

CODE OF ORDINANCES
OF THE
BOROUGH OF LANDISBURG
PERRY COUNTY PENNSYLVANIA

PUBLISHED BY AUTHORITY OF THE BOROUGH COUNCIL

ADOPTED APRIL 12, 1993

Rev. 06/2009

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Key to the Disposition of All Ordinances

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2022 Borough Council

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FOREWORD

History

This comprises the codification of the Ordinances of the Borough of Landisburg. Landisburg was originally settled in 1793 and was incorporated as a Borough on December 23, 1831, from parts of Tyrone Township.

The Code of Ordinances of the Borough of Landisburg was prepared by Penns Valley Publishers and adopted by the Borough Council on April 12, 1993, by Ordinance Number 4/12/1993 .

Organization

The Code contains four parts which are (1) the valid current ordinances of the Borough contained in Chapters 1 through 27, (2) the Appendix which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the Key to the disposition of each ordinance ever enacted by the Borough, and (4) the Index, which is an alphabetical arrangement of subjects.

In the Code, each Chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment if known.

The Key to disposition indicates what action has been taken by the codifiers and the Borough Council with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Key. The Key is a cross reference to the original ordinance books of the Borough, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 4/12/1993

An Ordinance adopting the Code of Ordinances of the Borough of Landisburg, Perry County, Pennsylvania; consolidating, revising, amending and repealing certain ordinances; enacting certain new provisions; providing a procedure for amending the Code and for the citation of the code and the effective date thereof; establishing responsibility for maintenance of the Code; saving certain provisions from repeal; and prescribing penalties for violation.

The Borough hereby ordains:

Section 1. Adoption. The "Code of Ordinances, Borough of Landisburg," as prepared and published for the said Borough by Penns Valley Publishers, Harrisburg, Pennsylvania, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough of Landisburg. Chapters 1 through 27 thereof contain the text of the body of all general administrative and penal ordinances of the Borough organized as follows:

- Chapter 1. Administration and Government
- Chapter 2. Animals
- Chapter 4. Buildings
- Chapter 6. Conduct
- Chapter 7. Fire Prevention and Fire Protection
- Chapter 10. Health and Safety
- Chapter 15. Motor Vehicles and Traffic
- Chapter 18. Sewers and Sewer Disposal
- Chapter 21. Streets and Sidewalks
- Chapter 24. Taxation, Special

Appendix:

- A. Annexation of Territory
- B. Bond Issues and Loans
- C. Franchises and Services
- D. Governmental and Intergovernmental Affairs
- E. Plan Approval
- F. Public Property
- G. Sewers
- H. Streets and Sidewalks
- I. Water
- J. Zoning; Prior Ordinances

Key to the Disposition of All Ordinances

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Borough shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in section 1 of this ordinance shall be known and cited officially as the "Borough of Landisburg Code of Ordinances", and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause. The provisions of the Borough of Landisburg Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Borough of Landisburg Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Revisions. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
2, 1, 101-108	Dogs at Large	4
2, 2, 201-204	Animal Noise Control	11/24/1976

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

<u>Chapter, Part, Section</u>	<u>Short Title</u>
1, 1, 101	Secretary/Treasurer
1, 2, 201-203	Firemen's Relief Association
6, 2, 205	Procedure Upon Violation
6, 2, 206	Procedure in Case Upon Repeated Violations or Other Factors Interfering With Enforcement
6, 2, 207	Police Discretion in Age Determination
7, 1, 103	Burning Paper Products
10, 1, 101-108	Storage of Motor Vehicle Nuisances
15, Entire Chapter	Motor Vehicles and Traffic
18, 1, 101-112	Sewer Rates, Rules and Regulations
21, 1, 101-104	Sidewalk Obstructions
24, 1, 101-107	Earned Income Tax

B. Amendments

<u>Chapter, Part, Section</u>	<u>Short Title</u>	<u>Ordinance No.</u>
7, 1, 101	Garbage Burning Prohibited	9/12/1977
7, 1, 102	Vegetative Burning Prohibitive	9/12/1977
10, 2, 202	Removal of Vegetation	7

C. Repeals

<u>Ord. No.</u>	<u>Short Title</u>
3	Livestock Running at Large
5	Loitering

Section 6. Procedural Changes. The following minor procedural changes have been made to existing Borough ordinances:

A. grammatical and spelling errors have been corrected where necessary;

B. minor changes have been made to correct obsolete terms and usages;

C. the penalty provisions have been revised where necessary to comply with the Borough Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 7. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

A. Amendment or Revision - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended [revised] to read as follows..."

B. Additions - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended by the addition of the following..."

C. Repeal - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby repealed in its entirety."

Section 8. Responsibility for Code of Ordinances. It shall be the responsibility of the Borough Secretary to maintain an up-to-date certified copy of the code of ordinances. This copy shall be the official copy of the Borough of Landisburg Code of Ordinances and shall be available for public inspection.

