a premises, and to request correction of unsatisfactory conditions found on a premises.

(92) Junk Yard - An area where scrap metal, paper, rags, tires and other waste and/or used materials are bought, sold, exchanged, stored, baled, packaged, disassembled or handled, or where machinery or motor vehicles not in running condition are collected, dismantled, stored, or sold for parts. Any use conducted entirely within an enclosed building is not a junk yard.

(93) Kennel and Kennel/Breeder - An establishment in which more than six (6) dogs are housed, groomed, bred, boarded, trained, or sold. A kennel is a commercial business and not a permitted use in a Residential District. Breeding of pets is a commercial business and not permitted in a residential district. Exception: owners whose pets have a litter are permitted ninety (90) days to find appropriate new owners for the dogs. Breeding dogs for financial gain is specifically prohibited in residential districts.

2005 Replacement
(94) **Land Development.**

A. The improvement of one (1) lot, or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
   1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or
   2. The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.

B. A subdivision of land.

C. Development in accordance with the conditions described below which establish provisions for the exclusion of certain land development from the definition of land development contained above only when such land development involves:
   1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units unless such units are intended to be a condominium;
   2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
   3. The addition or conversion of buildings or rides within confines of an enterprise which would be considered an amusement park. For purposes of this paragraph, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded areas have been approved by proper authorities.

(95) **Landing** - A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

(96) **Landowner** - An individual, partnership, company, firm, association or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

(97) **Licensee** - A person, corporation or partnership in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.
(98) **Litter** - Discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts and other rubbish.

(99) **Lop** - To cut tops and slash into smaller pieces to allow material to settle close to the ground.

(100) **Lot Area** - The area of a horizontal plane bounded by the front, side, and rear lot lines.

(101) **Lot, Corner** - A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

(102) **Lot, Depth** - The mean horizontal distance between the front lot line and the rear lot line of the lot measured within the lot boundaries.

(103) **Lot Line, Front** - That boundary of a lot which is along an existing or dedicated public street, or, where no public street exists, is along a public way.

(104) **Lot Line, Rear** - That boundary of a lot which is most distant from, and is most nearly parallel to, the front lot line, except for through or corner lots, which have no rear lot line.

(105) **Lot Line, Side** - Any boundary of a lot which is not a front or rear lot line.

(106) **Lot of Record** - An area of land designated as a lot on a recorded plat or subdivision, or described on a deed duly recorded or registered pursuant to statute with the Recorder of Deeds of Allegheny County.

(107) **Lot, Through** - A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot.

(108) **Lot Width** - The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

(109) **Lot, Zoning** - A single tract of land located within a single block, which at the time of filing for a building permit is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control, and therefore, may not coincide with a lot of record. A lot is a zoning lot, except as the context shall indicate a lot of record, in which case a lot is a lot of record.

(110) **Major Excavation and Grading** - Any excavation or grading involving the extraction of coal or other minerals and/or the removal of 10,000 square feet of woodland, as defined by United States Geological Survey (USGS) maps, where prior site plan approval by the Planning Commission has not been obtained.

(110A) **Marcellus Shale Well** - note - see Deep Well.

(111) **Marquee** - A roof-like structure of a permanent nature, other than a carport, which projects from a building or is supported on posts, and which provides protection to a public or private right-of-way.

(112) **Mechanical and/or Electronic Amusement Device** - Any machine which, upon the insertion of a coin, slug, token, plate, or disc, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score. It shall include, but not be limited to, pinball machines, video games, marble machines, and skill ball.
(113) Minor - A person under eighteen (18) years of age.

(114) Mixed Residential and Commercial Structure - A building which contains both residential and non-residential uses. Non-residential uses are permitted on the first and second floors of the building, provided the total floor space of all residential uses does not exceed fifty (50) percent of the floor space of the entire structure, exclusive of basement floor area.

(115) Mobile Home - A transportable single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) unit, or in two (2) units designed to be joined into one integral unit capable of being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes other than those within mobile home parks, must be placed upon a permanent foundation and in accordance with the Municipality’s current Building Code.

(116) Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection(s) thereon of a single mobile home.

(117) Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contain two (2) or more mobile home lots for the placement thereon of mobile homes.

(118) Motel - A building, or group of buildings, located on a single zoning lot, and containing individual sleeping or living units, designed for, or used by, travelers or transients.

(119) MPC - See Municipalities Planning Code.

(120) Municipalities Planning Code - Pennsylvania Municipalities Planning Code, Act 170, 1988, as amended. Also referred to as the MPC.

(121) Municipality - The Municipality of Penn Hills.

(122) Net Site Area - The area of land devoted to a particular use exclusive of any area devoted to streets.

(123) Nonconforming Lot - A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

(124) Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
(125) **Nonconforming Use** - A use, whether of land or of a structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

(126) **Non-Residential Building** - See Building, Non-Residential.

(127) **Noxious Matter** - Material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects upon the psychological, biological, social, or economic well-being of individuals.

(128) **Nude Model Studio** - Any place where a person who appears semi-nude or in a state of nudity or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietant school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or a structure:

A. That has no sign visible from the exterior of the structure and no other advertising that indicates that a nude or semi-nude person is available for viewing; and

B. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

C. Where no more than one nude or semi-nude model is on the premises at any one time.

(129) **Nudity or a State of Nudity** - The appearance of a human bare buttocks, anus, male genitals, female genitals, or female breast.

(130) **Nursery (Day Care Center)** - A facility, not in a private residence, which may or may not operate for profit and is designed to provide daytime care and/or instruction for pre-school children. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

(131) **Nursery (Farm)** - Land or greenhouses used to raise flowers, shrubs, and/or plants for sale. Such activity shall be permitted only on tracts of land at least five (5) acres in size and under single ownership or control.

Nurseries are considered to be permitted uses (farms) in Single-Family Residential Districts. Landscaping businesses, landscape contracting companies and similar activities are permitted uses in commercial and industrial districts, but are not nurseries.
(132) **Nursing Home** - A structure designed to provide permanent housing and nursing services for the elderly.

(133) **Office, Professional** - Office serving clients and/or patients.

(134) **Open Space** - Land used for recreation, agriculture, resource protection, or buffers. Open space is freely accessible to all residents of a development, except that access may be restricted to agricultural lands. Open space does not include land occupied by non-recreational buildings, roads, or road right-of-ways, nor does it include the yard or lots of single or multifamily dwelling units or parking areas required by this Zoning Code. Open space should be left in a natural state, except for recreation areas, which may be surfaced.

(135) **Open Space Ratio** - The proportion of a site neither occupied by private lots nor dedicated to a public right-of-way. This ratio is calculated by dividing the area of public open space by the gross site area.

(136) **Operator.**
   A. A person, partnership or corporation operating, conducting or maintaining a sexually oriented establishment.
   B. An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors and employees thereof.

(137) **Outdoor Storage** - The storage of equipment, supplies, products for sale and other materials in conjunction with an approved certificate of use, occupancy and compliance, but not within an enclosed building. See Section 1278.06(e)(2) for performance standards. Outdoor storage regulations shall not apply to single-family residences, sidewalk sales, or other incidental sales.

(138) **Particulate Matter** - Matter which is suspended in, or discharged into, the atmosphere in finely-divided form.

(139) **Patio** - An improved area at ground level directly adjacent to a principal building and not covered by a permanent roof.

(140) **Pennsylvania Municipalities Planning Code (MPC)** - See Municipalities Planning Code (MPC).

(141) **Penthouse** - A structure permitted in the R-6 and R-7 Districts, located above the uppermost floor of a building, which structure is not in excess of fourteen (14) feet in height and which contains an area not in excess of seventy (70) percent of the total area of the floor below. The height of the penthouse shall not be included in computing the allowable height of the entire building.

(142) **Personal Care Boarding Home** - See Senior Citizen Housing.

(143) **Planned Residential Development** - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of
General Provisions and Definitions

residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

144 Planned Residential Development Plan - The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location, and bulk of buildings, and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space, and public facilities. The phrase \textit{provisions of the development plan} when used in the Chapter 1288, shall mean the written and graphic materials referred to in this definition.

145 Porch - A roofed open area usually attached to, or part of, with direct access to or from, a building. A porch may or may not be elevated above ground level.

146 Pre-Commercial Timber Stand Improvement - A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

147 Public Hearing - A formal meeting held pursuant to public notice by the Council or the Planning Commission intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 170, 1988.

148 Public Notice - Notice published once a week for two (2) successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

149 Public Utility - A private business organization which provides service to the general public, such as water, gas, electricity, transportation, or communication. Included in this definition is the equipment and/or infrastructure necessary for the distribution of the services. This includes, but is not limited to, electric sub-stations, telephone exchanges, water and sewer filtration plants, and water pumping stations. This definition does not include deep wells which are activities limited to the recovery and removal of subsurface gas, oil and other renewable natural resource deposits drilled with the intent to explore or produce oil, natural gas, or other renewable natural resources from a depth of greater than 4,000 feet from surface elevation. Deep wells are further regulated by other sections of this Zoning Code.

150 Recreational Facility, Private - A building, structure, or open space designed for recreational purposes, and limited to members of an organization and to their guests, and not accessible to the general public. Such facility includes, but is not limited to, country clubs, golf courses, tennis courts, and swim clubs. These facilities do not
2013 Replacement
include social clubs, lodges, meeting halls, athletic clubs and similar facilities which are more appropriately located in commercial districts.

(151) **Recreational Facility, Public** - A building, structure, or open space designed for recreational purposes and open to the general public. Such facility includes parks, nature trails, public swimming pools, skating rinks, deck hockey rinks, golf courses, driving ranges, miniature golf, marinas, and other similar facilities. Public recreational facilities do not include pool halls, arcades, bowling alleys, karate schools, dance halls, dance studios, and other similar facilities that are more appropriately located in commercial districts. Facilities such as go-cart race tracks, dirt bike race tracks, survival clubs, and model airplane flying clubs are limited to heavy industrial districts.

(152) **Recreational Vehicle** - See Vehicle, Recreational.

(153) **Research and Development Organizations** - Professional offices and related facilities for organizations which do not involve the sale of products or services on site, and, therefore generate a low daily vehicular traffic volume. Research and Development (R & D) organizations shall not be permitted to emit fumes, generate noise or smoke, or create any other similar nuisances to adjacent residential properties.

(154) **Restaurant, Conventional** - All restaurants other than fast food restaurants.

(155) **Restaurant, Fast Food** - Any place or premises used for the sale, dispensing, or serving of a limited menu of prepared food or beverages for consumption in cars, off premises, or on premises, where patrons do not receive table service. This definition also includes businesses more commonly known as drive-in restaurants, refreshment stands, or self-service restaurants. Bakeries, candy stores, and convenience stores that sell food items as an accessory use are not considered to be fast food restaurants.

(156) **Retail Use** - A use involving the sale of relatively small quantities of goods and services directly to consumers.

(157) **R-4 Double-House** - A building of not more than two and one-half (2 1/2) stories (not including basement) containing two (2) dwelling units separated from one another by a continuous vertical party wall, without openings from basement floor to roof.

(158) **R-4 Duplex (Two-Family House)** - A building of not more than two and one-half (2 1/2) stories (not including basement), containing two (2) dwelling units separated from one another by a continuous horizontal party wall.

(159) **R-5 Garden Apartments** - A building of not more than three (3) stories (not including basement) with each dwelling unit contained on not more than one (1) floor. More than one (1) building is permitted on a lot, provided said buildings are separated by a horizontal distance of at least twenty-five (25) feet.

(160) **R-6 High-Rise Apartments** - A building of not less than four (4) stories and not more than ten (10) stories (not including basement or penthouse, if any) with an elevator required to service all floors and basements. More than one (1) building is permitted on a lot, provided said buildings are separated by a horizontal distance of at least twenty-five (25) feet.
(161) **R-7 Multistory, Multifamily, Limited Commercial** - A building of not less than five (5) stories and not more than ten (10) stories (not including basement or penthouse, if any) and an elevator required to service all floors and basements. More than one (1) building is permitted on a lot, provided said buildings are separated by a horizontal distance of at least twenty-five (25) feet.

(162) **School** - Any building or part thereof which is designed, constructed or used for educational purposes. A school shall be licensed by the State, shall meet State requirements for elementary or secondary education, or for institutions of higher learning. Business schools, trade schools, studios, etc., are service establishments and shall be located in commercial districts.

(163) **Select Cutting** - Means the removal of timber in areas beyond the approved timber harvest area. This timber removal would generally involve a limited number of high value trees in a situation where the integrity of the ordinance would be preserved and adjacent properties would not be negatively affected. Select cutting is administered by the Director of Code Enforcement only in areas approved by this zoning code.

(164) **Semi-nude** - A state of dress in which clothing covers no more than the genitals, public region and areola of the female breast, as well as portions of the body covered by supporting straps and devices.

(165) **Senior Citizen Housing** - A facility designed for, operated as, and occupied by, five (5) or more unrelated persons sixty (60) years of age or older. Such dwelling may be a personal care boarding home, an adult day care home, an elderly high-rise, a senior citizen apartment building, or a similar facility and may be the conversion of an existing building or a new facility. Senior citizen housing is a conditional use in all R, B-1 and B-2 Districts.

(166) **Sexual Activities** - The term does not include any of the following:

A. Medical publications or films or bona fide educational publications or films.

B. Any art or photography publications which devote at least twenty-five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.

C. Any news periodical which reports or describes current events and which from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news.

D. Any publications or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the populations.

(167) **Sexual Encounter Center** - A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
B. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity of semi-nudity.

(168) **Sexually Oriented Establishment/Business** - The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

A. Adult arcade.
B. Adult bookstore or adult video store.
C. Adult cabaret.
D. Adult motion picture theaters.
E. Adult mini-motion picture theaters.
F. Adult motel.
G. Adult theater.
H. Escort agency.
I. Nude model studio.
J. Sexual encounter center.
K. Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing sexually oriented motion pictures, or where an entertainer provides adult entertainment of a sexual nature to a member of the public, a patron or a member.
L. An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. The term "booths, cubicles, rooms, studios, compartments or stalls", for purposes of defining sexually oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to be the public for the purpose of viewing motion pictures of other entertainment for a fee, and which are not open to any person other than employees.

(169) **Sexually Related Facilities** - A business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

(170) **Sign** - A name, identification, description, or display object which includes an illustration which is affixed to, or painted on, or represented directly, or indicated upon, a building, structure, or piece of land, which directs attention to an object, product, place, activity, person, institution, organization, or business.

2005 Replacement
1. **Sign, Advertising** - A sign which directs attention to a business or to goods, or services, conducted, sold, or offered elsewhere than upon the premises where such a sign is located, or to which it is affixed. This definition includes billboards.

2. **Sign, Business** - A sign which directs attention to a business or professional activity conducted, or to goods or services sold or offered upon the premises where such sign is located, or to which it is affixed.

3. **Sign, Flashing or Animated** - Any sign which is not maintained stationary and/or, if illuminated, does not remain constant in intensity and color, except for internally-illuminated computer-controlled displays which are permitted, provided advertising messages are programmed at such intervals as not to have a flashing effect and, to the satisfaction of traffic control and zoning officers, do not create a distraction to motorists. Under no circumstances shall a sign be designed to approximate or resemble standard traffic signalization.

4. **Sign, Flush-Mounted** - A sign mounted on the wall of a building and not extending beyond or above the wall. All portions of the sign are within one (1) foot of the edge of the wall.

5. **Sign, Gross Surface Area of** - The entire area within a single continuous perimeter enclosing the extreme limits of a sign. Such perimeter shall not include any structural elements lying outside the limits of the sign and not forming an integral part of the display. Where a sign is permitted by any provision of this Zoning Code, it shall be construed to permit a double-face sign. Each face of a double-face sign may equal the maximum size for the particular type of sign permitted in this Zoning Code.

6. **Sign, Identification** - A sign indicating only the name of an occupant and/or address of a building, and/or the management thereof.

7. **Sign, Marquee** - A sign suspended from either side, or from the underside of a marquee, and not projecting beyond the marquee.

8. **Sign, Moving** - A sign, any portion or all of which moves.

9. **Sign, Nameplate** - A sign indicating only the name and/or address of the occupant of a dwelling or structure, and/or a permitted home occupation.

10. **Sign, Temporary** - Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material with or without frame, advertising grand openings, distress sales and changes in ownership.

11. **Site** - A parcel, or parcels, of land intended to contain one or more buildings, or intended to be subdivided into one or more lots.

12. **Site Plan** - The development plan for one or more lots on which the existing and proposed conditions of the lot are shown, including topography, vegetation,
drainage, flood plains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices, as well as other information that reasonably may be required in order that an informed decision can be made by the Planning Commission. See Development Plan.

(183) **Skidding** - Dragging trees on the ground from the stump to the landing by any means.

(184) **Slash** - Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

(185) **Special Exception** - A use not permitted by right in a use district, which, if controlled, would promote public health, safety, welfare, or morals. Special exceptions are enumerated in this Zoning Code. Applications for special exceptions shall be submitted to the Zoning Hearing Board for approval.

(186) **Specified Anatomical Areas.**
   A. Less than completely and opaquely covered:
      1. Human genitals or public region;
      2. Buttocks; or
      3. Female breasts below a point immediately above the top of the areola.
   B. Human male genitals in a discernibly turgid state, even if completely opaquely covered.

(187) **Specified Sexual Activities** - The term includes any of the following:
   A. Human genitals in a state of sexual stimulation or arousal.
   B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
   C. Acts of human masturbation, sexual intercourse or sodomy.
   D. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
   E. Excretory functions as part of or in connection with any of the activities set forth herein.

(188) **Stand** - Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

(189) **Story** - That part of a building, not including the penthouse, included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story for purposes of height measurement unless one-half or more of its volume is above the average elevation of the finished grade at the front of the building.

(190) **Stream** - Means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.
Street - A public right-of-way which affords a primary means of access to abutting property.

Structural Alteration - Any change, other than incidental repair, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivision and Land Development Ordinance - Penn Hills Ordinance 2136, passed February 1, 1993, as amended, being Chapters 1240 to 1252 of these Codified Ordinances.

Substantial Enlargement (of a sexually oriented establishment) - The increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date of enactment of this Zoning Code, or an addition or expansion of more than 2,000 square feet.

Telecommunications Antenna - A device attached to a building, structure or telecommunications tower principally intended for receipt or transmission of signals for such uses as commercial or public television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed point microwave, lower power television or AM radio, including accessory equipment related to telecommunications. Not included are antennas for private, non-commercial and amateur purposes, including, but not limited to, ham radios and citizens band radios. Antennas are a permitted use in any zoning district, provided they do not extend more than twenty (20) feet higher than the maximum height for the respective district in which an antenna is to be located.

Telecommunications Facility Building - The building in which electromagnetic receiving and relay equipment for a telecommunications tower is housed.

Telecommunications Tower - A freestanding structure, including any guy wires, principally intended to support facilities for receipt of transmission of signals for uses such as commercial or public television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed microwave, lower power television or AM radio, including accessory equipment related to telecommunications. Not included are tower and supportive structures for private, non-commercial and amateur purposes, including, but not limited to, ham radios and citizens band radios.

Telecommunications Tower Site - Any lot or parcel, or any structure located on any lot or building lot, on which telecommunications towers are located or proposed to be located.

Temporary Use - A temporary use of commercial or industrial property not to exceed thirty (30) days, including and limited to, flea markets, Christmas tree sales, seasonal produce and roadside fruit stands. A temporary use must be approved by permit and must be consistent with the performance standards for temporary uses set...
forth in Chapter 1278. Penn Hills community-based non-profit corporations and organizations may apply to the Director of Planning for exemption from any of the restrictions regarding temporary uses.

(200) **Timber Harvesting, Tree Harvesting or Logging** - That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

(201) **Top** - The upper portion of a felled tree that is not merchantable because of small size, taper or defect.

(202) **Townhouses** - Single-family dwelling units constructed in a series or group, including more than three (3) units with common walls.

(203) **Toxic Materials** - Those materials which are capable of causing injury to living organisms by chemical or biological means when present in relatively small amounts.

(204) **Trailer, Commercial (including Semi-Trailers)** - Vehicles not equipped with automotive power, constructed for attachment to commercial automobiles, or to tractors, to supplement the carrying capacity of such automobiles or tractors.

(205) **Trailer, House** - See **Mobile Homes**.

(206) **Trailer, Utility** - Trailers not used for commercial purposes and designed for use with private passenger automobiles, but excluding mobile homes or house trailers. Utility trailers in residential districts must be less than 9,000 pounds combined gross vehicle weight.

(207) **Transfer of Ownership or Control** (of a sexually oriented establishment) means and includes any of the following:
A. The sale or sublease of the business;
B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(208) **Use** - The purpose or activity for which the land, or a building thereon, is assigned, arranged, or intended or for which it is occupied or maintained.

(209) **Use, Accessory** - See **Accessory Use**.

(210) **Use, Conditional** - See **Conditional Use**.

(211) **Use, Principal** - The main use of land or buildings, as distinguished from a subordinate or accessory use.

(212) **Variance** - A relaxation of the applicable provisions of this Zoning Code, where literal enforcement would create an unnecessary and undue hardship, but where such relaxation will not be contrary to public health, safety, welfare or morals.
(213) **Vehicle, Bus** - A motor vehicle designed for carrying more than ten (10) passengers, exclusive of the driver, and used for the transportation of persons, and a motor vehicle other than a taxi cab, designed and used for the transportation of persons for compensation.

(214) **Vehicle, Commercial** - A vehicle registered by the Commonwealth of Pennsylvania, or eligible for registration, as a commercial vehicle and primarily used for business or service purposes. Any dump truck, cube or box van, step van, or tow truck is considered to be a commercial vehicle regardless of class. Pickup trucks and vans with a Gross Vehicle Weight Registration of less than 9,000 pounds (Class I, II, III) shall not be deemed commercial vehicles regardless of the presence of exterior advertising, or the fact that they may be used for commercial purposes.

(215) **Vehicle Not in Running Condition** - Any vehicle without a current inspection sticker and/or without a current license plate, or any vehicle which, by visual inspection, can be determined to be seriously or permanently disabled, abandoned, or in the process of being dismantled. A vehicle not in running condition and located on a lot for more than thirty (30) days shall not be an accessory use.

(216) **Vehicle, Recreational** - A vehicular unit not exceeding thirty (30) feet in body length, eight (8) feet in width, or eleven (11) feet in overall height, primarily designed as temporary living quarters for recreational, camping, or travel use. It has either its own motive power, or is designed to be mounted on, or drawn by, an automotive vehicle. Recreational vehicles include motor homes, truck campers, travel trailers, and camping trailers.

(217) **Wetland** - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation, typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

(218) **Wholesale** - The sale of commodities and services to retailers or jobbers rather than directly to the consumer.

(219) **Yard** - The required open space on a zoning lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise specifically permitted. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the use district in which the lot is located.

(220) **Yard, Front** - A yard extending along the full length of a front lot line between the side lot lines. On a corner lot or through lot the front yards are the yards abutting the streets or right-of-ways.

(221) **Yard, Rear** - A yard extending along the full length of the rear lot line between the side lot lines. A corner lot and a through lot have no rear yards.
(222) **Yard, Side** - A yard extending along a side lot from the front yard to the rear yard, except on a corner lot where all yards, other than the front yards, are side yards.

(223) **Yard, Transitional** - A yard usually required in addition to the normal front, side, and rear yard setback when non-residential uses abut Residential Districts. A transitional yard may include landscaping features only. Parking areas, driveways, storage, and other accessory uses are not permitted in transitional yards.

(Ord. 2121. Passed 11-9-92; Ord. 2163. Passed 2-7-94; Ord. 2217. Passed 5-7-95; Ord. 2250. Passed 1-8-97; Ord. 2281. Passed 10-7-97; Ord. 2382. Passed 9-18-02; Ord. 2420. Passed 5-3-04; Ord. 2537. Passed 11-14-11.)
CHAPTER 1262
Administration, Enforcement and Penalty

1262.01 General rules of construction.
1262.02 Department of Code Enforcement.
1262.03 Planning Commission.
1262.04 Building permits.
1262.05 Certificates of use, occupancy and compliance.
1262.06 Amendments.
1262.07 Fees.
1262.99 Penalty; equitable remedies.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, § 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224

1262.01 GENERAL RULES OF CONSTRUCTION.
(a) The provisions of this Zoning Code shall be interpreted and applied so as to be the minimum requirements for the promotion of the health, safety, welfare and morals of the citizens of the Municipality of Penn Hills.

(b) Where the conditions imposed by any provision of this Zoning Code upon uses of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of the Zoning Code, or of another applicable law, municipal Zoning Code, rule or regulations of any kind, the regulations which are more restrictive shall govern.

(c) This Zoning Code is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this Zoning Code are more restrictive than such easements, covenants, or other private agreements, the requirements of this Zoning Code shall govern.

(d) No structure shall be erected, converted, or altered, nor shall any structure or land be used except for a purpose permitted in the use district in which the structure or land is located, except as hereinafter provided. No structure shall be erected, enlarged, or altered, except in conformity with the area regulations, minimum yard requirements, performance standards and minimum off-street parking space requirements of this Zoning Code for the district in which such structure is located.
(e) Any person, partnership, or corporation found to have violated any of the provisions of this Zoning Code shall be notified by the Code Enforcement Officer in writing, of the nature of the violation and the action necessary to correct it.

(f) All applications for variance, special exception, amendment, conditional use, permit, or any other application or certificate within the scope of this Zoning Code, shall be made on printed forms as approved by the Council, and shall contain accurate information as to size and location of structures on the lot, the dimensions of all yards and open spaces, the sections of this Zoning Code applicable to the request, and such other information as may be necessary to provide for the enforcement of this Zoning Code. A file of such applications shall be kept in the Department of Planning and Economic Development.

(g) The duty of administering the provisions of this Zoning Code is conferred upon the Department of Code Enforcement, the Planning Commission, the Department of Planning and Economic Development, the Municipal Council, and the Zoning Hearing Board.

(Ord. 2121. Passed 11-9-92.)

1262.02 DEPARTMENT OF CODE ENFORCEMENT.

(a) Powers and Duties.

(1) The Code Enforcement Officer shall:

A. Administer and enforce this Zoning Code.
B. Issue all building permits, and make and maintain records thereof.
C. Issue all certificates of use, occupancy, and compliance, and make and maintain records thereof.
D. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Zoning Code, and make and maintain records thereof.
E. Maintain permanent and current records of this Zoning Code, including, but not limited to, all maps, amendments, special exceptions, variances, nonconforming uses, conditional uses, appeals, and applications for, and records of, hearings thereon.
F. Provide and maintain public information relative to all matters arising out of this Zoning Code.
G. Receive, file, and forward all applications or appeals requiring action by the Zoning Hearing Board.
H. Prepare and maintain a list and description of all non-conforming lots, uses, signs, and structures.
I. Provide written notifications of violations of this Zoning Code, as prescribed in this section.
J. Receive complaints from residents regarding alleged violations of this Zoning Code. The Department of Code Enforcement shall act on a complaint within three business days, and shall keep records of complaints, as well as action taken on them.

(2) Receive and approve, after a demonstration of good cause, waivers of bulk and area regulations and performance standards. Such waivers shall be documented and limited to dimensional waivers of no more than twelve (12) inches or deviations from performance standards of no more than one (1) percent of the minimum or maximum standard. Such waivers may be approved with or without
conditions.

(b) Appeals. Any appeal from action of the Code Enforcement Officer shall be made to the Zoning Hearing Board within thirty (30) days of such action, in accordance with Chapter 1264. The Code Enforcement Officer shall immediately transmit to the Zoning Hearing Board all of the papers constituting the record upon which the action appealed from was taken.

(Ord. 2121. Passed 11-9-92.)

1262.03 PLANNING COMMISSION.
The Planning Commission is hereby vested with the following jurisdiction and authority:

(a) To receive copies of all applications for amendments, conditional uses, to make findings and recommendations thereon, and to forward such findings and recommendations to the Council.

(b) To initiate, direct, and review, from time to time, a study of the provisions of this Zoning Code, and to make reports of its findings and recommendations to the Council no less frequently than annually.

(c) To supply information to the Code Enforcement Officer as required in this Zoning Code.

(d) To study, after examination, and, with the aid of expert assistance where required, determine and define all arterial highways within the Municipality and to make a report of its findings to the Zoning Hearing Board and to the Council.

(e) To receive applications for site plan approval under the provisions of Chapter 1286 and other applicable provisions of this Zoning Code.

(f) To receive and administer applications for subdivision and land development.


(h) Upon the request of the Manager, the Mayor and Council or the Planning Director, to conduct workshops, public hearings, and open forums on a wide variety of issues of community interest and to provide, when appropriate, recommendations to the Manager, the Planning Director, and the Mayor and Council.

(Ord. 2121. Passed 11-9-92.)

1262.04 BUILDING PERMITS.

(a) Building Permits Generally.

(1) Before the use of any land, or the erection, alteration or enlargement of any structure in any use district begins, a building permit shall be applied for and shall be issued.

(2) No building permit shall be issued by the Code Enforcement Officer unless the building activity is in strict conformity with the provisions of this Zoning Code, except after a written order from the Zoning Hearing Board or the Council. Any building permit issued which does not comply with these requirements is not lawful and is null and void.

(3) If the work described in any building permit has not begun within one hundred-eighty (180) days from the date of issuance, the building permit shall expire, and it shall be cancelled by the Code Enforcement Officer. Written notice of cancellation shall be given to the applicant for the permit within three (3) days of cancellation.

(4) If the work described in any building permit has not been substantially completed
within two (2) years of the date of issuance, the permit shall expire and be cancelled by the Code Enforcement Officer. Written notice of cancellation shall be given to the property owner by the Code Enforcement Officer within three (3) days of cancellation, together with notice that further work, as described in the cancelled permit, shall not proceed unless and until a new building permit has been obtained.

(5) Any building permit may be revoked and withdrawn by the Code Enforcement Officer if the Officer finds that the permit holder has failed to comply with the conditions under which the permit was issued.

(6) Recipients of building permits must comply with Section 1278.06(f) and are responsible for keeping the construction site free of rubbish and debris at all times, and are responsible for the collection of rubbish and debris on adjacent properties and rights-of-way where such material is generated by the activity covered by the permit.

(b) **Application for Building Permits.**

(1) An application for a building permit in any use district shall be accompanied by the following information. No application shall be deemed to have been filed until all required information is submitted and is of a form and content satisfactory to the Code Enforcement Officer.

A. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, and other constructional features on the lot, and in B, M, and I Districts, a plan showing all buildings, streets, alleys, highways, streams and other topographical features outside the lot and within fifty (50) feet of any lot line. However, a plot plan will not be required unless permission is requested to erect a new structure or to enlarge the ground floor area of an existing structure.

   The Code Enforcement Officer may waive the requirement of a plot plan in a Residential District or use, where a plot plan is not necessary and where submission of such plan would pose an undue burden upon the applicant.

B. A general description of the proposed use.

C. Architectural plans for any proposed structure or sign.

D. Any other data, evidence or statements, and any reasonable number of duplicates of the same that the Code Enforcement Officer may require.

E. Site plan approval based on conformance with Chapters 1278 and 1286, and other applicable standards in this Zoning Code; as well as the Subdivision and Land Development Ordinance.

(2) The Code Enforcement Officer shall act upon an application within thirty (30) days after the filing of the application. Failure to act within this time shall be deemed approval of the application, and in such case, the Code Enforcement Officer shall issue the permit.

(3) In acting upon an application for a building permit for a structure or land use, the Code Enforcement Officer shall assure himself that all of the requirements of this Zoning Code are met and that all of the standards and limitations established by this section shall be observed. In approving an application, the Code Enforcement Officer may require such changes in plans for land use, buildings, or operation, as may be necessary to assure compliance with this Zoning Code and the limitations
1262.05 CERTIFICATES OF USE, OCCUPANCY AND COMPLIANCE.

(a) Necessity of Obtaining Certificate.

(1) No person shall use, occupy, or permit the use or occupancy of, any building, land, or premises, or part thereof hereafter created, erected, altered in its structure, or enlarged in its use, until a certificate of use, occupancy, and compliance shall have been issued therefor by the Code Enforcement Officer, stating that the proposed use of the land, building, or premises conforms to the requirements of the grading and zoning ordinances and the building and fire codes.

(2) No person shall change ownership, tenants, or occupants of a building, land, or premises unless a certificate of use, occupancy, and compliance shall have been issued by the Code Enforcement Officer prior to said change, stating that the building, land, or premises conform to the requirements of the grading and zoning ordinances and the building and fire codes. In the case of multiple tenants of either commercial, industrial, or residential properties, a certificate of use, occupancy, and compliance shall be required for each tenant.

(b) Application for Certificate.

(1) Every application for a building permit shall be deemed to be an application for a certificate of use, occupancy, and compliance, except for building permit applications for swimming pools, window replacement, single-family residential storage sheds, gutters and downspouts, new siding, and other minor repairs to existing structures, as determined by the Director of the Department of Code Enforcement.

(2) The applicant, in all cases, shall be the owner, or a duly authorized representative of the owner. In the case of a change in ownership of the property, the applicant may be the current owner or the proposed new owner. In the case of a change in ownership of the property, the applicant may be the current owner or the proposed new owner. In the case of a change of tenants, the applicant shall be the owner, and the owner shall provide the names and any other information deemed necessary to clearly identify the proposed new tenants.

(c) Inspections.

(1) The applicant for a certificate required by paragraph (a)(1) hereof shall notify the Department of Code Enforcement of the date on which such construction, erection, structural alteration, or enlargement of use shall have been completed in conformity with the provisions of this Zoning Code, and the Code Enforcement Officer shall inspect the building or structure involved within ten (10) days of such notice.

(2) An inspection for the purpose of determining whether a certificate required by paragraph (a)(1) hereof should be issued, shall extend only to the immediate area upon which such construction, erection, structural alteration, or enlargement of use took place, and to such appurtenant areas as are reasonably necessary to determine whether the grading and zoning ordinances and building and fire codes are complied with.

(3) The applicant for a certificate required by paragraph (a)(2) hereof shall notify the
Department of Code Enforcement of the date upon which such change of tenants or occupants shall take place, and the Code Enforcement Officer shall inspect the building or structure involved within ten (10) days of such notice.

(d) Issuance of Certificates.
(1) A temporary certificate of use, occupancy and compliance may be issued by the Code Enforcement Officer for a period not to exceed one (1) month during alterations or partial occupancy of a building pending its completion, provided such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

(2) Upon inspection of land, building, or premises to determine whether or not a certificate of use, occupancy, and compliance, required by paragraph (a)(1) hereof, shall be issued, if the Code Enforcement Officer shall find that such construction, alteration, or erection is in accordance with this Zoning Code, a certificate of use, occupancy and compliance shall be issued. Written notice shall be given to the applicant stating why a certificate cannot be issued when the Code Enforcement Officer finds that such construction, alteration, or erection is not in accordance with this Zoning Code.

(3) Upon inspection of land, building, or premises to determine whether or not a certificate of use, occupancy, and compliance, required by paragraph (a)(2) hereof, shall be issued, if the Code Enforcement Officer finds that this Zoning Code has been complied with, a certificate of use, occupancy, and compliance shall be issued. Written notice shall be given to the applicant stating why a certificate cannot be issued when the Code Enforcement Officer finds that this Zoning Code has not been complied with.

(4) Upon transfer of ownership of property, the current owner shall produce and deliver a copy of the approved Certificate of Use Occupancy and Compliance to the new owner including notice of any conditions associated with the certificate.

(e) Revocation or Suspension. A certificate of use, occupancy, and compliance may be revoked or suspended by the Code Enforcement Officer if the Code Enforcement Officer finds that the holder of the certificate has failed to comply with conditions attached to the issuance of the certificate, or if the Code Enforcement Officer finds that the operations of the building or land use fail to comply with the requirements of this Zoning Code.

1262.06 AMENDMENTS.

(a) Purpose. This section is intended to provide an orderly process for the consideration of proposed amendments to the text of this Zoning Code or the Zoning Map of the Municipality.

(b) Who May Initiate Amendments.
(1) Non-curative amendments. Amendments other than those prepared by the Planning Commission, but not including amendments prepared by a landowner, shall be introduced by a member of the Council. Prior to the introduction of the proposed zoning amendment on Council's agenda, the Planning Commission shall conduct a public hearing on the proposed zoning amendment after giving public notice of the hearing in accordance with subsection (f) hereof. The Council shall submit each proposed amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning
Commission an opportunity to submit recommendations.

(2) **Landowner-initiated amendments**. A landowner who desires to challenge the validity of this Zoning Code or any provision hereof, which prohibits or restricts the use or development of land in which a landowner has an interest on substantive grounds, may submit a curative amendment to the Council with a written request that the challenge and proposed amendment be heard and decided by the Council.

(3) **Municipal curative amendments**. The Municipality of Penn Hills may determine that this Zoning Code, or any portion hereof, is substantially invalid and prepare a curative amendment to correct the defect. Procedures are regulated by the Municipalities Planning Code, Act 170, as amended.

(c) **Application Requirements for Landowner-Initiated Curative Amendments**. Applications for landowner-initiated curative amendments shall be filed with the Planning Department on forms provided by the Planning Department. The application shall be accompanied by the legal description of the property, twelve (12) copies of the survey or plot plan, a letter of intent, a written challenge and explanatory materials, describing the applicant's proposed development or purpose for the curative amendment. Such plans or other materials shall not be required to meet the standards prescribed for any approval under this Zoning Code so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged provision of this Zoning Code or the Zoning Map.

(d) **Review by Planning Commission and County Planning Department**.

(1) **Non-curative amendments**. In the case of an amendment other than an amendment prepared by the Planning Commission, the Council shall submit the amendment to the Planning Commission for review at least thirty (30) days prior to the public hearing required in paragraph (e)(2) hereof. At least thirty (30) days prior to the public hearing which the Council is required to conduct pursuant to paragraph (e)(1) hereof, the Planning Commission shall submit the proposed amendment to the Allegheny County Planning Department for review and comment.

(2) **Landowner-initiated curative amendments**. The curative amendment and challenge shall be referred to the Planning Commission and County Planning Department as provided in paragraph (d)(1) hereof.

(e) **Public Hearing**.

(1) **Non-curative amendments**. Before voting on the enactment of a non-curative amendment, the Council shall hold a public hearing thereon, pursuant to public notice in accordance with subsection (f) hereof. If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be posted by the Code Enforcement Officer at points deemed sufficient by the Code Enforcement Officer along the perimeter of the tract to notify potentially interested citizens. Notice shall be posted on the affected tract or area at least one (1) week prior to the date of the hearing.

(2) **Landowner-initiated curative amendments**. The Council shall commence a hearing on a landowner-initiated curative amendment within sixty (60) days after an application for a landowner curative amendment is filed unless the landowner requests or consents to an extension of time. Public notice of the hearing shall be given as provided in paragraph (f)(1) hereof. The hearing shall be conducted in
accordance with the following requirements:

A. The hearings shall be conducted by the Council or the Council may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings, shall be made by the Council, however, the applicant or the Municipality, may, prior to the decision of the hearing, waive decisions or findings by the Council and accept the decision or findings of the hearing officer as final.

B. The parties to the hearing shall be the Municipality, any person affected by the application who has made timely appearance of record before the Council, and any other person, including civic or community organizations, permitted to appear by the Council. The Council shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided for that purpose.

C. The presiding officer of the Council or the hearing officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.

D. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues. The Council may retain an independent attorney to present the defense of the challenged provisions of this Zoning Code or the Zoning Map on its behalf and to present witnesses on its behalf.

E. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

F. The Council, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Council. The cost of the original transcript shall be paid by the Council or hearing officer or shall be paid by the person appealing from the decision of the Council if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

G. The Council, or the hearing officer, shall not communicate directly or indirectly, with any party or his representatives in connection with any issues involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

H. Based upon the testimony presented at the hearing, the Council shall, within forty-five (45) days after the conclusion of the hearing, determine whether the challenged provision of this Zoning Code or the Zoning Map is invalid as alleged by the landowner. If the challenge is found to have merit, the Council shall proceed to consider the landowner’s curative amendment pursuant to the standards of this section. If the Council fails to act on the landowner’s challenge within forty-five (45) days, the challenge shall be deemed to be
denied on the forty-sixth (46) day after the date of the hearing, unless the time is extended by mutual consent of the landowner and Municipality.

I. The Council, or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the conclusion of the hearing.

J. Where an application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore, including references to the provisions of any ordinance, rule or regulation relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

K. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Council shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Council prior to final decision or entry of findings. The Council’s decision shall be entered no later than thirty (30) days after the report of the hearing officer.

L. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to the applicant no later than the day following its date. The Council shall provide, by mail or otherwise, brief notice of the place at which the full decision or findings may be examined to all other persons who have filed their names and addresses with the Council no later than the last day of the hearing.

(f) Notice Requirements.

(1) Notice in general. Notice of proposed zoning amendments shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and brief summary, prepared by the Municipal Attorney and setting forth all the provisions in reasonable detail. If the full text is not included, a copy of the proposed ordinance shall be supplied to a newspaper of general circulation in the Municipality at the time the public notice is published and an attested copy shall be filed in the County Administration Office.

(2) Notice of landowner-initiated amendments. The notice of a hearing to consider a landowner-initiated amendment shall include notice that the validity of this Zoning Code or the Zoning Map is in question. The notice shall also state where and when a copy of the challenge, including any plans, explanatory material or proposed amendments, may be examined by the public. Written notice shall be given to the applicant, the Zoning Officer, and such other persons as the Council shall designate by ordinance, and to any such person who has made timely request for the same, written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Council. All other procedures as stated in the Pennsylvania Municipalities...
Planning Code shall be followed.

(g) Readvertising Requirements When Substantial Changes are Made Prior to Enactment. In the event substantial amendments are made to the proposed ordinance or amendment before voting upon enactment, the Council shall at least ten (10) days prior to enactment readvertise, in one newspaper of general circulation in the Municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(h) Changes to Proposed Amendment After Public Hearing. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(i) Mediation Option. The parties to the amendment proceeding may voluntarily elect to utilize mediation as an aid in completing proceedings under this section. Mediation shall supplement, not replace, the procedures initiated under this section. In each case, the mediating parties shall develop terms and conditions for:
   (1) Selecting a mediator, who at a minimum shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
   (2) Setting time limits for completion of mediation;
   (3) Suspending time limits otherwise set forth in this section, provided there is written consent by the mediating parties, and by an applicant or the Council, provided neither is a party to the mediation;
   (4) Identifying all parties and affording them the opportunity to participate;
   (5) Determining, within legal constraints, whether some or all of the mediation sessions shall be open or closed to the public;
   (6) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review by the Council; and
   (7) Funding mediation.

   No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent administration or judicial proceeding.

(j) Action by Council.
   (1) Non-curative amendments. After holding a public hearing and giving notice as required by subsection (f) hereof, the Council shall vote to either enact or reject the proposed amendment.
   (2) Landowner-initiated curative amendments. If the Council determines that a validity challenge has merit, it may accept a landowner’s curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects.
   (3) Municipal curative amendments. Council will take action in accordance with the Municipalities Planning Code, Act 170, as amended.

(k) Standards.
   (1) Non-curative amendments. Non-curative amendments shall be prepared in conformance with the Penn Hills Comprehensive Plan, and shall be prepared in
conformance with the regulations set forth in the Pennsylvania Municipalities Code.

(2) **Required considerations for landowner-initiated curative amendments.** The Council’s decision on a challenge and proposed amendment shall take into consideration the curative amendment, plans, and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Zoning Code or the Zoning Map;

C. The suitability of the site for the intensity of use proposed by the site’s soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features;

D. The impact of the proposed use on the site’s soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

E. The impact of the proposed use on the preservation of agriculture and other land uses which are essential to public health and welfare.

(3) **Required findings for Municipal curative amendments.** Findings will be made in accordance with the Municipalities Planning Code, Act 170, as amended.
(l) Appeals: Effect of Court’s Reversal of Denial of Landowner’s Curative Amendments. If the Council rejects a landowner’s curative amendment under this section and a court subsequently rules that the challenge has merit, the Court’s decision shall not result in a declaration of invalidity for the entire Zoning Code and Zoning Map, but only for those provisions which specifically relate to the landowner’s curative amendment and challenge.

(m) Waiting Period Following Action on Municipal Curative Amendments. Following a municipal curative amendment, the waiting period shall be in accordance with the Municipalities Planning Code, Act 170, 1988, as amended.

(n) Submittal of Adopted Amendments to County Planning Department. Within thirty (30) days after enactment of an amendment to this Zoning Code, a copy of the amendment to this Zoning Code shall be forwarded to Allegheny County Planning Department.

(o) Time Limit for Filing Application for Subdivision, Land Development or Building Permit Approval After Approval of Curative Amendment. Where a curative amendment proposal is approved by the Council, or a validity challenge is sustained by the Zoning Hearing Board, or a proposed amendment or validity challenge is approved by a court of appeals, and the proposed amendment or challenge requires a further application for subdivision or land development approval, the developer shall have two (2) years from the date of such approval to file an application for tentative or preliminary approval pursuant to the Subdivision Regulations or the Planned Residential Development provisions of this Zoning Ordinance. When the approved zoning amendment does not require further application for subdivision or land development approval, the developer shall have one (1) year within which to file for a building permit. With the one-year or two-year period, as applicable, no subsequent change or amendment in this Zoning Code, the Subdivision Regulations or other land use ordinances shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge.

(p) Denial of Petition: Subsequent Petitions. If a petition for an amendment is denied by the Council after public notice and public hearing, no subsequent petition shall be accepted which involves the same amendment affecting the same property, or any part thereof, for at least six (6) months after final action on the petition by the Council.

(Ord. 2121. Passed 11-9-92.)
1262.07 FEES.

Any application for amendment, variance, special exception, conditional use, permit, or any other application or certificate within the scope of this Zoning Code, shall be accompanied by a fee as set forth below. The amount of the fee may be changed by the Council upon the recommendation of the Director of Planning and shall bear a reasonable relationship to the costs involved.

(a) Amendments to the Zoning Code. Fees for amending the Zoning Code shall be as follows:

- (1) Up to 2 acres: $400.00
- (2) Not less than 2 and not more than 4: $500.00
- (3) More than 4: $600.00

(b) Zoning Hearing Board. Fees for proceedings of the Zoning Hearing Board shall be as follows:

- (1) Appeals: $400.00
- (2) Special exceptions:
  - Home occupations: $50.00
  - Single-family residences: $50.00
- (3) Variances: $200.00

(c) Occupancy Permits. Fees for an occupancy permit shall be as follows:

- (1) Per unit (residential): $25.00
- (2) Per tenant (commercial): $50.00

(d) Conditional Use Hearings. The fee for a conditional use hearing shall be $400.00.

(e) Temporary Use Permits. The fee for a temporary use permit shall be one hundred dollars ($100.00) for thirty (30) days.

(Ord. 2121. Passed 11-9-92; Ord. 2146. Passed 6-7-93; Ord. 2420. Passed 5-3-04.)

1262.99 PENALTY; EQUITABLE REMEDIES.

(a) Any person who violates or permits a violation of any provision of this Zoning Code, for which no penalty is otherwise provided, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Zoning Code to have believed that there was no such violation, in which event
2005 Replacement
there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for a violation of this Zoning Code shall be paid over to the Municipality.

(Ord. 2121. Passed 11-9-92.)

(b) Any person who violates or permits a violation of any provision of Section 1280.05(q) (Sexually Oriented Establishments), or the rules and regulations approved and adopted thereunder, shall pay a fine not exceeding one thousand dollars ($1,000) for each violation. Whenever such person shall have been officially notified by the Municipality that he is committing a violation of Section 1280.05(q), or the rules and regulations approved and adopted thereunder, each day that he shall continue such violation after such notification shall constitute a separate violation punishable by a like fine. Any person who violates or permits the violation of Section 1280.05(q) shall pay, in addition to the fine set forth above, all court costs and reasonable attorney fees incurred by the Municipality in connection with any civil enforcement proceedings brought to enforce Section 1280.05(q).

(Ord. 2250. Passed 1-8-97.)

(c) The Council, or the Mayor with the approval of the Council, may institute, in the name of the Municipality of Penn Hills, any appropriate legal action or proceeding to prevent or restrain any actions constituting a violation of this Zoning Code. This remedy is not exclusive; and other remedies available to the Council or to the Mayor are specifically preserved.

(Ord. 2121. Passed 11-9-92.)
CHAPTER 1264
Zoning Hearing Board

1264.01 Establishment; continuation.
1264.02 Reappointment of members; continuity of office.
1264.03 Membership; holding other office; terms of office.
1264.04 Vacancies.
1264.05 Removal of members.
1264.06 Organization; quorum; hearings.
1264.07 Rules and regulations.
1264.08 Expenditures; compensation.
1264.09 Meetings and public hearings.
1264.10 Notice of public hearings.
1264.11 Powers and duties.
1264.12 Appeals to court.
1264.13 Time limitations.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06

1264.01 ESTABLISHMENT; CONTINUATION.
The Zoning Hearing Board (the Board) presently in existence shall continue to constitute
the Zoning Hearing Board of the Municipality of Penn Hills under this Zoning Code. Matters
pending before the Zoning Hearing Board at the time this Zoning Code becomes effective shall
continue and be completed under the law in effect at the time such Board took jurisdiction of them.
(Ord. 2121. Passed 11-9-92.)

1264.02 REAPPOINTMENT OF MEMBERS; CONTINUITY OF OFFICE.
Those members of the Board existing under the prior zoning ordinance are hereby
reappointed and shall serve out their unexpired terms as members of the present Board, in
accordance with the provisions of this section.
(Ord. 2121. Passed 11-9-92.)

1264.03 MEMBERSHIP; HOLDING OTHER OFFICE; TERMS OF OFFICE.
The Board shall consist of five (5) residents of the Municipality of Penn Hills appointed by
the Council. Members of the Board shall hold no other office in the Municipality of Penn Hills.
The terms of office shall be five years.
(Ord. 2121. Passed 11-9-92.)
1264.04 VACANCIES.
The Board shall promptly notify the Council of any vacancies which occur. Appointments by the Council to fill vacancies shall be only for the unexpired portion of the term.
(Ord. 2121. Passed 11-9-92.)

1264.05 REMOVAL OF MEMBERS.
A member of the Board may be removed for malfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Council. The Board member must receive fifteen (15) days advance written notice of the intent of the Council to vote on the member’s removal. The written notice shall be accompanied by a clear, written statement of the specific charges. A hearing shall be held in connection with the vote if the Board member shall so request in writing.
(Ord. 2121. Passed 11-9-92.)

1264.06 ORGANIZATION; QUORUM; HEARINGS.
The Board shall elect its officers from its own membership. The officers shall serve annual terms and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearings on its behalf, and the parties may waive further action by the Board, as provided by the M.P.C.
(Ord. 2121. Passed 11-9-92.)

1264.07 RULES AND REGULATIONS.
The Board may make, alter and rescind rules and regulations, and forms for its procedures, such as are consistent with the ordinances of the Municipality of Penn Hills and the laws of Pennsylvania. The Board shall keep full public records of its business and shall submit a report of its activities to the Council annually. All records and rules of the Board shall be on file for public inspection in the Department of Planning and Economic Development.
(Ord. 2121. Passed 11-9-92.)

1264.08 EXPENDITURES; COMPENSATION.
Within limits of funds appropriated by the Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties as may be fixed by the Council, but in no case shall such compensation exceed the rate of compensation authorized to be paid to Council members.
(Ord. 2121. Passed 11-9-92.)

1264.09 MEETINGS AND PUBLIC HEARINGS.
(a) Meetings of the Board shall be held:
   (1) At the call of the Chairman.
   (2) Within sixty (60) days from the date of any application to the Board.
   (3) At such other times as the Board may determine.

(b) All meetings of the Board shall be open to the public. The Board shall adopt its own rules of procedure in accordance with Section 1264.07. The Board shall keep minutes of its proceedings, showing whether a member was present or absent and the vote of each member upon each question, and shall keep stenographic records of its hearings, and other official actions. All
Board records shall be filed in the Department of Code Enforcement and shall be available for public inspection. Upon the filing of an application or appeal, the Board shall fix a time and place for a public hearing and shall, in the manner prescribed by this Zoning Code and the M.P.C., give public notice thereof. The Board shall conduct the hearings and render decisions in the manner prescribed by the M.P.C. as now established or as hereafter amended.
(Ord. 2121. Passed 11-9-92.)

1264.10 NOTICE OF PUBLIC HEARINGS.
Public notice shall be given by publication once a week for two (2) consecutive weeks in a newspaper of general subject circulation in the Municipality of Penn Hills. The owner of the property, or his or her agent, shall be notified by mail not more than thirty (30) days and not less than fourteen (14) days in advance of the Board hearing. In addition, notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
(Ord. 2121. Passed 11-9-92.)

1264.11 POWERS AND DUTIES.
The Board shall have the power and duty to perform the following functions in accordance with the M.P.C.:
(a) To hear and decide appeals from any order, decision, determination, or requirement made by the Code Enforcement Officer in the administration and enforcement of this Zoning Code, where it is alleged that the Code Enforcement Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any provision of a valid ordinance, map, or rule or regulation governing the action of the Code Enforcement Officer.
(b) To hear challenges to the validity of this Zoning Code or the Zoning Map, as prescribed by the M.P.C.
(c) To hear and decide requests for a variance from the requirements of this Zoning Code, where it is alleged that the strict application of the provisions of this Zoning Code would result in unnecessary hardship that would deprive the owner of the reasonable use of the land. The Board shall also have the power to attach such conditions to the variance as it deems necessary to implement the general purpose and intent of this Zoning Code. No variance shall be granted unless the Board determines and fully describes in its findings the following:
(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Code, in the neighborhood or district in which the property is located.
(2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Code, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
(3) That such unnecessary hardship has not been created by the appellant.
(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(d) To hear and decide requests for special exceptions expressly allowed by the provisions of this Zoning Code, and subject to the standards and criteria set forth in Chapter 1282.

(e) To hear, where the Board has jurisdiction over zoning matters in this section, all other appeals which the applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. The Board shall take evidence and make findings on all relevant issues of fact. However, the Board shall have no power to pass upon the non-zoning issues.

(f) The Board shall also have such other powers as are set forth in the M.P.C. now, and as hereinafter amended.

(Ord. 2121. Passed 11-9-92.)

1264.12 APPEALS TO COURT.

Any party aggrieved by any decision of the Board may appeal therefrom within thirty (30) days to the Court of Common Pleas of Allegheny County, in the manner prescribed by the M.P.C.

(Ord. 2121. Passed 11-9-92.)

1264.13 TIME LIMITATIONS.

Upon receiving an approval for a variance or special exception, a landowner will have twelve (12) months from the date of the Board decision to obtain a building permit, an occupancy permit, or otherwise establish or develop the property in accordance with the Board approval or the variance or special exception shall become null and void. The Planning Director may, however, grant an extension of time if the landowner requests such an extension, and if good cause is shown.

(Ord. 2121. Passed 11-9-92.)
CHAPTER 1266
Districts Generally and Zoning Map

1266.01 Establishment of districts.
1266.02 Zoning Map.
1266.03 Interpretation of zoning district boundaries.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, § 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06

1266.01 ESTABLISHMENT OF DISTRICTS.
In order to implement the purposes and provisions of this Zoning Code, the Municipality of Penn Hills is hereby divided into the following use districts:
(a) Residence Districts:
   (1) R-1 Single-Family Residence District
   (2) R-1A Single-Family Residence District
   (3) R-2 Single-Family Residence District
   (4) R-3 Single-Family Residence District
   (5) R-4 Double-House Residence District, Townhouses
   (6) R-5 Garden Apartment Residence District
   (7) R-6 High-Rise Apartment Residence District
   (8) R-7 Multistory, Multifamily, Limited Commercial District
   (9) C Conservation District.
(b) Business Districts:
   (1) B-1 Neighborhood Business District
   (2) B-2 Community Business District
   (3) B-3 Office and Professional District.
(c) Industrial Districts:
   (1) I-1 Light Industrial District
   (2) I-2 General Industrial District
   (3) I-3 District.

(d) Mixed Use Districts:
   (1) Mixed Use District.

(e) EastGate District.
   (Ord. 2121. Passed 11-9-92; Ord. 2250. Passed 1-8-97; Ord. 2311. Passed 5-5-99.)

1266.02 ZONING MAP.
The location and boundaries of the districts established in this Zoning Code are shown upon
the Official Zoning Map which is incorporated into this Zoning Code by reference as if fully set
forth herein. The Zoning Map and all subsequent amendments shall be as much a part of this
Zoning Code as if fully set forth and described herein.
(Ord. 2121. Passed 11-9-92.)

1266.03 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.
   (a) The district boundary lines on the Zoning Map are intended to follow lot lines or center
   lines of streets or alleys. In the case of tracts not laid out in lots, the district boundary lines shall be
determined by the Zoning Map.

   (b) Regarding the boundaries of any use districts shown on the Zoning Map, the following
   rules shall apply:
      (1) Boundaries indicated as approximately following the center lines of streets,
          highways, or alleys, shall be construed to follow such center lines.
      (2) Boundaries indicated as approximately following plotted lot lines shall be
          construed as following such lot lines.
      (3) Boundaries indicated as approximately following municipal limits shall be
          construed as following municipal limits.
      (4) Boundaries indicated as following railroad lines shall be construed to follow the
          midpoint of the railroad right-of-way.
      (5) Boundaries indicated as following shore lines shall be construed to follow such
          shore lines and in the event of change in the shore line, shall be construed as
          moving with the actual shore line. Boundaries indicated as approximately
          following the center lines of streams, rivers, canals, lakes, or other bodies of water,
          shall be construed to follow such center lines.
      (6) Distances not specifically indicated on the Zoning Map shall be determined by the
          scale of the map.
(7) Where existing physical features conflict with features shown on the Zoning Map, or in circumstances not covered by paragraphs (b)(1) to (6) hereof, the Director of Planning shall interpret the district boundaries.

(8) At the adoption of this Zoning Code, the Zoning Map was on file for public viewing in the Department of Code Enforcement, where all parties have an opportunity to examine the same.

(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)
CHAPTER 1268
Residential Districts

1268.01 Purpose. 1268.04 Conditional uses.
1268.02 Permitted uses. 1268.05 Special exceptions.
1268.03 Provisions applying to all uses in Residential Districts. 1268.06 Bulk and area regulations for Residential Districts.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, § 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06

1268.01 PURPOSE.
R-1, R-1A, R-2, and R-3 Single-Family Residential Districts are composed of certain quiet, low-density residential areas of the Municipality and vacant lands where single-family residential development is encouraged. The regulations for these districts are designed to stabilize and protect the essential characteristics of these districts; to protect the amenities of certain areas where a single-family residential pattern has already been established; to promote a suitable environment conducive to family life; and to prohibit those commercial activities not explicitly approved. To these ends, development is limited to those uses expressly permitted and certain bulk and area regulations are established.
(Ord. 2121. Passed 11-9-92.)
1268.02 PERMITTED USES.

(a) R-1 Districts. The following uses are permitted in an R-1 District. No uses are permitted to be conducted in the public right-of-way. Structures and uses not clearly permitted in an R-1 District are prohibited.

(1) The permitted uses in an R-1 District are:
A. Single-family residences.
B. Agriculture/gardening.
C. Accessory uses.
D. Signs as permitted in Chapter 1276.
E. Farms and farm animals on parcels of five (5) acres or more.
F. No-impact home occupation.

(b) R-1A Districts. The following uses are permitted in an R-1A District. No uses are permitted to be conducted in a public right-of-way. Structures and uses not clearly permitted in an R-1A District are prohibited.

(1) The permitted uses in an R-1A District are the same uses permitted in an R-1 District.

(c) R-2 Districts. The following uses are permitted in an R-2 District. No uses are permitted to be conducted in a public right-of-way. Structures and uses not clearly permitted in an R-2 District are prohibited.

(1) The permitted uses in an R-2 District are the same uses permitted in an R-1 District.

(d) R-3 Districts. The following uses are permitted in an R-3 District. No uses are permitted to be conducted in a public right-of-way. Structures and uses not clearly permitted in an R-3 District are prohibited.

(1) The permitted uses in an R-3 District are the same uses permitted in an R-1 District, plus house trailers and mobile homes.

(e) R-4 Districts. The R-4 District is composed of certain areas within the Municipality where multi-family dwelling units have been constructed, or are likely to be constructed. These multi-family districts are generally restricted as to type and density, namely townhouses, duplexes, and other types of two-family dwelling units at a lower density than those in R-5, R-6, and R-7 Districts.

R-4 Districts are established in an effort to provide an alternative to the single-family detached dwelling unit, which is suitable for families with living styles not requiring large lots and the private open spaces that they include. To these ends, development is limited to those uses expressly permitted and certain bulk and area regulations are established.
The following uses are permitted in an R-4 District. No uses are permitted to be conducted in a public right-of-way. Structures and uses not clearly permitted in an R-4 District are prohibited.

The permitted uses in an R-4 District are:

1. Two-family residences.
2. Townhouses.
3. Gardening.
4. Accessory uses.
5. Signs as permitted in Chapter 1276.
6. No-impact home occupations.

(f) **R-5 Districts.** The R-5 District is composed of certain areas within the Municipality where multifamily residential dwelling units exist or are most likely to occur. These Multifamily Residential Districts are generally restricted as to type and density, namely garden apartment buildings, townhouses, and other types of multifamily units at a density greater than that of an R-4 District and less than that of an R-6 District.

R-5 Districts are established in an effort to provide a variety of dwelling unit types within the Municipality, including rental apartments and condominiums where open space is provided in the form of common open spaces and recreation areas. To these ends, development is limited to those uses expressly permitted and certain bulk and area regulations are established.

The following uses are permitted in an R-5 District. No uses are permitted to be conducted in the public right-of-way. Structures and uses not clearly permitted in an R-5 District are prohibited.

The permitted uses in an R-5 District are:

1. Multifamily residences.
2. Signs as permitted in Chapter 1276.
3. No-impact home occupations.

(g) **R-6 Districts.** The R-6 Multifamily Residential District is composed of certain areas within the Municipality where high-density multifamily dwelling units exist or are likely to occur. These Multifamily Residential Districts are generally restricted as to type and density, namely garden apartments, high-rise apartment structures and other types of multifamily residential structures at a higher density than in R-4 and R-5 Districts.

R-6 Districts are established in an effort to provide for a variety of housing types within the Municipality, but should be located in areas of the Municipality where the land can be appropriately developed in a manner compatible with surrounding land uses, and where the structures are adequately supported by community services. To these ends, development is limited to uses expressly permitted and certain bulk and area regulations are established.
The following uses are permitted in an R-6 District. No uses are permitted to be conducted in the public right-of-way. Structures and uses not clearly permitted in an R-6 District are prohibited.

The permitted uses in an R-6 District are:

1. Multifamily residences.
2. Signs as permitted in Chapter 1276.
3. No-impact home occupations.

(h) **R-7 Districts.** The R-7 District is composed of certain areas within the Municipality where high density, multifamily residential dwelling units in conjunction with certain limited commercial uses exist or are likely to occur. These Multifamily Residential Districts are generally restricted as to type and density, namely garden apartments, high-rise apartment structures, and other types of multifamily housing, including structures which combine commercial uses with apartments.

R-7 Districts are established in an effort to provide for a variety of housing types within the Municipality, but should be located in areas of the Municipality where the land can be appropriately developed in a manner compatible with surrounding land uses, and where the structures are adequately supported by community services. To these ends development is limited to uses expressly permitted and certain bulk and area regulations are established.

The following uses are permitted in an R-7 District. No uses are permitted to be conducted in the public right-of-way. Structures and uses not clearly permitted in an R-7 District are prohibited.

The permitted uses in an R-7 District are:

1. Multifamily residences.
2. Non-residential uses as defined and permitted in subsection (j) hereof.
3. Signs as permitted in Chapter 1276.
4. No-impact home occupations.

(i) **C Districts.** The C District is intended to encourage the conservation of certain lands within the Municipality where the economics of building and supplying public services and facilities argue against the most usual type of building development; where only high expenditures for grading, increased foundation costs and other additional site preparations will make the land more buildable; where commercial and industrial uses of the land are prohibited; and to discourage any use because its character or location within the district would create requirements and costs for public services substantially in excess of such requirements and costs in areas of the Municipality where land is not of the same physical character.
The lands within the C District are identified by studies within the Penn Hills Land Use Policy Plan as lands possessing physical features presenting potential hazards to development. These features include, but are not limited to:

- Steep slopes (slopes in excess of 25%)
- Slide-prone soils
- Flood-prone areas
- Undermined areas.

As it may be demonstrated that lands in this district can be utilized for more intensive uses, consideration may be given to a change of zoning classification as may be appropriate for the area and in accordance with the Comprehensive Plan for the Municipality.

The following uses are permitted in a C District. No uses are permitted to be conducted in the public right-of-way. Structures and uses not clearly permitted in a C District are prohibited.

1. The permitted uses in a C District are the same as permitted in an R-1 District.

(j) Non-Residential Uses in R-7 Districts. These uses are permitted on the first and second floors of a structure, provided the total floor space of all non-residential uses does not exceed twenty (20) percent of the floor space of the entire structure, exclusive of basement floor area.

The following non-residential uses are permitted in an R-7 District only:

1. Retail sale of wearing apparel, jewelry and notions.
2. Retail sale of stationery supplies.
3. Retail sale of unused books, literature and periodicals.
4. Retail florists.
5. Bank and savings and loan associations.
6. Barber shops.
7. Beauty shops.
8. Business or professional offices.
10. General photography.
11. Retail laundry or cleaning agencies (deposit and pickup only).
12. Conventional restaurants (which may serve alcoholic beverages for consumption on the premises).
13. Signs as permitted in Chapter 1276.

(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)
1268.03 PROVISIONS APPLYING TO ALL USES IN RESIDENTIAL DISTRICTS.

All uses in a residentially-zoned district are subject to the applicable provisions of Chapter 1278 regarding parking, loading and other performance standards, and any other applicable provisions in this Zoning Code.

(Ord. 2121. Passed 11-9-92.)

1268.04 CONDITIONAL USES.

The approval of conditional uses by the Council is regulated by the applicable provisions of Chapter 1280.

(a) R-1 Districts. The following uses are conditional uses in an R-1 District:

1. Churches, rectories, cemeteries, mausoleums, and similar religious structures.
2. Community facilities (non-profit).
3. Public and private recreational facilities.
4. Family care facilities.
5. Schools.
6. Nurseries (day care centers).
7. Public utilities and public services.
8. Senior citizen housing.
9. Planned unit residential developments.
10. De-activated school re-use, subject to the following conditions:

   A. Only the following uses are permitted:
      1. Conditional uses listed above, excluding paragraphs (a)(4) and (9) hereof.
      2. Research and Development Organizations. (However, organizations proposing to undertake research involving the use of animals must submit appropriate additional information, including licenses, reports from regulatory agencies, descriptions of methods to be used and proposed animal care.)
      3. Parks and playgrounds.
      4. Libraries.
      5. Community health centers.
      6. Art galleries and museums.
      7. Professional offices.

   B. Expansion or enlargement may not exceed the current building space.
   C. All provisions of Chapters 1278 and 1286 shall be applied.
   D. All zoning provisions associated with the intended use shall be adhered to, such as parking requirements, landscaping, curb cuts, etc.
(11) Major excavation and grading, subject to the following conditions:
   A. A grading permit shall be obtained from the Municipality.
   B. No operation shall conduct activities within 300 feet of any residential structure and 100 feet of the right-of-way of any public street.
   C. Should a site plan requirement be waived by the Planning Commission, a plan shall be presented which illustrates all wooded areas and fields. Evergreen trees shall be planted at a rate of 300 trees per acre in addition to reseeding in any area shown to be wooded. Seedlings of a minimum of two (2) years are permitted.
   D. A bond shall be posted with the Municipality to cover one and one-half (1½) times the cost of restoration, as determined by the Municipal Engineer.
   E. Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m. unless special permission is granted by the Council.
   F. Trucks and other equipment shall not be operated on any Municipal street except between the hours of 7:00 a.m. and 7:00 p.m. unless special permission is granted by the Council.
   G. A map of the truck route shall be supplied to, and approved by, the Municipality. This route shall be consistent with size and weight limits, and any use of Municipal streets other than the designated streets is prohibited.
   H. A bond supplied by the operator to the Municipality may be used by the Municipality to repair any damage to streets caused by trucks or equipment associated with the operation, or to cover the cost of cleaning mud and/or controlling dust, or abating any other nuisance.
   I. Only one operation is permitted to be active per watershed. No two operations shall be permitted to use concurrently the same Municipally-owned streets.

(12) Funeral homes.
(13) Conference centers.
(14) Telecommunications towers and telecommunications facility buildings.
(15) Forestry.

(b) R-1A Districts. The approval of conditional uses by the Council is regulated by the applicable provisions of Chapter 1280.
   (1) Conditional uses in an R-1A District are the same as in an R-1 District.

(c) R-2 Districts. The approval of conditional uses by the Council is regulated by the provisions of Chapter 1280.
   (1) Conditional uses in an R-2 District are the same as in an R-1 District.
(d) **R-3 Districts.** The approval of conditional uses by the Council is regulated by the applicable provisions of Chapter 1280.

   Conditional uses in an R-3 District are:
   
   (1) Conditional uses in an R-1 District.
   (2) Mobile home parks, subject to the provisions of the Penn Hills Subdivision and Land Development Ordinance.

(e) **R-4 Districts.** The approval of conditional uses by the Council is regulated by the applicable provisions of Chapter 1280.

   (1) Conditional uses in an R-4 District are the same as in an R-1 District.

(f) **R-5 Districts.** The approval of conditional uses by the Council is regulated by the applicable provisions of Chapter 1280.

   The following uses are conditional uses in R-S Districts:
   
   (1) Conditional uses in an R-1 District.
   (2) Group care facilities.
   (3) Nursing homes.

(g) **R-6 Districts.** The approval of conditional uses by the Council is regulated by the applicable provisions of Chapter 1280.

   (1) Conditional uses in an R-6 District are the same as in an R-5 District.

(h) **R-7 Districts.** The approval of conditional uses by the Council is regulated by the applicable provisions of Chapter 1280.

   The following uses are conditional uses in an R-7 District:
   
   (1) Permitted uses in a B-1 District.
   (2) Conditional uses in an R-5 District.

(i) **C Districts.** The approval of conditional uses by the Council is regulated by the applicable provisions of Chapter 1280.

   The following uses are conditional uses in a C District:
   
   (1) Public and private recreational facilities.
   (2) Community facilities (non-profit).
   (3) Public utilities and public services.
   (4) Cemeteries.
   (5) Conference centers.
   (6) Telecommunications towers and telecommunications facility buildings.
   (7) Forestry.

   (Ord. 2121. Passed 11-9-92; Ord. 2217. Passed 5-7-95; Ord. 2281. Passed 10-7-97; Ord. 2382. Passed 9-18-02; Ord. 2534. Passed 3-7-11.)
SPECIAL EXCEPTIONS.

(a) **R-1 Districts.** The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282.

The following uses are special exceptions in an R-1 District: Home occupations.

(b) **R-1A Districts.** The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282.

Special exceptions in an R-1A District are the same as in an R-1 District.

(c) **R-2 Districts.** The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282.

The following uses are special exceptions in an R-2 District:

1. Conversion of a single-family residence to a two-family residence, subject to the following conditions:
   A. Minimum lot size - 7,500 sq. ft.
   B. Minimum gross floor area - 1,600 sq. ft.
   C. Minimum floor area of each dwelling unit after conversion - 500 sq. ft.
   D. A minimum of four (4) off-street parking spaces shall be provided. These parking spaces shall not be provided in any required front yard.
   E. The structure must otherwise be in conformance with zoning, building code, and health regulations for two-family residences.
   F. Appropriate occupancy, building, and sewage permits must be obtained.

2. Special exceptions in an R-1 District.

(d) **R-3 Districts.** The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282.

Special exceptions in an R-3 District are the same as in an R-1 District.

(e) **R-4 Districts.** The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282.

Special exceptions in an R-4 District are:

2. Home occupations.

(f) **R-5 Districts.** The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282.

The following uses are special exceptions in an R-5 District:

2. Two-family residences.
3. Home occupations.
(g) **R-6 Districts.** The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282. Special exceptions in an R-6 District are the same as in an R-5 District.

(h) **R-7 Districts.** The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282. Special exceptions in an R-7 District are the same as in an R-5 District.

(i) **C Districts.** The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282. Special exceptions in a C District are the same as in an R-1 District.  
(Ord. 2121. Passed 11-9-92.)

**1268.06 BULK AND AREA REGULATIONS FOR RESIDENTIAL DISTRICTS.**

(a) The following Table (Table I) contains bulk and area regulations for all Residential Districts:
# TABLE I

## BULK AND AREA REGULATIONS

<table>
<thead>
<tr>
<th>Minimum Lot Area (Square Feet)</th>
<th>C</th>
<th>R-3</th>
<th>R-1A</th>
<th>R-1</th>
<th>R-2</th>
<th>R-4</th>
<th>R-5</th>
<th>R-6</th>
<th>R-7</th>
</tr>
</thead>
<tbody>
<tr>
<td>40000</td>
<td>20000</td>
<td>10000</td>
<td>8400</td>
<td>5000</td>
<td>8,000 and 4,000/DU **</td>
<td>9,000 and 3,000/DU</td>
<td>30,000 and 1,500/DU</td>
<td>20,000 and 1,500/DU</td>
<td></td>
</tr>
</tbody>
</table>

| Minimum Frontage and Average Lot Width (Ft.) | 150 | 110 | 75 | 60 | 50 | 50 | 50 | 150 | 150 |
| Minimum Front Yard Depth (Ft.) | 35 | 30 | 30 | 25 | 20 | 20 | 20 | 20* | 20* |
| Minimum Side Yard (Ft.) | 25 | 15 | 10 | 5*** | 5 | 10 | 15 | 20* | 20* |
| Minimum Rear Yard (Ft.) | 25 | 15 | 15 | 15 | 10 | 10 | 15 | 20* | 20* |
| Maximum Height (Ft.) | 45 | 45 | 35 | 35 | 35 | 35 | 45 | 100 | 100 |
| Maximum Density (Dwelling Units/Acre) | 1.5 | 3 | 4 | 5 | 8 | 10 | 15 | 25 | 25 |

* Plus three feet for every story over three
** DU = dwelling units
*** Provided the sum of both yards must be a minimum of 15 feet.

**NOTE:** Bulk and area regulations for uses permitted as special exceptions shall be established by the Zoning Hearing Board, and for uses permitted as conditional uses, by the Council.

(b) Bulk and area regulations for special conditional uses are set forth in Chapters 1278 and 1280, or otherwise established by the Zoning Hearing Board for special exceptions and by the Council for conditional uses.

(c) Subdivisions involving existing structures with common walls shall be subject to the following regulations:
(1) If a lot or parcel is of sufficient size and otherwise in conformance with this Zoning Code and the Subdivision Regulations, a subdivision may be approved that effectively creates a zero lot line or a zero side and/or rear yard setback.

(2) Such subdivisions shall apply to existing structures only with a common party wall.

(3) Standard maintenance agreements regarding common or shared facilities shall be prepared and properly recorded with newly-created deeds.

(Ord. 2121. Passed 11-9-92; Ord. 2281. Passed 10-7-97.)
## APPENDIX A

### SCHEDULE OF DISTRICT REGULATIONS

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Uses</th>
<th>Conditional Uses</th>
<th>Special Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1A</td>
<td>Same as R-1.</td>
<td>Same as R-1.</td>
<td>Same as R-1.</td>
</tr>
<tr>
<td>R-2</td>
<td>Same as R-1.</td>
<td>Same as R-1.</td>
<td>Conversion of single-family residence to two-family residence. Home occupations.</td>
</tr>
<tr>
<td>R-3</td>
<td>Same as R-1, plus mobile homes.</td>
<td>Same as R-1.</td>
<td>Same as R-1.</td>
</tr>
</tbody>
</table>
2005 Replacement
## Appendix A

### PLANNING AND ZONING CODE

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Uses</th>
<th>Conditional Uses</th>
<th>Special Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-6</td>
<td>Multi-family residences. Signs, as permitted in Chapter 1276.</td>
<td>Same as R-5.</td>
<td>Same as R-5.</td>
</tr>
<tr>
<td>R-7</td>
<td>Multi-family residences. Non-residential uses as defined and permitted in Section 1268.02(j). Signs as permitted in Chapter 1276.</td>
<td>Same as R-5.</td>
<td>Same as R-5.</td>
</tr>
</tbody>
</table>
CHAPTER 1270
Business Districts

1270.01  In general.
1270.02  Permitted uses.
1270.03  Conditional uses.
1270.04  Special exceptions.
1270.05  Bulk and area requirements.
1270.06  General regulations.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, § 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06

1270.01  IN GENERAL.
The following uses are permitted in the applicable B Use District. No uses in these districts are permitted to be conducted on a public right-of-way. Uses of land and structures not clearly permitted in the applicable district are prohibited.
(Ord. 2121. Passed 11-9-92.)

1270.02  PERMITTED USES.
(a)  B-1 Districts (Neighborhood Business) Permitted Uses. In the B-1 District, the types of uses permitted are uses of land for commercial purposes directed at the residents of the neighborhood in which the use is located. This district excludes commercial and industrial uses which would alter the character of the district as a residential area containing only neighborhood businesses.

Prohibited uses include fast food restaurants, service stations, auto laundries, auto repair garages and planned developments.
(1) Uses permitted in a B-1 District are those uses which are retail sales or service establishments:
   A. Sales of non-alcoholic beverages, books, confections, drugs, electrical appliances, flowers, food, hardware, notions, novelties, periodicals, shoes, sundries, household articles, tobacco and wearing apparel.
      Manufacturing or processing on the premises is not permitted unless incidental and essential to an enterprise in which merchandise is sold at retail primarily on the premises.
   B. Barber shops or beauty parlors.
   C. Clothes pressing, cleaning, tailoring or repair and shoe repair.
   D. Financial institutions.
   E. Professional offices.
   F. Conventional restaurants where there is no live entertainment, dancing, or serving of intoxicating beverages.
   G. Signs as permitted by Chapter 1276.
   H. Nursery (day care center).
   I. Funeral homes.

(2) Permitted uses in a B-1 District are subject to the condition that all activity except for off-street parking and loading shall be completely conducted within enclosed buildings.

(b) B-2 Districts (Community Business) Permitted Uses. In a B-2 District the following uses are permitted:

   (1) Permitted uses in a B-1 District.
   (2) Retail goods and service establishments.
   (3) Combination retail and wholesale goods and service establishments where the primary use is office or retail. Warehousing, wholesaling, self-storage warehousing and similar operations are permitted operations in M, I-1 or I-2 Districts.
   (4) Lodges, clubs and meeting halls, restaurants which may serve alcoholic beverages for on-premises consumption.
   (5) Signs as permitted by Chapter 1276.
   (6) Fast-food restaurants, subject to the following conditions:
      A. The operators of a fast food restaurant are required to collect all litter from the fast food restaurant daily in an area within 250 feet of the restaurant. This 250-foot area includes both sides of all roadways in the area.
      B. There shall be a minimum of five (5) parking spaces plus one (1) space for each 100 square feet of gross floor area.
      C. Compliance with any and all additional conditions imposed by this Zoning Code and any other applicable ordinances, is mandatory.
(7) Mixed residential and commercial structures, subject to the following conditions:
   A. The structure must meet the provisions of Section 1280.05(j); and
   B. The structure may include a maximum of ten (10) dwelling units.

(8) Amusement arcades, subject to the following conditions:
   A. An amusement arcade shall operate only between the hours of 9:00 a.m. and 12:00 midnight Monday through Saturday, and between 1:00 p.m. and 12:00 midnight on Sunday, except for arcades, which are an accessory to a business selling alcoholic beverages.
   B. No loitering and no smoking signs must be posted and enforced.
   C. There shall be no admission of school children during normal school hours and the owners of the establishment shall be responsible for refusing admission.

(9) Motor vehicle service stations, repair garages, bus garages, and auto body repair garages, subject to the following conditions:
   A. Parking of more than four (4) vehicles not in running condition, and not completely enclosed in a building, is prohibited.
   B. Gasoline pumps, kerosene pumps, light standards, and similar fixtures are permitted provided no portion of the same shall be placed closer to the property line than fifteen (15) feet.
   C. With the exception of minor incidental maintenance and repairs, all work must be done indoors.
   D. No access drive shall be wider than thirty-five (35) feet.
   E. Vehicular access drives shall be limited to intervals of not less than 100 feet as measured from the nearest sidelines of each, when on an arterial highway, and not less than forty (40) feet as measured from the nearest sidelines of each, on all other streets.
   F. Vehicular access drives on a corner lot shall be limited to not less than forty (40) feet distant on each street measured from the intersection of the curb lines of the two streets as extended to the nearest sidelines of the access drives, except that on corner lots of arterial highways the distance shall be 100 feet.
   G. Any building shall be set back at least twenty-five (25) feet from any public right-of-way lines. Any portion of a canopy shall be set back at least fifteen (15) feet from any right-of-way line.
   H. All debris, used tires, junk, etc., shall be stored in an enclosure in such a manner that it cannot be seen from any adjacent property, or from the roadway.
(c) **B-3 Districts (Office and Professional).** In a B-3 District, the following uses are permitted:

1. Business and professional offices.
2. Retail sales of books, literature, periodicals, stationery supplies and floral items; financial institutions; antiques and objects of art; and barber shops, beauty parlors, conventional restaurants (which may serve alcoholic beverages for on-premise consumption) and drug stores.

   These non-office business uses shall be located only on the first floor of a building and the total of such non-office business uses shall not occupy more than twenty (20) percent of the floor area of the entire building, exclusive of basement floor area.
3. Signs as permitted by Chapter 1276.
4. Nursery (day care center).

(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)

**1270.03 CONDITIONAL USES.**

The approval of conditional uses by the Council is governed by the applicable provisions of Chapter 1280.

(a) **B-1 Districts.** The following uses are conditional uses in a B-1 District:

1. Public or privately-owned recreation facilities or community centers
2. Senior citizen housing
3. Schools and other educational institutions
4. Mixed residential and commercial structures.

(b) **B-2 Districts.** The approval of conditional uses by the Council is governed by the applicable provisions of Chapter 1280.

   The following uses are conditional uses in a B-2 District:

1. Public or privately-owned recreation facilities or community centers.
2. Senior citizen housing.
3. Health centers, hospitals and sanitariums.
4. Libraries.
5. Theaters.
6. Mixed residential and commercial buildings with more than ten (10) dwelling units.
7. Reserved.
8. Group Care Facilities.
10. Nursing homes.
11. Forestry.

(c) **B-3 District.** There are no conditional uses in a B-3 District.

(Ord. 2121. Passed 11-9-92; Ord. 2382. Passed 9-18-02.)
1270.04  SPECIAL EXCEPTIONS.

The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282.

(a) There are no special exceptions in a B-1 District.

(b) The following uses are special exceptions in a B-2 District:

(1) Auto laundries, subject to the following conditions:
   A. All operations shall take place in a completely enclosed building, including operations such as vacuuming, brushing, steaming, wiping, and polishing.
   B. All driveway and waiting areas shall be paved.
   C. All other areas shall be either paved or planted in such a way that no dust can be created.
   D. Waiting areas outside the building, exclusive of employee parking areas, for thirty (30) autos, shall be provided. Such waiting areas shall not be in the right-of-way or in the transitional yard.
   E. Engineering and architectural plans for the treatment and disposal of sewage and waste are required and must be submitted and approved by the appropriate municipal officer.
   F. No access drive shall be wider than thirty-five (35) feet.
   G. Vehicular access drives shall be limited to intervals of not less than 100 feet as measured from the nearest sidewalks of each when the use is located on an arterial highway, and not less than forty (40) feet as measured from the nearest sidewalks of each, on all other streets.
   H. Vehicular access drives on a corner lot shall be limited to not less than forty (40) feet distant on each street measured from the intersection of the curb lines of the two streets as extended to the nearest sidewalks of the access drives, except that on corner lots of arterial highways the distance shall be 100 feet.
   I. Any building shall be set back at least forty (40) feet from any public right-of-way line.
   J. There shall be a raised curb six (6) inches in height along all property lines coinciding with public right-of-ways, except for driveway openings.
   K. Outdoor lighting shall be designed so as to eliminate any glare on adjoining properties.

(c) B-3 Districts. The approval of special exceptions by the Zoning Hearing Board is regulated by the applicable provisions of Chapter 1282.

There are no special exceptions in a B-3 District.

(Ord. 2121. Passed 11-9-92.)

2000 Replacement
1270.05 BULK AND AREA REQUIREMENTS.

(a) The maximum floor space index for uses in B Districts is as follows:
   (1) B-1 District 0.4
   (2) B-2 District 0.8
   (3) B-3 District 0.8.

(b) The minimum front yard depth for uses in B Districts is as follows:
   (1) B-1 District 25 ft.
   (2) B-2 District 25 ft.
   (3) B-3 District 25 ft.

(c) The minimum side yard and rear yard width for uses in B Districts which do not abut residential zones or uses are as follows:
   (1) B-1 District 10 ft.
   (2) B-2 District 10 ft.
   (3) B-3 District 10 ft.

(d) The following transitional yard regulations apply whenever a B District abuts a Residential District or use:
   (1) Where a side yard in a B District abuts a side yard in a Residential District or use, a transitional side yard of at least ten (10) feet in width shall be maintained in addition to the required side yard.
   (2) Where a side yard in a B District abuts a rear yard in a Residential District or use, a transitional side yard shall be maintained which is to be at least equal to the required residential rear yard in addition to the required side yard.
   (3) Where a rear yard in a B District abuts a rear or side yard in a Residential District or use, a transitional rear yard shall be maintained which is to be at least equal to the required residential rear yard in addition to the required rear yard.
   (4) Where a front yard or an extension of a side yard in a B District abuts a front yard in a Residential District or use, a transitional yard shall be maintained which is to be at least equal in depth to the required residential front yard for a distance of at least thirty (30) feet from the residential lot in addition to the required front yard.
(e) Subdivisions involving existing structures with common walls shall be subject to the following regulations:

(1) If a lot or parcel is of sufficient size and otherwise in conformance with this Zoning Code and the Subdivision Regulations, a subdivision may be approved which effectively creates a zero lot line or a zero side and/or rear yard setback.

(2) Such subdivisions shall apply to existing structures only with a common party wall.

(3) Standard maintenance agreements regarding common or shared facilities shall be prepared and properly recorded with newly-created deeds.

(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)

1270.06 GENERAL REGULATIONS.

All uses in any B District are subject to the applicable provisions of Chapter 1278 regarding parking, loading, noise and other performance standards, and any other applicable provision of this Zoning Code.

(Ord. 2121. Passed 11-9-92.)
CHAPTER 1272
Industrial Districts

1272.01  In general.  
1272.02  Permitted uses.  
1272.03  Prohibited uses.  
1272.04  Conditional uses.  
1272.05  Special exceptions.  
1272.06  Bulk and area requirements.  
1272.07  General regulations.  

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII  
Zoning Hearing Board - see CHTR. Art. XVII, § 3  
Department of Code Enforcement - see ADM. Ch. 238  
Planning Advisory Council - see ADM. Ch. 264  
Site development plans - see P. & Z. Ch. 1220  
Land use and housing plans - see P. & Z. Ch. 1224  
Amendments - see P. & Z. 1262.06

1272.01  IN GENERAL.  
The following uses are permitted in the applicable I Districts. No uses in these districts are permitted to be conducted on the public right-of-way. Uses of land and structures not clearly permitted in the applicable district, are prohibited.  
(Ord. 2121. Passed 11-9-92.)

1272.02  PERMITTED USES.  
A light industrial use is one which creates a minimal amount of nuisance, is conducted entirely within enclosed buildings (except for off-street parking and loading), does not use open area around structures for storage of raw materials or manufactured products and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noise or vibrations, beyond the confines of the building.  
(a)  I-1 Districts (Light Industrial). Permitted uses in an I-1 District are as follows:
   (1)  Bakery.  
   (2)  Bottling works.  
   (3)  Clothing factory.
(4) Dry cleaning plant.
(5) Dyeing plant.
(6) Engraving plant.
(7) Research and development organizations.
(8) Sheet metal shop.
(9) Storage firm.
(10) Wholesale business.
(11) Animal hospitals.
(12) Fabrication institutions.
(13) Educational institutions.
(14) Planned industrial developments.
(15) Parks and playgrounds.
(16) Any other similar and comparable light industrial use including, but not limited to, combination wholesale and retail businesses, car and truck rentals, auto body garages, light manufacturing, and other uses found to be compatible with light industrial uses.
(17) Accessory use or building customarily incidental to the above permitted uses, and as regulated by this Zoning Code.
(18) Signs as permitted by Chapter 1276, including billboards and advertising signs.
(19) Professional offices.
(20) New and/or used car sales (subject to the provisions of Section 1274.02(i)).
(21) Landscaping businesses, lawn and garden centers.
(22) Contracting company offices and storage yards (subject to the provisions of Section 1278.06(e)(2)).

(b) I-2 Districts (General Industrial).

(1) Permitted uses in an I-2 District are as follows:
   A. All uses permitted in an I-1 District
   B. Those industrial uses which, because they may create some nuisance, are more properly conducted outside of residential and commercial use districts, and which are conducted within the regulations and standards as set forth in this Zoning Code, and any other applicable Municipal, County, State or Federal regulations.
   C. Private and public recreation facilities otherwise not permitted in Residential Districts such as go-cart race tracks, dirt bike race tracks, survival clubs, model airplane flying clubs, and similar facilities, subject to the following conditions:
      1. The Penn Hills Planning Commission and/or the Department of Planning and Economic Development may impose appropriate conditions to protect adjacent properties, including fencing, landscaping, restrictions on hours of operation, and other similar requirements.
2. If such facilities are located on property adjacent to a Residential District, a minimum landscaped buffer of 500 feet must be maintained together with other features which eliminate noise from adjacent property.

(2) All uses in an I-2 District are subject to the following conditions:
   A. For any use within 100 feet of a Residential District or use, all storage of vehicles exceeding one (1) ton capacity shall be completely enclosed within a structure.
   B. All uses shall be on a lot directly fronting on and having access to a permanently surfaced public street or highway, or fronting on a street constructed to specifications approved by the Council, which directly connects with a permanently surfaced public street or highway.

(Ord. 2121. Passed 11-9-92.)

(c) I-3 Districts. Permitted uses in an I-3 District are as follows:
   (1) All uses permitted in an I-1 District.
   (2) All uses permitted in an I-2 District.

(Ord. 2250. Passed 1-8-97.)

1272.03 PROHIBITED USES.
The following uses are prohibited in an I District:
(1) Acetylene gas manufacture
(2) Acid manufacture
(3) Ammonia, bleaching powder or chlorine manufacture
(4) Arsenal
(5) Asphalt manufacture or refining
(6) Candle manufacture
(7) Celluloid manufacture
(8) Coke ovens
(9) Creosote treatment or manufacture
(10) Disinfectants manufacture
(11) Distillation of bones, coal or wood
(12) Dyestuff manufacture
(13) Exterminator and insect poison manufacture
(14) Emery cloth and sand paper manufacture
(15) Fat rendering, soap, the manufacturing and refining of tallow, grease, or lard
(16) Fertilizer manufacture
(17) Fish smoking and curing
(18) Garbage disposal or incineration (except recycling facilities)
(19) Glue, size, or gelatin manufacture
(20) Fireworks or explosives manufacture
(21) Junkyards
(22) Natural gas manufacture or storage in excess of 10,000 cubic feet
(23) Lamp black manufacture
(24) Match manufacture
(25) Oil cloth or linoleum manufacture
(26) Ore reduction and general smelting operations
(27) Paint, oil, shellac, turpentine or varnish manufacture
(28) Paper and pulp manufacture
(29) Petroleum and petroleum by-products refining or storage
(30) Plating works, potash works and pyroxline manufacture
(31) Rubber, caoutchouc or gutta percha manufacture
(32) Slaughter house
(33) Stock yards
(34) Sulphuric, nitric or hydrochloric acid manufacture
(35) Tanning, curing or storage of leather, rawhide or skins
(36) Tar distillation or manufacture
(37) Tar roofing or waterproofing manufacture
(38) Vinegar manufacture
(39) Wool pulling
(40) Yeast plant
(41) Those industrial uses not listed above, but otherwise identified by regulations promulgated under Section 3001 of the Federal Resource Conservation and Recovery Act of 1976, as amended, (PL 94-580), as producing hazardous wastes, shall not be located closer than 2,500 feet to any commercial or residential properties.

(Ord. 2121. Passed 11-9-92.)

1272.04 CONDITIONAL USES.
Conditional uses in I Districts are as follows:
(a) Auto pounds.
   (Ord. 2121. Passed 11-9-92.)
(b) Forestry.
(c) I-3 conditional uses:
   (1) Sexually oriented establishments; and
   (2) Deep wells.
(d) I-2 conditional uses:
   (1) Deep wells.
   (Ord. 2250. Passed 1-8-97; Ord. 2382. Passed 9-18-02; Ord. 2537. Passed 11-14-11.)

1272.05 SPECIAL EXCEPTIONS.
There are no special exceptions in an I District.
(Ord. 2121. Passed 11-9-92.)

2013 Replacement
BULK AND AREA REQUIREMENTS.

(a) I-1 Districts. Uses in an I-1 District shall be governed by the following requirements:

1. The floor space index shall not exceed 1.0. This index does not include underground or basement storage areas and basement areas devoted to plant maintenance.

2. A front yard shall be required not less than thirty-five (35) feet from the property line along the public right-of-way which the lot fronts.
   A. A front yard shall be planted with grass or other suitable cover, except for necessary drives and walkways.
   B. Lighting necessary to reasonably illuminate a structure may be placed in front yard.

3. A side yard shall be provided at least twenty-five (25) feet in depth, plus one (1) foot for each foot by which the building exceeds twenty (20) feet in height.
   A. On a corner lot, the side yard adjacent to a street shall be treated as if a front yard.

4. A rear yard shall be provided which shall be at least twenty-five (25) feet in depth, plus one (1) foot for each foot by which the building exceeds twenty (20) feet in height.

5. Where an I-1 District abuts a Residential District or use, a transitional yard of at least fifty (50) feet shall be required in addition to the yards listed above.

6. No structure shall exceed forty-five (45) feet in height.

(b) I-2 Districts. Uses in an I-2 District shall be governed by the following requirements:

1. The floor space index shall not exceed 1.0. This index does not include underground or basement storage areas and basement areas devoted to plant maintenance.

2. The minimum front yard required is forty-five (45) feet, measured from the property line.
   A. A front yard shall be planted with grass or other suitable cover, except for necessary drives and walkways.
   B. Lighting necessary to reasonably illuminate a structure may be placed in a front yard.
(3) A side yard of at least fifty (50) feet in depth shall be provided, plus one (1) foot for each foot by which the building exceeds twenty (20) feet in height.

(4) A rear yard shall be provided which shall be at least thirty-five (35) feet in depth plus one (1) foot for each foot by which the building exceeds twenty (20) feet in height.

(5) Where an I-2 District abuts a Residential District or use, a transitional yard of at least fifty (50) feet shall be required.

(6) No structure shall exceed forty-five (45) feet in height.

(Ord. 2121. Passed 11-9-92.)

(c) I-3 Districts. Uses in an I-3 District shall be governed by the following requirements:

(1) When the proposed use is an I-1 use, the bulk and area regulations of subsection (a) hereof shall apply.

(2) When the proposed use is an I-2 use, the bulk of subsection (b) hereof shall apply.

(3) When the use is a sexually oriented establishment, the bulk and area regulations of subsection (a) hereof shall apply.

(Ord. 2250. Passed 1-8-97; Ord. 2420. Passed 5-3-04.)

1272.07 GENERAL REGULATIONS.

All I Districts are subject to the applicable provisions of Chapter 1278 regarding performance standards and any other applicable provision of this Zoning Code, as well as all applicable provisions of the Subdivision and Land Development Ordinance.

(Ord. 2121. Passed 11-9-92.)
CHAPTER 1274
Mixed Use Districts

1274.01  In general.  1274.04  Special exceptions.
1274.02  Permitted uses.  1274.05  Bulk and area regulations.
1274.03  Conditional uses.  1274.06  General regulations.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, • 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06

1274.01  IN GENERAL.
The following uses are permitted in the M District. No use in this district is to be conducted on the public right-of-way. Uses of land and structures not clearly permitted in an M District are prohibited.
(Ord. 2121. Passed 11-9-92.)

1274.02  PERMITTED USES.
Permitted uses in an M District are as follows:
(a) Permitted uses within an R-5, R-6, or R-7 District.
(b) Self-storage warehouses, warehouses, and light industrial uses (Uses permitted in an I-1 District) except advertising signs and billboards.
(c) Permitted uses within the B-1 District.
(d) Permitted uses within the B-2 District.
(e) Permitted uses within the B-3 District.
(f) Fast food restaurants, subject to the following conditions:
   (1) The operators of a fast food restaurant are required to collect, daily, the litter from the fast food restaurant in an area within 250 feet of their restaurant. This 250-foot area includes both sides of all roadways in the area.

2005 Replacement
There shall be a minimum of five (5) parking spaces plus one (1) space per 100 square feet of gross floor area.

Compliance with any and all additional conditions imposed by this Zoning Code, the site plan ordinance, and any other applicable ordinance, is mandatory.

Auto laundries, subject to the conditions of Section 1270.04(b)(1).

Auto service stations, repair garages and bus garages, subject to the conditions of Section 1270.02(b)(9).

Auto sales and rentals, including either new or used cars, truck and van rentals, boat and trailer sales and similar uses, subject to the following conditions:

1. With the exception of incidental maintenance, all repairs must be done indoors.
2. The use must be in conjunction with a permanent structure to be used as an office. A trailer is not a permanent structure for purposes of this section.
3. Outdoor storage of vehicles must be appropriately screened from adjacent properties and the roadway.
4. All signage must be in conformance with Chapter 1276.

Conditional uses in M Districts shall be as follows:

(a) Auto pounds.
(b) Conditional uses in B-1 and B-2 Districts, except for mixed commercial and residential structures, which shall be permitted uses.
(c) Conditional uses in B-1 and B-2 Districts, except for mixed commercial and residential structures, which shall be permitted uses.
(d) Forestry.

There are no special exceptions in an M District.

Where a use is a multifamily dwelling, the bulk and area regulations of the R-5 District apply.

Where a use is an I-1 use, the bulk and area regulations of the I-1 District apply.
(c) In all other uses, the following bulk and area regulations apply:
   
   (1) Maximum floor space index 0.8
   (2) Minimum front yard depth 25 ft.
   (3) Minimum side yard width 10 ft.
   (4) Minimum rear yard depth 10 ft.
   (5) Transitional yards, if required, are regulated by Sections 1270.05(d) and 1272.06(a)(5).

   (Ord. 2121. Passed 11-9-92.)

1274.06 GENERAL REGULATIONS.
All M Districts are subject to the applicable provisions of Chapter 1278 regarding performance standards, and any other applicable provision of this ordinance.
(Ord. 2121. Passed 11-9-92.)
CHAPTER 1276
Signs

1276.01 Signs in Residential Districts.
1276.02 Signs in Business, Industrial and M

D Districts.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06

1276.01 SIGNS IN RESIDENTIAL DISTRICTS.
Signs shall be permitted in Residential Districts subject to the following conditions:
(a) Nameplate Sign. Only one such sign shall be permitted for each front yard per dwelling
unit. No sign shall exceed .75 square feet in area.
(b) Identification Sign. One such sign shall be permitted for each front yard per
non-residential building, and per multifamily dwelling containing more than five (5)
dwelling units. No sign shall exceed thirty-two (32) square feet in area and shall not be
closer than five (5) feet to any property line. Non-residential uses approved in
Residential Districts as conditional uses may install signage in accordance with Section
1276.02.
(c) For Sale or For Rent Sign. Only one such sign shall be permitted for each front yard.
Such sign shall not exceed ten (10) square feet in area and shall not be closer than five
(5) feet to any property line.
(d) Signs Advertising Lots or Houses for Sale. In real estate developments, where ten (10)
or more contiguous lots in common ownership are for sale simultaneously, only one (1)
such sign shall be permitted for each primary entrance to the development, but no more
than two (2) signs shall be permitted per development. Each sign shall not exceed
twenty-five (25) square feet in area and shall be within 1,300 feet of the nearest lot
originally for sale and shall not be closer than five (5) feet to any property line.
(1) Such sign shall not be erected unless an application for a permit to erect such sign is applied for and issued by the Code Enforcement Officer. Pursuant to the issuance of such permit, the Code Enforcement Officer shall receive from the applicant a performance bond of two hundred dollars ($200.00) per sign. Such sign shall be removed within two (2) years after receipt of a permit, or when all of the original lots have been sold, whichever is sooner, at which time the performance bond will be returned.

(2) Failure to remove the sign within the stated time period shall result in the forfeiture of the bond and shall constitute a violation of this Zoning Code.

(e) Signs Identifying a Subdivision or Real Estate Development (Not Including Identification of the Owner, Developer, or Realtor).

(1) Letters not exceeding twelve (12) inches in height may be affixed to or engraved on an ornamental structure, giving the name of a real estate development or subdivision, and serving as a permanent indication of the entrance(s) to such development.

(2) No sign shall be closer than five (5) feet to any property line.

(f) Bulletin Signs for Houses of Worship. Only one (1) such sign shall be permitted in each front yard. No sign shall exceed fifteen (15) square feet in area nor be closer than five (5) feet to any property line.

(g) Flashing, Animated or Moving Signs. No flashing, animated, or moving signs shall be permitted. With the exception of signs advertising real estate developments, all signs may be illuminated by a small, white light shining on the sign, sufficient to permit the sign to be read from the nearest roadway when dark.

(h) Signs permitted with a home occupation shall not exceed one (1) square foot in area.

(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)

1276.02 SIGNS IN BUSINESS, INDUSTRIAL AND M DISTRICTS.

Commercial, Industrial and M Districts. In B-1, B-2, B-3, I-1, I-2 and M Districts, non-flashing, non-animated business signs are permitted, subject to the following conditions:

(a) Permits Required.

(1) A sign permit is required before a sign may be erected. No sign, whether free-standing or attached to a structure, shall be erected, re-erected, enlarged, altered or replaced without the issuance of a permit in accordance with this Zoning Code.

(2) Maintenance of a legal sign by painting, repainting, or cleaning shall not be considered an erection or alteration which requires a sign permit. Changes in the text/graphics or an expansion of the text/graphics would require a permit.

(3) A sign permit fee shall be paid in accordance with the Municipality\textsuperscript{\textregistered} Schedule of Fees, as amended from time to time (see Chapter 208 of the Administration Code).
(b) **Number of Business Signs Permitted.**

1. Unless otherwise specified each individual detached building in a commercial district shall be permitted one (1) free-standing and any number of flush-mounted signs in accordance with the requirements of subsections (c) and (d) hereof.
2. If more than five (5) business establishments are together in a detached building or a contiguous group, such group or building is permitted an additional free-standing sign to identify this group of businesses as a single unit.
3. A contiguous group of more than thirty (30) business establishments is permitted two (2) additional free-standing signs identifying the group of businesses as a single unit.
4. The additional signs above may be combined on one pole, provided the total square footage does not exceed one hundred (100) square feet.

(c) **Size of Signs Permitted.**

1. The total area of flush-mounted signage shall not exceed one (1) square foot of signage for each linear foot of building frontage. The square footage of signage shall be determined by **boxing** the periphery of letters and/or symbols.
2. The total area of free-standing signs shall not exceed one (1) square foot for each linear foot of building frontage, but in any case, shall not exceed fifty (50) square feet, unless as described in subsection (b) of this section, where the sign shall not exceed one hundred (100) square feet.

(d) **Location of Signs.**

1. All portions of signs shall be a minimum of fifteen (15) feet from any right-of-way unless flush-mounted.
2. All parts of a sign shall be within fifteen (15) feet of the existing grade over which it is located, unless flush-mounted, or in cases where more than one (1) free-standing sign is permitted and the are combined on one pole, all parts of the sign shall be within twenty five (25) feet of the existing grade over which it is located.
3. A sign shall be placed so as not to interfere with the regular and orderly flow of pedestrian and vehicular traffic.
4. Flush-mounted signs shall be permitted on all sides of a building, provided they are in conformance with the area requirements and other provisions of this Zoning Code. Free-standing signs shall be permitted in any yard area, provided they are in conformance with the performance standards of this section and other provisions of this Zoning Code.

(e) **Temporary Signs.**

1. Temporary signs, in conjunction with the issuance of a new occupancy permit, shall be permitted for a period not to exceed fourteen (14) days. There shall be no limit as to the number or size of temporary signs, except that such signs must be located
on the lot of the business whose opening, or ownership is being advertised, and that such signs shall not constitute a hazard or impediment to vehicular and pedestrian traffic.

(2) Temporary signs may be erected for a period of thirty (30) days in conjunction with an approved temporary use. The total area of temporary use signage shall not exceed thirty-two (32) square feet.

(f) Directional Signs. Only two (2) directional signs are permitted per curb opening. A directional sign may not exceed two (2) square feet in size.

(g) Menu Boards. In addition to other permitted signs, a fast-food restaurant may provide a menu board for drive-thru customers. A menu board shall not be located within the required front yard setback area, shall not exceed twenty (20) square feet, and shall not impede the safe flow of traffic.

(h) Automobile Service Stations.
   (1) Gasoline price signs (not to exceed two (2) and not exceeding twenty (20) square feet each) may be erected, in addition to a free-standing business sign. The total of all signs shall not exceed ninety (90) square feet.
   (2) Signs are permitted on and above gasoline pump islands, provided they do not extend beyond the edge of the island and are within ten (10) feet of the ground.
   (3) State Inspection shingles, where applicable, shall not exceed twenty-four (24) inches by twenty-six (26) inches and may be mounted at any place on the property, provided they do not interfere with the regular and ordinary flow of pedestrian or vehicular traffic.

(i) Awning Signs. In addition to other business signage normally permitted, each business establishment in a shopping plaza is entitled to one awning sign perpendicular to the structure, not exceeding two (2) square feet, and visible only to pedestrians using the sidewalk.

(j) Marquee Signs.
   (1) Building permit. A building permit is required before a sign is erected.
   (2) Number. Only one (1) sign shall be permitted for each use.
   (3) Size. The maximum depth of the sign shall be one (1) foot and the maximum area of the sign shall be five (5) square feet.

(k) For Sale or For Rent Signs.
   (1) Number. Only one (1) such sign shall be permitted for each front yard.
   (2) Size. Such sign shall not exceed thirty-two (32) square feet in area and shall not be closer than five (5) feet to any property line.
   (3) Signs advertising the sale or lease of vacant land shall not exceed thirty-two (32) square feet and must meet all other performance standards.

(l) Billboards.
   (1) Billboards are not permitted in any R, C, B, or M District within the Municipality of Penn Hills, or in any residential use in a nonresidential district. Billboards are permitted in I-1 and I-2 Districts only.

2005 Replacement
(2) Billboards must have a minimum separation distance of 1,000 feet.
(3) Billboards shall not exceed 100 square feet in size.
(4) Billboards may not be mounted on the roof, wall, or other part of a building or any other structure.
(5) All billboards must conform to Section 1276.01(g), subsection (d) hereof and Section 1276.03.

(m) **Special Use Signs.** Businesses and community facilities which traditionally rely on seasonal sales, weekend events, community events, and entertainment may have one (1) additional sign not exceeding twenty (20) square feet for the sole purpose of promoting this activity. Examples include, but are not limited to, lawn and garden centers and fruit markets that obtain a supply of seasonal products, restaurants and taverns that feature live entertainment, church bazaars, and fire department reader boards. Special use signs do not include reduced-price retail sales, promotional ads, and signs that promote standard retail activity. Special Use Signs must be specifically approved by the chief zoning officer and otherwise meet all performance standards of this section.

(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)

1276.03 PERFORMANCE STANDARDS, ALL SIGNS.
Any and all signs are subject to the following performance standards:
(a) All signs shall be properly maintained so as to present a legible appearance. All signs and sign structures shall be maintained in good repair. The display surface of all signs shall be kept neatly painted or posted at all times. There shall be no nails, tacks or wires protruding from the sign or other advertising structure. Excessively weathered or faded signs shall be removed or put into a good state of repair. If panels and/or display surfaces of a sign are removed, the entire sign shall be removed.
(b) All non-operative or broken interior-illuminated signs shall be repaired or removed. All temporary signs shall be removed at the expiration of the event or sale for which they were erected. This section shall apply retroactively to all existing signs and any new signs.
(c) No sign shall be erected or maintained so as to be distractive or hazardous, or to obstruct visibility with respect to the safety of motorists or pedestrians proceeding along any public ways or entering or leaving a lot.
(d) No sign shall be erected or maintained on the roof or eaves of any building.
(e) No signs of any type shall be permitted on an accessory structure.
(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)

1276.04 REMOVAL OF TEMPORARY SIGNS.
(a) The Zoning Officer is hereby empowered to remove or cause to be removed any temporary sign or other advertising structure which has been constructed, erected, altered, relocated, or maintained in violation of this Zoning Code.
(b) Any temporary sign or advertising display unlawfully located in the public right-of-way may be removed without notice. Upon removal the zoning officer shall make a reasonable effort to notify the owner or beneficial user of the sign, informing them that the sign can be reclaimed upon payment of the prescribed fee and within ten (10) days of removal. The Municipality will not be responsible for damages to temporary signs that may occur during the removal process. If the owner does not claim the sign within the ten (10) day period, the Municipality may sell or otherwise dispose of the sign and all costs associated shall be born by the owner.

(c) The zoning officer or police officer is hereby authorized to cause the immediate removal or repair of any temporary sign found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property. Actual notice to the property owner or sign beneficiary is not required. After removal the zoning officer shall make a reasonable effort to provide notice as prescribed in subsection (b) above.

(Ord. 2420. Passed 5-3-04.)
## CHAPTER 1278
### Performance Standards

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1278.01</td>
<td>Application of chapter.</td>
</tr>
<tr>
<td>1278.02</td>
<td>Off-street parking.</td>
</tr>
<tr>
<td>1278.03</td>
<td>Off-street loading.</td>
</tr>
<tr>
<td>1278.04</td>
<td>Number of buildings on a zoning lot.</td>
</tr>
<tr>
<td>1278.05</td>
<td>Accessory buildings.</td>
</tr>
<tr>
<td>1278.06</td>
<td>Space and yards.</td>
</tr>
<tr>
<td>1278.07</td>
<td>Sidewalks.</td>
</tr>
<tr>
<td>1278.08</td>
<td>Streets in Business, Industrial and Multifamily Residential Districts.</td>
</tr>
<tr>
<td>1278.09</td>
<td>Driveways in Single-Family Residential Districts.</td>
</tr>
<tr>
<td>1278.10</td>
<td>Excavating, grading and site preparation.</td>
</tr>
<tr>
<td>1278.11</td>
<td>Storm drainage.</td>
</tr>
<tr>
<td>1278.12</td>
<td>Preservation of vegetation.</td>
</tr>
<tr>
<td>1278.13</td>
<td>Landscaping.</td>
</tr>
<tr>
<td>1278.14</td>
<td>Lighting.</td>
</tr>
<tr>
<td>1278.15</td>
<td>Noise.</td>
</tr>
<tr>
<td>1278.16</td>
<td>Vibration.</td>
</tr>
<tr>
<td>1278.17</td>
<td>Air pollution.</td>
</tr>
<tr>
<td>1278.18</td>
<td>Heat, glare, radiation and fumes.</td>
</tr>
<tr>
<td>1278.19</td>
<td>Odors.</td>
</tr>
<tr>
<td>1278.20</td>
<td>Applicability of other regulations.</td>
</tr>
<tr>
<td>1278.21</td>
<td>Temporary uses.</td>
</tr>
<tr>
<td>1278.22</td>
<td>Recreation and open spaces.</td>
</tr>
<tr>
<td>1278.23</td>
<td>Other items to be considered during review.</td>
</tr>
</tbody>
</table>

### CROSS REFERENCES

- Planning and Zoning - see CHTR. Art. XVII
- Zoning Hearing Board - see CHTR. Art. XVII, • 3
- Department of Code Enforcement - see ADM. Ch. 238
- Planning Advisory Council - see ADM. Ch. 264
- Site development plans - see P. & Z. Ch. 1220
- Land use and housing plans - see P. & Z. Ch. 1224
- Amendments - see P. & Z. 1262.06

### 1278.01 APPLICATION OF CHAPTER.

The following regulations shall apply to all uses and use districts unless otherwise specified.

(Ord. 2121. Passed 11-9-92.)
1278.02 OFF-STREET PARKING.

The number of off-street parking spaces (serving a building or use) existing on the effective date of this Zoning Code shall not be reduced below that required for a similar new building or new use by this Zoning Code, or further reduced if the number of spaces available is already less than required by this Zoning Code. Off-street parking spaces provided to comply with the terms of this Zoning Code shall not be subsequently reduced below the requirements of this Zoning Code. The granting and continued validity of a certificate of use, occupancy, and compliance, issued after the effective date of this Zoning Code, shall be conditional upon compliance with these parking requirements. Where the owner or operator of a use of land must satisfy the requirements for off-street parking by leasing spaces, he or she shall provide an executed copy of the lease agreement and shall provide a signed statement that the owner understands that an occupancy permit is subject to the continuance of such lease agreement or to the required parking spaces being otherwise provided.

(a) General Provisions.

(1) Computation. When calculation of the required amount of off-street parking results in a requirement of a fractional space, a fraction shall be counted as an entire parking space.

(2) Size. A required off-street parking space shall be at least nine (9) feet wide by twenty (20) feet in length, exclusive of access drives, aisles or ramps.

(3) Street access. Each required off-street parking space shall open directly upon an aisle or drive of such design as to provide safe and efficient means of access to a street in a manner which will least interfere with traffic flow.

(4) Surfacing. All driveways and open off-street parking spaces shall be surfaced with a bituminous or concrete surface, except those for single-family residences and properties in I-1 and I-2 Districts, which may be of alternative dust-free surfaces.

(5) Lighting. All parking areas in B, M, and I Districts shall be suitably illuminated for night use. Any lighting used to illuminate off-street parking areas shall be directed away from Residential Districts or uses.

(6) Handicapped parking. An appropriate number of handicapped parking spaces must be provided. The number, design, and location of these spaces must be provided in conformance with Federal and State laws.

(b) Collective Parking. Off-street parking for separate uses in B, M, and I Districts may be provided collectively only if the total of such off-street parking spaces shall be at least equal to the number of spaces required for the various uses if computed separately. Applicable regulations regarding parking space size, location and accessibility shall be complied with.

2000 Replacement
(c) **Location and Accessibility.**

1. All required parking spaces for residential uses shall be located on the same lot as the dwelling served.
2. No off-street parking shall be located in required transitional yards.
3. All off-street parking shall be reasonably accessible to the uses served. In a B-1 and B-3 District, all required parking spaces shall be located within 250 feet (direct walking distance) of a main entrance to the use served. In B-2, M, and I Districts, all required parking spaces shall be located within 700 feet (direct walking distance) of a main entrance to the use served.
4. No motor vehicle repair work shall be permitted in conjunction with parking facilities in any district.
5. No vehicle, other than a recreation vehicle, whose registration gross weight is in excess of 11,000 pounds shall be permitted as an accessory use in any Residential District.
6. Commercial vehicles and vehicles not in running condition shall not be permitted within the public right-of-way, except commercial vehicles which are parked temporarily and otherwise in use for business purposes in conformance with this Zoning Code and other applicable legislation.

(d) **Required Number of Parking Spaces.** The minimum number of parking spaces required for each type of use is as follows:

1. Retail store, office, or other general commercial use not specified below: The number of spaces shall be the total obtained using the following formula:
   A. Ground floor space. One (1) space for each 200 square feet of ground floor area.
   B. Other than ground floor space. One (1) space per 300 square feet of floor area, excluding basement storage areas.
2. Any production, processing, cleaning, testing activity, or repair of materials, goods or products, and warehouses and storage buildings: One (1) space for each five hundred (500) square feet of floor area.
3. Automobile service stations: One (1) space for each service bay, plus one (1) space for each employee, but in no case less than four (4) employee spaces.
5. Churches: One (1) space for each six (6) seats. Where patrons occupy benches or pews, each twenty-four (24) inches of seating facilities shall be counted as one (1) seat for the purpose of determining off-street parking requirements.
(6) Educational institutions: One (1) space for each employee, plus one (1) space for each four (4) students, based upon maximum employee, faculty and student attendance at one time.

(7) Convention halls, dance halls meeting halls, skating rinks, sports arenas (other than those incidental to schools): One (1) space for each two (2) seats or fifty (50) percent of capacity (in persons), whichever is greater.

(8) Single-family dwellings: Two (2) spaces per dwelling unit.

(9) Multifamily dwellings:
   A. Fifty (50) units or less: Two (2) spaces per dwelling unit.
   B. Fifty-one (51) units or more: One and one-half (1.5) spaces per dwelling unit.
   C. Senior Citizen Housing: Notwithstanding any other provision of this Zoning Code, senior citizen housing shall require a minimum of one (1) parking space for each two (2) dwelling units. All parking spaces shall be on the same lot as the dwelling units.

(10) Hospitals, nursing homes, convalescent homes: One (1) space for each two (2) employees, plus one (1) space for each five (5) beds.

(11) Hotels, motels: One (1) space for each lodging room, plus twenty-five (25) percent of maximum seating capacity in restaurants, or lounges serving the general public.

(12) Any establishment serving alcoholic beverages other than specified in paragraph (d)(11) hereof: The number of spaces equal to thirty-five (35) percent of the maximum capacity (in persons). Capacity is the total of the number of seats plus one person for each four (4) square feet of floor area in patron service area where stand-up service is provided.

(13) Restaurants not serving alcoholic beverages: The number of spaces equal to twenty-five (25) percent of seating capacity (in persons).

(14) Libraries, museums: One (1) space for each 500 square feet of floor area.

(15) Medical or dental clinics: The number of spaces as determined by subsection (a) hereof.

(16) Private clubs and lodges: The number of spaces as determined by subsection (a) hereof.

(17) Theatres and auditoriums: One (1) space for each four (4) seats.

(18) Business and professional offices in a B-3 District:
   A. Ground floor space: One (1) space for each 150 square feet of ground floor area.
   B. Other than ground floor space: One (1) space per 350 square feet of floor area.
(19) Other: For all uses which could not reasonably be placed in one of the above classifications, the required number of spaces shall be determined by the Planning Commission.

(e) Parking Area Designs.

(1) Concrete curbing shall be provided along the perimeter of parking areas to contain and control cars, direct surface drainage, and control erosion. Curbing may be eliminated or interrupted in approved areas to facilitate stormwater management design.

(2) Line markings shall be provided to separate parking stalls. Double three (3) inch wide lines separated by twelve (12) feet to fifteen (15) feet are suggested.

(3) Parking lot gradients shall be maximum five (5) percent cross slope, and maximum seven (7) percent longitudinal slope.

(4) The following curb-to-curb widths shall be minimum requirements in parking areas:
   A. Ninety (90) degree parking/double-loaded, with cars free to overhang curbs, width curb-to-curb to be a minimum of sixty-two (62) inches. Area behind curbs shall be clear of structures, trees or hedges for a minimum distance of four (4) feet.
   B. Sixty (60) degree parking/double-loaded, with cars free to overhang curbs, width curb-to-curb to be a minimum of fifty-eight (58) inches. Area behind curbs shall be clear of structures, trees or hedges for a minimum distance of four (4) feet.
   C. Forty-five (45) degree parking/double-loaded, with cars free to overhang curbs, width curb-to-curb to be fifty-two (52) inches minimum.

(5) All parking areas in areas in B and M Districts are to be paved bituminous or concrete surfaces. Alternative surfaces may be given consideration in I, R, and C Districts to facilitate proper stormwater management. (See the Subdivision Regulations.)

(6) Parking areas are to be designed in such a way as to avoid the necessity of vehicles backing onto the street right-of-way in order to exit.
(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)
1278.03 OFF-STREET LOADING.

Off-street loading berths accessory to uses permitted in the various use districts shall be designed in accordance with the following regulations and any other applicable provision of this Zoning Code.

(a) Location. All proposed loading berths shall be located on the same lot as the use served. No loading berths for vehicles over two (2) tons capacity shall be closer than thirty (30) feet to a Residential District or use unless completely enclosed by building walls, or a uniformly painted wall or fence, or any combination thereof, not less than six (6) feet in height. No loading space shall be located within thirty (30) feet of the nearest point of intersection of any two (2) streets. No loading space shall be located in a required front or transitional yard. Any loading berth located in a required rear yard or side yard may be covered only by a weatherproof covering.

(b) Size. Unless otherwise specified, a loading berth shall be at least thirty-five (35) feet long and ten (10) feet wide, not including aisle and maneuvering space.

(c) Access. Each off-street loading space shall be designed with appropriate means of vehicular access to a street in a manner which will least interfere with pedestrian and vehicular traffic.

(d) Surfacing. All drives and loading berths shall be surfaced with a bituminous or concrete surface.

(e) Repair and Service. No motor vehicle repair work or service shall be permitted in loading spaces.

(f) Loading Space Not Applicable to Parking Space Requirements. Space allocated to off-street loading shall not be used to satisfy the requirements for off-street parking.

(Ord. 2121. Passed 11-9-92.)

1278.04 NUMBER OF BUILDINGS ON A ZONING LOT.

Only one principal residential structure shall be located on a zoning lot, except in a planned development or in an R-4, R-5, R-6 or R-7 Use District.

(Ord. 2121. Passed 11-9-92.)

1278.05 ACCESSORY BUILDINGS.

No permanent accessory building or structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is necessary.

(Ord. 2121. Passed 11-9-92.)
1278.06 SPACE AND YARDS.

(a) **Continued Conformity With Bulk Regulations.** The maintenance of yards, courts and other open space and minimum lot areas legally required for a building shall be a continuing obligation of the owners of a structure and the property on which it is located. No legally required yards, other open space or minimum lot areas shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other buildings.

(b) **Division of Zoning Lots.** No zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any zoning lot shall be sold unless all zoning lots resulting from each subdivision or sale shall conform with all bulk regulations of the use district in which the property is located, and the requirements of the Subdivision and Land Development Ordinance.

(c) **Location of Required Open Space.** All yards, courts and other open spaces shall be located on the same zoning lot as the structure or structures that constitute the use.

(d) **Required Yards and Existing Buildings.** No yards, now or hereafter provided for a building existing on the enactment date of this Zoning Code, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Zoning Code for similar new construction.

(e) **Permitted Obstructions in Required Yards.** The following shall not be considered to be prohibited obstructions when located in the specified required yards:

1. **In all required yards.** Recreation equipment, flag poles, window awnings, permitted open off-street parking space, outdoor lamp posts, one-story bay windows, cantilever floors, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard.

2. **A. In required front yards.** Walls, fences, or hedges not exceeding four (4) feet in height, shrubs and trees, providing there is a substantially unobstructed view between four (4) feet and ten (10) feet above ground level, open porches not more than one (1) story or fourteen (14) feet in height, extending eight (8) feet or less into the yard, provided no porch shall be constructed closer to the side lot than the required width of the side yard, enclosed vestibules not exceeding twenty-five (25) square feet and not projecting more than five (5) feet into the yard, and signs as permitted by other provisions of this Zoning Code.

   Exception: On corner lots, properties with two (2) or more front yards, the maximum height of fences, hedges, and shrubbery shall be three (3) feet in height.

2005 Replacement
B. In required side and rear yards, there are no limits on vegetation. Fences, walls, and retaining walls are limited to eight (8) feet in height unless a permit is issued by the Department of Planning and Economic Development. The Department must determine that fences, walls, and retaining walls in excess of eight (8) feet in height are not detrimental to adjacent properties and otherwise in compliance with local ordinances.

(3) **Outdoor storage.** Uses otherwise permitted may utilize property for outdoor storage in conformance with the following performance standards:

A. All proposed outdoor storage must be completely screened from view from all surrounding property. Screening must be in the form of an opaque fence approved by the Penn Hills Planning Commission.

B. No outdoor storage shall be permitted in required front and/or side yards.

C. Fencing must meet the bulk and area regulations of Section 1270.05.

D. The Planning Commission may impose minimum and/or maximum height requirements for fencing depending upon the nature of materials to be stored and the conditions of surrounding property. The Planning Commission may impose location, size, and height requirements for fencing above and beyond other bulk and area regulations in this Zoning Code.

E. The Planning Commission may impose other conditions as necessary to protect adjacent properties and/or control aesthetics.

The above standards shall not apply to single-family residences, and incidental sales of small retail goods, sidewalk sales, outdoor cafes, and similar outdoor activities. Such incidental sales are subject to the approval of the Department of Code Enforcement, providing they do not interfere with pedestrian or vehicular traffic, or otherwise present a detriment to adjacent uses.

(f) **Prohibited Obstructions.** In all use districts, the accumulation of waste, used or second-hand materials, scrap materials, scrap metals, dismantled vehicles, paper, rags, tires, and construction materials are prohibited except where, in conjunction with a permitted use of land, a permit has been issued by the Code Enforcement Officer, or where such materials are being immediately used in the improvement or construction of an approved use or structure.

(g) **Temporary Buildings for Construction Purposes.** Such buildings are permitted in all use districts for the duration of construction, or for two (2) years, whichever is less. A building permit is required for such buildings.

(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)

2005 Replacement
1278.07 SIDEWALKS.
(a) Sidewalks shall be installed along the entire length of portions of the site which abut Municipal, County, or State rights-of-way unless expressly waived by the Planning Commission. Sidewalk waivers, if granted, shall be on a temporary basis until sidewalks are constructed on adjacent properties and only after the applicant has demonstrated just cause.

(b) Sidewalks shall be installed along at least one side of all parking areas, entrance drives and streets providing for safe, pleasant, and efficient pedestrian circulation from all parking stalls to all entrances to structures.

(c) At least one means of access to all public and commercial buildings shall be provided to accommodate handicapped individuals. Ramp gradient, requirement of railings and treatment of pavement surfacing shall comply with applicable requirements of the Pennsylvania Department of Labor and Industry.

(d) Sidewalks adjacent to any public right-of-way are to be constructed in accordance with Chapter 1028 of these Codified Ordinances, including concrete curbing.

(e) Internal sidewalks shall be of concrete, pre-cast blocks, terrazzo (textured surface only), brick, flagstone, rubblestone or blackstone.

(Ord. 2121. Passed 11-9-92.)

1278.08 STREETS IN BUSINESS, INDUSTRIAL AND MULTIFAMILY RESIDENTIAL DISTRICTS.
(a) The location and design of entrance, service and delivery roads shall be in accordance with the Pennsylvania Department of Transportation guidelines for design of local roads and streets, the Penn Hills Standards for Construction and other applicable standards contained in this Zoning Code.

(b) Concrete curbs shall be installed on sides of roads as required to contain vehicular traffic, protect pedestrians and reduce maintenance of adjacent seeded or planted areas. Curbing may be eliminated or interrupted in approved areas to facilitate stormwater management design.

(c) Center line markings on roads and drives shall be installed to guide and control traffic flows.

(d) Line markings shall be installed to define and control parallel parking on roads and drives.

(e) All surface shall be paved with concrete or bituminous material.

(Ord. 2121. Passed 11-9-92.)

1278.09 DRIVEWAYS IN SINGLE-FAMILY RESIDENTIAL DISTRICTS.
(a) A highway occupancy permit must be approved prior to the issuance of a building permit for a single-family home, the revision of an existing driveway, or the connection of a new
driveway to a public or private street.

(b) A landowner must obtain a highway occupancy permit from the Pennsylvania Department of Transportation for connection to a State road and from the Allegheny County Department of Permits for connection to a County road.

(c) A landowner must obtain a highway occupancy permit to a local public or private street as follows:

1. The submission of a plot plan indicating the proposed driveway location together with an application for a building permit shall be deemed sufficient when a driveway is associated with the construction of a new home. The issuance of the building permit will also be deemed to be the issuance of the highway occupancy permit.

2. A landowner who desires to substantially modify an existing driveway, relocate or connect a new driveway shall submit a plot plan indicating the location and design features of the driveway to the Department of Code Enforcement together with an application for a highway occupancy permit.

3. The Department of Code Enforcement shall issue a highway occupancy permit upon a finding of compliance with the following standards:
   A. The proposed driveway location and design must provide for the safe movement of vehicles to and from the property.
   B. Whenever possible, the driveway must be designed to prevent vehicles from having to back up into the street.
   C. The driveway location and design must be in conformance with the Penn Hills Standards of Construction.
   D. The landowner is responsible for the protection of and necessary repairs to existing street pavement, curbs and sidewalks.
   E. The Department of Code Enforcement may impose necessary conditions to adequately safeguard public safety and adjacent properties.

(d) None of the requirements of the section shall be construed to prevent the normal maintenance of a driveway, the pavement of a gravel driveway, or minor changes in the dimensions of an existing driveway, without a permit. The Department of Code Enforcement’s primary interest is the design and configuration of the driveway as it intersects with the street. Under normal circumstances modifications to existing driveways that have no affect on the intersection will not require a permit.

(Ord. 2121. Passed 11-9-92.)

1278.10 EXCAVATING, GRADING AND SITE PREPARATION.

(a) All grading shall conform to Section 1250.09, as amended, and Chapter 1436 when within a designated flood-prone area.

(b) No changes shall be made in the contour of the land, and no grading, excavation, removal or destruction of the topsoil, trees of other vegetative cover of the land shall be commenced until such time as a plan for minimizing erosion and sedimentation has been processed with, and reviewed by, the Municipality, or there has been a determination by the Municipality that such plans are not necessary. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Allegheny County Conservation District. The Engineer, or other officials as designated, shall insure compliance with
the appropriate specifications, copies of which are available from the Conservation District or the Municipality of Penn Hills. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan.

(1) Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion.

(2) Development plans shall preserve salient natural features, keep cut/fill operations to a minimum, and insure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

(3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(4) The disturbed area and the duration of soil exposure shall be kept to a practical minimum.

(5) Disturbed soils shall be stabilized as quickly as practicable.

(6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(7) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(8) Provisions shall be made to effectively control runoff caused by changed soil and surface conditions before, during, and after construction. Where necessary, the rate of surface water runoff shall be structurally retarded.

(c) Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at his expense as quickly as possible.

(d) Maintenance of all roads, streets, parking areas, drainage facilities and watercourses within any land development is the responsibility of the developer until formally accepted by the Municipality.

(e) It is the responsibility of any person, corporation, or other entity performing any act on, or across, a communal stream, watercourse, or swale, or upon the flood plain or right-of-way thereof, to maintain as nearly as possible in its present state, the stream, watercourse, swale, flood plain or right-of-way during the pendency of the activity, and to return it to its original or equal condition after such activity is completed.

(f) The maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

(g) No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse, without having obtained prior approval from the Municipality or the State Department of Environmental Resources.

(Ord. 2121. Passed 11-9-92.)

1278.11 STORM DRAINAGE.
(a) All uses or lots in all zoning districts shall comply with the applicable requirements and standards for managing stormwater runoff in accordance with the Municipal Subdivision and Land Development Ordinance.

(b) Agricultural activities, nurseries and forestry management operations, where permitted by this Zoning Code, shall be required to provide for the safe management of stormwater runoff in accordance with the requirements of the subdivision/land development ordinance. However, the submission and approval of a stormwater management plan shall be waived when:
   (1) Agricultural activities are operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Allegheny County Conservation District.
   (2) Forestry management operations are following Pennsylvania Department of Environmental Resources management practices contained in its publication, *Soil Erosion and Sedimentation Control Guidelines for Forestry,* and are operating under an erosion and sedimentation control plan.

(c) Strip mining, where permitted by this Zoning Code, shall have a plan for control of erosion and sedimentation and stormwater runoff which is approved by the Pennsylvania Department of Environmental Resources. If the strip mining operation is located within a watershed(s) for which a stormwater management plan has been approved in accordance with the requirements of the Storm Water Management Act, then the erosion/sedimentation plan and any permanent stormwater runoff controls shall be consistent with the standards and criteria of the watershed stormwater management plan. A copy of the State-approved erosion/sedimentation plan shall be filed with the Municipality prior to commencing mining operations.

(d) Storm inlets and structures shall be designed to be adequate, safe, self-cleaning, and unobstructive, and shall be consistent with Penn Hills Standards for Construction.

(e) Endwalls or discharge points shall be located to discharge into existing streams or watercourses with no damage to adjacent property. Design of endwalls is to be approved by the Municipal Engineer. Secure legal advice on discharge where private property may be violated. (Ord. 2121. Passed 11-9-92.)

1278.12 PRESERVATION OF VEGETATION.
   (a) Removal of Vegetation. No removal of trees, shrubbery, foliage, grass, or other natural growth shall be permitted, except in conformance with the provisions of this Zoning Code.

   (b) Clear-Cutting Prohibited. The cutting of trees and clearing of vegetation for the sole purpose of clearing land, not incidental to imminent development, is prohibited.

   (c) Land Development. No alteration of vegetation incidental to development shall be undertaken, except in conformance with this Zoning Code. (Ord. 2121. Passed 11-9-92.)

1278.13 LANDSCAPING.
   (a) General Requirements.
      (1) Planting shall complement and accentuate the best features of the building(s) and site.
(2) Planting shall provide essential shade, effective cooling, sound and light control by screening and traffic control when required.

(3) Planting shall be organized to minimize maintenance by:
   A. Selecting hedge and screen plants which tolerate clipping or shaping.
   B. Installing fences and screens located at the edge of paving, placed at least six (6) inches inside outer edge of paving.
   C. Treating major slope and removed areas with crown vetch for a permanent, low-maintenance, attractive cover. Comply with the Subdivision and Land Development Ordinance.

(4) It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, or other reasons for discontinued growth.

(5) All front and side yard areas shall be seeded.

(6) All required deciduous trees shall be a minimum of two (2) inches in caliper at a point one (1) foot above the ground.

(7) During the site plan review process, the Planning Department and/or the Planning Commission may impose additional landscaping requirements not normally required under this section, to provide for additional erosion control, buffer areas, or additional screening.

(b) Residential Areas.
(1) In addition to general requirements, at least two (2) deciduous trees for each single-family dwelling unit and one (1) deciduous tree for each multifamily dwelling unit shall be required. In single-family districts, the trees required by this paragraph must be planted in the front yard area.

(2) In multifamily districts, evergreen trees shall be required to be planted in all side and rear yard areas which abut any single-family residential zone. One (1) evergreen tree shall be required for each ten (10)-foot length of side yard and/or rear yard abutting a single-family residential zone. Evergreen trees shall be a minimum of three (3) feet in height at the time of planting.

(3) In multifamily districts, parking areas shall be divided every ninety (90) feet, or ten (10) stalls, with a planting strip of three (3) feet minimum width.

(c) Business and Industrial Zones.
(1) In addition to general requirements, at least one (1) deciduous tree for each 300 square feet of floor area shall be required.

(2) All transitional yards shall require a belt of landscaping at least five (5) feet in width of massed plantings, which plantings shall consist of one (1) deciduous tree for each 2,000 square feet of paved area, and one (1) evergreen tree for each five (5)-foot length of side yard and/or rear yard abutting a residential zone. Evergreen trees shall be a minimum of three (3) feet in height at the time of planting.

(3) Parking areas shall be divided every fifteen (15) stalls, or 135 feet, with planting strips of three (3) feet minimum width, unless alternative plans are approved by the Planning Commission.

(4) When abutting public rights-of-way, the exterior perimeters (property lines) of all parking areas shall be landscaped with a buffer strip of not less than three (3) feet in width. These buffer strips shall include one (1) tree for each fifty (50) linear feet, or fraction thereof, of perimeter. Also, within these buffer strips, a hedge,
decorative masonry wall, or other durable landscape barrier shall be installed in such a manner as to screen the parking area from the public right-of-way. If such barrier is of non-living material, its height, design, and location must be approved, and for each ten (10) linear feet of said barrier, the equivalent of two (2) shrubs shall be planted between the barrier and the right-of-way. Said barrier is to be placed a minimum of three (3) feet inside the property line. The remainder of the landscape strip shall be improved with grass, ground cover, shrubs, or other landscape treatment, excluding paving or sand.

(5) Where parking areas abut property zoned for non-residential use, the requirements of paragraph (f)(4) hereof and this paragraph shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required by paragraph (f)(4) hereof and this paragraph may be counted as part of the interior landscaping requirement.

(6) An area, or combination of areas, equal to ten (10) percent of the total paved area, exclusive of perimeter landscape buffers required by paragraphs (f)(4) and (5) hereof shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required by paragraphs (f)(4) and (5) hereof may be counted as part of the interior landscaping requirement.

(d) R, C, B, M and I Districts. In addition to the previous requirements, uses in any R, C, B, M, or I District must comply with the following provisions:

(1) All deciduous trees shall be supported by securely anchored guy wires.

(2) Ground covers shall consist of the following materials: seed, sod or derivative organic material. Rock or gravel ground cover shall not be permitted except that large rocks may be used to accentuate a landscape feature or provide an oriental garden effect.

(3) In any district or use, no person shall cut, destroy, cause to be destroyed, move, or remove six (6) or more trees with a trunk diameter of six (6) inches or more measured three (3) feet from the ground, without first obtaining a written permit from the Code Enforcement Officer. The following requirements shall be met before a permit is issued:

A. The applicant shall be the owner of the property or must be an agent of the owner.

B. The applicant shall show that the proposed removal of natural growth is necessary for imminent development of the property, for agricultural purposes, or to improve the utility, appearance or safety of the property.

C. Adequate provision for the disposition of increased surface water drainage shall be shown to be provided. Such additional surface water drainage shall be controlled so as to prevent any increased and undue burden on adjacent streets, public or private property.

D. As a condition for approval of the removal of vegetation, the Code Enforcement Officer may require that suitable replacement trees be planted elsewhere on the site, if necessary, for environmental, health or safety purposes.

(Ord. 2121. Passed 11-9-92.)

(e) Telecommunication Tower Sites. Telecommunications tower sites shall be required to comply with the following landscaping requirements:
(1) Landscaping and planting shall be provided for a depth of ten (10) feet along all public rights-of-way and all property lines abutting the telecommunications site.

(2) Landscaping, consisting of trees and shrubs, shall be required at the perimeter of the security fence. Evergreen trees, of a minimum of six (6) feet in height at the time of planting, shall be planted a minimum of fifteen (15) feet from each other, around the perimeter of the security fence.

(3) Landscaping with approved shrubbery of not less than three (3) feet in height at the time of planting shall also be provided within the interspersed areas of the evergreen trees around the perimeter of the security fence.

(4) Landscaping, consisting of evergreen shrubs, a minimum of three (3) feet tall shall be planted around the telecommunications facility building in planting strips of a minimum of five (5) feet in depth.

(5) Existing landscaping or vegetation that may be used for screening shall be preserved to the maximum extent possible.

(Ord. 2281. Passed 10-7-97.)

1278.14 LIGHTING.

(a) All sidewalks, pedestrian walkways, steps and grade changes shall be suitably lighted at all times. Details of proposed lighting fixtures and supports, and the location thereof, shall be submitted as part of the site plan approval application.

(b) All parking areas shall be lighted with said lighting so arranged as to reflect the light away from all abutting properties. Flood lights projected from buildings shall not be approved unless design specifications are submitted demonstrating that glare will not present a traffic problem or a nuisance to adjacent properties.
(c) All lighting fixtures are to be installed with underground wiring.

(d) Electrical service to all new structures shall be underground.

(Ord. 2121. Passed 11-9-92.)

1278.15 NOISE.
Every use shall be operated so that noise shall be so muffled, or otherwise controlled, as not to become objectionable as a result of intermittence, beat frequency, impulse character (hammering, etc.), periodic character (humming, screeching, etc.), or shrillness.

(Ord. 2121. Passed 11-9-92.)

1278.16 VIBRATION.
Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible without instruments at property boundaries.

(Ord. 2121. Passed 11-9-92.)

1278.17 AIR POLLUTION.
Regarding fly ash, dust, fumes, vapors, gases and other forms of air pollution, no emission which violates the Air Pollution Control Act, January 8, 1960, P.L. 2119, shall be permitted.

(Ord. 2121. Passed 11-9-92.)

1278.18 HEAT, GLARE, RADIATION AND FUMES.
Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation or fumes beyond the property boundaries.

(Ord. 2121. Passed 11-9-92.)

1278.19 ODORS.
No use shall emit an offensive odor as to be detectable from property boundaries.

(Ord. 2121. Passed 11-9-92.)

1278.20 APPLICABILITY OF OTHER REGULATIONS.
All uses of land are governed by applicable Municipal, County, State, and Federal regulations regarding the above activities as well as other activities (e.g. waste treatment and disposal, fire regulations, etc.).

(Ord. 2121. Passed 11-9-92.)
1278.21 TEMPORARY USES.
Temporary uses may be approved by the Planning Department, provided the following conditions are met:
(a) The property owner must complete a written application form provided by the Municipality, together with an application fee in the amount equal to that required for an occupancy permit.
(b) The proposed use must be temporary, not to exceed thirty (30) continuous days. Temporary use permits may be renewed, provided a new application is made consistent with the requirements of this section.
(c) The temporary use may be renewed or extended in the following manner:
   (1) An application and fee are refiled.
   (2) The Code Enforcement Department shall submit a recommendation to each member of the Zoning Hearing Board.
   (3) If any member of the Zoning Hearing Board wishes to object to the renewal or extension, he must do so in writing within seven (7) days of receipt of notice. If a proper challenge is made, the matter shall come before the full Zoning Hearing Board for approval. If no challenge is made by a member of the Zoning Hearing Board, the renewal or extension is approved.
(d) The Department of Code Enforcement must determine that the proposed use does not create a public nuisance, that sufficient off-street parking spaces are available and that safe and efficient traffic movement is not impaired.
(e) Applicants are responsible for keeping the property free of rubbish and debris at all times, as well as the collection of all rubbish and debris on adjacent properties and rights-of-way generated by the temporary use.
(f) The Department of Code Enforcement may apply any additional conditions deemed necessary to protect adjacent properties from adverse effects, or to prevent the creation of a public nuisance.
(g) The Department of Code Enforcement may revoke a temporary use permit at any time if it is determined that the use is not consistent with the requirements of this section. (Ord. 2121. Passed 11-9-92.)

1278.22 RECREATION AND OPEN SPACES.
(a) (1) In General. For the following types of development, certain open space and recreational amenities must be provided above and beyond the front, side, rear and bulk and area requirements specified by this Zoning Code, as amended.
   A. All multifamily residential developments in excess of twenty (20) dwelling units.
   B. All senior citizen housing.
   C. All public and institutional development.
   D. Commercial development in excess of 125,000 square feet of floor area.
Performance Standards

(2) Recreation and open space are to be provided in accordance with the Subdivision and Land Development Regulations for major subdivisions.

(b) Development Schedule. A plan and development schedule meeting the following requirements must be submitted with facilities suitable to serve the users of the planned structures:
   (1) The minimum size of any one (1) recreational area shall be 10,000 square feet.
   (2) Five (5) percent of the gross site area shall be developed for projects up to ten (10) acres.
   (3) Eight (8) percent of the gross site area shall be developed for projects from ten (10) to twenty (20) acres.
   (4) Ten (10) percent of the gross site area shall be developed for projects over twenty (20) acres.
       Said facilities shall be located so as not to be detrimental to adjacent property owners by virtue of noise, light, glare, or any other objectionable features emanating therefrom.
       (Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)

1278.23 OTHER ITEMS TO BE CONSIDERED DURING REVIEW.
When applicable, the site plans should properly address the following items, which will be considered during the review process:
   (a) Signs (must conform to this Zoning Code).
   (b) Refuse storage and pickup.
   (c) Service, delivery and loading areas.
   (d) Traffic control devices.
   (e) Street furniture (i.e. benches, waste cans, planters, tree pots, shelters, etc.).
       (Ord. 2121. Passed 11-9-92.)

2005 Replacement
CHAPTER 1280
Conditional Uses

1280.01 In general.
Uses that are designated as conditional uses are generally compatible with other land uses permitted in a zoning district, but, because of their unique characteristics or potential impacts on the surrounding neighborhood or Municipality as a whole, require a determination of appropriateness at a particular location proposed. Such individual consideration may include the imposition of conditions in order to ensure the appropriateness of the use on any particular parcel of land and the compatibility of the use with adjacent uses. Conditional use approval may only be granted for those uses which are expressly listed as conditional uses in the zoning district in which the use is proposed.

All previously designated conditional uses are subject to the express conditions and procedures set forth in this chapter.
(Ord. 2121. Passed 11-9-92.)

1280.02 CONDITIONS.
Conditional uses shall fulfill all applicable conditions, as follows:
(a) Compliance with the provisions of Chapter 1286 and submission and approval of a preliminary plan and final plan, if requested.
(b) Compliance with any other conditions imposed by provisions of this Zoning Code regarding the particular conditional use.
(c) Any other applicable regulations, whether in this Zoning Code or any other Penn Hills ordinance, or any County, State, or Federal Regulations.
(d) Any other conditions imposed by the Council which are deemed necessary for protection of the public health, safety, or welfare.
(e) The Council may increase or decrease bulk and area regulations, performance
standards, and parking requirements that might otherwise be applicable for permitted uses.
(Ord. 2121. Passed 11-9-92.)

1280.03 PROCEDURES.
The procedure for requesting a conditional use is as follows:
(a) An owner of property or any authorized agent of an owner may apply for a conditional use under the provisions of this section. A written application, twelve (12) copies of a preliminary plan or final plan and the appropriate fee, as periodically determined by Council, shall be filed with the Planning Department. All application materials must be filed in the Planning Department at least thirty-two (32) days before the Planning Commission meeting at which the application will be considered. The application shall be of a form approved by the Municipality. The preliminary/final plan shall be similar to the preliminary site plan as detailed in Chapter 1286. The preliminary/final plan shall address itself to all applicable conditions for the particular conditional use.
(b) Within five (5) days after receiving an application for conditional use approval, the Planning Department shall determine whether the application is complete. If the Planning Department determines that the application is not complete, the applicant shall be notified of any deficiencies and no further steps will be taken to process the application until the applicant remedies the deficiencies.
(c) Once an application is determined to be complete, the preliminary/final plans and application shall be reviewed by the Planning Department. Copies of the Planning Department’s review, the plans, and the application shall be forwarded to the Planning Commission. A public hearing by the Planning Commission shall be set within forty-five (45) days of the filing of a complete application.
(d) Notice of the Planning Commission hearing shall be advertised in accordance with the advertising policy of the Municipality and the Municipalities Planning Code. The subject property shall be conspicuously posted with a notice of the conditional use request, and the date and time of the Planning Commission meeting and the Council meeting, for at least fourteen (14) days before the Planning Commission public hearing.
(e) The Planning Commission shall, at the public hearing, examine the preliminary/final plan and listen to relevant testimony from the owner of the property or his agent, representatives of the Planning Department, and any interested citizen. The Planning Commission shall pose necessary questions to any of the above parties.
(f) The Planning Commission shall, within fourteen (14) days of the hearing, forward a written recommendation to the Council along with the preliminary/final plan and application. This recommendation shall either approve the conditional use request, disapprove it, or approve it conditioned upon specified changes or conditions.
(g) The Council shall hold a public hearing on the conditional use request within forty-five (45) days of receipt of the recommendation of the Planning Commission. Notice of the hearing is required as specified in subsection (d) hereof.
(h) The Council shall, at the hearing, examine the preliminary plan and the recommendation by the Planning Commission. The Council shall also hear relevant testimony from the owner of the property, or his agent, or a representative of the Planning Department, if desired, and any interested citizens, and shall pose necessary questions to any of the above parties. The Council may request the submission of a final plan, if deemed necessary. The final plan shall be similar to the final site plan as detailed in Chapter 1286.
The Council shall, within fourteen (14) days of the hearing, approve or disapprove the conditional use request. If the Council disapproves the conditional use request, the reasons for disapproval should be stated.

A conditional use shall not be approved unless the Council shall determine:

1. That the proposed conditional use will not substantially injure or detract from the use of neighboring property, or from the character of the neighborhood, and that the use of property adjacent to the area included in the proposed change of plan is adequately safeguarded.

2. That the conditional use will serve to protect the best interests of the Municipality of Penn Hills, the convenience of the community, and the public health, safety, and welfare.

3. That the effect of the conditional use will facilitate the logical, efficient, and economic extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.

A majority vote of the Council is required for approval.

The property owner, or his agent, the Planning Commission, and the Planning Department shall receive written notification of the Council's decision. Any other interested party can, at the hearing, request receipt of the written notification. In any case, the written notification shall be sent promptly following the Council's decision.

All appeals from decisions rendered by the Council under this section shall be taken to the Court of Common Pleas of the judicial district where the land in issue is located and shall be filed within thirty (30) days after the entry of the decision as provided in 42 Pa. C.S. Section 5572 (relating to time of entry of order).

1280.04 GENERAL PROVISIONS.

(a) Denial of Request. When a conditional use has been denied by the Council, no request for that particular use may be refilled with the Planning Department for at least one (1) year from the date of denial. The only exception to this provision shall be if the landowner, or his or her agent, can show a change in circumstances regarding the property which would warrant re-examination of the conditional use request within the year's limitation. Such showing of changed circumstances shall be submitted in writing, along with a conditional use application, to the Planning Department.

(b) Completion of Construction. An approved conditional use shall be completed within two (2) years following the date of approval. However, the Planning Department may grant an extension of time if the landowner or his agent requests such an extension, and if good cause for the extension is shown. There are no other exceptions to this rule. If, at the end of the two (2)-year period, the conditional use is not completed, and if no extension has been granted, the approval of the conditional use shall be null and void.

(c) Minor and Major Changes. Minor changes in an approved conditional use may be approved in the manner described in Section 1286.02(e), including appropriate conditions. Major changes, as defined by the Planning Department Director, shall require the submission of a formal application for a Planning Commission recommendation, and a decision by Council.

(d) Applicability of Codes at Time of Approval. Notwithstanding any other provision of this Zoning Code, when an application for a conditional use has been filed with the Planning
Department, and the subject matter would ultimately constitute either a land development or a subdivision, as defined in Section 1240.06, no change or amendment of this Zoning Code or the Subdivision Regulations, as amended, or other ordinances or plans, shall affect the decision on such application adversely to the applicant. The applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they existed at the time the application was filed. Should such an application be approved by the Council, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months, or longer if specifically approved by the Council, following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Council. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the review procedures and time limitations applicable to land developments or subdivisions under the Penn Hills Subdivision and Land Development Ordinance.
(Ord. 2121. Passed 11-9-92.)
1280.05  SPECIFIC CONDITIONS.

(a) Churches, Chapels or Other Places of Worship and Adjunct Residential Dwellings.

(1) Minimum lot size - two (2) acres.
(2) Lot coverage - total area covered by buildings, parking lots and vehicular accessways shall not exceed fifty (50) percent of the total lot area.
(3) Maximum building height forty-five (45) feet.
(4) Yard requirements:
   A. Front - fifty (50) feet minimum. In the case of corner lots, a fifty (50)-foot minimum yard shall be required on each street which the lots abut.
   B. Side - minimum thirty (30) feet on each side.
   C. Rear - fifty (50) feet minimum.
   D. Whenever the lot line abuts a residential use or district, the setback shall be a minimum of 100 feet from the property line.
   E. As part of the required yards listed above, a transitional yard, containing landscaping, of twenty-five (25) feet is required along all property lines. The type of plantings or screens used is subject to the Council’s discretion.
(5) Must have access onto an arterial street (or collector road if approved by the Council.)
(6) Parking areas shall be buffered from all buildings by at least fifteen (15) feet of landscaped open space.

(b) Cemeteries.

(1) Minimum tract - ten (10) acres.
(2) Access to an arterial or collector street.
(3) Minimum buffer area - fifteen (15) feet.
(4) No mausoleum shall be constructed which exceeds thirty-five (35) feet in height, or is located closer than 100 feet to any adjacent property line, or fifty (50) feet to any street.
   (Ord. 2534. Passed 3-7-11.)

(c) Community Facilities.

(1) Same as requirements for a church.
(2) Parking requirements - not more than twenty (20) percent of the total gross site area shall be devoted to parking.
(3) Spaces between buildings - the minimum distance between buildings shall be fifty (50) feet provided, however, that the spacing between a principal and accessory building may be reduced to thirty-five (35) feet.
Public and Private Recreation Facilities.
(1) Direct access to an arterial or collector street.
(2) Minimum lot size - two (2) acres.
(3) A minimum of thirty (30) percent of the site shall be preserved as undeveloped open space.
(4) Structures and parking areas must be located a minimum of 100 feet from any existing single-family home.
(5) Recreation facilities must be adequately buffered from adjacent properties by elevation, landscaping, fencing, etc.
(6) The Municipality may impose limitations on operating hours to protect adjacent properties.

Family Care Facilities.
(1) A family care facility must, in every sense, take on an appearance and character of a single-family residential structure, and more particularly, of those homes within the immediate neighborhood.
(2) Family care facilities shall be located a minimum of 2,500 feet from each other, and 5,000 feet from any group care facility, so as not to increase the overall density, or otherwise adversely affect any particular neighborhood or area.
(3) Construction of new facilities shall meet all yard, setback, and bulk requirements of the district in which it is located.
(4) Family care facilities shall be designed for a maximum of six (6) or fewer individuals who are not related to the resident household.
(5) Family care facilities must supply to the Municipality (and keep current) the name of a manager and/or person responsible for responding quickly to a complaint filed by the Municipality.

Group Care Facilities.
(1) Group care facilities shall not be located within 5,000 feet of any existing group care facility or family care facility so as not to impact or adversely affect any particular neighborhood.
(2) Group care facilities shall be located within a reasonable distance of public transportation, shopping facilities, and community services.
(3) Group care facilities shall be located only on property which has direct access to arterial streets.
(4) Group care facilities shall be subject to the development standards and other requirements of Chapter 1286. Conversion of existing structures must meet the development standards required for new construction.
(5) Group care facilities shall have a minimum lot size of 10,000 square feet.
(6) A buffer area of fifteen (15) feet shall be provided along all adjacent property lines. Type of screening shall be determined by the Council.
Parking shall be required as follows: One (1) space for every two (2) employees, plus one (1) space for every three (3) residents.

Group care facilities shall have a minimum of 1,000 square feet of lot area for each resident.

Group care facilities must supply to the Municipality (and keep current) the name of a manager and/or other person responsible for responding quickly to a complaint filed by the Municipality.

Schools.
1. Shall be licensed and certified by the Board of Education.
2. Minimum front yard shall be fifty (50) feet. In the case of a corner lot, a front yard, the depth of which shall be at least fifty (50) feet, shall be required on each street on which the lot abuts.
3. For each building there shall be two (2) side yards of not less than twenty (20) feet each.
4. A rear yard shall be at least fifty (50) feet.
5. Whenever the lot line abuts a residential use or district, the setback shall be a minimum of 100 feet from the property line.
6. The minimum distance between buildings shall be fifty (50) feet, provided, however, that the spacing between a principal and accessory building may be reduced to thirty-five (35) feet.
7. There shall be a buffer area of at least ten (10) feet along all property lines.
8. Access shall be from an arterial road (or collector road, where approved.)

Nurseries (Day Care Centers).
1. Minimum site - one (1) acre.
2. Minimum front yard - fifty (50) feet.
3. Minimum side yards - twenty (20) feet.
4. Minimum fifteen (15)-foot buffer shall be provided along all property lines.
5. Access shall be from an arterial road (or collector road, where approved.)
6. Parking - one (1) space for each employee, plus one (1) additional space for each ten (10) students.

Senior Citizen Housing.
1. Must meet the requirements of Federal, State, and local laws pertaining to housing for the elderly.
2. Must meet the requirements of Chapter 1286. Conversion of existing structures must meet the development standard requirements for new construction.
3. Minimum size of site shall be one (1) acre.
4. Must provide a minimum of 250 square feet of living area per person, excluding all common living areas.
5. Must provide full sprinkler system and meet all fire code requirements.
6. Cooking and bathing facilities must be provided and available to residents at all times.
7. Must provide a common indoor community area that is a minimum of fifty (50) square feet per resident.
8. Must provide a common outdoor community/recreation area with facilities
suitable to tenants’ needs.

(9) Must provide open space in accordance with requirements of Chapter 1278.

(10) Fire hydrants must be located within a reasonable distance of the facility.

(11) Must be located within a reasonable distance of public transportation.

(12) The installation of sidewalks or crosswalks beyond the requirements of Chapter 1278 may be required to provide accessibility to transportation.

(13) Facility must be located on property with direct access to either collector or arterial streets.

(14) Must meet the minimum bulk and area requirements for the respective zoning district in which it is located. The Council may vary bulk and area regulations when additional buffering and yard area are proposed.

(15) Operation of the facility must be under full-time management.

(16) A laundry service area must be provided.

(17) Must be located within a reasonable distance of shopping facilities.

(j) **Mixed Residential/Commercial Structures.**

(1) Non-residential uses shall be restricted to those uses otherwise permitted within the respective use district.

(2) All activity, except for off-street parking and loading, shall be conducted completely within enclosed buildings.

(3) The total floor space of all residential uses shall not exceed fifty (50) percent of the floor space for the entire structure.

(4) Residential uses shall meet the bulk and area regulations applicable to R-5 Districts.

(5) Parking spaces must be provided separately for residential and non-residential uses.

(k) **Libraries.** A library shall meet the standards as described in subsection (a) hereof, except that in non-Residential Districts there shall be no minimum lot size.
(l) **Nursing Homes.**
   (1) A nursing home shall meet the standards as described in subsection (f) hereof.
   (2) When applicable and available, a nursing home shall be licensed by appropriate Federal and State agencies.

(m) **Public Utilities and Public Services.**
   (1) Public utilities and services shall meet the bulk and area regulations otherwise applicable to the district in which they are located.
   (2) The applicable provisions of the Public Utilities Commission, FAA, FCC, etc., shall be met.

(n) **Half-Way Houses.**
   (1) Half-way houses shall not be located within 20,000 feet of any existing half-way house.
   (2) Half-way houses shall be located only on property which has direct access to arterial streets.
   (3) Half-way houses shall be subject to the development standards and other requirements as set forth in Chapters 1278 and 1286.
   (4) Half-way houses shall have a minimum lot size of 50,000 square feet and a minimum lot area of 5,000 square feet per resident.
   (5) Minimum setbacks shall be fifty (50) feet from each property unless abutting a Single-Family Residential District, in which case the minimum setback shall be 100 feet.
   (6) Half-way houses must supply to the Municipality (and keep current) the name of a manager and/or other person responsible for responding quickly to a complaint filed by the Municipality.
   (7) Half-way houses must be licensed by the appropriate State, Federal, and County agencies when required, but in all cases must be supervised on a twenty-four (24)-hour basis.

(o) **Funeral Homes.**
   (1) Minimum lot size - two (2) acres.
   (2) Must have direct access onto an arterial street and shall only have one (1) entrance drive, with the exception of a corner lot.
   (3) Lot coverage - total area covered by buildings, parking lots and vehicular accessways shall not exceed thirty-five (35) percent of the total lot area.
   (4) Yard requirements:
      A. Front - seventy (70) feet minimum. In the case of corner lots, a seventy (70) foot minimum yard shall be required on each street which the lot abuts.
B. Side - minimum thirty-five (35) feet on each side.
C. Rear - seventy (70) feet minimum.

(5) Parking requirements - Not more than twenty (20) percent of the total gross site area shall be devoted to parking. Parking areas shall also meet the above yard setback requirements.

(6) Buffer area - A sufficient buffer area must be provided along all property boundaries and parking areas with landscaping, fencing, or other methods suitable to the immediate neighborhood and approved by Council.

(7) The establishment may or may not be used as a residence.

(8) Signs should be in compliance with Section 1276.01(b).

(Ord. 2121. Passed 11-9-92.)

(p) Conference Centers.

(1) Direct access to an arterial street.
(2) Minimum lot size - thirty (30) acres.
(3) A minimum of fifty (50) percent of the site shall be preserved as undeveloped open space.
(4) Structures and parking areas must be located a minimum of 300 feet from any single-family home.
(5) Maximum building height shall be forty-five (45) feet.
(6) Outdoor facilities, such as parking, recreation and patios, must be adequately buffered from adjacent properties by elevation, landscaping, fencing, etc.
(7) The Municipality may impose limitations on operating hours to protect adjacent properties.
(8) Overnight stay and food services may be provided to conference attendees but not to the general public.
(9) Residency by the owner and the owner’s employees is permitted.

(Ord. 2217. Passed 5-7-95.)

(q) Sexually Oriented Establishments.

(1) **Proximity to other establishments.** A sexually oriented establishment shall not be permitted to be located within 1,000 feet of any other sexually oriented establishments whether situate in Penn Hills or otherwise.

(2) **Proximity to residential land.** No sexually oriented establishment shall be located within 400 feet from any residentially zoned land (excluding Conservation Districts) or lot used principally as a residential use, whether situate in Penn Hills or otherwise. However, at Council’s discretion, this distance may be reduced when there is a significant topographical change between the residential use or zoning and the site for the sexually oriented establishment.

(3) **Proximity to other land uses.** No sexually oriented establishment shall be located within 1,000 feet of any parcel of land situate in Penn Hills or otherwise which contains any one or more of the following specified land uses:
   A. Camp (for minor’s activities)
   B. Day care centers and related uses
   C. Places of worship
D. Community center  
E. Park/playground  
F. Educational facilities  
G. Museum  
H. Child-oriented business  
I. Public library  
J. Amusement park

(4) **Measurement of distances.** The distance between any two (2) sexually oriented establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any sexually oriented establishments and a land use specified in (3) above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the sexually oriented establishments to the closest point on the property line of said land use.

(5) **Enclosure required.** No materials, merchandise, film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.

(6) **Visibility from outside of enclosure.** Any building or structure occupied as a sexually oriented establishment shall be windowless, or have an opaque covering over all windows or doors of an area in which materials, merchandise, or film is exhibited or displayed, and no materials, merchandise or film shall be visible from outside of the building or structure.

(7) **Signs.** Signs for sexually oriented establishments shall contain no photographs, silhouettes, drawings or pictorial representations of any kind.

(8) **Notice re minors.** Each entrance to the premises, where minors are not permitted either by established policy or law, shall be clearly posted with a notice of a minimum size of eight and one-half (8 1/2) by eleven (11) inches specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

(9) **Conversions, transfers and location.** No sexually oriented establishment may change to another sexually related facility except upon approval of an additional conditional use. A sexually oriented establishment license shall not be transferred to another, nor may a licensee operate a sexually oriented establishment under the authority of a license at any place other than the address designated in the application.

(10) **License required.** A license shall be required for sexually oriented establishments as follows:
   
   A. Any person who operates a sexually oriented business without a valid permit issued by the Municipality is guilty of a violation of this Zoning Code.
   
   B. An application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
C. The applicant must be qualified according to the provisions of this subsection and the premises must be inspected and found to be in compliance with the law by the Zoning Officer and the Fire Marshal.

D. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of ten (10) percent or greater in the corporation must sign the application for a permit as applicant.

E. The fact that a person possesses other types of Municipal permits does not exempt the person from the requirement of obtaining a sexually oriented business permit.

(11) Issuance of license. The Zoning Officer shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:

A. An applicant is under eighteen (18) years of age.

B. An applicant or an applicant’s spouse or someone the applicant is residing with is overdue in his payment to the Municipality for taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

C. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.

D. An applicant is residing with a person who has been denied a permit by the Municipality to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

E. The premises to be used for the sexually oriented business have been reviewed and have been disapproved by either the Zoning Officer or the Fire Marshal as not being in compliance with applicable laws and ordinances.

F. The permit fee required by paragraph (g)(12) hereof has not been paid.

G. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Zoning Code.

H. An individual applicant or any individual holding a direct or indirect interest of more than ten (10) percent of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the manager or other person in charge of the operation of the applicant’s business, has or have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania, including, but not limited to, prostitution, obscenity and possession of child pornography, or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In
order for approval to be denied pursuant to this paragraph, the person’s conviction or release in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application in the event of a misdemeanor and within five (5) years of the date of application in the event of a felony.

1. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

2. The Zoning Officer and Fire Marshal shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the Zoning Officer. The certification shall be promptly presented to the Zoning Officer.

(12) Fees.
   A. Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a non-refundable application and investigation fee in an amount set by resolution of the Mayor and Council.
   B. In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the Municipality an annual non-refundable license fee in an amount set by resolution of the Mayor and Council within thirty (30) days of license issuance or renewal.
   C. Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual non-refundable application, investigation, and license fee in an amount set by resolution of the Mayor and Council.
   D. All license applications and fees shall be submitted to the Department of Code Enforcement for review and investigation and approval or denial.

(13) Inspection.
   A. An applicant or licensee shall permit authorized Municipal officials and their agents or consultants to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
   B. A person who operates a sexually oriented business or his agent or employee commits a violation of this Zoning Code if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

(14) Expiration of license.
   A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in paragraph (q)(11) hereof. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the date of expiration of the license will not be extended.
   B. When the Municipality denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Municipality finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety
(90) days have elapsed since the date the denial became final.

(15) **Suspension.** The Department of Code Enforcement shall suspend a license for a period not to exceed thirty (30) days if the Director determines that a licensee or an employee of a licensee has:

A. Violated or is not in compliance with any provision of this Zoning Code;

B. Refused to allow an inspection of the sexually oriented business premises as authorized by this Zoning Code; or

C. Knowingly or negligently permitted gambling by any person on the sexually oriented business premises.

(16) **Revocations and appeals of denials, suspensions or revocations.**

A. The Department of Code Enforcement shall revoke a license if a cause of suspension as set forth in paragraph (q)(15) hereof occurs and the license has been suspended within the preceding twelve (12) months.