Section 9. Penalties. It shall be unlawful for anyone to change, alter, or tamper with the code of ordinances in any manner which will intentionally misrepresent the laws of the Borough. Whosoever shall violate this section shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days.

Section 10. Severability of Parts of Codification. It is hereby declared to be the intention of the Borough Council that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any section, paragraph, sentence, clause or phrase of this code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 12th day of
April, 19 93

BOROUGH OF LANDISBURG

By: /s/ Larry E. Myers
President of Council

ATTEST:

/s/ Bryan Sheldon
Secretary

EXAMINED AND APPROVED this 12th day of
April, 19 93 .

By: /s/ Bryan Sheldon

CHAPTER 1

ADMINISTRATION AND GOVERNMENT

Part 1

Secretary/Treasurer

\$101. Secretary/Treasurer

Part 2

Firemen's Relief Association

- \$201. Recognition of Volunteer Firemen's Relief Association
- \$202. Certification to Auditor General
- \$203. Annual Appropriation

(1, §101)

(1, §101)

Part 1
Secretary/Treasurer

§101. Secretary/Treasurer. The Borough Council of the Borough of Landisburg hereby authorizes that the offices of Secretary and of Treasurer may be held by the same person. (Ord. 4/12/1993)

ORDINANCE – 2022-01

LANDISBURG BOROUGH OFFICE OF MANAGER

ADMITTED TO RECORD
2022 MAR 16 PM 2:21
PROthonotary's OFFICE
PERRY COUNTY

SECTION 1: Creation of Office of Manager

The Office of Borough Manager is hereby created by the Borough Council of the Landisburg Borough, subject to the right of Borough Council, by ordinance and at any time, to abolish that office.

Whereas, the Borough of Landisburg currently conducts day to day business through Borough Council and it's Secretary; and

Whereas, the Borough Council has deemed it appropriate and in the best interest of the Borough and it's residents to establish the Office of Manager; and

Whereas, the Borough Code requires that the position of Borough Manager be created by ordinance with the duties of the office delineated in the ordinance.

SECTION 2: Appointment and Removal of Manager

The Manager shall be appointed for an indefinite term by a majority vote of all the members of Council. The Manager shall serve at the pleasure of Council and may be removed at any time by a majority vote of all it the members of Council. At least 30 days before such removal becomes effective, Council shall furnish the Manager with a written statement setting forth it's intension to remove him/her and the reasons therefore.

SECTION 3: Qualifications of Manager

The Manager shall be chosen on the basis of his/her executive and administrative abilities, with special reference to his/her actual experience in, or his/her knowledge of, accepted practices in respect to the duties of his office as set forth in Section 6 below. The Manager need not to be a resident of the Borough or the Commonwealth of Pennsylvania at the time of appointment, but as soon as practicable thereafter, shall become, and during his/her tenure, shall remain a resident of the Borough.

SECTION 4: Manager's Bond

Before entering upon the duties of Manager, the appointed Manager shall give bond to the Borough with a bonding company assuring such sum as is set by Resolution of Council, conditioned upon the faithful performance of the duties of this office. Any premiums associated therewith or therefor shall be paid by the Borough.

SECTION 5: Manager's Compensation

The salary of the Manager shall be fixed from time to time in the same manner as compensation for all other Borough employees. At such time as Council appoints an individual to the office of Manager, Council shall also fix the initial salary of said Manager.