B. The Department of Code Enforcement shall revoke a license if it determines that:

1. A licensee gave false or misleading information in the material submitted during the application process;

2. A licensee has knowingly or negligently allowed possession, use, or sale of controlled substances on the premises;

3. A licensee knowingly or negligently allowed prostitution on the premises;

4. A licensee knowingly or negligently operated the sexually oriented business during a period of time when the licensee’s license was suspended;

5. A licensee has knowingly or negligently allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the license premises; or

6. A licensee is delinquent in payment to the Municipality for any licensing fees past due.

C. When the Municipality revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the Municipality finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

D. All license application, renewal, suspension or revocation decisions shall be sent in writing to the applicant or licensee. All such decisions which deny, suspend or revoke a permit shall state specifically the Zoning Code requirement not met and any other basis for the decision. After denial of an application, or denial of a renewal of an application, or after suspension or revocation of any license, the applicant or licensee may appeal pursuant to the Municipalities Planning Code, Act 170.

E. Any person aggrieved by a decision of the Municipality may appeal to a court of competent jurisdiction. The Municipality shall, upon filing of such appeal, consent to any request by a license applicant or licensee to the court to give expedited review to such appeal. The Municipality shall certify any record to the court within twenty (20) days of any request by the court to do so.
(17) **Transfer of license.** A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

(18) **Regulations pertaining to exhibition of sexually explicit films, video or live entertainment in viewing rooms.** A person who operates viewing booths or causes them to be operated shall comply with the following requirements:

A. Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of interior of the premises to an accuracy of plus or minus six (6) inches. The Municipality may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

B. The application shall be sworn to be true and correct by the applicant.

C. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager’s station at all times that any patron is present inside the premises.

D. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager’s station of every area of the premises to which any patron is permitted to access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager’s stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager’s stations. The view required in this subsection must be by direct line of sight from the manager’s station. In addition, all viewing booths shall have at least one side fully open so that all of the area inside the booth is open to the view of persons in the public area of the establishment.

E. It shall be the duty of the licensees to ensure that the view area specified in paragraph (q)(18)D. hereof remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to paragraph (q)(10) hereof.

F. No viewing room may be occupied by more than one person at any time.

G. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot-candles as measured at the floor level.
H. It shall be the duty of the licensees to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

I. No licensee shall allow openings of any kind to exist between viewing rooms or booths.

J. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

K. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

L. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

M. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.

N. A person having a duty under this paragraph (q)(18) commits a violation of this Zoning Code if he knowingly or negligently fails to fulfill that duty.

(19) Additional regulations for escort agencies.

A. An escort agency shall not employ any person under the age of eighteen (18) years.

B. A person commits a violation of this Zoning Code if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years.

(20) Additional regulations for nude model studios.

A. A nude model studio shall not employ any person under the age of eighteen (18) years.

B. A person under the age of eighteen (18) years commits a violation of this Zoning Code if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this paragraph if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.

C. A person commits a violation of this Zoning Code if the person appears in a state of nudity, or knowingly or negligently allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

D. The owner or operator of a nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(21) Additional regulations concerning public nudity.

A. It shall be a violation of this Zoning Code for a person to knowingly and intentionally, in a public place:
   1. Engage in sexual intercourse or engage in deviate sexual intercourse as defined by the Pennsylvania Crimes Code; or
   2. Appear in a state of nudity; or
   3. Fondle the genitals of himself, herself or another person.

B. For purposes of this Zoning Code, public place includes all outdoor areas owned by or open to the general public, and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls,
party rooms or halls limited to specific members or restricted to adults or to patrons invited to attend, whether or not an admission charge is levied. This paragraph shall not apply to:

1. Any child under ten years of age; or
2. Any individual exposing a breast in the process of breastfeeding an infant under two (2) years of age; or
3. The exercise of free speech or free expression in the form of artistic and theatrical performances. It is the intention of the Municipality that this paragraph be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights.

4. It shall be a violation of this Zoning Code for a person who knowingly or intentionally in a sexually oriented business appears in a semi-nude condition unless the person is an employer who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two (2) feet from the floor.

C. It shall be a violation of this Zoning Code for an employee, while semi-nude in a sexually oriented business, to solicit or accept any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business.

(22) Prohibition against children in a sexually oriented business. A person commits a violation of this Zoning Code if the person knowingly or negligently allows a person under the age of eighteen (18) years on the premises of a sexually oriented business.

(23) Hours of operation. No sexually oriented business shall be open for business before 10:00 a.m., Monday through Saturday, or after 12:00 midnight, Monday through Saturday. Sexually oriented businesses shall be closed at all times on Sundays and legal holidays.

(24) Exemptions. It is a defense to prosecution under paragraph (q)(21) that a person appearing in a state of nudity did so in a modeling class operated:
A. By a proprietary school, licensed by the Commonwealth of Pennsylvania, a college, junior college, or university supported entirely or partly by taxation;
B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and
C. In a structure:
   1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
   2. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
   3. Where no more than one nude model is on the premises at any one time.

(Ord. 2250. Passed 1-8-97.)

(r) Telecommunications Towers and Facility Buildings.

(1) A telecommunications tower may not be located on a lot that is listed on a historic register or in an officially designated State or Federal historic district.
(2) The applicant shall submit to the Municipality evidence of the need for the proposed telecommunications tower and that the applicant has exhausted all alternatives to constructing a telecommunications tower.

(3) The applicant shall demonstrate via written evidence, including coverage diagrams and technical reports, that, in terms of location and construction, there are no existing towers, telecommunications towers, buildings, structures, elevated tanks, or similar uses able to provide the platform for the telecommunications antenna.

(4) The applicant shall also provide evidence that co-location is not possible based on the following criteria:
   A. Planned equipment would exceed the structural capacity of existing and approved telecommunications towers, considering existing and planned use of those telecommunications towers;
   B. Existing and approved telecommunications towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
   C. Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for the proposed telecommunications tower, and the interference cannot be prevented at a reasonable cost;
   D. Existing or approved telecommunications towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; or
   E. Other reasons make it impractical to place the equipment planned by the applicant on existing and approved telecommunications towers.

(5) All telecommunications towers shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E Manual, as amended.

(6) Except as required by the Federal Aviation Administration (FAA), or other Federal or State agencies, no telecommunications towers may use artificial lighting or strobe lighting at night.

(7) A chain-link security fence with self-latching gate, of an approved design, and compatible with surrounding land uses, of not less than eight (8) feet, in height, and no greater than ten (10) feet in height, shall completely enclose the telecommunications tower site.

(8) A minimum of two (2) parking spaces shall be required and shall meet the requirement as specified in Section 1278.02.

(9) Telecommunications tower sites shall be designed to be fully automated and unattended on a daily basis.

(10) The telecommunications site shall be restricted, and the gate and telecommunications facility buildings shall remain locked.

(11) Telecommunications facility buildings shall be equipped with a twenty-four (24) hour security system.

(12) Telecommunications tower sites shall be visited only for periodic maintenance.

(13) Telecommunications facility buildings shall be considered as an accessory use to the principle telecommunications tower only.

(14) A telecommunications facility building must be set back a minimum of twenty-five (25) feet from all property lines, and the Planning Commission and the Mayor and Council can increase this setback if deemed necessary, depending on the site.
(15) Guy wires, if utilized, shall be anchored no closer than twenty-five (25) feet from any property line or outside of the minimum yard and building setback requirements, whichever is more restrictive.

(16) Guy wires shall not cross or encroach any telephone or electric power lines.

(17) Guy wires shall be clearly marked so as to be visible at all times.

(18) A telecommunications tower may exceed the maximum height for the district in which it is located. However, the maximum height of the telecommunications tower shall not at any time exceed 350 feet. No equipment mounted or attached to the telecommunications tower, including antennas, shall exceed this 350-foot maximum height in any district. A telecommunications tower must set back a minimum of one (1) foot from each property line for each one (1) foot of height of the tower.

(19) Telecommunications tower heights shall be measured from the foundation of the tower to the top point of the tower or antenna, whichever is higher.

(20) Telecommunications towers shall be subject to a minimum setback from all over-head transmission lines of a distance no less than two (2) times the height of the proposed telecommunications tower.

(21) Telecommunications towers are limited to one per site.

(22) No sign shall be mounted on the telecommunications tower, except as may be required or approved by the FAA, Federal Communications Commission, Pennsylvania Bureau of Aviation or other applicable government agency.

(23) Telecommunications facility buildings shall be totally enclosed by the required chain-link security fence.

(24) Telecommunications towers shall be designed in accordance with the provisions of the Penn Hills Subdivision and Land Development Ordinance, particularly in terms of access roads, sidewalks, stormwater management, erosion and sediment control and pavement.

(25) The applicant shall present documentation that the telecommunications tower site and tower is designed in accordance with all applicable State and Federal regulations.

(26) The applicant shall submit evidence that the telecommunications tower site, tower, facility buildings, and related structures or equipment have been designed and installed as per the approved final plan.

(27) Any citation from another regulatory agency must be reported to the Municipality upon receipt of the citation.

(28) An Annual Inspection Program performed by a Registered Professional Engineer (P.E.) and paid for by the owner of the telecommunications site, tower, antennas, and facility building(s) shall be required.

A. The Annual Inspection Report shall be submitted to the Municipality on June 1 of each year, documenting that an inspection has been performed within thirty (30) days and that the structure and surrounding site is in compliance with the requirements of this Zoning Code.
B. The Annual Inspection Report shall certify that the structure will withstand wind, storm, ice and other natural forces.
C. The Annual Inspection Report shall guarantee that the telecommunications tower is structurally capable of housing the antennas, dishes, and tower equipment already mounted and/or attached.

(29) Transfer or removal.
A. Owners of telecommunications sites, telecommunications towers, telecommunications antennas, and related equipment and structures shall inform the Municipality of any transfers in ownership or responsibility immediately after the transfer occurs.
B. The telecommunications tower and related equipment and structures shall be promptly removed by the applicant if the telecommunications site is not used for communication purposes for any continuous one (1)-year period.

(s) Forestry.
(1) Minimum lot size: ten (10) acres.
(2) Yard requirements:
A. A transitional yard or buffer area of one hundred (100) feet shall be maintained for front, side, and rear yards. No vegetation shall be removed from these transitional yards or buffer areas other than the minimum necessary to provide access roads. Neither shall these transitional yards be used for loading, equipment storage or staging areas. Neither shall vegetation be removed from within one hundred fifty (150) feet of any residential, commercial, or industrial structure, or from within two hundred (200) feet of any church, school, community facility, or municipal parkland.
B. Exception: Select cutting may be approved by the Director of the Department of Code Enforcement in the above transitional yards when an owner/operator can demonstrate no additional negative impact on adjacent properties. In approving select cutting the Director may impose conditions necessary to protect adjacent property and the integrity of the ordinance.
(3) Site plan: The application must include the submission of a site plan in accordance with the provisions of Section 16.8.A of Ordinance 2121 (1286.08) as amended. The site plan must clearly show the limits of tree harvesting and clearly describe areas where trees are to be removed, where trees are to be loaded, and access roads.
(4) Management plan: The plan should include an inventory of resources on the property, including general plant/tree communities, water resources, soil, and unique areas. It should include an assessment on regeneration, a plan for minimizing negative impacts, and a plan for minimizing erosion and sediment control for roads.
and landings. The plan must also include measures for minimizing adverse visual effects from harvesting, and other considerations established as Best Management Practices for Pennsylvania Forests as set forth by the Penn State University College of Agricultural Sciences. A forester or similar qualified professional must prepare the plan.

(5) Other application requirements: A forestry application must include the submission of a logging plan in accordance with Sections 4B and 5 of Ordinance 2121, an erosion and sediment control plan together with a review by the Allegheny County Conservation District, and copies of State, County or Federal required permits.

(6) Hours of operation shall be limited from 7:00 a.m. to 7:00 p.m.

(7) Local municipal streets must be bonded in favor of the Municipality in an amount to be determined by the Director of the Department of Public Works. The owner and applicant will be solely responsible for any damage to municipal streets and property. A transportation route plan shall be submitted with the application.

(t) Deep Wells.

(1) Minimum lot size - fifteen acres.

(2) Must meet all Pa DEP regulations and permitting requirements. The applicant must supply a copy of State and Federal permit applications, accompanying documents, and approval letters prior to operation.

(3) The applicant must submit a site plan and grading permit application to the Penn Hills Planning Commission for approval. Among other items as described in Section 1286.08 the applicant must fully describe the location of proposed facilities, buffer zones, fencing, and landscaping. All Penn Hills Land Development regulations shall apply that are not otherwise preempted by State or Federal law. Any material stored outside an enclosed structure being used as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls, or evergreen plant material in order to minimize visibility from any adjacent property.

(4) The applicant must supply a proposed transportation plan and bond all access and distribution roads in the community. The amount of such bond shall be determined by the Public Works Director and/or the Municipal Engineer. Such bond shall guarantee the full restoration of all roadways. The transportation plan shall be designed to minimize the impact on streets within the Municipality. This bond shall remain active and current as long as development activity continues.

(5) In addition to other required fees the applicant shall pay a one-time fee of two hundred thousand dollars ($200,000) payable to the Municipality of Penn Hills, within forty-five days of conditional use approval and prior to the commencement of operations, to offset the cost of local inspections and administration of the deep well operation. This fee may be revised from time to time with revisions and amendments to the Municipality's Schedule of Fees.

2013 Replacement
(6) Prior to the commencement of any activity on the development site, the applicant shall enter into a Municipal roadway maintenance and repair agreement with the Municipality, in a form acceptable to Penn Hills, regarding maintenance and repair of local roads that are to be used by vehicles for development activities. The applicant shall conduct an inventory, analysis, and evaluation of existing road conditions on roads along the proposed transportation route identified by the applicant, including photography, video and core boring as determined to be necessary by the Municipal Engineer. The Municipal roadway maintenance and repair agreement will identify the responsibilities of the applicant to prepare, maintain, and repair these roads before, during and immediately after drilling operations associated with the gas resources development. The applicant shall take all necessary corrective action and measures as directed by the Municipality pursuant to the agreement to ensure the roadways are repaired and maintained during and immediately after drilling operations associated with the gas resources development.

(7) The applicant shall take the necessary safeguards to ensure that all roads utilized remain free of dirt, mud and debris resulting from deep well activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur. Beginning with its intersection with a public street, any access road for the development shall be paved for the first fifty feet and improved with limestone or other material for 100 feet in a manner that no water, sediment, or debris will be carried onto any public street.

(8) An off-street area within the development site for vehicles to stand while gaining access to the gas well site shall be provided so that the normal flow of traffic on the public street is undisturbed.

(9) The applicant shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways. During periods of anticipated heavy or frequent truck traffic associated with the development, the applicant will provide flagmen to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.

(10) Prior to development, the applicant shall provide to the Municipality a preparedness, prevention and contingency ("PPC") plan that clearly outlines and describes all emergency planning associated with the gas resources development. This plan shall include a listing of the type and quantity of chemicals on the property during development and operations and instructions for handling and storing such chemicals.

(11) Upon request of the Penn Hills Manager, the applicant will, prior to drilling, make available with at least thirty days notice, at the applicant's sole cost and expense, one appropriate group training program for emergency responders including municipal police, EMS, public works, and volunteer fire department personnel. Such training
shall be made available at least annually during any year that drilling activities take place at the gas development site.

(12) The applicant shall provide certification that a bond is held by the Pennsylvania Department of Environmental Protection (PEP) to ensure proper plugging when the well is classified as inactive by the DEP. In addition the applicant shall provide a bond in favor of the Municipality of Penn Hills that includes full property restoration measures not covered by the PEP bond, including regarding, demolition and removal of accessory facilities, and reestablishment of vegetation. This bond shall also provide for blow out protection and protection and reimbursement for costs related to clean up or environment protection for spills or discharges during transportation activity. This bond shall be kept current and remain in place as long as the well remains active.

(13) Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.

(14) All manmade water storage features associated with the development shall be secured with a six foot high fence. During the drilling process, the deep well site shall be secured with temporary fence and a secured gate.

(Ord. 2281. Passed 10-7-97; Ord. 2382. Passed 9-18-02; Ord. 2537. Passed 11-14-11.)
CHAPTER 1282
Special Exceptions

1282.01 In general. 1282.03 Procedures.
1282.02 Conditions. 1282.04 General provisions.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, § 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06

1282.01 IN GENERAL.
Uses that are designated as special exceptions are generally compatible with other land uses permitted in a zoning district, but because of their unique characteristics or potential impacts on the surrounding neighborhood or municipality as a whole, require a determination of appropriateness at a particular location proposed. Such individual consideration may include the imposition of conditions in order to ensure the appropriateness of the use on any particular parcel of land and the compatibility of the use with adjacent uses.

All previously designated special exceptions are subject to the express conditions and procedures set forth in this chapter.
(Ord. 2121. Passed 11-9-92.)

1282.02 CONDITIONS.
Special exceptions shall fulfill all applicable conditions, as follows:
(a) Compliance with any conditions imposed by provisions of this Zoning Code regarding the particular special exception.
(b) Any other applicable regulations, whether in this Zoning Code or any other Penn Hills ordinance, or any County, State, or Federal regulations.
(c) Any other conditions imposed by the Zoning Hearing Board, which are deemed necessary for protection of the public health, safety, and welfare.
(Ord. 2121. Passed 11-9-92.)

1282.03 PROCEDURES.
The procedure for requesting a special exception is as following:
(a) An owner of property or any authorized agent of an owner may apply for a special exception under the provisions of this section.

A written application and accompanying materials sufficient to describe the application, which may include a site plan if required by the Planning Department, shall
be filed with the Planning Department. The application shall be on a form approved by the Municipality. The appropriate fee, as periodically determined by Council, must also be submitted. All application materials must be filed in the Planning Department at least thirty-two (32) days before the Zoning Hearing Board meeting at which the application will be considered.

(b) Within five (5) days after receiving an application for special exception approval, the Planning Department shall determine whether the application is complete. If the Planning Department determines that the application is not complete, the applicant shall be notified of any deficiencies, and the Planning Department shall take no further steps to process the application until the applicant remedies the deficiencies.

(c) Once an application is determined to be complete, the application materials shall be reviewed by the Planning Department. Copies of the Planning Department’s review, and copies of all application materials, shall be forwarded to the Zoning Hearing Board. A public hearing by the Zoning Hearing Board shall be set within forty-five (45) days of the filing of a complete application.

(d) Notice of the Zoning Hearing Board hearing shall be advertised in accordance with the advertising policy of the Municipality, and the Municipalities Planning Code. The subject property shall be conspicuously posted with a notice of the special exception request and the date and time of the Zoning Hearing Board public hearing for at least fourteen (14) days before the Zoning Hearing Board public hearing.

(e) The Zoning Hearing Board shall, at the hearing, examine the application materials and listen to relevant testimony from the owner of the property or his agent, representatives of the Planning Department, and any interested citizen. The Zoning Hearing Board shall pose any necessary questions to any of the above parties.

(f) The Zoning Hearing Board shall, within fourteen (14) days after the hearing, approve or disapprove the special exception request. If the Zoning Hearing Board disapproves the request, the reasons for disapproval shall be stated.

(g) A special exception shall not be granted unless the Board shall determine:

(1) That the proposed special exception will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.

(2) That the proposed special exception will serve to protect the best interests of the Municipality of Penn Hills, the convenience of the community, and the public health, safety, and welfare.

(3) That the effect of the special exception will facilitate the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.

(h) A majority vote of the Zoning Hearing Board is required for approval.

(i) The property owner, or his agent, and the Planning Department shall receive written notification of the Zoning Hearing Board’s decision. Any other interested party can, at the hearing, request to receive such written notification. In any case, the written notification shall be sent within fourteen (14) days of the Zoning Hearing Board’s decision.

(j) Appeals from the decisions of the Zoning Hearing Board are governed by the applicable provisions of the Municipalities Planning Code.

(Ord. 2121. Passed 11-9-92.)
1282.04 GENERAL PROVISIONS.

(a) When a special exception has been denied by the Zoning Hearing Board, no request for a special exception may be refiled with the Department of Code Enforcement for at least one (1) year from the date of that denial. The only exception to this shall be if the landowner or his agent can show a substantial change in circumstances regarding the property, which would warrant re-examination of the special exception request within the year’s limitation. Such showing of changed circumstances shall be submitted in writing, along with a special exception application, to the Department of Code Enforcement.

(b) An approved special exception shall be completed within two (2) years following the date of approval. However, the Department of Code Enforcement may grant an extension if the landowner, or his agent, requests such an extension and if good cause for the delay is shown. There are no other exceptions to this rule. If, at the end of the two (2)-year period, the special exception is not completed, and if no extension has been granted, the approval of the special exception shall be null and void.

(c) Minor changes in an approved special exception may be approved in the manner described in Section 1286.02(e).

(d) Notwithstanding any other provision of this Zoning Code, when an application for a special exception has been filed with the Planning Department, and the subject matter would ultimately constitute a land development or a subdivision as defined in Section 1240.06, no change or amendment of this Zoning Code or the Subdivision Regulations, or other ordinances or plans, shall affect the decision on such application adversely to the applicant. The applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they existed at the time the application was filed. Should such an application be approved by the Council, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months, or longer, if specifically approved by the Council, following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Council. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the review procedures and time limitations applicable to land developments or subdivisions under the Penn Hills Subdivision and Land Development Ordinance.

(Ord. 2121. Passed 11-9-92.)
CHAPTER 1284
Nonconforming Uses

1284.01  Regulation of nonconforming lots, structures, signs and uses.
1284.02  Nonconforming lot of record.
1284.03  Nonconforming uses of land.
1284.04  Nonconforming structures and signs.
1284.05  Determination of replacement cost.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, § 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06

1284.01  REGULATION OF NONCONFORMING LOTS, STRUCTURES, SIGNS AND USES.
Lots, structures, signs and uses of land which are lawful and pre-existing, but which are restricted or prohibited by this Zoning Code, its successors or any amendments, are permitted to remain and continue, subject to the following regulations:

(a)  The owner of any nonconforming lot, structure, sign or use, made nonconforming by the enactment of this Zoning Code, or any preceding zoning ordinance, must register such nonconforming lot, structure, sign or use with the Department of Code Enforcement. In addition, the owner of any nonconformance shall provide, upon request, information required by the Code Enforcement Officer, which is deemed necessary to ascertain the extent of the non-conformity.

(b)  Upon the change of a nonconformance to a conforming use, or in the event of a lapse or destruction of a nonconformance, the owner of such use can request that the use be deleted from the list of nonconformances.

(Ord. 2121. Passed 11-9-92.)
1284.02 NONCONFORMING LOT OF RECORD.

In any residential district, a single-family dwelling and normally permitted accessory buildings may be erected on any nonconforming single lot of record where no conforming, permitted structure and use can be erected. The erection of a nonconforming single-family dwelling is permitted upon or after the effective date of this Zoning Code, notwithstanding other limitations imposed by other provisions of this Zoning Code.

Such nonconforming lot of record must be of separate ownership from adjoining lots and must not have contiguous frontage with other lots under the same ownership.

Except for lot size, any single-family dwelling on a nonconforming lot of record must conform to all other applicable area and use regulations, unless a variance is requested and granted in accordance with this Zoning Code.

(Ord. 2121. Passed 11-9-92.)

1284.03 NONCONFORMING USES OF LAND.

(a) Alteration or Enlargement Prohibited. No nonconforming use of land shall be enlarged, increased, expanded, or changed in any manner unless a variance is requested and granted in accordance with this Zoning Code.

(b) Continuation. Any nonconforming use of land is permitted to continue as long as the use is still a lawful, identical, existing nonconforming use.

(c) Discontinuance. A nonconforming use, if operations of the use shall cease, or if any structures are abandoned, for twelve (12) consecutive months, shall be deemed to be extinguished. Subsequent uses of such property shall be in accordance with this Zoning Code.

(Ord. 2121. Passed 11-9-92.)

1284.04 NONCONFORMING STRUCTURES AND SIGNS.

(a) Alteration or Enlargement Prohibited. No nonconforming structure or sign shall be enlarged, increased, expanded or changed in any manner unless a variance is requested and granted in accordance with this Zoning Code.

Exception: The Department of Planning and Economic Development may grant a variance administratively for the replacement of nonconforming residential structures and commercial signs, provided that the replacement does not increase the extent of nonconformity. In granting this variance the Department of Planning and Economic Development may impose whatever conditions on the landowner that may be necessary to protect adjacent properties and/or the integrity of this Zoning Code.

(b) Continuation. Any nonconforming use or a structure or sign is permitted to continue as long as the use is still lawful, including subsequent sales of the property for the identical, existing uses.

2005 Replacement
(c) **Moving of Structure or Sign.** No nonconforming structure or sign shall be moved in whole or in part to another location on the lot unless every portion of said structure or sign shall conform with the provisions of this Zoning Code.

(d) **Damage or Destruction.** Should a nonconforming structure or sign be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.

(e) **Repairs or Maintenance.** Nothing in this Zoning Code shall be deemed to prevent the strengthening or restoration for safety reasons of any structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon the order of such official.

(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)

**1284.05 DETERMINATION OF REPLACEMENT COST.**

(a) The Code Enforcement Officer shall, within thirty (30) days of such request, determine in a written report the replacement cost of a destroyed or damaged nonconforming structure or sign.

(b) The Zoning Hearing Board shall hear all appeals from the report and determination of the Code Enforcement Officer regarding replacement value. Zoning Hearing Board procedure is governed by the applicable provisions of Chapter 1264.

(Ord. 2121. Passed 11-9-92.)
CHAPTER 1286
Site Plan Approval

1286.01 General purposes.  1286.08 Submissions.
1286.02 Review procedures.  1286.09 Fees; stages of inquiry; time
1286.03 Environmental reports. limitations.
1286.04 Waiver of environmental report 1286.10 Rights of public to attend
requirement. proceedings; public notice; conflicts
1286.05 Waiver of other requirements. of interest; minor changes after
1286.06 Request for additional information. approval; appeals; site plan
1286.07 Additional requirements. conformance.

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, ● 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06

1286.01 GENERAL PURPOSES.
New development has a substantial impact on the character of the area in which it is located. Some harmful effects of one land use upon another can be prevented through traditional zoning, subdivision controls, and housing and building codes. Other aspects of development are more subtle and less amenable to exacting rules-of-thumb promulgated without regard to specific development proposals. Among these are the general form of the land before and after development, the special relationships of the structures and open spaces to proximate land uses, and the appearance of buildings and open spaces as they contribute to an area as it is being developed. The site plan review process addresses these factors by promoting qualities in the environment which bring value to the community, protecting public and private investments in the community, raising the level of community expectations for the quality of its environment, and increasing the quality of development as it occurs in Penn Hills.
(Ord. 2121. Passed 11-9-92.)
REVIEW PROCEDURES.

(a) Aspects of Reviews. The Planning Commission, in examining applications for site plan approval, will primarily consider the terms and provisions of the Penn Hills Subdivision and Land Development Ordinance, as amended. Land developers are encouraged to consult with Municipal officials and become familiar with both ordinances. Additionally, the Commission shall consider the various aspects of design, with special emphasis on the following:

1. The written report and recommendation of the Department of Planning and Economic Development.
2. The standards and requirements as specified in Chapter 1278.
3. The landscape and the environment, to prevent the unnecessary destruction or blighting of the natural landscape or of the achieved man-made environment.
4. The relationship of structures and open spaces, to ascertain that the treatment of built-up and open spaces has been designed so that they relate harmoniously to the terrain and to existing buildings that have a visual relationship to proposed development.
5. Circulation, to determine that the proposal facilitates appropriate pedestrian access, servicing and parking, and when necessary, compliance with other regulations for the handicapped, the very young and the elderly.
6. Protection of neighbors, to protect neighboring owners and users by making sure that reasonable provision has been made for such matters as surface water drainage, sound and sight buffers, the preservation of views, light and air, and those aspects of design not adequately covered by other regulations, which may have substantial effects on neighboring land users.
7. Compliance with other regulations, to coordinate compliance with other Municipal ordinances which affect design, such as the sign and billboard control provisions of municipal code sections, and the provisions for underground utilities of municipal code sections.

(b) Limitations of Review.

1. The Planning Commission shall not design or assist in the design of any buildings or projects submitted for approval, except on request of the proponent or his architect. The Planning Commission shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.
2. Individual initiative and experimentation are to be encouraged.
3. In its endeavor to improve the quality of design, the Planning Commission shall keep consideration of cost in mind. However, consideration of cost shall not override the other objectives of this Zoning Code.
4. The Planning Commission is not to use design review intentionally or inadvertently to exclude housing for minority groups or housing for low and moderate-income persons.
5. The Planning Commission is not to use design review intentionally or inadvertently to prohibit or unduly restrict building types, materials, or methods to vary the specific allowances or prohibitions of the Municipality’s zoning, subdivision, or other development controls.

(c) Review Authority and Responsibilities.
(1) The Planning Commission shall be the authority for all stages of site plan approval.

(2) The Department of Planning and Economic Development is to assist the Planning Commission by:
   A. Providing technical and administrative assistance to the Planning Commission.
   B. Providing advice and administrative assistance to applicants when requested.
   C. Providing a written recommendation to the Planning Commission.

(d) Types of Development Included.
   (1) Except as provided hereafter, a site plan shall be required of all subdivisions and land development. Site plans shall be required for the conversion of residential structures to non-residential uses, for additions to existing non-residential and multifamily residential structures, and for changes in use of non-residential structures or land. Site plan applications shall also be required for significant changes to vehicle circulation patterns, revisions to highway occupancy permits and parking lot design.
   (2) A site plan shall not be required for single-family residential structures. A plot plan, however, must be submitted to a Code Enforcement Officer indicating the location of the structure and the driveway connection prior to the issuance of a building permit.

(e) Exemptions. Whenever the Department of Planning and Economic Development finds that a proposal raises no substantial design problems, it is hereby authorized to approve an exemption. Such an exemption may be granted for minor additions to existing buildings which in the opinion of the Director have no negative impact on local traffic conditions or adjacent properties, are in compliance with other local development ordinances, and are otherwise in conformance with related performance standards. An
exemption may also be approved for small free-standing accessory buildings and principal buildings. In approving such an exemption, the Director shall do so in writing and maintain a record explaining the basis for exemption. A short written summary detailing all approvals during the previous month shall be given to the Planning Commission each month.

The Director, in approving an exemption, may impose appropriate conditions including the imposition of appropriate performance standards, the construction of sidewalks, fire hydrants or other improvements, or other conditions deemed necessary.

(Ord. 2121. Passed 11-9-92; Ord. 2420. Passed 5-3-04.)

1286.03 ENVIRONMENTAL REPORTS.

(a) Requirements. If one or more of the following circumstances exist as part of the site plan application, the Department of Planning and Economic Development and/or the Planning Commission may determine that an Environmental Impact Statement will be required as part of the application:

1. Development in undermined areas with less than 100 feet of overburden, as designated by the United States Geological Survey.
2. Development or encroachment involving a natural stream or watercourse.
3. Development within a landslide-susceptibility area as designated by the United States Geological Survey.
4. Development disturbing slopes of twenty-five (25) percent or greater as designated by the United States Geological Survey.
5. Development involving the removal of 10,000 square feet or more of woodland, as designated by the United States Geological Survey, or development involving the removal of natural vegetation of five (5) acres or more in area.
6. Residential development of 100 or more housing units, commercial developments with 50,000 square feet or more of floor area.
7. Any industrial development.

(b) Content. When required, the applicant shall submit a written report including the following:

1. A description of the project.
2. An assessment of the environmental impact of the proposed development, with particular attention paid to those items as outlined in subsection (a) hereof.
3. A list of all licenses, permits and other approvals required by Municipal, County, or State law and the status of each. The approvals and permits should be required before final consideration of the site plan.
A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of water courses, protection of air resources, and noise control are some factors to be considered.

Evidence that the environmental impact statement was prepared by a professional, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or geotechnical consultant for undermining and landsliding problems, etc.

(Ord. 2121. Passed 11-9-92.)

**1286.04 WAIVER OF ENVIRONMENTAL REPORT REQUIREMENT.**

The Planning Commission may waive the requirement for an Environmental Impact Statement upon recommendation from the Department of Planning and Economic Development, and if an applicant requests said waiver in writing, and further, provided said development meets all the standards of this Zoning Code, will be served by both public water and sewer systems, does not involve the relocation, improvement or alteration of any streamway, and no portion of the site is located within a flood hazard or flood-prone area as designated by the United States Geological Survey.

(Ord. 2121. Passed 11-9-92.)

**1286.05 WAIVER OF OTHER REQUIREMENTS.**

Provided the site plan application is in conformance with all other applicable Municipal ordinances, that the applicant has requested such in writing, and that the Department of Planning and Economic Development has made a recommendation, the Planning Commission may waive, alter, or reduce any requirement or standard of this Zoning Code under the following circumstances:

(a) **Suitable Alternative.** Whenever a proposal presents an alternative which conforms to the spirit and intention of this Zoning Code.

(b) **Unusual Site Characteristics.** Whenever a physical feature may exist on or adjacent to the site which prevents a literal conformance to requirements or standards.

(Ord. 2121. Passed 11-9-92.)

**1286.06 REQUEST FOR ADDITIONAL INFORMATION.**

Whenever it is determined by the Department of Planning and Economic Development and/or the Planning Commission that additional information is needed in order to make a proper decision related to the site plan application, the applicant will be informed of such and the information must be provided at the applicant’s expense before the application will be considered complete.

(Ord. 2121. Passed 11-9-92.)
1286.07 ADDITIONAL REQUIREMENTS.
Whenever unusual circumstances arise not normally considered by requirements and standards, the Planning Commission may impose conditions upon application approvals that are consistent with the purpose and objectives of this Zoning Code.
(Ord. 2121. Passed 11-9-92.)

1286.08 SUBMISSIONS.
The applicant shall submit to the Department of Planning and Economic Development, with five (5) copies:
(a) A site plan or plans, drawn at a scale adequate to show clearly the following:
(1) The dimensions, orientation and acreage of such lot or plot to be built upon or otherwise used.
(2) Location and dimensions of present and proposed street and highway dedications.
(3) Location of adjacent property lines and names of owners.
(4) Location and dimensions of existing and proposed utilities and utility easements.
(5) Indication of existing zoning.
(6) Location of existing streams or watercourses and an indication of existing and proposed storm water drainage patterns.
(7) The seal of a registered surveyor.
(8) Layout of the entire project and its relation to surrounding properties and the existing buildings thereon.
(9) All existing and proposed topography at two (2)-foot intervals when the average site slope is less than ten (10) percent. When the average site slope is greater than ten (10) percent, contour intervals of five (5) feet are required.
(10) Location and design of proposed circulation system, both vehicular and pedestrian, including dimensions and specified materials.
(11) The size, shape and location of existing and proposed construction.
(12) The seal of a registered architect or landscape architect.
(b) A landscape plan and/or plans drawn at a scale adequate to show clearly the following:
(1) Location of existing natural features, including streams or watercourses, wooded areas, ground cover, any other important natural features, and individual trees of four (4)-inch caliper, or greater.
(2) Location of all proposed landscaping, including trees, shrubs, and ground cover, with an indication of types and sizes.
(3) Indication of location and types of exterior lighting adequate to determine its character and to enable review of possible hazards and disturbances to the public and to adjacent properties.
(4) Location, size and design of exterior signs and outdoor advertising.
(5) Location of walls, fences, or railings and an indication of their height and materials of construction.
(6) The seal of a registered architect or landscape architect.
All of the above shall, whenever possible, be presented on the standard twenty-four (24) inch by thirty-six (36) inch sheet at a scale of not less than one (1) inch equals fifty (50) feet, nor greater than one (1) inch equals ten (10) feet. Each sheet shall bear the signature of the applicant and an appropriate location for the signature of the Director of the Department of Planning and Economic Development and the Chairman of the Planning Commission.
A completed application form as provided by the Department of Planning and Economic Development.

The appropriate fees payable to the Municipality of Penn Hills.

(Ord. 2121. Passed 11-9-92.)

1286.09 FEES; STAGES OF INQUIRY; TIME LIMITATIONS.

(a) Fees. In order to offset the Municipal costs of advertising, posting, reviews, etc., applications for site plan approval must be accompanied by a fee as established by the Council. (See Chapter 208 of the Administration Code - the General Fee Schedule). Fees paid for preliminary site plan approval may be credited toward final site plan submissions, conditional use applications and subdivision applications, but not toward variances, amendments to this Zoning Code or other jurisdictions of the Zoning Hearing Board.

(b) Stages of Inquiry.

1. **Advisory meeting.** Prior to filing an application for site plan approval, the owner and/or a designated agent shall meet with the Department of Planning and Economic Development. Requirements of this Zoning Code, the relationship to the overall Comprehensive Plan, and other developments, either existing or proposed, and any unique features regarding the proposed development, should be determined in advance of formal application.

2. **Preliminary site plan approval.** The applicant or applicant’s agent is entitled to request preliminary site plan approval at any stage of design. The Planning Commission shall act on all matters that can reasonably be evaluated on the submission as they appear, and shall expressly reserve action on any aspects of development that cannot be assessed until later stages in the design process.

Those items that are once approved cannot be reopened at later sessions. The only topics to be treated at later stages for the same project are those that were impossible to resolve on the earlier submissions. The applicant may choose to bypass preliminary approval and apply directly for final site plan approval.

3. **Final site plan approval.** The Planning Commission will conditionally approve, approve with minor conditions, or disapprove an application on the submissions described in Section 1286.08, their relationship to the standards and requirements as described in Chapter 1278, and the policies, purposes, and objectives of this Zoning Code.

(c) Time Limitations.

1. The Department of Planning and Economic Development shall submit its recommendation and report to the Planning Commission within thirty (30) days of any full and complete submission, and shall schedule a hearing before the Planning Commission within forty (40) days of any full and complete submission.

2. The Planning Commission will meet within ninety (90) days of hearing on the submission.

3. If, upon ninety (90) days after a full and complete submission has been filed, the Planning Commission has reached no decision, the proposal shall be treated as if approved.

4. Upon written notification of site plan approval, the applicant will have twelve (12) months in which to apply for grading and building permits. If, after twelve (12) months, these applications have not been submitted, the site plan approval shall be
null and void.
(Ord. 2121. Passed 11-9-92.)

1286.10 RIGHTS OF PUBLIC TO ATTEND PROCEEDINGS; PUBLIC NOTICE; CONFLICTS OF INTEREST; MINOR CHANGES AFTER APPROVAL; APPEALS; SITE PLAN CONFORMANCE.

(a) Rights of Public to Attend Proceedings. All meetings of the Planning Commission shall be open to the public and to the applicant and applicant's agent, and any person who has a legitimate interest in the outcome may testify before the Planning Commission.

(b) Notice. Entitlement to, and method and time of notice under this Zoning Code, shall be determined by the Planning Department in consultation with the Municipal Attorney. Notice should be calculated to reach all interested members of the community in sufficient time to enable them to participate meaningfully in the Council proceedings, and at the same time avoid undue expense and delay to the developer. For this purpose, notice may be had by posting, through advertisements in newspapers of general circulation and readership, by postcards or any other means approved by the Planning Department and the Attorney.

Any person or organization desiring to be notified of any or all hearings held pursuant to a submission required by this Zoning Code, shall be entitled to notice by filing a request with the Planning Department and paying a fee reasonably calculated to meet the cost of such notice.

(c) Conflicts of Interest. All members shall be entitled to vote, provided, however, no member shall participate in reviewing, or vote on any work of which he, or any partner or professional associate, is the author, or in which he, or they, have any direct or indirect financial interest.

(d) Minor Changes After Approval. It is understood that from time to time certain minor changes will be necessary to alter approved site plans due to unforeseen circumstances which may arise during the construction period. These minor changes may be approved by the Planning Department in the same manner as exemptions, as prescribed in Section 1286.02(e).

(e) Appeals. All appeals are to be filed in accordance with the provisions set forth in the Pennsylvania Municipalities Planning Code, Act 170, 1988, as amended.

Whenever the Planning Commission shall approve a submission either wholly or with conditions, or whenever the Chairperson of the Planning Commission shall exempt a submission from review, any interested person or group of persons shall have the right to appeal and be heard before the Council.

The time for filing a notice of appeal with the Planning Department shall be fourteen (14) days after the Planning Commission renders the decision. Each filing shall be accompanied by a check or money order for two hundred ($200.00) dollars to cover the costs of appeal.

(f) Site Plan Conformance. Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a building permit, grading permit, zoning permit, or certificate of occupancy, as the case may be, shall be construed to be a violation of this Zoning Code and shall be grounds for revocation of any building, grading, or zoning permit, or certificate of occupancy. A written notice of revocation sent by certified mail by the Zoning Officer, requiring compliance with the conditions of site plan approval within a five (5)-day period, shall effectively revoke said permit if compliance is not achieved within that time period.
(g) **Temporary Occupancy Permit.** Situations may arise in which a building has been constructed and is safe and otherwise ready for occupancy, but does not meet all of the conditions of the approved site plan. These circumstances may result through no fault of the applicant, but are caused by snow, inclement weather, contracting problems, etc. In these instances, where landscaping, sidewalks or other site plan conditions cannot be completed but the building is ready for occupancy, the Zoning Officer may issue a temporary occupancy permit.

A written request for a temporary occupancy permit shall be submitted to the Zoning Officer by the applicant. The request shall explain the reasons for the applicant’s inability to comply at that time with the site plan conditions and shall give an estimated date when full compliance will occur.

Within ten (10) days after receiving the request, the Zoning Officer shall either approve or deny the temporary occupancy permit. If the request is denied, subsection (f) hereof shall apply.

If the request is approved, the Zoning Officer may issue a temporary occupancy permit for a period of time which shall not exceed 180 days. In granting approval, the Zoning Officer may require any of the following:

1. A bond to cover the cost of improvements necessary for site plan approval. The amount of the bond is to be determined by the Municipal Engineer or the Zoning Officer.
2. A cash amount to cover the cost of improvements given to the Municipality and held in escrow.
3. A copy of a contract between the applicant and contractor for the work to be performed.

Upon completion of the necessary improvements or at the expiration of the temporary occupancy permit, the applicant shall apply for a final occupancy permit.

Failure to comply with the conditions of site plan approval by the expiration of the temporary occupancy permit constitutes a violation of this Zoning Code, and the enforcement penalties as stated in Section 1262.99(a) shall apply.

(Ord. 2121. Passed 11-9-92.)
CHAPTER 1288
Planned Residential Development

1288.01 Interpretation.

The interpretation and application of the provisions of this chapter shall be made pursuant to and by authority of the Pennsylvania Municipalities Planning Code, Act 170, as well as pursuant to the Penn Hills Comprehensive Plan, adopted by the Mayor and Council, so that the community may develop in an orderly and well considered manner; it being the intention of the Mayor and Council, and they do hereby declare, that the Municipality of Penn Hills is, and in the future shall be, developed primarily as a residential community.

(Ord. 2121. Passed 11-9-92.)

1288.02 Purpose.

The purpose of this chapter is to encourage innovations in residential development so that the growing demand for housing may be met by greater variety in type, design, and layout of dwellings and other structures, and by the conservation and more efficient use of open space ancillary to said dwellings and uses, so that greater opportunities for better housing and recreation may extend to all residents of Penn Hills.

(Ord. 2121. Passed 11-9-92.)

CROSS REFERENCES
Planning and Zoning - see CHTR. Art. XVII
Zoning Hearing Board - see CHTR. Art. XVII, § 3
Department of Code Enforcement - see ADM. Ch. 238
Planning Advisory Council - see ADM. Ch. 264
Site development plans - see P. & Z. Ch. 1220
Land use and housing plans - see P. & Z. Ch. 1224
Amendments - see P. & Z. 1262.06
1288.03  AUTHORITY OF PLANNING COMMISSION.

The Planning Commission shall have the power to administer the planned residential development provisions pursuant to the provisions of this chapter and this Zoning Code. (Ord. 2121. Passed 11-9-92.)

1288.04  PERMITTED USES.

(a) Permitted Principal Uses.

(1) Single-family detached dwellings
(2) Two-family detached dwellings or duplexes
(3) Townhouses
(4) Walk-up garden apartment buildings
(5) High-rise apartments.

(b) Permitted Accessory Uses.

(1) Private or group garages and parking areas.
(2) Structures or facilities to serve the planned residential development only, but not including any commercial structures or uses, as such uses are not permitted in a planned residential development.
(3) Community assembly hall, recreation center, recreational facilities, and/or membership clubhouse related to the planned residential development. The recreation center and recreational facilities may consist of any of the recreational uses permitted in Residential Districts, referenced in Section 1268.02. (Ord. 2121. Passed 11-9-92.)

1288.05  APPROVAL PROCEDURES.

It is the intention of this procedure to encourage and assist developers in their design using modern planning practice, as well as to provide the shortest and most flexible procedures and, at the same time, protect the community against undesirable conditions. Another purpose of this procedure is to create an undisputable legal base for property descriptions for both the developer as well as the Municipality and its citizens.

(a) Pre-Application Consultation. Before any design or engineering work and before any formal application, the applicant may consult with the Planning Department concerning the following information relative to the Development:

(1) Type of development on the particular site.
(2) Access to and from the site.
(3) Public facilities, such as sanitary and storm sewers, water supply, schools and parks, police and fire protection, etc.
(4) Other agencies involved in obtaining all permits for the development.
(5) Sketch plan, showing the full property, type, size, and location of all buildings included in the development with the proposed street and sewer patterns, and the location and intended use of any common open space for public use.
(6) Location map, showing the relation of the proposed development to existing community facilities within and in the area of development influence beyond the property lines. The following features shall be included:
   A. Traffic arteries (highways and streets)
   B. Public transportation lines
   C. Existing schools, parks, playgrounds, or other public sites
   D. Shopping centers
   E. Other commercial enterprises
   F. Natural water courses and drainage areas
   G. Topography of site.

(b) Application for Tentative Approval.
(1) An application for tentative approval shall include a development plan for a planned residential development and shall be filed by or on behalf of the landowner or, if several adjacent parcels are included in the plan, one application shall be filed by a single development ownership organization formed by all the landowners, which organization shall then be known as the landowner.
(2) The application containing the information set forth hereunder shall be submitted to the Planning Department no later than thirty-three (33) days prior to the regular monthly meeting of the Planning Commission at which time the Planned Residential Plan is to be first considered.

(c) Provisions of the Development Plan.
(1) Twelve (12) prints of general location map showing:
   A. Planned residential development name, site, and location.
   B. Major existing thoroughfares related to the development, including the distance therefrom.
   C. Adjacent property and utilities or services thereon to be used for the development.
   D. Title, graphic scale, north point, and date. The location map need not be a new drawing made for this special purpose but it shall not be smaller than a scale of 100 feet to one (1) inch.
   E. Zoning use classification or area of the total land to be considered for present or future development.
(2) Twelve (12) prints of site map showing:
   A. Contours of property and 100 feet beyond, at vertical intervals of two (2) feet of the general slope if the site is less than ten (10) percent, and at intervals of five (5) feet if the general slope is greater than ten (10) percent. The Planning Department may relieve the land owner of providing contours beyond the property if, on prior discussion with the Planning Department, setting forth his reasons, the Planning Department was of the opinion that contours are not necessary in order to administer these regulations properly in connection with the development.
   B. Terrain features, wooded areas, buildings, and other natural or artificial features which would affect the plan of the development, as well as structures
planned, and a statement deemed to be appropriate concerning non-residential uses of buildings.

C. Contours at intervals of two (2) feet of all grades to be altered.

D. Tract boundary lines, showing dimensions, bearings, and corners.

E. Streets and rights-of-way on adjoining site, showing roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and other pertinent data.

F. Easements - location, widths, and purposes.

G. Utilities, including sanitary and storm sewers, other drainage facilities, water lines, fire hydrants, gas mains, street lighting, electric utilities and other facilities. Size or capacity of each should be shown and the locations of or distance to such existing utility indicated. All utilities, including all types of transmission lines, must be underground except at outdoor meters or other necessary equipment. This includes but is not limited to all electric power feeders and telephone lines.

H. Existing use of adjacent land within 200 feet of the proposed subdivision and other conditions on the adjacent land, including approximate direction and gradient of ground slope, including embankments or retaining walls; character and location of buildings, railroads, power lines, gas lines, towers, and other nearby non-residential land uses or adverse influences; owners of adjacent land; and its zoning use classification.

I. Areas of past, present, or anticipated ponding or overflow of flood or storm waters.

J. Other features or conditions which would affect the development favorable or adversely, including previous or new cut and/or fill areas. (See Chapter 1424 of the Building Code.)

K. Title, graphic scale, north point, and date.

L. Subsurface conditions or tract, including information regarding past mining activity, remaining mineable material, and future possibility of mine activity, as well as burning mine fires, and whether the mineral rights to the property have been deeded out or leased to other persons or parties. Landowners must provide this information from the State Bureau of Mines records showing subsurface conditions. Evidence shall be required of having requested such information and information showing acceptable conditions must be provided before tentative approval may be granted.

M. Site map shall be drawn to scale of fifty (50) feet to one (1) inch, if practical, or 100 feet to one (1) inch if necessary. The site map shall be twenty-four (24) by thirty-six (36) inches in size, or made in multiples of this size and cut along match lines.

(3) Landowner shall request from the Allegheny County Planning Department a report from the United States Conservation Service concerning soil conditions. One (1) copy of this report shall be required for consideration of preliminary plat approval.

(4) Twelve (12) prints of a preliminary plat of the development shall be drawn to a scale of fifty (50) feet to one (1) inch and may be part of the site map if it is to this scale. Sheet size information for the site map shall apply to the preliminary plat, which shall show:

A. Proposed name of development.
B. Names and addresses of landowner, developer, land planning consultant, engineer, surveyor, and/or others who are associated with the development.

C. Street patterns, showing the names and widths of right-of-way of streets and approximate grades. The street lines shall be one one-hundredth of a foot. Curving lines should have the radii, center angles, and the arc distances.

D. Layout of structures, showing dimensions numbers, location, height, and use.

E. Parcels of land to be dedicated or reserved for common open space, schools, parks, playgrounds or public, semi-public or community purposes. Sizes are to be specified as well as proposed development and development schedule of each.

F. Key plan, legend, and notes.

G. Building setback or front yard lines.

H. Screening and outdoor lighting plans.

I. Title, graphic scale, north point, and date.

J. Arrangement of parking and loading areas.

K. Boundary of the plan in heavy line, with courses and distances to the nearest one-hundredth of a foot, based upon an accurate field survey, which must be balanced and closed.

(5) Twelve (12) prints of engineering plans showing profiles, typical cross-sections and specifications for proposed street improvements, and profiles and other explanatory data concerning the installation of utility distribution systems. Cross section of street right-of-ways are also to show all types of transmission line locations. Scale used shall provide for clarity of information displayed. The sewage systems data shall include the first of the following two items:

A. A report on the feasibility of connections to any existing or proposed public sanitary sewage and storm drainage system shall be made. This study shall include the distance from the nearest existing or proposed system intended to handle the additional sewage or storm drainage load.

B. Evidence shall be required of having submitted to the Commonwealth of Pennsylvania, Department of Environmental Resources, a formal application for a permit as required by the laws of the Commonwealth.

(6) A written report indicating:

A. Density of land use (dwelling unit density) to be allocated to various parts of the site, such parts to be outlined on the map.

B. The landowner or form of organization proposed to own the development and maintain the common open space.

C. The substance of any covenants, grants, easements, or other restrictions to be imposed upon the use of lands or buildings in the development or required for adjacent properties.

D. A development schedule showing the approximate dates when the developer proposed to make application for final approval of various segments of the development, such segments to be outlined on the plan and such schedule to be updated annually on the anniversary of its initial approval.

E. A statement prepared by the landowner setting forth the reasons why, in his opinion, a planned residential development on his site would be in the public interest and would be consistent with the community development objectives of Penn Hills.

F. Deviation from zoning and subdivision regulations otherwise applicable to
the property.

G. Impact of the development on the neighborhood as well as on the local and
general road network in the Municipality.

H. Impact of sanitary sewage to Municipal sanitary system and of storm water
on adjacent properties and continuing stream beds.

d) Request for Additional Information. When it is determined by the Planning Department
or Planning Commission that additional information is needed in order to make a proper
decision related to the planned residential development application, the applicant will
be informed of such and the information must be provided at the applicant’s expense
before the application will be considered complete.

e) Waiver Requirements. Provided the planned residential development application is in
conformance with all other applicable ordinances, that the applicant has requested such
in writing, and that the Planning Department has made a recommendation, the Planning
Commission may waive, alter or reduce any requirement or standard of this section.

(f) Fees; County Review; Completeness of Application; Approval of Unique Conditions.

(1) Fees. The application shall be accompanied by the appropriate fee as determined
from time to time by Council resolution.

(2) County review. All applications for tentative approval of planned residential
developments shall be referred by the Planning Department to the Allegheny
County Planning Department for study and recommendation and such planning
agency shall be required to report to the Penn Hills Planning Department within
thirty (30) days or forfeit the right to review.

(3) Completeness of application. An application for tentative approval shall not be
considered as having been made until all information required by this Zoning Code
for such application is received by the Planning Department.

(4) Approval of unique conditions. Upon the recommendation of the Planning
Department, the Planning Commission may approve such changes made necessary
by unique land conditions when such changes are consistent with the stated intent
of this Zoning Code.

(g) Tentative Approval Proceedings.

(1) Within sixty (60) days after the filing of an application for tentative approval of a
planned residential development pursuant to this chapter, a public hearing
pursuant to public notice on said application shall be held by the Planning
Commission in the manner prescribed in Section IX of Act 170, the Municipalities
Planning Code.

(2) The Planning Commission may continue the hearing from time to time and may
refer the matter back to the Planning Department for a report, provided, however,
that in any event the public hearing or hearings shall be concluded within sixty
(60) days after the date of the first public hearing.

(3) The Planning Commission, within sixty (60) days following the conclusion of the
public hearing provided for in this chapter, shall, by official written
communication to the landowner, either:

   A. Grant tentative approval of the development plan as submitted;
   B. Grant tentative approval subject to specified conditions not included in the
development plan as submitted; or
   C. Deny tentative approval to the development plan.

(4) Failure to so act within said period shall be deemed to be a grant of tentative
approval of the development plan as submitted. In the event, however, that the
tentative approval is granted, subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Planning Commission, notify the Planning Commission of his refusal to accept all said conditions, in which case, the Planning Commission shall be deemed to have denied tentative approval of the development plan. In the event that the landowner does not, within said period, notify the Planning Commission of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

(5) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in public interest, including, but not limited to, findings of fact and conclusions on the following:
A. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Municipality.
B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
C. The purpose, location, and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development. Also details on portions to be conveyed in ownership to the Municipality.
D. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provides adequate control over vehicular traffic and furthers the amenities of light and air, recreation, and visual enjoyment.
E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.
F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

(6) In the event a development plan is granted tentative approval, with or without conditions, the Planning Commission may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed, or in the case of a development plan which provides for development over a period of years, the periods of time within which application for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months, and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall not be less than twelve (12) months.

(7) A. The official written communication provided for in this chapter shall be
certified by the Manager of the Municipality and shall be filed in his office 
and a certified copy shall be mailed to the landowner. Where tentative 
approval has been granted, the same shall be noted on the Zoning Map.

B. Tentative approval of a development plan shall not qualify a plat of the 
planned residential development for recording nor authorize development of 
the issuance of any building permits. A development plan which has been 
given tentative approval as submitted, or which has been given tentative 
approval with conditions which have been accepted by the landowner (and 
provided that the landowner was not defaulted nor violated any of the 
conditions of the tentative approval), shall not be modified or revoked nor 
otherwise impaired by action of the Municipality pending an application or 
applications for final approval, without the consent of the landowner, 
provided an application for final approval is filed or, in the case of 
development or applications over a period of years, provided applications are 
filed within the periods of time specified in the official written 
communications granting tentative approval.

(8) In the event that a development plan is given tentative approval and thereafter, but 
prior to final approval, the landowner shall elect to abandon said development plan 
and shall so notify the Planning Department in writing, or in the event the 
landowner shall fail to file application or application for final approval within the 
required period of time or times, as the case may be, the tentative approval shall be 
deemed to be revoked and all that portion of the area included in the development 
plan for which final approval has not been given shall be subject to those local 
ordinances otherwise applicable thereto as they may be amended from time to 
time, and the same shall be noted on the Zoning Map and in the records of the 
Municipal Deputy Clerk.

(h) Application for Final Approval.

(1) An application for final approval may be for all the land included in the 
development plan or, to the extent set forth in the tentative approval, for a section 
thereof. Said application shall be made to the Planning Commission within the 
time or times specified by the official written communication granting tentative 
approval. Application for final approval shall be accompanied by:

A. Twelve (12) copies of a final plan, one (1) copy certified by a registered 
enGINEER showing the final location and widths of all streets, the location and 
size of all buildings, parking areas, pedestrian ways, utility easements, lot 
lines, the location and size of all open space not devoted to parking lots, 
streets, or driveways, the proposed use of all lands and buildings and the mete 
and bounds of all proposed dedicated areas and lots.

B. The application shall contain, for the area for which final approval is sought, 
all requirements of the development plan and written reports necessary to 
obtain tentative approval.

C. Covenants executed by all owners of the premises within the chapter covered 
by the final plan which, if approved, shall be recorded in the Recorder’s 
Office of Allegheny County. The restrictive covenants shall be effective for a 
period of thirty-five (35) years, except that reference to parks, recreation, and 
other open space areas shall provide that the same remain as such perpetually.

D. Construction documents for the building of streets, sidewalks, parking areas, 
sewer lines, water lines, and recreation areas.
E. A certified performance bond running in favor of Municipality of Penn Hills or other financial security for the amount of construction of streets, sidewalks, parking areas, sewer lines, water lines, and recreation areas, such amount being established by the Municipal Engineer and approved by the Planning Department, and an inspection fee in the amount of one (1) percent of the bond amount payable to the Municipality of Penn Hills.

F. Rights of easement, in the form in which they will be filed as legal documents, affecting development.

G. Any additional conditions set forth at the time of tentative approval, including the development schedule if only a section of the development is submitted for final approval.

H. Maintenance agreement between the landowner (or development ownership organization) and the Municipality for all areas of the development, which agreement provides that the development will be adequately maintained so as not to create a public nuisance or liability to the Municipality.

(2) A public hearing on the application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

(3) In the event the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the Planning Commission shall, within forty-five (45) days of such filing, grant such development plan final approval.

(4) In the event the development plan as submitted contains variations from the development plan given tentative approval, the Planning Commission may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

A. Refile his application for final approval without the variations objected; or

B. File a written request with the Council that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this chapter for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Planning Commission shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this chapter, be
in the form and contain the findings required for an application for tentative approval set forth in this chapter.

(5) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the approving body and shall be filed of record forthwith in the office of the Recorder of Deeds of Allegheny County before any development shall take place in accordance herewith. Upon the filing of record of the development plan, the zoning and subdivision regulations applicable to the land included in such plan shall cease to apply thereto.

Pending completion within the time limit set by the Planning Commission of said planned residential development or of that part therefor, as the case may be, that has been finally approved, no modification of the provision of said development plat, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat the developer shall record the plat in accordance with the provisions of Section 513(a) of the Municipalities Planning Code and post financial security.

(6) In the event that a development plan or a section thereof is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the approving body in writing, or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in Section 508 of the Municipalities Planning Code, Act 170, 1988, as amended, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to this Zoning Code in the manner prescribed for such amendments in Section 1262.06.

A. Minor changes in the location, siting, and height of buildings and structures and other similar minor changes may be authorized by the Planning Department if required engineering or other circumstances were not foreseen at the time the final development plan was approved.

B. All other changes in use, any rearrangement of lots, block, and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final development plan, must be made by the Planning Commission, under the procedures authorized for the amendment of the Zoning Map. No amendments may be made in the approved final development plan unless they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the development policy of the Municipality.

(i) Enforcement Remedies. See Section 712.2 of the Municipalities Planning Code, Act 170, 1988, as amended.

(j) Appeals Procedure. Any decision of the Planning Commission granting or denying tentative or final approval of a planned residential development plan can be appealed in accordance with the provisions set forth in the Municipalities Planning Code, Act 170, 1988, as amended.

(Ord. 2121. Passed 11-9-92.)

1288.06 USE REQUIREMENTS.

(a) Requirements and Approvals. A planned residential development may be located in any residentially zoned area, or combination of residentially zoned areas. Notwithstanding restrictions
as to permitted principal uses and permitted principal use dwelling unit percentages, the average dwelling unit density shall not exceed approved maximum densities as established by this Zoning Code for the particular district in which the planned residential development is located. Whenever a planned residential development is located in two or more zoning districts, an overall site density may be established on a prorated basis. Each planned residential development shall include the various uses in an aesthetically pleasing proportion of each consistent with restraints specified in this section and as recommended by the Planning Department and approved by the Planning Commission. In addition to the principal permitted uses, the development shall include permitted accessory uses.

(b) Permitted Principal Use Dwelling Unit Percentages. Of the total dwelling units to be provided in a development, no more than fifty (50) percent shall be high-rise, garden-apartment dwelling units, and no less than fifty (50) percent shall be one of, or a combination of, the following: single-family dwelling units, double-family dwelling units, and townhouse dwelling units.

(c) Performance Standards, Codes and Associated Requirements. Planned residential developments must meet the performance standards identified in Chapter 1278. Recreational and open space requirements shall be developed in accordance with this Zoning Code.

(d) Area, Density, Access, and Ownership.
   (1) The area of land to be developed as a planned residential development shall not be less than ten (10) acres.
   (2) Developments designed solely as single-family and/or two-family and/or townhouses may not exceed the stated single-family density of the zoning classification in which the planned residential development is located.
   (3) Contoured land in excess of twenty-five (25) percent slope and up to forty (40) percent slope shall be allowed only two-thirds density credit (one (1) actual acre equals two-thirds of a gross acre) and land over forty (40) percent slope shall be allowed only one-third density credit when determining gross site area.
   (4) The Planning Commission may decline or refuse to allow maximum density normally permitted if it considers that such density would create inconvenient or unsafe access to the planned residential development; create traffic congestion in the streets which adjoin the planned residential development; exhibit poor design or planning; or create other problems as determined by any reviewing boards, including, but not limited to, the Planning Department and the Allegheny County Conservation District, or an architect, landscape architect, Code Enforcement Officer, or engineer.
   (5) The tract or parcel of land must be either in one ownership or the subject of an application filed jointly by the owners of all property included, wherein all joint owners signify having formed a single development ownership organization. All portions of the development shall forever remain under single ownership or a single development ownership organization, except for such portions for which ownership is conveyed to Penn Hills Municipality.

(e) Setback; Coverage; Height Restrictions.
   (1) Setback. A planned residential development may be developed with the utmost flexibility in terms of bulk and area regulations, including zero front, side, and rear
yard setbacks within the complex. Setbacks for all structures shall be required from peripheral boundaries only, and shall be twenty-five (25) feet for a one (1) story structure and an additional five (5) feet for each additional story.

(2) **Maximum building coverage.** The maximum building coverage shall not exceed twenty-five (25) percent of the gross site area. The gross site area shall be all that area within the metes and bounds description, reduced as necessary by excess slope restrictions.

(3) **Maximum height of buildings.** The maximum height for any structure within a planned residential development is 100 feet.

(f) **Area Devoted to Open Space.**

1. A minimum of thirty (30) percent of the gross site area shall be set aside as open space and usable recreational areas, for use by the residents of the planned residential development. However, if the open space is accepted by the Municipality of Penn Hills, the Municipality, at its option, may allow the open space to be available for use by the public.

2. The location, shape, size, and character of the common open space shall be provided in a manner to meet the needs of the planned residential development and shall be consistent with the Municipality’s open space standards.

3. Common open space shall be used for amenity or recreational purposes. The uses intended for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

4. Common open space must be suitably improved for its intended use, but common open space containing natural features, existing trees and ground cover worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

(g) **Required Improvements.** All improvements required under the Subdivision Regulations are also required for planned residential developments.

(h) **Water Utility.** If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the planned residential development, applicants shall present evidence to the Planning Department and the Planning Commission that the planned residential development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment for agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

(Ord. 2121. Passed 11-9-92.)

1288.07 **COMMON OPEN SPACE.**

(a) **Conveyance of Ownership and Maintenance.** The Municipality may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Municipality need not require, as a condition of a planned residential
development, that land proposed to be set aside for common open space be dedicated or made available to public use. The Municipality may also require that the landowner provide for and establish an organization for the ownership and maintenance of the common open space, and that such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space) without first offering to dedicate the same to the public.

(b) **Maintenance.**

(1) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Municipality may serve written notice upon such organization or upon the residents of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Municipality may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.

(2) If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Municipality, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said maintenance by the Municipality shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.

(3) Before the expiration of said year, the Municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned residential development, to be held by the governing body or its designated agency, at which hearing such organization or the residents of the planned residential development shall show cause why such maintenance by the Municipality shall not, at the option of the Municipality, continue for a succeeding year. If the governing body, or its designated agency, shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Municipality shall cease to maintain said common open space at the end of said year. If the governing body or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Municipality may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

(4) The decision of the governing body or its designated agency shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals.

(5) The cost of such maintenance by the Municipality shall be assessed ratably against
the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Municipality, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of the County, upon the properties affected by the lien within the planned residential development.

(Ord. 2121. Passed 11-9-92.)
CHAPTER 1290
EastGate District

1290.01 Purpose.
The EastGate District lies within an area that has been legally certified as blighted and in need of redevelopment. The purpose of this chapter is to encourage economic growth in line with the goals of the Municipality and the community development objectives listed in Section 1290.02.

(Ord. 2311. Passed 5-5-99.)

1290.02 Community development objectives.
Community development objectives of the EastGate District shall be to:

(a) Encourage new commercial investments and light industrial development along the Frankstown Road and Robinson Boulevard corridors;
(b) Connect local residents to employment opportunities;
(c) Create opportunities for senior, youth and family recreation; and
(d) Eliminate existing blighting influences.

(Ord. 2311. Passed 5-5-99.)
1290.03 DEFINITIONS.
Notwithstanding other conflicting definitions which may be contained in Section 1260.07, the following words and phrases shall have the specific meanings indicated herein for the purpose of interpreting this chapter, and shall apply specifically to the EastGate District.

(a) **Accessory use** means a use clearly and customarily incidental and subordinate to a principal permitted use. Accessory uses permitted in the EastGate District are listed in Section 1290.04(b).

(b) **Child care center** means a place or child care arrangement, which is intended for the care of children, that provides care and educational programs to six or more children who are not related to the operator, and that receives a payment, fee or grant for any of the children in child care. Such facilities shall be licensed by the Pennsylvania Department of Public Welfare (DPW), and must be operated in accordance with the requirements of the DPW.

(c) **Commercial development, planned** means a group or cluster of commercial businesses, uses and structures, primarily retail establishments, which is planned, developed, owned and managed as a unit, including shopping centers, enclosed malls, strip malls, farmers markets, antique malls and similar uses.

(d) **Community facility** means a facility operated by a non-profit agency or organization, which is open to the general public, and is intended and designed for educational, recreational, leisure-time or other similar purposes.

(e) **Distribution facility** means any establishment in which goods manufactured on-site or off-site are stored temporarily for the purpose of being picked up for delivery to retail or wholesale establishments or other end-users. Such businesses shall be conducted entirely within an enclosed building.

(f) **Employee cafeteria/dinning room** means a food service facility located within a business, including cafeterias and dining rooms, that serves the employees of that business and their guests. Outdoor employee picnic areas may also be included as part of an approved landscape and/or open space plan.

(g) **Financial institution** means banks, including drive-thru banking services, savings and loans associations, credit unions, bank processing centers and other similar financial institutions.

(h) **Gas station** means a commercial establishment, intended primarily for the selling of petroleum fuels and other petroleum-based products to passenger vehicles, which may include an ancillary convenience store, but shall not include repair and/or washing of vehicles.

(i) **Gross floor area (GFA)** means the total area of a building, equal to the sum of the gross horizontal areas of all floors of a building, measured between the exterior faces of the exterior building walls, or from the centerline of the wall separating two attached buildings (party wall).
(j) Industry, light, means a use engaged in the manufacture, primarily from previously prepared materials, of finished products or parts, including the processing, fabrication, treatment, assembly and packaging of materials and products, and incidental storage, sales and distribution of such products, but not including basic industrial processing. Light industry uses permitted under this chapter typically do not, and shall not, create or produce noise or vibration that has a measurable effect on adjoining property, air or water pollution, fire hazards, noxious emissions or other similar conditions, which may endanger or disturb other properties.

(k) Industry, heavy, means those uses listed in Section 1272.03, and any other industry or activity which produces hazardous wastes or substances subject to regulations promulgated under Section 3001 of the Federal Resource Conservation and Recovery Act of 1976, as amended (P.L. 94-580), or any subsequent Federal or Commonwealth statute or regulation.

(l) Lot coverage, means the total amount of all impervious surfaces, including pavement, buildings and other structures. For the purposes of this chapter, lot coverage shall be expressed as a percentage of the total lot area.

(m) Manufacturing, pilot, means an establishment, or part thereof, used to test concepts and ideas, to determine physical layouts, materials flows and processes, types of equipment required, costs and other necessary information prior to undertaking full-scale production.

(n) Office, business, medical and professional, means the office of an accountant, architect, attorney, dentist, doctor, engineer, insurance broker, real estate agent, travel agent, veterinarian (but not including boarding kennels), or other similar professional person or office, and/or any office used for accounting, administration, clerical services, communications, drafting, editing or research.

(o) Recreation, commercial, means a commercial business establishment, indoors or outdoors, for active or passive leisure-time activities and entertainment, including bowling alleys, skating rinks, commercial play facilities intended for children, movie theaters and health and exercise centers.

(p) Recycling facility, means a facility intended for the collecting, sorting, processing and/or consolidating of recyclable materials, for on-site treatment or for distribution to other facilities. For the purposes of this chapter, recycling facilities shall include trash transfer stations and junk yards.

(q) Research and development facility, means an establishment, including laboratories and testing facilities, which conducts investigations and research in natural, physical, social or medical sciences, and/or in engineering and development, primarily for the purpose of developing and/or testing end products. Such facilities may include supporting storage and shipping facilities and/or pilot manufacturing, as defined herein.

(r) Restaurant, conventional, means an eating establishment where food is sold primarily for on-premises consumption, to patrons seated at tables and/or at counters. Conventional restaurants may include bakeries, coffee shops, sidewalk cafes, delicatessens and ice cream parlors, where seating is provided for on-premises consumption of the specialty food and/or beverage. Conventional restaurants shall not include establishments where food service is incidental or subordinate to the serving of alcoholic beverages, or fast-food restaurants.

(s) Restaurant, fast food, means an eating establishment which has a drive-thru window and external menu board for the purpose of providing drive-through and/or take-out
services, and which is intended and designed primarily for fast service and high customer turn-over.

(t) Service, business and professional means a commercial establishment which renders service and support to other business, commercial, professional and industrial enterprises. Business and professional services include service, repair and rental/leasing of office and business equipment; printing and reprographic services; accounting services; advertising and public relations services; management and consulting services; security and maintenance services; and computer and data processing services.

(u) Services, personal means a commercial establishment which provides retail services to the general public, such as dry cleaning and laundry services, tailor and dressmaking services, shoe repair, beauty salons, barber shops, small appliance repair shops, printing and reprographic services, professional photography studios and similar services.

(v) Sexually oriented businesses: See Section 1280.05(q).

(w) Substantial variation means any change in an approved, preliminary or final land development plan which involves a change in the means of ingress or egress; any change of use; any change of more than ten (10) percent of the total number of required parking spaces; any increase or decrease of more than ten (10) percent of the total floor area of a proposed building; or any change in the approved location of a proposed building.

(x) Warehouse business means a business devoted to the storage and handling of freight or merchandise, not including the maintenance and/or fueling of commercial vehicles. Such businesses shall be conducted within an entirely enclosed building.

(y) Wholesale business means a business primarily engaged in selling merchandise to institutional, commercial, retail or professional businesses or to other wholesalers, but not to the general public, and which may include the warehousing of merchandise and the distribution of merchandise. Such businesses shall be conducted within an entirely enclosed building.

(Ord. 2311. Passed 5-5-99.)

1290.04 PERMITTED USES.

(a) Principal Permitted Uses.

(1) Light industrial uses, including:
   A. Planned light industrial parks.
   B. Flex space buildings.

(2) Research and development, including:
   A. Pilot manufacturing.

(3) Wholesale, warehouse and distribution businesses.

(4) Business, medical and professional offices, including:
   A. Planned office/business parks.

(5) Business, professional and personal services.

(6) Financial institutions.

(7) Commercial uses:
   A. Retail stores, including:
      1. Grocery store/supermarket
      2. General mercantile
      3. Department store
      4. Specialty store.
   B. Recreation and entertainment facilities, including:
1. Bowling alleys
2. Children’s recreation and entertainment facilities
3. Health and exercise centers
4. Movie theaters
5. Skating rinks.

C. Conventional restaurants, including:
   1. Bakeries
   2. Delicatessens
   3. Coffee shops/cafes
   4. Ice cream parlors.

D. Planned commercial developments.

(8) Community facilities.
(9) Child care centers.
(10) Fast food restaurants.
(11) Gas stations.
(12) Private, vocational, business and professional schools.

(b) Accessory Uses.
   1. Bus stop shelters.
   2. Caretaker/security facilities.
   3. Employee cafeteria/dining rooms.
   4. Signage, shared and off-premises.

(c) Prohibited Uses.
   1. Auto pounds.
   2. Bars, taverns and bottle clubs.
   3. Heavy industry.
   5. Pool halls and billiard rooms.
   6. Recycling facilities.
   7. Sexually oriented businesses.

(Ord. 2311. Passed 5-5-99.)

1290.05 PROCEDURES.

(a) Development Plan Required. No building, structure or land within the EastGate District shall be constructed, altered, converted or used except in accordance with an approved final land development plan.

(b) Coordination With Zoning and Subdivision and Land Development Regulations.

(1) Zoning Ordinance. The provisions of this chapter establish the uses of land that are permitted in the EastGate District; size, height, location and bulk and area standards for structures in the EastGate District; population density, density of development and intensity of land use within the EastGate District; requirements for parking, landscaping, open space, signage and other specific design standards applicable to the EastGate District; and provisions for conditional uses potentially permissible in the EastGate District.

(2) Subdivision and Land Development Ordinance. Unless specifically regulated in this chapter, the provisions in the Subdivision and Land Development Ordinance
shall establish that the land is suitable for the purposes and uses proposed within the EastGate District; shall govern the design; improvement and provision of all required public and private improvements within the EastGate District; and shall govern the provision of site, drainage, stormwater management and soil erosion and sedimentation pollution control facilities within the EastGate District.

(c) Required Plans and Procedures.

(1) Preliminary land development plan. A preliminary land development plan for a land development within the EastGate District shall include all contiguous real property within the Municipality and the Borough of Wilkinsburg, which is either held under common ownership or control, or is proposed to be held under common ownership or control. Such plan shall be prepared, submitted and processed in accordance with the requirements of the Subdivision and Land Development Ordinance. If a preliminary land development plan encompasses land within more than one municipality, approval by the Municipality of Penn Hills shall be conditioned upon the applicant providing proof of approval by the Borough of Wilkinsburg.

In addition to the submittal of plans required by Section 1246.06, the applicant shall also provide two copies of the preliminary application to the Borough of Wilkinsburg.

(2) Final land development plan. Applications for final land development plan approval shall be submitted and processed in accordance with the requirements of the Subdivision and Land Development Ordinance.

A. If land is to be subdivided for transfer of ownership, or if land is to be developed by an entity other than the applicant responsible for the preliminary land development plan, the new owner or developer shall be entitled to file the final land development plan.

B. After a preliminary land development plan has been approved, the applicant shall be entitled to approval of the final land development plan, provided that the final land development plan is in accordance with the approved preliminary land development plan, which shall include any conditions attached to the preliminary land development plan approval.

A final land development plan which contains substantial variations from the approved preliminary land development plan shall be considered not in compliance with the approved preliminary land development plan.

C. In addition to the submittal of plans required by Section 1246.07, the applicant shall also provide two copies of the final application to all of the other municipalities which are part of the EastGate District.

(Ord. 2311. Passed 5-5-99.)

1290.06 DESIGN STANDARDS.

(a) Application. The design standards set forth in this section are hereby established for all permitted principal and accessory uses in the EastGate District.

(b) Required Bulk and Area Standards.

(1) Minimum site area:
A. Planned light industrial parks 10 acres
B. Planned office/business parks 10 acres
C. Planned commercial developments 25 acres
D. All other principal permitted uses none

(2) **Maximum lot coverage:**
A. All principal permitted uses, other than planned developments 80%
B. Planned developments 75%

(3) **Minimum separation between structures:**
A. Industrial uses 50 ft.
B. All other principal uses 30 ft.

(4) **Bufferyards:**
A. Any use, abutting a Residential District/use 30 ft.
B. Any use, abutting a planned development 15 ft.

(c) **Maximum Building Height.** No structure shall exceed forty-five feet in height.

(d) **Required Parking.** Parking within the EastGate District shall be provided in accordance with the following requirements:

(1) **General provisions.**
A. Computation. When calculation of the required amount of parking results in a fractional space, a fraction shall be counted as an entire parking space.
B. Location. All required off-street parking shall be reasonably accessible to the uses served.
C. Setbacks. No required off-street parking space, cartway, driving aisle, driveway or loading area may be located within a required bufferyard, or within six feet of a public right-of-way.
D. Access. Each required off-street parking space shall open directly upon an aisle or drive which provides safe and efficient access to a public street.
E. Lighting. All parking areas shall be suitably illuminated for night use. Such lighting shall be designed so that the light does not spill over onto adjacent Residential Districts, properties and/or uses.

(2) **Collective parking.** Off-street parking for separate uses may be provided for collectively. The total amount of parking provided shall not be less than the total amount of parking required for each use, if calculated separately.

(3) **Shared parking.** Shared parking between two or more uses may be permitted under the following conditions: The parties sharing parking shall provide and be subject to a written joint use agreement.

(4) **Design standards.**
A. A required off-street, ninety percent parking space, other than a handicapped-accessible space, shall be nine feet wide by twenty feet deep, exclusive of driving aisles.
B. All drives and parking areas shall be surfaced with bituminous asphalt, concrete pavement or other suitable material, subject to approval by the Municipal Engineer.
C. Concrete curbing shall be provided along the perimeter of all paved areas, including parking lots and drives. Curbing requirements may be modified where necessary for control of stormwater runoff, as part of an approved stormwater management plan.
D. Finished grades on parking lots shall not exceed five percent cross-slope, or
seven percent longitudinal, except handicapped accessible spaces, which may not exceed two percent in any direction.

E. Parking areas shall be designed so that vehicles in parking spaces do not overhand sidewalks, public streets or public rights-of-way.

F. No required off-street parking space shall be located so as to result in vehicles backing directly from the space into a public street or right-of-way.

G. For ninety degree parking with two-way circulation, the minimum required width of abutting driving aisles is twenty-two feet. For angled parking with one-way circulation, the minimum required width is eighteen feet.

H. Traffic controls, including striping, pavement markings and traffic control signs, shall be provided, as necessary, to direct and control the movement of vehicles and pedestrians safely and efficiently.

I. Treatment and appearance of roads, drives and parking areas throughout the EastGate District shall be generally consistent, in regard to materials, finishes and curbing.

(5) Required number of parking spaces.
A. Commercial retail stores, less than 25,000 square feet of gross floor area (SF GFA): 1 space per 250 SF GFA.

B. Commercial retail stores 25,000 square feet or larger, and planned commercial developments: 4.5 parking spaces per 1,000 SF GFA.

C. Business and professional offices shall provide the following minimum number of spaces:
   1. Ground floor: 1 space per 200 SF GFA
   2. Additional floors: 1 space per 350 SF GFA

D. Medical offices: 1 space per examining room or doctor’s office, whichever amount is greater, plus 1 space per each employee at peak shift.

E. Business and professional services: 1 space per 300 SF GFA.

F. Financial institutions: 1 space per 250 SF GFA.

G. Industrial: 1 space per 800 SF GFA or 1 space per employee at peak shift, whichever is greater.

H. Recreation and entertainment facilities shall be as follows:
   1. Bowling alleys: 3 spaces per lane
   2. Health and exercise centers: 1 space per 3 users, as determined by the maximum lawful capacity of the facility, plus 1 space per two employees at peak shift.
   3. Movie theaters: 1 space per 4 seats
   4. All other uses: 1 space per 300 SF GFA or 1 space per 3 occupants at maximum legal occupancy, whichever is greater.

I. Research and development: 1 space per office, plus 1 space per 800 SF GFA.

J. Restaurants shall be as follows:
   1. Conventional restaurants: 1 space per 3 seats, plus one space per employee at peak shift
   2. Fast food restaurants: 1 space per 100 SF GFA, plus 5 spaces.

K. Wholesale, warehouse and distribution businesses: 1 space per office, plus 1 space per 1,500 square feet.

L. Other uses not listed here shall be as determined by the planning agency.

(6) Handicapped-accessible parking spaces:
A. Location. Handicapped-accessible parking spaces shall be located as close as
possible to a handicapped-accessible building entrance and access route.

B. Gradient. The gradient on all handicapped-accessible parking spaces and related access routes shall be as required by the Americans with Disabilities Act Handbook.

C. Dimensions. Each handicapped-accessible parking space shall be at least thirteen feet wide by nineteen feet long. One of every eight handicapped-accessible parking spaces shall be at least sixteen feet wide, for van access.

D. Signage. Handicapped-accessible parking spaces shall be designated by signs, which shall state that the space is reserved by law for the physically handicapped. Such signs shall be located so that they are not obscured by a vehicle parked in the space.

E. Required number of spaces:

<table>
<thead>
<tr>
<th>Total Required Parking Spaces</th>
<th>Handicapped-Accessible Parking Spaces (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 - 50</td>
<td>2</td>
</tr>
<tr>
<td>51 - 75</td>
<td>3</td>
</tr>
<tr>
<td>76 - 150</td>
<td>4</td>
</tr>
<tr>
<td>151 - 250</td>
<td>5</td>
</tr>
<tr>
<td>251 - 350</td>
<td>6</td>
</tr>
<tr>
<td>351 - 450</td>
<td>7</td>
</tr>
<tr>
<td>451 - 600</td>
<td>8</td>
</tr>
<tr>
<td>601 and over</td>
<td>2% of total</td>
</tr>
</tbody>
</table>

(Ord. 2311. Passed 5-5-99.)

1290.07 OFF-STREET LOADING.

Off-street loading shall be provided as required by Section 1278.02, with the following modification: No required loading berth or space may be located within a required bufferyard.

(Ord. 2311. Passed 5-5-99.)

1290.08 SIDEWALKS.

Sidewalks shall be provided in accordance with Section 1278.07 and in accordance with the following provision: Treatment of sidewalks required by this chapter shall be consistent throughout the EastGate District site, in regard to materials, finishes, curbing or other edge treatment, drainage, typical pavement section and other related construction details.