SECTION 6: Powers and duties of Manager

- a) The Manager shall be the Chief Administrative Officer of the Borough and shall be responsible to Council as a whole for the proper and efficient administration of the affairs of the Borough.
- b) The Manager's powers and duties shall relate to the general management of all Borough business, not expressly imposed or conferred upon other Borough officers by statute.
- c) Subject to recall by ordinance of Council, the Manager shall:
 - 1) Supervise and be responsible for all activities of all Borough departments except the police and fire departments when applicable.
 - 2) With the concurrence of Council, hire, and when necessary for the good of the Borough, suspend or discharge employees under the Manager's supervision and jurisdiction.
 - 3) Make recommendations to Council with respect to the compensation of all employees under his/her supervision and jurisdiction.
 - 4) Prepare and submit to Council before the close of the fiscal year or on such alternative date as Council may determine. A budget for the next fiscal year as an explanatory budget message and administer same.
 - 5) Obtain from the Chief of each department, board, agency or other office, estimates of revenues and expenditures and other supporting duties for the purpose of preparing the budget.
 - 6) Attend all meetings of Council and, upon request, attend its committee meetings with the right to take part in any and all discussions pursuant to the rules and regulations for the conduct of meetings as established by Council.
 - 7) Make recommendations to Council as the Manager deems necessary and appropriate.
 - 8) Secure compliance with all franchises, leases, permits and privileges granted by Council.
 - 9) Employ, with the approval of Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough and to see the letting of contracts in due form of law.
 - 10) Supervise performance and faithful execution of all contracts.
 - 11) Secure payment to the Borough of all money owed and ensure that proper proceedings are taken for the securing and collection of all of the Borough's claims.
 - 12) Be the Purchasing Officer of the Borough and purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for various agents, boards and departments and other offices of the Borough.

- 13) Investigate and dispose of all complaints regarding services or personnel of the Borough.
- 14) Keep a current inventory showing all real and personal property of the Borough and it's condition, and shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other Borough property, which is not by law assigned to some other office or body for care and control.

SECTION 7: Delegation of Certain Powers and Duties of Mayor to Manager

The Mayor is hereby authorized to delegate to the Manager, subject to recall by written notification at any time, any of his/her nonlegislative and nonjudicial powers and duties.

ADOPTED by the Landisburg Borough Council this 14 day of MARCH, 2022.

BY: Larry Baum LBC
Council President Larry Baum

APPROVED BY [Signature]
Mayor Douglas Morrison

ATTEST: [Signature]
Secretary Thomas W. Gates



Part 2

Volunteer Firemen's Relief Association

§201. Recognition of Volunteer Firemen's Relief Association.

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough:

Landisburg Volunteer Firemen's Relief Associations

The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named association of the Borough of Landisburg is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(Ord. 4/12/1993)

§202. Certification to Auditor General. The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough. Such certification shall be on forms prescribed by the Auditor General. (Ord. 4/12/1993)

§203. Annual Appropriation. There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of the Act of December 18, 1984, No. 205, §701 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within sixty (60) days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act. (Ord. 4/12/1993)

ORDINANCE #001-2007

CHAPTER 2: ANIMALS

AN ORDINANCE OF THE BOROUGH OF LANDISBURG AMENDING THE LANDISBURG ANIMALS ORDINANCE-PART 3-KEEPING OF ANIMALS ADOPTED MAY 14, 2007, TO PROVIDE FOR THE KEEPING OF ANIMALS WITHIN THE BOROUGH ILLEGAL FOR HORSES, CATTLE, CHICKENS, SHEEP, GOATS, DUCKS, E-MUS, RABBITS, COMMERCIAL DOG KENNELS, COMMERCIAL CAT KENNELS, NO GROOMING OR BOARDING KENNELS OR ANY DOMESTICATED FARM ANIMALS OR ANY FOWL.

BE IT ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LANDISBURG:

PART 3: SECTION 303, KEEPING OF ANIMALS

Keeping of Animals: It shall be illegal within the Borough for any person or persons to own, possess, harbor or control the following animals: Horses, Cattle, Chickens, Sheep, Goats, Ducks, E-mus, Rabbits, no commercial kennels, no commercial cat kennels, no grooming or boarding kennels or any domesticated farm animal or any fowl. (Ord. 5/14/07).

SECTION 304: PENALTY

Penalty: Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

ENACTED AND ORDAINED THIS 14th DAY OF MAY, 2007.

LANDISBURG BOROUGH COUNCIL

Terry L. Resinger Sr.