(Ord. 2311. Passed 5-5-99.)

1290.09 LANDSCAPING.

All required bufferyards and other areas of the site which are not occupied by buildings, pavement or other structures shall be landscaped with trees, shrubs, grasses, groundcovers and other herbaceous plants, in accordance with the minimum requirements of Sections 1278.13(a) and (d).

(a) At least one tree per 500 square feet of gross floor area (SF GFA) shall be provided.

(b) For any parking lot with an area of 6,000 square feet or more, or containing fifteen or more spaces, interior landscaping shall be provided in curbed islands or peninsulas.

1. The amount of interior landscaping required under this subsection shall be not less
than ten percent of the total area of the parking lot.

(2) Required landscaped islands or peninsulas shall have a minimum area of 160 square feet, and shall not be less than 8.5 feet in width, length or diameter.

(3) The number, design and location of the required interior landscape islands may be decided by the applicant, but the following purposes, goals and design guidelines shall be considered:

A. Large, unbroken expanses of asphalt should be avoided, to mitigate and/or reduce the effects of reflected heat, glare and sweeping winds.

B. Demonstrable reduction in stormwater run-off should be accomplished.

C. Providing adequate soil volume and surface area in the landscape islands, to ensure that the trees and other plantings will receive adequate moisture, nutrients and oxygen, should be considered.

D. Protecting the plantings from physical damage that may result from excessive pruning, salt and de-icing agents, car doors, shopping carts, vandalism and other such incidents, should be considered.

E. The use of landscaped islands to control and guide both vehicular and pedestrian circulation should be considered.

(4) The size of required trees shall be as follows: large, deciduous shade trees, including ash, oak, maple and honey locust, shall have a minimum caliper of 2.5 to 3.5 inches. Smaller ornamental trees, including Bradford pears, hawthorns, ornamental crabapples, cherries and plums shall have a minimum caliper of two to 2.5 inches. Evergreens shall be a minimum of four feet in height.

(5) Species chosen shall be appropriate to the location and the purpose, considering factors such as microclimatic conditions (sun, shade, sweeping winds, reflected heat), soil conditions, sensitivity to salt and de-icing agents, ultimate size of the plant, habit of growth, aesthetic value and disease tolerance.

(Ord. 2311. Passed 5-5-99.)

1290.10 APPLICATION OF OTHER ZONING REGULATIONS.

Unless specifically regulated in this chapter, all other provisions of Chapters 1260, 1262, 1264 and 1266, Sections 1276.02, 1276.03, 1278.04, 1278.07, 1278.08 and 1278.10 to 1278.19, and Chapter 1286, shall also apply to all uses and all lots and lands within the EastGate District.

(Ord. 2311. Passed 5-5-99.)
CHAPTER 1292
Forestry Regulations

1292.01 Scope; applicability.
1292.02 Notification; preparation of a logging plan.
1292.03 Contents of the logging plan.
1292.04 Forest practices.
1292.05 Responsibility for road maintenance and repair; road bonding.

1292.01 SCOPE; APPLICABILITY.
These regulations have been established to encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land throughout the Municipality. Forestry activities, including timber harvesting, shall be a permitted use by right in residential, business, and industrial zoning districts. These forestry activities shall be conditional uses and must be in compliance with Chapter 1280. Sections 1292.01 through 1292.05 shall also apply to all timber harvesting within the Municipality when activity involves the removal of more than six (6) trees that exceed six (6) inches in caliper. These provisions do not apply to the cutting of trees for agricultural purposes, for imminent land development applications approved by the Planning Commission or the Department of Economic Development, or to improve the utility, appearance or safety of the property. Permits for this type of work are subject to the provisions of Section 10.11.G (3) of Ordinance 2121.
(Ord. 2382. Passed 9-18-02.)

1292.02 NOTIFICATION; PREPARATION OF A LOGGING PLAN.
(a) Notification of Commencement or Completion. For all timber harvesting operations, the landowner shall notify the Enforcement Officer at least five (5) business days before the operation commences and within two (2) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

(b) Logging Plan. Every landowner on whose land timber harvesting is to occur shall arrange for and submit a written logging plan in the form specified by the Subdivision and Land Development Ordinance. A logging plan shall be submitted for every timber harvesting project, shall be prepared by a person with specific knowledge of the forestry industry, and shall be specific

2005 Replacement
to the site in question. No timber harvesting shall occur until the plan has been prepared and approved by the Planning Commission in conjunction with site plan approval as described in Section 11.5.P (3) of Ordinance 2121. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Enforcement Officer.

(c) **Responsibility for Compliance.** The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

(Ord. 2382. Passed 9-18-02.)

1292.03 **CONTENTS OF THE LOGGING PLAN.**

(a) **Minimum Requirements.** As a minimum, the logging plan shall include the following:

1. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings;
2. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars;
3. Design, construction, and maintenance of stream and wetland crossings; and
4. The general location of the proposed operation in relation to Municipal and State highways, including any accesses to those highways.

(b) **Map.** Each logging plan shall include a sketch map or drawing containing the following information:

1. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
2. Significant topographic features related to potential environmental problems;
3. Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
4. Location of all crossings of waters of the Commonwealth; and
5. The general location of the proposed operation to Municipal and State Highways, including any accesses to those highways.

(c) **Compliance with State Law.** The logging plan shall address and comply with the requirements of all applicable State regulations including, but not limited to, the following:

1. Erosion and sedimentation control regulations contained in Title 25 Pa. Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. § 691.1 et seq.); and
(2) Stream crossing and wetlands protection regulations contained in Title 25 Pa. Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1 et seq.).

(d) Relationships of State Laws, Regulations, and Permits to the Logging Plan. Any permits required by State laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pa. Code, Chapter 102 shall also satisfy the requirements for the logging plan and associated map specified in divisions (a) and (b) of this section, provided that all information required by these divisions is included or attached.


1292.04 FOREST PRACTICES.
The following requirements shall apply to all timber harvesting operations in the Municipality.

(a) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Municipality or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

(b) No tops or slash shall be left within one hundred (100) feet of any public thoroughfare or private roadway providing access to adjoining residential property.

(c) All tops and slash between twenty-five (25) and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property, or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the ground.

(d) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

(e) Litter resulting from a timber harvesting operation shall be removed from the site before the operator vacates it.


1292.05 RESPONSIBILITY FOR ROAD MAINTENANCE AND REPAIR; ROAD BONDING.
Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to the Municipality roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

TITLE TWO - Building Regulations
  Chap. 1422. Registration of Contractors.
  Chap. 1424. Grading, Excavation and Fill.
  Chap. 1428. Swimming Pools.
  Chap. 1432. Rental Income Property.
  Chap. 1436. Flood Control.
  Chap. 1437. Campaign Signs.
  Chap. 1438. Factory-Built Fireplaces.

TITLE FOUR - Electrical Regulations

TITLE SIX - Plumbing Regulations
  Chap. 1460. Plumbing and House Drainage.

TITLE EIGHT - Housing Regulations
  Chap. 1480. BOCA Basic/National Existing Structures Code.
  Chap. 1482. Housing Rehabilitation Program.
CODIFIED ORDINANCES OF PENN HILLS

PART FOURTEEN - BUILDING AND HOUSING CODE

_________________________________

TITLE TWO - Building Regulations
Chap. 1422. Registration of Contractors.
Chap. 1424. Grading, Excavation and Fill.
Chap. 1428. Swimming Pools.
Chap. 1432. Rental Income Property.
Chap. 1436. Flood Control.
Chap. 1437. Campaign Signs.
Chap. 1438. Factory-Built Fireplaces.

CHAPTER 1420
Construction Code

EDITOR'S NOTE: Ordinance 1886, passed July 15, 1985, repealed in its entirety the old Building Code of the Municipality, being Ordinance 1886, passed July 15, 1985, repealed in its entirety the old Building Code of the Municipality, being Ordinance 1434, passed October 6, 1975, re-adopted by Ordinance 1449, passed January 19, 1976, which was previously separately published and therefore included in these Codified Ordinances as an insert. Prior to the adoption of Ordinance 1886, Ordinance 1434 had been amended by Ordinances 1478 (March 7, 1977) and 1588 (November 5, 1979) and Resolution 70-1980 (August 6, 1980).

1420.01 Construction Code.
1420.02 Amendments.
1420.03 Administration and enforcement.
1420.04 Board of Appeals.
1420.05 Conflicts and fees.
1420.06 Permit fees.
1420.07 Fee for appeals.

CROSS REFERENCES
Codes of technical regulations - see CHTR. Art. XII, § 5
Building and Housing Code - see CHTR. Art. XVII, § 5
Department of Code Enforcement - see ADM. Ch. 238
Grading, excavation and fill - see B. & H. Ch. 1424
Placement of buildings and structures in flood prone areas - see B. & H. 1436.06(d)
National Electrical Code - see B. & H. Ch. 1440

2005 Replacement
1420.01 CONSTRUCTION CODE.

(a) The Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. Sections 7210.101 - 7210.1103, as amended from time to time, and its regulations.

(b) The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 - 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Penn Hills Building Code of this Municipality.

(Ord. 2412. Passed 4-7-04; Ord. 2452. Passed 7-11-06.)

1420.02 AMENDMENTS.

CHAPTER 9 FIRE PROTECTION SYSTEMS

Section 904.1 Where required: Automatic fire suppression systems shall be required by this code, and in the locations indicated in Sections 904.2 through 904.11. Additionally, and when otherwise not required, an automatic fire sprinkler system, designed in accordance with Section 906.0 shall be required for any new construction of any building in excess of 5,000 square feet of gross floor area.

Exceptions


Section 918.4 Where required: A fire alarm system shall be installed and maintained in full operating condition in all new or remodeled structures of 3,000 square feet or more and in the locations described in Sections 918.4.1 through 918.4.6.

Section 919.4 Where required: An automatic fire detection system shall be installed and maintained in full operating condition in all new or remodeled structures of 3,000 square feet or more and in the locations described in Sections 919.4.1 through 919.4.4.

CHAPTER 34 EXISTING STRUCTURES

Section 3408.2.1 Change in use group: Where an existing building is changed to a new use group classification and this section is applicable, the provisions of this section for the new use group shall be used to determine compliance with this code.
Exception

This section shall not require the installation of automatic fire sprinkler systems as described in Section 904.1, alarm systems as described in Section 918.4, or detection systems as described in Section 919.4, for changes from B to M use groups or M to B use groups.

(Ord. 2292. Passed 5-6-98.)

1420.03 ADMINISTRATION AND ENFORCEMENT.

Administration and enforcement of the Code within this Municipality shall be undertaken by the Director of Code Enforcement. The Department of Code Enforcement is hereby designated as the department responsible for enforcement of the provisions of this Code, and executive officials in charge thereof shall be known as the Director of Code Enforcement and his or her designated code enforcement officers. All reference to the term "building official" and "code official" shall include the Director of Code Enforcement, code enforcement officers, and the Planning Department Housing Coordinator.

(Ord. 2412. Passed 4-7-04; Ord. 2452. Passed 7-11-06.)

1420.04 BOARD OF APPEALS.

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

(Ord. 2412. Passed 4-7-04; Ord. 2452. Passed 7-11-06.)

1420.05 CONFLICTS AND FEES.

(a) (1) All ordinances which were adopted by this Municipality on or before July 1, 1999, and which equal or exceed the requirements of the Code shall be repealed. These shall included Sections 904.1, 918.4, 919.4, and 3408.2.1 of Ordinance 2292 which have been adopted as local amendments to the 1996 BOCA Code and which are now removed.

(2) All building code ordinances or portions of ordinances which are in effect as of the effective date of Ordinance 2452, and whose requirements are less than the minimum requirements of the Code, are hereby amended to conform with the comparable provisions of the Code.

(3) All relevant ordinances, regulations, and policies of this Municipality not governed by the Code shall remain in full force and effect.

2007 Replacement
(b) Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this chapter and the Code shall be established by the governing body by resolution from time to time.
(Ord. 2412. Passed 4-7-04; Ord. 2452. Passed 7-11-06.)

1420.06 PERMIT FEES.
(a) Fees for a sign permit shall be as follows:
   (1) Business signs: one dollar ($1.00) per square foot.
   (2) Residential signs: one dollar ($1.00) per square foot.
   (3) Advertising signs and billboards: one hundred dollars ($100.00) annually.
   (4) New billboards: five hundred dollars ($500.00).
   (5) Minimum fee for any sign: fifteen dollars ($15.00).

No occupancy permit shall be required.

(b) The fee for demolition of a building or structure shall be, for a single-family home, twenty-five dollars ($25.00), and for all other buildings and structures, four dollars ($4.00) per one thousand dollars ($1,000) of demolition costs, with a minimum fee of fifty dollars ($50.00). No occupancy permit shall be required.

c) The fee for special inspections shall be the cost to the Municipality.

d) The fee for a building permit shall be five dollars ($5.00) for one thousand dollars ($1,000), or fraction thereof, of total construction costs. No permit shall be required for improvements of two thousand dollars ($2,000) or less. The minimum fee shall be twenty-five dollars ($25.00). Occupancy permits shall be required.
(Res. 70-1980. Passed 8-6-80; Ord. 1914. Passed 12-16-85; Ord. 2026. Passed 1-3-89; Ord. 2146. Passed 6-7-93.)

e) Other building permit fees are as provided in the Pennsylvania Construction Code and the Uniform Construction Code, as adopted in Section 1420.01, and in Section 1424.05 of this Part Fourteen - Building and Housing Code. The fee for an occupancy permit is as provided in Section 1262.07.

1420.07 FEE FOR APPEALS.
The fee for an appeal under this Building Code is two hundred dollars ($200.00).
(Ord. 2026. Passed 1-3-89.)
CHAPTER 1422
Registration of Contractors

1422.01 Contractor defined.
1422.02 Registration required.
1422.03 Information required.
1422.04 Registration fee.

CROSS REFERENCES
Bid opening procedures - see ADM. Ch. 210.06
Contracts and purchases generally - see ADM. Ch. 252
Street construction - see S.U. & P.S. Ch. 1020
Sidewalk construction - see S.U. & P.S. Ch. 1028
National Electrical Code - see B. & H. Ch. 1440
Plumbing and house drainage - see B. & H. Ch. 1460

1422.01 CONTRACTOR DEFINED.
As used in this chapter, ”contractor” means any person, partnership, firm, association, corporation, group of persons or other legal entity who or which performs work for a fee within the Municipality that would require a building permit, a street opening permit, a sanitary sewer tap-in permit or a construction contract with the Municipality or the Penn Hills School District, including, but not limited to, street reconstruction, street resurfacing, sanitary sewer construction, storm sewer construction, waterline construction, guardrail construction, retaining wall construction, sidewalk construction and similar construction activity.
(Ord. 2081. Passed 3-4-91.)

1422.02 REGISTRATION REQUIRED.
No contractor, as defined in Section 1422.01, shall perform any work within the Municipality without first having registered with the Penn Hills Department of Code Enforcement. Such registration shall be required annually before the performance of any work within the calendar year.
(Ord. 2081. Passed 3-4-91.)

1422.03 INFORMATION REQUIRED.
A contractor shall register by completing a form provided by the Penn Hills Department of Code Enforcement. A contractor shall provide information regarding ownership, business office
location, telephone numbers, number of employees, type of work performed by the contractor, proof of tax registration, types of licenses in the possession of the contractor and/or the contractor’s employees and any other information required by the Department of Code Enforcement as it deems necessary.

(Ord. 2081. Passed 3-4-91.)

1422.04 REGISTRATION FEE.

A contractor shall be required to pay a fee of twenty dollars ($20.00), or an otherwise appropriate fee as may be established by resolution from time to time by Council, in order to defray the cost of administration and publication.

(Ord. 2081. Passed 3-4-91.)

1422.05 RULES AND REGULATIONS; ENFORCEMENT.

The Department of Code Enforcement is hereby authorized, empowered and directed to make reasonable rules and regulations for the administration and enforcement of this chapter.

(Ord. 2081. Passed 3-4-91.)

1422.99 PENALTY.

(EDITOR’S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 1424
Grading, Excavation and Fill

EDITOR'S NOTE: Resolution 85-077, passed October 7, 1985, adopted a storm water run-off policy and agreement between Municipality and private landowners and developers.

1424.01 Title, purpose and definitions.
1424.02 Conformity required.
1424.03 Permits required.
1424.04 Permit application.
1424.05 Permit fees; work completion guarantee.
1424.06 Expiration of permit.
1424.07 Denial of permit; appeal.
1424.08 Inspections.
1424.09 Standards for excavations.
1424.10 Standards for fills.
1424.11 Slope treatment; ground covering.
1424.12 Standards for compaction of fills and benching.
1424.13 Drainage.
1424.14 Maintenance.
1424.15 General requirements.
1424.16 Completion of grading or fill; certificate of completion.
1424.17 Violation and notification.
1424.18 Equitable remedies.
1424.19 Multiple violations.
1424.99 Penalty.

CROSS REFERENCES
Excavations in public property - see S. U. & P. S. Ch. 1024
Excavating, grading and site preparation in site development plans - see P. & Z. 1220.12
Landscaping in site development plans - see P. & Z. 1220.16 et seq.

1424.01 TITLE, PURPOSE AND DEFINITIONS.
(a) Title. This chapter shall be known and may be cited as the Penn Hills Grading Ordinance.

(b) Purpose. The purpose of this chapter is to provide minimum standards to safeguard persons, to protect property and to promote the public welfare by regulating the design, construction, quality of materials, use, location and maintenance of grading, excavation and fill.

(c) Definitions. As used in this chapter:
(1) Building permit means a permit issued by the Department of Code Enforcement, pursuant to the provisions of the Building Code.
(2) Excavation means any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and includes the conditions resulting therefrom. Excavation does not
mean an act to remove subsurface minerals or other materials, which act takes place solely underground.

(3) Fill means any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and includes the conditions resulting therefrom.

(4) Grade means the elevation of the existing ground surface at the location of any proposed excavation or fill.

(5) Grading means excavation or fill or any combination thereof and includes the conditions resulting from any excavation or fill.

(6) Person means a natural person, but also includes a partnership or corporation and their heirs, successors and assigns.

(7) Site means a lot, tract or parcel of land, or a series of lots, tracts or parcels of land joined together, where grading work is continuous and performed at the same time.

(8) Municipal Engineer or Engineer means the Engineer appointed by Council.

1424.02 CONFORMITY REQUIRED.
New grading, excavations and fills, and changes, additions, repairs or alterations made to existing excavations and fills, shall conform to the provisions of this Chapter.
(Ord. 1280. Passed 8-3-70.)

1424.03 PERMITS REQUIRED.
(a) No person shall commence or perform any grading, excavation or fill without first obtaining a grading permit from the Engineer. A separate grading permit shall be required for each site. One permit may cover both an excavation and any fill made on the same site.

(1) A grading permit shall be issued where grading is limited to mining, quarrying or stockpiling of coal, rock, sand, aggregate or clay that satisfies the requirements of the regulations of the Commonwealth, upon receipt of plans approved by the appropriate department of the Commonwealth, provided such operation has had prior approval by the proper Municipal authorities.

(2) A grading permit shall be issued where grading is limited to solid waste disposal areas or sanitary landfills, operated in accordance with the requirements and rules adopted by the Commonwealth Department of Environmental Resources and the County Department of Health, upon receipt of plans approved by such Departments, provided that such operation has had prior approval by the proper Municipal authorities.

(b) A grading permit shall not be required in the following situations, but in all other respects the provisions of this chapter shall apply:

(1) An excavation which does not exceed five feet in vertical depth at its deepest point measured from the natural ground surface, does not result in cut and/or fill slopes deeper than four horizontal to one vertical and does not cover an area of more than 1,000 square feet in areas of landslide prone soils; and

(2) An excavation which does not exceed ten feet in vertical depth, does not result in a cut and/or fill slope steeper than three horizontal to one vertical and does not exceed an area of 5,000 square feet in areas of soils that are certified by a soils engineer as not being landslide prone. These exceptions shall not affect the applicability of this chapter to, or the requirement of a grading permit for, any fill made with the material from such excavation, unless such fill is within the exception of paragraph
(b)(3) hereof.

(3) A fill that does not exceed 500 cubic yards of material on any one site and a fill that does not exceed ten feet in vertical depth at its deepest point measured from the natural ground surface and does not cover an area of more than 5,000 square feet, provided that the surfaces of such fills do not have a slope at any point steeper than three horizontal to one vertical;

(4) An excavation below finished grade for basements and footings of a building, swimming pool or underground structure authorized by a building permit, and excavation of a driveway between a building site and the street, provided, however, that a permit is required for excavation of a driveway between the building site and the street when conditions such as excessive cut or fill make such permit necessary. This exception shall not affect the applicability of this chapter to, or the requirement of a grading permit for, any fill made with the material from such excavation unless such fill is within the exception of paragraph (b)(2) hereof. A grading permit shall not be required for the temporary stockpiling on the same site of the material from such excavation.

(5) A single-family house site where the maximum gradient between property lines and the maximum excavation or fill, exclusive of the situations referred to in paragraph (b)(3) hereof, do not exceed the grades or quantities set forth in the following table:

<table>
<thead>
<tr>
<th>Single Family House Site (sq. ft.)</th>
<th>Maximum Gradient Without Permit (ft.)</th>
<th>Or Fill Without Permit (cu. yds.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 6,000</td>
<td>12 in 100</td>
<td>75</td>
</tr>
<tr>
<td>From 6,000 to 10,000</td>
<td>15 in 100</td>
<td>100</td>
</tr>
<tr>
<td>From 10,001 to 18,000</td>
<td>15 in 100</td>
<td>200</td>
</tr>
<tr>
<td>From 18,001 to 30,000</td>
<td>15 in 100</td>
<td>250</td>
</tr>
<tr>
<td>Over 30,000</td>
<td>20 in 100</td>
<td>250</td>
</tr>
</tbody>
</table>

(Ord. 1416. Passed 11-4-74.)

1424.04 PERMIT APPLICATION.

Every applicant for a grading permit shall file a written application therefor with the Director of Code Enforcement. Such application shall:

(a) Describe the land on which the proposed work is to be done by lot, block, tract or street address or similar description which will readily identify and definitely locate the proposed work;

(b) Be accompanied by plans and specifications prepared by a registered professional engineer or a registered surveyor, including: a contour map on a scale of one inch equals ten to fifty feet, showing the present contours of the land on five-foot intervals and the proposed contours on five-foot intervals of the land after completion of the proposed grading and a plan showing cross-sections of the proposed cut or fill on 100-foot intervals which show the method of benching both cut and/or fill; however, under no circumstances shall there be less than two cross-sections for each property involved under such permit; a plot plan showing the location of the grading, boundaries, lot lines, neighboring streets and alleys, buildings, trees over fifteen inches in diameter two feet above the ground, or tree clusters, and sufficient dimensions and other data to show the location of all work; descriptions of the type and classification of the soil; details and location of any proposed drainage structures and pipes, walls and cribbing; location of any and all existing public or private utilities; existing drainage pattern; mine openings, capped wells and other pertinent physical features; the nature of fill material; and such other information as the engineer requires to carry out the purposes of this chapter. All
plans shall be dated and bear:
(1) The name and seal of the registered professional engineer or registered surveyor who prepared the same;
(2) The name of the applicant; and
(3) The owner of the land. Plans shall be submitted in triplicate.
(c) State the estimated dates of the starting and completion of the grading work;
(d) State the purpose for which the grading application is filed; and
(e) State whether or not a building, structure or other improvement, the construction of which will require a building permit under the Building Code, will be or is intended to be erected on the land on which the grading is to be done. The Engineer may waive or modify the requirement of any or all plans and specifications listed above if he finds that the information on the application is sufficient to show that the work will conform to the provisions of this chapter.
(Ord. 1280. Passed 8-3-70.)

1424.05 PERMIT FEES; WORK COMPLETION GUARANTEE.
(a) At the time an application for a grading permit is submitted, the applicant shall pay to the Municipality an application review fee as follows:

<table>
<thead>
<tr>
<th>Volume of Material (Cu. Yds.)</th>
<th>Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 1,000</td>
<td>$100.00</td>
</tr>
<tr>
<td>Each additional 1,000</td>
<td>50.00</td>
</tr>
<tr>
<td>Maximum fee</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

Escrow Agreements and Bonds
For each agreement or bond $10.00

(b) Before issuance of a grading permit involving the movement of a volume of material of 1,000 cubic yards or more, the applicant shall post a bond with corporate surety or other approved security as set forth in Section 1424.10(c), in the amount of twenty-five percent of the estimated cost of the work, to guarantee the completion of such work, including slope treatment and drainage, contemplated by the permit. Additional bond requirements are established in Sections 1424.10(c) and 1424.15(a). In the event that the applicant will move or grade so much land or area that a formal agreement will be required by Council, then such agreement shall be prepared by the applicant at his own cost and expense and shall be approved as to form by the Municipal Attorney.
(Ord. 1280. Passed 8-3-70; Res. 70-1980. Passed 8-6-80; Ord. 1914. Passed 12-16-85; Ord 2026. Passed 1-3-89; Ord. 2146. Passed 6-7-93.)

1424.06 EXPIRATION OF PERMIT.
Every grading permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within six months or is not completed within one year from the date of issue, provided that the Municipal Engineer may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented the work being started or completed within the specified time limits, grant a reasonable extension of time, and provided, further, that the application for the extension of time is made before the date of expiration of the permit.
(Ord. 1280. Passed 8-3-70.)

1424.07 DENIAL OF PERMIT; APPEAL.
Where, in the opinion of the Municipal Engineer, the work as proposed by the applicant is likely to endanger any property or any street or alley, he shall deny the grading permit.

Council shall consider promptly appeals from the provisions of this chapter or from the determinations of the Municipal Engineer and may consider alternate methods, standards or materials proposed by the applicant. Any applicant or permit holder shall have the right to appeal to any court of competent jurisdiction from any decision or determination of Council.

(Ord. 1280. Passed 8-3-70.)

1424.08 INSPECTIONS.

The Municipal Engineer or his authorized representative shall, when requested, make the inspections hereinafter required and shall either approve that portion of the work which has been completed or notify the permit holder when the same fails to comply with the provisions of this chapter. Where it is found by inspection that the soil or other conditions are not as stated or shown in the application, the Municipal Engineer may refuse to approve further work until approval is obtained for a revised grading plan conforming to the existing conditions. Plans for grading work, approved by the Municipal Engineer, shall be maintained at the site during the progress of the grading work until the work has been approved.

The permit holder shall notify the Director of Code Enforcement in order to obtain inspections in accordance with the following schedule and such notification shall be made by the permit holder at least twenty-four hours before the inspection is to be made:

(a) **Initial Inspection.** When work on the excavation or fill is about to be commenced;
(b) **Rough Grading.** When all rough grading has been completed;
(c) **Drainage Facilities.** When drainage facilities are to be installed and before such facilities are backfilled;
(d) **Special Structures.** When excavations are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured; and
(e) **Final Inspection.** When all work, including the installation of all drainage and other structures, has been completed.

If, at any stage of the work, the Municipal Engineer determines by inspection that the nature of the formation is such that further work as authorized by an existing permit is likely to endanger any property, street or alley, or create hazardous conditions, the Engineer may suspend operations. The Engineer may require, as a condition to allowing the work to continue, that the permit holder take reasonable safety precautions to avoid such likelihood of danger. Safety precautions may include, but are not limited to, specifying a flatter exposed slope and construction of additional drainage facilities, berms, terracing, compaction, cribbing or walls.

The cost for all inspections shall be borne by the owner of the land at rates established by the Municipality.

(Ord. 1280. Passed 8-3-70.)

1424.09 STANDARDS FOR EXCAVATIONS.

No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical, except under one or more of the following conditions:

(a) The excavation is located so that a line having a slope of two horizontal to one vertical and passing through any portion of the cut face will be entirely inside the property lines of the property on which the excavation is made.

(b) A written statement from a registered professional engineer, licensed by the Commonwealth and experienced in soils engineering, certifying that he has inspected the site and that the material in which the excavation is to be made is sufficiently stable to sustain a slope steeper than two horizontal to one vertical and that such steeper slope will not endanger any property or result in property damage, is submitted to and approved by
the Municipal Engineer.

(c) In no event shall the slope be steeper than one horizontal to one vertical unless a retaining wall or other approved support, designed by and bearing the seal of a professional engineer and approved by the Municipal Engineer, is provided to support the face of the excavation.

(Ord. 1280. Passed 8-3-70.)

1424.10 STANDARDS FOR FILLS.

(a) No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except under one or more of the following conditions:

(1) The fill, in the opinion of the Municipal Engineer, is located so that settlement, sliding or erosion of the fill material will not result in property damage or be a hazard to adjoining property, streets, alleys or buildings.

(2) A written statement from a registered professional engineer, licensed by the Commonwealth and experienced in soils engineering, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Municipal Engineer. The Municipal Engineer may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical if he finds that under the particular conditions such flatter surface is necessary for stability and safety.

(b) Fills, embankments and finish grading shall be designed in accordance with the following:

(1) The bearing value and stability of the material under proposed fills and embankments shall be determined by subsurface investigation performed by a qualified registered professional engineer because of the potential for unexpected conditions in earth materials and a possibility of earth movement.

(2) The type of fill material available in each stage of the grading operations shall be determined in order to plan proper filling procedures.

A. Broken concrete, concrete block, cinder block, brick, slag and stone may be incorporated in fills and embankments, but only in layers twenty-four inches thick, maximum, as per Commonwealth Department of Transportation Specifications, Form 408, 1973, Section 206.3(d), or later specifications which the Commonwealth may adopt, with voids filled and a blanket of compacted fill separating one layer of rock from the next. Rock fill shall be placed near the bottom of fill and in relation to the toe of the proposed embankments, building foundations, building caissons and subsurface utility installations. Suitable earth shall be reserved or be provided to cover rock fill under proposed seeded or planted areas.

B. Coal, honey, red-dog, expansive shale and cinders shall not be placed in fill areas.

C. Wood or decomposable material shall not be placed in fill areas.

(3) All organic debris and all topsoil shall be removed from areas to receive fill.

(4) On major fills or embankments, as determined by the Municipal Engineer, a toe bench shall be constructed below mantle under the toe of fill, as per Section 1424.12.

(5) To take care of ground and subsurface water in the proposed fill area, a porous drain shall be installed on the bottom and back wall of the toe bench, together with a drain pipe and suitable discharge pipe to the existing surface beyond and below the toe of the proposed fill.
Overfilling of slopes is desirable to permit final shaping of the surface to the proposed grade without the addition of loose fill over the surface of the slope, provided that no fill shall be higher than six feet vertically before the slope is shaped to proper grade.

At the end of each work day, the horizontal surface of the fill area shall be shaped, compacted and rolled to slope to the outside edge to provide for drainage.

(c) No grading permit shall be issued for the filling of materials other than clean soil or earth, until a faithful performance bond in the amount of at least ten percent more than the Municipal Engineer’s estimated cost of adequately covering such fill with clean soil or earth, has been furnished to the Municipality. Such bond shall be executed by a corporate surety, as well as by the principal, and shall be subject to the approval of the Municipal Attorney as to form. The bond shall inure to the benefit of the Municipality and be conditioned upon the faithful performance of the work required under the terms and conditions of the grading permit to the satisfaction of the Municipal Engineer. In lieu of such bond, a cash deposit in the same amount may be made with the Municipality or with a bank or trust in the same amount may be made with the Municipality or with a bank or trust company, approved by the Municipal Attorney, which shall act as escrow agent.

1424.11 SLOPE TREATMENT; GROUND COVERING.

In order to prevent erosion, the permittee shall be required to provide adequate ground covering of such kind and character as may be approved by the Municipal Engineer. For slopes steeper than three horizontal to one vertical, the ground covering shall be an approved mixture of Crown Vetch and tall fescue. These areas shall be mulched in an approved manner. The ground covering for other slopes shall be either grass, Crown Vetch or other approved variety of vegetation.

The completion of fills, embankments and finish grading should be done during a season of the year when turf or ground cover can best be established.

1424.12 STANDARDS FOR COMPACTION OF FILLS AND BENCHING.

All fills shall be compacted to provide stability of material and to prevent undesirable settlement. Except as provided in Section 1424.10(b)(2), the fill shall be spread in a series of layers, each not exceeding eight inches in thickness, and shall be compacted by a sheepsfoot roller or other approved method after each layer is spread. Fill should be placed at the optimum moisture content for the specified degree of compaction. The Municipal Engineer may require, at no cost to the Municipality, tests or other information if, in his opinion, the conditions or materials are such that additional information is necessary. Where fills are placed on slopes of five percent or more, benching of the surface shall be required and indicated on the cross sections.

1424.13 DRAINAGE.

(a) Adequate provisions shall be made to prevent any surface water from damaging the cut face of an excavation or the sloping surface of a fill.

(b) The drainage pattern prior to construction shall be indicated on the plans, and adequate measures shall be taken to eliminate any erosion and water runoff damage to adjacent properties during the construction and after completion of construction.

(c) The necessary storm sewers, catch basins, drainage ditches and swales to protect adjacent properties shall be constructed before the property to be graded is cleared and grubbed and before
any excavation or filling is started. The storm sewers, catch basins, drainage ditches and swales must be maintained, cleaned, cleared and open during construction. If the above is not complied with, the Municipal Engineer shall stop all clearing and grading on the site until the necessary drainage facilities are completed, or the permit shall be revoked and the required bond shall be forfeited.

(d) Drainage ditches shall be constructed at the toe and top of cut and ahead of fill slopes to divert the surface water to drainage facilities during and after construction.

(e) New storm sewers and other facilities and utilities traversing a proposed fill area shall be buried a minimum of three feet from the top of the pipe to the existing grade, or the fill shall be constructed in that area prior to excavating for the installation of such sewers and utilities. The minimum size storm sewer shall be fifteen inches in diameter unless a variation in size is approved by the Municipal Engineer.

(f) Slopes steeper than two horizontal to one vertical and of more than fifteen feet in vertical height shall be separated by a level berm of at least four feet in width at intervals of not more than fifteen feet vertically. On slopes of two horizontal to one vertical, or less steep, the four-foot level berms shall not be required unless deemed necessary by the Municipal Engineer.

(g) Drainage ditches with a grade of seven percent or greater, or a velocity more than seven feet per second, shall be paved with concrete, bituminous mixture, brick, half pipe, rubble or other hard surface material.

(h) Drainage ditches with a grade of less than seven percent or a velocity of less than seven feet per second, shall be grassed and sloped in such a manner that they can be conveniently cut and maintained.

(i) Drainage structures, storm sewers and appurtenances shall be of proper design and so constructed as to carry surface water and any subsurface water encountered to the nearest practical storm drain or natural watercourse approved by the Municipal Engineer as a safe place to deposit and receive such waters. Approval by the Municipal Engineer in no way relieves the owner of his legal responsibilities to adjacent property owners.

(j) If, in the opinion of the Municipal Engineer, the proposed drainage structures, storm sewers and appurtenances are not adequate, he shall require the addition of such facilities as to insure the prevention of erosion damage and to satisfactorily carry off both surface waters and any subsurface drainage.

(k) Where proposed storm sewer pipes, ditches, etc., are to discharge into existing Commonwealth Department of Transportation or County storm water facilities, highway occupancy permits are to be obtained from the proper department, approving such discharge before grading operations can commence under the Municipal grading permit.

1424.14 MAINTENANCE.

The owner of any property on which an excavation or fill has been made shall maintain in good condition and repair all retaining walls, cribbing, drainage structures, fences, ground cover and other protective devices as established by permit, and further, the continued use of such area shall be contingent upon its maintenance and upkeep, satisfactory to the Municipality and subject to such
further conditions as the Municipality may prescribe from time to time. The certificate of completion, therefore, may at any time be revoked by Council upon the recommendation of the Manager, the Municipal Engineer and/or the Public Works Director and upon being advised that the conditions of the permit are not being observed and that conditions exist that prejudice the health, safety and welfare of any person or property. Before such revocation, the Manager shall first give written notice to the permit holder and to the owner of the property involved, specifying the defective condition and stating that unless such defective condition is remedied, the certificate may be revoked. If the defective condition is remedied, the certificate shall not be revoked. Such conditions shall be corrected within thirty days of notice to the owner to correct the same.

(Ord. 1280. Passed 8-3-70.)

1424.15 GENERAL REQUIREMENTS.
(a) The top or bottom edge of slopes shall be at least three feet from property or right-of-way lines of streets in order to permit the normal rounding of the edge without encroaching on the abutting property. A fence not less than four feet in height, of a design approved by the Department of Code Enforcement and the Municipal Engineer and meeting Municipal fence requirements, shall be placed at the top of all cuts or fill slopes in excess of one and one-half horizontal to one vertical. Before a grading permit is issued, a bond shall be required as provided in Section 1424.05 to guarantee the protection of steep slopes.

(b) The owner of a property shall be responsible to protect and clean up lower properties of silt and debris washing from his property as a result of the re-grading of his property.

(c) In order to prevent the denuding of the landscape, wherever practicable, large trees and other natural features constituting important physical, aesthetic and economic assets to existing or impending suburban development shall be preserved.

(d) Prior to any grading work, all topsoil shall be removed from the area to be graded and stockpiled and preserved for re-use on the site.

(Ord. 1280. Passed 8-3-70.)

(e) Where earth work under the provisions of this chapter requires a driveway connection to a Commonwealth Department of Transportation or County highway, highway occupancy permits shall be obtained from the proper department approving such connection before grading operations can commence under the Municipal grading permit.

(Ord. 1416. Passed 11-4-74.)

1424.16 COMPLETION OF GRADING OR FILL; CERTIFICATE OF COMPLETION.
A certificate of completion shall be issued by the Municipality to the holder of the grading or filling permit upon the following conditions:
(a) Upon completion of the work authorized by the grading permit, the permit holder shall submit in writing to the Municipal Engineer a statement certifying that all work authorized or required to be done by the grading permit, as well as the requirements of this chapter, has been completed and that the work complies with all of the requirements contained therein.

(b) The acceptance by the Municipality of such statement of the permit holder or the issuing by the Municipality of a certificate of completion in no way relieves the permit holder, property owner or future property owners from the responsibility to maintain the project in a safe and acceptable condition.

(c) By the issuing of a permit to grade, fill, excavate, etc. , by the Municipality, or by the
Municipality issuing a certificate of completion, the Municipality in no way accepts any liability, legal or otherwise, for the completion of any work authorized by the issuance of such permits, or for the satisfactory results of work performed under the authorization of such permits. Such liability, legal or otherwise, shall always remain that of the permittee, his heirs, successors and assigns.

(d) Whenever it is found that the project or work covered by a certificate of completion has been extended or altered without a permit to do so or that any retaining wall, cribbing, drainage structure, fence or other protective means or device shown on the approved plans and/or specifications submitted for a permit has not been built or maintained in good order and repair, the Municipal Engineer shall advise the Manager of all of the work required to be done so as to make the project substantial and safe. The Manager shall give written notice to the property owner, specifying the defective condition and stating that unless such defective condition is remedied, appropriate legal action shall be taken. Such defective condition shall be remedied within thirty days from the date of notice to the owner to comply.

(Ord. 1280. Passed 8-3-70.)

1424.17 VIOLATIONS AND NOTIFICATION.

No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any provision of this chapter.

When written notice of a violation of any of the provisions of this chapter has been served by the Manager on any person, such violation shall be discontinued immediately.

(Ord. 1280. Passed 8-3-70.)

1424.18 EQUITABLE REMEDIES.

If any work is performed by any person in violation of any of the provisions of this chapter, the proper office of the Municipality, in addition to other remedies, may institute in the name of the Municipality, any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful work and to restrain or abate such violation.

(Ord. 1280. Passed 8-3-70.)

1424.19 MULTIPLE VIOLATIONS.

Whenever any person has been notified by the Manager, by service of summons in a prosecution or in any other way, that such person is committing a violation of any of the provisions of this chapter, a separate offense shall be deemed committed each day during or on which such violation occurs or continues after such notification.

(Ord. 1280. Passed 8-3-70.)

1424.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no Specific penalty is provided.)
1428.01 Definitions.

As used in this chapter, unless the context otherwise indicates:

(a) **Construction** means building or installing a new swimming pool or enlarging an existing swimming pool or any of its facilities.

(b) **Portable pool** means any above-surface type of pool of more than 100 cubic feet capacity, not stationary or fixed, and capable of being removed for storage.

(c) **Private swimming pool** means any stationary pool of water having a water depth in excess of eighteen inches and an area greater than 120 square feet, designed, used and maintained for swimming purposes by an individual for use by his household and guests without fee, and located on property owned, leased or otherwise used and maintained by the owner of such swimming pool. The term also means and includes fill-and-draw, flow-through and recirculation pools that are artificially constructed to provide recreational facilities for swimming, bathing or wading, and all buildings, equipment and appurtenances thereto. The term does not include natural outdoor ponds, rivers or lakes, or baths used for cleansing of the body or for practice of the healing arts.

(d) **Wading pool** means any artificially constructed pool intended for use by children, not designed or used for swimming, with a maximum area of 120 square feet and a maximum water depth of eighteen inches.

(Ord. 1371. Passed 4-11-73.)

1428.02 Private swimming pool permits.

(a) **Permit Application.** Application for a permit for the construction and maintenance of any stationary private swimming pool shall be made to the Department of Code Enforcement by the owner of the property upon which it is to be constructed. The application shall be accompanied by duplicate sets of plans, specifications and plot plans of the property. The plot plan shall show the accurate location of the proposed pool on the property, together with any proposed accessory buildings. The plot plan shall also show the location, height and type of all existing fencing or walks...
on the boundary lines of the property, together with the type and height of fencing or enclosure as may be required by this chapter.
(Ord. 1371. Passed 4-11-73.)

(b) **Permit Fees.** Applicants shall enclose with each application a fee of five dollars ($5.00) per estimated one thousand dollars ($1,000) cost of construction, to be paid to the Municipality for a permit to erect a stationary private swimming pool, which permit fee shall be exclusive of the permit fee required for the erection of any accessory structure to be used in connection with such swimming pool.

Any person who desires to erect a portable pool on his property shall register such intention with the Department of Code Enforcement. A permit shall be required for the erection of a portable pool, but there shall be no permit fee.
(Ord. 1373. Passed 5-7-73; Ord. 2026. Passed 1-3-89; Ord. 2146. Passed 6-7-93.)

(c) **Approval by Municipal Authorities.** No permit for a private stationary swimming pool shall be issued by the Municipality until the plans, specifications and plot plan have been approved by the Municipal Engineer and/or the Code Enforcement Department. Such approval shall be directly obtained from the Code Enforcement Department by the applicant.

(d) **Inspection; Revocation of Permits.** All private residential swimming pools shall be inspected periodically by the Code Enforcement Department to determine whether or not the provisions of this chapter are being complied with, and the owners of any such swimming pool shall permit the designated agents of the Department to have access thereto at reasonable times for that purpose. Any permit issued pursuant to this section shall be suspended or revoked by the Department if a violation of any of the requirements or conditions imposed by this chapter is determined by the Department to have occurred.
(Ord. 1371. Passed 4-11-73.)

1428.03 CONSTRUCTION AND MAINTENANCE.

All materials used in the construction of private swimming pools, portable pools or wading pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such manner as to be clean and sanitary at any time when any such pool is in use or at such times as the same is subject to use. Inlets for treated water shall be so located and spaced as to secure satisfactory dispersion of the water throughout the pool and not to interfere with draining, cleaning and disinfecting of the bottom and sides. Sand or earth bottoms shall not be used.
(Ord. 1371. Passed 4-11-73.)

1428.04 WATER SUPPLY; PIPE, PUMP AND FILTER SYSTEMS.

There shall be no physical connection between a potable public or private water supply system and such private swimming pools, wading pools or portable pools below the maximum water line of the pool or to a recirculating or heating system of such pool. The piping system shall be designed to circulate the pool water through filtering equipment. Potable water shall feed the pool with a downspout with an air gap not less than six inches from the pool overflow level. Potable water siphons shall not be permitted to drain the aforesaid pools. The installation, repair and control of plumbing facilities shall comply with County plumbing regulations and any sanitary standards now adopted or hereafter adopted by the Municipality. All circulating units shall have sufficient capacity to recirculate the entire contents of a pool in eight hours or less.
(Ord. 1371. Passed 4-11-73.)
1428.05  **FENCING.**

(a)  All private swimming pools now existing or hereafter constructed, installed, established or maintained, with the exception of wading pools and portable pools, shall be completely and continuously surrounded by a permanent durable wall, fence or barrier which shall be not more than six feet nor less than four feet in height above grade, and which shall be so constructed as to have no opening, mesh, hole or gap larger than two inches in any dimension, except for doors and gates, provided, however, that if a picket fence is erected and maintained, the horizontal dimension of any gap or opening shall not exceed two and one-half inches. No fence of any kind or material shall be constructed or maintained which contains projections of any kind at any point on the outer surface of such fence. A dwelling house or accessory building may be used as part of such enclosure. All gates used in conjunction with any of the above described enclosures shall conform to the specifications required above as to height and dimensions of openings, mesh, holes or gaps in the case of fences, and all gates and doors shall be equipped with high-mounted, self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use, making the area unaccessible to small children.

(b)  Every outdoor wading pool or portable pool shall be enclosed in a durable wall, barrier or fence, as described in subsection (a) hereof, unless such outdoor wading pool or portable pool is:

1. Emptied when not in use or unattended; or
2. Covered with a suitable, strong protective covering fastened or locked in place when not in use or unattended. A cover shall be considered to be of sufficient strength and securely fastened or locked in place if, when fastened or locked in place, it will support a minimum dead weight of 200 pounds. A private swimming pool of the portable type, erected above-ground to a height of at least four feet, and the sides of which are so constructed as not to permit access to the water area by climbing, shall not be required to be enclosed by the hereinbefore described fence or wall. All steps, ladders or other approaches shall be removed when the pool is not in use or properly supervised. Steps or ladders which can be raised and locked securely above the four-foot level of the pool so as to deny access to such pool shall not be required to have steps or ladders removed when not in use.

(c)  All persons now owning or maintaining any outdoor swimming or wading pool are hereby granted a period of sixty days after the effective date of this section (Ordinance 1371, passed April 11, 1973) within which to enclose the same, as herein provided, except that any such person now owning or maintaining an outdoor swimming or wading pool presently enclosed by a fence or barrier which substantially complies with the requirements of this section may be exempted from the strict requirements thereof for a period of one year to substantially alter, remove, replace or rebuild such fence upon obtaining from the Department of Code Enforcement a certificate of substantial compliance, as hereinafter provided.

1. **Substantial compliance.** For the purpose of this section, means and includes any fence or barrier which now or hereafter is maintained at a minimum height of forty-eight inches above grade, has no opening, mesh, hole or gap larger than four inches in any dimension and does not have any projections at any point on its outside surface.

2. A certificate of substantial compliance may be granted by the Department of Code Enforcement within sixty days after the effective date hereof (Ordinance 1371, passed April 11, 1973) upon payment of an inspection fee of five dollars ($5.00) and written application to the Municipality, and upon establishing to the satisfaction of the Municipality, in such manner as is prescribed by the Municipality, that the applicant’s fence is maintained in substantial compliance with the requirements of
this section.

(d) All persons now owning or maintaining a portable pool are hereby granted a period of thirty days after the effective date hereof (Ordinance 1371, passed April 11, 1973) to comply with the provisions of this chapter, anything to the contrary herein notwithstanding.

(e) All permanent swimming pools which are fenced as required by this chapter shall have a gate or door which shall be closed at all times except when open for the purpose of ingress or egress. Gates and doors shall be locked at all times when the pool is not in use or is unguarded or unattended.

(Ord. 1371. Passed 4-11-73.)

1428.06 LOCATION.
(a) No private swimming pool, as defined in this chapter, or accessory building, shall be erected or placed nearer to a street property line or nearer to a side or rear property line than would be allowed for buildings in the respective zoning districts as set forth in the Zoning Code.

(b) No private swimming pool shall be constructed so that its drain outlet connects in any manner to any sewage disposal system or drain on abutting property.

(c) No private swimming pool shall have an area in excess of fifteen percent of the area of the lot upon which it is constructed or installed.

(Ord. 1371. Passed 4-11-73.)

1428.07 ELECTRICAL REQUIREMENTS.
(a) General Standards. All electric wiring installed shall be installed and used in conjunction with private residential swimming pools in conformity with National Electrical Code Standards, and the materials used or installed shall be as approved by Underwriters\textsuperscript{\textregistered} Laboratories, Inc.

(b) Prohibition Against Extraneous Wires. No electric wires or conductors shall be installed or permitted to remain in such a position as to cross, either overhead or underground, any part of a private residential swimming pool. No electric wiring shall be installed parallel to any pool wall closer than five feet thereto, unless such wiring is located underground and enclosed in rigid conduits.

(c) Underwater Lights. All underwater lights shall be watertight, self-contained units, each with its own ground connection running from a waterproof junction box to a proper grounding facility or medium. All underground electric wires supplying current to such light, within a distance of five feet of the pool wall, shall be enclosed in rigid conduits.

(d) Grounding of Potential Conductors. All metal fences, enclosures or railings which are located near or adjacent to private residential swimming pools and which might become electrically alive, as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

(e) Artificial Lighting. No artificial lighting shall be maintained or operated in connection with a private swimming pool, wading pool or portable pool in such a manner as to be a nuisance or an annoyance to neighborhood properties. Such lighting shall not shine directly upon any abutting property. No unshielded lights shall be permitted.

(Ord. 1371. Passed 4-11-73.)
1428.08  OPERATION AND HEALTH PRECAUTIONS.
(a) All private residential swimming pools shall be maintained in a clean and sanitary condition in compliance with all applicable regulations of the Departments of Health of the County and the Commonwealth and all equipment shall be maintained in a satisfactory operating condition when the pool is in use.

(b) Whenever any private swimming pool, by reason of mechanical defects or lack of supervision, is, in the opinion of the Department of Code Enforcement, polluted and a detriment to health, it shall be summarily closed.

(c) Regardless of the provisions of any other section of this chapter and regardless of any permits which may be issued hereunder, no private residential swimming pool shall be used, kept, maintained or operated in the Municipality if such use, keeping, maintaining or operating thereof is, at any time, determined to constitute a nuisance or to be unreasonably dangerous to life or detrimental to health.
(Ord. 1371. Passed 4-11-73.)

1428.09  ENFORCEMENT.
The Department of Code Enforcement shall enforce the provisions of this chapter.
(Ord. 1371. Passed 4-11-73.)

1428.10  MULTIPLE VIOLATIONS.
After notice in writing has been served by the Director of Code Enforcement a separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 1371. Passed 4-11-73.)

1428.99  PENALTY.
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 1432
Rental Income Property

1432.01 Data on tenants.

CROSS REFERENCES
Certificates of use, occupancy and compliance - see P. & Z. 1262.05
Residential Districts - see P. & Z. Ch. 1268
Planned residential developments - see P. & Z. Ch. 1288

1432.01 DATA ON TENANTS.
The Director of Code Enforcement is hereby authorized and directed to adopt, promulgate and enforce a rule requiring all owners or operators of rental income property within the Municipality to furnish to the Director, in writing, current names and addresses of all occupants of rental income property within the Municipality owned or operated by such owners or operators, to keep the same current and to furnish in writing to the Director, within seven days of any change in occupancy, written notice of such change with the name and address of such new occupant or occupants to be made an integral part thereof.
CHAPTER 1436
Flood Control

EDITOR'S NOTE: This chapter, previously a codification of Ordinance 1673, passed May 20, 1981, as amended, was repealed and re-enacted in its entirety by Ordinance 2221, passed September 20, 1995, which was in turn repealed and re-enacted in its entirety by Ordinance 2338, passed May 3, 2000.

1436.01 Intent. 1436.19 Disputes.
1436.02 Conflicts of laws. 1436.20 Technical requirements for
1436.03 Warning and disclaimer of liability. 1436.21 Elevation and floodproofing
1436.04 Building/grading permits required. requirements.
1436.05 Issuance of building/grading 1436.22 Design and construction standards.
permits. 1436.23 Development which may endanger
1436.06 Application procedures and human life.
requirements. 1436.24 Special requirements for
1436.07 Review by County Conservation manufactured homes.
District. 1436.25 Activities requiring special permits.
1436.08 Review of application by others. 1436.26 Special permit application
1436.09 Changes. requirements.
1436.10 Placards. 1436.27 Application review procedures.
1436.11 Start of construction. 1436.28 Special technical requirements.
1436.12 Inspection and revocation. 1436.29 Existing structures in identified
1436.13 Fees. 1436.30 Existing structures in flood plain areas.
1436.14 Enforcement. 1436.31 Definitions.
1436.15 Appeals. 1436.32 Penalties.
1436.16 Designation of flood plain areas. 1436.99 Penalties.
1436.17 Description of flood plain areas. 1436.18 Changes in flood plain area
delineations.
1436.19 Disputes.

CROSS REFERENCES
Water - see S.U. & P.S. Ch. 1046
Excavating, grading and site preparation in site development plans - see P. & Z. 1220.12,
1220.13
Storm drainage in site development plans - see P. & Z. 1220.15
Landscaping in site development plans - see P. & Z. 1220.16 et seq.
Grading, excavation and fill - see B. & H. Ch. 1424
1436.01  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.
(Ord. 2338. Passed 5-3-00.)

1436.02  CONFLICTS OF LAWS.
This chapter supersedes any other conflicting provisions which may be in effect for identified flood plain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.
(Ord. 2338. Passed 5-3-00.)

1436.03  WARNING AND DISCLAIMER OF LIABILITY.
(a) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. 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 the identified flood plain area, or that land uses permitted within such areas, will be free from flooding or flood damage.

(b) This chapter shall not create liability on the part of the Municipality, or any officer or employee thereof, for any flood damage that results from reliance on this chapter, or any administrative decision lawfully made thereunder.
(Ord. 2338. Passed 5-3-00.)

1436.04  BUILDING/GRADING PERMITS REQUIRED.
Before any construction or development is undertaken or caused to be undertaken within any area of the Municipality, a building/grading permit shall be obtained by the person so undertaking the same, or causing the same to be undertaken, from the Code Enforcement Officer, in accordance with the Pennsylvania Construction Code and the Uniform Construction Code (Chapter 1420 of these Codified Ordinances), the Subdivision and Land Development Regulations of the Municipality and this chapter.
(Ord. 2338. Passed 5-3-00.)
1436.05  ISSUANCE OF BUILDING/GRADING PERMITS.

(a) The Director of Code Enforcement shall issue a building/grading permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this chapter and all other applicable codes and ordinances.

(b) Prior to the issuance of any building/grading permits, the Director of Code Enforcement shall review the permit application to determine if all other necessary governmental permits have been obtained, such as those required by State and Federal laws, those required by Act 537 (the Pennsylvania Sewage Facilities Act), the Dam Safety and Encroachments Act, the U.S. Clean Water Act, Section 404, 33 U.S.C. 1334, and the Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made.

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

In addition, the Federal Insurance Administrator and the Department of Community and Economic Development, Strategic Planning and Operations Office, shall be notified by the Municipality prior to any alteration or relocation of any watercourse in the Municipality.

(Ord. 2338. Passed 5-3-00.)

1436.06  APPLICATION PROCEDURES AND REQUIREMENTS.

(a) Application for a building/grading permit shall be made in writing to the Director of Code Enforcement on forms supplied by the Municipality. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost.
7. A plan of the site showing the exact size and location of the proposed construction, as well as any existing buildings or structures.
(b) If any proposed construction or development is located within, or partially within, any identified flood plain area, applicants for building/grading permits and special permits shall also provide the following specific information:

(1) A plan of the entire site, drawn at the scale of one inch being equal to 100 feet or less, showing the following:
   A. North arrow, scale and date
   B. A location map showing the vicinity in which the proposed activity or development is to be located within the Municipality
   C. Topography based upon the National Geodetic Vertical Datum, showing existing and proposed contours at intervals of two feet
   D. All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet
   E. The location of all existing streets, drives, and other accessways with information concerning widths, pavement types, construction and elevations
   F. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development
   G. The location of the identified flood plain area boundary line, floodway line, if available, information and spot elevations concerning the 100-year floor elevations, and information concerning the flow of water, including direction and velocities
   H. A general plan of the entire site accurately showing the location of all proposed buildings, structures and any other improvements, including the location of any existing or proposed subdivision and land development, in order to assure that:
      1. All such proposals are consistent with the need to minimize flood damage
      2. All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage
      3. Adequate drainage is provided so as to reduce exposure to flood hazards

(2) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
   A. Detailed architectural or engineering drawings, including building size, floor plans, sections and exterior building elevations, as appropriate
   B. The proposed lowest flood elevations of any proposed building, based upon National Geodetic Vertical Datum
   C. Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood
   D. Detailed information concerning any proposed floodproofing measures
   E. Cross-section drawings for all proposed streets, drives and other accessways and parking areas, showing every right-of-way and pavement width
   F. Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades
   G. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities
   H. Soil types

(3) The following data and documentation:
   A. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to
withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors 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.

B. Detailed information needed to determine compliance with Section 1436.22(g) (Storage) and Section 1436.23 (Development Which May Endanger Human Life), including:
   1. The amount, location and purpose of any materials or substances referred to in Section 1436.22(g) and 1436.23, which are intended to be used, produced, stored or otherwise maintained on site.
   2. For any proposed structure regulated under Section 1436.23, a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above-mentioned materials or substances during a 100-year flood.

C. The appropriate component of the Department of Environmental Resources Planning Module for Land Development.

D. Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Protection, Bureau of Waterways Engineering, to implement and maintain erosion and sedimentation control.

(Ord. 2338. Passed 5-3-00.)

1436.07 REVIEW BY COUNTY CONSERVATION DISTRICT.

A copy of all applications and plans for any proposed construction or development in any identified flood plain area to be considered for approval shall be submitted by the Director of Code Enforcement to the Allegheny County Conservation District for review and comment prior to the issuance of a building and/or grading permit. The recommendations of the Conservation District shall be considered by the Director of Code Enforcement for possible incorporation into the proposed plan.

(Ord. 2338. Passed 5-3-00.)

1436.08 REVIEW OF APPLICATION BY OTHERS.

A copy of all plans and applications for any proposed construction or development in any identified flood plain area to be considered for approval shall be submitted by the Director of Code Enforcement to other appropriate agencies and/or individuals (e.g. Planning Commission, Municipal Engineer, etc.) for review and comment.

(Ord. 2338. Passed 5-3-00.)

1436.09 CHANGES.

After the issuance of a building/grading permit by the Director of Code Enforcement, 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 Director of Code Enforcement. Requests for any such change shall be in writing and shall be submitted by the applicant to the Director of Code Enforcement for consideration.

(Ord. 2338. Passed 5-3-00.)

1436.10 PLACARDS.

In addition to the building/grading permit, the Director of Code Enforcement 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/grading permit and the date of its issuance and shall be signed by the Director of Code Enforcement.
(Ord. 2338. Passed 5-3-00.)

1436.11 START OF CONSTRUCTION.
Work on the proposed construction and/or development shall begin within six months after the date of issuance of the building/grading permit, or the permit shall expire, unless a time extension is granted, in writing, by the Director of Code Enforcement. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for 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. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Director of Code Enforcement to approve such a request.
(Ord. 2338. Passed 5-3-00.)

1436.12 INSPECTION AND REVOCATION.
(a) During the construction period, any Code Enforcement 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.

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

(c) In the event the Code Enforcement Officer discovers that the work does not comply with the permit application or applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Director of Code Enforcement shall revoke the building/grading permit and report such fact to the governing body for whatever action is considered necessary.

(d) A record of all such inspections and violations of this chapter shall be maintained.
(Ord. 2338. Passed 5-3-00.)

1436.13 FEES.
Applications for a building/grading permit shall be accompanied by a fee, payable to the Municipality, based upon the estimated cost of the proposed construction as determined by the Code Enforcement Officer, at the rates specified in the Schedule of Fees periodically updated and approved by Council resolution.

<table>
<thead>
<tr>
<th>Estimated Cost</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - $1,000</td>
<td>$10.00</td>
</tr>
<tr>
<td>Each additional $1,000 or part thereof beyond the first $1,000</td>
<td>6.00</td>
</tr>
</tbody>
</table>

(Ord. 2338. Passed 5-3-00.)

1436.14 ENFORCEMENT.
(a) Notices. Whenever any Code Enforcement Officer, or other authorized Municipal
representative, determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, or of any regulation adopted pursuant thereto, the Code Enforcement Officer shall give notice of such alleged violation, as hereinafter provided. Such notice shall (1) be in writing, (2) include a statement of the reasons for its issuance, (3) allow a reasonable time, not to exceed a period of thirty days, for the performance of any act it requires, (4) be served upon the property owner, or his agent, as the case may require, provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State, and (5) contain an outline of remedial action which, if taken, will affect compliance with the provisions of this chapter.

(b) Violations; Remedies. No person shall fail to comply with any or all of the requirements or provisions of this chapter, or fail or refuse to comply with any notice, order or direction of the Code Enforcement Officer, or any other authorized employee of the Municipality. In addition to the penalty set forth in Section 1436.99, all other actions are hereby reserved, including an action in equity for the proposed 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 Council to be a public nuisance and abatable as such.

(Ord. 2338. Passed 5-3-00.)

1436.15 APPEALS.
(a) Any person aggrieved by an action or decision of the Director of Code Enforcement in refusing to grant a modification to the provisions of this chapter covering the development of land, or the manner of construction, or materials to be used in the erection, alteration, modification, etc., of a building or structure, may appeal to Council. Such appeal must be filed in writing within thirty days after the decision or action of the Director of Code Enforcement.

(b) Upon receipt of such appeal, Council shall set a time and place, within not less than ten nor more than thirty days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

(c) Any person aggrieved by any decision of Council may seek relief therefrom by an appeal to a court, as provided by the laws of this Commonwealth, including the Pennsylvania Floodplain Management Act.

(Ord. 2338. Passed 5-3-00.)

1436.16 DESIGNATION OF FLOOD PLAIN AREAS.
The identified flood plain area shall be those areas of the Municipality which are subject to the 100-year flood as identified in the Flood Insurance Study (FIS) dated July 5, 2000, and the accompanying Flood Insurance Rate Maps (FIRM) maps prepared for the Municipality by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

(Ord. 2338. Passed 5-3-00.)

1436.17 DESCRIPTION OF FLOOD PLAIN AREAS.
The identified flood plain area shall consist of the following specific areas:
(a) FW (Floodway Area) - the areas identified as Floodway in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which
have been identified in other available studies or sources of information for those flood plain areas where no floodway has been identified in the Flood Insurance Study.

(b) FF (Flood-Fringe Area) - the remaining portions of the 100-year flood plain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

(c) FA (General Flood Plain Area) - the areas identified as Zone A in the FIS for which no 100-year flood elevations have been provided. 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 flood plain area which is nearest the construction site in question. 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. 2338. Passed 5-3-00.)

1436.18 CHANGES IN FLOOD PLAIN AREA DELINEATIONS.

The areas considered to be flood plain may be revised or modified by the Penn Hills Council where studies or information provided by the Planning Commission, a qualified agency, or person, documents the need or possibility for such revision.

No modification or revision of any flood plain area identified in the Flood Insurance Study prepared by the Federal Insurance Administration, shall be made without prior approval from the Federal Insurance Administration.

(Ord. 2338. Passed 5-3-00.)

1436.19 DISPUTES.

Should a dispute arise concerning the identification of any flood plain area, an initial determination shall be made by the Planning Commission, and any party aggrieved by such decision may appeal to the Penn Hills Council. The burden of proof shall be on the appellant.

(Ord. 2338. Passed 5-3-00.)

1436.20 TECHNICAL REQUIREMENTS FOR ENCROACHMENTS, ALTERATIONS, IMPROVEMENTS, NEW CONSTRUCTION, DEVELOPMENTS, USES AND ACTIVITIES.

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

In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development, Strategic Planning and Operations Office, shall be notified prior to any alteration or relocation of any watercourse.

(b) Within any FW (Floodway Area), the following provisions apply:

(1) Any new construction, development, use, activity or encroachment that would cause any increase in the 100-year flood heights shall be prohibited.

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

(3) No new construction, development, use, activity or encroachment of any kind shall be allowed, except where the rise in 100-year flood heights caused by the proposed development is fully offset by accompanying improvements.

The floodway area is based on the criteria that the portion of the flood plain selected must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The floodway is shown on the Flood Insurance Rate Map accompanying the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Data Table of the FIS itself.

(c) Within any FF (Flood-Fringe Area), new construction and other development, uses and activities shall be allowed, provided they are undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.

(d) Within any FA (General Flood Plain Area), new construction and other development, uses and activities shall be allowed, provided they are undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.

Within the floodway area which has been delineated by the applicant, no new construction, development, use, activity, or encroachment of any kind shall be allowed, except where any rise in 100-year flood heights caused by the proposed development is fully offset by accompanying improvements.

Within any FA (General Flood Plain Area), in which no floodway has been delineated, no new construction or development shall be located within the area measured fifty feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Protection, Bureau of Waterways Engineering.

(Ord. 2338. Passed 5-3-00.)

1436.21 ELEVATION AND FLOODPROOFING REQUIREMENTS.

(a) Residential Structures. Within any FW, FF or FA, the lowest floor (including the basement) of any new residential structure, any new construction or any substantial improvement shall be at least one and one-half feet above the 100-year flood elevation.

(b) Non-Residential Structures.

(1) Within any FW, FF or FA, the lowest floor (including the basement) of any new non-residential structure, any new construction or any substantial improvement shall be at least one and one-half feet above the 100-year 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.

(2) Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half 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.

(c) Space Below the Lowest Floor.
(1) Fully enclosed space below the lowest floor (including the basement) is prohibited.
(2) Partially enclosed space below the lowest floor (including the 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 one square inch for every square foot of enclosed space.
B. The bottom of all openings shall be no higher than one foot above grade.
C. Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

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

(1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment relating to the principal use of activity.
(2) Floor area shall not exceed 600 square feet.
(3) The structure will have a low damage potential.
(4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
(5) Power lines, wiring and outlets will be at least one and one-half feet above the 100-year flood elevation.
(6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
(7) Sanitary facilities are prohibited.
(8) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of 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:

A. A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
B. The bottom of all openings shall be no higher than one foot above grade.
C. Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(Ord. 2338. Passed 5-3-00.)

1436.22 DESIGN AND CONSTRUCTION STANDARDS.
The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood plain area:

(a) Fill. If fill is used, it shall:

(1) Extend laterally at least fifteen feet beyond the building line from all points.
(2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
(4) Be no steeper than one vertical to two horizontal, unless substantiated data justifying
steep slopes are submitted to, and approved by, the Director of Code Enforcement.

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

(b) **Drainage.** Storm drainage facilities shall be designed to convey the flow of storm water 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) **Sanitary Sewer Facilities.** All new or replacement sanitary sewer facilities and private-package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

(d) **Water Facilities.** All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and shall be located and constructed to minimize or eliminate flood damage.

(e) **Streets.** The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.

(f) **Utilities.** All utilities, such as gas lines and electrical and telephone systems, being placed in identified flood-prone areas, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(g) **Storage.** All materials that are buoyant, flammable or explosive, or which, in times of flooding, could be injurious to human, animal or plant life, and not listed in Section 1436.23 (Development Which May Endanger Human Life), shall be stored at, or above, the regulatory flood elevation and/or floodproofed to the maximum extent possible.

(h) **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.

(i) **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.

(j) **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 that 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.

(k) **Paints and Adhesives.**
   (1) Paints or other finishes used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
   (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
   (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.

(l) **Electrical Systems and Components.**
Electric water heaters, furnaces, air-conditioning and ventilating systems, and other electrical equipment or apparatus, shall not be located below the regulatory flood elevation.

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

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

(m) **Plumbing.**

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

(2) No part of any on-site sewage disposal system shall be located within any identified flood plain area.

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

(4) 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.

(Ord. 2338. Passed 5-3-00.)

1436.23 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.

(a) In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development, Strategic Planning and Operations Office, as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons, or other comparable volume of any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section in addition to all other applicable provisions:

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

(b) Within any FW (Floodway Area), any structure of the kind described in subsection (a) hereof shall be prohibited.
Within any FF (Flood Fringe Area), or FA (General Flood Plain Area), any structure of the kind described in subsection (a) hereof shall be:

1. Elevated or designed and constructed to remain completely dry at least up to one and one-half feet above the 100-year flood.
2. 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), or with some other equivalent watertight standard.

(Ord. 2338. Passed 5-3-00.)

1436.24 SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES.

(a) Within any FW (Floodway Area), manufactured homes shall be prohibited.

(b) Within any FA (General Flood Plain Area) manufactured homes shall be prohibited within the area measured fifty feet landward from the top-of-bank of any watercourse.

(c) Where permitted within any flood plain area, all manufactured homes, and any improvements thereto, shall be:
   1. Placed on a permanent foundation.
   2. Elevated so that the lowest floor of the manufactured home is one and one-half feet or more above the elevation of the 100-year flood.
   3. Anchored to resist flotation, collapse or lateral movement.

(Ord. 2338. Passed 5-3-00.)

1436.25 ACTIVITIES REQUIRING SPECIAL PERMITS.

In accordance with the administrative regulations of the Department of Community and Economic Development, Strategic Planning and Operations Office, implementing the Pennsylvania Floodplain Management Act (Act 1978-166), the following obstructions and activities are prohibited if located entirely or partially within an identified flood plain area unless a special permit is issued:

(a) Hospitals (public or private)
(b) Nursing homes (public or private)
(c) Jails or prisons
(d) New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and subdivisions
(e) Educational facilities (public or private)
(f) Churches, cemeteries, mausoleums and similar religious structures
(g) Senior citizen housing

(Ord. 2338. Passed 5-3-00.)

1436.26 SPECIAL PERMIT APPLICATION REQUIREMENTS.

Application for a special permit shall consist of at least five copies of the following items:

(a) A written request which includes the information specified in Section 1436.06, pertaining to building permit application procedures.

(b) The following documentation:
   1. Certification from the applicant that the site upon which the activity or development is proposed is an existing 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, landscape architect, or other qualified person, 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) An evacuation plan which fully explains in which the site will be safely evacuated before or during the course of a 100-year flood.

(Ord. 2338. Passed 5-3-00.)

1436.27 APPLICATION REVIEW PROCEDURES.
Upon receipt of an application by the Municipality for a special permit, the following procedures shall apply in addition to those set forth in Sections 1436.04 through 1436.15:

(a) Within three days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Allegheny County Department of Economic Development, by registered or certified mail, for review and recommendations. Copies of the application shall also be forwarded to the Planning Commission and to the Municipal Engineer for review and comment. Council shall approve or disapprove this application.

(b) If an application is received which is incomplete, the Municipality shall notify the applicant, in writing, starting in what respects the application is deficient.

(c) If the Municipality decides to disapprove an application, it shall notify the applicant in writing of the reason for the disapproval.

(d) If the Municipality approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, Strategic Planning and Operations Office, by registered or certified mail, within five working days after the date of approval.

(e) Before issuing the special permit, the Municipality shall allow the Department of Community and Economic Development, Strategic Planning and Operations Office, thirty days after receipt of the notification, to review the application and the decision made by the Municipality.

(f) If the Municipality does not receive any communication from the Department of Community and Economic Development, Strategic Planning and Operations Office, during the thirty day review period, it may issue a special permit to the applicant.

(g) If the Department of Community and Economic Development, Strategic Planning and Operations Office, should decide to disapprove an application, it shall notify the Municipality and the applicant, in writing, of the reasons for the disapproval, and the Municipality shall not issue the special permit.

(Ord. 2338. Passed 5-3-00.)
1436.28 SPECIAL TECHNICAL REQUIREMENTS.

(a) In addition to the requirements of Sections 1436.20 through 1436.24, 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 Sections 1436.20 though 1436.24, or any other code, ordinance or regulation, the more restrictive provision shall apply.

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

1. Fully protect the health and safety of the general public and any occupants. At a minimum, all new structures shall be designed, located and constructed so that:
   - A. The structure will survive inundation by waters of the 100-year flood without any lateral movement or damage to either the structure itself or any of its equipment or contents below the 100-year flood elevation.
   - B. The first flood elevation will be at least one and one-half feet above the 100-year flood elevation.
   - C. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100-year flood.

2. 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 Municipality and the Department of Community and Economic Development, Strategic Planning and Operations Office.

(Ord. 2338. Passed 5-3-00.)

1436.29 EXISTING STRUCTURES IN IDENTIFIED FLOOD PLAIN AREAS.

(a) 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 subsection (b) hereof shall apply.

(b) Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified flood plain area:

1. 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.

2. No expansion or enlargement of an existing structure shall be allowed within any FF area that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than one foot at any point.

3. Any modification, alteration, reconstruction or improvement, of any kind to an existing structure, to an extent or amount of fifty 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.

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

(Ord. 2338. Passed 5-3-00.)

1436.30 VARIANCES.
(a) If compliance with any of the requirements of this chapter would result in an exceptional hardship for a prospective builder, developer or landowner, the Municipality may, upon request, grant relief from the strict application of the requirements.

(b) Requests for variances shall be considered by Council in accordance with the following:
   (1) 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.
   (2) Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Sections 1436.25 through 1436.28) or to development which may endanger human life (Section 1436.23).
   (3) If granted, a variance shall involve only the least modification necessary to provide relief.
   (4) In granting any variance, the Municipality 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.
   (5) Whenever a variance is granted, the Municipality shall notify the applicant in writing that:
      A. The granting of the variance may result in increased premium rates for flood insurance.
      B. Such variances may increase the risks to life and property.
   (6) In reviewing any request for a variance, the Municipality shall consider, but not be limited to, the following:
      A. That there is good and sufficient cause.
      B. That failure to grant the variance would result in exceptional hardship to the applicant.
      C. That the granting of a variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable Federal, State or local law.
   (7) A complete record of all variance requests and related actions shall be maintained by the Municipality. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

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

(Ord. 2338. Passed 5-3-00.)

1436.31 DEFINITIONS.
(a) In 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.

(b) Specific Definitions.
   (1) 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.
   (2) Basement - any area of a building having its floor below ground level on all sides.
   (3) Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.
(4) 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.

(5) Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of a mobile home.

(6) Development - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

(7) 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.

(8) Flood - a temporary inundation of normally dry land areas.

(9) Flood plain - 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.

(10) 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.

(11) Floodway - the designated area of a flood plain 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.

(12) Grading - excavation or fill, or any combination thereof, including the conditions relating to the Subdivision and Land Development Regulations (Title Four of Part Twelve of these Codified Ordinances).

(13) 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 relating 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 the Interior; or
   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; or
      2. Directly by the Secretary of the Interior in states without approved programs.

(14) Identified flood plain area - the flood plain area specifically identified in this chapter as being inundated by the 100-year flood. Included would be areas identified as floodway (FW), flood-fringe (FF) and General Flood Plain (FA).

(15) Land development - the improvement of one lot, or two or more contiguous lots, tracts or parcels of land, for any purposes involving a group of two or more buildings, or the division or allocation of land or space between or among two or
more existing or prospective occupants, by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; a subdivision of land.

(16) Lowest floor - the lowest floor of the lowest fully enclosed area (including the 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 non-elevation design requirements of this chapter.

(17) Manufactured home - a transportable, single-family dwelling intended for permanent occupancy, an office or a place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational vehicles and other similar vehicles which are placed on a site for more than 180 consecutive days.

(18) 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.

(19) 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. Minor repairs shall not include addition to, alteration of, replacement of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, mechanical or other work affecting public health or general safety.

(20) Mobile home - a transportable, single-family dwelling intended for permanent occupancy, an office or a place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on the site for more than 180 consecutive days.

(21) Mobile home park - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.

(22) New construction - a structure for which the start of construction commenced on or after May 29, 1981, including any subsequent improvements thereto.

(23) Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property.

(24) One-hundred year flood - a flood which, on the average, is likely to occur once every 100 years, i.e., has a one percent chance of occurring each year, although the flood may occur in any year.

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

(26) Regulatory flood elevation - the 100-year flood elevation plus a freeboard safety factor of one and one-half feet.

(27) Special permit - a special approval which is required for hospitals, nursing homes, jails and new mobile home parks, and for substantial improvements to such existing parks, when such development is located in all, or a designated portion of, a flood plain.

(28) Structure - anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, mobile homes and other similar items.

(29) 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 division of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, transfer of ownership, building or lot development, provided, however, that the division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, is exempt.

(30) 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 fifty percent or more of the market value of the structure before the damage occurred.

(31) Substantial improvement - any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvements. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
B. Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

(Ord. 2338. Passed 5-3-00.)

1436.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in Section 202.99, all other actions are hereby reserved, including an action in equity for the proposed enforcement of this chapter. The imposition of a fine or penalty for a violation of, or noncompliance with, a provision of this chapter shall not excuse the violation or noncompliance or permit it to continue, and violators shall be required to correct or remedy such violations within a reasonable time. A development initiated, or a structure or building constructed, reconstructed, enlarged, altered or relocated in violation of this chapter may be declared by Council to be a public nuisance and be abatable as such.
CHAPTER 1437
Campaign Signs

1437.01 Definitions.
1437.02 Erection; support structures.
1437.03 Location.
1437.04 Time limits.
1437.05 Enforcement.
1437.06 Violations; procedure.
1437.07 Storage of signs; notice and return.
1437.08 Charges for removal of signs.
1437.09 Responsibility for violations and charges.
1437.10 Conflict with State law.
1437.99 Penalty.

CROSS REFERENCES
Political activity - see CHTR. Art. XV, • 4
Signs - see P. & Z. Ch. 1276

1437.01 DEFINITIONS.
As used in this chapter:
(a) ■Campaign sign■ means a sign, bill, poster, placard, handbill, flyer, painting or other similar object, or a supporting structure for any such object, which contains printed or written matter in words, symbols or pictures, or in a combination thereof, during the election of a candidate seeking a public or nonpublic office or position, or urging the passage or defeat of a ballot measure. ■Campaign sign■ does not mean or include a billboard owned or maintained by a commercial firm or advertising company, or a bumper sticker.
(b) ■Municipal property■ means all Municipally-owned property, including streets, rights of way, easements and everything affixed thereto and thereover.
(c) ■Person■ means an individual, firm, partnership, association, corporation, company or organization of any kind.
(Ord. 1770. Passed 10-6-82.)

1437.02 ERECTION; SUPPORT STRUCTURES.
Campaign signs may be erected, but only as directed and regulated by this chapter. A support structure for a campaign sign must be temporary and constructed in such a manner so as to be easily removable. Any other ordinance regulating signs shall not be applied to campaign signs.
(Ord. 1770. Passed 10-6-82.)

1437.03 LOCATION.
(a) No person shall post a campaign sign on or over Municipal property. This restriction shall not apply to Municipal buildings which are designed as official polling locations for the County Department of Elections.

(b) No person shall post a campaign sign on a pole or a public utility pole line located on Municipal property.
(c) No person shall post a campaign sign in such proximity to a public right of way or roadway that it poses a safety hazard for either vehicular or pedestrian traffic.

(d) No person shall post a campaign sign on a State or County road right of way or upon any utility pole located on a State or County road or right of way, unless consent has been given by the State or County for the posting of the campaign sign pursuant to the rules and regulations of the Pennsylvania Department of Transportation.

(Ord. 1770. Passed 10-6-82.)

1437.04 TIME LIMITS.

No person shall post a campaign sign for more than thirty days prior to the election for which the sign is posted, and no person shall fail to remove a campaign sign within twelve days after the election for which the sign was posted.

(Ord. 1770. Passed 10-6-82.)

1437.05 ENFORCEMENT.

The Director of Code Enforcement or his or her authorized agent is hereby authorized to enforce this chapter.

(Ord. 1770. Passed 10-6-82.)

1437.06 VIOLATIONS; PROCEDURE.

Should the Director of Code Enforcement or his or her agent find that a campaign sign has been posted in violation of this chapter, he or she shall attempt by telephone or otherwise to contact the candidate, committee or person responsible for the posting of such sign. If successful, he or she shall indicate the nature of the violation. If, forty-eight hours after successful contact, the sign has not been removed or brought within the provisions of this chapter, the Director and his or her agents are hereby authorized and directed to remove the sign and store it in a safe location. If, after reasonable diligence, the Director is unable to contact the candidate, committee or person responsible for the sign, he or she or his or her agent may dispense with the notice requirement and remove the sign forthwith, storing it in a safe location.

(Ord. 1770. Passed 10-6-82.)

1437.07 STORAGE OF SIGNS; NOTICE AND RETURN.

If the Director of Code Enforcement or his or her agent removes a campaign sign, he or she shall keep a record of the location from which the sign was removed. He or she shall store the campaign sign in a safe location for at least ninety days and shall immediately notify, by telephone, the candidate, committee or person responsible for the posting of the sign, indicating the fact of the removal and the location where it may be retrieved. If the Director is unable to make telephone contact, he or she shall provide written notice, if the address of the candidate, committee or person is known or can be ascertained. The Director shall return campaign signs upon the payment of the fee provided in Section 1437.08.

(Ord. 1770. Passed 10-6-82.)

1437.08 CHARGES FOR REMOVAL OF SIGNS.

The Municipality shall be entitled to receive twenty-five dollars ($25.00) for every campaign sign removed by the Director of Code Enforcement, to cover the expense of removal, notice and storage. In cases where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of trailer signs or other unusual situations, the Municipality shall collect from the person responsible a sum sufficient to cover the costs and hourly
wages of employees utilized in the removal.
(Ord. 1770. Passed 10-6-82.)

**1437.09 RESPONSIBILITY FOR VIOLATIONS AND CHARGES.**

In a campaign for public or nonpublic office, the candidate for such office shall be deemed the person responsible for the posting of campaign signs, unless he or she first notifies the Director of Code Enforcement of another person who is responsible. In such a case, the candidate shall provide the name, address, telephone number and a signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he or she first notifies the Director of some other person responsible, in the manner described herein. The candidate, or in the case of a ballot measure, the committee president or other responsible person if so designated, shall be liable to pay any fees or costs for removal and storage of illegal signs, as set forth in this chapter. Further, such candidate, committee president or other designated person shall be subject to prosecution for any violation of this chapter. Nothing in this section shall be interpreted to make a person liable, civilly or criminally, for a sign posted by persons unknown to him or her or by persons over whom he or she has no control.
(Ord. 1770. Passed 10-6-82.)

**1437.10 CONFLICT WITH STATE LAW.**

Nothing in this chapter shall be construed to supersede or conflict with provisions of the Pennsylvania Crimes Code which restrict the posting of signs and the mailing and tacking of items to utility poles, or with regulations of the Pennsylvania Department of Transportation pertaining to the posting of signs on Commonwealth roads or rights of way.
(Ord. 1770. Passed 10-6-82.)