ATTEST: Dene M. Pontius
Secretary

CHAPTER 2

ANIMALS

Part 1

Prohibiting Dogs Running at Large

- \$101. Definitions
- \$102. Appointment and Duties of Dog Warden
- \$103. Unlawful to Allow Dogs to Run at Large
- \$104. Seizing of Dogs
- \$105. Licensed Dogs
- \$106. Unlicensed Dogs
- \$107. Threatening Dogs
- \$108. Penalties

Part 2

Animal Noises

- \$201. Intent and Purpose
- \$202. Noise Disturbance
- \$203. Exceptions
- \$204. Penalties

Part 3

Hogs

- \$301. Keeping of Hogs
- \$302. Penalty

(2, 101)

Part 1
Prohibiting Dogs Running at Large

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

OWNER - any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

RUNNING AT LARGE - being any public highway, street, alley, park or any other public land or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any person having custody of said dog.

(Ord. 4, 4/12/1953; as revised by Ord. 4/12/1993)

102. Appointment and Duties of dog Warden. A dog warden shall be appointed by the borough Council to serve during its pleasure. Such do warden along with the [police officers/constable] shall have concurrent responsibility for the enforcement of this Part and of the Dog Law of 1982, (3 P.S. 459-101 et seq., as hereafter amended, supplemented, modified or reenacted y the General Assembly of Pennsylvania); provided, that he shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough. (Ord. 4, 4/12/1954; as revised by Ord. 4/12/1993)

103. Unlawful to Allow Dogs to Run at Large. It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough. (Ord. 4/12/1993)

104. Seizing of Dogs The dog warden or any police officer or constable may seize any found found at large in the Borough. Such dogs are to be impounded in a licensed kennel. (Ord. 4, 4/12/1954; as revised by Ord. 4/12/1993)

105. Licensed dogs. The [Chief of Police/Constable} shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five (5) days if not claimed. Five (5) days after the return receipt has been received, and the dog has not been claim, the dog may be sold or destroyed in accordance with the 1982 Dog Law. (Ord. 4, 4/12/1954; as revised by Ord. 4/12/1993)

106. Unlicensed dogs. Unlicensed dogs that are seized shall be held in suchu kennel for forty-wight (48) hours and if not claimed may be destroyed in accordance with the 1982 Dog Law. (Ord. 4, 4/12/1954; as revised by Ord. 4/12/1993)

107. Threatening Dogs. Dogs that, in the opinion of any police officer or dog warden, constitute a threat to public health and welfare may be killed by the police or dog warden. (Ord. 4, 4/12/1954; as revised by Ord. 4/12/1993)

(2, 201)

Part 2
Animal Noise Control

201 Intent and Purpose. The Borough Council of the Borough, find that excessive levels of sound are detrimental to the physical, mental and social wellbeing of the people as well as to their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the borough. (Ord. 11/24/1976, 1; as revised by Ord. 4/12/1993)

202 Noise Disturbance. It shall be illegal within the Borough for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for one-half (1/2) hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiable provoked the animal or bird. (Ord. 11/24/1976, 2; as revised by Ord. 4/12/1993)

Exceptions. This part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act N. 1982-133. (Ord. 11/24/1965, 3; as revised by Ord. 4/12/1993)

204. Penalties. Any person, firm or corporation who shall violate any provision of this Part, shall upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days. (Ord. 11/24/1976, 4; as revised by Ord. 4/12/1993)

Part 3

Hogs

§301. Keeping of Hogs. No person or persons shall feed and raise hogs within the Borough. (Ord. 2, 4/12/1954, §1)

§302. Penalty. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. (Ord. 2, 4/12/1954, §2; as amended by Ord. 4/12/1993)

BOROUGH OF LANDISBURG
ORDINANCE NO. 2011- 01

**AN ORDINANCE OF THE BOROUGH OF LANDISBURG,
PERRY COUNTY, PENNSYLVANIA, PROVIDING STANDARDS
FOR THE KEEPING OF DOMESTICATED CHICKENS**

THE COUNCIL of the Borough of Landisburg hereby ordains that Chapter 2 of the "Code of Ordinances, Volume I Regulatory Ordinances, of the Borough of Landisburg" be and hereby is amended as follows:

**CHAPTER 2:
PART 4
DOMESTICATED CHICKENS**

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

CHICKEN PEN shall mean a wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

HENHOUSE shall mean a structure for the sheltering of female chickens. An existing shed or garage can be used for this purpose if it meets the standards contained in Article

§402. Intent and Purpose. Whereas, the keeping of chickens in the city supports a local, sustainable food system by providing an affordable, nutritious source of protein through fresh eggs. The keeping of chickens also provide free, quality, nitrogen-rich fertilizer; chemical-free pest control; animal companionship and pleasure; weed control; and less noise, mess and expense than dogs and cats.