**1437.99 PENALTY.**
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

The collection of removal fees shall not preclude the Municipality from prosecuting any person for violating any provision of this chapter.
(Ord. 1770. Passed 10-6-82.)
CHAPTER 1438
Factory-Built Fireplaces

1438.01 Conditional approval.

CROSS REFERENCES
Fire Prevention Code - see F.P. Ch. 1620

1438.01 CONDITIONAL APPROVAL.
The installation of factory-built fireplaces within the Municipality, subject to the following provisions, is hereby approved:
(a) All such fireplaces must be approved by Underwriters Laboratories, Inc., or another similar nationally recognized agency.
(b) All such fireplaces shall be installed according to manufacturers’ specifications, including:
   (1) The fireplace;
   (2) The hearth extension; and
   (3) Metal smokestacks.
(c) Manufacturers’ specifications shall be submitted when applications for building permits are made, and advance notification of the time of installation shall be given to assure timely inspections.
(Res. 1-1978. Passed 3-6-78.)
TITLE FOUR - Electrical Regulations

CHAPTER 1440
National Electrical Code

1440.01 1999 edition adopted; file copies. 1440.04 Permit required; fee.
1440.02 Inspections and enforcement. 1440.05 Definitions.
1440.03 Right of entry. 1440.99 Penalty.

CROSS REFERENCES
Codes of technical regulations - see CHTR. Art. XII, § 5
Department of Code Enforcement - see ADM. Ch. 238
Electricity - see S.U. & P.S. Ch. 1052
Utility poles - see S.U. & P.S. Ch. 1054
Lighting in site development plans - see P. & Z. 1220.20
Electrical requirements in swimming pools - see B. & H. 1428.07
Electrical systems in flood prone areas - see B. & H. 1436.06(f)

1440.01 1999 EDITION ADOPTED; FILE COPIES.
A certain document, one or more copies of which are on file in the office of the Manager, being
marked and designated as the "National Electrical Code, 1999" and subsequent amendments thereto
as published by the National Fire Protection Association, is hereby adopted as the Electrical Code of
the Municipality for the control of the use of electricity within or on public and private buildings and
other premises as provided therein, and each and all of the regulations, provisions, penalties,
conditions and terms of such Code and subsequent amendments thereto are hereby referred to,
adopted and made a part hereof as if fully set out in this chapter.
(Ord. 2348. Passed 12-6-00.)

2005 Replacement
1440.02 INSPECTIONS AND ENFORCEMENT.

The District Inspector of any inspection agency approved by the Commonwealth Department of Labor and Industry, Public Department of Health and Department of Welfare is hereby designated as the official charged with the inspections and enforcement of the National Electrical Code for the Municipality. A copy of all reports and findings made by the District Inspector shall be kept on file in the office of the Manager.

(Ord. 1277. Passed 7-6-70; Ord. 1375. Passed 5-7-73.)

1440.03 RIGHT OF ENTRY.

The District Inspector of any inspection agency approved by the Commonwealth Department of Labor and Industry, Public Department of Health and Department of Welfare or his duly authorized agent shall have authority to enter any building, structure or premises in the Municipality at any reasonable time for the purpose of making any inspection as provided in the National Electrical Code.

(Ord. 1277. Passed 7-6-70; Ord. 1375. Passed 5-7-73.)

1440.04 PERMIT REQUIRED; FEE.

No construction, installation or repair of any electrical wiring, electrical machinery or other electrical apparatus shall be done until the manner and method of installation, construction or repair has been inspected and approved by the District Inspector and until a permit has been issued therefor. The fee schedule for permits shall be on file with the Manager. Any changes in the fee schedule are subject to the approval of Council.

(Ord. 1277. Passed 7-6-70.)

1440.05 DEFINITIONS.

As used in the National Electrical Code, "municipality" means the Municipality of Penn Hills, and "corporate counsel" means the Municipal Attorney of the Municipality.

(Ord. 1277. Passed 7-6-70.)

1440.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
EDITOR’S NOTE: Plumbing and house drainage are regulated and controlled by the Allegheny County Board of Health. Copies of regulations are available from the Board. There are no sections in Chapter 1460. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Codes of technical regulations - see CHTR. Art. XII, · 5
Department of Code Enforcement - see ADM. Ch. 238
Storm drainage in site development plans - see P. & Z. 1220.15
Water supply; pipe, pump and filter systems in swimming pools - see B. & H. 1428.04
Flood control - see B. & H. Ch. 1436
Authority of County Health Department - see H. & S. 1810.01
TITLE EIGHT - Housing Regulations
Chap. 1480. BOCA Basic/National Existing Structures Code
Chap. 1482. Housing Rehabilitation Program.

CHAPTER 1480
BOCA Basic/National Existing Structures Code

1480.01 1984 edition adopted; file copies.  1480.02 Amendments.

CROSS REFERENCES
Fair housing - see ADM. 242.08; GEN. OFF. Ch. 630
Plumbing and house drainage - see B. & H. Ch. 1460
Fire hazards - see F.P. Ch. 1610
Deposits of garbage and rubbish; land fill - see H. & S. Ch. 1820

1480.01 1984 EDITION ADOPTED; FILE COPIES.
A certain document, one or more copies of which are on file in the office of the Manager, being marked and designated as The BOCA Basic/National Existing Structures Code/1984, and subsequent amendments thereto, as published by Building Officials and Code Administrators International, Inc., is hereby adopted as the Housing Code of the Municipality for the purpose of providing minimum housing standards for all occupancies covered by such Code, and each and all of the regulations, provisions, penalties, conditions and terms of such Code and subsequent amendments thereto are hereby referred to, adopted and made a part hereof as if fully set out in this chapter.
(Ord. 1939. Passed 11-17-86.)

1480.02 AMENDMENTS.
The BOCA Basic/National Existing Structures Code, as adopted in Section 1480.01, is hereby amended as follows:

Section 100.1 Title (Amended): These regulations shall be known as the Existing Structures Code of the Municipality of Penn Hills, hereinafter referred to as the Existing Structures Code or this Code.
Section 105.3.2 Right of entry (Amended): If any owner, occupant or other person in charge of a structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference. Before the administrative authority seeks an order pursuant to this section, the authority must receive the consent of Council at a public hearing.

Section 105.6 Rule making authority (Deleted).

Section 107.3 Service (Amended): Such service shall be deemed to be properly served upon ... or by certified or regular mail addressed to the owner at the last known....

Section 110.2 Penalty (Amended): Any person, firm or corporation, who or which shall violate any provision of this code, shall, upon conviction thereof, be subject to a fine of not less than $50.00 nor more than $1,000, or imprisonment for a term not to exceed thirty (30) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. The Municipality shall issue a written notice of violation, which shall set forth the time period in which to correct said violation and the minimum penalty. If the person charged with the violation shall elect to correct the violation within the prescribed time period and pay the prescribed penalty, such action shall constitute settlement of the violation. The time period for correction of the violation shall be as set forth in Section ES-110.3, as prescribed by the notice provided for therein. Where no time period for correction is set forth, immediate correction is required.

Failure to correct the violation and pay the prescribed penalty may result in the filing of a complaint with the District Justice, or other appropriate legal action. Failure to pay the full cost of a citation or citations may result in a Municipal claim against the property and a lien which includes the cost of the citation, administrative costs and cumulative interest.

Section 110.3 Prosecution (Amended): An additional paragraph shall be added as follows: The code official may also proceed to immediately correct the violation and seek abatement by any of the following actions:
1. A verbal warning to correct the problem within a certain time period.
2. A citation which would require the person responsible for the violation to correct the violation and pay a fine of $50.00 for the first offense and a fine of not less than $50.00 nor more than $550.00 for the second and subsequent
offenses, or other penalties and fees as provided in the Schedule of Fees of the Municipality of Penn Hills, as established from time to time by ordinance of such Municipality.

3. A written notice of violation with instructions to correct the violation, followed by charges filed with the local district magistrate.

4. Other legal proceedings with the advice and assistance of the Municipal Attorney of Penn Hills.

Section 110.4 Additional Remedies/Noxious Weeds (Added): In addition to all those remedies and enforcement powers set forth in this Code, the Municipality may abate any condition created by a violation of Section 301.6 of this Code. The code official must notify the person responsible that a violation has occurred and must send a five-day notice to mow. If the noxious weeds are not mowed, removed or reduced to height below twelve inches within the five-day period from receipt of the notice, the code official shall have the noxious weeds cut, removed or reduced to a height below twelve inches by either the Public Works Department or a private contractor. The cost thereof shall be charged against the real estate and shall be a Municipal claim against the property and liened according to law.

Section 111.1 Petition (Amended): An additional sentence shall be added as follows: A petition must be accompanied by a filing fee of $100.00 or another amount as required by the Municipal schedule of fees.

Section 111.2 Appeals board (Amended): This section shall be eliminated entirely and replaced with the following: The Penn Hills Board of Appeals, as established by the BOCA Basic/National Building Code, shall be designated to also hear appeals under the provisions of this chapter. See Section 124.0 of such Code, as adopted in Chapter 1420 of the Codified Ordinances of the Municipality.

Section 111.2.1 Membership (Amended): This section shall be eliminated entirely and replaced with the following: See Section 124.2 of the BOCA Basic/National Building Code, as adopted in Chapter 1420 of the Codified Ordinances of the Municipality.

Section 112.4 Restraining actions (Amended): Anyone affected by any such order shall within thirty (30) days after service....

Section 200.3 Terms defined in other codes (Amended): Where terms are not defined in this article and are defined in the building, plumbing or mechanical codes, or in the zoning, grading or subdivision and land development ordinances, they shall have the same meanings as are ascribed to them in those codes or ordinances.
Section 201.0 Junk vehicle (Amended): Eliminate this definition and replace with: Vehicle not in running condition: Any vehicle without a current inspection sticker and/or without a current license plate, or any vehicle which, by visual inspection, can be determined to be seriously or permanently disabled, abandoned or in the process of being dismantled. A vehicle not in running condition and located on a lot for more than thirty (30) days shall not be an accessory use.

Section 201.0 Dwellings (Amended): Eliminate these definitions and replace with: Dwelling: A building or structure, or portion thereof, or house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwellings and multi-family dwellings, but not including hotels or lodging and boarding houses. Dwelling unit: A dwelling consisting of one or more rooms in a residential building, which are arranged, designed, used or intended for use as living quarters by a family. Dwelling, single-family: A dwelling designed or used exclusively for occupancy by one family. This term does not include mobile homes or house trailers. Dwelling, multi-family: A building, or portion thereof, containing two or more dwelling units.

Section 201.0 Family (Amended): Eliminate and replace with: Family: A family shall be considered one of the following:
(1) A single person occupying a dwelling unit and maintaining a household.
(2) Two or more persons related by blood, marriage or adoption, occupying a dwelling unit, sharing common cooking and bathing facilities and maintaining a common household.
(3) Two or more persons related by blood, marriage or adoption, and not more than two (2) boarders occupying a dwelling unit, who share common cooking and bathing facilities but do not necessarily maintain a common household.
(4) Not more than four unrelated persons occupying a dwelling unit, sharing common cooking and bathing facilities and maintaining a common household. This is not to include unrelated persons who are more appropriately defined as a family care facility under the terms of this ordinance.

Section 300.4 Occupancy permit required (Added):
1. It shall be unlawful to use, occupy or permit the use or occupancy of any building, land or premises, altered in its structure or enlarged in its use, until a Certificate of Use, Occupancy and Compliance shall have been issued therefor by the Director of Code Enforcement of the Municipality of Penn Hills stating that the proposed use of the building, land or premises conforms to the requirements of this code and the Planning and Zoning Code, the Building and Housing Code and the Fire Prevention Code of the Codified Ordinances of Penn Hills, and other applicable local ordinances of the Municipality of Penn Hills.
2. It shall be unlawful to change ownership, tenants or occupants of a building, land or premises unless a Certificate of Use, Occupancy and Compliance shall have been issued by the Director of Code Enforcement prior to said change, stating that the building, land or premises conform to the requirements of this code and the Planning and Zoning Code, the Building and Housing Code and the Fire Prevention Code of the Codified Ordinances of Penn Hills, and other applicable local ordinances of the Municipality of Penn Hills. In the case of multiple tenants of either commercial, industrial or residential properties, a Certificate of Use, Occupancy and Compliance shall be required for each tenant.
Section 301.2 Grading and drainage (Amended): All premises....

EXCEPTION: Water retention areas and/or reservoirs approved by the code official.

No changes shall be made in the contour of the land and no grading, excavation, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time as a plan for minimizing erosion and sedimentation has been processed with, and reviewed by, the Municipality, or there has been a determination by the Municipality that such plans are not necessary. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Allegheny County Conservation District.

Grading activity shall not create the discharge of water, silt, mud or other materials onto adjacent property or otherwise damage adjacent property.

Section 301.2.1 Grading/tree preservation (Added): In any area, no person shall cut, destroy, cause to be destroyed, move or remove six or more trees with a trunk diameter of six inches (6") or more measured three feet (3') from the ground, without first obtaining a written permit from the Code Enforcement Officer. The following requirements shall be met before a permit is issued:

a. The applicant shall be the owner of the property or must be an agent of the owner.

b. The applicant shall show that the proposed removal of natural growth is necessary for imminent development of the property, for agricultural purposes, or to improve the utility, appearance or safety of the property.

c. Adequate provision for the disposition of increased surface water drainage shall be shown to be provided. Such additional surface water drainage shall be controlled so as to prevent any increased and undue burden on adjacent streets or public or private property.

d. As a condition for approval of the removal of vegetation, the Code Enforcement Officer may require that suitable replacement trees be planted elsewhere on the site, if necessary, for environmental, health or safety purposes.

Section 301.2.1.2 Necessity of removal (Added): The applicant shall show that the proposed removal of natural growth is necessary for imminent development of the property and that a building permit or development plan has been approved, for agricultural purposes, or to improve the utility, appearance or safety of the property.

Section 301.6 Noxious weeds (Amended): All areas within two hundred feet (200) of any structure shall be kept free from noxious weeds or plant growth in excess of ten inches (10") in height. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs, provided, however, that this term shall not include cultivated flowers or gardens, parcels of ground over one acre in size, or properties owned by the Municipality of Penn Hills, the Penn Hills School District, or Allegheny County. These provisions do apply to vacant lots in otherwise developed residential areas with adjacent homes and lawns. In this case, a landowner shall control noxious weeds and keep vegetation below ten inches (10") in height regardless of the presence or absence of a home or structure. It shall be the duty of any person owning, leasing, occupying, or controlling any plot of ground in Penn Hills to prevent the growth of weeds thereon.

Section 301.6.1 Other vegetation (Added): In addition to the prevention of noxious weeds and the maintenance of lawns as described in Section 301.6, other vegetation on both residential...
and nonresidential property must be appropriately maintained. Shrubbery, hedges, trees, planters and other vegetation must be trimmed, pruned and/or cut in order to prevent visibility problems or detrimental effects on adjacent property.

Section 301.9 Accessory structures (Amended): All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in compliance with Sections ES-302.0 and ES 303-0 of this code. All accessory structures shall be in compliance with the performance standards of the Penn Hills Zoning Code, including location and bulk and area regulations.
Section 301.10.1 Residential areas (Amended): Except as provided in other regulations, no currently unregistered and/or uninspected motor vehicle shall be parked for more than thirty (30) days on any property in a residential district....

Section 301.10.2 Nonresidential areas (Amended): Except as provided in other regulations and approved by the code official, junk vehicles, currently unregistered or unlicensed vehicles, or vehicles in a major state of disassembly or disrepair, shall not be permitted in nonresidential areas.

Section 301.10.3 Motor vehicles on undeveloped property (Added): Motor vehicles shall not be parked on undeveloped vacant land. Vehicles are accessory uses to residential and nonresidential structures and land uses and are permitted in driveways, parking lots and other approved areas. Vehicles, either with or without current registration and licenses, shall not be abandoned, stored or parked on vacant lots or property not otherwise in use.

Section 301.12 Performance standards (Added): All premises shall continue to meet the performance standards as prescribed by Section 10 of Ordinance 1617, the Zoning Ordinance of the Municipality of Penn Hills, as amended.

Section 302.3.3 Roofs and drainage (Amended): The roof of any habitable structure shall be structurally sound, tight and not have defects which might admit rain. Roof drainage....

Section 302.3.5 Signs, marquees and awnings (Amended): All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment. No sign, whether free-standing or attached to a structure, shall be enlarged, erected, installed, altered, or replaced without the issuance of a permit in accordance with this chapter and Chapter 1276 of the Penn Hills Zoning Code.

Section 302.4.4 Insect screens (Deleted)

Section 303.3 Interior surfaces (Amended): Revise second sentence as follows: Loose plaster, decayed wood and other defective surface conditions shall be eliminated.

Section 403.1 Separation of units (Amended): Dwelling units shall be separate and apart from each other. Sleeping rooms in multi-family dwelling units shall not be used as the only means of access to other sleeping rooms or habitable spaces.
Section 404.1 Area for sleeping purposes (Amended): Every room occupied for sleeping purposes by one occupant shall contain at least 50 square feet of floor area and every room occupied for sleeping purposes by more than one person shall contain at least 25 square feet of floor area for each occupant thereof.

CHAPTER 1482
Housing Rehabilitation Program

EDITOR'S NOTE: The Municipality operates a Home Rehabilitation Program funded by the Department of Housing and Urban Development. Resolution 93-018, passed March 1, 1993, adopted revised and updated regulations for the program. These regulations are included in full in this chapter.

1482.01 Penn Hills Rehabilitation Program Guidelines (March 1993, Revised Guidelines).

CROSS REFERENCES
Fair housing - see Adm. 242.08; GEN. OFF. Ch. 630
Property Maintenance Code - see B. & H. Ch. 1480

1482.01 PENN HILLS REHABILITATION PROGRAM GUIDELINES (MARCH, 1993, REVISED GUIDELINES).

The Penn Hills Rehabilitation Program is designed to assist low income residents maintain their home and property. The program is financed through Federal Community Development monies and is available to all residents who meet certain income requirements.

Depending upon family size and income, persons may be eligible for one of two programs. The 0% loan program is designed for lower income persons and offers the homeowner a zero percent loan for the cost of repairs to the home. Persons not eligible for a 0% loan may qualify for the straight 6% loan program.

Eligible Items

Due to the overwhelming response to the program, applications are screened with priority given to the following:

A. Roof
   Roofs that are not sound, leak or are damaged in such a way that they cause health or safety problems.

B. Furnace
   Furnaces or any heating units that do not perform effectively.

C. Electrical
   Any wiring outlets or fixtures determined to be hazardous.

D. Plumbing
   Includes leaks in water supply and drain lines, or sewage problems.

Secondary repairs may include the following, depending upon the seriousness of the problem.

A. Windows
   Windows that are inseparable, or in other state of disrepair.

B. Gutters-Downspouts
Gutters and downspouts which are rusted, falling away from the structure, or do not properly drain water away.

C. Concrete
Any walkway or stairway that is badly cracked or heaving.

This is not restricted to the items listed above. Other repairs may qualify as determined by the Planning Department Director.

Eligibility Requirements

In order to qualify for the program, applicants must meet the basic eligibility requirements of:

1. Owner/occupancy of the home.
2. Family size and income limits as listed on the following table:

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Income</th>
<th>Family Size</th>
<th>Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$12,650</td>
<td>1</td>
<td>$20,250</td>
</tr>
<tr>
<td>2</td>
<td>$14,500</td>
<td>2</td>
<td>$23,150</td>
</tr>
<tr>
<td>3</td>
<td>$16,300</td>
<td>3</td>
<td>$26,050</td>
</tr>
<tr>
<td>4</td>
<td>$18,100</td>
<td>4</td>
<td>$28,950</td>
</tr>
<tr>
<td>5</td>
<td>$19,550</td>
<td>5</td>
<td>$31,300</td>
</tr>
<tr>
<td>6</td>
<td>$21,000</td>
<td>6</td>
<td>$33,600</td>
</tr>
<tr>
<td>7</td>
<td>$22,450</td>
<td>7</td>
<td>$35,900</td>
</tr>
<tr>
<td>8 or more</td>
<td>$23,900</td>
<td>8 or more</td>
<td>$38,250</td>
</tr>
</tbody>
</table>

* Maximum income ranges will be adjusted automatically upon the receipt of new income data from HUD.

Income

When submitting an application, homeowners must supply sufficient information to the Municipality to verify income. The following shall be determined to constitute income:

A. Any monetary benefits resulting from employment or received from agencies, including, but not limited to, wages, pensions, welfare, unemployment compensation, Social Security, etc.

B. Savings. Twenty percent (20%) of any savings account totaling from $5,000-$15,000 will be considered as annual income.

C. Stocks/Bonds. Any dividends from stocks and/or bonds will be considered as income.

D. Other Real Estate. Gross value will be considered as annual income for any real estate owned by the applicant, other than the residence of the applicant.

E. Income from all persons whose name appears on the deed shall be used to determine eligibility.
F. Income eligibility is based upon gross income of the applicants, and applies to all homeowners, including those individuals who may be self employed.

G. The intent of the program is to assist low income homeowners in improving their property. Homeowners with total assets in excess of $15,000 will be considered ineligible regardless of other income.

Income Calculations

Before a 0% Loan is approved, the following method shall be used to determine if the applicant meets the income eligibility requirements:

A. At the time of filing the application, the applicant shall supply information as to the amount of income earned during the previous twelve months.

B. At the same time, the applicant shall be required to supply information to the Housing Coordinator which would aid him or her in projecting the amount of income for the upcoming twelve months.

C. If both of these amounts meet the eligibility requirements as stated in the preceding table, the applicant will be deemed qualified for the program.

D. In order to qualify, the applicant must meet both tests of eligibility requirements.

E. Persons sixty-two (62) years of age or older who are retired, and on some type of fixed income, must only supply information which would aid the Housing Coordinator in projecting the amount of income for the upcoming twelve (12) months. In this case, the applicant must meet only one eligibility test.

Amount

All homeowners within Penn Hills are invited to participate in the Rehabilitation Program. Those residents residing in Lincoln Park are eligible to receive a maximum amount of $12,000 to cover the cost of repairs. Residents living outside Lincoln Park are eligible to receive a maximum amount of $10,000 to cover the cost of repairs.

Should a situation arise where all bids exceed the permitted amount for repairs, the Housing Coordinator may authorize the award of the bid for an additional amount not to exceed $500. Should the cost exceed this limit, approval must be granted by the Mayor and Council.

Homeowners/applicants will be required to pay a $50 processing fee for all applications of less than $750. The processing fee will be paid by the Municipality for applications in excess of $750.

The income eligibility limits have been determined by the Municipality in accordance with Federal regulations. The limits listed in the table represent the maximum amounts an applicant can earn and still qualify. However, these limits are lower than those actually permitted by Federal regulations and there is some flexibility involved. The Housing Coordinator has the authority to process an application in which the income is higher than the program limits, but below Federal regulations.
Procedure

Applications are available in the Planning Department and must be submitted with a statement requesting desired repairs on the appropriate form which is attached to the application. All information has to be verified, i.e., employment income, Social Security, pension, welfare, VA benefits, etc. All applications shall remain confidential. All applicants shall submit, along with the application, the following information:

1. Copy of the deed
2. Copy of current tax statements
3. Proof of income

Once the applicant is found eligible to receive a loan, the structure is inspected by the Rehabilitation Inspector. The Rehabilitation Inspector will prepare corrective action specifications of work required to correct code deficiencies.

The homeowner will then be instructed to get at least two and preferably three bids from contractors of his or her choice. Since the Municipality would like to assist as many individuals as possible, and funds are limited, the homeowner must accept the lowest acceptable bid as determined by the Municipality and, the homeowner, or must pay the difference between the low bid and the desired contractors bid.

Since the response to the program has been so great, it is necessary that applications be considered on a first-come, first-served basis. However, the nature of repairs requested will be compared with priority items as stated in this document. First-come, first-served status will be based upon the date the Rehabilitation Inspector receives contractors bids.

Applicants whose tax statements are not current shall be deemed ineligible for participation in the program. If taxes are not current, but the applicant is on an approved payment plan to pay the taxes, the Housing Coordinator may consider the tax statements to be current and the applicant as meeting the eligibility requirement.

Applicants must be current on both real estate and wage taxes as well as sewer usage bills. Any other unpaid obligations to the Municipality must also be satisfied, with the exception of sanitary sewage liens. Applicants must either provide verification of the above or authorize Municipal officials to seek verification.

Applications shall be resubmitted if, prior to the closing, the application has been on file for three (3) months or longer.

When the applicant has been deemed eligible for the program, a repayment schedule for the loan shall be instituted. The loan repayment plan is arranged through Pittsburgh National Bank and the applicant will be issued a loan payment book. The amount of monthly payment is determined by both the amount and length of the loan. The following table illustrates the maximum time periods in which loans shall be repaid.

<table>
<thead>
<tr>
<th>Loan Amount (in dollars)</th>
<th>Number of Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 - $2,000</td>
<td>3</td>
</tr>
<tr>
<td>2,001 - 3,000</td>
<td>4</td>
</tr>
<tr>
<td>3,001 - 5,000</td>
<td>6</td>
</tr>
</tbody>
</table>
The above table represents the maximum amount of time to repay loans: If the applicant wishes to repay the loan in less time, he is permitted to do so. No payment schedule, however, shall be less than $30.00 per month.

**Regulations**

Under normal circumstances the applicant will be required to address any existing code deficiencies when an application is submitted. These deficiencies will be noted by the Rehabilitation Specialist in preparing bid specification and loan documents. Homeowners will be required to correct all code deficiencies.

There are two exceptions to this rule. When an emergency situation occurs, the Housing Coordinator may authorize the loan for the amount needed to correct the situation without addressing code deficiencies. An example of an emergency situation may be the need to replace an inoperative furnace or hot water heater.

A situation may occur when a home is in such disrepair that the allotted amounts will not be enough to correct all code deficiencies as well as other needed repairs. The Housing Coordinator may use his discretion as to the repairs to be undertaken to render the house as safe as possible and to protect the Municipality’s investment.

Applicants who have been notified of, or in the process of having their property involved in a sheriff’s sale, shall be determined to be ineligible for the Rehab Program. Between the time an application has been submitted, and the closing of the property occurs, the applicant has an obligation to inform the Municipality as to any change of circumstances which may affect the application.

**Other**

Other Fees. The Municipality may require the applicant to pay mortgage recording fees, a property report fee, and other miscellaneous fees that may be required.

Since this program is funded through the Federal Community Development Block Grant Program, all other pertinent rules and regulations established by the Department of Housing and Urban Development shall apply.

Whenever the policies and/or procedures of this Program create undue hardships or unforeseen problems of an applicant, the Municipality will consider a waiver of Program guidelines on a case-by-case basis. A waiver may include the determination that the applicant is eligible for additional financial assistance, or that additional improvements are eligible. All waivers are subject to the express approval of the Mayor and the Council.

**Special Program for the Handicapped**

A. Provided homeowners otherwise qualify for low interest loan programs, an applicant who is handicapped or who has a member of the household with a handicap may qualify for a maximum grant of $2,000.
B. Grant proceeds must be used solely to pay for the cost of physical improvements to the structure designed to benefit the handicapped i.e. ramps, specially designed bathrooms and kitchens, etc.

C. Grant proceeds must not exceed 50% of the cost of total improvements to the structure. (Res. 93-018. Passed 3-1-93.)
Chap. 1610. Accumulations of Flammable Materials.

CHAPTER 1610
Accumulations of Flammable Materials

1610.01  Storage restrictions; containers.
No person shall store or accumulate flammable materials, such as excessive waste paper, clothing, rags, excelsior, straw or like material, or store any flammable liquid, in, near or adjacent to any apartment house or multiple dwelling, mercantile establishment, factory, hotel restaurant or other structure or place of public meeting or assembly, or dwelling house, unless the same is placed in a metal or fireproof container, and then only in the basement of such structures or outside of such buildings.
(Ord. 939. Passed 12-4-61.)

1610.02  Inspections; right of entry.
The Director-Fire Marshall of the Department of Fire Prevention is hereby authorized to enter, at all reasonable hours, any building or premises within the Municipality, as the same have been described in Section 1610.01, for the purpose of making any inspection or investigation necessary to carry out the intent and purposes of this chapter.
(Ord. 939. Passed 12-4-61.)

1610.03  Orders to correct.
When the Director-Fire Marshall of the Department of Fire Prevention finds in, near or adjacent to any building or on any premises, combustible or explosive matter, or an accumulation of rubbish, waste paper, boxes, shavings, etc., considered to be a dangerous accumulation, and which is so situated as to endanger persons or property, or whenever he finds obstructions at, near or on fire escapes, stairs, exits, passageways, doors or windows likely to interfere with the egress of occupants of any such premises in case of fire, or to interfere with the operation of the Fire Prevention Department in case of fire or emergency, then he shall order the same to be removed, and no owner or occupant of such premises or building shall fail, within forty-eight hours after
receipt of notice of such order as hereinafter provided, to comply with such order.  
(Ord. 939. Passed 12-4-61.)

1610.04 SERVICE OF NOTICE.  
Service of such notice or order shall be made upon the occupant and/or the owner and the  
tenant or authorized agent of such occupant or owner, of the premises to which it is directed,  
either by delivering a copy of the same to such person or persons personally, or by leaving it with  
any adult person who may be in charge of the premises, and also by sending such notice by  
registered or certified mail to such person or persons at the last known Post Office address of  
such person or persons, or, if no such responsible person can be found or located, then by posting  
or nailing a copy of such notice in a conspicuous place on the outside door entrance of such  
premises. If the premises are unoccupied, then the notice shall be sent by registered or certified  
mail to the owner’s last known Post Office address, and likewise by posting or tacking a copy of  
such notice on the outside door or entrance of the premises.  
(Ord. 939. Passed 12-4-61.)

1610.05 DISPLAY OF EMERGENCY TELEPHONE NUMBERS.  
The emergency phone number of the owner or tenant, or of his servant, agent or  
representative, shall be displayed on all mercantile establishments, factories, hotels, restaurants,  
places of amusement or entertainment and places of public assembly or meeting, in such place on  
such premises readily accessible to firemen or policemen, so that in case of fire or emergency  
they can be promptly notified.  
(Ord. 939. Passed 12-4-61.)

1610.99 PENALTY.  
(EDITOR’S NOTE: See Section 202.99 for general Code penalty if no specific penalty is  
provided.)
CHAPTER 1620
International Fire Code

1620.01 International Fire Code adopted by reference.

CROSS REFERENCES
Fire Prevention Code - see CHTR. Art. XI, 2
Codes of technical regulations - see CHTR. Art. XII, 5
Department of Fire Prevention - see ADM. Ch. 236
Department of Code Enforcement - see ADM. Ch. 238
Fire lanes - see TRAF. Ch. 424
False alarms - see GEN. OFF. 654.03
Disposition of fire insurance proceeds - see B.R. & T. 826.01

1620.01 INTERNATIONAL FIRE CODE ADOPTED BY REFERENCE.
The International Fire Code is hereby adopted by reference as if set forth in full herein.
(Ord. 2525. Passed 10-4-10.)
Chap. 1810.  Administration.

Chap. 1820.  Deposits of Garbage and Rubbish; Land Fill.

Chap. 1840.  Littering; Distribution of Advertising Matter.

1810.01  Authority of County Health Department and Municipality.

CROSS REFERENCES
Sewers - see S.U. & P.S. Chs. 1040, 1042, 1044
Garbage and rubbish collection and disposal see S.U. & P.S. Ch. 1060

1810.01  AUTHORITY OF COUNTY HEALTH DEPARTMENT AND MUNICIPALITY.

The Municipality is hereby declared to be subject to the jurisdiction of the County Department of Health, excepting, however, the following functions and services that shall be administered fully by the Municipality:

(a) The collection, transportation and disposal of garbage and rubbish; and

(b) Operation, control and maintenance of the Municipal sanitary sewerage system, including the operation, control, supervision and maintenance of the Municipal Sanitary Sewerage Treatment Plants.

(Ord. 749. Passed 12-3-56.)
CHAPTER 1820
Deposits of Garbage and Rubbish; Land Fill

1820.01 Definitions. (Repealed)
1820.02 Unlawful deposits; dumping. (Repealed)
1820.03 Controlled land fill. (Repealed)
1820.04 Land reclamation. (Repealed)
1820.05 Placement for collection. (Recodified)
1820.06 Backyard pickup. (Recodified)
1820.99 Penalty. (Repealed)

CROSS REFERENCES

Depositing snow and ice in public ways - see GEN. OFF. 666.01
Grading, excavation and fill - see B. & H. Ch. 1424
Accumulations of flammable materials - see F.P. Ch. 1610
Littering public and private property - see H. & S. 1840.01

1820.01 DEFINITIONS. (REPEALED)
(EDITOR’S NOTE: Section 1820.01 was repealed by implication by Ordinance 2103, passed January 20, 1992. See Chapter 1060 of the Streets, Utilities and Public Services Code.)

1820.02 UNLAWFUL DEPOSITS; DUMPING. (REPEALED)
(EDITOR’S NOTE: Section 1820.02 was repealed by implication by Ordinance 2103, passed January 20, 1992. See Chapter 1060 of the Streets, Utilities and Public Services Code.)

1820.03 CONTROLLED LAND FILL. (REPEALED)
(EDITOR’S NOTE: Section 1820.03 was repealed by implication by Ordinance 2103, passed January 20, 1992. See Chapter 1060 of the Streets, Utilities and Public Services Code.)

1820.04 LAND RECLAMATION. (REPEALED)
(EDITOR’S NOTE: Section 1820.04 was repealed by implication by Ordinance 2103, passed January 20, 1992. See Chapter 1060 of the Streets, Utilities and Public Services Code.)

1820.05 PLACEMENT FOR COLLECTION. (RECODIFIED)
(EDITOR’S NOTE: Section 1820.05 was recodified as part of the 1993 updating of these Codified Ordinances. See Section 1060.33 of the Streets, Utilities and Public Services Code.)

1820.06 BACKYARD PICKUP. (RECODIFIED)
(EDITOR’S NOTE: Section 1820.06 was recodified as part of the 1993 updating of these Codified Ordinances. See Section 1060.34 of the Streets, Utilities and Public Services Code.)

1820.99 PENALTY. (REPEALED)
(EDITOR’S NOTE: Section 1820.99 was repealed by implication by Ordinance 2103, passed January 20, 1992. See Chapter 1060 of the Streets, Utilities and Public Services Code.)
CHAPTER 1840
Littering; Distribution of Advertising Matter

EDITOR’S NOTE: This chapter, previously a codification of Ordinance 769, passed May 27, 1957, was repealed in its entirety and re-enacted by Ordinance 2261, passed November 12, 1997.

1840.01 Definitions.
1840.02 Posting notices, placards, bills, etc., prohibited.
1840.03 Throwing handbills in public places prohibited.
1840.04 Placing handbills in or upon vehicles prohibited.
1840.05 Distributing handbills on uninhabited or vacant private premises prohibited.
1840.06 Distributing handbills where prohibition properly posted prohibited.
1840.07 Distributing handbills at private premises prohibited; exceptions.
1840.08 Existing ordinances not affected.
1840.99 Penalty.

CROSS REFERENCES
Depositing snow and ice in public ways - see GEN. OFF. 666.01
Peddlers, canvassers and transient merchants - see B.R. & T. Ch. 840
Garbage and rubbish collection and disposal - see S.U. & P.S. Ch. 1060
Accumulations of flammable materials - see F.P. Ch. 1610
Deposits of garbage and rubbish; land fill - see H. & S. Ch. 1820

1840.01 DEFINITIONS.
The following words, terms and phrases, when used in this chapter, shall have the following meanings:
(a) Commercial handbill shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
(1) Which advertises for sale any merchandise, product, commodity, or thing;
(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales;
(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be derived to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of the Commonwealth of Pennsylvania or under any ordinance of the Municipality of Penn Hills; or
(4) Which, while containing reading matter other than advertising matter, is
predominantly and essentially an advertisement, and is distributed or circulated for advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(b) Newspaper shall mean and include any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(c) Non-commercial handbill shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of a commercial handbill or a newspaper.

(d) Obscene means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency and which the average person, applying contemporary community standards, would find, taken as a whole, appeals to prurient interests, or material which depicts anything that is specifically defined by the law of the Commonwealth to be obscene because, taken as a whole, it lacks serious literary, artistic, political, or scientific value.

(e) Person shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

(f) Private premises shall mean and include any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited, uninhabited or vacant, and shall include any park, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(g) Public place shall mean and include any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.

(Ord. 2261. Passed 11-12-97.)

1840.02 POSTING NOTICES, PLACARDS, BILLS, ETC., PROHIBITED.

No person shall post, stick, stamp, paint or otherwise affix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbsstone, flagstone, or any other portion or part of any public way or public place, or any lamp post, electric light, telegraph, telephone or trolley line pole, or railway structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or building, or upon any fire alarm fixtures except such as may be authorized or required by the laws of the United States, or the Commonwealth of Pennsylvania, and the ordinances of the Municipality of Penn Hills.

(Ord. 2261. Passed 11-12-97.)

1840.03 THROWSING HANDBILLS IN PUBLIC PLACES PROHIBITED.

No person shall deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any public place within the Municipality of Penn Hills, provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any commercial or non-commercial handbill in any public place to any person willing to accept such handbill.
1840.04  PLACING HANDBILLS IN OR UPON VEHICLES PROHIBITED.
No person shall distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any commercial or non-commercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the same.
(Ord. 2261. Passed 11-12-97.)

1840.05  DISTRIBUTING HANDBILLS ON UNINHABITED OR VACANT PRIVATE PREMISES PROHIBITED.
No person shall distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any private premises which are uninhabited or vacant.
(Ord. 2261. Passed 11-12-97.)

1840.06  DISTRIBUTING HANDBILLS WHERE PROHIBITION PROPERLY POSTED PROHIBITED.
No person shall distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: No Trespassing. No Peddlers or Agents. No Advertisements. or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such commercial or non-commercial handbills left upon such premises.
(Ord. 2261. Passed 11-12-97.)

1840.07  DISTRIBUTING HANDBILLS AT PRIVATE PREMISES PROHIBITED; EXCEPTIONS.
(a) No person shall throw, deposit, or distribute any commercial or non-commercial handbill in or upon private premises except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises, provided that, except where the premises are posted as provided in Section 1840.06, or where anyone upon the premises requests otherwise, a person may place or deposit any such commercial or non-commercial handbill in or upon such private premises, if such handbill is contained in a plastic bag, or if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places. Mailboxes may not be so used when so prohibited by Federal postal law or regulations.

(b) The provisions of this section shall not apply to the distribution of mail by the United States or to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.
(Ord. 2261. Passed 11-12-97.)

1840.08  EXISTING ORDINANCES NOT AFFECTED.
This chapter shall not be deemed to repeal, amend or modify any ordinance ever ordained either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person using the public streets or places or any private business or enterprise, or for commercial sales, not covered herein.
(Ord. 2261. Passed 11-12-97.)
1840.99 PENALTY.

(EDITOR’S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
CHAPTER 1860
Hazardous Materials

1860.01 Definitions.
1860.02 Authorization for abatement.
1860.03 Costs for abatement.
1860.04 Violations.
1860.99 Penalty.

CROSS REFERENCES
Water pollution - see S.U. & P.S. 1040.06, 1042.10, 1043.03
Wastewater discharges - see S.U. & P.S. 1043.06
Air pollution - see P. & Z. 1278.17
Radiation - see P. & Z. 1278.18
Accumulation of flammable materials - see F.P. Ch. 1610

---

1860.01 DEFINITIONS.
As used in this chapter:
(a) Hazardous materials or substances means any material or substance which may have a direct or identifiable effect on persons or property within the boundaries of the Municipality or any such substances or materials in a quantity or form which, in the determination of the Manager, or his or her authorized representative, poses an unreasonable or imminent risk to the life, health or safety of persons or property, or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammables, corrosives or materials listed in the Hazardous Substance list of the Pennsylvania Department of Labor and Industry, the Solid Waste Management Act, 35 P.S. 6018.103 and the Worker and Community Right-to-Know Act, 35 P.S. 7303.
(b) Person means and includes any individual, firm, corporation, association, partnership or other legal entity.
(Ord. 2332. Passed 2-2-00.)

1860.02 AUTHORIZATION FOR ABATEMENT.
The Municipality hereby authorizes and directs its various emergency services, personnel, employees or any other persons employed by the Municipality for such purposes to clean up or abate, or cause to be cleaned up or abated, the effects of any hazardous materials or substances deposited upon or onto properties or facilities within the Municipality, including, but not limited to, activities such as traffic control, evacuation, relocation, substance monitoring and establishment of medical care facilities, and to recover from such persons responsible for the same any and all costs incurred in the mitigation of the situation. Any person who intentionally, accidentally or negligently causes such deposit shall be liable for all costs incurred by the Municipality in the clean-up or abatement activities. The remedies provided by this chapter shall be in addition to all other remedies provided by other laws or ordinances of the United States Government, the Commonwealth of Pennsylvania and the Municipality.
(Ord. 2332. Passed 2-2-00.)
1860.03 COSTS FOR ABATEMENT.
For purposes of this chapter, costs of clean-up and abatement incurred by the Municipality shall include, but are not limited to, actual labor costs of Municipal personnel, including Workers' Compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of special fire extinguishing agents used, cost of any contracted labor and materials, and all response costs as defined at 35 P.S. § 6022.210(c), as amended, and, further, shall include any costs incurred by volunteer fire companies, emergency medical companies, the Department of Police of the Municipality and any other agency or contractor engaged in the abating or cleaning up of the effects of any such hazardous materials or substances deposited upon or into properties, facilities, roads or streets of the Municipality.
(Ord. 2332. Passed 2-2-00.)

1860.04 VIOLATIONS.
No person shall deposit, place or dump any hazardous materials or substances upon or onto properties within the boundaries of the Municipality.
(Ord. 2332. Passed 2-2-00.)

1860.99 PENALTY.
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)
## COMPARATIVE SECTION TABLE

**EDITOR'S NOTE:** The 1978 Codified Ordinances of Penn Hills comprise ordinances and resolutions enacted by Council or new matter ordained by the Adopting Ordinance. Sections and subsections of the 1978 Codified Ordinances without a history or with the words "Adopting Ordinance" at the end thereof are or contain new matter ordained by the Adopting Ordinance. In the following table the disposition of all source material in the 1978 Penn Hills Codified Ordinances is indicated.

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>8-17-12</td>
<td>1028.01 to 1028.04</td>
<td>654 (Cont.)</td>
<td></td>
<td>456.01, 456.03,</td>
</tr>
<tr>
<td>57</td>
<td>4-4-18</td>
<td>1054.01</td>
<td></td>
<td></td>
<td>464.01 to 464.04,</td>
</tr>
<tr>
<td>78</td>
<td>7-6-22</td>
<td>810.03</td>
<td></td>
<td></td>
<td>464.06 to 464.08,</td>
</tr>
<tr>
<td>124</td>
<td>10-7-26</td>
<td>654.02, 654.03</td>
<td></td>
<td></td>
<td>468.01, 476.01 to</td>
</tr>
<tr>
<td>186</td>
<td>4-4-29</td>
<td>1040.04</td>
<td></td>
<td></td>
<td>476.03</td>
</tr>
<tr>
<td>208</td>
<td>2-6-31</td>
<td>850.01 to 850.03</td>
<td>656</td>
<td>5-3-54</td>
<td>464.05</td>
</tr>
<tr>
<td>312</td>
<td>8-5-37</td>
<td>1024.01, 1024.03, 1024.04(b), (c), 1024.05, 1024.10, 1024.11</td>
<td>723</td>
<td>4-2-56</td>
<td>1044.03</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>749</td>
<td>12-3-56</td>
<td>1810.01</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>769</td>
<td>5-27-57</td>
<td>1840.01, 1840.03 to 1840.05</td>
</tr>
<tr>
<td>435</td>
<td>3-6-44</td>
<td>612.01(a) to (e)</td>
<td>777</td>
<td>8-5-57</td>
<td>1060.03</td>
</tr>
<tr>
<td>452</td>
<td>2-28-46</td>
<td>1060.02, 1060.06 to 1060.08, 1060.13, 1060.15, 1060.17, 1060.21 to 1060.23, 1060.28</td>
<td>785</td>
<td>10-14-57</td>
<td>284.01 to 284.03, 284.08, 284.09, 284.11 to 284.13</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>480</td>
<td>12-1-47</td>
<td>1024.06 to 1024.09, 1024.12, 1024.13</td>
<td>886</td>
<td>8-15-60</td>
<td>690.01</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>901</td>
<td>12-19-60</td>
<td>234.05</td>
</tr>
<tr>
<td>489</td>
<td>3-9-48</td>
<td>820.01, 820.03, 820.05, 820.07</td>
<td>905</td>
<td>2-6-61</td>
<td>666.01</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>939</td>
<td>12-4-61</td>
<td>1610.01 to 1610.05</td>
</tr>
<tr>
<td>518</td>
<td>10-3-49</td>
<td>1044.01</td>
<td>982</td>
<td>4-1-63</td>
<td>830.03, 830.05 to</td>
</tr>
<tr>
<td>547</td>
<td>11-16-50</td>
<td>1024.04(b), (c)</td>
<td></td>
<td></td>
<td>830.09</td>
</tr>
<tr>
<td>Res.</td>
<td></td>
<td></td>
<td>983</td>
<td>4-1-63</td>
<td>840.01 to 840.12</td>
</tr>
<tr>
<td>8-1952</td>
<td>3-3-52</td>
<td>1050.01</td>
<td>986</td>
<td>4-15-63</td>
<td>272.01(a), 272.03 to 272.07</td>
</tr>
<tr>
<td>605</td>
<td>8-25-52</td>
<td>280.01(a), (b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>610</td>
<td>12-29-52</td>
<td>1044.05</td>
<td>1028</td>
<td>2-1-65</td>
<td>284.14</td>
</tr>
<tr>
<td>654</td>
<td>5-3-54</td>
<td>404.03, 408.06(b), 416.01, 416.02, 1097</td>
<td>1068</td>
<td>2-7-66</td>
<td>1044.02</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9-12-66</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1820.01 to 1820.04</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9-19-66</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>280.02(a)</td>
</tr>
</tbody>
</table>

2005 Replacement
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1105</td>
<td>9-26-66</td>
<td>286.01; 286.02, 286.04 to 286.08 (Repealed)</td>
<td>1371</td>
<td>4-11-73</td>
<td>1428.01, 1428.02(a), (c), (d), 1428.03 to 1428.10</td>
</tr>
<tr>
<td>1113</td>
<td>11-21-66</td>
<td>860.01 to 860.17 (Repealed), 860.99 (Repealed)</td>
<td>1373</td>
<td>5-7-73</td>
<td>1428.02(b)</td>
</tr>
<tr>
<td>1117</td>
<td>12-19-66</td>
<td>234.06</td>
<td>1375</td>
<td>5-7-73</td>
<td>1440.02, 1440.03</td>
</tr>
<tr>
<td>1124</td>
<td>3-6-67</td>
<td>1040.02</td>
<td>1395</td>
<td>2-4-74</td>
<td>830.02, 830.04</td>
</tr>
<tr>
<td>1125</td>
<td>3-6-67</td>
<td>432.01 to 432.16</td>
<td>1409</td>
<td>7-1-74</td>
<td>234.07</td>
</tr>
<tr>
<td>1172</td>
<td>2-5-68</td>
<td>210.16</td>
<td>1416</td>
<td>11-4-74</td>
<td>1424.03, 1424.10, 1424.13(k), 1424.15(e)</td>
</tr>
<tr>
<td>Res.</td>
<td>21-1968</td>
<td>222.01</td>
<td>Res.</td>
<td>12-1975</td>
<td>3-3-75</td>
</tr>
<tr>
<td>1210</td>
<td>11-18-68</td>
<td>880.01 to 880.05, 880.07, 880.08, 880.10 to 880.13, 880.99</td>
<td>1433</td>
<td>10-6-75</td>
<td>870.04, 870.05</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1448</td>
<td>1-19-76</td>
<td>210.11</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1450</td>
<td>1-19-76</td>
<td>252.01 to 252.07</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1451</td>
<td>2-2-76</td>
<td>1436.01 to 1436.10</td>
</tr>
<tr>
<td>1221</td>
<td>2-3-69</td>
<td>206.01 to 206.07</td>
<td>1452</td>
<td>3-2-76</td>
<td>244.01(a), 244.02(b), 244.04 to 244.08</td>
</tr>
<tr>
<td>1222</td>
<td>2-3-69</td>
<td>654.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1229</td>
<td>5-5-69</td>
<td>280.01(e), (f)</td>
<td>1453</td>
<td>3-1-76</td>
<td>210.05</td>
</tr>
<tr>
<td>Res.</td>
<td>22-1969</td>
<td>272.08</td>
<td>1454</td>
<td>3-1-76</td>
<td>1062.01, 1062.02</td>
</tr>
<tr>
<td>Res.</td>
<td>28-1969</td>
<td>222.02</td>
<td>Res.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1234</td>
<td>7-31-69</td>
<td>234.09</td>
<td>1458</td>
<td>7-12-76</td>
<td>1064.01</td>
</tr>
<tr>
<td>1238</td>
<td>9-2-69</td>
<td>660.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1263</td>
<td>1-13-70</td>
<td>1044.06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1269</td>
<td>4-6-70</td>
<td>272.01(b), 272.02</td>
<td>1460</td>
<td>8-31-76</td>
<td>1042.01 to 1042.12</td>
</tr>
<tr>
<td>1277</td>
<td>7-6-70</td>
<td>1440.02 to 1440.05</td>
<td>1466</td>
<td>10-4-76</td>
<td>210.01, 210.02(a) to (d), 210.03(a), 210.04 to 210.09, 210.15, 212.01, 220.02, 220.03, 228.01 to 228.03, 230.01, 230.02, 240.01 to 240.03, 242.03, 242.04(a), 242.05, 242.06, 244.01(b), 244.02(a), 244.03, 246.01 to 246.03, 248.01 to 248.03</td>
</tr>
<tr>
<td>1280</td>
<td>8-3-70</td>
<td>1424.01, 1424.02, 1424.04 to 1424.13(j), 1424.14, 1424.15(a) to (d), 1424.16 to 1424.19</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1281</td>
<td>8-3-70</td>
<td>1040.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1284</td>
<td>8-3-70</td>
<td>234.10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td>32-1971</td>
<td>10-4-71</td>
<td>1040.06</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1338</td>
<td>2-7-72</td>
<td>1020.01 to 1020.03</td>
<td>1370</td>
<td>4-11-73</td>
<td>282.01 to 282.11</td>
</tr>
<tr>
<td>1344</td>
<td>6-14-72</td>
<td>210.02(e)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1353</td>
<td>11-6-72</td>
<td>870.01 to 870.03, 870.06 to 870.10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1364</td>
<td>2-5-73</td>
<td>1040.03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2013 Replacement</td>
<td>2013 Replacement</td>
<td>2013 Replacement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date</td>
<td>C.O. Section</td>
<td>Ord. No.</td>
<td>Date</td>
<td>C.O. Section</td>
</tr>
<tr>
<td>---------</td>
<td>--------</td>
<td>----------------------</td>
<td>---------</td>
<td>--------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Res.</td>
<td></td>
<td></td>
<td>Res.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>76-1976</td>
<td>10-4-76</td>
<td>274.01 to 274.06</td>
<td>1-1978</td>
<td>3-6-78</td>
<td>1438.01</td>
</tr>
<tr>
<td>Res.</td>
<td></td>
<td></td>
<td>1525</td>
<td>4-3-78</td>
<td>280.02(b)</td>
</tr>
<tr>
<td>77-1976</td>
<td>10-4-76</td>
<td>252.10</td>
<td>48-1978</td>
<td>6-20-78</td>
<td>1024.03, 1040.01,</td>
</tr>
<tr>
<td>Res.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1220.31, 1228.01,</td>
</tr>
<tr>
<td>84-1976</td>
<td>10-20-76</td>
<td>252.08</td>
<td></td>
<td></td>
<td>1240.01 to 1240.04,</td>
</tr>
<tr>
<td>Res.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1420.01(a) to (c)</td>
</tr>
<tr>
<td>90-1976</td>
<td>11-2-76</td>
<td>252.09</td>
<td></td>
<td></td>
<td>1260.01 to 1260.05,</td>
</tr>
<tr>
<td>1471</td>
<td>12-6-76</td>
<td>1042.12</td>
<td>1534</td>
<td>6-20-78</td>
<td>1262.01 to 1262.03,</td>
</tr>
<tr>
<td>Res.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1264.01 to 1264.09,</td>
</tr>
<tr>
<td>22-1977</td>
<td>3-7-77</td>
<td>234.11(b) to (d)</td>
<td></td>
<td></td>
<td>1266.01 to 1266.11,</td>
</tr>
<tr>
<td>1480</td>
<td>4-4-77</td>
<td>672.01 to 672.09</td>
<td></td>
<td></td>
<td>1268.01, 1268.02</td>
</tr>
<tr>
<td>1482</td>
<td>4-14-77</td>
<td>284.10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1483</td>
<td>4-14-77</td>
<td>282.12, 284.02, 284.06, 284.07</td>
<td>1536</td>
<td>6-20-78</td>
<td>408.01 to 408.06(a),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>408.07</td>
</tr>
<tr>
<td>Res.</td>
<td>46-1977</td>
<td>5-3-77</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>210.03(b) to (e)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td>47-1977</td>
<td>5-9-77</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1066.01 to 1066.04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1490</td>
<td>6-6-77</td>
<td>250.01 to 250.03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td>52-1977</td>
<td>6-6-77</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>280.03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td>59-1977</td>
<td>6-6-77</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>262.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1491</td>
<td>6-6-77</td>
<td>612.02, 612.03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1495</td>
<td>8-1-77</td>
<td>472.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1496</td>
<td>8-1-77</td>
<td>424.01, 424.02, 424.06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td>81-1977</td>
<td>8-24-77</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>242.08</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1509</td>
<td>11-14-77</td>
<td>1220.01 to 1220.36, 1220.99</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td>112-1977</td>
<td>12-12-77</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1044.04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1514</td>
<td>1-9-78</td>
<td>210.10, 210.12 to 210.14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1516</td>
<td>1-9-78</td>
<td>220.01, 234.01 to 234.04, 236.01 to 236.03, 238.01 to 238.03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopting Ordinance

202.01 to 202.06, 202.99, 212.02, 230.03, 234.11(a), 236.04, 262.02, 280.01(c), (d), 284.04, 284.05, 286.03, 286.09, 404.01, 404.02, 404.99, 424.03 to 424.05, 432.17, 456.02, 456.04, 456.99, 464.09, 464.99, 612.01(f), 810.01, 810.02, 820.02, 820.04, 820.06, 820.08, 830.01, 880.06, 880.09, 1024.02, 1024.04(a), 1054.02, 1054.03, 1060.01, 1060.04, 1060.05, 1060.09 to 1060.11, 1060.14, 1060.16, 1060.18 to 1060.20, 1060.24 to

2011 Replacement
<table>
<thead>
<tr>
<th>Ord. No. Adopting Ordinance</th>
<th>Date</th>
<th>C.O. Section</th>
<th>Ord. No. Res.</th>
<th>Date</th>
<th>C.O. Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res. 61-1978</td>
<td>8-7-78</td>
<td>280.04</td>
<td>1632</td>
<td>9-3-80</td>
<td>120.09, 1220.11, 1220.13, 1220.15, 1220.19, 1220.20</td>
</tr>
<tr>
<td>Res. 104-1978</td>
<td>11-6-78</td>
<td>210.06(b)</td>
<td>1642</td>
<td>12-3-80</td>
<td>1040.07</td>
</tr>
<tr>
<td>1557</td>
<td>1-22-79</td>
<td>862.01 to 882.17, 882.99</td>
<td>8-1981</td>
<td>2-4-81</td>
<td>660.02</td>
</tr>
<tr>
<td>1558</td>
<td>1-22-79</td>
<td>884.01 to 884.17, 884.99</td>
<td>1653</td>
<td>2-4-81</td>
<td>1042.14(c), (d)(1)</td>
</tr>
<tr>
<td>1572</td>
<td>8-22-79</td>
<td>1042.13, 1044.04</td>
<td>1654</td>
<td>2-18-81</td>
<td>276.01 to 276.06</td>
</tr>
<tr>
<td>1591</td>
<td>11-20-79</td>
<td>884.01 to 884.17, 884.99</td>
<td>17-1981</td>
<td>3-4-81</td>
<td>1240.03</td>
</tr>
<tr>
<td>1592</td>
<td>11-20-79</td>
<td>886.01 to 886.15, 886.99</td>
<td>1658</td>
<td>3-4-81</td>
<td>273.01 to 273.09</td>
</tr>
<tr>
<td>1598</td>
<td>12-17-79</td>
<td>432.07</td>
<td>1660</td>
<td>3-4-81</td>
<td>820.09</td>
</tr>
<tr>
<td>1604</td>
<td>2-6-80</td>
<td>248.01, 248.02, 272.06</td>
<td>1666</td>
<td>4-1-81</td>
<td>830.02, 830.04</td>
</tr>
<tr>
<td>1605</td>
<td>1-23-80</td>
<td>234.12</td>
<td>1667</td>
<td>4-1-81</td>
<td>1042.02(a) to (e)</td>
</tr>
<tr>
<td>1608</td>
<td>2-23-80</td>
<td>272.01(b), 272.02</td>
<td>1668</td>
<td>4-1-81</td>
<td>222.02(b)</td>
</tr>
<tr>
<td>1609</td>
<td>2-6-80</td>
<td>1062.03</td>
<td>1673</td>
<td>5-20-81</td>
<td>1436.01 to 1436.20, 1436.99</td>
</tr>
<tr>
<td>1610</td>
<td>2-6-80</td>
<td>1042.14(a), (d)(2) to (4), (f)</td>
<td>1674</td>
<td>5-20-81</td>
<td>210.05, 210.16</td>
</tr>
<tr>
<td>1613</td>
<td>2-20-80</td>
<td>Ed. Note Ch. 274</td>
<td>1676</td>
<td>6-3-81</td>
<td>252.01(b), (c), 252.05 to 252.07, 252.09, 252.10</td>
</tr>
<tr>
<td>1614</td>
<td>3-5-80</td>
<td>1042.02(a) to (e)</td>
<td>1680</td>
<td>6-17-81</td>
<td>1042.14(e)</td>
</tr>
<tr>
<td>1615</td>
<td>3-5-80</td>
<td>888.01</td>
<td>1711</td>
<td>10-21-81</td>
<td>210.09</td>
</tr>
<tr>
<td>1618</td>
<td>4-2-80</td>
<td>1042.14(g)</td>
<td>1712</td>
<td>10-21-81</td>
<td>840.03</td>
</tr>
<tr>
<td>1619</td>
<td>4-16-80</td>
<td>1266.01, 1266.04(a), (b), (e)</td>
<td>1716</td>
<td>11-18-81</td>
<td>1230.01 to 1230.06</td>
</tr>
<tr>
<td>1620</td>
<td>6-4-80</td>
<td>870.04(c)</td>
<td>1718</td>
<td>12-16-81</td>
<td>848.01 to 848.07, 848.09, 848.10</td>
</tr>
<tr>
<td>1624</td>
<td>7-16-80</td>
<td>275.01 to 275.03</td>
<td>1733</td>
<td>3-17-82</td>
<td>404.04</td>
</tr>
<tr>
<td>1620</td>
<td>6-4-80</td>
<td>Ed. Note Ch. 262</td>
<td>1737</td>
<td>5-19-82</td>
<td>252.01(a), (d), 252.02 to 252.04, 252.08</td>
</tr>
<tr>
<td>1620</td>
<td>6-4-80</td>
<td>Ed. Note Ch. 870</td>
<td>1738</td>
<td>5-19-82</td>
<td>1060.33</td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date</td>
<td>C.O. Section</td>
<td>Ord. No.</td>
<td>Date</td>
<td>C.O. Section</td>
</tr>
<tr>
<td>----------</td>
<td>--------</td>
<td>--------------------</td>
<td>----------</td>
<td>--------</td>
<td>--------------------</td>
</tr>
<tr>
<td>1745</td>
<td>7-7-82</td>
<td>288.01 to 288.12</td>
<td>1861</td>
<td>9-17-84</td>
<td>1044.07, 1044.99</td>
</tr>
<tr>
<td>1750</td>
<td>6-16-82</td>
<td>840.08</td>
<td>1874</td>
<td>2-4-85</td>
<td>288.19</td>
</tr>
<tr>
<td>1752</td>
<td>9-1-82</td>
<td>277.01 to 277.08</td>
<td>1875</td>
<td>2-4-85</td>
<td>280.03(b)</td>
</tr>
<tr>
<td>1759</td>
<td>8-18-82</td>
<td>1068.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1770</td>
<td>10-6-82</td>
<td>1437.01 to 1437.10,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1437.99</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1778</td>
<td>3-2-83</td>
<td>234.07</td>
<td>84-103</td>
<td>11-5-84</td>
<td>Ed. Note, Ch. 262</td>
</tr>
<tr>
<td>1779</td>
<td>11-3-82</td>
<td>1042.14(b)</td>
<td>1886</td>
<td>7-15-85</td>
<td>1420.01, 1420.02</td>
</tr>
<tr>
<td>1781</td>
<td>12-15-82</td>
<td>666.02</td>
<td>1892</td>
<td>9-3-85</td>
<td>288.17</td>
</tr>
<tr>
<td>1782</td>
<td>12-5-82</td>
<td>Ed. Note, Ch. 262</td>
<td>1894</td>
<td>8-5-85</td>
<td>1045.01 to 1045.09,</td>
</tr>
<tr>
<td>1783</td>
<td>12-15-82</td>
<td>848.08</td>
<td></td>
<td></td>
<td>1045.99</td>
</tr>
<tr>
<td>1788</td>
<td>1-19-83</td>
<td>1042.08(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1793</td>
<td>3-2-83</td>
<td>210.02(b)</td>
<td>10-7-85</td>
<td>Ed. Note, Ch. 1424</td>
<td></td>
</tr>
<tr>
<td>1794</td>
<td>3-2-83</td>
<td>1042.02(f),</td>
<td>10-21-85</td>
<td>1044.08</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1042.08(c), 1044.06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1795</td>
<td>4-6-83</td>
<td>1062.02</td>
<td>10-16-85</td>
<td>Ed. Note, Ch. 262</td>
<td></td>
</tr>
<tr>
<td>1802</td>
<td>6-1-83</td>
<td>288.13, 288.14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1803</td>
<td>6-1-83</td>
<td>840.11, 840.12</td>
<td>12-16-85</td>
<td>288.18</td>
<td></td>
</tr>
<tr>
<td>1804</td>
<td>6-15-83</td>
<td>282.06</td>
<td>12-16-85</td>
<td>288.18</td>
<td></td>
</tr>
<tr>
<td>1805</td>
<td>6-15-83</td>
<td>284.01 to 284.14</td>
<td>12-16-85</td>
<td>288.18</td>
<td></td>
</tr>
<tr>
<td>1807</td>
<td>6-15-83</td>
<td>252.08</td>
<td>12-16-85</td>
<td>288.18</td>
<td></td>
</tr>
<tr>
<td>1810</td>
<td>7-20-83</td>
<td>1060.19</td>
<td>12-16-85</td>
<td>288.18</td>
<td></td>
</tr>
<tr>
<td>1815</td>
<td>9-7-83</td>
<td>1068.01</td>
<td>12-16-85</td>
<td>Ed. Note, Ch. 262</td>
<td></td>
</tr>
<tr>
<td>1816</td>
<td>8-17-83</td>
<td>288.15, 288.16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1817</td>
<td>9-7-83</td>
<td>820.01, 820.02,</td>
<td>12-16-85</td>
<td>288.18</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>820.06, 820.08</td>
<td>12-16-85</td>
<td>288.18</td>
<td></td>
</tr>
</tbody>
</table>

Adopting Ordinance 1440.01

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1828</td>
<td>12-15-83</td>
<td>1060.34</td>
</tr>
<tr>
<td>1834</td>
<td>1-3-84</td>
<td>210.02(b)</td>
</tr>
<tr>
<td>1837</td>
<td>5-21-84</td>
<td>Ed. Note, Ch. 1228</td>
</tr>
<tr>
<td>1842</td>
<td>3-19-84</td>
<td>278.01 to 278.06</td>
</tr>
<tr>
<td>1848</td>
<td>5-7-84</td>
<td>1042.04, 1042.08,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1042.13(d),</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1042.14(a), (e), (f)</td>
</tr>
<tr>
<td>1854</td>
<td>7-2-84</td>
<td>840.01, 840.02,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>840.05, 840.11,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>840.12</td>
</tr>
<tr>
<td>1857</td>
<td>9-4-84</td>
<td>1062.01 to 1062.03</td>
</tr>
<tr>
<td>1858</td>
<td>9-4-84</td>
<td>Ed. Note, Ch. 888</td>
</tr>
</tbody>
</table>

Adopting Ordinance 1440.01

2011 Replacement
### COMPARATIVE SECTION TABLE

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>2-2-87</td>
<td>252.14</td>
<td>Res.</td>
<td>90-016</td>
<td>3-5-90</td>
</tr>
<tr>
<td>1955</td>
<td>4-6-87</td>
<td>288.17(f)(4)D., (h)</td>
<td></td>
<td></td>
<td>234.13</td>
</tr>
<tr>
<td>1965</td>
<td>8-17-87</td>
<td>284.02(b), 284.06,</td>
<td>2066</td>
<td>4-16-90</td>
<td>1062.01 to 1062.03</td>
</tr>
<tr>
<td></td>
<td></td>
<td>284.07(c)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1968</td>
<td>9-8-87</td>
<td>818.01 to 818.03</td>
<td>Res.</td>
<td>90-053</td>
<td>6-18-90</td>
</tr>
<tr>
<td>1978</td>
<td>11-9-87</td>
<td>1040.05, 1040.08,</td>
<td>1044.09</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1040.09</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1979</td>
<td>12-7-87</td>
<td>288.20</td>
<td>90-066</td>
<td>8-6-90</td>
<td>284.01, 284.02;</td>
</tr>
<tr>
<td>1989</td>
<td>1-4-88</td>
<td>210.02(b), 210.04</td>
<td>2079</td>
<td>10-1-90</td>
<td>284.03 to 284.16</td>
</tr>
<tr>
<td>1999</td>
<td>4-4-87</td>
<td>880.01 to 880.19</td>
<td>(Repealed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>4-4-87</td>
<td>882.01 to 882.19</td>
<td>1040.10,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1040.99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td>88-058</td>
<td>7-5-88</td>
<td>Ed. Note, Ch. 1060</td>
<td>860.16 (Repealed),</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>91-021</td>
<td>3-4-91</td>
<td>862.17 (Repealed),</td>
</tr>
<tr>
<td>2002</td>
<td>7-5-88</td>
<td>280.05</td>
<td></td>
<td></td>
<td>870.095, 884.12(c),</td>
</tr>
<tr>
<td>2003</td>
<td>7-5-88</td>
<td>252.17</td>
<td></td>
<td></td>
<td>886.09(c), 1042.15</td>
</tr>
<tr>
<td>2005</td>
<td>6-7-88</td>
<td>252.18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>5-2-88</td>
<td>279.01 to 279.03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>7-5-88</td>
<td>612.04</td>
<td>2080</td>
<td>3-4-91</td>
<td>1061.01(a) to (n), (p)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2081</td>
<td>3-4-91</td>
<td>to (s), (u) to</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1061.07, 1061.09,</td>
</tr>
<tr>
<td>Res.</td>
<td>88-072</td>
<td>7-25-88</td>
<td>1012.01</td>
<td></td>
<td>1061.09, 1061.13, 1061.99</td>
</tr>
<tr>
<td>2011</td>
<td>8-1-88</td>
<td>288.14(c)(4)</td>
<td>1061.09</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>8-1-88</td>
<td>1480.02</td>
<td>3-4-91</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2026</td>
<td>1-3-89</td>
<td>212.03, 1040.01,</td>
<td>464.085,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1228.01, 1240.01 to</td>
<td>464.99(b)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1240.05, 1420.06(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>to (d), 1420.07,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1424.05, 1428.02(b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>91-008</td>
<td>4-1-91</td>
<td>Ed. Note, Ch. 1222</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2093</td>
<td>7-1-91</td>
<td>1061.01(o), (t),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1061.08</td>
</tr>
<tr>
<td>2033</td>
<td>2-6-89</td>
<td>820.06</td>
<td>91-075</td>
<td>8-12-91</td>
<td>230.05</td>
</tr>
<tr>
<td>2037</td>
<td>4-3-89</td>
<td>252.05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2039</td>
<td>5-1-89</td>
<td>282.12</td>
<td>92-001</td>
<td>1-20-92</td>
<td>275.04</td>
</tr>
<tr>
<td>2041</td>
<td>8-7-89</td>
<td>1028.01 to 1028.17,</td>
<td>2103</td>
<td>1-21-92</td>
<td>1060.001, 1060.02,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1028.99</td>
<td></td>
<td></td>
<td>1060.03, 1060.05 to</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1060.08, 1060.10,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1060.12, 1060.19,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1060.20, 1060.26,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1060.29 to 1060.32,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1060.35, 1060.36,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1060.99, 1820.01 to</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1820.04, 1820.99</td>
</tr>
<tr>
<td>Res.</td>
<td>89-044</td>
<td>8-7-89</td>
<td>Ed. Note, Ch. 1030</td>
<td>860.02 (Repealed)</td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td>89-070</td>
<td>9-9-89</td>
<td>862.04 (Repealed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td>89-073</td>
<td>9-5-89</td>
<td>Ed. Note, Ch. 620</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2051</td>
<td>11-13-89</td>
<td>Ed. Note, Ch. 888</td>
<td>880.01 to 880.19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2062</td>
<td>3-5-90</td>
<td>1042.14(c), (d)(1)</td>
<td>1820.04,</td>
<td></td>
<td>860.02 (Repealed)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2105</td>
<td>2-3-92</td>
<td>862.04 (Repealed)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2106</td>
<td>2-3-92</td>
<td></td>
</tr>
</tbody>
</table>

2013 Replacement
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>2107</td>
<td>2-18-92</td>
<td>1042.02, 1042.12</td>
<td>2136 (Cont.)</td>
<td>1242.99,</td>
<td>1244.01 to 1244.03,</td>
</tr>
<tr>
<td>2108</td>
<td>2-18-92</td>
<td>862.04 (Repealed)</td>
<td></td>
<td></td>
<td>1246.01 to 1246.11,</td>
</tr>
<tr>
<td>2111</td>
<td>4-6-92</td>
<td>280.02</td>
<td></td>
<td></td>
<td>1248.01 to 1248.05,</td>
</tr>
<tr>
<td>2112</td>
<td>4-6-92</td>
<td>252.01(a), (d) to</td>
<td></td>
<td></td>
<td>1250.01 to 1250.20,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>252.04, 252.08</td>
<td></td>
<td></td>
<td>1252.01 to 1252.12,</td>
</tr>
<tr>
<td>2115</td>
<td>6-1-92</td>
<td>284.075(c) (Repealed)</td>
<td></td>
<td></td>
<td>1252.99, Appx. A,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appx. B</td>
</tr>
<tr>
<td>Res.</td>
<td>92-073</td>
<td>224.01</td>
<td></td>
<td>93-018</td>
<td>3-1-93</td>
</tr>
<tr>
<td>2121</td>
<td>11-9-92</td>
<td>Ed. Note, Ch. 1260,</td>
<td></td>
<td>2146</td>
<td>6-7-93</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1260.01 to 1260.07,</td>
<td></td>
<td></td>
<td>208.01, 212.03,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1262.01 to 1262.07,</td>
<td></td>
<td></td>
<td>820.06, 830.02,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1262.99(a), (c),</td>
<td></td>
<td></td>
<td>1024.03, 1040.01,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1264.01 to 1264.13,</td>
<td></td>
<td></td>
<td>1068.03, 1220.31,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1266.01 to 1266.03,</td>
<td></td>
<td></td>
<td>1242.09, 1262.07,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1268.01 to 1268.06,</td>
<td></td>
<td></td>
<td>1420.06(a) to (d),</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appx. A, 1270.01 to</td>
<td></td>
<td></td>
<td>1424.05, 1428.02(b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1270.06, 1272.01,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1272.02(a), (b),</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1272.03, 1272.04(a),</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1272.05, 1272.06(a),</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b), 1272.07,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1274.01 to 1274.06,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1276.01 to 1276.03,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1278.01 to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1278.13(d), 1278.14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>to 1278.23, 1280.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>to 1280.05(o),</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1282.01 to 1282.04,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1284.01 to 1284.05,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1286.01 to 1286.10,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1288.01 to 1288.07</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>224.09 to 1288.07</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1242.01 to 1242.06,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2129</td>
<td>11-9-92</td>
<td>1040.05, 1042.02,</td>
<td></td>
<td>2250</td>
<td>1-8-97</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1043.01 to 1043.44,</td>
<td></td>
<td></td>
<td>1260.07,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1043.99</td>
<td></td>
<td></td>
<td>1262.99(b),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1266.01, 1272.02(c),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1272.04(b),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1272.06(c),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1280.05(q)</td>
</tr>
<tr>
<td>2130</td>
<td>2-1-93</td>
<td>1480.02</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2133</td>
<td>1-4-93</td>
<td>826.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2134</td>
<td>1-4-93</td>
<td>1062.04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2136</td>
<td>2-1-93</td>
<td>1240.01 to 1240.06,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1242.01 to 1242.08,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Res.</td>
<td>97-001</td>
<td>2-5-97</td>
<td>234.14</td>
</tr>
</tbody>
</table>

2013 Replacement
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>2261</td>
<td>11-12-97</td>
<td>Ed. Note, Ch. 1840, 1840.01 to 1840.08</td>
<td>2336</td>
<td>5-3-00</td>
<td>1062.01 to 1062.04</td>
</tr>
<tr>
<td>2270</td>
<td>5-7-97</td>
<td>210.02(b)</td>
<td>2338</td>
<td>5-3-00</td>
<td>1436.01 to 1436.31</td>
</tr>
<tr>
<td>2281</td>
<td>10-7-97</td>
<td>1260.07, 1268.04, 1268.06, Ch. 1268, Appx. A, 1278.13(e), 1280.05(r)</td>
<td>2343</td>
<td>8-2-00</td>
<td>224.03</td>
</tr>
<tr>
<td>2287</td>
<td>2-4-97</td>
<td>1068.02</td>
<td>2348</td>
<td>12-6-00</td>
<td>1440.01</td>
</tr>
<tr>
<td>2283</td>
<td>2-4-98</td>
<td>1070.01 to 1070.04</td>
<td>2349</td>
<td>12-6-00</td>
<td>1028.02</td>
</tr>
<tr>
<td>Res.</td>
<td>98-027</td>
<td>222.03 (Repealed)</td>
<td>2357</td>
<td>5-2-01</td>
<td>612.05, 612.99</td>
</tr>
<tr>
<td>2292</td>
<td>5-6-98</td>
<td>1420.01 (Repealed); 1420.02</td>
<td>2360</td>
<td>7-11-01</td>
<td>640.01 to 640.08</td>
</tr>
<tr>
<td>2293</td>
<td>5-6-98</td>
<td>1480.02</td>
<td>2364</td>
<td>12-5-01</td>
<td>288.23, 288.24</td>
</tr>
<tr>
<td>2295</td>
<td>8-5-98</td>
<td>Ed. Note, Ch. 848, 848.01 to 848.09</td>
<td>2369</td>
<td>2-20-02</td>
<td>286.01, 286.02, 286.03</td>
</tr>
<tr>
<td>2300</td>
<td>8-31-98</td>
<td>Ed. Note, Ch. 234, 234.01 to 234.13</td>
<td>2370</td>
<td>2-20-02</td>
<td>284.07</td>
</tr>
<tr>
<td>Res.</td>
<td>98-127</td>
<td>252.14</td>
<td>2372</td>
<td>3-20-02</td>
<td>284.07</td>
</tr>
<tr>
<td>2308</td>
<td>1-6-99</td>
<td>Ed. Note, Ch. 277, 277.01 to 277.08</td>
<td>2373</td>
<td>4-3-02</td>
<td>1034.01 to 1034.16, 1034.99</td>
</tr>
<tr>
<td>Res.</td>
<td>99-010</td>
<td>224.02</td>
<td>2376</td>
<td>7-10-02</td>
<td>234.02, 234.03, 234.05, 234.06, 234.09</td>
</tr>
<tr>
<td>Res.</td>
<td>99-011</td>
<td>892.01, 892.02, Ex. A to D</td>
<td>2382</td>
<td>9-18-02</td>
<td>1260.07, 1268.04, 1270.03, 1272.04, 1274.03, 1280.05, 1292.01 to 1292.05</td>
</tr>
<tr>
<td>2305</td>
<td>4-14-99</td>
<td>1042.02(a) to (d), 1042.12, 1042.16</td>
<td>2398</td>
<td>10-1-03</td>
<td>1056.01 to 1056.07</td>
</tr>
<tr>
<td>2311</td>
<td>5-5-99</td>
<td>1290.01 to 1290.10, 1266.01</td>
<td>2403</td>
<td>12-3-03</td>
<td>835.01 to 835.11</td>
</tr>
<tr>
<td>2317</td>
<td>6-2-99</td>
<td>288.22 (Repealed)</td>
<td>2404</td>
<td>12-3-03</td>
<td>234.10</td>
</tr>
<tr>
<td>2320</td>
<td>9-1-00</td>
<td>808.01 to 808.18, Ed. Note, Ch. 820</td>
<td>2410</td>
<td>3-17-04</td>
<td>210.02</td>
</tr>
<tr>
<td>2321</td>
<td>10-20-99</td>
<td>284.025</td>
<td>2412</td>
<td>4-7-04</td>
<td>1420.01 to 1420.04</td>
</tr>
<tr>
<td>2330</td>
<td>1-19-00</td>
<td>1044.10(d)</td>
<td>2414</td>
<td>4-19-04</td>
<td>1058.01 to 1058.31, 1058.99</td>
</tr>
<tr>
<td>2332</td>
<td>2-2-00</td>
<td>1860.01 to 1860.04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2335</td>
<td>3-1-00</td>
<td>408.01 to 408.08</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2013 Replacement
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>C.O. Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>2420</td>
<td>5-3-04</td>
<td>1260.07, 1262.07, 1268.02, 1268.04, 1268.05, 1270.02, 1270.05, 1272.06, 1274.02, 1274.03, 1276.01 to 1276.04, 1278.02, 1278.06, 1278.22, 1284.04, 1286.02</td>
</tr>
<tr>
<td>2423</td>
<td>6-7-04</td>
<td>208.01</td>
</tr>
<tr>
<td>2438B</td>
<td>4-4-05</td>
<td>210.17</td>
</tr>
<tr>
<td>2442</td>
<td>6-20-05</td>
<td>234.01 to 234.06, 234.08, 234.11, 234.13, 236.02, 236.04</td>
</tr>
<tr>
<td>2445</td>
<td>12-19-05</td>
<td>870.03</td>
</tr>
<tr>
<td>2449</td>
<td>5-1-06</td>
<td>208.01</td>
</tr>
<tr>
<td>2451</td>
<td>6-5-06</td>
<td>692.01 to 692.05, 692.99</td>
</tr>
<tr>
<td>2452</td>
<td>7-11-06</td>
<td>1420.01, 1420.03 to 1420.05</td>
</tr>
<tr>
<td>2453</td>
<td>7-11-06</td>
<td>288.26</td>
</tr>
<tr>
<td>2455</td>
<td>9-5-06</td>
<td>478.01 to 478.03</td>
</tr>
<tr>
<td>2456</td>
<td>9-5-06</td>
<td>288.27</td>
</tr>
<tr>
<td>2457</td>
<td>9-5-06</td>
<td>288.28</td>
</tr>
<tr>
<td>2458</td>
<td>11-20-06</td>
<td>894.01, 894.02, 894.03</td>
</tr>
<tr>
<td>2461</td>
<td>12-29-06</td>
<td>1042.02</td>
</tr>
<tr>
<td>2463</td>
<td>1-22-07</td>
<td>1480.02</td>
</tr>
<tr>
<td>2473</td>
<td>10-15-07</td>
<td>288.29</td>
</tr>
<tr>
<td>2474</td>
<td>8-6-07</td>
<td>666.04</td>
</tr>
<tr>
<td>2475</td>
<td>9-11-07</td>
<td>288.30</td>
</tr>
<tr>
<td>2476</td>
<td>9-11-07</td>
<td>288.22</td>
</tr>
<tr>
<td>2477</td>
<td>10-1-07</td>
<td>1042.17</td>
</tr>
<tr>
<td>2481</td>
<td>11-13-07</td>
<td>896.01 to 896.14</td>
</tr>
<tr>
<td>2489</td>
<td>12-31-07</td>
<td>1042.02, 1042.16</td>
</tr>
<tr>
<td>2491</td>
<td>1-22-08</td>
<td>478.01 to 478.03</td>
</tr>
<tr>
<td>2492</td>
<td>1-22-08</td>
<td>288.31</td>
</tr>
<tr>
<td>2496</td>
<td>5-5-08</td>
<td>209.01 to 209.05</td>
</tr>
<tr>
<td>2497</td>
<td>5-5-08</td>
<td>208.01</td>
</tr>
<tr>
<td>2499</td>
<td>6-10-08</td>
<td>1042.18</td>
</tr>
</tbody>
</table>

2013 Replacement
ABANDONED MOTOR VEHICLES Ch. 478
ABATEMENT (see NUISANCES)
ABUSE OF FAMILY 654.02
ACCESS
subdivisions, in 1244.01
ACCESSORY BUILDINGS (see also BUILDINGS) 1278.05, 1480.02
(BOCA ES-301.9)
ACCESSORY USES (see PLANNED RESIDENTIAL DEVELOPMENTS; ZONING)
ACCIDENT PREVENTION COMMITTEE 222.01
ACCIDENTS wastewater discharges 1043.13, 1043.14 630.07
ACCOMMODATIONS, PUBLIC Chtr. Art. V, Sec. 3
ADDRESSSES street Ch. 1032
ADHESIVES (see PAINTS AND ADHESIVES)
ADJUSTMENT, BOARD OF (see ZONING HEARING BOARD)
ADMINISTRATION (see also particular subject) generally Chtr. Art. XIV;
Code Chtr. Art. XVIII

2007 Replacement
GENERAL INDEX

ADMINISTRATION (Cont.)
  health  1810.01
  Traffic Code  Ch. 404
ADMINISTRATION AND OPERATIONS DIVISION  244.04,
                                               244.05
ADMINISTRATION, DEPARTMENT OF  Ch. 228
ADMINISTRATIVE DIVISION  242.02
ADULT ENTERTAINMENT (see also SEX
  OFFENSES)  1280.05(q)
ADVERTISING
  distribution of advertising matter  Ch. 1840
  use of motor vehicles for  456.01
AFFIRMATIVE ACTION
  generally  280.03
  minority business enterprise  280.04
AGENCIES (see particular agency)
AGING AGENCY  Ch. 270
AGREEMENTS (see CONTRACTS)
AIR GUNS  690.01
AIR POLLUTION  1278.17
ALARM SYSTEMS  Ch. 848
ALARMS, FALSE
  charges for  848.04
  generally  654.03
ALCOHOLIC BEVERAGES
  parks and public buildings, in  1068.01
  policy for operators of commercial motor vehicles  288.21
ALLEGHENY COUNTY (see also particular
  department and authority)
certifications and approvals for subdivisions  Pt. 12, Title 4,
                                               Appx. B
ALLEYS (see also STREETS)
  design standards  Pt. 12, Title 4,
                   Appx. A
  subdivisions, in  1248.02(c)
ALTERNATIVE PAYMENT PLAN POLICY FOR
MUNICIPAL CLAIMS OR LIENS  230.05
AMBULANCE SERVICE
  generally  Ch. 1062
  payment of fees  1062.03

2000 Replacement
AMENDMENTS (see also particular subject)
   Codified Ordinances 202.02
   Subdivision Regulations 1242.05
   Zoning Code 1262.06
AMUSEMENT DEVICES  Ch. 808
AMUSEMENTS (see also ENTERTAINMENT; RECREATION)
   coin-operated machines  Ch. 820
   generally  Ch. 810
ANIMALS
   Canine Corps 234.11
   dead, removal of 1060.09
      generally  Ch. 612
      roadway, on 476.03
ANTENNAS
   telecommunication 1278.13(e), 1280.05(r)
ANTIQUE AND SECOND HAND DEALERS
   additional locations 835.05
   definitions 835.01
   inspection of premises 835.08
   license
      application 835.03
      fee; renewal 835.04
      required 835.02
   mandatory holding period for items received 835.09
   police reports 835.10
   prohibited transactions 835.07
   records to be kept 835.06
   revocation for conviction of certain crimes 835.11
APARTMENTS (see DWELLINGS)
APPEALS (see particular subject)
APPOINTMENTS (see also particular officer or employee)
   Municipal employees 288.17
APPROPRIATION OF PROPERTY  Chtr. Art. II, Sec.2
APPROPRIATIONS (see FINANCE)
AREA REGULATIONS (see BULK AND AREA REGULATIONS)
ARREST
   summary arrest guidelines 234.14
ARTS COUNCIL  Ch. 279
ASSISTANT CHIEF OF POLICE 234.06
ASYLUM (see COUNTY WORK HOUSE AND INEBRIATE ASYLUM)
ATTORNEY (see also LEGAL COUNSEL)
  action re pornography  672.09
  generally Chtr. Art. VI;
  Ch. 224

AUDITORS Chtr. Art. III, Sec. 15

AUTHORITIES (see also particular authority)
  generally Chtr. Art. XIV,
  Sec. 3; Ch. 260
  water
    destruction of fixtures  660.02

AUTHORITY, SANITARY (see COUNTY SANITARY
AUTHORITY)

AUXILIARY POLICE Chtr. Art. X; 234.08

AWNINGS 1276.02(i),
  1480.02(BOCA
    ES-302.3.5)

B-1 DISTRICT (see also BUSINESS DISTRICTS;
ZONING)
  bulk and area requirements  1270.05
  conditional uses  1270.03(a)
  establishment  1266.01
  permitted uses  1270.02(a)
  special exceptions  1270.04(a)

B-2 DISTRICT (see also BUSINESS DISTRICTS;
ZONING)
  bulk and area requirements  1270.05
  conditional uses  1270.03(b)
  establishment  1266.01
  permitted uses  1270.02(b)
  special exceptions  1270.04(b)

B-3 DISTRICT (see also BUSINESS DISTRICTS;
ZONING)
  bulk and area requirements  1270.05
  conditional uses  1270.03(c)
  establishment  1266.01
  permitted uses  1270.03(c)
  special exceptions  1270.04(c)

BACKFILLING 1024.11

BARRICADES AND WARNING LIGHTS 1024.10

BB GUNS 690.01

BICYCLES Ch. 468

BIDDING (see CONTRACTS)

BILLBOARDS 1276.01(l)

BILLPOSTING 1840.02

2005 Replacement
BLASTING AGENTS (see WEAPONS AND EXPLOSIVES)

BLAWNOX, BOROUGH OF

    sewer agreement with 1044.05

BLOCKS

    subdivisions, in 1250.06

BOARDS (see also particular board) Chtr. Art. XIV, Sec. 3

BOCA NATIONAL EXISTING STRUCTURES CODE Ch. 1480

BONDS (see also particular subject)

    officers and employees Chtr. Art. VIII, Sec. 15
    Treasurer of Library 272.08
    work completion guarantees in subdivision 1250.09(g)

BOROUGH OF BLAWNOX (see BLAWNOX, BOROUGH OF)

BOROUGH OF CHURCHILL (see CHURCHILL, BOROUGH OF)

BOROUGH OF VERONA (see VERONA, BOROUGH OF)

BOUNDARIES

    Municipal Chtr. Art. I, Sec. 2; Ch. 206

        Zoning Districts 1266.03

BUDGET (see FINANCE)

BUDGETARY RESERVE ACCOUNT 890.01

BUILDING CODE Chtr. Art. XVII, Sec. 5; Ch. 1420

BUILDING/GRADING PERMITS

    flood plain construction, for 1436.04 et seq.

BUILDING PERMITS

    fees 1420.05, 1420.06
    Zoning Code requirements 1262.04

BUILDINGS (see also CONSTRUCTION; DWELLINGS)

    accessory 1278.05
    flood plain areas, in 1436.29
    height of
        EastGate District, in 1290.06(c)
        Residential Districts, in 1268.06
        location of 1250.07
    mixed residential/commercial structures 1280.05(j)
    Municipal (see also under PROPERTY, at public)
        alcoholic beverages in 1068.01

2011 Replacement
BUILDINGS (Cont.)
   Municipal (Cont.)
      application of Zoning Code to smoking in
         nonconforming 1260.04 666.03
      number on a zoning lot 1284.01, 1284.04
      numbering of Ch. 1032
      placement of in flood plain areas 1436.22(h)
      telecommunications facilities 1278.04
      temporary 1278.06(g)
BULK AND AREA REGULATIONS (see also ZONING)
   EastGate District, in 1290.06(b)
   M Districts, in 1274.05
   Residential Districts, in 1268.06
BUS STOPs 464.02
BUSES (see also COMMERCIAL AND HEAVY VEHICLES)
   parking of 464.01
   stopping of 416.01
BUSINESS DISTRICTS (see also particular district; COMMERCIAL ZONES; ZONING)
   generally Ch. 1270
   landscaping in 1278.13(c), (d)
   signs in 1276.02
   streets in 1278.08
BUSINESS PRIVILEGE TAX
generally Ch. 886
   nonpayment 252.17
BUSINESSES (see also particular subject)
   commercial or industrial
      alarms and emergency telephone information 848.08
      sexually oriented 1280.05(q)
C DISTRICT (see also ZONING)
   conditional uses 1268.04(i)
   establishment 1266.01
   landscaping in 1278.13(d)
   permitted uses 1268.02(i)
   special exceptions 1268.05(i)
CABLE TELEVISION
   rate regulation Ch. 816
CAMPAIGN SIGNS Ch. 1437
CANINE CORPS 234.11
CANVASSERS Ch. 840
CAPITAL PROGRAM Chtr. Art. VIII, Secs. 7 et seq.

2005 Replacement
CAREER SERVICE  Chtr. Art. XV,  
Sec. 6
CARNIVALS  Ch. 810
CATV (see CABLE TELEVISION)
CEILINGS (see FLOORS, WALLS AND CEILINGS)
CEMETERIES  1280.05(b)
CERTIFICATES (see particular certificate)
CESSPOOLS (see SEPTIC TANKS)
CHAPELS  1280.05(a)
CHARGES (see particular subject)
CHARTER (see also particular subject)
  effective date Chtr. Art. XXI, Sec. 3
  separability Chtr. Art. XIX, Sec. 4
  transition provisions Chtr. Art. XX
CHECKS  Chtr. Art. VII, Sec. 8
CHIEF OF POLICE (see also DEPARTMENT OF
  PUBLIC SAFETY; POLICE OFFICERS)  234.05
CHURCHES  1280.05(a)
CHURCHILL, BOROUGH OF
  sewer agreement with 1044.03, 1044.04
CIGARETTE MACHINES  Ch. 820
CIRCULARS  1840.03 et seq.
CIRCUSES  Ch. 810
CITATIONS  404.03
CITIZEN SERVICE AND INFORMATION  Chtr. Art. XIII
CITIZEN SERVICE AND INFORMATION, OFFICE OF  Ch. 250
CITIZENS’ ADVISORY COUNCIL ON COMMUNITY
  DEVELOPMENT  Ch. 274
CITIZENS CENTER, WILLIAM MCKINLEY  1068.02
CITY OF PITTSBURGH (see PITTSBURGH, CITY OF)
CIVIL RIGHTS (see also DISCRIMINATION; EQUAL
  EMPLOYMENT OPPORTUNITY POLICY;
  HANDICAPPED PERSONS)
  fair housing  Ch. 630
  generally  Ch. 620
  Local Taxpayer Bill of Rights  Ch. 892
CIVIL SERVICE COMMISSION
  (see also PERSONNEL BOARD)  Chtr. Art. XX, Sec. 8; 262.01
CLAIMS, MUNICIPAL
  alternative payment
    plan policy for  230.05
    generally  222.02
CLERK OF COUNCIL
  duties  210.07
CLOSE-OUT AND FIRE SALES  Ch. 818
COACHES (see BUSES)
CODE ENFORCEMENT DEPARTMENT
  approval of sidewalk construction  1028.14
  authority re Zoning Code  1262.02
  generally  Ch. 238
CODES, TECHNICAL (see TECHNICAL CODES)
CODIFICATION  Chtr. Art. XII, Sec. 6
CODIFIED ORDINANCES (see also ORDINANCES AND RESOLUTIONS)  Ch. 202
COIN-OPERATED MACHINES  Ch. 808
COMMERCIAL AND HEAVY VEHICLES (see also BUSES; MOTOR VEHICLES)
  controlled substances and alcohol policy for operators of garbage and rubbish collection and disposal, for 1060.10, 1060.12, 1060.31(h)
  generally  Ch. 416
  parking of  464.01
COMMERCIAL BUSINESSES (see BUSINESSES)
COMMERCIAL ZONES (see also BUSINESS DISTRICTS)
  landscaping  1220.19
COMMISSIONS (see also particular commission)  Chtr. Art. XIV, Sec. 3
COMMITTEES (see particular committee)
COMMITTEES OF COUNCIL  210.09 et seq.
COMMONWEALTH (see STATE)
COMMUNITY ANTENNA TELEVISION (see CABLE TELEVISION)
COMMUNITY BUSINESS DISTRICT (see B-2 DISTRICT)
COMMUNITY FACILITIES  1280.05(c)

COMPENSATION

Attorney  Chtr. Art. VI, Sec. 1
Controller  Chtr. Art. VII, Sec. 3
deferred  288.20
Director-Fire Marshal  Chtr. Art. XI, Sec. 1
Mayor and Council  Chtr. Art. III, Sec. 7
pay and position classification plan  288.15
Personnel Board  Chtr. Art. XVI, Sec. 5

COMPETITIVE BIDDING (see CONTRACTS)

COMPLAINTS  Chtr. Art. XIII
COMPLETION, CERTIFICATES OF  1424.16
COMPLIANCE, CERTIFICATES OF  1262.05
COMPREHENSIVE PLAN  Chtr. Art. XVII, Sec. 2;
                     Ch. 1222
COMPREHENSIVE PLANNING, DIVISION OF  242.02
CONDEMNATION  Chtr. Art. II, Sec. 2;
                Chtr. Art. IX, Sec. 7

CONDITIONAL USES (see also particular zoning
  district; ZONING)  Ch. 1280
CONFERENCE CENTERS  1280.05(p)
CONFLICTS OF INTEREST  Chtr. Art. IX, Sec. 9;
                        Chtr. Art. XIX, Sec. 1;
                        288.19

CONFLICTS OF LAWS (see particular subject)

CONNECTIONS
  sewers  1040.01 et seq.,
          1042.05, 1043.18

CONSERVATION DISTRICTS (see C DISTRICTS)

CONSTRUCTION (see also BUILDINGS;
         DWELLINGS; IMPROVEMENTS)
  flood plain areas, in  1436.04 et seq.
  materials
    testing of  1248.04
  sewers  1040.06
  sidewalks  Ch. 1028
  streets  Ch. 1020
  swimming pools  1428.03

CONSTRUCTION CODE  1420.01
CONSTRUCTION DIVISION  244.04, 244.06

CONSTRUCTION, RULES OF (see RULES OF
CONSTRUCTION)
CONSTRUCTION SUPERINTENDENT 244.06

CONSULTANTS
   guidelines for selection 254.14

CONTRACTORS
   registration of  Ch. 1422

CONTRACTS AND PURCHASES (see also FINANCE)
   bid opening procedures 210.06
   continuation of Chtr. Art. XX, Sec. 6
   Federal
      code of conduct for 252.11
   garbage and rubbish collection and disposal 1060.21, 1060.23
   generally Chtr. Art. IX; Ch. 252
   sewer agreements Ch. 1044
   State 252.09
   tax collection service 230.03
   towing of vehicles 432.07

CONTROLLED SUBSTANCES (see DRUGS)

CONTROLLER  Chtr. Art. VII; Ch. 226

COUNCIL
   action re pornography 672.07
   authority re Zoning Code amendments 1262.06(j)
   fee for use of Chambers 208.01(g), 1068.03
   first meeting Chtr. Art. XXI, Sec. 4
   generally Chtr. Art. III; Ch. 210
   procedures and operations Chtr. Art. IV
   prohibitions Chtr. Art. III, Sec. 16
   traffic control powers 408.06

COUNTY (see ALLEGHENY COUNTY)

COUNTY HEALTH DEPARTMENT 1810.01

COUNTY PLANNING DEPARTMENT
   (see PLANNING DEPARTMENT, COUNTY)

COUNTY SANITARY AUTHORITY
   sewer agreement with 1044.01, 1044.02,
   1044.05, 1044.06

COUNTY WORK HOUSE AND INEBRIATE
   ASYLUM
   sewer agreement with 1044.05

CURBS (see also STREETS)
   construction of 1028.03(b)(6), (17)
   subdivisions, in 1248.02(b)(4)

CURFEW
   minors, for Ch. 692

DAY CARE CENTERS 1280.05(h)

DEDICATIONS
   private streets, of 1018.01

DEED TAX  Chs. 880, 882

2011 Replacement
DEEDS
recording of 1244.03
DEFERRED COMPENSATION PLAN 288.20
DEFINITIONS (see also particular subject)
geneneral Code 202.03
Subdivision Regulations 1240.06
Zoning Code 1260.07
DELEGATION OF AUTHORITY (see particular officer or employee)
DELMNIENT ACCOUNTS, COLLECTION OF
administrative charge 209.01
assessment of legal fees 209.03
collection procedures 209.04
interest 209.02
related action 209.05
DEMOTION (see also particular officer or employee) Chtr. Art. XV, Sec. 5
DENSITY
generally 1278.04
Residential Districts, in 1268.06
DEPARTMENT HEADS (see also particular department head) 220.02, 220.03
DEPARTMENT OF PUBLIC SAFETY Chtr. Art. X; Ch. 234
Division of Fire Prevention Ch. 236
DEPARTMENTS (see particular department)
DEPOSITS (see particular subject; see also GARBAGE AND RUBBISH)
DEPUTY CONTROLLER Chtr. Art. VII, Sec. 7
DEPUTY MAYOR Chtr. Art. III, Sec. 13
DESIGN STANDARDS
EastGate District, in 1290.06
Subdivision Regulations Ch. 1250, Pt. 12, Title 4, Appx. A
DEVELOPMENT PLANS (see also PLANS AND PLATS) 1246.03
DEVELOPMENTS (see also LAND; PLANNED RESIDENTIAL DEVELOPMENT; SUBDIVISION REGULATIONS)
flood plain areas, in 1436.20, 1436.23
site plans (see PLANS AND PLATS)
DIMENSIONAL REQUIREMENTS (see BULK AND AREA REGULATIONS)
DIRECTOR-FIRE MARSHAL duties 236.03
generally Chtr. Art. XI, Sec. 1
DIRECTOR OF PUBLIC SAFETY (see POLICE OFFICERS)
DIRECTORS (see particular director)
DISABILITY 288.14
DISABILITY BENEFITS
police Ch. 282

2011 Replacement
DISCHARGE FROM OFFICE 288.10(d)
DISCRIMINATION (see also CIVIL RIGHTS)
    affirmative action; equal employment opportunity 280.03
    fair housing 242.08
    minority business enterprise 280.04
    Municipal contractors, by 252.07
DISORDERLY CONDUCT (see PEACE DISTURBANCES)
DISPLAYS (see EXHIBITIONS)
DISTRICT MAGISTRATE Ch. 290
DISTRICTS (see also ZONES)
    zoning (see particular district; see also ZONING)
DISTURBING THE PEACE (see PEACE DISTURBANCES)
DIVISIONS (see particular division)
DOGS (see ANIMALS)
DOUBLE-HOUSE RESIDENCE DISTRICTS,
    TOWNHOUSES (see R-4 DISTRICTS)
DRAINS AND DRAINAGE (see also SEWERS)
    flood plain areas, in Ch. 1460, 1480.02
    house (BOCA ES-301.2)
    land 1424.13
    roofs 1480.02(BOCA ES-302.3.3)
    storm 1220.15, 1278.11
    stormwater management Ch. 1058, 1250.12
    subdivisions, in 1244.01,
    1248.02(b)(3),
    1248.02(d),
    1250.09(n)
DRIVES (see DRIVEWAYS; STREETS)
DRIVEWAYS
    Residential Districts, in 1278.09
    subdivisions, in 1248.02(k)
DRIVING (see also MOTOR VEHICLES; SPEED)
    sidewalks, on 1028.12
DRUGS
    policy for operators of commercial motor vehicles 288.21
DUMPING Ch. 1820
DUTIES (see particular officer or employee; particular subject)
GENERAL INDEX

DWELLINGS (see also BUILDINGS; CONSTRUCTION)
adjunct residential 1280.05(a)
distributing handbills on 1840.05 et seq.
fair housing Ch. 630
half-way houses 1280.05(n)
mixed residential/commercial structures 1280.05(j)
numbering of Ch. 1032
senior citizen housing 1280.05(i)

EARNED INCOME TAX Ch. 860

EASEMENT AND RIGHT-OF-WAY REGULATIONS
definitions 1056.01
emergency repairs 1056.05
notice to remove 1056.04
penalties for violation 1056.07
remedies not mutually exclusive 1056.06
removal of buildings, structures, devices, etc. 1056.03
restrictions and prohibitions 1056.02

EASEMENTS 1250.08

EASTGATE DISTRICT (see also ZONING)
establishment 1266.01
generally Ch. 1290

ECONOMIC DEVELOPMENT COMMITTEE Ch. 277
ECONOMIC DEVELOPMENT DIVISION 242.02
EDUCATIONAL SERVICE AGENCY 234.14

ELECTED OFFICIALS (see OFFICERS AND EMPLOYEES)
ELECTIONS (see also particular officer or employee)
recall Chtr. Art. XXII

ELECTRICAL CODE Ch. 1440
ELECTRICAL SYSTEMS
swimming pools, in 1428.07

ELECTRICITY
flood plain areas, in 1436.22(l)
generally Ch. 1052

ELECTRONIC AMUSEMENT DEVICES Ch. 808

EMERGENCIES
emergency telephone information Ch. 848
hazardous materials Ch. 1860
sidewalk repairs 1028.09
unanticipated fiscal 890.03
wastewater discharges 1043.13 et seq., 1043.28

EMERGENCY MANAGEMENT COMMITTEE Ch. 275
EMERGENCY OPERATIONS PLAN 275.04

EMERGENCY ORDINANCES Chtr. Art. XII, Sec. 4

EMERGENCY VEHICLES
ambulance service Ch. 1062

2013 Replacement
EMINENT DOMAIN  Chtr. Art. II, Sec. 2;  Chtr. Art. IX, Sec. 7

EMPLOYEES (see OFFICERS AND EMPLOYEES)  Ch. 289
EMPLOYEES MEMORIAL PROGRAM  Ch. 286
EMPLOYEES PENSION FUND  Ch. 286
ENCROACHMENTS  flood plain areas, in  1436.20
ENFORCEMENT (see also particular subject)  Ch. 1242
Subdivision Regulations  Ch. 404
Traffic Code  Ch. 1262
Zoning Code  Ch. 1262
ENGINEERS  selection and agreements  252.14
ENTERTAINMENT (see also AMUSEMENTS;  RECREATION; THEATERS)  Ch. 810
adult  1280.05(q)
ENTRY, RIGHT OF (see RIGHT OF ENTRY)  Ch. 1220.12, 1278.10
ENVIRONMENTAL REPORTS  1250.15, 1286.03, 1286.04
EQUAL EMPLOYMENT OPPORTUNITY POLICY  (see also CIVIL RIGHTS; DISCRIMINATION)  280.03(b)
EQUITABLE REMEDIES (see also PENALTIES;  particular subject)  Ch. 1024
Zoning Code  1262.99
EROSION AND SEDIMENTATION  subdivisions, in  1250.10
ETHICS (see CONFLICTS OF INTEREST)  Ch. 1438.01
EXAMINATIONS (see TESTS)  1278.10, Ch. 1424
EXCAVATIONS  Ch. 1024
private property, in  1220.12, 1278.10
public property, in  1248.02(b)(1), 1250.09, 1250.09(k)
site development  1248.02(b)(1), 1250.09, 1250.09(k)
EXCEPTIONS, SPECIAL (see particular  zoning district; see also ZONING)  Ch. 810
EXCESSIVE FORCE POLICY  234.13
EXHIBITIONS  242.08, Ch. 630
EXPENSES  654.03, 848.04
Mayor and Council  Chtr. Art. III, Sec. 7
EXPLOSIVES (see WEAPONS AND EXPLOSIVES)  1438.01
FACTORY-BUILT FIREPLACES  242.08, Ch. 630
FAIR HOUSING (see also HOUSING)  654.03, 848.04
FALSE ALARMS

2005 Replacement
FALSIFICATION
  wastewater dischargers, by 1043.45
FAMILY, ABUSE OF 654.02
FAMILY CARE FACILITIES 1280.05(e)
FEES (see also particular subject)
  general fee schedule Ch. 208
FENCES
  swimming pool 1428.05
FIDELITY BONDS (see BONDS)
FILL Ch. 1424
FINAL PLANS (see also SUBDIVISION REGULATIONS) 1246.07
FINAL PLATS (see also SUBDIVISION REGULATIONS) 1246.08, 1246.09
FINANCE (see also particular subject)
  alternative payment plan policy for Municipal claims or liens 230.05
  auditors Chtr. Art. III, Sec. 15
  budget and fiscal affairs Chtr. Art. VIII
  checks Chtr. Art. VII, Sec. 8
  contracts and purchases Ch. 252
  unanticipated fiscal emergencies 890.03
FINANCE COMMITTEE 210.10
FINANCE DEPARTMENT Chtr. Art. VIII, Sec. 1;
  Ch. 230
FINANCE DIRECTOR
  duties Chtr. Art. VIII, Sec. 2
FINANCIAL DISCLOSURE
  officers and employees 280.05
FIRE CODE, INTERNATIONAL 1620.01
FIRE COMPANIES Chtr. Art. XI, Sec. 3;
  Ch. 1070
FIRE HAZARDS
  accumulation of flammable materials Ch. 1610
FIRE HYDRANTS (see HYDRANTS)
FIRE INSURANCE PROCEEDS
  disposition of 826.01
FIRE LANES Ch. 424
FIRE MARSHAL (see DIRECTOR-FIRE MARSHAL)
FIRE PREVENTION Chtr. Art. XI, Sec. 2
FIRE PREVENTION DIVISION (see DEPARTMENT OF PUBLIC SAFETY )

FIRE PROTECTION (see FIRE PREVENTION)

FIRE SALES Ch. 818

FIREARMS (see also WEAPONS AND EXPLOSIVES) 690.01

FIREFIGHTERS

duties re Traffic Code 404.02

FIREPLACES Ch. 1438

FISCAL MATTERS (see FINANCE)

FISCAL YEAR Chtr. Art. VIII, Sec. 3

FLAMMABLE MATERIALS Ch. 1610

FLOOD CONTROL Ch. 1436

FLOODPROOFING 1436.21, 1436.22

FLOOR SPACE (see BULK AND AREA REQUIREMENTS)

FLOORS, WALLS AND CEILINGS flood plain areas, in 1436.22(j)

FOOD DISPENSING MACHINES Ch. 820

FORESTRY REGULATIONS

contents of the logging plan 1292.03

forest practices 1292.04

notification; preparation of a logging plan 1292.02

responsibility for road maintenance and repair; road bonding 1292.05

scope; applicability 1292.01

FORFEITURE OF OFFICE (see particular officer or employee)

FUMES 1278.18

FUNDS (see particular fund; see also FINANCE)

FUNERAL HOMES 1280.05(o)

FUNERAL PROCESSIONS 476.01

GALLERIES, SHOOTING Ch. 850

GAMBLING

amusements and shows, at 810.03

devices 820.05

GARBAGE AND RUBBISH (see also NUISANCES)

collection and disposal Ch. 1060, 1810.01(a)

deposits Ch. 1820

recycling Ch. 1061

GARDEN APARTMENT RESIDENCE DISTRICTS (see R-5 DISTRICTS)

GAS, NATURAL Ch. 1050

GENERAL FEE SCHEDULE Ch. 208

GENERAL INDUSTRIAL DISTRICTS (see I-2 DISTRICTS)
<table>
<thead>
<tr>
<th>Term</th>
<th>Page/Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>GLARE</td>
<td>1278.18</td>
</tr>
<tr>
<td>GOING-OUT-OF-BUSINESS SALES</td>
<td>Ch. 818</td>
</tr>
<tr>
<td>GRADES AND GRADING</td>
<td>1278.10, Ch. 1424, 1480.02 (BOCA ES-301.2, 301.2.1)</td>
</tr>
<tr>
<td>sidewalks, of</td>
<td>1028.03(b)(4), (16), 1028.08</td>
</tr>
<tr>
<td>site development</td>
<td>1220.12</td>
</tr>
<tr>
<td>subdivisions, in</td>
<td>1244.03, 1248.02(b)(2), (6), 1250.09</td>
</tr>
<tr>
<td>GRADING PERMITS (see BUILDING/GRADING PERMITS; BUILDING PERMITS)</td>
<td></td>
</tr>
<tr>
<td>GRASS CLIPPINGS</td>
<td>666.05</td>
</tr>
<tr>
<td>prohibiting discharge onto streets and roadways</td>
<td></td>
</tr>
<tr>
<td>GRIEVANCES</td>
<td>288.10(f)</td>
</tr>
<tr>
<td>GROUND COVERING</td>
<td>1424.11</td>
</tr>
<tr>
<td>GROUP CARE FACILITIES</td>
<td>1280.05(f)</td>
</tr>
<tr>
<td>GUARANTEES (see BONDS)</td>
<td></td>
</tr>
<tr>
<td>GUNS (see also WEAPONS AND EXPLOSIVES)</td>
<td>690.01</td>
</tr>
<tr>
<td>HALF-WAY HOUSES</td>
<td>1280.05(n)</td>
</tr>
<tr>
<td>HAMIL ROAD INTERCEPTOR</td>
<td>1040.03</td>
</tr>
<tr>
<td>HANDBILLS</td>
<td>1840.03 et seq.</td>
</tr>
<tr>
<td>HANDICAPPED PERSONS (see also CIVIL RIGHTS; EQUAL EMPLOYMENT OPPORTUNITY POLICY)</td>
<td></td>
</tr>
<tr>
<td>parking for</td>
<td>464.085</td>
</tr>
<tr>
<td>sidewalk ramps for</td>
<td>1028.03(b)(10)</td>
</tr>
<tr>
<td>HARASSMENT</td>
<td>288.22</td>
</tr>
<tr>
<td>sexual</td>
<td></td>
</tr>
<tr>
<td>HAWKERS</td>
<td>Ch. 840</td>
</tr>
<tr>
<td>HAZARDOUS MATERIALS</td>
<td>Ch. 1860</td>
</tr>
<tr>
<td>HEALTH AND SANITATION (see also GARBAGE AND RUBBISH; NUISANCES)</td>
<td></td>
</tr>
<tr>
<td>swimming pools, in</td>
<td>1428.08</td>
</tr>
<tr>
<td>HEALTH AND WELFARE COMMITTEE</td>
<td>210.12</td>
</tr>
<tr>
<td>HEALTH DEPARTMENT, COUNTY</td>
<td>1810.01</td>
</tr>
<tr>
<td>HEARINGS (see PUBLIC HEARINGS)</td>
<td></td>
</tr>
<tr>
<td>HEAT</td>
<td>1278.18</td>
</tr>
<tr>
<td>HEIGHT OF BUILDINGS (see under BUILDINGS)</td>
<td></td>
</tr>
<tr>
<td>HIGHWAYS (see STREETS)</td>
<td></td>
</tr>
<tr>
<td>HIGHWAYS, DEPARTMENT OF</td>
<td>244.08</td>
</tr>
<tr>
<td>HIGH-RISE APARTMENT RESIDENCE DISTRICTS (see R-6 DISTRICTS)</td>
<td></td>
</tr>
<tr>
<td>HISTORICAL COMMITTEE</td>
<td>Ch. 278</td>
</tr>
<tr>
<td>Topic</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Hitchhiking</td>
<td>472.01</td>
</tr>
<tr>
<td>Holding Tanks (see Septic Tanks)</td>
<td></td>
</tr>
<tr>
<td>Home Rule Charter (see Charter)</td>
<td></td>
</tr>
<tr>
<td>Horns</td>
<td>456.03</td>
</tr>
<tr>
<td>Hotels</td>
<td>630.07</td>
</tr>
<tr>
<td>Holding Tanks (see Septic Tanks)</td>
<td></td>
</tr>
<tr>
<td>Home Rule Charter (see Charter)</td>
<td></td>
</tr>
<tr>
<td>Horns</td>
<td>456.03</td>
</tr>
<tr>
<td>Hotels</td>
<td>630.07</td>
</tr>
<tr>
<td>House Drainage (see also SEwers)</td>
<td>Ch. 1460</td>
</tr>
<tr>
<td>House Numbers</td>
<td>Ch. 1032</td>
</tr>
<tr>
<td>House Trailers (see Mobile Homes)</td>
<td></td>
</tr>
<tr>
<td>Housing (see also Dwellings; Fair Housing)</td>
<td></td>
</tr>
<tr>
<td>area for sleeping purposes</td>
<td>1480.02(BOCA ES-404.1)</td>
</tr>
<tr>
<td>generally</td>
<td>242.06</td>
</tr>
<tr>
<td>interior surfaces</td>
<td>1480.02(BOCA ES-303.3)</td>
</tr>
<tr>
<td>senior citizen</td>
<td>1280.05(i)</td>
</tr>
<tr>
<td>separation of units</td>
<td>1480.02(BOCA ES-403.1)</td>
</tr>
<tr>
<td>Housing and Urban Development (see H.U.D.)</td>
<td></td>
</tr>
<tr>
<td>Housing Code</td>
<td>Chtr. Art. XVII, Sec. 5, Ch. 1480</td>
</tr>
<tr>
<td>Housing Plans</td>
<td>Ch. 1224</td>
</tr>
<tr>
<td>Housing Rehabilitation Program</td>
<td>Ch. 1482</td>
</tr>
<tr>
<td>H.U.D. Assisted Contracts</td>
<td>252.10</td>
</tr>
<tr>
<td>Hulton Road Interceptor</td>
<td>1040.03</td>
</tr>
<tr>
<td>Hunting</td>
<td>690.01(d)</td>
</tr>
<tr>
<td>Hydrants</td>
<td></td>
</tr>
<tr>
<td>sidewalk construction and</td>
<td>1028.03(b)(13)</td>
</tr>
<tr>
<td>I-1 District (see also Industrial Districts; Zoning)</td>
<td></td>
</tr>
<tr>
<td>bulk and area requirements</td>
<td>1272.06(a)</td>
</tr>
<tr>
<td>conditional uses</td>
<td>1272.04</td>
</tr>
<tr>
<td>establishment</td>
<td>1266.01</td>
</tr>
<tr>
<td>permitted uses</td>
<td>1272.02(a)</td>
</tr>
<tr>
<td>special exceptions</td>
<td>1272.05</td>
</tr>
<tr>
<td>I-2 District (see also Industrial Districts; Zoning)</td>
<td></td>
</tr>
<tr>
<td>bulk and area requirements</td>
<td>1272.06(b)</td>
</tr>
<tr>
<td>conditional uses</td>
<td>1272.04</td>
</tr>
<tr>
<td>establishment</td>
<td>1266.01</td>
</tr>
<tr>
<td>permitted uses</td>
<td>1272.02(b)</td>
</tr>
<tr>
<td>special exceptions</td>
<td>1272.05</td>
</tr>
</tbody>
</table>
I-3 DISTRICT (see also INDUSTRIAL DISTRICTS; ZONING)
  bulk and area requirements 1272.06(c)
  conditional uses 1272.04
  establishment 1266.01
  permitted uses 1272.02(c)
  special exceptions 1272.05
ICE (see SNOW AND ICE)
IMPOUNDING
  motor vehicles Ch. 432
IMPROVEMENTS (see also CONSTRUCTION)
  flood plain areas, in 1436.20
  public
    continuation of Chtr. Art. XX, Sec. 6
    subdivisions, in 1246.09, Ch. 1248
INCINERATORS 1060.04
INCOME TAX Ch. 860
INCOME TAX OFFICER
  powers and duties 860.04
INDECENCY (see ADULT ENTERTAINMENT; SEX OFFENSES)
INDEPENDENT AUDIT Chtr. Art. III, Sec. 15
INDUSTRIAL BUSINESSES (see BUSINESSES)
INDUSTRIAL DISTRICTS (see also particular district; INDUSTRIAL ZONES; ZONING)
  generally Ch. 1272
  landscaping in 1278.13(c)
  signs in 1276.02
  streets in 1278.08
INDUSTRIAL WASTEWATER DISCHARGE REGULATIONS Ch. 1043
INDUSTRIAL ZONES (see also INDUSTRIAL DISTRICTS)
  landscaping 1220.19
INEBRIATE ASYLUM (see COUNTY WORK HOUSE AND INEBRIATE ASYLUM)
INITIATIVE AND REFERENDUM Chtr. Art. XXIII
INSPECTIONS (see also RIGHT OF ENTRY; particular subject)
electrical fees for special inspections grading, excavation and fill sewer sewer sidewalk construction storage of flammable materials

INSURANCE (see also PENSIONS; RETIREMENT)
companies fire disposition of proceeds social security workmen's compensation

INTERCEPTORS

INTERFERENCE (see OBSTRUCTIONS)
INTERCITY FIRE CODE

INTERPRETATION (see RULES OF CONSTRUCTION)
INVESTIGATIONS
Council, by Personnel Board, by

ITINERANT MERCHANTS

JUDICIARY

JUKE BOXES

JUNK YARDS

LAND (see also LOTS; PROPERTY; YARDS)
development (see also SUBDIVISION REGULATIONS)
nonconforming uses reclamation subdivision land requirements

LAND DEVELOPMENT REGULATIONS (see SUBDIVISION REGULATIONS)

LAND FILL
LAND USE PLANS Ch. 1224
LANDSCAPING (see also VEGETATION)
   EastGate District, in 1290.09
   site development 1220.16 et seq.
   subdivisions, in 1250.13
LANES
   fire Ch. 424
LAW DIRECTOR (see ATTORNEY)
LAWN DEBRIS AND LEAVES
   raking onto the streets and roadways prohibited 666.05
LEASED PROPERTY Ch. 1432
LEAVES
   sick leave 288.13
LEECHBURG ROAD INTERCEPTOR 1040.03
LEGAL COUNSEL (see also ATTORNEY)
   hiring of outside 242.01
LEGISLATION (see ORDINANCES AND RESOLUTIONS)
LIABILITY (see particular subject)
LIBRARY DEPARTMENT Ch. 248
LIBRARY DIRECTOR 248.03
LIBRARY DIRECTORS, BOARD OF Ch. 272
LICENSES (see also PERMITS; REGISTRATION; particular subject)
   fees 208.01(a)
LIENS
   alternative payment plan policy for 230.05
   authority of Manager to file letters 222.03
   letters 222.02
LIEUTENANT OF POLICE 234.07
LIFE INSURANCE 284.03
LIGHT INDUSTRIAL DISTRICT (see I-1 DISTRICT)
LIGHTS AND LIGHTING
   site development 1220.20
   street 1228.03(b)(3), 1248.02(i)
   subdivisions, in 1250.14
   traffic (see TRAFFIC CONTROL DEVICES)
   warning (see BARRICADES AND WARNING LIGHTS)
   zoning requirements 1278.14
LIGHTS, WARNING (see BARRICADES AND WARNING LIGHTS)
LIQUOR (see ALCOHOLIC BEVERAGES)
**LITTERING**  Ch. 1840

**LOADING**  Ch. 1840
  - off-street  1278.03

**LOADING ZONES**  464.03

**LOCAL SERVICES TAX**
  - administration of tax  896.10
  - conflicting ordinances  896.14
  - dates for determining tax liability and payment  896.06
  - definitions  896.01
  - duty of employers to collect  896.04
  - exemption and refunds  896.03
  - interpretation  896.13
  - levy of taxes  896.02
  - multiple occupations or political subdivisions  896.08
  - nonresidents subject to tax  896.09
  - returns  896.05
  - self-employed individuals  896.07
  - suits for collection  896.11
  - violations and penalties  896.12

**LOITERING**  654.01

**LOTS** (see also BULK AND AREA REQUIREMENTS; LAND; PROPERTY; YARDS)
  - density (see DENSITY)
  - design of  1250.05
  - nonconforming  1284.01, 1284.02
  - number of buildings on (see DENSITY)
  - required for mobile home parks  1252.03
  - Residential Districts, in  1268.06

**M DISTRICT** (see also ZONING)
  - bulk and area regulations  1274.05
  - conditional uses  1274.03
  - establishment  1266.01
  - landscaping in  1278.13(d)
  - permitted uses  1274.02
  - signs in  1276.02
  - special exceptions  1274.04

**MACHINES, COIN-OPERATED**  Ch. 820

**MAGISTRATE**  Ch. 290

**MAILBOXES**
  - sidewalk construction and  1028.03(b)(14)

**MANAGEMENT LEAVE POLICY**  288.31

**MANAGER**
  - administrative control  Chtr. Art. XIV, Sec. 2
  - duties re personnel system  Chtr. Art. XV, Sec. 1
  - generally  Chtr. Art. V; Ch. 222

2011 Replacement
MANDATORY RETIREMENT (see RETIREMENT)
MANHOLES 1043.22(a)
MANUFACTURED HOMES (see MOBILE HOMES)
MAPS
  Land Use Ch. 1224
  Official Chtr. Art. XVII, Sec. 2
  zoning 1266.02
MARQUEES (see SIGNS)
MASSAGE PARLORS 672.05
MAYOR Chtr. Art. III
MECHANICAL AMUSEMENT DEVICES Ch. 808
MEETINGS (see also particular subject; PUBLIC MEETINGS)
MERCANTILE LICENSE AND TAX
  generally Ch. 884
  nonpayment 252.17
MERCHANTS, TRANSIENT Ch. 840
MILITARY SERVICE 284.07
MINORS
  curfew for Ch. 692
MIXED USE DISTRICT (see M DISTRICT)
MOBILE HOME PARKS Ch. 1252
MOBILE HOMES (see also RECREATION VEHICLES)
  flood plain areas, in 1436.24
  generally 1252.08
MODEL STUDIOS 672.05
MOTELS (see HOTELS)
MOTOR VEHICLES (see also COMMERCIAL AND HEAVY VEHICLES; MOBILE HOMES; MOTORCYCLES; RECREATION VEHICLES; SNOWMOBILES)
  abandoned motor vehicles Ch. 478
  advertising, use for 456.01
  ambulances Ch. 1062
  driving (see DRIVING)
  garbage and rubbish 1060.10
    collection and disposal, for
    impounding Ch. 432
    junk 1480.02 (BOCA ES-201.0)
  junk yards Ch. 830
  Municipal 666.03
    smoking in
    noise from 456.05
    operation generally Ch. 456

2011 Replacement
MOTOR VEHICLES (Cont.)
   placing handbills in or upon 1840.04
   sale of unclaimed 432.16
   speed 456.02
   undeveloped property, on 1480.02(BOCA
                                    ES-301.10.3)
   unregistered and/or uninspected private property, on 1480.02(BOCA
                                                    ES-301.10.1,
                                                    301.10.2)
   without rubber tires 456.04
MOTORCYCLES (see also MOTOR VEHICLES)
   generally Ch. 468
   noise from 456.05
   operation on public and private property 456.06
MOVIE HOUSES (see THEATERS)
MUFFLERS 456.07
MULTI-FAMILY DWELLINGS (see DWELLINGS)
MULTI-STORY, MULTI-FAMILY, LIMITED COMMERCIAL DISTRICTS (see R-7 DISTRICTS)
MUNICIPAL BUILDINGS (see under BUILDINGS)
MUNICIPAL CANINE CORPS (see also POLICE DOGS) 234.11
MUNICIPAL CLAIMS 222.02
MUNICIPAL LIEN LETTERS 222.02
MUNICIPAL NON-POLICE EMPLOYEES PENSION FUND Ch. 286
MUNICIPAL OFFICERS AND EMPLOYEES (see
   OFFICERS AND EMPLOYEES; see also particular
   officer or employee; particular subject)
MUNICIPAL PARKS (see under PARKS)
MUNICIPAL PROPERTY (see under PROPERTY, at public) 288.14
MUNICIPAL SAFETY PROGRAM 1042.10, 1042.11
MUNICIPAL SEWER FUND 1042.10, 1042.11
MUNICIPAL WATER POLLUTION CONTROL FUND 1042.10, 1042.11
MUNICIPALITY (see also particular subject)
   name and boundaries Chtr. Art. I, Sec. 1
   powers Chtr. Art. II
   wards and boundaries Ch. 206
NATIONAL ELECTRICAL CODE Ch. 1440
NATURAL GAS Ch. 1050
NEIGHBORHOOD BUSINESS DISTRICTS (see B-1 DISTRICTS)
NOISE (see also PEACE DISTURBANCES)
   zoning requirements 1278.15
NOTICES (see particular subject)

2011 Replacement
NOXIOUS WEEDS (see VEGETATION)

NUISANCES (see also GARBAGE AND RUBBISH; PEACE DISTURBANCES)
   animal conduct and nuisances prohibited 612.05
   animal feces 612.04
   deposits of garbage and rubbish; land fill Ch. 1820
   fire hazards Ch. 1610
   hazardous materials Ch. 1860
   holding tanks 1045.09
   pornography Ch. 672

NUMBERING OF HOUSES Ch. 1032

NURSERIES 1280.05(h)

NURSING HOMES 1280.05(l)

OATHS (see particular officer or employee)

OBSCENITY (see ADULT ENTERTAINMENT; SEX OFFENSES)

OBSTRUCTIONS
   fire lane 424.06
   public passage 654.01
   sidewalk 654.01, 1028.11
   yards 1278.06(e), (f)

OCCUPANCY, CERTIFICATES OF 1262.05

OCCUPANCY PERMITS 1480.02(BOCA ES-300.4)

OCCUPATION PRIVILEGE TAX Ch. 870

OCCUPATIONAL INJURY AND SAFETY PROGRAM 288.14

ODORS 1278.19

OFF-STREET LOADING
   EastGate District, in 1290.07
   generally 1278.03

OFF-STREET PARKING
   EastGate District, in 1290.06(d)
   generally 1278.02

OFFENSES (see particular subject)
   relating to property Ch. 660
   relating to sex Ch. 672

OFFICE AND PROFESSIONAL DISTRICTS (see B-3 DISTRICT)

OFFICERS AND EMPLOYEES (see also POLICE OFFICERS; particular officer or employee; particular subject)
   appointments 280.17
   career service Chtr. Art. XV, Sec. 6
   compensation (see COMPENSATION)
     controlled substances and alcohol policy for operators of commercial motor vehicles 288.21
OFFICERS AND EMPLOYEES (Cont.)
e-mail policy 288.23
Employees Memorial Program Ch. 289
Family and Medical Leave Act (FMLA)
policy and procedures 288.32
employment application fee 288.18
generally Ch. 280
internet/intranet policy 288.24
pensions (see PENSIONS)
personnel management Chtr. Art. XV
personnel policies Ch. 288
reasonable accommodation process policy 288.28
recall Ch. Art. XXII
recruitment, selection and promotion 288.17
residency (see RESIDENCY REQUIREMENT)
retirement (see RETIREMENT)
rights and privileges of during transition to Charter Chtr. Art. XX, Sec. 1
seminar attendance and travel policy 288.29
sexual harassment policy 288.22
social media policy 288.25
transitional work assignments policy 288.27
vehicle usage and safety policy 288.26
workplace violence policy 288.30
OFFICES (see particular office)
OFFICIAL MAP Chtr. Art. XVII, Sec. 2
OFFICIAL STANDARDS Ch. 204
O’HARA, TOWNSHIP OF
sewer agreement with 1044.05
OLD AGE AND SURVIVOR’S INSURANCE 280.01
OPEN RECORDS POLICY
designated open records officer 207.02
purpose 207.01
OPEN SPACE
generally 1278.06
planned residential developments, in 1288.07
site development 1220.24, 1220.25
subdivisions, in 1250.16
zoning requirements 1278.22
OPENINGS (see DEDICATIONS; EXCAVATIONS)
ORDERS (see particular subject)
ORDINANCES AND RESOLUTIONS (see also CODIFIED ORDINANCES)
charges for 208.01(f)
continuation of Chtr. Art. XX, Sec. 4
fees for copies 212.02
generally Chtr. Art. XII;
                    Ch. 212
initiative and referendum Chtr. Art. XXIII
temporary Art. XXI, Sec. 5

2013 Replacement
OUTDOOR STORAGE 1278.06(e)(2)
PAINTS AND ADHESIVES
  flood plain areas, in 1436.22(k)
PARADES 476.01
PARKING
  areas in subdivisions 1250.02
  generally Ch. 464
  off-street 1278.02
  site development 1220.09
PARKS (see also RECREATION AREAS)
  Municipal alcoholic beverages in 1068.01
PARKS AND RECREATION DEPARTMENT Ch. 240
PAYMENT PLAN POLICY FOR MUNICIPAL CLAIMS OR LIENS 230.05
PEACE DISTURBANCES (see also NOISE; NUISANCES)
  disorderly conduct at amusements and shows 810.03
  generally Ch. 654
  horn blowing 456.03
  loud noises and speaking devices
    use by peddlers, canvassers and transient merchants 840.10
    mufflers required 456.07
    noise from motorcycles, snowmobiles, etc. 456.05
PEDALCYCLES Ch. 468
PEDDLERS Ch. 840
PEDESTRIANS Ch. 472
PENALTIES (see also particular subject)
  general Code 202.99
  generally Chtr. Art. XII, Sec. 3
  Subdivision Regulations 1242.99, 1252.99
  Traffic Code 404.99
  Zoning Code 1262.99
PENN HILLS (see MUNICIPALITY)
PENN HILLS AREA AGENCY ON AGING Ch. 270
PENSIONS (see also INSURANCE; RETIREMENT)
  Employees Pension Fund Ch. 286
  police disability benefits Ch. 282
  Police Pension Plan Ch. 284
PERFORMANCE BONDS (see BONDS)
PERFORMANCE STANDARDS
  generally Ch. 1278,
  1480.02(BOCA
  ES-301.12)
  signs 1276.03
PERMITS (see also LICENSES; REGISTRATION; particular subject)
building (see BUILDING PERMITS)
building/grading (see BUILDING/GRADING PERMITS)
fees 208.01(a)
occupancy 1480.02(BOCA ES-300.4)

PERMITTED USES (see particular zoning district; see also ZONING)

PERSONNEL (see OFFICERS AND EMPLOYEES)
PERSONNEL BOARD (see also POLICE CIVIL SERVICE COMMISSION) Chtr. Art. XVI; Ch. 262

PINBALL MACHINES Ch. 808
PITTSBURGH, CITY OF
sewer agreement with 1044.01, 1044.02, 1044.05

PLACES OF WORSHIP 1280.05(a)
PLANNED RESIDENTIAL DEVELOPMENT Chtr. Art. XVII, Sec. 4; Ch. 1288
PLANNING (see also SUBDIVISION REGULATIONS) Chtr. Art. XVII
PLANNING ADVISORY COUNCIL generally Ch. 264
site development plans 1220.01 et seq.
PLANNING AGENCIES Chtr. Art. XVII, Sec. 1
PLANNING AND DEVELOPMENT, DEPARTMENT OF generally Ch. 242
site development plans 1220.01 et seq.
PLANNING COMMISSION authorization re planned residential developments 1288.03
authorization re Subdivision Regulations 1242.08
authorization re Zoning Code 1262.03
authorization re Zoning Code amendments 1262.06(d)
generally Ch. 266, Ch. 1230
site plan approval 1286.02(c)
PLANNING DEPARTMENT authorization re Subdivision Regulations 1242.08
PLANNING DEPARTMENT, COUNTY authorization re Zoning Code amendments 1262.06(d), (n)
PLANS AND PLATS (see also SUBDIVISION REGULATIONS)
Comprehensive Plan Ch. 1222
Emergency Operations Plan 275.04
excavations 1024.06

2011 Replacement
PLANS AND PLATS (Cont.)
  land use and housing          Ch. 1224
  sidewalk construction        1028.06
  site plans                   Ch. 1220, 1250.01,
                              1252.04, Ch. 1286
PLATS (see PLANS AND PLATS)
PLATTING (see SUBDIVISION REGULATIONS)
PLUM, BOROUGH OF
  sewer agreements with        1044.10
PLUM CREEK INTERCEPTOR        1040.02
PLUMBING
  flood plain areas, in        1436.22(m)
  generally                    Ch. 1460
POLES, UTILITY                1028.03(b)(13),
                              Ch. 1054
POLICE CHIEF (see CHIEF OF POLICE)
POLICE CIVIL SERVICE COMMISSION
  (see also PERSONNEL BOARD)   Chtr. Art. XX, Sec. 8
POLICE DISABILITY BENEFITS    Ch. 282
POLICE DOGS (see also MUNICIPAL CANINE CORPS)  612.02, 612.03
POLICE OFFICERS (see also CHIEF OF POLICE;
   OFFICERS AND EMPLOYEES; PUBLIC SAFETY DEPARTMENT)
  Director's traffic control powers  408.01 et seq.
  disability benefits          Ch. 282
  duties re Traffic Code        404.02
  excessive force by            234.13
  Pension Plan                  Ch. 284
POLICE PENSION PLAN           Ch. 284
POLICIES (see particular policy)
POLITICAL ACTIVITY             Chtr. Art. XV, Sec. 4
POLITICAL SIGNS                Ch. 1437
POLITICAL SUPPORT
  improper solicitation of     Chtr. Art. XIX, Sec. 2
POLLUTION
  air                          1278.17
  wastewater discharges        1043.06
    specific pollutant limitations for
  water                        1040.06, 1042.10,
                              1043.03
POOLS                        Ch. 1428
PORNOGRAPHY (see ADULT ENTERTAINMENT; SEX OFFENSES)
POSTING BILLS                 1840.02
POWERS (see particular officer or employee; particular subject; see also under MUNICIPALITY)

PREFERENTIAL TREATMENT  Chtr. Art. XIX, Sec. 1

PRELIMINARY PLANS (see also SUBDIVISION REGULATIONS)  1246.06

PRIVATE PROPERTY (see PROPERTY)

PRIVATE SEWAGE DISPOSAL SYSTEMS (see SEPTIC TANKS)

PRIVATE STREETS (see under STREETS)

PRIVIES (see SEPTIC TANKS)

PRIVY VAULTS (see SEPTIC TANKS)

PROCESSIONS  476.01

PROFESSIONAL SERVICES

selection and agreements  252.14

PROMOTIONS

Municipal employees  288.17

PROPERTY (see also LAND; LOTS; YARDS)

leased  Ch. 1432

offenses generally  Ch. 660

prior to

Real Estate Tax  Ch. 888

Real Estate Transfer Tax II  Ch. 882

taxation of (see TAXATION)

private

fire lanes on  424.05

public (see also PARKS; SIDEWALKS; STREETS)

application of Zoning Code to  1260.04

destruction  660.02

trespass on  660.01

real

appraisals  Chtr. Art. IX, Sec. 5

certification of sanitary sewer status

PROPERTY DESTRUCTION

reward for information  660.02

PROPERTY OFFENSES  Ch. 660

PUBLIC ACCOMMODATIONS  630.07

PUBLIC BUILDINGS (see BUILDINGS)

PUBLIC HEALTH AND WELFARE COMMITTEE  210.12

PUBLIC HEARINGS (see also particular subject)

charges  208.01(c)
PUBLIC IMPROVEMENTS (see IMPROVEMENTS)
PUBLIC INFORMATION OFFICER 250.03
PUBLIC MEETINGS Council Chtr. Art. IV, Sec. 8; 210.03
PUBLIC OFFICIALS (see OFFICERS AND EMPLOYEES)
PUBLIC PROPERTY (see PROPERTY)
PUBLIC SAFETY COMMITTEE 210.11
PUBLIC SAFETY DIRECTOR (see POLICE OFFICERS)
PUBLIC UTILITIES (see UTILITIES)
PUBLIC WAYS (see SIDEWALKS; STREETS)
PUBLIC WORKS DEPARTMENT Ch. 244
PUBLICATION ordnances and resolutions Chtr. Art. XII, Sec. 2
wastewater dischargers in significant noncompliance 1043.44
PURCHASES (see CONTRACTS AND PURCHASES)
PURCHASING MANUAL 252.15
PUSH CARTS 476.03
QUALIFICATIONS (see particular officer or employee)
QUORUM (see particular agency of government; particular subject)
R-1 DISTRICT (see also RESIDENTIAL DISTRICTS; ZONING)
conditional uses 1268.04(a)
establishment 1266.01
permitted uses 1268.02(a)
special exceptions 1268.05(a)
R-1A DISTRICT (see also RESIDENTIAL DISTRICTS; ZONING)
conditional uses 1268.04(b)
establishment 1266.01
permitted uses 1268.02(b)
special exceptions 1268.05(b)
R-2 DISTRICT (see also RESIDENTIAL DISTRICTS; ZONING)
conditional uses 1268.04(c)
establishment 1266.01
permitted uses 1268.02(c)
special exceptions 1268.05(c)
R-3 DISTRICT (see also RESIDENTIAL DISTRICTS; ZONING)
conditional uses 1268.04(d)
establishment 1266.01
permitted uses 1268.02(d)
special exceptions 1268.05(d)
R-4 DISTRICT (see also RESIDENTIAL DISTRICTS; ZONING)
  conditional uses 1268.04(e)
  establishment 1266.01
  permitted uses 1268.02(e)
  special exceptions 1268.05(e)

R-5 DISTRICT (see also RESIDENTIAL DISTRICTS; ZONING)
  conditional uses 1268.04(f)
  establishment 1266.01
  permitted uses 1268.02(f)
  special exceptions 1268.05(f)

R-6 DISTRICT (see also RESIDENTIAL DISTRICTS; ZONING)
  conditional uses 1268.04(g)
  establishment 1266.01
  permitted uses 1268.02(g)
  special exceptions 1268.05(g)

R-7 DISTRICT (see also RESIDENTIAL DISTRICTS; ZONING)
  conditional uses 1268.04(h)
  establishment 1266.01
  non-residential uses in 1268.02(j)
  permitted uses 1268.02(h)
  special exceptions 1268.05(h)

RADAR 404.04
RADIATION 1278.18

RATES (see particular subject)
REAL ESTATE TAX Ch. 888
REAL ESTATE TRANSFER TAX Chs. 880, 882
REAL PROPERTY (see PROPERTY)
REALTY TRANSFER TAX Ch. 894
RECALL Chtr. Art. XXII

RECORDS (see also particular subject)
  access to (see particular officer or employee)

RECREATION (see also AMUSEMENTS; ENTERTAINMENT)
  public and private facilities 1280.05(d)
  zoning requirements 1278.22

RECREATION ADVISORY COMMITTEE Ch. 276

RECREATION AREAS (see also PARKS)
  alcoholic beverages in 1068.01
  site development 1220.24, 1220.25
  subdivisions, in 1248.02(l), 1250.16

2007 Replacement
RECREATION DEPARTMENT (see PARKS AND RECREATION DEPARTMENT)

RECREATION PROGRAM
Ch. 1064

RECREATION VEHICLES (see also MOBILE HOMES; MOTOR VEHICLES) 1252.09

RECRUITMENT
Municipal employees 288.17

RECYCLING
Ch. 1061

REDEVELOPMENT AGENCY 242.06

REDUCTION IN RANK (see DEOMOTION)

REDUCTION PLANTS 1060.04

REFERENDUM (see INITIATIVE AND REFERENDUM)

REFUSE (see GARBAGE AND RUBBISH)

REGIONAL SALES AND USE TAX Ch. 890

REGISTRATION (see also LICENSES; PERMITS; particular subject)
contractors, of Ch. 1422
new residents for tax purposes 230.04

REGULATIONS (see particular subject)

REMOVAL FROM OFFICE (see also particular officer or employee) Chtr. Art. XV, Sec. 5

RENTAL INCOME PROPERTY Ch. 1432

REPAIRS (see CONSTRUCTION)

REPEALS 202.05, 202.06

REPORTS (see particular subject)

RESIDENCY REQUIREMENT
generally 288.12
police 234.09

RESIDENTIAL AREAS (see also RESIDENTIAL DISTRICTS)
landscaping in 1220.18

RESIDENTIAL DISTRICTS (see also particular district; RESIDENTIAL AREAS; ZONING)
driveways in 1278.09
generally Ch. 1268
landscaping in 1278.13(b)
1278.13(d)
signs in 1276.01
streets in 1278.08

RESIDENTS
new registration for tax purposes 230.04

RESPONSIBILITIES (see particular subject)

RESOLUTIONS (see ORDINANCES AND RESOLUTIONS)
RETIREMENT (see also INSURANCE; PENSIONS)
  officers and employees  280.02
  police  234.10

REVOCATION OF LICENSES AND PERMITS
  (see particular subject)

REWARDS
  damage to public property  660.02

RIGHT OF ENTRY (see also INSPECTIONS)
  electrical inspections  1440.03
  sewer inspections  1042.09, 1043.39
  storage of flammable materials  1610.02

RIGHT-OF-WAY PERMITS AND CONSTRUCTION
  application for a right-of-way permit  1034.03
  construction standards  1034.08
  definitions  1034.01
  duration and suspension of right-of-way permit  1034.04
  equal application  1034.16
  fees and expenses  1034.06
  liability and indemnification  1034.09
  management of the rights-of-way  1034.07
  penalty  1034.99
  performance bond  1034.12
  police powers  1034.15
  removal  1034.14
  reporting requirements  1034.10
  requirement for a right-of-way permit  1034.02
  requirement for a construction permit  1034.05
  sale or transfer of rights of permit holder  1034.11
  termination of permit  1034.13

ROADS (see STREETS)
ROBERT'S RULES  210.16
ROOFS  1480.02 (BOCA
         ES-302.3.3)

RUBBISH (see GARBAGE AND RUBBISH)
RUBBISH (see GARBAGE AND RUBBISH)
RULES AND REGULATIONS (see particular subject)
RULES OF CONSTRUCTION (see also particular subject)
  Codified Ordinances  202.03
  powers of Municipality  Chtr. Art. II, Sec. 3
  Zoning Code  1260.07, 1262.01,
               1266.03

SAFETY (see also particular subject)
  generally  Ch. 666
  sidewalk construction  1028.13

SAFETY COMMITTEE  210.11
SAFETY PROGRAM  288.14
SALES
  close-out and fire  Ch. 818
  motor vehicles  464.06

2005 Replacement
SALES (Cont.)
peddlers, canvassers and transient merchants  Ch. 840
real estate
  certification of sanitary sewer status prior to  1040.10
  unclaimed motor vehicles  432.16
SANITARY AUTHORITY, COUNTY (see
COUNTY SANITARY AUTHORITY)
SANITARY SEWERS (see SEWERS)
SANITATION (see HEALTH AND SANITATION)
SCHEMES OF CHANCE (see GAMBLING)
SCHOOL GUARDS  234.14
SCHOOLS
  generally  1280.05(g)
  proximity of coin-operated machines to  820.07
  secondary summer school program  Ch. 1064
SECOND HAND DEALERS (See ANTIQUE AND
SECOND HAND DEALERS)
SECONDARY SUMMER SCHOOL PROGRAM  Ch. 1064
SECURITY ALARMS  Ch. 848
SEDIMENTATION (see EROSION AND
SEDIMENTATION)
SENIOR CITIZEN HOUSING  1280.05(i)
SEPARABILITY (see also particular subject)
  Codified Ordinances  202.04
SEPTIC TANKS
  connections with Municipal system  1040.09
  generally  Ch. 1045
SERGEANT OF POLICE  234.07
SEVERABILITY (see SEPARABILITY)
SERVICE CHARGES (see particular subject)
SEWER FUND  1042.10, 1042.11
SEWERS (see also DRAINS AND DRAINAGE)
  administration  1810.01(b)
  agreements  Ch. 1044
  billing and collection  1042.18
  charges  208.01(b)
  charges and collection procedures for nonresident
    service  1042.13
  flood plain areas, in  1436.22(c)
    generally  Ch. 1040
  holding tanks  Ch. 1045
  private systems  1040.09
  prohibited discharges  1044.07
  service charges  Ch. 1042
  storm
    private  1040.07
  subdivisions, in  1248.02(f)
  wastewater discharge regulations  Ch. 1043

2011 Replacement
SEX OFFENSES (see also ADULT ENTERTAINMENT)
   generally                              Ch. 672
   indecent exhibitions                  810.03
SEXUAL HARASSMENT POLICY               288.22
SEXUALLY ORIENTED ESTABLISHMENTS      1280.05(q)
SHOOTING GALLERIES                    Ch. 850
SHOWS                                  Ch. 810
SICK LEAVE                             288.13
SIDEWALKS (see also STREETS)
   EastGate District, in                 1290.08
   generally                             Ch. 1028, 1278.07
   obstructions                          654.01
   site development                      1220.10
   subdivisions, in                      1248.02(j), 1250.03
SIGNS (see also TRAFFIC CONTROL DEVICES)
   campaign                              Ch. 1437
   generally                             Ch. 1276, 1480.02 (BOCA
                                              ES-302.3.5)
   nonconforming                         1284.01, 1284.04
   street
      generally                           1248.02(h)
      removal and replacement             1028.03(b)(12)
SINGLE-FAMILY RESIDENCE DISTRICT (see
   R-1 DISTRICT; R-1A DISTRICT;
   R-2 DISTRICT; R-3 DISTRICT)
SITE DEVELOPMENT PLANS (see under
   PLANS AND PLATS)
SITE PREPARATION                       1278.10
SKETCH PLANS                           1246.05
SLOPE TREATMENT                        1424.11
SMOKING
   Municipal buildings and vehicles, in  666.03
SNIVELY RUN INTERCEPTOR                1040.02
SNOW AND ICE
   deposit in public ways                666.01, 1028.15(c)
   removal of
      authority of Manager              666.02
   sidewalks, from                      1028.15
SNOWMOBILES (see also MOTOR VEHICLES)
   noise from                            456.05
   operation on public and private property 456.06
SOCIAL MEDIA POLICY                    288.25
SOCIAL SECURITY                        280.01
SOLICITATION
   political support, of                Chtr. Art. XIX, Sec. 2
      improper
SOLICITOR (see ATTORNEY)
SOLICITORS

SOLID WASTE (see GARBAGE AND RUBBISH)

SPACE, OPEN (see OPEN SPACE)

SPECIAL EXCEPTIONS (see particular zoning
district; ZONING)

SPECIAL POLICE

duties re Traffic Code 404.02

SPEED 456.02

SPEED-TIMING APPARATUS 404.04

STANDARDS

design (see DESIGN STANDARDS)

light (see LIGHTS AND LIGHTING)

official Ch. 204

performance (see PERFORMANCE STANDARDS)

STANDING (see PARKING)

STATE CONTRACT

use of for purchases 252.09

STOP SIGNS (see TRAFFIC CONTROL DEVICES)

STORAGE (see also particular subject)

flood plain areas, in 1436.22(g)

outdoor 1278.06(e)(2)

STORM DRAINAGE (see DRAINS AND

DRAINAGE)

STORM SEWERS (see SEWERS)

STORMWATER (see DRAINS AND DRAINAGE)

STORMWATER MANAGEMENT REGULATIONS

appeals 1058.31

applicability 1058.05

compatibility with other requirements 1058.06

definitions 1058.07

enforcement generally 1058.29

erosion and sediment control during regulated
earth disturbance activities 1058.10

expenses covered by fees 1058.23

fees and expenses; generally 1058.22

findings 1058.02

general requirements 1058.08

inspections 1058.20

penalty 1058.99

permit requirements by other government entities 1058.09

prohibited connections 1058.25

prohibited discharges 1058.24

public nuisance 1058.28

purpose 1058.03

right of entry 1058.21

roof drains 1058.26
STORMWATER MANAGEMENT REGULATIONS (Cont.)

short title 1058.01
statutory authority 1058.04
stormwater BMPs
alteration 1058.27
operations and maintenance agreement for
privately owned BMPs 1058.16
operations and maintenance fund 1058.19
operations and maintenance plan
adherence to plan 1058.15
general requirements 1058.12
municipality review 1058.14
recording of; related agreements 1058.18
responsibilities 1058.13
stormwater management easements 1058.17
suspension and revocation of permits and approvals 1058.30
water quality requirements after regulated earth disturbance activities are complete 1058.11

STREETS (see also CURBS; LANCES; SIDEWALKS)

addresses Ch. 1032
Business, Industrial and Multi-family Residential Districts, in 1278.08
construction standards Ch. 1020
depositing snow and ice in 666.01
design standards (see DESIGN STANDARDS) Ch. 1024
excavations
flood plain areas, in 1436.22(e)
generally Ch. 476, Ch. 1018
lights (see LIGHTS AND LIGHTING)
loads dropping or leaking on 1060.12
obstructions 654.01
private, acceptance of 1018.01
prohibited to trucks 416.02
signs 1248.02(h)
site development 1220.11
subdivisions, in 1244.02, 1248.02(b),
1250.04
used by peddlers, canvassers and transient merchants 840.11

STRUCTURES (see BUILDINGS; DWELLINGS)

SUBDIVISION REGULATIONS (see also DEVELOPMENTS; PLANS AND PLATS)

access 1244.01
additional requirements 1250.20
administration, enforcement and penalty Ch. 1242
advisory meetings 1246.05
Allegheny County certifications and approvals Title 4, Appx. B

2005 Replacement
## GENERAL INDEX

### SUBDIVISION REGULATIONS (Cont.)

<table>
<thead>
<tr>
<th>Term</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>alleys</td>
<td>1248.02(c)</td>
</tr>
<tr>
<td>amendments</td>
<td>1242.05</td>
</tr>
<tr>
<td>appeals</td>
<td>1242.07, 1252.12</td>
</tr>
<tr>
<td>application categories</td>
<td>1240.04</td>
</tr>
<tr>
<td>approval process</td>
<td>Ch. 1246</td>
</tr>
<tr>
<td>authorization</td>
<td>1242.01</td>
</tr>
<tr>
<td>blocks</td>
<td>1250.06</td>
</tr>
<tr>
<td>building location</td>
<td>1250.07</td>
</tr>
<tr>
<td>completion of improvements required</td>
<td>1246.09</td>
</tr>
<tr>
<td>conflicts of laws</td>
<td>1240.03</td>
</tr>
<tr>
<td>conformity of sidewalks to</td>
<td>1028.02</td>
</tr>
<tr>
<td>curbs</td>
<td>1248.02(b)(4)</td>
</tr>
<tr>
<td>definitions</td>
<td>1240.06</td>
</tr>
<tr>
<td>design standards</td>
<td>Ch. 1250, Pt. 12, Title 4, Appx. A</td>
</tr>
<tr>
<td>development plans</td>
<td>1246.03</td>
</tr>
<tr>
<td>drainage</td>
<td>1244.01, 1250.09(n)</td>
</tr>
<tr>
<td>drives, roads and streets</td>
<td>1250.04</td>
</tr>
<tr>
<td>driveways</td>
<td>1248.02(k)</td>
</tr>
<tr>
<td>easements</td>
<td>1250.08</td>
</tr>
<tr>
<td>effective changes in ordinance on plats</td>
<td>1246.04</td>
</tr>
<tr>
<td>environmental report</td>
<td>1250.15</td>
</tr>
<tr>
<td>erosion and sedimentation</td>
<td>1250.10</td>
</tr>
<tr>
<td>excavations</td>
<td>1250.09</td>
</tr>
<tr>
<td>fees</td>
<td>1242.09</td>
</tr>
</tbody>
</table>
SUBDIVISION REGULATIONS (Cont.)

final plan procedures 1246.07
final plats 1246.08, 1246.09
general provisions and definitions Ch. 1240
general requirements for subdividing Ch. 1244
geology 1244.01
grades and grading 1244.03,
1248.02(b)(2), (6),
1250.09
improvements 1246.09, Ch. 1248
interpretation 1240.03
jurisdiction 1242.02
landscaping 1250.13
lighting 1250.14
lot design 1250.05
mobile home parks Ch. 1252
modifications 1242.06
open space 1250.16
other items to be considered during review 1250.17
parking areas 1250.02
penalty 1242.99, 1252.99
performance guarantee 1246.09
permits 1262.06(o)
plan approval required 1242.03
Planning Commission and planning agency records 1242.08
preliminary plan procedures 1246.06
preventive remedies 1242.04
purpose 1240.02
recording of deeds 1244.03
recording of plat 1246.10
recreation and open space 1250.16
recreation areas 1248.02(l)
recreation vehicles 1252.09
request for additional information 1250.19
required improvements Ch. 1248
sanitary sewers 1248.02(f)
sedimentation 1250.10
severability 1240.05
sidewalks 1248.02(j), 1250.03
site plans 1250.01
site preparation 1250.10
sketch plan 1246.05(b)
storm drainage 1248.02(d)
SUBDIVISION REGULATIONS (Cont.)

stormwater management 1250.12
street and alley design standards Pt. 12, Title 4, Appx. A
street lights 1248.02(i)
street requirements 1244.02
street signs 1248.02(h)
streets 1248.02(b)
subdivision and land development procedures and approval process Ch. 1246
subdivision land requirements and lot design 1250.05
survey monuments 1248.02(a)
testing of construction materials 1248.04
title 1240.01
utilities 1248.02(g)
waiver of requirements 1250.18
water supply 1248.02(e)

SUMMARY ARREST GUIDELINES 234.14
SUMMER RECREATION PROGRAM Ch. 1064
SUMMER SCHOOL PROGRAM Ch. 1064
SUNSHINE LAW (see PUBLIC MEETINGS)
SUPERINTENDENT, CONSTRUCTION (see CONSTRUCTION SUPERINTENDENT)

SUSPENSION FROM OFFICE (see also particular officer or employee) Chtr. Art. XV, Sec. 5;
288.10(c)

SUSPENSION OR REVOCATION OF LICENSES AND PERMITS (see particular subject)

SWIMMING POOLS Ch. 1428
SYNAGOGUES 1280.05(a)
TAP-INS (see CONNECTIONS)

TAX ASSESSMENT APPEALS
real estate, for authority of Municipal Attorney 224.02
TAX ASSESSMENT LIMITATION PROGRAM 888.02

TAXATION
authority of Municipal Attorney re tax assessment appeals for real estate 224.02
Business Privilege Tax Ch. 886
collection service 230.03
continuation of Chtr. Art. XX, Sec. 6
 Earned Income Tax Ch. 860
Mercantile License and Tax Ch. 884
TAXATION (Cont.)

Occupation Privilege Tax Ch. 870
Real Estate Tax Ch. 888
Real Estate Transfer Tax Chs. 880, 882
Realty Transfer Tax Ch. 894
Regional Sales and Use Tax Ch. 890
registration of new residents 230.04
Tax Assessment Limitation Program 888.02
Taxpayer Bill of Rights Ch. 892

TAXICAB STANDS

464.02

TAXICABS

464.01

TAXPAYER BILL OF RIGHTS Ch. 892

TECHNICAL CODES

adoption by reference Chtr. Art. XII, Sec. 5

TELECOMMUNICATIONS TOWERS AND SITES

1278.13(e), 1280.05(r)

TELEVISION
cable (see CABLE TELEVISION)

TENANTS
data on 1432.01

TERMS OF OFFICE (see particular officer or employee; particular subject)

TESTIFY

duty to Chtr. Art. XIX, Sec. 3

TESTS

construction materials, of 1248.04

THEATERS (see also AMUSEMENTS)

exhibiting pornography 672.03

TICKETS (see CITATIONS)

TIME CLOCK REGULATIONS 288.11
TIRES 456.04
TOURIST COURTS Ch. 1252

TOWERS
telecommunication 1278.13(e), 1280.05(r)

TOWING (see IMPOUNDING)

TOWNSHIP (see MUNICIPALITY)

TOWNSHIP OF O’HARA (see O’HARA, TOWNSHIP OF)

TOWNSHIP OFFICERS (see OFFICERS AND EMPLOYEES; see also particular officer or employee)

TOWNSHIP PROPERTY (see under PROPERTY, at public)

TOWNHOUSES (see DWELLINGS; R-4 DISTRICTS)
TOY VEHICLES 476.02
TRAFFIC (see MOTOR VEHICLES; see also particular subject)
TRAFFIC CITATIONS 404.03
TRAFFIC CONTROL Ch. 408
TRAFFIC CONTROL DEVICES 408.01, 408.03
TRAFFIC SAFETY COMMITTEE Ch. 273
TRAILERS (see MOBILE HOMES; RECREATION VEHICLES)
TRANSFER TAX COLLECTING AGENT 882.05
TRANSIENT MERCHANTS Ch. 840
TRASH (see GARBAGE AND RUBBISH)
TRAVEL TRAILERS (see MOBILE HOMES; RECREATION VEHICLES)
TREASURER Chtr. Art. XX, Sec. 3
TREASURER OF LIBRARY bond 272.08
TREES (see VEGETATION)
TRESPASS 660.01
TRUCKS (see COMMERCIAL AND HEAVY VEHICLES)
URBAN REDEVELOPMENT DIVISION 242.02
USE, OCCUPANCY AND COMPLIANCE,
CERTIFICATES OF 1262.05
USES (see also PLANNED RESIDENTIAL DEVELOPMENT; ZONING)
conditional (see CONDITIONAL USES)
permitted (see particular zoning district; see also ZONING)
UTILITIES (see also particular utility)
destruction of fixtures 660.02
flood plain areas, in 1436.22(f)
level with sidewalks 1028.03(b)(11)
public utilities and public services 1280.05(m)
subdivisions, in 1248.02(g)
UTILITY POLES Ch. 1054
VACANCIES (see particular officer or employee; particular subject)
VARIANCES
flood plain regulations, from 1436.30
Zoning Code, from 1264.11
VEHICLES (see MOTOR VEHICLES)
VEGETATION (see also LANDSCAPING)
leaf recycling and composting 1061.05
maintenance 1480.02 (BOCA ES-301.6.1)
memorial tree planting 289.01
noxious weeds 1480.02 (BOCA ES-110.4, ES-301.6)
planting and removal of trees and other vegetative growth Ch. 640
preservation of 1278.12
tree preservation 1480.02 (BOCA ES-301.2.1)
trees generally Ch. 1030
VENDORS Ch. 840
VERONA, BOROUGH OF sewer agreement with 1044.05
VERONA HILL SEWER DISTRICT 1040.03
VIBRATION 1278.16
VIDEO GAMES Ch. 808
VIOLATIONS (see PENALTIES; see also particular subject)
VOLUNTEER FIRE COMPANIES generally Chtr. Art. XI, Sec. 3
services of Ch. 1070
WAIVER Traffic Code violations 404.99
WALLS (see FLOORS, WALLS AND CEILINGS)
WARDS AND BOUNDARIES Ch. 206
WARNING LIGHTS (see BARRICADES AND WARNING LIGHTS)
WASTE, SOLID (see GARBAGE AND RUBBISH)
WASTEWATER DISCHARGE REGULATIONS Ch. 1043
WATER flood plain areas, in 1436.22(d)
pollution 1040.06, 1042.10, 1043.03
supply subdivisions, in 1248.02(e)
swimming pools 1428.04
unpolluted discharge to sewers 1043.03
WATER AUTHORITY destruction of fixtures 660.02
WATER POLLUTION CONTROL DEPARTMENT Ch. 246

2005 Replacement
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page/Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER POLLUTION CONTROL DIRECTOR</td>
<td>246.03</td>
</tr>
<tr>
<td>WATER POLLUTION CONTROL FUND</td>
<td>1042.10, 1042.11</td>
</tr>
<tr>
<td>WEAPONS AND EXPLOSIVES</td>
<td></td>
</tr>
<tr>
<td>generally</td>
<td>Ch. 690</td>
</tr>
<tr>
<td>shooting galleries</td>
<td>Ch. 850</td>
</tr>
<tr>
<td>WEEDS (see VEGETATION)</td>
<td></td>
</tr>
<tr>
<td>WILKINSBURG-PENN JOINT WATER AUTHORITY</td>
<td>Ch. 260</td>
</tr>
<tr>
<td>WILLIAM McKinley CITIZENS CENTER</td>
<td>1068.02</td>
</tr>
<tr>
<td>WORK HOUSE AND INEBRIATE ASYLUM (see COUNTY WORK HOUSE AND INEBRIATE ASYLUM)</td>
<td></td>
</tr>
<tr>
<td>WORKMEN'S COMPENSATION INSURANCE</td>
<td>252.05</td>
</tr>
<tr>
<td>WORSHIP, PLACES OF</td>
<td>1280.05(a)</td>
</tr>
<tr>
<td>WRECKING YARDS</td>
<td>Ch. 830</td>
</tr>
<tr>
<td>YARDS (see also BULK AND AREA REQUIREMENTS; LAND; LOTS; PROPERTY)</td>
<td></td>
</tr>
<tr>
<td>back yard garbage pick-up</td>
<td>1060.34</td>
</tr>
<tr>
<td>Business Districts, in</td>
<td>1270.05</td>
</tr>
<tr>
<td>generally</td>
<td>1278.06</td>
</tr>
<tr>
<td>Residential Districts, in</td>
<td>1268.06</td>
</tr>
<tr>
<td>YIELD SIGNS (see TRAFFIC CONTROL DEVICES)</td>
<td></td>
</tr>
<tr>
<td>ZONES</td>
<td>Chtr. Art. XVII</td>
</tr>
<tr>
<td>generally</td>
<td>464.03</td>
</tr>
<tr>
<td>ZONING (see also particular subject)</td>
<td></td>
</tr>
<tr>
<td>accessory buildings</td>
<td>1278.05</td>
</tr>
<tr>
<td>adjunct residential dwellings</td>
<td>1280.05(a)</td>
</tr>
<tr>
<td>administration, enforcement and penalty</td>
<td>Ch. 1262</td>
</tr>
<tr>
<td>air pollution</td>
<td>1278.17</td>
</tr>
<tr>
<td>amendments</td>
<td>1262.06, 1262.07(a)</td>
</tr>
<tr>
<td>appeals</td>
<td>1262.02(b), 1262.06(l), 1262.06(n)</td>
</tr>
<tr>
<td></td>
<td>1264.11, 1264.12, 1280.05(q)(16), 1286.10</td>
</tr>
<tr>
<td>applicability of other regulations</td>
<td>1278.20</td>
</tr>
<tr>
<td>application of other documents and plans</td>
<td>1260.02</td>
</tr>
<tr>
<td>application to Municipally-owned property</td>
<td>1260.04</td>
</tr>
<tr>
<td>area regulations (see BULK AND AREA REGULATIONS)</td>
<td></td>
</tr>
</tbody>
</table>

2011 Replacement
22Z-5 GENERAL INDEX

ZONING (Cont.)
B-1 Neighborhood Business District (see B-1 DISTRICT)
B-2 Community Business District (see B-2 DISTRICT)
B-3 Office and Professional District (see B-3 DISTRICT)
boundaries of districts 1266.03
building permits 1262.04
bulk and area regulations (see BULK AND AREA REGULATIONS)
Business Districts (see also BUSINESS DISTRICTS) Ch. 1270
C Conservation District (see C DISTRICT)
cemeteries 1280.05(b)
certificates of use, occupancy and compliance 1262.05
contacts, chapels and other places of worship 1280.05(a)
community facilities 1280.05(c)
conditional use hearings 1262.07(d)
conditional uses (see also particular district) Ch. 1280
conference centers 1280.05(p)
conflicts of interests 1286.10
conflicts of laws 1260.02
conf ormity of sidewalks to 1028.02
Council
authority re amendments 1262.06(j)
County Planning Department
authority of 1262.06(d)
authority re appeals 1262.06(n)
day care centers 1280.05(h)
definitions 1260.07
density 1278.04
Department of Code Enforcement
authority of 1262.02
dimensional requirements (see BULK AND AREA REGULATIONS)
district regulations schedule Pt. 12, Title 6, Appx. A
districts generally and Zoning Map Ch. 1266
drainage 1278.11
driveways
Single-family Residential Districts, in 1278.09
ZONING (Cont.)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>EastGate District (see EASTGATE DISTRICT)</td>
<td>1286.03, 1286.04</td>
</tr>
<tr>
<td>environmental reports</td>
<td>1262.99</td>
</tr>
<tr>
<td>escort agencies</td>
<td>1280.05(q)(19)</td>
</tr>
<tr>
<td>excavating</td>
<td>1278.10</td>
</tr>
<tr>
<td>family care facilities</td>
<td>1280.05(e)</td>
</tr>
<tr>
<td>fees</td>
<td>1262.07, 1280.05(q)(12), 1286.09</td>
</tr>
<tr>
<td>file and distribution copies of Code</td>
<td>1260.03</td>
</tr>
<tr>
<td>fumes</td>
<td>1278.18</td>
</tr>
<tr>
<td>funeral homes</td>
<td>1280.05(o)</td>
</tr>
<tr>
<td>general provisions and definitions</td>
<td>Ch. 1260</td>
</tr>
<tr>
<td>glare</td>
<td>1278.18</td>
</tr>
<tr>
<td>grading</td>
<td>1278.10</td>
</tr>
<tr>
<td>group care facilities</td>
<td>1280.05(f)</td>
</tr>
<tr>
<td>half-way houses</td>
<td>1280.05(n)</td>
</tr>
<tr>
<td>heat</td>
<td>1278.18</td>
</tr>
<tr>
<td>I-1 Light Industrial District (see I-1 DISTRICT)</td>
<td></td>
</tr>
<tr>
<td>I-2 General Industrial District (see I-2 DISTRICT)</td>
<td></td>
</tr>
<tr>
<td>I-3 District (see I-3 DISTRICT)</td>
<td></td>
</tr>
<tr>
<td>Industrial District (see also INDUSTRIAL DISTRICTS)</td>
<td></td>
</tr>
<tr>
<td>landscaping</td>
<td>1278.13, 1290.09</td>
</tr>
<tr>
<td>libraries</td>
<td>1280.05(k)</td>
</tr>
<tr>
<td>lighting</td>
<td>1278.14</td>
</tr>
<tr>
<td>lots (see LOTS)</td>
<td></td>
</tr>
<tr>
<td>M Mixed Use Districts (see M DISTRICT)</td>
<td></td>
</tr>
<tr>
<td>mixed residential/commercial structures</td>
<td>1280.05(j)</td>
</tr>
<tr>
<td>Mixed Use Districts (see M DISTRICT)</td>
<td></td>
</tr>
<tr>
<td>mobile home park</td>
<td>1252.03</td>
</tr>
<tr>
<td>model studios</td>
<td>1280.05(q)(20)</td>
</tr>
<tr>
<td>noise</td>
<td>1278.15</td>
</tr>
<tr>
<td>nonconforming uses</td>
<td>Ch. 1284</td>
</tr>
<tr>
<td>nude model studios</td>
<td>1280.05(q)(20)</td>
</tr>
<tr>
<td>nudity</td>
<td>1280.05(q)(20), (21)</td>
</tr>
<tr>
<td>number of buildings on a zoning lot</td>
<td>1278.04</td>
</tr>
<tr>
<td>nurseries</td>
<td>1280.05(h)</td>
</tr>
<tr>
<td>nursing homes</td>
<td>1280.05(l)</td>
</tr>
<tr>
<td>occupancy permits</td>
<td>1262.07(c)</td>
</tr>
<tr>
<td>odors</td>
<td>1278.19</td>
</tr>
<tr>
<td>off-street loading</td>
<td>1278.03, 1290.07</td>
</tr>
</tbody>
</table>
ZONING (Cont.)
  off-street parking  1278.02
  open spaces  1278.22
  penalty  1262.99
  performance standards
    generally  Ch. 1278
    signs  1276.03
  permitted uses (see particular district)
  Planned Residential Development  Ch. 1288
  Planning Commission
    authority of  1262.03, 1262.06(d)
    authority re planned residential developments  1288.03
  preservation of vegetation  1278.12
  prohibited uses  1272.03
  public and private recreation facilities  1280.05(d)
  public hearings  1264.09, 1264.10
  public utilities and public services  1280.05(m)
  purpose (see also particular district)  1260.02
  R-1 Single-Family Residence District (see R-1 DISTRICT)
  R-1A Single-Family Residence District (see R-1A DISTRICT)
  R-2 Single-Family Residence District (see R-2 DISTRICT)
  R-3 Single-Family Residence District (see R-3 DISTRICT)
  R-4 Double-House Residence District, Townhouses
    (see R-4 DISTRICT)
  R-5 Garden Apartment Residence District (see R-5 DISTRICT)
  R-6 High-Rise Apartment Residence District (see R-6 DISTRICT)
  R-7 Multi-Story, Multi-Family, Limited Commercial
    District (see R-7 DISTRICT)
  radiation  1278.18
  recreation and open spaces  1278.22
  repealer  1260.06
  Residential Districts (see RESIDENTIAL DISTRICTS)  Ch. 1268
  review of site plans  1278.23
  rules of construction  1260.07, 1262.01
  schedule of district regulations  Pt. 12, Title 6, Appx. A
ZONING (Cont.)
schools 1280.05(g)
senior citizen housing 1280.05(i)
severability 1260.05
sexually oriented establishments 1280.05(q)
sidewalks 1278.07, 1290.08
signs Ch. 1276, 1280.04(1), 1284.04
site plan approval and review Ch. 1286
site preparation 1278.10
space and yards 1278.06
special exceptions (see also particular district) 1264.11, 1268.05, Ch. 1282
statement of purpose 1260.02
storm drainage 1278.11
streets
   Commercial, Industrial and Multi-Family Residential Districts, in 1278.08
telecommunications towers and facility buildings 1280.05(r)
temporary use permits 1262.07(e)
temporary uses 1278.21
time limitations 1264.13
title 1260.01
variances 1264.11
vegetation 1278.12
vibration 1278.16
yards (see YARDS)
zoning districts generally Ch. 1266
Zoning Hearing Board Ch. 1264
Zoning Hearing Board fees 1262.07(b)
Zoning Map Ch. 1266, 1266.02
ZONING DISTRICTS (see particular district; see also ZONING)
ZONING HEARING BOARD Chtr. Art. XVII, Sec. 3; Ch. 268, Ch. 1264
ZONING MAP 1266.02
TABLES OF SPECIAL ORDINANCES

The Codified Ordinances of Penn Hills comprises all ordinances and resolutions of a general and permanent nature. The provisions of such general and permanent ordinances and resolutions are set forth in full in the Codified Ordinances.