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Borough recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This article is intended to create standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

§403. Number and Type of Chickens Allowed.

- (a) The maximum number of chickens allowed per lot shall be equal to the number of current residents per lot. This number however, shall not exceed ten (10).
- (b) Only female chickens are allowed.
- (c) There is no restriction on chicken species.

§404. Enclosures.

- (a) Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if supervised. Chickens shall be secured within the henhouse during non-daylight hours.
- (b) Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- (c) The henhouse and chicken pen must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats.
- (d) A henhouse shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.

- (a) The structures shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-proof wire of less than one (1) inch openings.
- (b) The henhouse shall be well maintained.
- (c) Henhouses shall not be placed in the front yard and maintain set backs in accordance county requirements.
- (e) Chicken Pens must be enclosed and must be built with sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

§405. Odor and Noise Impacts.

- (a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
- (b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
- (c) It is the duty of the owner of the chickens to ensure that odors and noises have not risen to the level of a disturbance and to remedy the situation immediately if they have.

§406. Predators, Rodents, Insects, and Parasites.

- (a) The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- (b) If predators, rodents, insects, or parasites

§407. Feed and Water.

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, and predators.

§408. Waste Storage and Removal.

Provisions must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

§409. Removal of Chickens.

The Health Inspector, Health Officer, Code enforcement officials or Animal Control Officer may order the removal of the chickens and the chicken related structures upon a determination that the chickens pose a health risk.


If a chicken dies, it must be disposed of promptly in a sanitary manner.

§410. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.

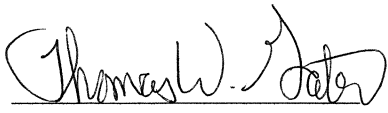
ENACTED and ORDAINED this 9th day of MAY 2011.

[SEAL]

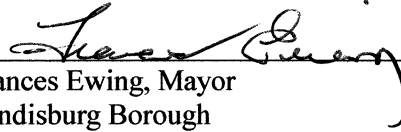


Donald Kirkpatrick, President
Landisburg Borough Council

Attest:



Secretary



Frances Ewing, Mayor
Landisburg Borough

ORDINANCE NO. 2015-01

**AN ORDINANCE OF THE BOROUGH OF LANDISBURG REGARDING
STRAY OR FERAL CATS**

WHEREAS, the Landisburg Borough Council finds and declares that the population of stray and feral cats poses a danger to the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. Ordinance 001-2007, Chapter 2, of the Ordinances of the Borough of Landisburg, entitled "Animals" shall be and hereby is amended to add the following new Part 4, to be titled "Feral Cats".

PART 4, Feral Cats

Definitions.

- As used in this Article, the term "feral cat" shall mean any homeless, wild or untamed cat.
- As used in this Article, the term "stray cat" shall mean any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper.
- As used in this Article, the term "harbor" shall mean to give shelter to or offer refuge to.

Responsibilities of cat owners regarding stray cats.

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless said cat has been:

1. Neutered or spayed to prevent it from procreating;
2. Immunized against rabies in compliance with Pennsylvania law; and
3. Appropriately "tipped" on the left ear to signify that it has been spayed/neutered and immunized.

Feeding of feral cats.

- The Borough believes that feral cats create a nuisance and are contrary to public health. That leaving food or water outside allows for the population of feral cats to increase and contributes to the nuisance. Therefore, it shall be unlawful for any person to allow food or water to be accessible to feral cats.

Collaring and tagging.

- Any person wishing to harbor a feral cat will be required to purchase a collar and tag from the Borough for identification of owner and feral cat.
- Any person taking ownership of said feral cat will be required to provide proof of immunizations and spayed/neutered.

Procedure.

The Borough of Landisburg Council, Code Enforcement Officer and/ or the Borough's plenipotentiaries to catch any catch any cat deemed to be feral, i.e. not "tipped", collared and tagged, will be delivered to the Humane Society or other establishments of it's likeness.


Violations and penalties.

Any person failing to comply with any of the provisions of this Article shall, upon summary conviction before a District Justice, be subject to a fine of not less than \$100 and not more than \$500, and to imprisonment of not more than 30 days for each offense, together with the costs of prosecution.