References must be made frequently to many special ordinances and resolutions, particularly those relating to property, such as easements, vacations, dedications, acquisitions and disposals, leases, etc. In the following Tables A through K, all such ordinances and resolutions are listed. These tables list ordinances and resolutions chronologically by subject, and include both a citation to and brief description of each ordinance and resolution.

---

TABLES OF SPECIAL ORDINANCES OF PENN HILLS

<table>
<thead>
<tr>
<th>Table A</th>
<th>Franchises</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table B</td>
<td>Easements</td>
</tr>
<tr>
<td>Table C</td>
<td>Vacating of Streets and Alleys</td>
</tr>
<tr>
<td>Table D</td>
<td>Dedication and Plat Approval</td>
</tr>
<tr>
<td>Table E</td>
<td>Acquisition and Disposal of Real Property</td>
</tr>
<tr>
<td>Table F</td>
<td>Lease of Real Property</td>
</tr>
<tr>
<td>Table G</td>
<td>Street Grade Levels and Change of Street Name</td>
</tr>
<tr>
<td>Table H</td>
<td>Annexation and Detachment of Territory</td>
</tr>
<tr>
<td>Table I</td>
<td>Zoning Map Changes</td>
</tr>
<tr>
<td>Table J</td>
<td>Sewer Districts</td>
</tr>
<tr>
<td>Table K</td>
<td>Fire and Water Districts</td>
</tr>
</tbody>
</table>

---

2000 Replacement
### TABLE A - FRANCHISES

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>4-6-12</td>
<td>Granting to the Allegheny County Light Co., the right to install transmitting devices and apparatus for furnishing light, heat and power.</td>
</tr>
<tr>
<td>13</td>
<td>4-6-12</td>
<td>Contract with the Allegheny County Light Co. to furnish electric lighting for the streets and highways.</td>
</tr>
<tr>
<td>44</td>
<td>4-7-17</td>
<td>Contract with the Duquesne Light Co. to furnish electric lighting for the streets and highways.</td>
</tr>
<tr>
<td>92</td>
<td>6-7-23</td>
<td>Authorizing the Duquesne Light Co. to furnish electric light for the streets and highways for 3 yrs.</td>
</tr>
<tr>
<td>105</td>
<td>9-4-24</td>
<td>Agreement with Suburban Water Co. to furnish fire hydrants and water supply for fire protection.</td>
</tr>
<tr>
<td>126</td>
<td>11-4-26</td>
<td>Authorizing the Duquesne Light Co. to furnish electric light for streets and highways for 3 yrs.</td>
</tr>
<tr>
<td>158</td>
<td>3-28-27</td>
<td>Agreement with the Pennsylvania Water Co. for furnishing water to the Universal Fire Zone.</td>
</tr>
<tr>
<td>189</td>
<td>10-3-29</td>
<td>Authorizing the Duquesne Light Co. to furnish electric light for the streets and highways for 5 yrs.</td>
</tr>
<tr>
<td>195</td>
<td>2-6-30</td>
<td>Agreement with the Bell Telephone Co. of Pa. for installation of switching devices.</td>
</tr>
<tr>
<td>204</td>
<td>12-4-30</td>
<td>Supplemental agreement with the Pennsylvania Water Co. for furnishing fire hydrants and water in the Universal Fire District.</td>
</tr>
<tr>
<td>256</td>
<td>3-2-33</td>
<td>Directing the Duquesne Light Co. to furnish electric light for streets and highways for 3 yrs.</td>
</tr>
<tr>
<td>296</td>
<td>11-5-36</td>
<td>Directing the Duquesne Light Co. to furnish electric light for streets and highways for 3 yrs.</td>
</tr>
<tr>
<td>300</td>
<td>12-29-36</td>
<td>Agreement with the First National Bank and Trust Co. of East Pittsburgh for a right-of-way for sewer purposes.</td>
</tr>
<tr>
<td>331</td>
<td>12-30-37</td>
<td>Agreement with the Pennsylvania Water Co. for the supply of water in the Poketa Ave. Water District.</td>
</tr>
<tr>
<td>366</td>
<td>10-5-39</td>
<td>Authorizes Duquesne Light Co. to furnish electric light for streets and highways for 3 yrs.</td>
</tr>
<tr>
<td>413</td>
<td>4-6-42</td>
<td>Authorizing the Duquesne Light Co. to furnish electric light for streets and highways for 5 yrs.</td>
</tr>
<tr>
<td>474</td>
<td>5-5-47</td>
<td>Authorizing the Duquesne Light Co. to furnish electric light for the streets and highways for 5 yrs.</td>
</tr>
<tr>
<td>602</td>
<td>5-5-52</td>
<td>Authorizes the Duquesne Light Co. to furnish electric light for streets and highways for 5 yrs.</td>
</tr>
<tr>
<td>864</td>
<td>2-1-60</td>
<td>Agreement with People's Natural Gas Co. for furnishing natural gas to the Gascola Sewage Treatment Plant.</td>
</tr>
<tr>
<td>1425</td>
<td>6-2-75</td>
<td>Amending Ord. 1148 concerning rate charges by Centre Video Corp. for Cable Television Service.</td>
</tr>
<tr>
<td>1915</td>
<td>1-20-86</td>
<td>Authorizes an agreement with TCI, Centre Video, for cable television service.</td>
</tr>
<tr>
<td>2143</td>
<td>4-5-93</td>
<td>Amends Ord. 1915.</td>
</tr>
<tr>
<td>2397</td>
<td>10-1-03</td>
<td>Authorizes agreement with Comcast of California/Ohio/Pennsylvania/Utah/Washington, Inc. for a cable franchise. Repeals Ord. 1915 and Ord. 2143.</td>
</tr>
</tbody>
</table>

2005 Replacement
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2485</td>
<td>12-17-07</td>
<td>Authorizing the execution of a cable franchise agreement between the Municipality and Verizon Pennsylvania, Inc.</td>
</tr>
<tr>
<td>2541</td>
<td>3-19-12</td>
<td>Authorizing the execution of a cable franchise agreement between the Municipality and Comcast of California/Pennsylvania/Utah/Washington, Inc.</td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>167</td>
<td>7-5-28</td>
<td>Agreement with the Pennsylvania RR. Ca. for installation of a sewer south of Nadine Station.</td>
</tr>
<tr>
<td>317</td>
<td>9-9-37</td>
<td>Authorizing acquisition of easement for access to the Quigley's Run Sewage Treatment Plant.</td>
</tr>
<tr>
<td>327</td>
<td>12-2-37</td>
<td>Agreement with the Pennsylvania RR. Co. pertaining to easement for sewer purposes along the Plum Creek branch.</td>
</tr>
<tr>
<td>338</td>
<td>3-3-38</td>
<td>Agreement with the Pittsburgh, Bessemer and Lake Erie RR. Co. providing a right-of-way for an outfall sewer in Sewer District No. 9.</td>
</tr>
<tr>
<td>Res. 9-1940</td>
<td>8-26-40</td>
<td>Accepting right-of-way deed from S. Scott for sewer purposes.</td>
</tr>
<tr>
<td>Res. 6-1941</td>
<td>5-19-41</td>
<td>Accepting right-of-way deed from Herman B. Zieger for sewer purposes.</td>
</tr>
<tr>
<td>516</td>
<td>9-12-49</td>
<td>Authorizes acquisition of an easement for sewer purposes in the South Frankstown Sewer District.</td>
</tr>
<tr>
<td>542</td>
<td>9-11-50</td>
<td>Authorizing appropriation of easement for sewer purposes in the South Frankstown Sewer District (through the Spring Valley Plan of Lots).</td>
</tr>
<tr>
<td>569</td>
<td>8-6-51</td>
<td>Authorizes appropriation of easement for installation of a sewer between Evaline St. and Park Ave.</td>
</tr>
<tr>
<td>587</td>
<td>1-28-52</td>
<td>Authorizes acquisition of easement for sewer purposes in the South Frankstown Sewer District.</td>
</tr>
<tr>
<td>590</td>
<td>2-25-52</td>
<td>Authorizes acquisition of easement for sewer purposes in the South Frankstown Sewer District.</td>
</tr>
<tr>
<td>623</td>
<td>6-1-53</td>
<td>Authorizes appropriation of easement for sewer purposes in the Universal Rd. Sewer District.</td>
</tr>
<tr>
<td>630</td>
<td>6-6-53</td>
<td>Authorizes appropriation of easement for sewer purposes in the Crescent Hills Sewer District.</td>
</tr>
<tr>
<td>640</td>
<td>9-14-53</td>
<td>Authorizes appropriation of easement for sewer purposes in the Crescent Hills Sewer District.</td>
</tr>
<tr>
<td>664</td>
<td>7-12-54</td>
<td>Authorizes appropriation of easement for construction of the &quot;Mt. Carmel Trunk Sewer&quot; and the &quot;Lincoln Ave. Trunk Sewer&quot; in the Bon Aire Sewer District.</td>
</tr>
<tr>
<td>686</td>
<td>1-3-55</td>
<td>Authorizes appropriation of easement for construction of the &quot;Aber Rd. Lateral Sewer&quot; in the Bon Aire Sewer District.</td>
</tr>
<tr>
<td>Res. 5-1955</td>
<td>4-22-55</td>
<td>Accepting surface water easement; Frankstown Est. No. 5.</td>
</tr>
<tr>
<td>702</td>
<td>10-3-55</td>
<td>Authorizes appropriation of easement for construction of lateral sewers in the Bon Aire Sewer District.</td>
</tr>
<tr>
<td>705</td>
<td>10-3-55</td>
<td>Authorizes appropriation of easement for sewer purposes in the Universal Rd. Sewer District.</td>
</tr>
<tr>
<td>Page</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>733</td>
<td>6-19-56</td>
<td>Appropriation of easement for sewer purposes in the Universal Sewer District.</td>
</tr>
<tr>
<td>735</td>
<td>6-19-56</td>
<td>Appropriation of easement for sewer purposes in the Crescent Hills Sewer District.</td>
</tr>
<tr>
<td>753</td>
<td>1-7-57</td>
<td>Appropriation of easement for sewer purposes in the Crescent Hills Sewer District.</td>
</tr>
<tr>
<td>759</td>
<td>3-4-57</td>
<td>Appropriation of easement for sewer purposes in the South Frankstown Sewer District.</td>
</tr>
<tr>
<td>761</td>
<td>3-4-57</td>
<td>Appropriation of easement for sewer purposes in the South Frankstown Sewer District.</td>
</tr>
<tr>
<td>766</td>
<td>5-6-57</td>
<td>Appropriation of easement for sewer purposes in the Crescent Hills Sewer District.</td>
</tr>
<tr>
<td>771</td>
<td>7-1-57</td>
<td>Condemnation of properties, including slope easements, for the grading and construction of concrete curbs on Leechburg Rd.</td>
</tr>
<tr>
<td>773</td>
<td>7-8-57</td>
<td>Appropriation of an easement for sewer purposes in the South Frankstown Sewer District.</td>
</tr>
<tr>
<td>779</td>
<td>9-9-57</td>
<td>Agreement with John E. and Dorothy M. Smeltz and the People's Natural Gas Co. providing for joint use of a 10 ft. right-of-way abutting Lime Hollow Rd.</td>
</tr>
<tr>
<td>784</td>
<td>10-7-57</td>
<td>Authorizes the Bell Telephone Co. of Pa. to construct, etc., posts, poles, etc., on, over, etc., the streets, etc., of the Twp.</td>
</tr>
<tr>
<td>790</td>
<td>11-4-57</td>
<td>Appropriation of easement for sewer purposes in or near the Marymount Area.</td>
</tr>
<tr>
<td>794</td>
<td>12-2-57</td>
<td>Acquisition of easement for sewer purposes; access to the Quigley Run Pumping Station in No. 1 Rosedale Sewer District.</td>
</tr>
<tr>
<td>799</td>
<td>1-20-58</td>
<td>Appropriation of easement for sewer purposes in the Universal Sewer District.</td>
</tr>
<tr>
<td>807</td>
<td>5-7-58</td>
<td>Appropriation of easement for sewer purposes in the Rosedale No. 1 Sewer District.</td>
</tr>
<tr>
<td>809</td>
<td>5-12-58</td>
<td>Appropriation of easement for sewer purposes in the Crescent Hills Sewer District.</td>
</tr>
<tr>
<td>810</td>
<td>6-16-58</td>
<td>Appropriation of easement for sewer purposes in the Rosedale No. 2 Sewer District.</td>
</tr>
<tr>
<td>814</td>
<td>10-20-58</td>
<td>Appropriation of easement for sewer purposes in the South Frankstown Sewer District.</td>
</tr>
<tr>
<td>820</td>
<td>12-1-58</td>
<td>Appropriation of easement for sewer purposes in the Universal Rd. Sewer District and/or the Universal Sewer District.</td>
</tr>
<tr>
<td>825</td>
<td>1-5-59</td>
<td>Appropriation of easement for sewer purposes in the Crescent Hills Sewer District.</td>
</tr>
<tr>
<td>846</td>
<td>9-14-59</td>
<td>Appropriation of easement for sewer purposes in Crescent Hills Sewer District.</td>
</tr>
<tr>
<td>852</td>
<td>10-5-59</td>
<td>Appropriation of easement for sewer purposes in Rosedale No. 1 Sewer District.</td>
</tr>
<tr>
<td>881</td>
<td>6-6-60</td>
<td>Appropriation of easement for sewer purposes in property of J. Berg.</td>
</tr>
<tr>
<td>888</td>
<td>8-29-60</td>
<td>Appropriation of easement for sewer purposes in the Rosedale No. 5 Sewer District.</td>
</tr>
<tr>
<td>892</td>
<td>10-3-60</td>
<td>Appropriation of easement for sewer purposes at, in or near the Quigley Run Pumping Station in the No. 1 Rosedale Sewer District.</td>
</tr>
<tr>
<td>909</td>
<td>3-6-61</td>
<td>Appropriation of easement for sewer purposes in the Universal Jefferson Rd. Sewer District (Orchard and Howard Drs.).</td>
</tr>
<tr>
<td>920</td>
<td>5-1-61</td>
<td>Acquiring an easement for sewer purposes over Northview Dr.</td>
</tr>
<tr>
<td>924</td>
<td>8-21-61</td>
<td>Appropriation of easement for sewer purposes in the vicinity of Tyler Rd. and Lincoln Ave.</td>
</tr>
</tbody>
</table>
Appropriation of easement for sewer purposes in the Rodi Rd. Sewer District.

Appropriation of easements for sewer purposes in the Mt Carmel Rd. area.

Appropriation of easement for sewer purposes in the Poketa Rd. - Shannon Rd. and Fairview Dr. area and in the Rosedale Sewer District No. 5.

Appropriation of easement for sewer purposes in the Mt Carmel Rd. area.

Amends Ord. 948.

Amends Ord. 950.

Amends Ord. 950.

Amends Ord. 950.

Appropriation of easement for sewer purposes in the Rosedale No. 5 Sewer District (Shannon and Dalecrest Rds.).

Appropriation of easement for sewer purposes in the Universal Jefferson Rd. Sewer District (Universal Rd. and Joslyn Dr.).

Appropriation of easement for sewer purposes in the Crescent Hills Sewer District (Glenfield and Sycamore Drs.).

Appropriation of easement for sewer purposes in the Gladefield Sewer District (Brushton and E. Lemington Ave. and Chadwick St.).

Appropriation of easement for sewer purposes in the Coal Hollow Sewer District in the vicinity of Pearl St. and Claire Ave.

Appropriation of easement for sewer purposes in the Coal Hollow Sewer District, in the vicinity of Pearl St. and Claire Ave.

Authorization agreement with the Mount Hope. Cemetery Assn. for easement over their property for sewer purposes.

Approving agreement with the Manning heirs involving a grant of a sewer easement.

Authorization agreement with John Ricciuti, Inc., for sewer purposes.

Authorization agreement with Fred and Sarah Caldarelli for conveyance to Twp. of easements for sewer purposes.

Authorization an indenture involving an easement over land of Fred and Elsie Caldarelli.

Appropriation of easement for sewer purposes in the Plum Creek Sewer District.

Accepting easement for Duff Rd. sewer extension.

Accepting easement for Oak Ave. sanitary sewer line.

Appropriation of easement for sewer purposes in the Flying Shuttle Hills Plan (three parcels).

Amends Ord. 1079.

Appropriation of easement for sewer purposes in the South Verona Hill Area (two parcels).

Appropriation of easement for sewer purposes in the South Verona Hill Area (property of Julia Kolesar and Emil J. Martinick).

Appropriation of easement for sewer purposes in the South Verona Hill Area (property of Walter J. and Emily M. Mueller).
<table>
<thead>
<tr>
<th>Res.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1299</td>
<td>12-7-70</td>
<td>Authorizes appropriation of easement in the Crescent Hills Sanitary Sewer District for sewer purposes (three parcels).</td>
</tr>
<tr>
<td>1301</td>
<td>12-7-70</td>
<td>Appropriation of easement for sewer purposes in the South Verona Hill Area (three parcels).</td>
</tr>
<tr>
<td>Res. 15-1971</td>
<td>6-7-71</td>
<td>Releasing easement for sanitary sewers from Graham Oil Co.</td>
</tr>
<tr>
<td>Res. 19-1971</td>
<td>7-6-71</td>
<td>Right-of-way release - Morris.</td>
</tr>
<tr>
<td>1331</td>
<td>12-6-71</td>
<td>Authorizes appropriation of easement for sewer purposes in the Shades Run Sewer District.</td>
</tr>
<tr>
<td>1369</td>
<td>4-2-73</td>
<td>Authorizes appropriation of easement for sewer purposes in the Plum Creek Sewer District.</td>
</tr>
<tr>
<td>1384</td>
<td>10-1-73</td>
<td>Authorizes appropriation of easement for sewer purposes in the vicinity of the Universal Rd. Sanitary Sewer District.</td>
</tr>
<tr>
<td>1396</td>
<td>3-4-74</td>
<td>Authorizes appropriation of easement for street purposes from Stephen Robert and Veronica Sacsek.</td>
</tr>
<tr>
<td>1408</td>
<td>7-1-74</td>
<td>Authorizes appropriation of easements for sewer purposes in the Rodi Rd. Sewer District.</td>
</tr>
<tr>
<td>1411</td>
<td>8-5-74</td>
<td>Authorizes appropriation of easements for sewer purposes in the Rodi Rd. Sanitary Sewer District (property of Cook, Dapice and Associated Investors).</td>
</tr>
<tr>
<td>Res. 18-1975</td>
<td>7-7-75</td>
<td>Right-of-way - A. Pelino-lee Dr.</td>
</tr>
<tr>
<td>1488</td>
<td>5-25-77</td>
<td>Authorizes appropriation of easement for sewer purposes in the Lincoln Park Sanitary Sewer Project.</td>
</tr>
<tr>
<td>1501</td>
<td>10-3-77</td>
<td>Authorizes appropriation of easement for sewer purposes for the Milltown Sanitary Sewers.</td>
</tr>
<tr>
<td>1502</td>
<td>10-3-77</td>
<td>Authorizing appropriation of an easement for sewer purposes for the Homewood Dr. Sanitary Sewers.</td>
</tr>
<tr>
<td>1510</td>
<td>11-3-77</td>
<td>Authorizing appropriation of easement for sewer purposes in the Lincoln Park Sanitary Sewer Project.</td>
</tr>
<tr>
<td>1542</td>
<td>9-5-78</td>
<td>Authorizes appropriation of easement for sewer purposes for Leechburg Rd. sanitary sewers.</td>
</tr>
<tr>
<td>Res. 106-1978</td>
<td>11-20-78</td>
<td>Authorizes transfer of right-of-way easement to Wilkinsburg-Penn Joint Water Authority for water line.</td>
</tr>
<tr>
<td>Res. 107-1978</td>
<td>11-20-78</td>
<td>Authorizes transfer of right-of-way easement to Wilkinsburg-Penn Joint Water Authority for water line.</td>
</tr>
<tr>
<td>Res. 110-1978</td>
<td>12-4-78</td>
<td>Authorizes transfer of right-of-way easement to Wilkinsburg-Penn Joint Water Authority for water line.</td>
</tr>
<tr>
<td>Res. 114-1978</td>
<td>12-4-78</td>
<td>Authorizes easement to Wilkinsburg-Penn Joint Water Authority for water line in Universal Park.</td>
</tr>
<tr>
<td>1581</td>
<td>10-10-79</td>
<td>Authorizes appropriation of easement for sewer purposes for Tyler Road sanitary sewers.</td>
</tr>
<tr>
<td>1587</td>
<td>11-5-79</td>
<td>Authorizes appropriation of easement for sewer purposes in the Tyler Road Sanitary Sewer Project.</td>
</tr>
<tr>
<td>1656</td>
<td>3-4-81</td>
<td>Authorizes appropriation of easement for sewer purposes in the Adams Street Sanitary Sewer Project.</td>
</tr>
<tr>
<td>1672</td>
<td>5-20-81</td>
<td>Authorizes appropriation of easement for sewer purposes in the Saltsburg Road/Vincent Drive Sanitary Sewer Project.</td>
</tr>
<tr>
<td>1694</td>
<td>8-5-81</td>
<td>Authorizes appropriation of easement for sewers to serve the Jefferson-Universal Road Sewer District.</td>
</tr>
<tr>
<td>Year</td>
<td>Month-Day-Year</td>
<td>Action</td>
</tr>
<tr>
<td>------</td>
<td>---------------</td>
<td>--------</td>
</tr>
<tr>
<td>1748</td>
<td>6-2-82</td>
<td>Authorizes appropriation of easement for sewers on Stotler Road.</td>
</tr>
<tr>
<td>1749</td>
<td>6-2-82</td>
<td>Authorizes appropriation of easement for sewers on Sunset Drive.</td>
</tr>
<tr>
<td>1753</td>
<td>7-7-82</td>
<td>Authorizes appropriation of easement for sewers on Stotler Road.</td>
</tr>
<tr>
<td>1764</td>
<td>9-1-82</td>
<td>Authorizes appropriation of easement for sewers on Wilson Drive.</td>
</tr>
<tr>
<td>1799</td>
<td>5-4-83</td>
<td>Authorizes appropriation of easement for sewers in connection with the Tulip, Hoover/Caryl Drive Sanitary Sewer Project.</td>
</tr>
<tr>
<td>1801</td>
<td>6-1-83</td>
<td>Authorizes appropriation of easement for sewer purposes on property of Gertrude Deem (Milltown area).</td>
</tr>
<tr>
<td>1830</td>
<td>12-15-83</td>
<td>Authorizes appropriation of easement for sewers in the vicinity of Joslyn Dr.</td>
</tr>
<tr>
<td>1831</td>
<td>12-15-83</td>
<td>Authorizes appropriation of easement for sewers in the vicinity of Joslyn Dr.</td>
</tr>
<tr>
<td>1841</td>
<td>3-19-84</td>
<td>Authorizes appropriation of easement for sewers in Fitzsimmons St.</td>
</tr>
<tr>
<td>1843</td>
<td>4-2-84</td>
<td>Authorizes appropriation of easement for sewers in Forest Dr.</td>
</tr>
<tr>
<td>Res.</td>
<td>86-041</td>
<td>7-7-86</td>
</tr>
<tr>
<td>1934</td>
<td>10-6-86</td>
<td>Authorizes appropriation of easement for construction of the Hansell Street Sanitary Sewer.</td>
</tr>
<tr>
<td>1949</td>
<td>1-5-87</td>
<td>Authorizes appropriation of easement for sewers in the Rosedale Sewer Districts.</td>
</tr>
<tr>
<td>1964</td>
<td>8-17-87</td>
<td>Authorizes appropriation of easement for sewers in the Saltsburg Rd. area.</td>
</tr>
<tr>
<td>1969</td>
<td>10-5-87</td>
<td>Authorizes appropriation of easement for sewers in the Colgan Terrace area.</td>
</tr>
<tr>
<td>1971</td>
<td>10-5-87</td>
<td>Authorizes appropriation of easement for sewers in the Hunter Rd. area.</td>
</tr>
<tr>
<td>1976</td>
<td>10-5-87</td>
<td>Authorizes appropriation of easement for sewers in the Hoover, Tulip, Caryl Dr. area.</td>
</tr>
<tr>
<td>Res.</td>
<td>87-093</td>
<td>10-5-87</td>
</tr>
<tr>
<td>1986</td>
<td>12-21-87</td>
<td>Authorizes appropriation of easement for sewers in the Colgan Terrace area.</td>
</tr>
<tr>
<td>1987</td>
<td>12-21-87</td>
<td>Authorizes appropriation of easement for sewers in the McFarland Dr. and Emrose Dr. area.</td>
</tr>
<tr>
<td>2034</td>
<td>2-6-89</td>
<td>Authorizes appropriation of easements for construction of a sanitary sewer outfall pipe from the Plum Creek Water Treatment Plant to the Allegheny River.</td>
</tr>
<tr>
<td>Res.</td>
<td>89-017</td>
<td>3-14-89</td>
</tr>
<tr>
<td>Res.</td>
<td>89-049</td>
<td>6-5-89</td>
</tr>
<tr>
<td>2042</td>
<td>6-19-89</td>
<td>Authorizes appropriation of easements for construction of sanitary sewer outfall pipe from the Plum Creek Water Treatment Plant to the Allegheny River.</td>
</tr>
<tr>
<td>Res.</td>
<td>89-063</td>
<td>7-10-89</td>
</tr>
<tr>
<td>Res.</td>
<td>89-076</td>
<td>9-5-89</td>
</tr>
<tr>
<td>Res.</td>
<td>89-087</td>
<td>9-18-89</td>
</tr>
</tbody>
</table>
Res. 93-019 3-1-93 Authorizes agreement with M.P. and D.M. Pirollo for construction within a sanitary sewer easement at 115 McCurdy Dr.

Res. 93-021 3-1-93 Authorizes agreement with J.J. Youhon for construction within a sanitary sewer easement at 113 Treona Dr.

Res. 93-031 4-5-93 Authorizes agreement with U.P. Traini for construction within a sanitary sewer easement at 136 McCurdy Dr.

Res. 93-042 5-17-93 Authorizes agreement with E. and S. Mitchell for construction within a sanitary sewer easement at 154 Harvest Dr.

2148 6-21-93 Authorizes appropriation of easements for construction of the Gascola Interceptor Sewer Line.

Res. 93-090 11-8-93 License agreement with Union Railroad for construction of a sanitary sewer interceptor line.

2157 10-4-93 Authorizes appropriation of easements for construction of the Sandy Creek Interceptor Sewer Line.

2164 11-8-93 Authorizes appropriation of easements for construction of the Gascola Interceptor Sewer Line.

Res. 93-093 12-6-93 License agreement with Union Railroad for construction of a sanitary sewer interceptor line.

Res. 94-004 1-24-94 Right-of-way agreements with the Wilkinsburg-Penn Joint Water Authority to improve water service in the Duff Park/Joan Dr. area.

2177 5-16-94 Authorizes appropriation of an easement for construction of the Sandy Creek/Coal Hollow Interceptor Sewer Line.

2178 5-16-94 Authorizes appropriation of easements for construction of the Long Road Sanitary Sewer Force Line.

2184 6-6-94 Authorizes appropriation of easements for construction of the Gascola Interceptor Sewer Line, R.I.D.C. - Keystone Commons Section.

2190 9-14-94 Authorizes appropriation of easements for construction of the Rodi Road Sanitary Sewer Line.

2193 10-5-94 Authorizes appropriation of easements for construction of the Rodi Road Sanitary Sewer Line.

2194 10-5-94 Authorizes appropriation of easements for construction of the Long Road Sanitary Sewer Line.

2200 11-16-94 Amends Ord. 2190.

2201 11-16-94 Amends Ord. 2193.

2206 1-18-95 Amends Ord. 2201.

2207 1-18-95 Authorizes appropriation of an easement for construction of the Quigley Run Trunk Sewer Line.

2215 4-19-95 Amends Ord. 2200.

Res. 95-060 5-7-95 Authorizing grant of right-of-way with K.R. and C.L. LaDrew for storm sewer purposes at 5201 Verona Rd.

Res. 95-092 9-12-95 To the Municipal Authority of the Borough of Oakmont, for the maintenance, repair and replacement of a water line in Friendship Park.

Res. 95-120 10-4-95 Right-of-way agreement and agreement to extinguish easement
with W.A. Futules for construction of sewer line as part of the Quigley Run Trunk Sewer Project.

<table>
<thead>
<tr>
<th>Res.</th>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>95-121</td>
<td>11-22-95</td>
<td>Relinquishing old easement and accepting new easement at 113 Baker St., from V.J. and A.H. Meinert, for the Rodi Road Sewer Project.</td>
</tr>
<tr>
<td>96-024</td>
<td>4-3-96</td>
<td>Temporary right-of-way agreement with J.M. Mihm at 201 Sandy Creek Rd., for sewer purposes.</td>
</tr>
</tbody>
</table>
### TABLE B - EASEMENTS

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res. 96-093</td>
<td>12-4-96</td>
<td>Authorizing Municipal consent to a right of entry for a proposed Pennsylvania Office of Surface Mining reclamation project for Penny Dr.</td>
</tr>
<tr>
<td>Res. 97-018</td>
<td>4-2-97</td>
<td>Acceptance of mutual grant of right-of-way between the Municipality and W.A. Futules for the Quigley Run Sewer Project.</td>
</tr>
<tr>
<td>2271</td>
<td>6-4-97</td>
<td>Authorizes appropriation of easements for construction of the Jefferson-Lougeay Road Sanitary Sewer Line.</td>
</tr>
<tr>
<td>2274</td>
<td>7-16-97</td>
<td>Amends Ords. 2215, 2200 and 2190.</td>
</tr>
<tr>
<td>2284</td>
<td>12-17-97</td>
<td>Authorizes easement agreement with Assisted Living Concepts, Inc., for sanitary sewer purposes.</td>
</tr>
<tr>
<td>Res. 98-053</td>
<td>5-6-98</td>
<td>Accepts easement from J.L. and S.C. Robinson on Leechburg Rd. for sanitary sewer purposes.</td>
</tr>
<tr>
<td>2298</td>
<td>8-31-98</td>
<td>Authorizes appropriation of easements for construction of the Universal Road Sanitary Sewer Extension Line.</td>
</tr>
<tr>
<td>2302</td>
<td>10-7-98</td>
<td>Authorizes appropriation of easements for construction of the Old Coal Hollow Road Storm Sewer Line.</td>
</tr>
<tr>
<td>2315</td>
<td>6-2-99</td>
<td>Amends Ord. 2298.</td>
</tr>
<tr>
<td>2333</td>
<td>2-2-00</td>
<td>Amends 2148.</td>
</tr>
<tr>
<td>2340</td>
<td>6-7-00</td>
<td>Providing for taking private property for easement and right-of-way purposes for a sanitary sewer interceptor line along Plum Creek.</td>
</tr>
<tr>
<td>2341</td>
<td>6-7-00</td>
<td>Amends Ord. 2274.</td>
</tr>
<tr>
<td>Res. 2000-033</td>
<td>6-7-00</td>
<td>To the Plum Borough Municipal Authority, temporary and permanent easements, pursuant to the Intermunicipal Sewage Service Agreement between the parties.</td>
</tr>
<tr>
<td>Res. 2000-034</td>
<td>6-7-00</td>
<td>To the Plum Borough Municipal Authority, temporary and permanent easements, pursuant to the Intermunicipal Sewage Service Agreement between the parties.</td>
</tr>
<tr>
<td>Res. 2000-035</td>
<td>6-7-00</td>
<td>To the Plum Borough Municipal Authority, temporary and permanent easements, pursuant to the Intermunicipal Sewage Service Agreement between the parties.</td>
</tr>
<tr>
<td>Res. 2000-036</td>
<td>6-7-00</td>
<td>To the Plum Borough Municipal Authority, temporary and permanent easements, pursuant to the Intermunicipal Sewage Service Agreement between the parties.</td>
</tr>
<tr>
<td>Res. 2001-033</td>
<td>5-31-01</td>
<td>Authorizes right of entry and release/drainage easement with Allegheny County for repairs to Ryan's Run Bridge No. 5.</td>
</tr>
</tbody>
</table>

2005 Replacement
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res.</td>
<td>2002-013</td>
<td>3-6-02  Authorizes construction within a sanitary sewer easement at 600 Rodi Road.</td>
</tr>
<tr>
<td>Res.</td>
<td>2002-034</td>
<td>5-1-02  Authorizes construction within a sanitary sewer easement at 314 College Street.</td>
</tr>
<tr>
<td>2374</td>
<td>6-12-02</td>
<td>Providing for taking private property for easement and right-of-way purposes for installation and maintenance of a sanitary sewer line and general Municipal purposes running along Universal Road and Stotler Road and Thompson Run Creek.</td>
</tr>
<tr>
<td>2378</td>
<td>9-18-02</td>
<td>Providing for taking private property for easement and right-of-way purposes for installation and maintenance of a sanitary sewer line and general Municipal purposes running along Indiana Road.</td>
</tr>
<tr>
<td>2375</td>
<td>6-12-02</td>
<td>Authorizes sewer line easements for Universal Road and Stotler Road Project.</td>
</tr>
<tr>
<td>2379</td>
<td>9-18-02</td>
<td>Authorizes sewer line easements for Indiana Road Sanitary Sewer Project.</td>
</tr>
<tr>
<td>2380</td>
<td>10-2-02</td>
<td>Providing for taking private property for easement and right-of-way purposes for installation and maintenance of a sanitary sewer line and general Municipal purposes running along Springwood Drive.</td>
</tr>
<tr>
<td>2381</td>
<td>10-2-02</td>
<td>Authorizes sewer line easements for Springwood Drive Sanitary Sewer Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>2003-027</td>
<td>3-5-03  Authorizes temporary construction easement and 15-foot permanent easement between Municipality and Bittinger Enterprises, Inc.</td>
</tr>
<tr>
<td>2390</td>
<td>4-2-03</td>
<td>Providing for taking private property for easement and right-of-way purposes for installation and maintenance of a sanitary sewer line and general Municipal purposes running along Lougeay Road.</td>
</tr>
<tr>
<td>2391</td>
<td>4-2-03</td>
<td>Authorizes sewer line easements for Lougeay Road Sanitary Sewer Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>2003-032</td>
<td>4-16-03 Authorizes agreement with James and Patricia Gartner for construction within a sanitary sewer easement at 7171 Shannon Road.</td>
</tr>
<tr>
<td>2415</td>
<td>5-3-04</td>
<td>Providing for taking private property for easement and right-of-way purposes for installation and maintenance of a sanitary sewer line and general Municipal purposes running along Cypress Hill Drive.</td>
</tr>
<tr>
<td>2416</td>
<td>5-3-04</td>
<td>Authorizes sewer line easements for Cypress Hill Drive Sanitary Sewer Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>2004-056</td>
<td>9-13-04 Authorizes agreement with Richard and Diane Sharkey for construction within a sanitary sewer easement at 6174 Poketa Road.</td>
</tr>
<tr>
<td>Res.</td>
<td>2005-033</td>
<td>5-23-05 Authorizes agreement with Donald Martino for construction within a sanitary sewer easement at 536 Rodi Road.</td>
</tr>
</tbody>
</table>

2005 Replacement
### TABLE C - VACATING OF STREETS AND ALLEYS

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>906</td>
<td>2-20-61</td>
<td>Parts of Mark Dr.</td>
</tr>
<tr>
<td>928</td>
<td>9-11-61</td>
<td>A portion of Lincoln Ave. Extension.</td>
</tr>
<tr>
<td>953</td>
<td>5-21-62</td>
<td>Vacating part of the right-of-way condemned and appropriated by Ord. 948.</td>
</tr>
<tr>
<td>959</td>
<td>7-23-62</td>
<td>Vacating rights-of-way condemned and appropriated by Ord. 950.</td>
</tr>
<tr>
<td>962</td>
<td>8-6-62</td>
<td>Vacating rights-of-way condemned and appropriated by Ord. 950.</td>
</tr>
<tr>
<td>970</td>
<td>10-22-62</td>
<td>Part of Old Linhart Rd.</td>
</tr>
<tr>
<td>Res.</td>
<td>10-1964</td>
<td>4-6-64                        Abandoning right-of-way in Mission Crest Plan of Lots.</td>
</tr>
<tr>
<td>Res.</td>
<td>11-1964</td>
<td>4-6-64                        Sanitary sewer right-of-way in Lots 547 to 549 in the Jefferson Highland Plan of Lots No. 2.</td>
</tr>
<tr>
<td>Res.</td>
<td>52-1964</td>
<td>11-2-64                       Part of Homewood Dr. Extension.</td>
</tr>
<tr>
<td>1023</td>
<td>12-7-64</td>
<td>Part of Homewood Dr. Extension.</td>
</tr>
<tr>
<td>1051</td>
<td>10-4-65</td>
<td>Part of Seventh Ave. in the Merrill Park Plan.</td>
</tr>
<tr>
<td>1075</td>
<td>3-7-66</td>
<td>An unnamed alley laid out as part of the Isaac Blackadore Plan.</td>
</tr>
<tr>
<td>1118</td>
<td>12-19-66</td>
<td>Part of Beechtree St.</td>
</tr>
<tr>
<td>1176</td>
<td>3-4-68</td>
<td>Part of Ridgecrest Dr.</td>
</tr>
<tr>
<td>1177</td>
<td>3-11-68</td>
<td>Part of Fielding and Rushmore Drs.</td>
</tr>
<tr>
<td>1327</td>
<td>10-4-71</td>
<td>Jeep St. (formerly Wood St.)</td>
</tr>
<tr>
<td>1355</td>
<td>12-4-72</td>
<td>Sandy Creek Road (formerly Old Coal Hollow Rd.).</td>
</tr>
<tr>
<td>1367</td>
<td>3-5-73</td>
<td>Part of Hobson St.</td>
</tr>
<tr>
<td>1378</td>
<td>7-2-73</td>
<td>Vacating part of Billy Dr. in the Blanchfred Gardens No. 3 Plan.</td>
</tr>
<tr>
<td>1431</td>
<td>9-8-75</td>
<td>Vacating part of Sylvania Ave. in the Churchill Valley Plan.</td>
</tr>
<tr>
<td>1437</td>
<td>11-3-75</td>
<td>Vacating part of Kentucky Ave. in the Valemont Heights Plan.</td>
</tr>
<tr>
<td>1457</td>
<td>6-7-76</td>
<td>Part of Sycamore Dr.</td>
</tr>
<tr>
<td>1709</td>
<td>10-7-81</td>
<td>Part of unnamed street in the James Baker Plan of Lots.</td>
</tr>
<tr>
<td>2437</td>
<td>2-7-05</td>
<td>Vacating Ryan Street.</td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>36</td>
<td>7-10-15</td>
<td>Laying out Bon Air Rd.</td>
</tr>
<tr>
<td>152</td>
<td>10-12-27</td>
<td>Opening Hershey Rd.</td>
</tr>
<tr>
<td>333</td>
<td>1-20-38</td>
<td>Locating and opening part of Montier St.</td>
</tr>
<tr>
<td>Res.</td>
<td>14-1942</td>
<td>11-2-42 Pertaining to the adoption of certain streets and the application of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ord. 362 (4-6-39) to previously adopted streets.</td>
</tr>
<tr>
<td>Res.</td>
<td>15-1942</td>
<td>11-2-42 Acceptance of Randolph Lane, Oak Dr., Orchard Dr., Antico St. and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Statler St.</td>
</tr>
<tr>
<td>463</td>
<td>12-2-46</td>
<td>Approving an agreement with the Pittsburgh Consolidation Coal Co. for the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>acceptance of public roads and streets in &quot;Newfield Village.&quot;</td>
</tr>
<tr>
<td>513</td>
<td>7-18-49</td>
<td>Opening part of Duff Rd. in the Eighth Ward.</td>
</tr>
<tr>
<td>Res.</td>
<td>3a-1953</td>
<td>? Accepting dedication of streets through parts of Lots 1 through 4 on the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Francis S. Gilmore Heirs Plan of Lots, from Ralph and Pauline A. Scherger.</td>
</tr>
<tr>
<td>Res.</td>
<td>2-1955</td>
<td>3-7-55 Accepting Collins Dr.</td>
</tr>
<tr>
<td>Res.</td>
<td>7-1955</td>
<td>5-2-55 Acceptance of parts of Hallwood Rd. and Belvoir Dr.</td>
</tr>
<tr>
<td>Res.</td>
<td>8-1955</td>
<td>5-2-55 Acceptance of part of Holly Dr.</td>
</tr>
<tr>
<td>Res.</td>
<td>9-1955</td>
<td>5-2-55 Acceptance of part of Swan Ave.</td>
</tr>
<tr>
<td>Res.</td>
<td>10-1955</td>
<td>5-2-55 Acceptance of part of Greenway and Tall Tree Drs.</td>
</tr>
<tr>
<td>694</td>
<td>6-6-55</td>
<td>Accepting portions of Tulip Rd., Caryl Dr., Hartford Dr. and Burton Dr. in</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the Eastwood Plan No. 1.</td>
</tr>
<tr>
<td>Res.</td>
<td>11-1955</td>
<td>6-27-55 Acceptance of the paved portion of the Old Pittsburgh Railways Co.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>right-of-way.</td>
</tr>
<tr>
<td>Res.</td>
<td>12-1955</td>
<td>6-27-55 Acceptance of parts of Erhardt and Bart Drs.</td>
</tr>
<tr>
<td>Res.</td>
<td>13-1955</td>
<td>6-27-55 Acceptance of Dorothy Dr.</td>
</tr>
</tbody>
</table>
Res. 14-1955 6-27-55 Acceptance of part of Vista View Dr.
Res. 15-1955 6-27-55 Acceptance of Collins Dr.
Res. 19-1955 7-12-55 Acceptance of Valemont Dr.
Res. 21-1955 8-1-55 Acceptance of lots on Outlook Dr.
Res. 26-1955 8-22-55 Acceptance of lots on Jacob and Peter Drs.
Res. 27-1955 8-22-55 Acceptance of parts of Universal Rd. and Joslyn Dr.
Res. 28-1955 8-22-55 Acceptance of Victoria Dr.
Res. 29-1955 8-22-55 Acceptance of lots on Outlook Dr.
Res. 30-1955 8-22-55 Acceptance of parts of Swan Dr.
Res. 31-1955 10-3-55 Acceptance of part of DeWayne Dr.
Res. 32-1955 10-3-55 Acceptance of part of Thon and Calmar Drs.
Res. 38-1955 10-31-55 Acceptance of part of Alcoma Country Club Dr.
Res. 39-1955 10-31-55 Acceptance of parts of Elias, Jacob and Peter Drs.
Res. 43-1955 12-5-55 Acceptance of Olympic Hts. Dr.
Res. 44-1955 12-5-55 Acceptance of lots on Outlook Dr.
Res. 2-1956 1-9-56 Accepting part of Valemont Dr.
Res. 6-1956 2-6-56 Accepting part of Alcoma Dr.
Res. 10-1956 3-5-56 Accepting part of Foltz and St. Clair.
Res. 12-1956 4-2-56 Accepting streets, storm and sanitary sewers on part of Outlook Dr. in Scenic Hts. Plan No. 3.
Res. 13-1956 4-2-56 Accepting street, storm and sanitary sewers on part of Elias Dr. in Mission Crest Plan of Lots.
Res. 14-1956 4-16-56 Accepting a 20-foot alley between Fifth and Sixth Sts. running from Center to South Ave.
Res. 15-1956 5-7-56 Accepting part of Mason Rd., part of Beechford Rd. and part of Maytime Dr. for maintenance only.
<table>
<thead>
<tr>
<th>Res.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-1956</td>
<td>5-7-56</td>
<td>Accepting part of Hoover Dr. for maintenance purposes only.</td>
</tr>
<tr>
<td>24-1956</td>
<td>6-18-56</td>
<td>Accepting streets in Highpoint Plan No. 2.</td>
</tr>
<tr>
<td>25-1956</td>
<td>6-18-56</td>
<td>Accepting street in Riverside No. 5.</td>
</tr>
<tr>
<td>26-1956</td>
<td>6-18-56</td>
<td>Accepting Kensten Lane to be maintained in its present state.</td>
</tr>
<tr>
<td>29-1956</td>
<td>7-2-56</td>
<td>Accepting part of Fifth St. Extension to be maintained in its present state.</td>
</tr>
<tr>
<td>31-1956</td>
<td>8-6-56</td>
<td>Accepting parts of Pennview Dr., Marshall Dr., Fairview Dr., Royal Dr., Crocus Ave. to be maintained in -their present state.</td>
</tr>
<tr>
<td>32-1956</td>
<td>8-6-56</td>
<td>Accepting part of Grove Rd.</td>
</tr>
<tr>
<td>33-1956</td>
<td>8-6-56</td>
<td>Accepting part of Valemont Dr.</td>
</tr>
<tr>
<td>36-1956</td>
<td>8-20-56</td>
<td>Accepting part of Twin Oak Dr. for maintenance only.</td>
</tr>
<tr>
<td>38-1956</td>
<td>9-10-56</td>
<td>Accepting Anthon Dr.</td>
</tr>
<tr>
<td>39-1956</td>
<td>9-10-56</td>
<td>Accepting parts of Elias and Walpole Drs.</td>
</tr>
<tr>
<td>40-1956</td>
<td>9-10-56</td>
<td>Accepting part of Dorothy Dr.</td>
</tr>
<tr>
<td>42-1956</td>
<td>10-1-56</td>
<td>Accepting part of Tunnelview Dr.</td>
</tr>
<tr>
<td>45-1956</td>
<td>11-5-56</td>
<td>Accepting Quail Dr., Hoover Rd., Sylvania Ave., Beegonia Ave.</td>
</tr>
<tr>
<td>48-1956</td>
<td>11-5-56</td>
<td>Accepting part of Grove Rd.</td>
</tr>
<tr>
<td>49-1956</td>
<td>11-5-56</td>
<td>Accepting part of Hamil Hunter Park Plan No. 2.</td>
</tr>
<tr>
<td>50-1956</td>
<td>11-5-56</td>
<td>Accepting part of Mark Dr.</td>
</tr>
<tr>
<td>51-1956</td>
<td>11-5-56</td>
<td>Accepting part of Calmar Dr.</td>
</tr>
<tr>
<td>52-1956</td>
<td>11-5-56</td>
<td>Accepting part of Grove Rd.</td>
</tr>
<tr>
<td>53-1956</td>
<td>11-5-56</td>
<td>Accepting part of Melvin St.</td>
</tr>
<tr>
<td>54-1956</td>
<td>11-5-56</td>
<td>Accepting part of Bramble St.</td>
</tr>
<tr>
<td>55-1956</td>
<td>11-5-56</td>
<td>Accepting part of Ange Dr.</td>
</tr>
<tr>
<td>56-1956</td>
<td>11-5-56</td>
<td>Accepting part of Charleston Dr.</td>
</tr>
<tr>
<td>57-1956</td>
<td>11-5-56</td>
<td>Accepting part of Norvell Dr.</td>
</tr>
<tr>
<td>59-1956</td>
<td>11-19-56</td>
<td>Accepting part of Royal Dr.</td>
</tr>
<tr>
<td>1-1957</td>
<td>1-7-57</td>
<td>Accepting part of Jane St. and part of Morris St. for maintenance in present state.</td>
</tr>
</tbody>
</table>
Accepting part of Bramble St.  
Accepting Ford Ave.  
Accepting part of Charleston Dr. for maintenance.  
Accepting part of Thon Dr. for maintenance.  
Accepting Tunnelview Dr., St. Croix and Martinique Dr. together with all storm and sanitary sewer facilities servicing the thoroughfare.  
Accepting Green Valley Dr. to be maintained in its present condition.  
Accepting part of Ange Dr.  
Accepting part of Mark Dr.  
Accepting part of Hazel Rd.  
Accepting Dauntless Dr.  
Accepting part of Grove Rd.  
Accepting part of Mark Dr.  
Accepting part of Pershing St.  
Accepting part of Morris St.  
Accepting part of Joslyn Dr.  
Accepting part of Poplar Ridge Rd.  
Accepting part of Grove Rd.  
Accepting part of Westminster Dr.  
Accepting part of Jay Dr.  
Accepting part of Grove Rd.  
Accepting part of Orlan Dr.  
Accepting part of Joslyn Dr.  
Accepting part of Hallmark Dr.  
Accepting part of Jane St. for maintenance only.  
Accepting parts of Quincy Dr. and Filmore Dr. for maintenance.  
Accepting part of Seton Dr.
Res. 55-1957 10-7-57 Accepting Xavier Dr.
Res. 56-1957 10-7-57 Accepting part of Althea Dr.
786 10-14-57 Approving agreement with Baleno Development Co. concerning Eastvue Plan No. 4.
Res. 57-1957 11-4-57 Accepting part of Sage Dr.
Res. 58-1957 11-4-57 Accepting part of Faybern Dr.
Res. 59-1957 11-4-57 Accepting part of Vincent Dr.
Res. 60-1957 11-4-57 Accepting part of Poplar Ridge Rd.
Res. 62-1957 12-2-57 Accepting part of Grove Rd.
Res. 63-1957 12-2-57 Accepting Grove Rd. in its entirety.
Res. 5-1958 1-6-58 Accepting part of Curtis St.
Res. 14-1958 4-7-58 Accepting part of Burton Dr., part of Hartford Dr. and part of Caryl Rd.
Res. 22-1958 6-2-58 Accepting part of Pennoak Dr. Extension.
Res. 27-1958 6-16-58 Accepting part of Shannon Hts. Dr. and part of Xavier Dr.
Res. 28-1958 6-16-58 Accepting part of Urban Dr.
Res. 29-1958 7-7-58 Accepting part of Anthon Dr.
Res. 30-1958 7-7-58 Accepting part of Charleston Dr.
Res. 31-1958 7-7-58 Accepting Lots 240 and 241 on Suncrest Dr.
Res. 32-1958 7-7-58 Accepting Lots 198 to 212 inclusive on Mark Dr.
Res. 33-1958 7-7-58 Accepting part of Jay Dr.
Res. 34-1958 8-4-58 Accepting past Lots 337, 374 and 375 on Martinique Dr.
Res. 35-1958 8-4-58 Accepting past Lots 364, 365 and 325 to 332 inclusive on St. Croix Dr.
Res. 36-1958 9-8-58 Accepting part of Shannon Hts. Dr.
Res. 37-1958 9-8-58 Accepting part of Ridgley Dr.
Res. 39-1958 10-6-58 Accepting part of Suncrest Dr.
Res. 40-1958 10-6-58 Accepting part of Julian Dr.
Res. 41-1958 10-6-58 Accepting part of Tidemore Dr.
42-1958 10-6-58 Accepting part of Glenbrook Dr.
Res.
43-1958 10-6-58 Accepting part of Ridgley Dr.
Res.
44-1958 10-6-58 Accepting part of Lansdowne Dr.
Res.
45-1958 10-6-58 Accepting part of Claymont Dr.
Res.
47-1958 10-20-58 Accepting part of Anthon Dr.
Res.
48-1958 10-20-58 Accepting part of Guylyn Dr.
Res.
49-1958 11-3-58 Accepting part of Austin St.
Res.
50-1958 11-3-58 Accepting part of Race St.
Res.
51-1958 11-3-58 Accepting part of Althea Dr.
Res.
52-1958 11-3-58 Accepting part of Langford Dr.
Res.
53-1958 11-3-58 Accepting part of Poplar Ridge Dr.
Res.
55-1958 11-3-58 Accepting part of Mahoning Dr.
Res.
1-1959 2-2-59 Accepting part of Mark Dr.
Res.
3-1959 2-23-59 Accepting part of Robinia Dr.
Res.
4-1959 3-2-59 Accepting part of St. Croix Dr.
Res.
5-1959 3-2-59 Accepting part of Halliford Dr.
Res.
6-1959 3-2-59 Accepting part of Tunnelview Dr.
Res.
7-1959 3-2-59 Accepting part of Julian Dr.
832
Res.
11-1959 3-23-59 Accepting part of Suncrest Dr.
Res.
16-1959 6-1-59 Accepting part of Guylyn Dr.
Res.
17-1959 6-1-59 Accepting part of Lansdowne Dr.
Res.
18-1959 6-1-59 Accepting part of Shannon Hts. Dr.
Res.
19-1959 6-1-59 Accepting Sherwood Dr. throughout its entire length to be maintained in its present condition as an earth street.
Res.
20-1959 6-29-59 Accepting part of Hillary Dr.
Res.
25-1959 9-14-59 Accepting part of Rockcliff Rd.
Res.
26-1959 9-14-59 Accepting part of Bolte Dr.
Res.
27-1959 9-14-59 Accepting part of Lansdowne Dr.
<table>
<thead>
<tr>
<th>Res.</th>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>28-1959</td>
<td>9-14-59</td>
<td>Accepting part of Fourth St.</td>
</tr>
<tr>
<td>33-1959</td>
<td>10-5-59</td>
<td>Accepting part of Guylyn Dr.</td>
</tr>
<tr>
<td>34-1959</td>
<td>10-5-59</td>
<td>Accepting part of Austin St.</td>
</tr>
<tr>
<td>35-1959</td>
<td>10-5-59</td>
<td>Accepting part of Bryant Dr.</td>
</tr>
<tr>
<td>36-1959</td>
<td>10-5-59</td>
<td>Accepting part of Claymont Dr.</td>
</tr>
<tr>
<td>37-1959</td>
<td>10-5-59</td>
<td>Accepting part of Ashley Dr.</td>
</tr>
<tr>
<td>38-1959</td>
<td>10-5-59</td>
<td>Accepting part of Lisa Dr.</td>
</tr>
<tr>
<td>39-1959</td>
<td>10-5-59</td>
<td>Accepting part of Jeanette St.</td>
</tr>
<tr>
<td>40-1959</td>
<td>10-5-59</td>
<td>Accepting part of Sutton Dr.</td>
</tr>
<tr>
<td>41-1959</td>
<td>10-5-59</td>
<td>Accepting part of Nash Ave.</td>
</tr>
<tr>
<td>42-1959</td>
<td>10-5-59</td>
<td>Accepting part of Elfort Dr.</td>
</tr>
<tr>
<td>44-1959</td>
<td>10-5-59</td>
<td>Accepting part of Pennoak Manor Dr.</td>
</tr>
<tr>
<td>45-1959</td>
<td>11-2-59</td>
<td>Accepting part of Althea Dr.</td>
</tr>
<tr>
<td>47-1959</td>
<td>11-23-59</td>
<td>Accepting part of Chaske St.</td>
</tr>
<tr>
<td>49-1959</td>
<td>12-7-59</td>
<td>Accepting part of Westminster Dr.</td>
</tr>
<tr>
<td>50-1959</td>
<td>12-7-59</td>
<td>Accepting part of Eastminster Dr.</td>
</tr>
<tr>
<td>51-1959</td>
<td>12-7-59</td>
<td>Accepting part of Colgan Terrace</td>
</tr>
<tr>
<td>4-1960</td>
<td>2-1-60</td>
<td>Accepting deed of dedication from E. E. and G. E. Koen.</td>
</tr>
<tr>
<td>8-1960</td>
<td>4-4-60</td>
<td>Accepting part of Camera Dr.</td>
</tr>
<tr>
<td>10-1960</td>
<td>4-4-60</td>
<td>Accepting part of Pershing St.</td>
</tr>
<tr>
<td>19-1960</td>
<td>5-2-60</td>
<td>Accepting part of Willet Dr. as an earth Street.</td>
</tr>
<tr>
<td>20-1960</td>
<td>5-16-60</td>
<td>Accepting part of Tunnelview Dr.</td>
</tr>
<tr>
<td>876</td>
<td>5-16-60</td>
<td>Approving an agreement with Penn Hills Center, Inc., re dedication of strip of land as a buffer zone.</td>
</tr>
<tr>
<td>22-1960</td>
<td>6-6-60</td>
<td>Accepting part of Anthon Dr.</td>
</tr>
<tr>
<td>25-1960</td>
<td>6-27-60</td>
<td>Accepting part of Suncrest Dr.</td>
</tr>
<tr>
<td>27-1960</td>
<td>7-11-60</td>
<td>Accepting part of Shenandoah Dr.</td>
</tr>
<tr>
<td>30-1960</td>
<td>8-1-60</td>
<td>Accepting part of Bryant Dr.</td>
</tr>
<tr>
<td>Res.</td>
<td>Date</td>
<td>Action</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>31-1960</td>
<td>8-1-60</td>
<td>Accepting part of Walpole Dr.</td>
</tr>
<tr>
<td>32-1960</td>
<td>8-1-60</td>
<td>Accepting part of Shenandoah Dr.</td>
</tr>
<tr>
<td>33-1960</td>
<td>8-1-60</td>
<td>Accepting part of Laurie Dr.</td>
</tr>
<tr>
<td>37-1960</td>
<td>9-12-60</td>
<td>Accepting part of Rockcliff Rd.</td>
</tr>
<tr>
<td>39-1960</td>
<td>9-12-60</td>
<td>Authorizes execution of a deed - Edgar L. Smith</td>
</tr>
<tr>
<td>40-1960</td>
<td>10-3-60</td>
<td>Accepting part of Seton Rd.</td>
</tr>
<tr>
<td>41-1960</td>
<td>10-3-60</td>
<td>Accepting part of Elfort Dr.</td>
</tr>
<tr>
<td>42-1960</td>
<td>10-3-60</td>
<td>Accepting part of Vetter Dr.</td>
</tr>
<tr>
<td>43-1960</td>
<td>10-3-60</td>
<td>Accepting part of MacBeth Dr.</td>
</tr>
<tr>
<td>46-1960</td>
<td>11-7-60</td>
<td>Accepting part of Fox Chase Dr.</td>
</tr>
<tr>
<td>47-1960</td>
<td>11-7-60</td>
<td>Accepting part of Woodgate Rd.</td>
</tr>
<tr>
<td>48-1960</td>
<td>11-7-60</td>
<td>Accepting part of Laurie Dr.</td>
</tr>
<tr>
<td>49-1960</td>
<td>11-7-60</td>
<td>Accepting part of Lomond Dr.</td>
</tr>
<tr>
<td>50-1960</td>
<td>11-7-60</td>
<td>Accepting part of MacBeth Dr.</td>
</tr>
<tr>
<td>51-1960</td>
<td>11-7-60</td>
<td>Accepting part of Idlewood Rd.</td>
</tr>
<tr>
<td>52-1960</td>
<td>11-7-60</td>
<td>Accepting part of Orchard Dr.</td>
</tr>
<tr>
<td>53-1960</td>
<td>11-7-60</td>
<td>Accepting part of Westminster Dr.</td>
</tr>
<tr>
<td>54-1960</td>
<td>11-17-60</td>
<td>Accepting part of N. Wheeler Dr.</td>
</tr>
<tr>
<td>55-1960</td>
<td>11-17-60</td>
<td>Accepting part of Everglade Dr.</td>
</tr>
<tr>
<td>56-1960</td>
<td>11-17-60</td>
<td>Accepting part of Shenandoah Dr.</td>
</tr>
<tr>
<td>57-1960</td>
<td>11-17-60</td>
<td>Accepting part of Springdale Dr.</td>
</tr>
<tr>
<td>58-1960</td>
<td>11-17-60</td>
<td>Accepting part of Valeview Dr.</td>
</tr>
<tr>
<td>59-1960</td>
<td>12-5-60</td>
<td>Accepting part of Richland Dr.</td>
</tr>
<tr>
<td>60-1960</td>
<td>12-5-60</td>
<td>Accepting part of MacBeth Dr.</td>
</tr>
<tr>
<td>61-1960</td>
<td>12-5-60</td>
<td>Accepting part of McKenzie Dr.</td>
</tr>
<tr>
<td>62-1960</td>
<td>12-5-60</td>
<td>Accepting part of Castle Dr.</td>
</tr>
<tr>
<td>5-1961</td>
<td>3-6-61</td>
<td>Accepting part of Marathon Dr.</td>
</tr>
<tr>
<td>16-1961</td>
<td>7-3-61</td>
<td>Accepting part of Shenandoah Dr.</td>
</tr>
</tbody>
</table>
Res. 17-1961  7-3-61  Accepting part of Everglade Dr.
Res. 20-1961  8-7-61  Accepting part of McKenzie Dr.
Res. 21-1961  8-7-61  Accepting part of MacBeth Dr.
Res. 22-1961  8-7-61  Accepting part of Laurie Dr.
Res. 23-1961  8-7-61  Accepting part of Wisteria Dr.
Res. 24-1961  8-7-61  Accepting part of Galeton Dr.
Res. 25-1961  8-21-61  Accepting part of Canaveral Dr.
Res. 26-1961  8-21-61  Accepting part of Crescent Gardens Dr.
Res. 27-1961  8-21-61  Accepting part of Marycrest Dr.
Res. 28-1961  8-21-61  Accepting part of St. Suzanna Dr.
Res. 31-1961  9-11-61  Accepting part of Orchard Dr.
Res. 32-1961  9-11-61  Accepting part of Valmartin Dr.
Res. 33-1961  9-11-61  Accepting part of Idlewood Dr.
Res. 37-1961  10-16-61  Accepting part of Northview Dr.
Res. 38-1961  10-16-61  Accepting part of Signey St.
Res. 39-1961  11-6-61  Accepting part of MacBeth Dr.
Res. 40-1961  11-6-61  Accepting part of McKenzie Dr.
Res. 41-1961  11-6-61  Accepting part of Mark Dr.
Res. 42-1961  11-20-61  Accepting part of Fielding Dr.
Res. 43-1961  11-20-61  Accepting part of Yosemite Dr.
Res. 4-1962  1-15-62  Accepting part of Stoneledge Dr.
Res. 5-1962  1-15-62  Accepting part of Hearthstone Dr.
Res. 7-1962  2-5-62  Accepting part of Castle Dr.
Res. 13-1962  6-4-62  Accepting part of Bolte Dr.
Res. 14-1962  6-4-62  Accepting part of Yellowstone Dr.
Res. 16-1962  6-4-62  Accepting part of Sara Lane.
Res. 18-1962  6-11-62  Accepting part of Lincoln Ave. Ext. aka Seebick St.
<table>
<thead>
<tr>
<th>Res.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-62</td>
<td>6-11-62</td>
<td>Accepting part of Poplar Ridge Rd.</td>
</tr>
<tr>
<td>20-62</td>
<td>6-11-62</td>
<td>Accepting part of Idlewood Rd.</td>
</tr>
<tr>
<td>21-62</td>
<td>6-11-62</td>
<td>Accepting part of Fahey St.</td>
</tr>
<tr>
<td>22-62</td>
<td>7-2-62</td>
<td>Accepting part of Canaveral St.</td>
</tr>
<tr>
<td>23-62</td>
<td>7-2-62</td>
<td>Accepting part of Crescent Gardens Dr.</td>
</tr>
<tr>
<td>24-62</td>
<td>7-2-62</td>
<td>Accepting part of Idlewood Dr.</td>
</tr>
<tr>
<td>25-62</td>
<td>7-2-62</td>
<td>Accepting part of Lime Oak Dr.</td>
</tr>
<tr>
<td>26-62</td>
<td>7-23-62</td>
<td>Accepting part of Selvin Dr.</td>
</tr>
<tr>
<td>27-62</td>
<td>7-23-62</td>
<td>Accepting part of Selvin Dr.</td>
</tr>
<tr>
<td>28-62</td>
<td>7-23-62</td>
<td>Accepting part of Jeanette St.</td>
</tr>
<tr>
<td>29-62</td>
<td>7-23-62</td>
<td>Accepting part of MacBeth Dr.</td>
</tr>
<tr>
<td>30-62</td>
<td>7-23-62</td>
<td>Accepting part of Edinburg Dr.</td>
</tr>
<tr>
<td>31-62</td>
<td>7-23-62</td>
<td>Accepting part of MacBeth Dr.</td>
</tr>
<tr>
<td>32-62</td>
<td>7-23-62</td>
<td>Accepting part of Glenhurst Dr.</td>
</tr>
<tr>
<td>33-62</td>
<td>7-23-62</td>
<td>Accepting part of St. Clair Dr.</td>
</tr>
<tr>
<td>34-62</td>
<td>7-23-62</td>
<td>Accepting part of Cliff Dr.</td>
</tr>
<tr>
<td>35-62</td>
<td>8-6-62</td>
<td>Accepting part of Birgum Dr.</td>
</tr>
<tr>
<td>36-62</td>
<td>8-6-62</td>
<td>Accepting part of Elm Dr.</td>
</tr>
<tr>
<td>37-62</td>
<td>8-6-62</td>
<td>Accepting part of Lois Dr.</td>
</tr>
<tr>
<td>38-62</td>
<td>8-6-62</td>
<td>Accepting part of Packer Dr.</td>
</tr>
<tr>
<td>39-62</td>
<td>9-10-62</td>
<td>Accepting part of Pearl Ave.</td>
</tr>
<tr>
<td>40-62</td>
<td>9-10-62</td>
<td>Accepting part of Clair Ave.</td>
</tr>
<tr>
<td>41-62</td>
<td>9-10-62</td>
<td>Accepting part of Flamingo Ave.</td>
</tr>
<tr>
<td>46-62</td>
<td>10-1-62</td>
<td>Accepting Ivyland Dr.</td>
</tr>
<tr>
<td>47-62</td>
<td>10-1-62</td>
<td>Accepting part of Dashwood Dr.</td>
</tr>
<tr>
<td>53-62</td>
<td>11-5-62</td>
<td>Accepting part of Bavale Dr.</td>
</tr>
<tr>
<td>54-62</td>
<td>11-5-62</td>
<td>Accepting part of Clearview Dr.</td>
</tr>
<tr>
<td>55-62</td>
<td>11-5-62</td>
<td>Accepting part of Harvest Dr.</td>
</tr>
</tbody>
</table>
Res. 56-1962  11-5-62  Accepting part of College Ave.
Res. 58-1962  11-29-62  Accepting part of Sunview Dr.
Res. 59-1962  11-29-62  Accepting part of Yosemite Dr.
Res. 60-1962  11-29-62  Accepting part of Seminole Ct.
Res. 1-1963  1-7-63  Accepting part of Peters Way.
Res. 3-1963  1-21-63  Amending Res. 36-1962.
Res. 4-1963  2-4-63  Accepting part of MacBeth Dr.
Res. 9-1963  4-15-63  Accepting part of Lime Oak Dr.
Res. 14-1963  5-6-63  Accepting part of Boyd Blvd.
Res. 15-1963  5-6-63  Accepting Osage Alley.
Res. 18-1963  6-3-63  Accepting part of St. Croix Dr.
Res. 21-1963  7-1-63  Accepting Elfort Dr.
Res. 25-1963  7-22-63  Accepting part of Hearthstone Dr.
Res. 26-1963  7-22-63  Accepting part of Lois Dr.
Res. 29-1963  8-5-63  Accepting part of Old Coal Hollow Rd.
Res. 30-1963  8-26-63  Accepting part of Royal Dr.
Res. 35-1963  9-11-63  Accepting part of MacBeth Dr.
Res. 36-1963  9-9-63  Accepting part of Black Oak Dr.
Res. 37-1963  9-9-63  Accepting part of Crescent Garden Dr.
Res. 38-1963  9-9-63  Accepting part of Lime Oak Dr.
Res. 40-1963  10-7-63  Accepting part of Summit Dr. for maintenance purposes only.
Res. 41-1963  10-7-63  Accepting part of Clearview Dr.
Res. 42-1963  10-7-63  Accepting part of Northmont Dr.
Res. 43-1963  11-4-63  Accepting part of Fox Chase Dr.
Res. 45-1963  11-8-63  Accepting part of Colonial Village Dr.
Res. 46-1963  11-8-63  Accepting part of Bramble St.
Res. 2-1964  1-20-64  Accepting part of Vetter Dr.
<table>
<thead>
<tr>
<th>Res.</th>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>1-20-64</td>
<td>Accepting part of Laurie Dr.</td>
</tr>
<tr>
<td>4</td>
<td>1-20-64</td>
<td>Accepting part of McAllister Dr.</td>
</tr>
<tr>
<td>996</td>
<td>1-20-64</td>
<td>Approval of the Forest Knolls Plan for recording purposes.</td>
</tr>
<tr>
<td>15</td>
<td>6-1-64</td>
<td>Accepting part of Lime Oak Dr.</td>
</tr>
<tr>
<td>16</td>
<td>6-1-64</td>
<td>Accepting part of White Birch Dr.</td>
</tr>
<tr>
<td>17</td>
<td>6-1-64</td>
<td>Accepting part of Crescent Garden Dr.</td>
</tr>
<tr>
<td>25</td>
<td>8-3-64</td>
<td>Accepting Almar Dr.</td>
</tr>
<tr>
<td>27</td>
<td>9-14-64</td>
<td>Accepting part of Twin Oak Dr.</td>
</tr>
<tr>
<td>28</td>
<td>9-14-64</td>
<td>Accepting part of Cimarron Dr.</td>
</tr>
<tr>
<td>29</td>
<td>9-14-64</td>
<td>Accepting part of Shenandoah Dr.</td>
</tr>
<tr>
<td>30</td>
<td>9-14-64</td>
<td>Accepting part of Northmont Dr.</td>
</tr>
<tr>
<td>31</td>
<td>9-14-64</td>
<td>Accepting part of Greenview Dr.</td>
</tr>
<tr>
<td>32</td>
<td>9-14-64</td>
<td>Accepting part of Nash Ave.</td>
</tr>
<tr>
<td>33</td>
<td>9-14-64</td>
<td>Accepting part of Loretta Dr.</td>
</tr>
<tr>
<td>34</td>
<td>9-14-64</td>
<td>Accepting part of Elf ord Dr.</td>
</tr>
<tr>
<td>35</td>
<td>9-14-64</td>
<td>Accepting part of Laurie Dr.</td>
</tr>
<tr>
<td>36</td>
<td>9-14-64</td>
<td>Accepting part of Cameron Dr.</td>
</tr>
<tr>
<td>37</td>
<td>9-14-64</td>
<td>Accepting part of Falkirk Dr.</td>
</tr>
<tr>
<td>38</td>
<td>9-14-64</td>
<td>Accepting Forest Dr.</td>
</tr>
<tr>
<td>39</td>
<td>9-14-64</td>
<td>Accepting Richland Dr.</td>
</tr>
<tr>
<td>42</td>
<td>10-5-64</td>
<td>Accepting part of Fielding Dr.</td>
</tr>
<tr>
<td>43</td>
<td>10-5-64</td>
<td>Accepting part of Purity Rd.</td>
</tr>
<tr>
<td>44</td>
<td>10-5-64</td>
<td>Accepting part of Homewood Dr. Extension</td>
</tr>
<tr>
<td>48</td>
<td>11-2-64</td>
<td>Accepting part of Kemler St. (Verona St.)</td>
</tr>
<tr>
<td>49</td>
<td>11-2-64</td>
<td>Accepting part of Crescent Garden Dr.</td>
</tr>
<tr>
<td>51</td>
<td>11-2-64</td>
<td>Accepting part of Nancy Dr.</td>
</tr>
<tr>
<td>56</td>
<td>12-7-64</td>
<td>Accepting part of Cloverleaf Rd.</td>
</tr>
<tr>
<td>6</td>
<td>5-3-65</td>
<td>Accepting part of Cimarron Dr.</td>
</tr>
<tr>
<td>Res.</td>
<td>Date</td>
<td>Action</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>8-1965</td>
<td>5-3-65</td>
<td>Accepting part of Boyd Blvd.</td>
</tr>
<tr>
<td>11-1965</td>
<td>6-7-65</td>
<td>Accepting part of Nash Ave.</td>
</tr>
<tr>
<td>13-1965</td>
<td>6-21-65</td>
<td>Accepting part of Edwards St.</td>
</tr>
<tr>
<td>14-1965</td>
<td>7-12-65</td>
<td>Accepting part of Fielding Dr.</td>
</tr>
<tr>
<td>15-1965</td>
<td>7-12-65</td>
<td>Accepting part of Nash Ave.</td>
</tr>
<tr>
<td>21-1965</td>
<td>7-19-65</td>
<td>Accepting part of Torrens St.</td>
</tr>
<tr>
<td>1045</td>
<td>9-13-65</td>
<td>Accepting a portion of Darrell Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1052</td>
<td>10-4-65</td>
<td>Accepting a portion of Dundalk Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1053</td>
<td>11-1-65</td>
<td>Accepting portions of Knickerbocker Dr., Greylock Dr. and Maurice Ct. in the Seventh Ward.</td>
</tr>
<tr>
<td>1058</td>
<td>11-1-65</td>
<td>Accepting Curtis St. West in the Sixth Ward.</td>
</tr>
<tr>
<td>1060</td>
<td>12-6-65</td>
<td>Accepting a portion of an unnamed alley in the Fourth Ward.</td>
</tr>
<tr>
<td>1061</td>
<td>12-6-65</td>
<td>Accepting Chanticleer Dr. and Chaucer Dr. in the Third Ward.</td>
</tr>
<tr>
<td>1065</td>
<td>12-27-65</td>
<td>Accepting Heltzell Dr., Ferraro Dr., Kilvington Rd., Stephen's Lane, Florida Ave., Curtis St. West, Virginia Ave., Beverly Dr., Boyd Blvd. and Idaho Ave.</td>
</tr>
<tr>
<td>1088</td>
<td>6-20-66</td>
<td>Accepting Woodstone Dr. in the Third Ward.</td>
</tr>
<tr>
<td>1089</td>
<td>6-20-66</td>
<td>Accepting a portion of Cypress Hill Dr. in the Third Ward.</td>
</tr>
<tr>
<td>1093</td>
<td>7-11-66</td>
<td>Accepting portions of Deerfield Dr. and Doe Ct. in the Third Ward.</td>
</tr>
<tr>
<td>1094</td>
<td>7-11-66</td>
<td>Accepting a portion of McCurdy Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1095</td>
<td>8-1-66</td>
<td>Accepting a portion of Cristie Dr. in the First Ward.</td>
</tr>
<tr>
<td>1096</td>
<td>9-12-66</td>
<td>Accepting a portion of Flamingo Dr.</td>
</tr>
<tr>
<td>1098</td>
<td>9-12-66</td>
<td>Accepting a portion of Hamilton Dr.</td>
</tr>
<tr>
<td>1100</td>
<td>9-19-66</td>
<td>Accepting portions of Golden Gate Dr., Clearview Dr. and Presidio Ct. in the Fourth Ward.</td>
</tr>
<tr>
<td>1106</td>
<td>10-3-66</td>
<td>Accepting a portion of Loretta Dr. and Billy Dr. in the Third Ward.</td>
</tr>
<tr>
<td>1107</td>
<td>10-17-66</td>
<td>Accepting portions of Twin Oak Dr. and Cedarwood Dr. in the Third Ward.</td>
</tr>
<tr>
<td>1111</td>
<td>11-7-66</td>
<td>Accepting a portion of Deerfield Dr. in the Third Ward.</td>
</tr>
<tr>
<td>1116</td>
<td>12-19-66</td>
<td>Accepting a portion of Darrell Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1120</td>
<td>1-9-67</td>
<td>Accepting a portion of Union Green Dr. in the First Ward.</td>
</tr>
<tr>
<td>1122</td>
<td>3-6-67</td>
<td>Accepting a portion of South Ave. in the Fourth Ward.</td>
</tr>
<tr>
<td>1127</td>
<td>4-3-67</td>
<td>Accepting Morrow Dr.</td>
</tr>
<tr>
<td>1140</td>
<td>7-3-67</td>
<td>Accepting part of National Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1143</td>
<td>8-7-67</td>
<td>Accepting part of Hazel Rd. in the Third Ward.</td>
</tr>
<tr>
<td>1144</td>
<td>8-7-67</td>
<td>Accepting part of Hauck Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1160</td>
<td>11-21-67</td>
<td>Accepting parts of Evergreen Dr. and Kiltie Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1165</td>
<td>11-21-67</td>
<td>Accepting part of Cypress Hill Dr. in the Third Ward.</td>
</tr>
<tr>
<td>1166</td>
<td>11-21-67</td>
<td>Accepting parts of Springwood and Old Barn Drs. in the Fourth Ward.</td>
</tr>
<tr>
<td>1167</td>
<td>12-4-67</td>
<td>Accepting part of Barbara Dr. in the First Ward.</td>
</tr>
<tr>
<td>1182</td>
<td>4-1-68</td>
<td>Accepting part of Darrell Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1183</td>
<td>4-1-68</td>
<td>Accepting part of Maple Lo Dr.</td>
</tr>
<tr>
<td>1189</td>
<td>6-3-68</td>
<td>Accepting Colorado St.</td>
</tr>
<tr>
<td>1190</td>
<td>6-3-68</td>
<td>Accepting parts of Rushmore, Fielding and Yosemite Drs. in the Seventh Ward.</td>
</tr>
<tr>
<td>1206</td>
<td>10-7-68</td>
<td>Accepting Lowry Ave., Morrow Dr., Robyn Dr. and part of</td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>1211</td>
<td>12-2-68</td>
<td>Accepting Cypress Hill and Old Hickory Drs. in the Third Ward.</td>
</tr>
<tr>
<td>1218</td>
<td>1-6-69</td>
<td>Accepting portions of Mohawk Trail Dr., Eagle Trail Dr. and Ocala Trail Dr. in the Third Ward.</td>
</tr>
<tr>
<td>1232</td>
<td>7-7-69</td>
<td>Accepts Springwood Dr. in the Fourth Ward.</td>
</tr>
<tr>
<td>1242</td>
<td>10-6-69</td>
<td>Accepts Ridgecrest Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1253</td>
<td>12-1-69</td>
<td>Accepts Hauck Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1254</td>
<td>12-1-69</td>
<td>Accepts South McCully Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1258</td>
<td>12-18-69</td>
<td>Accepts Boyd Blvd. and Gail Dr. in the Fourth Ward.</td>
</tr>
<tr>
<td>1266</td>
<td>3-2-70</td>
<td>Accepts Sentry Ave. in the Third Ward.</td>
</tr>
<tr>
<td>1289</td>
<td>10-5-70</td>
<td>Accepts a portion of Twin Oak Dr. in the Third Ward.</td>
</tr>
<tr>
<td>1298</td>
<td>12-7-70</td>
<td>Accepts Hazel Rd. in the Third Ward.</td>
</tr>
<tr>
<td>1307</td>
<td>2-23-71</td>
<td>Accepts Springwood Dr. in the Eighth Ward.</td>
</tr>
<tr>
<td>1314</td>
<td>7-6-71</td>
<td>Accepts Everglade Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1321</td>
<td>9-7-71</td>
<td>Accepting Liberto Rd.</td>
</tr>
<tr>
<td>1322</td>
<td>9-7-71</td>
<td>Opening Jeep St. (formerly Wood St.).</td>
</tr>
<tr>
<td>1323</td>
<td>9-7-71</td>
<td>Accepts Richmore Dr. in the Eighth Ward.</td>
</tr>
<tr>
<td>1330</td>
<td>12-6-71</td>
<td>Accepts Billy Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1341</td>
<td>5-1-72</td>
<td>Accepts Deerwood Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>1348</td>
<td>10-20-72</td>
<td>Accepting part of Courtney Dr.</td>
</tr>
<tr>
<td>1352</td>
<td>11-6-72</td>
<td>Accepting portions of Springwood and Knoll Drs.</td>
</tr>
<tr>
<td>1363</td>
<td>2-5-73</td>
<td>Accepting a portion of Hobson St.</td>
</tr>
<tr>
<td>1377</td>
<td>6-13-73</td>
<td>Accepting Golden Gate Dr.</td>
</tr>
<tr>
<td>1413</td>
<td>10-7-74</td>
<td>Accepting a portion of Springwood Dr. in the Eighth Ward.</td>
</tr>
<tr>
<td>1429</td>
<td>8-4-75</td>
<td>Accepting Sylvania Ave. in the Churchill Valley Plan.</td>
</tr>
<tr>
<td>1432</td>
<td>10-6-75</td>
<td>Accepting part of Kentucky Ave. in the Valemont Heights Plan.</td>
</tr>
<tr>
<td>1439</td>
<td>12-1-75</td>
<td>Accepting Springwood, Treona and Friar Drs.</td>
</tr>
<tr>
<td>1440</td>
<td>12-1-75</td>
<td>Accepting Flamingo Ave. and Mason Rd.</td>
</tr>
<tr>
<td>Res.</td>
<td>34-1976</td>
<td>6-7-76 Preliminary approval of subdivision plan and execution of a related agreement (Burla).</td>
</tr>
<tr>
<td>Res.</td>
<td>54-1976</td>
<td>8-9-76 Approving preliminary and final plat of the proposed Lindale Hts. Subdivision.</td>
</tr>
<tr>
<td>Res.</td>
<td>70-1976</td>
<td>9-14-76 Approving a minor subdivision of 2 lots on 146 Lougeay Rd.</td>
</tr>
<tr>
<td>Res.</td>
<td>2-1977</td>
<td>1-3-77 Final subdivision approval of Anderson Park Plan of Lots No. 13.</td>
</tr>
<tr>
<td>Res.</td>
<td>3-1977</td>
<td>1-3-77 Final subdivision approval of Penn-Wood Highlands Plan of Lots.</td>
</tr>
<tr>
<td>Res.</td>
<td>37-1977</td>
<td>4-20-77 Final subdivision approval for Merola Plan of Lots.</td>
</tr>
<tr>
<td>Res.</td>
<td>38-1977</td>
<td>4-20-77 Final subdivision approval for a minor subdivision of property for Carlo Calamosca.</td>
</tr>
<tr>
<td>Res.</td>
<td>39-1977</td>
<td>4-20-77 Preliminary plat approval of Greenridge Plan of Lots.</td>
</tr>
<tr>
<td>Res.</td>
<td>76-1977</td>
<td>8-1-77 Final subdivision approval of the Greenridge Plan of Lots.</td>
</tr>
<tr>
<td>Res.</td>
<td>105-1977</td>
<td>11-30-77 Preliminary subdivision approval for the proposed Beley Estates Plan on Evergreen Dr.</td>
</tr>
<tr>
<td>Res.</td>
<td>Date</td>
<td>Resolution Details</td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Res. 2-1978 1-9-78</td>
<td>Preliminary subdivision approval for the proposed Anderson Park Plan of Lots No. 14 on Twin Oak Dr.</td>
<td></td>
</tr>
<tr>
<td>1515 1-9-78</td>
<td>Accepting Peridot, Jade, Topaz, Agate and Opal Drs.</td>
<td></td>
</tr>
<tr>
<td>Res. 6-1978 1-25-78</td>
<td>Approving a minor subdivision of 2 lots on Selvin Dr.</td>
<td></td>
</tr>
<tr>
<td>Res. 20-1978 3-22-78</td>
<td>Preliminary subdivision approval for the proposed Greenridge Plan Addition No. 1 and No. 2 on Greenridge Dr.</td>
<td></td>
</tr>
<tr>
<td>Res. 29-1978 4-19-78</td>
<td>Final subdivision approval of the Greenridge Plan of Lots, Addition No. 2 (5 lots) - Angelo Baleno.</td>
<td></td>
</tr>
<tr>
<td>1532 6-5-78</td>
<td>Accepting Highview and Greenridge Drs.</td>
<td></td>
</tr>
<tr>
<td>Res. 40-1978 5-24-78</td>
<td>Final subdivision approval of the Beley Estates Plan of Lots.</td>
<td></td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>Res. 41-1978</td>
<td>5-24-78</td>
<td>Final subdivision approval of the Anderson Park Plan of Lots.</td>
</tr>
<tr>
<td>Res. 42-1978</td>
<td>6-5-78</td>
<td>Preliminary subdivision approval of a six-lot industrial subdivision off Hulton Rd.</td>
</tr>
<tr>
<td>Res. 46-1978</td>
<td>6-20-78</td>
<td>Final subdivision approval of the Lowell Plan of Lots.</td>
</tr>
<tr>
<td>Res. 47-1978</td>
<td>6-20-78</td>
<td>Final subdivision approval of the Beatty Industrial Park Plan.</td>
</tr>
<tr>
<td>Res. 55-1978</td>
<td>7-10-78</td>
<td>Final subdivision approval of the Maplewood Manor No.3 Plan of Lots.</td>
</tr>
<tr>
<td>Res. 56-1978</td>
<td>7-10-78</td>
<td>Final subdivision approval of the Greenridge Addition No. 1 Plan of Lots.</td>
</tr>
<tr>
<td>1539</td>
<td>8-23-78</td>
<td>Accepting Fineview Dr. in the Seventh Ward.</td>
</tr>
<tr>
<td>Res. 69-1978</td>
<td>8-23-78</td>
<td>Final subdivision approval of the John Zaspel Plan of Lots.</td>
</tr>
<tr>
<td>Res. 73-1978</td>
<td>9-5-78</td>
<td>Preliminary subdivision approval of the Greenridge Addition No. 3 and No. 4 Plan of Lots.</td>
</tr>
<tr>
<td>1545</td>
<td>9-20-78</td>
<td>Accepting Rosanne Dr., Boyd Blvd., Milbren Ct. and Laurel Valley Dr.</td>
</tr>
<tr>
<td>Res. 98-1978</td>
<td>10-26-78</td>
<td>Final plat approval of the Ledonne Plan of Lots on Leechburg Rd.</td>
</tr>
<tr>
<td>1550</td>
<td>12-4-78</td>
<td>Accepting Berg St.</td>
</tr>
<tr>
<td>Res. 113-1978</td>
<td>12-4-78</td>
<td>Final subdivision approval of the James Sweeney Plan of Lots.</td>
</tr>
<tr>
<td>1554</td>
<td>12-27-78</td>
<td>Accepting Oakview Dr.</td>
</tr>
<tr>
<td>Res. 8-1979</td>
<td>2-5-79</td>
<td>Final subdivision approval of the Greenridge Addition No. 3 Plan of Lots.</td>
</tr>
<tr>
<td>Res. 86-1979</td>
<td>10-10-79</td>
<td>Final plat approval of the Eldridge Plan of Lots.</td>
</tr>
<tr>
<td>Res. 96-1979</td>
<td>11-5-79</td>
<td>Final subdivision approval of the DiCaprio Plan of Lots, a four-lot subdivision.</td>
</tr>
<tr>
<td>Res. 10-1980</td>
<td>2-6-80</td>
<td>Final subdivision approval of the Testa Plan of Lots.</td>
</tr>
<tr>
<td>1616</td>
<td>3-5-80</td>
<td>Accepting Greenridge and Blanchar Drs.</td>
</tr>
<tr>
<td>Res. 23-1980</td>
<td>3-19-80</td>
<td>Final subdivision approval of the Catherine A. McKinney Plan of Lots.</td>
</tr>
<tr>
<td>Res. 71-1980</td>
<td>8-6-80</td>
<td>Final subdivision approval of the Chaske Townhouse Plan.</td>
</tr>
</tbody>
</table>

2000 Replacement
# TABLE D - DEDICATIONS

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res. 97-1980</td>
<td>9-17-80</td>
<td>Approving a seven-lot subdivision for Fred Caldarelli.</td>
</tr>
<tr>
<td>Res. 103-1980</td>
<td>10-1-80</td>
<td>Final subdivision approval of the Confidence Plan of Lots, a ten-lot subdivision.</td>
</tr>
<tr>
<td>Res. 118-1980</td>
<td>11-5-80</td>
<td>Final subdivision approval of the DiLeo Plan of Lots.</td>
</tr>
<tr>
<td>Res. 7-1981</td>
<td>2-4-81</td>
<td>Final subdivision approval of the DiCaprio Plan of Lots, a three-lot subdivision.</td>
</tr>
<tr>
<td>Res. 10-1981</td>
<td>2-18-81</td>
<td>Final subdivision approval of the Confidence Plan of Lots, a nine-lot subdivision.</td>
</tr>
<tr>
<td>Res. 30-1981</td>
<td>4-1-81</td>
<td>Final subdivision approval of the Wetzel Plan of Lots.</td>
</tr>
<tr>
<td>1686</td>
<td>7-1-81</td>
<td>Accepting East Fitzsimmons St. in the First Ward.</td>
</tr>
<tr>
<td>Res. 28-1982</td>
<td>4-7-82</td>
<td>Final subdivision approval of the Rosetta Court Subdivision.</td>
</tr>
<tr>
<td>1755</td>
<td>8-18-82</td>
<td>Accepting Invicta Dr., Pine Valley Ct. and Oakerest Rd.</td>
</tr>
<tr>
<td>1936</td>
<td>9-15-86</td>
<td>Accepting a portion of Evergreen Dr.</td>
</tr>
<tr>
<td>1984</td>
<td>12-7-87</td>
<td>Accepting Aster St.</td>
</tr>
<tr>
<td>2137</td>
<td>2-1-93</td>
<td>Accepting a portion of Elrond Dr.</td>
</tr>
<tr>
<td>Res. 95-069</td>
<td>8-2-95</td>
<td>Accepting various deeds of dedication from Baleno Development Co.</td>
</tr>
<tr>
<td>Res. 2003-006</td>
<td>1-8-03</td>
<td>Accepting Newport Square streets and sewers.</td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>265</td>
<td>2-8-34</td>
<td>Acquisition of land owned by the estate of Annie E. McKay for the Shades Run Sewage Treatment Plant or Disposal Works.</td>
</tr>
<tr>
<td>305</td>
<td>4-8-37</td>
<td>Providing for acquisition of land for Sandy Creek Disposal Plant.</td>
</tr>
<tr>
<td>314</td>
<td>9-2-37</td>
<td>Amending and correcting errors in Ord. 305.</td>
</tr>
<tr>
<td>315</td>
<td>9-9-37</td>
<td>Authorizing appropriation of land fronting on Allegheny River Blvd. for access to the Quigley's Run Disposal Plant.</td>
</tr>
<tr>
<td>316</td>
<td>9-9-37</td>
<td>Providing for appropriation of land for the Quigley's Run Disposal Plant.</td>
</tr>
<tr>
<td>328</td>
<td>12-2-37</td>
<td>Authorizing the purchase of Lot 13 in the &quot;Crescent Hills Plan,&quot; and acceptance of a deed for Lots 14, 15 and 16 in the same plan, as a site for a Municipal Building.</td>
</tr>
<tr>
<td>332</td>
<td>12-30-37</td>
<td>Authorizing purchase of land from the Westmoreland Country Club for site of the Quigley Run Sewage Treatment Plant.</td>
</tr>
<tr>
<td>334</td>
<td>2-3-38</td>
<td>Amends Ord. 305.</td>
</tr>
<tr>
<td>337</td>
<td>3-3-38</td>
<td>Adopting contents of deed or agreement between the Bessemer-Union Improvement Co. and Penn Twp. for a site for a sewage disposal plant in Sewer District No. 9, North Bessemer Sewer District.</td>
</tr>
<tr>
<td>406</td>
<td>12-29-41</td>
<td>Authorizing an agreement with the Unity Railways Co. providing for the exchange of real estate in the North Bessemer Sewer District.</td>
</tr>
<tr>
<td>Res.</td>
<td>4-1942</td>
<td>4-6-42 Authorizes conveyance of a strip of land in the North Bessemer Sewer District near the Sewage Treatment Plant to the Unity Railways Co.</td>
</tr>
<tr>
<td>498</td>
<td>9-20-48</td>
<td>Appropriating property in the improvement of Duff Rd.</td>
</tr>
<tr>
<td>513</td>
<td>7-18-49</td>
<td>Taking private property for public use in the improvement of Duff Rd.</td>
</tr>
<tr>
<td>Res.</td>
<td>16-1952</td>
<td>5-5-52 Authorizes execution of deed of redemption for certain real property to Anna Talenfield Martin.</td>
</tr>
<tr>
<td>Res.</td>
<td>25-1952</td>
<td>10-?-52 Authorizes sale of the Bruening, Gihlman, Holt, Archibald, Liberto, Cohen and Bennett properties by reason of delinquent taxes.</td>
</tr>
<tr>
<td>Res.</td>
<td>6-1953</td>
<td>4-6-53 Authorizes sale of the Cole, Leedon, Roy, Redfern, Smith, Vargo and Fallon properties.</td>
</tr>
<tr>
<td>Res.</td>
<td>7-1953</td>
<td>4-6-53 Accepting Jefferson Rd. Sanitary Sewage Treatment Plant and property on which the same is built.</td>
</tr>
<tr>
<td>8-1953</td>
<td>5-4-53</td>
<td>Authorizes execution of deeds for sale of properties for delinquent taxes (to Ganong, Watkins, Luffe and Burstin).</td>
</tr>
<tr>
<td>Res.</td>
<td>10-1953</td>
<td>6-1-53 Authorizes agreement with Henry L. and Louise K. Snyder for conveyance of a 10-ft. strip for road and street purposes (Sampson St.).</td>
</tr>
<tr>
<td>Res.</td>
<td>11-1953</td>
<td>6-1-53 Authorizes sale of Lots 61, 62 and 63 in the Plan of Charles S. Chadwick (east side of Moehler St.) to Arthur Smith.</td>
</tr>
<tr>
<td>Res.</td>
<td>12-1953</td>
<td>6-1-53 Authorizes sale of the Jordan and Williams properties for delinquent taxes.</td>
</tr>
<tr>
<td>Resolution</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Res. 28-1953</td>
<td>10-5-53</td>
<td>Conveyance of 4.092 acres of land to the Township by the Universal Atlas Cement Co. and the sewage disposal plant erected thereon.</td>
</tr>
<tr>
<td>Res. 9-1954</td>
<td>5-3-54</td>
<td>Authorizes sale of the McDade, Munroe, Swank, Doran, Stein, McDermott, Lott, Colbert, Jordan and Sulzner properties for delinquent taxes.</td>
</tr>
<tr>
<td>655</td>
<td>6-7-54</td>
<td>Authorizing appropriation of land for street purposes from Frankstown Rd. to Saltsburg Rd.</td>
</tr>
<tr>
<td>656</td>
<td>6-7-54</td>
<td>Authorizing appropriation of land for street purposes from Hamilton Dr. and Hershey Rd. past Donald Rd. to a point.</td>
</tr>
<tr>
<td>657</td>
<td>6-7-54</td>
<td>Authorizing appropriation of land for street purposes from Donald Rd. and Hamilton Dr. to a point.</td>
</tr>
<tr>
<td>668</td>
<td>8-16-54</td>
<td>Authorizes appropriation of land to provide a public street 40 ft. wide between the intersection of Reynolds St. or Chester Rd. and Verona Rd. and points 422 ft. northwestwardly and 297 ft. southwardly.</td>
</tr>
<tr>
<td>Res. 22-1954</td>
<td>12-?-54</td>
<td>Authorizes sale of the Eugene S. Reilly property to the Pittsburgh Consolidation Coal Co.</td>
</tr>
<tr>
<td>Res. 3-1955</td>
<td>3-7-55</td>
<td>Authorizes sale of J. Liberto Heirs property to G. P. and F. M. Limegrower.</td>
</tr>
<tr>
<td>Res. 16-1955</td>
<td>6-27-55</td>
<td>Authorizes sale of various properties for delinquent taxes.</td>
</tr>
<tr>
<td>726</td>
<td>4-16-56</td>
<td>Authorizes agreement with the Beulah Rd. Land Co. for conveyance to the Twp. of a right-of-way for construction of a sanitary sewerage trunk line by the C. D. Crawford Co.</td>
</tr>
<tr>
<td>Res. 20-1956</td>
<td>5-7-56</td>
<td>Acquiring by eminent domain the old right-of-way of the Wilkinsburg-Oakmont St. Carlise aka Monongahela St. Railways Co., as a public street.</td>
</tr>
<tr>
<td>728</td>
<td>5-7-56</td>
<td>Property in the vicinity of the Verona Borough line and the easterly shoreline of the Allegheny River, from R-2 to Restricted Industrial.</td>
</tr>
<tr>
<td>Res. 23-1956</td>
<td>5-21-56</td>
<td>Authorizing sale of certain properties by County Commissioners, Twp. Commissioners and School District.</td>
</tr>
<tr>
<td>Res. 5-1957</td>
<td>1-7-57</td>
<td>Approved sales tax of property of Elinor Kenworthy on Hobson St.</td>
</tr>
<tr>
<td>770</td>
<td>6-3-57</td>
<td>Authorizes purchase or condemnation of 5 acres from Fred and Elsie Caldarelli upon which is located the Sandy Creek Sanitary Sewage Disposal Plant.</td>
</tr>
<tr>
<td>771</td>
<td>7-1-57</td>
<td>Condemnation of properties for grading and construction of concrete curbs on Leechburg Rd.</td>
</tr>
<tr>
<td>794</td>
<td>12-2-57</td>
<td>Acquisition of property fronting Allegheny River Blvd. for the Quigley Run Pumping Station.</td>
</tr>
<tr>
<td>795</td>
<td>12-9-57</td>
<td>Acquisition of property for the purpose of widening Sycamore Dr.</td>
</tr>
<tr>
<td>796</td>
<td>12-9-57</td>
<td>Acquisition of property for Township Street purposes: Hochberg Rd. and N. Hochberg Rd.</td>
</tr>
<tr>
<td>797</td>
<td>12-9-57</td>
<td>Acquisition of property to provide a public street to be known as Third St.</td>
</tr>
<tr>
<td>Res. 12-1958</td>
<td>3-3-58</td>
<td>Authorizes sale of jointly held property.</td>
</tr>
<tr>
<td>Res.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>9-1960</td>
<td>4-4-60</td>
<td>Authorize sale of certain properties.</td>
</tr>
<tr>
<td>13-1960</td>
<td>4-19-60</td>
<td>Authorizes sale of certain property.</td>
</tr>
<tr>
<td>873</td>
<td>4-19-60</td>
<td>Authorizes agreement with the Crawford Construction Co. for purchase of an access road to a sanitary pumping station.</td>
</tr>
<tr>
<td>28-1960</td>
<td>7-11-60</td>
<td>Authorizes sale of properties held by joint taxing bodies.</td>
</tr>
<tr>
<td>38-1960</td>
<td>9-12-60</td>
<td>Rescinding deed of the three taxing bodies - Edgar L. Smith.</td>
</tr>
<tr>
<td>44-1960</td>
<td>10-3-60</td>
<td>Authorizes sale of properties for delinquent taxes.</td>
</tr>
<tr>
<td>47-1963</td>
<td>12-9-63</td>
<td>Authorizes sale of properties for delinquent taxes.</td>
</tr>
<tr>
<td>64-1960</td>
<td>12-31-60</td>
<td>Approving sale of jointly owned delinquent tax property.</td>
</tr>
<tr>
<td>1-1961</td>
<td>1-9-61</td>
<td>Authorizing purchase of Lot No. 81-B in the unrecorded plan of McGregor Acres from the Peoples Natural Gas Co., for sanitary sewer purposes.</td>
</tr>
<tr>
<td>3-1961</td>
<td>1-23-61</td>
<td>Approving sale of tax-held property.</td>
</tr>
<tr>
<td>8-1961</td>
<td>4-3-61</td>
<td>Authorizes sale of property on Eighth St., Verona Hill, to Ralph N. Stoner, Jr.</td>
</tr>
<tr>
<td>12-1961</td>
<td>5-1-61</td>
<td>Authorizes sale of property owned by Oliver N. Johnston.</td>
</tr>
<tr>
<td>920</td>
<td>5-1-61</td>
<td>Acquiring land for a lift station and an easement for sewer purposes over Northview Dr.</td>
</tr>
<tr>
<td>15-1961</td>
<td>6-5-61</td>
<td>Authorizes sale of tax-held property.</td>
</tr>
<tr>
<td>36-1961</td>
<td>10-16-61</td>
<td>Agreement with James Gross Property.</td>
</tr>
<tr>
<td>12-1962</td>
<td>5-21-62</td>
<td>Sale of certain lots in Blackadore Place Plan of Lots to Anthony Ferragonio.</td>
</tr>
<tr>
<td>17-1963</td>
<td>5-6-63</td>
<td>Sale of property held by taxing bodies.</td>
</tr>
<tr>
<td>20-1963</td>
<td>6-1-63</td>
<td>Approving tax sale of certain properties.</td>
</tr>
<tr>
<td>27-1963</td>
<td>7-22-63</td>
<td>Approving tax sale of certain property.</td>
</tr>
<tr>
<td>5-1964</td>
<td>2-3-64</td>
<td>Authorizes sale of property of Franklin P. Rimmel for tax delinquency.</td>
</tr>
<tr>
<td>947</td>
<td>2-3-64</td>
<td>Condemnation of a strip of land through property of Francis R. and</td>
</tr>
</tbody>
</table>
Res. 14-1964 6-1-64 Authorizes sale of property of Bernard S. Morris for tax delinquency.

Res. 21-1964 7-6-64 Authorizes sale of property of Zella M. Baker Powell and Myrna Wilburn for tax delinquency.

Res. 41-1964 9-14-64 Authorizes sale of property of Fred and Blanche Schmidt for tax delinquency.

Res. 46-1964 10-5-64 Authorizes sale of property of Luvada Collins for tax delinquency.

Res. 47-1964 10-26-64 Approving acquisition of lands in the Twp. for recreational purposes.

Res. 53-1964 11-2-64 Authorizes sale of property of Bell Murray and Luther K. Johnston for tax delinquency.

Res. 4-1965 4-5-65 Authorizes sale of property for tax delinquency.

Res. 9-1965 5-3-65 Authorizes deed between Twp. and Wilkinsburg-Penn Joint Water Authority (Pennview Dr.).

Res. 18-1965 7-12-65 Authorizes sale of property Petal Corp. for tax delinquency.

Res. 27-1965 8-23-65 Authorizes sale of property

Res. 34-1965 12-6-65 Authorizes sale of properties for tax delinquency.

Res. 5-1966 2-7-66 Authorizes sale of property for tax delinquency.

Res. 8-1966 3-7-66 Authorizes sale of property for tax delinquency.

Res. 9-1966 4-4-66 Authorizes sale of property for tax delinquency.

1083 6-6-66 Appropriation of strip of land on property of Joseph and Pauline Currie and the Lincoln Land and Building Co. for sewer purposes.


1108 10-17-66 Authorizes contract with William J. Cheetham, et al, for purchase of real estate to be used as a roadway to a tract to be used for park and playground purposes.


Res. 5-1967 3-6-67 Authorizes sale of property for tax delinquency.

1131 4-3-67 Approving purchase of 3.248 acres from Borough of Oakmont for park and recreation purposes.

1132 4-3-67 Authorizes purchase of property contiguous to the Municipal Bldg. and negotiation for purchase of property abutting same.
Res. 10-1967  5-1-67  Authorizes sale of property for tax delinquency.
Res. 15-1967  8-7-67  Sale of Moran property to Doris M. Walker.
1157  11-6-67  Authorizes purchase of land necessary as the site of the Lincoln Ave. Sanitary Sewage Treatment Plant.
Res. 12-1968  5-6-68  Sale of certain properties to highest bidders.
1185  5-6-68  Condemning a right-of-way for road purposes over property of George DeWitt Banks and Katie K. Banks, and Joseph and Sally Rice.
Res. 16-1968  6-3-68  Authorizes sale of property for tax delinquency.
Res. 24-1968  8-5-68  Authorizes sale of property for tax delinquency.
Res. 27-1968  9-3-68  Authorizes sale of property for tax delinquency.
Res. 29-1969  7-7-69  Authorizes sale of property for tax delinquency.
Res. 9-1971  4-5-71  Authorizes sale of property for tax delinquency.
1371  8-2-71  Authorizes selection and appropriation of land for public street purposes in the Seventh Ward (property of Adam B. Chada).
Res. 36-1971  12-6-71  Authorizes sale of property for tax delinquency.
1332  12-6-71  Authorizes acquisition of land fronting or abutting Paxton St. for the "Paxico Street Pump Station and Force Line" in the Shades Run Sewer District.
Res. 32-1972  9-11-72  Agreement for sale of John Minnahan property to highest bidder.
Res. 16A-1974  6-3-74  Authorizes sale of property for tax delinquency.
1412  8-5-74  Providing for the acquisition of a parcel of land fronting Rodi Rd. to provide a site for the "Rodi Road Pump Station and Force Line."
Res. 23-1975  8-4-75  Authorizes sale of property for tax delinquency.
1487  5-25-77  Appropriation of land abutting Verona Rd. for the construction of a Regulator Station for the Verona Rd. Waterline.
1535  6-20-78  Appropriating a 16 - ft. strip of land for the purpose of improving Crestview Dr.
Res. 108-1978  12-4-78  Authorizes sale of municipal property to Charles E. Storer.
Res. 65-1979  8-22-79  Authorizes agreement for acquisition of open space and recreation areas with Pennsylvania Heritage Conservation and Recreation Service.
Res. 44-1980  5-21-80  Authorizes acquisition of Ferraro property for Penn Hills Park expansion.
Res. 100-1980  9-17-80  Authorizes sales agreement between Municipality and Allegheny County Housing Authority for housing for elderly.
Res. 33-1981  4-15-81  Authorizes sales agreement between Municipality and Allegheny County Housing Authority for housing for elderly.
Authorizes purchase of property of William A. Eldridge and Jean D. Eldridge along Laketon Rd. for storm water retention basin.

Authorizes sale of Municipal property on Banfield St.

Authorizes sale of properties owned by City, Penn Hills School District and Allegheny County.

Authorizes purchase of property along Wilson Dr. from Howard L. and Lois G. Ralston and Thomas E. and Donna. L. Rowe for sanitary sewer.

Authorizes purchase of property along Dixie Dr. for sanitary sewer.

Accepting bids for real property offered for sale for delinquent taxes pursuant to Ord. 1769, passed 10-6-82.

Sale of the Banfield St. property to the Second Baptist Church of Penn Hills.

Accepting bids for real property offered for sale for delinquent taxes pursuant to Ord. 1769, passed 10-6-82.

Accepting a bid for real property in the vicinity of Mount Ave. and Sylvan St.

Accepting bids for real property offered for sale for delinquent taxes pursuant to Ord. 1769.

Authorizes transfer of Morrow School property to Cross gates, Inc.

Authorizes sale of tax delinquent property owned by City, Penn Hills School District and County.

Authorizes sale of tax delinquent property owned by City, Penn Hills School District and County.

Accepting bids for real property offered for sale for delinquent taxes pursuant to Ord. 1769.

Authorizes sale to the County of .135 acres in the vicinity of Lincoln Ave. and the Lincoln Park Treatment Plant.

Authorizes execution of deeds for sale of property owned by City, Penn Hills School District and County and exonerating taxes and claims.

Authorizes execution of deeds for sale of tax delinquent property owned by City, Penn Hills School District and County and exonerating taxes and claims.

Authorizes sale of Rodi Rd. No. 1 Pump Station Property.

Authorizes sale of tax delinquent property owned by City, Penn Hills School District and County.

Authorizes sale of 2, 750 sq. ft. parcel in the vicinity of Hunter Rd. and the Greenridge Plan of Lots.

Accepting 45 acres in the vicinity of Hunter Rd. from the Penn Hills School District for recreational purposes.

Authorizes sale of Rodi Rd. Pump Station Property to D. Allenbaugh.

Appropriates property on Nevada Way for Frankstown Sewer District.

Authorizes sale of 2,750 sq. ft. parcel in the vicinity of Hunter Rd. and Greenridge Dr. to S.I. Kennelly.

Authorizes sale of tax delinquent property owned by City, Penn Hills School District and County.
<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>10-3-88</td>
<td>Authorizes sale of Daniel Jackson property.</td>
</tr>
<tr>
<td>Res.</td>
<td>88-116</td>
<td>Authorizes acceptance of McKinley School property from the Penn Hills School District.</td>
</tr>
<tr>
<td>Res.</td>
<td>89-025</td>
<td>Authorizes sheriff sale of Marcap, Inc., Lincoln Rd., and Gold Builders &amp; Cont., Inc., Coal Hollow Rd.</td>
</tr>
<tr>
<td>2052</td>
<td>11-13-89</td>
<td>Authorizes sale of 72 Highland View for tax delinquency.</td>
</tr>
<tr>
<td>2086</td>
<td>3-4-91</td>
<td>Authorizes sale of 3.15 acres of tax delinquent property owned by Township, Penn Hills School District and County, on Coal Hollow Rd.</td>
</tr>
<tr>
<td>Res.</td>
<td>91-108</td>
<td>Authorizes sale of 3.15 acres on Coal Hollow Rd. to L. and D. Capobianco.</td>
</tr>
<tr>
<td>2097</td>
<td>11-18-91</td>
<td>Authorizes purchase of 14 acres in the vicinity of Lincoln Rd. from Marcap, Inc., for recreation purposes.</td>
</tr>
<tr>
<td>2116</td>
<td>7-6-92</td>
<td>Authorizes sale of tax delinquent property owned by Township, Penn Hills School District and County, on Wildwood Ave.</td>
</tr>
<tr>
<td>Res.</td>
<td>93-029</td>
<td>Authorizes conveyance of property located adjacent to the Lincoln Road Treatment Plant to the Allegheny County Department of Engineering and Construction.</td>
</tr>
<tr>
<td>Res.</td>
<td>93-043</td>
<td>Amends Res. 93-029.</td>
</tr>
<tr>
<td>2147</td>
<td>6-21-93</td>
<td>Authorizes appropriation of property located along Rodi and Lincoln-Nadine Rds. for construction of underground equalization tanks.</td>
</tr>
<tr>
<td>2150</td>
<td>7-12-93</td>
<td>Authorizes appropriation of property located along Jefferson Rd. for construction of underground equalization tanks.</td>
</tr>
<tr>
<td>Res.</td>
<td>93-089</td>
<td>Payment for rights-of-way for the Gascola Interceptor Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>93-091</td>
<td>Payment for rights-of-way for the Sandy Creek Interceptor Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>93-092</td>
<td>Payment for rights-of-way for the Gascola Interceptor Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>94-001</td>
<td>Payment for rights-of-way for the Gascola Interceptor Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>94-031</td>
<td>Payment to J.J. Antonelli for right-of-way for the Gascola Sanitary Sewer Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>94-040</td>
<td>Payment to V.C. Fischer for right-of-way for the Coal Hollow Road Sanitary Sewer Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>94-071</td>
<td>Payment for rights-of-way for the Long Road Sanitary Sewer Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>94-084</td>
<td>Payment to T.T. Ola, Jr., for right-of-way for the Long Road Sanitary Sewer Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>94-095</td>
<td>Authorizes sale of tax delinquent property, located on Coal Hollow Rd., owned by Allegheny County.</td>
</tr>
<tr>
<td>Res.</td>
<td>94-097</td>
<td>Payment to J.J. Antonelli for rights-of-way for the Gascola Project.</td>
</tr>
<tr>
<td>Res.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
<td>--------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>94-098</td>
<td>11-16-94</td>
<td>Payment to C.W. and C.R. Bulkowski for right-of-way for the Rodi Road Sewer Project.</td>
</tr>
<tr>
<td>94-099</td>
<td>11-16-94</td>
<td>Payment to V.J. and A.H. Meinert for right-of-way for the Rodi Road Sewer Project.</td>
</tr>
<tr>
<td>94-118</td>
<td>12-7-94</td>
<td>Payment to Site Development, Inc. for right-of-way for the Long Road Sanitary Sewer Project.</td>
</tr>
<tr>
<td>94-119</td>
<td>12-30-94</td>
<td>Authorizes agreement with the Borough of Churchill for acquisition of certain rights-of-way for the Rodi Road Sewer Project.</td>
</tr>
<tr>
<td>95-001</td>
<td>1-4-95</td>
<td>Payment to J.M. Mihm for right-of-way for the Sandy Creek Sewer Project.</td>
</tr>
<tr>
<td>95-007</td>
<td>1-18-95</td>
<td>Payment to R.E. Kelly, Jr., et al., for rights-of-way for the Long Road Sewer Project.</td>
</tr>
<tr>
<td>95-010</td>
<td>2-1-95</td>
<td>Payment to R.S. Whitman et al., for right-of-way for the Rodi Road Sewer Project.</td>
</tr>
<tr>
<td>95-046</td>
<td>4-5-95</td>
<td>Payment to Estate of F. Calderelli, Sr., for right-of-way for Sandy Creek Sewer Project.</td>
</tr>
<tr>
<td>2213-A</td>
<td>4-5-95</td>
<td>Authorizes purchase of property in vicinity of Hulton Rd. and Plum Creek for recreation purposes.</td>
</tr>
<tr>
<td>95-049</td>
<td>5-3-95</td>
<td>Payment to P.C. and N.N. Sims for right-of-way for the Long Road Sewer Project.</td>
</tr>
<tr>
<td>95-068</td>
<td>7-20-95</td>
<td>Accepting approximately 12.5 acres in the vicinity of Jefferson Rd. from Property Ventures, Ltd.</td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2237</td>
<td>7-10-96</td>
<td>Amends Ord. 2150.</td>
</tr>
<tr>
<td>Res. 97-018</td>
<td>4-2-97</td>
<td>Authorizes acceptance of a mutual grant of right-of-way between the Municipality and William A. Futules re the Quigley Run Sewer Project.</td>
</tr>
<tr>
<td>Res. 97-068</td>
<td>9-10-97</td>
<td>Accepting the Palmer property to the right of Highview Dr. off Hunter Rd. (1.6741 acres) from Baleno Development Co.</td>
</tr>
<tr>
<td>2282</td>
<td>12-17-97</td>
<td>Authorizes appropriation of property for the purpose of expansion and renovation of the Penn Hills Library.</td>
</tr>
<tr>
<td>Res. 98-009</td>
<td>2-4-98</td>
<td>Authorizes acceptance of 12.6 acres on Jefferson Rd. from property Ventures, Ltd.</td>
</tr>
<tr>
<td>Res. 98-023</td>
<td>3-4-98</td>
<td>Acquisition of rights-of-way on Jefferson Lougeay Road Sewer Project.</td>
</tr>
<tr>
<td>Res. 98-024</td>
<td>3-4-98</td>
<td>Acquisition of rights-of-way on Jefferson Lougeay Road Sewer Project.</td>
</tr>
<tr>
<td>2296</td>
<td>8-31-98</td>
<td>Authorizes purchase of 27.3 acres in the vicinity of Leechburg Rd. from the B. &amp; L.E. Railroad for public works purposes.</td>
</tr>
<tr>
<td>Res. 98-115</td>
<td>10-7-98</td>
<td>Accepting 29.504 acres in the vicinity of Fairview Dr. from the Western Pennsylvania Conservancy.</td>
</tr>
<tr>
<td>Res. 2000-027</td>
<td>5-3-00</td>
<td>Authorizes conveyance of certain properties to Allegheny County for the Ryans Run Bridge No. 6.</td>
</tr>
<tr>
<td>Res. 2000-041</td>
<td>6-7-00</td>
<td>Authorizes acquisition of 2 rights-of-way from Timothy M. and Elaine L. Broderick and James M. and Carole N. Stewart for sewer purposes.</td>
</tr>
<tr>
<td>2358</td>
<td>5-2-01</td>
<td>Authorizes acquisition of land from Consolidation Coal Co., being a part of Tax Map Parcel No. 631-P-343 containing 2.17 acres more or less.</td>
</tr>
<tr>
<td>2377</td>
<td>7-10-02</td>
<td>Authorizes purchase of property located at LB 449-1-77, 128 Universal Road, for the proposed expansion of the Jefferson Road Senior Service Center.</td>
</tr>
<tr>
<td>Res. 2001-072</td>
<td>10-3-01</td>
<td>Authorizes agreement of sale with Consolidation Coal Co., for the purchase of 2.175 acres of land located on Old Milltown Road (also known as Jodi Lane).</td>
</tr>
<tr>
<td>Res. 2002-047</td>
<td>6-12-02</td>
<td>Authorizes resale of a vacant lot located on Mt. Carmel Road at LB 173-H-86.</td>
</tr>
</tbody>
</table>

2005 Replacement
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2388</td>
<td>2-5-03</td>
<td>Authorizes the sale of property at 6330 Verona Road, LB 365-S-308, to Reynolds Real Estate, L.P.</td>
</tr>
<tr>
<td>2389</td>
<td>2-5-03</td>
<td>Authorizes the sale of property at 705 Jefferson Road, LB 539-J-031, to Hosanna Industries Inc.</td>
</tr>
<tr>
<td>2408</td>
<td>2-18-04</td>
<td>Authorizes purchase of property at 2415 Hill Street, LB 635-G-147, through the HUD Good Neighbor Housing Program.</td>
</tr>
<tr>
<td>2411</td>
<td>3-17-04</td>
<td>Authorizes the sale of property at 10215 Frankstown Road, LB 369-A-68, to Cleon D. Brady.</td>
</tr>
<tr>
<td>2417</td>
<td>5-3-04</td>
<td>Authorizes the sale of property at 12818 Frankstown Road, LB 448-C-72, the Penn Hills Public Works Garage.</td>
</tr>
<tr>
<td>2418</td>
<td>5-3-04</td>
<td>Authorizes the sale of property at 2415 Hill Street, LB 635-G-147, to Paul and Elizabeth C. Humenik.</td>
</tr>
<tr>
<td>2422</td>
<td>6-7-04</td>
<td>Authorizes the sale of 1.38 acres of property located at 12818 Frankstown Road, LB 448-C-72, also known as the Old Municipal Public Works Garage.</td>
</tr>
<tr>
<td>2427</td>
<td>9-13-04</td>
<td>Authorizes the sale of property at Banfield Street, LB 173-S-023, to the Second Baptist Church, 49 Banfield Street.</td>
</tr>
<tr>
<td>2439</td>
<td>4-4-05</td>
<td>Authorizes the sale of property at Jefferson Road, LB 539-N-172, to the Penn Hills Chamber Community Development Corporation Inc.</td>
</tr>
<tr>
<td>2440</td>
<td>5-23-05</td>
<td>Authorizes the sale of property at Oakview Drive, Lot No. 113 of LB 533-P-100, to Mark E. Hollis of 659 Oakview Drive.</td>
</tr>
<tr>
<td>2441</td>
<td>5-23-05</td>
<td>Authorizes the sale of property at Oakview Drive, Lot No. 115 of LB 533-P-100, to Rotley and Debra Lewis of 648 Oakview Drive.</td>
</tr>
<tr>
<td>2443</td>
<td>9-19-05</td>
<td>Authorizes the sale of property at 705 Jefferson Road, LB 539-J-310, to John R. and Patricia Scott.</td>
</tr>
</tbody>
</table>
TABLE F - LEASE OF REAL PROPERTY

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res. 6-1960</td>
<td>3-7-60</td>
<td>Renewal of lease with Churchill Valley Civic Club, Inc.</td>
</tr>
<tr>
<td>Res. 63-1960</td>
<td>12-31-60</td>
<td>Lease agreement with the Union R.R. Co. from Thompson Run Rd. to Gascola Sewage Treatment Plant.</td>
</tr>
<tr>
<td>Res. 30-1961</td>
<td>9-11-60</td>
<td>Renewal of lease agreement with Churchill Valley Civic Club, Inc.</td>
</tr>
<tr>
<td>Res. 12-1972</td>
<td>4-3-72</td>
<td>Lease - Allegheny Cty. - Magistrate's Office.</td>
</tr>
<tr>
<td>Res. 31-1976</td>
<td>6-7-76</td>
<td>Ratifying temporary lease with W.W. Williams, Inc.</td>
</tr>
<tr>
<td>Res. 41-1976</td>
<td>7-12-76</td>
<td>Authorizes execution of a temporary lease with W.W. Williams, Inc.</td>
</tr>
<tr>
<td>Res. 17-1982</td>
<td>3-3-82</td>
<td>Amends lease with Friends United for Neighborhood Development, Inc., for multipurpose center on Lincoln Rd.</td>
</tr>
<tr>
<td>Res. 51-1982</td>
<td>7-7-82</td>
<td>Authorizes sublease with William McKinley Citizen Center for occupancy of William McKinley School.</td>
</tr>
<tr>
<td>Res. 87-077</td>
<td>8-17-87</td>
<td>Authorizes lease with Penn Hills Multi-Purpose Service Corp. for management and tenancy of the Penn Hills Multi-Purpose Center.</td>
</tr>
<tr>
<td>Res. 89-001</td>
<td>1-3-89</td>
<td>Amends lease with Penn Hills Multi-Purpose Service Corp. for management and tenancy of the Penn Hills Multi-Purpose Center.</td>
</tr>
<tr>
<td>Res. 90-026</td>
<td>6-4-90</td>
<td>Authorizes lease with Penn Hills Multi-Purpose Service Corp. for management and tenancy of the Penn Hills Multi-Purpose Center.</td>
</tr>
<tr>
<td>Res. 91-014</td>
<td>3-4-91</td>
<td>Authorizes lease with the William McKinley Citizens Center, Inc., for the use and control of the William McKinley Citizens Center.</td>
</tr>
</tbody>
</table>

2005 Replacement
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res. 92-046</td>
<td>6-1-92</td>
<td>Authorizes lease with TCI of Pennsylvania, Inc., for placement of a radio transmitter and an antenna.</td>
</tr>
<tr>
<td>Res. 94-074</td>
<td>9-14-94</td>
<td>Authorizes lease agreement with the Lincoln Park Community Center, Inc., for library purposes, for 5 yrs.</td>
</tr>
<tr>
<td>2288</td>
<td>3-4-98</td>
<td>Approves lease of Penn Hills Park concession stand to Penn Hills Girls Softball Assn.</td>
</tr>
<tr>
<td>2289</td>
<td>3-18-98</td>
<td>Approves Penn Hills Family Services Group, Inc., as tenant for the Multi-Purpose Center, subject to a lease being executed.</td>
</tr>
<tr>
<td>Res. 98-061</td>
<td>6-3-98</td>
<td>Authorizes lease with M.M. &amp; G., Inc., for premises at 2000 B St. for road salt storage, etc., for 6 mos.</td>
</tr>
<tr>
<td>Res. 98-110</td>
<td>10-7-98</td>
<td>Authorizes lease agreement with Penn Hills Youth Football Assn., for concession stand No. 2 in Friendship Park.</td>
</tr>
<tr>
<td>Res. 98-111</td>
<td>10-7-98</td>
<td>Authorizes lease agreement with St. Batholemew Youth Football Assn., for concession stand No. 2 in Friendship Park.</td>
</tr>
<tr>
<td>Res. 99-019</td>
<td>3-3-99</td>
<td>Authorizes lease agreement with Penn Hills Volunteer Fireman's Assn. for a vacant parcel on Jefferson Rd. for a fire training center.</td>
</tr>
<tr>
<td>Res. 99-044</td>
<td>7-7-99</td>
<td>Authorizes lease agreement with Lincoln Park Community Center for purpose of operating a public library.</td>
</tr>
<tr>
<td>Res. 99-061</td>
<td>9-1-99</td>
<td>Authorizes renewal of lease agreement provided for in Res. 98-061.</td>
</tr>
<tr>
<td>Res. 2000-097</td>
<td>12-6-00</td>
<td>Authorizes lease agreement with Lincoln Park Community Center for the purpose of operating a Public Library.</td>
</tr>
<tr>
<td>Res. 2001-066</td>
<td>9-5-01</td>
<td>Authorizes lease agreement with Bittinger and Huntley and Huntley for the drilling of approximately 5 oil and gas wells on Municipal property.</td>
</tr>
<tr>
<td>Res. 2001-076</td>
<td>10-17-01</td>
<td>Authorizes site lease with option agreement and memorandum of license agreement with Voicestream Pittsburgh, L.P., for Voicestream's use in its operation of its communications system within the Municipality.</td>
</tr>
</tbody>
</table>

2005 Replacement
TABLE F - LEASE OF REAL PROPERTY  (Cont.)

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res. 2002-091</td>
<td>10-2-02</td>
<td>Authorizes lease agreement between the Municipality and the William McKinley Citizen's Center, Inc., for the tenancy and management of the William McKinley Center at Seventh and Center Avenue.</td>
</tr>
<tr>
<td>Res. 2002-096</td>
<td>11-6-02</td>
<td>Authorizes lease agreement with the Penn Hills Family Service Group, Inc., for the tenancy and management of the multi-purpose community building on Lincoln Road for a three-year period.</td>
</tr>
<tr>
<td>Res. 2002-097</td>
<td>11-6-02</td>
<td>Authorizes lease agreement with Lincoln Park Community Center for the purpose of operating a Public Library.</td>
</tr>
<tr>
<td>Res. 2003-028</td>
<td>3-5-03</td>
<td>Authorizes lease agreement with the Penn Hills Baseball Association for the use of the Penn Hills Baseball/Milltown Community Park.</td>
</tr>
<tr>
<td>Res. 2003-044</td>
<td>5-14-03</td>
<td>Authorizes lease agreement with AZ Chevrolet for 25 parking spaces at the Municipality's parking lot located at 12812 Frankstown Road, on a month-to-month basis at $375.00 per month.</td>
</tr>
<tr>
<td>Res. 2005-038</td>
<td>5-23-05</td>
<td>Authorizes lease agreement with the Municipality as lessor, and Penn Hills Baseball Booster Association/Penn Hills Baseball Association as lessee, for concession stand #1 located in Friendship Park.</td>
</tr>
<tr>
<td>Res. 2005-039</td>
<td>5-23-05</td>
<td>Authorizes lease agreement with the Municipality as lessor, and Penn Hills Youth Football Association as lessee, for concession stand #2 located in Friendship Park.</td>
</tr>
<tr>
<td>Res. 2005-040</td>
<td>5-23-05</td>
<td>Authorizes lease agreement with the Municipality as lessor, and Penn Hills Girls Softball Association as lessee, for concession stand located at Penn Hills Park.</td>
</tr>
<tr>
<td>Res. 2007-041</td>
<td>7-10-07</td>
<td>Authorizes lease agreement with the Municipality as lessor, and Penn Hills Girls Softball Association as lessee, for concession stand located at Penn Hills Park.</td>
</tr>
<tr>
<td>Res. 2007-050</td>
<td>8-6-07</td>
<td>Authorizes lease agreement with the Municipality as lessor, and Penn Hills Youth Football Association as lessee, for concession stand #2 located in Friendship Park.</td>
</tr>
<tr>
<td>Res. 2007-056</td>
<td>9-11-07</td>
<td>Authorizes lease agreement with the Municipality as lessor, and Penn Hills Baseball Booster Association/Penn Hills Baseball Association as lessee, for concession stand #1 located in Friendship Park.</td>
</tr>
</tbody>
</table>
2007 Replacement
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res. 2007-067</td>
<td>10-15-07</td>
<td>Authorizes lease agreement with AZ Chevrolet d/b/a Dave Smith Chevrolet for parking spaces on the site of the Old Public Works Garaged located t 12812 Franktown Road.</td>
</tr>
</tbody>
</table>

2007 Replacement
## TABLE G - STREET GRADE LEVELS AND CHANGE OF STREET NAME

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>48</td>
<td>11-8-17</td>
<td>Establishing the grade of part of Centre Ave.</td>
</tr>
<tr>
<td>49</td>
<td>11-8-17</td>
<td>Establishing the grade of part of North Ave.</td>
</tr>
<tr>
<td>50</td>
<td>11-8-17</td>
<td>Establishing the grade of part of Fourth Ave.</td>
</tr>
<tr>
<td>51</td>
<td>11-8-17</td>
<td>Establishing the grade of part of Fifth Ave.</td>
</tr>
<tr>
<td>52</td>
<td>11-8-17</td>
<td>Establishing the grade of part of Sixth Ave.</td>
</tr>
<tr>
<td>80</td>
<td>9-7-22</td>
<td>Establishing the grade of part of Centre St.</td>
</tr>
<tr>
<td>81</td>
<td>9-7-22</td>
<td>Establishing the grade of part of First Ave.</td>
</tr>
<tr>
<td>82</td>
<td>9-7-22</td>
<td>Establishing the grade of part of Wood St.</td>
</tr>
<tr>
<td>83</td>
<td>11-2-22</td>
<td>Establishing the grade of part of Verona St.</td>
</tr>
<tr>
<td>84</td>
<td>11-2-22</td>
<td>Establishing the grade of part of Mount Ave.</td>
</tr>
<tr>
<td>97</td>
<td>5-8-24</td>
<td>Establishing the grade of part of Dersam St.</td>
</tr>
<tr>
<td>98</td>
<td>5-8-24</td>
<td>Establishing the grade of part of Pershing St.</td>
</tr>
<tr>
<td>99</td>
<td>5-8-24</td>
<td>Establishing the grade of part of Thompson St.</td>
</tr>
<tr>
<td>102</td>
<td>7-3-24</td>
<td>Establishing the grade of part of Champa St.</td>
</tr>
<tr>
<td>103</td>
<td>7-3-24</td>
<td>Establishing the grade of part of Emerson St.</td>
</tr>
<tr>
<td>104</td>
<td>7-3-24</td>
<td>Establishing the grade of part of Tremont St.</td>
</tr>
<tr>
<td>121</td>
<td>10-7-26</td>
<td>Changing the name of Wood St. to Barckhoff St.</td>
</tr>
<tr>
<td>122</td>
<td>10-7-26</td>
<td>Establishing a grade on part of Conestoga St.</td>
</tr>
<tr>
<td>139</td>
<td>6-2-27</td>
<td>Establishing the grade of part of Howard St.</td>
</tr>
<tr>
<td>140</td>
<td>6-2-27</td>
<td>Establishing the grade of part of Dersam Ave.</td>
</tr>
<tr>
<td>141</td>
<td>6-2-27</td>
<td>Establishing the grade of part of Hansell St.</td>
</tr>
<tr>
<td>143</td>
<td>5-5-27</td>
<td>Establishing the grade of part of McCutcheons Lane.</td>
</tr>
<tr>
<td>146</td>
<td>8-4-27</td>
<td>Establishing the grade of part of Duff Ave.</td>
</tr>
<tr>
<td>147</td>
<td>8-4-27</td>
<td>Establishing the grade of part of Hebron Ave.</td>
</tr>
<tr>
<td>148</td>
<td>8-4-27</td>
<td>Establishing the grade of part of Forbes Rd.</td>
</tr>
<tr>
<td>170</td>
<td>9-6-28</td>
<td>Establishing the grade of part of Sampson St.</td>
</tr>
<tr>
<td>173</td>
<td>10-4-28</td>
<td>Establishing the grade of part of Lindbergh Ave.</td>
</tr>
<tr>
<td>174</td>
<td>10-4-28</td>
<td>Establishing the grade of part of Nelbon Ave.</td>
</tr>
<tr>
<td>175</td>
<td>10-4-28</td>
<td>Establishing the grade of part of Millikin Ave.</td>
</tr>
<tr>
<td>176</td>
<td>10-4-28</td>
<td>Establishing the grade of part of Jenny St.</td>
</tr>
<tr>
<td>177</td>
<td>10-4-28</td>
<td>Establishing the grade of part of Banfield St.</td>
</tr>
<tr>
<td>178</td>
<td>10-4-28</td>
<td>Establishing part of the grade of Chadwick St.</td>
</tr>
<tr>
<td>179</td>
<td>10-4-28</td>
<td>Establishing the grade of part of Henderson St.</td>
</tr>
<tr>
<td>180</td>
<td>10-4-28</td>
<td>Establishing the grade of part of Amelia Alley.</td>
</tr>
<tr>
<td>188</td>
<td>6-6-29</td>
<td>Establishing the grade of part of Grandview Ave.</td>
</tr>
<tr>
<td>193</td>
<td>12-5-29</td>
<td>Establishing the grade of part of Forbes St.</td>
</tr>
<tr>
<td>194</td>
<td>12-5-29</td>
<td>Establishing the grade level of part of Stotler Ave.</td>
</tr>
<tr>
<td>200</td>
<td>7-3-30</td>
<td>Establishing the grade of part of Ritzland Rd.</td>
</tr>
<tr>
<td>201</td>
<td>7-3-30</td>
<td>Establishing the grade of part of Highland Ave.</td>
</tr>
<tr>
<td>202</td>
<td>7-3-30</td>
<td>Establishing the grade of part of Orchard Rd.</td>
</tr>
<tr>
<td>212</td>
<td>4-2-31</td>
<td>Establishing the centerline grade of part of Poketa St.</td>
</tr>
<tr>
<td>213</td>
<td>4-2-31</td>
<td>Establishing the centerline grade of part of School St.</td>
</tr>
<tr>
<td>214</td>
<td>4-2-31</td>
<td>Establishing the grade of part of North Ave.</td>
</tr>
<tr>
<td>215</td>
<td>4-2-31</td>
<td>Re-establishing the grade of part of Seventh St.</td>
</tr>
<tr>
<td>216</td>
<td>4-2-31</td>
<td>establishing the grade of part of Center Ave.</td>
</tr>
<tr>
<td>217</td>
<td>4-2-31</td>
<td>Establishing the grade of part of Eighth St.</td>
</tr>
<tr>
<td>218</td>
<td>4-2-31</td>
<td>Establishing the grade of part of Eola St.</td>
</tr>
<tr>
<td>221</td>
<td>6-4-31</td>
<td>Establishing the centerline grade of part of Duff Rd.</td>
</tr>
<tr>
<td>222</td>
<td>6-4-31</td>
<td>Re-establishing the centerline grade of part of Center Ave.</td>
</tr>
<tr>
<td>223</td>
<td>6-4-31</td>
<td>Establishing the centerline grade of part of Oak Ave.</td>
</tr>
<tr>
<td>225</td>
<td>8-6-31</td>
<td>Establishing the grade of part of Maple Ave.</td>
</tr>
<tr>
<td>226</td>
<td>8-6-31</td>
<td>Establishing the grade of part of Fourth Ave.</td>
</tr>
</tbody>
</table>
Establishing the centerline grade of a portion of Chester Rd.
Establishing the centerline grade of a portion of Banyon Dr.
Establishes the centerline grade of a portion of Althea Dr.
Establishing the centerline grade of a portion of Thon Dr.
Establishing the centerline grade of a portion of Chaske St.
Establishing the centerline grade of a portion of Locust Way.
Establishing the centerline grade of Hersheytown Rd. Extension.
Establishing the centerline grade of a portion of Pearl Rd.
Establishing the centerline grade of a portion of Pauly Dr.
Changing the name of Center Ave. to Crestmont Ave.
Establishing the grade of part of Brushton Ave.
Establishing the grade of part of Pershing St.
Establishing the grade of part of Woods Rd.
Establishing the grade of part of Brentwood Rd.
Establishing the grade of part of Oakcrest Rd.
Establishing the centerline grade of part of an unnamed 50-ft. street south of School St.
Establishing the centerline grade of part of Hill St.
Establishing the centerline grade of part of Center St.
Establishing the centerline grade of part of Sunnyside Ave.
Establishing the centerline grade of part of North St.
Establishing the centerline grade of part of Fitzsimmons St.
Establishing the centerline grade of part of Hochberg Ave.
Changing the name of Brentwood Rd. to Frankwood Rd.
Establishing the grade of part of Conestoga Ave.
Establishing the centerline grade of part of Cloverleaf Rd.
Establishing the centerline grade of part of Aircraft Ave.
Establishing the centerline grade of part of Jackson Alley.
Re-establishing the centerline grade of part of Banfield St.
Re-establishing the centerline grade of part of Everett St.
Changing the name of Brown Rd. in the Eighth Ward to Highland Rd.
Establishing the centerline grade of part of Curtis St.
Establishing the centerline grade of part of Meyers St.
Establishing the centerline grade of part of Orin St.
Establishing the centerline grade of part of Gibson St.
Establishing the centerline grade of part of Curtis St.
Establishing the grade along the centerline of a portion of Meyers St.
Establishing the grade along the centerline of Evaline St. from the centerline of Frankstown Rd. to the centerline of Crab Hollow Rd.
Establishing the grade of Stoneville St. from the line dividing the City of Pittsburgh and Penn Twp. to the south curb line of Seddon Ave.
Establishing the grade of a portion of Fahey St.
Establishing the grade of part of Thon Dr.
Establishing the grade of part of Valley Vue Dr.
Establishing the centerline grade of part of Ridgeview Ave.
Designating the names of Jefferson Heights Dr. and McCully Dr. in the Eighth Ward.
Establishing the centerline grade of a portion of Highland View St.
Changing the name of Center Ave. to Crestmont Ave.
Establishing the centerline grade of a portion of Pauly Dr.
Establishing the centerline grade of a portion of Pearl Rd.
Establishing the centerline grade of Hersheytown Rd. Extension.
Establishing the centerline grade of a portion of Park Ave.
Establishing the centerline grade of a portion of Locust Way.
Establishing the centerline grade of a portion of Chaske St.
Establishing the centerline grade of a portion of Thon Dr.
Changing of names of certain streets and giving their location by ward numbers.
Establishes the centerline grade of a portion of Althea Dr.
Establishes the centerline grade of a portion of Banyon Dr.
Establishing the centerline grade of a portion of Chester Rd.
Establishing the centerline grade of a portion of Verona Rd.
Establishing the centerline grade of a portion of Clair Ave.
Establishing the centerline grade of a portion of Pearl St.
Establishing the centerline grade of Idaho Ave. from Hamill Rd. to a point.

Changing portion of Olympic Dr. to Marathon Dr.
Azalea and Althea Drs. in Highpoint to Dorothy Dr.
Establishment of the centerline grade of part of Althea Dr.
Kensten Lane to Memorial Park Dr.
Naming Dawn Dr.
Changing part of Dorothy Dr. to Highpoint Dr.
Establishment of the centerline grade of part of Cross St.
Establishment of the centerline grade of part of Heberton Dr.
Naming an unnamed street Vienna Dr.
Establishing the centerline grade of an unnamed alley south of South Ave.
Establishing the grade of Graham Blvd. Extension.
Establishing the centerline grade of a portion of Graham Blvd. Extension.
Establishing the centerline grade of a portion of Hochberg Rd.
Changing the name of Shady Dr. to Branch St.
Changing name of Curtis Ct. to Curtis St. West, and a portion of Southern Ave. to Curtis St.
Establishing the centerline grade of part of Twin Oak Dr.
Establishing the centerline grade of part of Idaho Ave.
Establishing the centerline grade of part of Pershing St.
Changing the name of Twin Oaks Dr. to Cedarwood Dr.
Establishment of the centerline grade of part of formerly Center St.
Establishment of the centerline grade of part of South Ave.
Establishment of Plum Creek Sewer District.
Establishment of the centerline grade of part of Maple Lo Dr.
Meadow Ave. to Robyn Dr.
Establishment of the centerline grade of part of Maple Lo Dr.
Establishment of the centerline grade of part of Crestview Dr.
<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>782</td>
<td>9-16-57</td>
<td>Establishment of a portion of the boundary line between the Twp. of Penn. and the Twp. of Plum, now the Borough of Plum.</td>
</tr>
<tr>
<td>Res. 6-1967</td>
<td>3-6-67</td>
<td>Compromise boundary line between Municipality and Borough of Plum.</td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>495</td>
<td>7-12-48</td>
<td>Property in the vicinity of Sycamore Dr. and Saltsburg Rd., Fairs Lane and Saltsburg Rd., Saltsburg Rd. and Stotler Rd., Stotler Rd. and James Way, Lindberg Ave. and Laketon Rd., Laketon Rd. and Nelson Ave., Beulah Rd. and Lindberg Ave., Poketa Rd. and Rockcliff Rd., Verona Rd. and Rosedale Rd., and land for Memorial Park Cemetery purposes only, from R-2 Residence to Business District.</td>
</tr>
<tr>
<td>509</td>
<td>5-2-49</td>
<td>Land in the First Ward in the vicinity of Frankstown and Saltsburg Rd.</td>
</tr>
<tr>
<td>522</td>
<td>10-17-49</td>
<td>MacGregor's Acres and property near the intersections of Saltsburg and Hulton Rd., Beulah and Frankstown Rds., and Hamill and Hulton Rds., and a small lot on Torrens St.</td>
</tr>
<tr>
<td>526</td>
<td>1-5-50</td>
<td>Property fronting on Frankstown Rd. in the Sixth Ward near Sampson St.</td>
</tr>
<tr>
<td>536</td>
<td>5-1-50</td>
<td>Properties in the Eighth Ward near Lang Rd. and the Churchill Valley Country Club; and on the Sixth Ward near Verona Rd. and Virginia St.</td>
</tr>
<tr>
<td>541</td>
<td>9-11-50</td>
<td>Land in the First Ward near Verona Rd. and Reynolds St.</td>
</tr>
<tr>
<td>558</td>
<td>5-7-51</td>
<td>A tract of land in the Seventh Ward in the vicinity of the intersection of Mt. Carmel and Aber Rds.</td>
</tr>
<tr>
<td>585</td>
<td>12-28-51</td>
<td>Lots on the northerly sideline of Allegheny River Blvd. in the Seventh Ward and in the vicinity of Lynnwood Dr., Rose Ave. and Rosewood Dr. in the Eighth Ward.</td>
</tr>
<tr>
<td>597</td>
<td>5-5-52</td>
<td>A large tract of land in the Eighth Ward near the intersection of Jefferson Rd. and Jefferson Hts. Rd.</td>
</tr>
<tr>
<td>603</td>
<td>6-2-52</td>
<td>Properties in the vicinity of Rodi and Frankstown Rds., and Hamill and Hunter Rds. and Valemont Dr. Also, all areas previously zoned P-R (Partially Restricted) changed to R-la Residence Districts.</td>
</tr>
<tr>
<td>604</td>
<td>7-7-52</td>
<td>Properties situated on the west side of Rodi Rd. near Franks town Rd., and on the east side of Hamill Rd. near Hunter Rd. and Valemont Dr.</td>
</tr>
<tr>
<td>618</td>
<td>5-4-53</td>
<td>Properties of John Collins, the Weinman heirs, Carmen Angotti, Mrs. A. Gilkey and Mr. Del Grosso.</td>
</tr>
<tr>
<td>622</td>
<td>6-1-53</td>
<td>A large tract of land located in the Eleventh Ward being property of the Weinman heirs.</td>
</tr>
<tr>
<td>629</td>
<td>7-6-53</td>
<td>Property in the Sixth Ward located on the easterly sideline of Verona Rd.</td>
</tr>
<tr>
<td>637</td>
<td>9-14-53</td>
<td>Properties in the vicinity of the Sandy Creek Connecting Rd. (Elfred Gardens Plan No. 6); and on the easterly side of Rodi Rd. in the Eighth Ward.</td>
</tr>
<tr>
<td>683</td>
<td>12-29-54</td>
<td>Tract of land in the First Ward located between the Sandy Creek Connecting Rd. and No. 6 Elfred Gardens Plan.</td>
</tr>
<tr>
<td>692</td>
<td>5-2-55</td>
<td>A large area of land in the Third Ward in the vicinity of Saltsburg Rds.</td>
</tr>
</tbody>
</table>
and Hershey Rds.

710  11-28-55  Tract of land in the Fifth Ward on the easterly sideline of Verona Rd.


712  11-28-55  Two tracts of land in the Eighth Ward along Frankstown Rd.

720  3-19-56  Tract of land in the Third Ward bounded by the Bessemer and Lake Erie Railroad Co. and Thompson Run Creek.

743  10-22-56  Property of Pasquale Massarelli and of Harry and Meyer Alpern, from R-2 to B-Business or Commercial.


775  7-8-57  Property in the vicinity of Ritzland Rd., from R-2 to B-Business Commercial.

803  3-10-58  Properties in the vicinity of Old Frankstown Rd., Saltsburg Rd. and Frankstown Rd.

827  1-12-59  Properties in the vicinity of Rosedale Rd., Sandy Creek Rd. Saltsburg Rd., Reiter Rd., Rodi Rd. and Frankstown Rd.


859  12-29-59  Properties in the vicinity of Frey and Thompson Run Rds., and Frey and Jefferson Rds.


893  10-24-60  Properties in the vicinity of Saltsburg and Universal Rds., Rodi and Frankstown Rd.; Duff and Frankstown Rd.; Saltsburg and Hershey Rds.; and Ninth Ave. on Verona Hill.


940  12-11-61  Property in the vicinity of the Verona Rd. - Frankstown Rd. intersection, from Residential to B-Business or Commercial.


1018  10-12-64  Properties of Joseph T. Connor, Pearl E. Connor and Ralph Scherger.

1019  10-19-64  Properties of Petal Corp. and Anderson Contracting Co.


1026  1-11-65  Properties of August Schindler, Friendship Federal Saving and Loan Assn., Crawford Construction Co. and/or West Realty.

1082  5-24-66  Properties of John Ricciuti, the Anderson Contracting Co. and Frank A. Cerra, Inc. and Penn Hills Center, Inc.

1091  6-22-66  Properties of Wilbur E. and J. Donald Taylor, Clarence and Lillian Gates, Clayton and Dorothy Lauderback, Fernando and Josephine Coto, Priscilla Hocker, Gilda and Michael Clista, Sarah Valenti,
Nancy L. Valenti, Carl T. Valenti, the Baleno Development Co., Louis W. Brunton and Robert Groter (Crawford Construction Co.).

Properties of William A. Molyneau,, Helen F. Hamilton and the Anderson Contracting Co.


Property of Ayres and Connors families and Hammill-Quinlan Realty Co. in the vicinity of Frankstown Rd. Amends Ord. 1194.

Properties in the vicinity of the Stoneledge Addition No. 4, Verona Rd., Universal Rd. (or Main St.), Frankstown Rd., Crestview Dr. and Saltsburg Rd.

Properties of Penn Hills Center, Inc., Anderson Contracting Co., Wm. L. Wurmb, Paul R. Burkhart, Catherine Hickey, Herbert B. James, John B. James, Caldarelli Construction Co. and Herbert and Mary Fedel.


Properties of Michael J. Casertano, Elio D'Appolonia and the Poketa Manor Plan.

Properties of Nick Battiste, Joseph D'Andrea, John DeVito and The Home Association of Penn Hills.

Property of T. J. Ferguson, Jr., in the Ninth Ward.


Properties of Scherger Homes, Venturino Corp., Western Pennsylvania Conservancy, William Ca and Norine D. Fazi, Earl Comanici, Caldarelli Construction Co., Charles W. Hooper, Fred Casdalelli and Sons, Inc. and Elio D'Appolonia.

Properties of John A. DeVito, the Marco Corp. and Robert Roccosona.


Properties of Penn Hills Center, Inc., Nick DiBattiste and Chestnut Plaza, Inc.

Properties of Baleno Brothers Construction Co. and Anderson Contracting Co.

Properties of Burla, Inc., William Russo, Traficanti Corp. and Anderson Contracting Co.

Properties of the Anderson Contracting Co., Dorothy Miglioizzi and Michael Satira.


Property in the vicinity of Leechburg Rd., land of the Cloverleaf Farms Co., and land now or formerly of Peterman.

Property in the vicinity of Duff Rd., Idor Place Plan of Lots and lands of Amore Companies, Inc.

Property in the vicinity of the intersection of Saltsburg Rd., Hulton Rd. and Frankstown Rd. (Arthur and Calvin Katz).

Properties of the Anderson Contracting Co.

Property of Joseph and Pearl Connor.

Properties of Joseph Scolieri anal Teresa Scolieri, Paul Scolieri and Marlene Scolieri and Diana Scolieri.

Property of Anderson Contracting Co.

Property of Off the Wall Racquetball Associates.

Properties of Anthony R. Iole, Maria R. McClean, Peter R. Iole, William Maggio and Jerry Borasso.

Property in the vicinity of Tulip Dr., Hoover Rd. and Caryl Rd.

Property of 1 & M Tire Service.

The Frank Kuhn property on Bridge St. and Hulton Rd.

The Anthony Ambroselli property on Lott Rd.

The Joseph D'Andrea property on Saltsburg Rd.

Property of Antony Moio at 144 Jefferson Rd., from R-2 to B-2.

Property of Noble Properties, Inc., in the vicinity of Lime Hollow Rd. and Coal Hollow Rd., from R-2 to B-2.

Hebron School property in the vicinity of Frankstown Rd. and Coal Hollow Rd., from R-2 and B-1 to B-2.

Property of Leenora Zielinski at 185 Coal Hollow Rd., from R-2 to B-2.

Property of David E. and Virginia L. Owen at 18 Marymont Dr., from R-2 to R-5.

Property of Cuyahoga Corp. along Allegheny River Blvd. near the Verona Borough boundary, from C to B-2.

Property of Ruby Building, Inc., at 8930 Frankstown Rd., from B-2 to M.

Property of Samuel and Barbara Bonardi in the vicinity of Universal Rd. and Stotler Rd., from R-2 to B-2.
TABLE I - ZONING MAP CHANGES  (Cont.)

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1898</td>
<td>9-3-85</td>
<td>Property of Gene A. Pampeno, in the vicinity of Saltsburg Rd. and Frankstown Rd., from R-1 to B-2.</td>
</tr>
<tr>
<td>1904</td>
<td>10-21-85</td>
<td>Property of Hans E. Knizek in the vicinity of 7449 Saltsburg Rd., from R-1 to B-2.</td>
</tr>
<tr>
<td>1905</td>
<td>10-21-85</td>
<td>Property of Carl J. Haftl at 7449 Saltsburg Rd., from R-1 to B-2.</td>
</tr>
<tr>
<td>1908</td>
<td>11-18-85</td>
<td>Property of A.D. Weaver at 460 Rodi Rd., from R-1 to M.</td>
</tr>
<tr>
<td>1909</td>
<td>11-18-85</td>
<td>Property of Boron Oil Co. at 4700 Verona Rd., from C to B-2.</td>
</tr>
<tr>
<td>1916</td>
<td>1-20-85</td>
<td>Property of Anthony Pampena in the vicinity of Leechburg Rd. and Penn Pleasant Dr., from R-1 to R-5.</td>
</tr>
<tr>
<td>1921</td>
<td>2-17-86</td>
<td>Property of Chambers Development Co. in the vicinity of old William Penn Hwy., Jefferson Rd. and Thompson Run Rd., from R-2 to R-1.</td>
</tr>
<tr>
<td>1922</td>
<td>4-7-86</td>
<td>Property of Parkvale Savings of Frankstown Rd. in the vicinity of Long John Silver's and Penn Towers, from R-7 to B-2.</td>
</tr>
<tr>
<td>1931</td>
<td>9-2-86</td>
<td>Comprehensive update of the Zone Map.</td>
</tr>
<tr>
<td>1946</td>
<td>12-1-86</td>
<td>Property of Associates in Family Practice at 5769 Saltsburg Rd.</td>
</tr>
<tr>
<td>1953</td>
<td>3-2-87</td>
<td>Property of Penn Hills School District at 5360 Saltsburg Rd.</td>
</tr>
<tr>
<td>1954</td>
<td>2-16-87</td>
<td>Property of Plum Bloomfield Partnership at 7550 Saltsburg Rd. and property of David Jacobs at 7575 Saltsburg Rd.</td>
</tr>
<tr>
<td>1972</td>
<td>10-5-87</td>
<td>Property of Parkvale S. &amp; L. Assn. in the vicinity of Saltsburg Rd. and Stotler Rd.</td>
</tr>
<tr>
<td>1977</td>
<td>11-9-87</td>
<td>Property of Domenic and Annamarie Cerniglia in the vicinity of Frankstown Rd. and Orin St.</td>
</tr>
<tr>
<td>2007</td>
<td>6-7-88</td>
<td>The Anthony Testa property in the vicinity of Curtis St. and Crab Hollow.</td>
</tr>
<tr>
<td>2019</td>
<td>9-12-88</td>
<td>The Penn Hills Associates property in the vicinity of Rodi Rd. and Duff Rd.</td>
</tr>
<tr>
<td>2040</td>
<td>6-5-89</td>
<td>Property of Edward L. Rochez in the vicinity of Hoover Rd., Tulip Rd. and Caryl Dr., from R-2 to B-2.</td>
</tr>
<tr>
<td>2049</td>
<td>11-13-89</td>
<td>Property of Estate of Franklin Smith in the vicinity of the southerly side of Frankstown Rd. and the intersection of the private road leading to Penn Arbor Apts., from R-7 to B-1.</td>
</tr>
<tr>
<td>2054</td>
<td>12-18-89</td>
<td>Property of Roman Catholic Diocese of Pittsburgh in the vicinity of Frankstown Rd., from R-1 to B-1.</td>
</tr>
<tr>
<td>2063</td>
<td>3-5-90</td>
<td>Property of Richard and Deana Yates at 1841 Universal Rd., from R-1 to B-3.</td>
</tr>
<tr>
<td>2064</td>
<td>3-5-90</td>
<td>Property of Dexter Grey at 3255 Universal Rd., from C to R-1.</td>
</tr>
<tr>
<td>2068</td>
<td>6-4-90</td>
<td>Property of William and Phyllis Kernick in the vicinity of Frankstown and Coal Hollow Rds., from R-6 to B-2.</td>
</tr>
<tr>
<td>2088</td>
<td>3-4-91</td>
<td>Property of John D. and Helen Y. Beswarick at 11223 Frankstown Rd., from R-2 to B-3.</td>
</tr>
</tbody>
</table>

2005 Replacement
TABLE I - ZONING MAP CHANGES  (Cont.)

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2090</td>
<td>6-3-91</td>
<td>Property of Baleno Development Co. at 1100 Block of Hunter Rd., from B-1 and R-2 to R-1.</td>
</tr>
<tr>
<td>2091</td>
<td>6-3-91</td>
<td>Property of Alan Comanici at 509 Railroad St., from R-2 to R-5.</td>
</tr>
<tr>
<td>2094</td>
<td>8-12-91</td>
<td>Property of James Gilroy at 11203 Frankstown Rd. and Kathyrn Flinn at 11201 Frankstown Rd., from R-2 to B-1.</td>
</tr>
<tr>
<td>2113</td>
<td>5-4-92</td>
<td>Property of William J. Joyce at 6553 Saltsburg Rd., from R-1 to B-2.</td>
</tr>
<tr>
<td>2120</td>
<td>10-5-92</td>
<td>Property of Baleno Development Co. in the proposed County Meadow Plan containing 2.2294 acres, from B-1 to R-1.</td>
</tr>
<tr>
<td>2139</td>
<td>3-1-93</td>
<td>Property owned by the Roman Catholic Diocese of Pittsburgh, 10986 Frankstown Rd., from R-1 to B-1.</td>
</tr>
<tr>
<td>2142</td>
<td>4-5-93</td>
<td>17.52 acres in the vicinity of Frey Rd., owned by K. Earl and J.W. Berg, from C to I-1.</td>
</tr>
<tr>
<td>2154</td>
<td>8-2-93</td>
<td>Amends Ord. 2142.</td>
</tr>
<tr>
<td>2159</td>
<td>10-4-93</td>
<td>Three parcels of land owned by D. Allenbaugh, located in the vicinity of 349 Rodi Rd., from R-1 and R-2 to B-3.</td>
</tr>
<tr>
<td>2179</td>
<td>6-6-94</td>
<td>Property owned by Jimmy D. Starrett, at 11215 Frankstown Rd., from R-2 to B-1.</td>
</tr>
<tr>
<td>2238</td>
<td>7-10-96</td>
<td>Property owned by P. Antonucci in the vicinity of 5743 Saltsburg Rd., from R-1 to B-3.</td>
</tr>
<tr>
<td>2263</td>
<td>3-19-97</td>
<td>Property owned by D. and C. Allenbaugh, in the vicinity of 349 Rodi Rd., from B-3 to B-2.</td>
</tr>
<tr>
<td>2291</td>
<td>3-18-98</td>
<td>Property owned by Wilton Partners Penn Hills LLC, Lot and Block 447-S-280, from B-2 and R-2 to B-2.</td>
</tr>
<tr>
<td>2301</td>
<td>10-7-98</td>
<td>Property owned by H.P. McCutcheon, Lot and Block 295-H-330, from R-2 to R-1.</td>
</tr>
<tr>
<td>2328</td>
<td>1-12-00</td>
<td>Property of Scott, William and Jeffrey Grob (Lot and Block 634-M-264), from R-2 to B-3.</td>
</tr>
<tr>
<td>2351A</td>
<td>12-18-00</td>
<td>Property of M and B Inn Partners (Lot and Block 451-P-25), from R1-A to M.</td>
</tr>
<tr>
<td>2356</td>
<td>3-21-01</td>
<td>Property of Frank and Muriel Shultz, (Lot and Block 451-B-262), from R-2 and M to M for entire parcel.</td>
</tr>
<tr>
<td>2358A</td>
<td>6-20-01</td>
<td>Property of Paul A. Scolieri Jr., (Lot and Block 366-H-316), from R-7 and C to R-5 for that portion currently zoned R-7.</td>
</tr>
<tr>
<td>2359</td>
<td>6-20-01</td>
<td>Property of Unity United Presbyterian Church (Lot and Block 738-N-208), from C to R-1.</td>
</tr>
<tr>
<td>2384</td>
<td>12-4-02</td>
<td>Property of Helen B. Marquard from C and R-1 to M.</td>
</tr>
<tr>
<td>2392</td>
<td>4-30-03</td>
<td>Property of Penn Hills Limited Partnership from B-2 to R-2.</td>
</tr>
<tr>
<td>2394</td>
<td>6-11-03</td>
<td>Property of Todd M. Smith from R-1 to R-4.</td>
</tr>
<tr>
<td>2396</td>
<td>10-1-03</td>
<td>Property of Alcoma Golf Club from R-1 to B-2.</td>
</tr>
<tr>
<td>2409</td>
<td>2-18-04</td>
<td>Property located at 2818 Main Street from R-2 to B-2.</td>
</tr>
<tr>
<td>2419</td>
<td>5-3-04</td>
<td>Property located at 144 Jefferson Road R-2 to B-2.</td>
</tr>
<tr>
<td>2438A</td>
<td>2-21-05</td>
<td>Property located at 11401 Frankstown Road from R-2 to B-2.</td>
</tr>
<tr>
<td>2551</td>
<td>11-5-12</td>
<td>Property located on Maple Lane from R-1A to M and C.</td>
</tr>
<tr>
<td>Ord. No.</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>138</td>
<td>5-24-27</td>
<td>Establishment of Sewer Districts Nos. 1, 2, 3, 4 and 5.</td>
</tr>
<tr>
<td>184</td>
<td>3-7-29</td>
<td>Division of Sewer District No. 1 into 5 zones.</td>
</tr>
<tr>
<td>250</td>
<td>10-6-32</td>
<td>Establishment of Sewer District No. 6.</td>
</tr>
<tr>
<td>269</td>
<td>11-8-34</td>
<td>Establishment of Sewer District No. 7.</td>
</tr>
<tr>
<td>281</td>
<td>10-3-35</td>
<td>Establishment of Sewer District No. 1 - Rosedale.</td>
</tr>
<tr>
<td>282</td>
<td>10-3-35</td>
<td>Establishment of Sewer District No. 2 - Rosedale.</td>
</tr>
<tr>
<td>286</td>
<td>2-6-36</td>
<td>Establishment of Sewer District No. 8.</td>
</tr>
<tr>
<td>297</td>
<td>12-3-36</td>
<td>Establishment of Sewer District No. 9.</td>
</tr>
<tr>
<td>381</td>
<td>9-6-40</td>
<td>Establishment of South Frankstown Sewer District,</td>
</tr>
<tr>
<td>382</td>
<td>9-6-40</td>
<td>Establishment of Crescent Hills Sewer District.</td>
</tr>
<tr>
<td>383</td>
<td>9-6-40</td>
<td>Establishment of Bon Aire Sewer District.</td>
</tr>
<tr>
<td>384</td>
<td>9-6-40</td>
<td>Establishment of South Verona Hill Sewer District.</td>
</tr>
<tr>
<td>490</td>
<td>4-5-48</td>
<td>Amends Ord. 138 re Sewer District No. 2.</td>
</tr>
<tr>
<td>621</td>
<td>5-4-53</td>
<td>Establishment of Universal Rd. Sewer District.</td>
</tr>
<tr>
<td>663</td>
<td>7-12-54</td>
<td>Addition to the Bon Aire Sewer District.</td>
</tr>
<tr>
<td>677</td>
<td>10-4-54</td>
<td>Establishing the centerline grade of a portion of Sycamore Dr.</td>
</tr>
<tr>
<td>887</td>
<td>8-29-60</td>
<td>Establishment of Sewer District No. 5 - Rosedale.</td>
</tr>
<tr>
<td>930</td>
<td>11-6-61</td>
<td>Establishment of the Rodi Rd. Sewer District.</td>
</tr>
<tr>
<td>1004</td>
<td>4-6-64</td>
<td>Establishment of the Coal Hollow Sewer District.</td>
</tr>
<tr>
<td>1199</td>
<td>8-5-68</td>
<td>Establishment of Lougeay Rd. Sewer District.</td>
</tr>
</tbody>
</table>
### TABLE K - FIRE AND WATER DISTRICTS

<table>
<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>137</td>
<td>5-24-27</td>
<td>Establishment of Fire and Water District No. 1.</td>
</tr>
<tr>
<td>326</td>
<td>11-17-37</td>
<td>Establishment of the Poketa Ave. Water District Nadine Park Plan.</td>
</tr>
<tr>
<td>625</td>
<td>6-1-53</td>
<td>Establishment of Fire and Water District No. 2, Universal Zone.</td>
</tr>
<tr>
<td>666</td>
<td>8-2-54</td>
<td>Establishment of Fire and Water District No. 3, Universal Zone.</td>
</tr>
<tr>
<td>672</td>
<td>10-4-54</td>
<td>Establishment of Fire and Water District No.1, Rodi Rd. Zone.</td>
</tr>
</tbody>
</table>