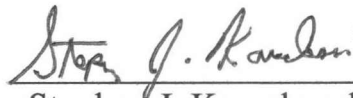
Enacted and Ordained this 14 day of September, 2015.

Attest:

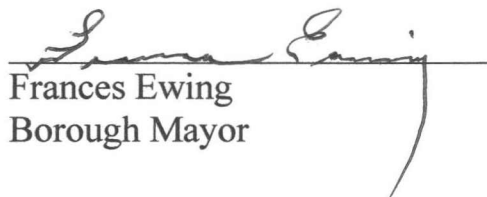
Borough of Landisburg



Thomas W. Gates
Borough Secretary



Stephen J. Kowalewski
Borough Council President



Frances Ewing
Borough Mayor



CHAPTER 3

BICYCLES

(Reserved to accommodate future enactments)

CHAPTER 4

BUILDINGS

Part 1

Dangerous Buildings

- §101. Dangerous or Dilapidated Buildings Defined
- §102. Dangerous Buildings as Nuisance
- §103. Investigation Procedures
- §104. Hearing Procedures
- §105. Standards for Repair, Vacation or Demolition
- §106. Enforcement Procedures
- §107. Penalties
- §108. Emergency Cases
- §109. Liability

Part 1

Dangerous Buildings

§101. Dangerous or Dilapidated Buildings Defined. All buildings or structures or parts thereof which have any or all of the following defects shall be deemed "dangerous buildings":

1. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to the life, safety, morals or the general health and welfare of occupants or people of the Borough because of the potential of injury, including that which would result from the condition of the premises, possible collapse, or fire.

2. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause accidents, sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein as well as other citizens of the Borough.

3. Those which have parts thereof which are so attached or otherwise erected that they might fall and injure members of the public or adjoining property or otherwise cause injury.

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

(Ord. 2/9/1987, §1)

§102. Dangerous Buildings as Nuisance. All "dangerous buildings" within the terms of §101 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided. (Ord. 2/9/1987, §2)

§103. Investigation Procedures. Whenever it shall be reported or come to the attention of any Borough official or police officer that any building or structure, completed or in the process of construction, or any portion thereof, is in a dangerous condition, such person having knowledge thereof shall report same to the Borough Council, and the Council shall immediately cause an investigation and examination to be made of such building or structure. If such investigation or examination indicates such building or structure to be dangerous in accordance with the standards of §101 of this Part, a written report of such investigation shall be submitted to the Council, specifying the exact condition of such building or structure and setting forth whether or in which respect the structure is dangerous and whether the structure is capable of being properly repaired or whether it shall be removed as a dangerous structure. (Ord. 2/9/1987, §3)

§104. Hearing Procedure. The Council shall:

1. Upon receipt of a report in accordance with §103 of this Part, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by land

records of the Recorder of Deeds of Perry County, to appear before the Council on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the notice provided for herein in §106(3).

2. Hold a hearing and hear such testimony as the inspector or reporting individual or the owner, occupant, mortgagee, lessee or any other person having an interest in said building, shall offer relative to the "dangerous building."

3. Make written findings of fact from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a "dangerous building" within the terms of §101 hereof and constitutes a nuisance.

4. Particularize the reasons why the building in question is a "dangerous building." Issue an order based upon findings of fact made pursuant to subsections (3) and (4) of this Section demanding the owner, occupant, mortgagee, lessee or any other person having an interest in the said building to repair, vacate or demolish any building found to be a "dangerous building" within the terms of this Part.

(Ord. 2/9/1987, §4)

§105. Standards for Repair, Vacation or Demolition. The following standards shall be followed in substance by the Council in ordering repair, vacation or demolition:

A. If the dangerous or dilapidated building or part thereof can be repaired or the part removed as determined by the Council so that it will no longer exist in violation of the terms of this Part, it shall be ordered repaired or removed.

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

C. In any case where a dangerous or dilapidated building or structure cannot be reasonably repaired or part removed as determined by Council it shall be demolished. In cases where a dangerous or dilapidated building or structure is a fire hazard existing or erected in violation of the terms of this Part, any applicable fire prevention code, similar ordinance of the Borough, or any statute of the Commonwealth of Pennsylvania, it shall be demolished.

(Ord. 2/9/1987, §5)

§106. Enforcement Procedures.

1. If any structure is deemed to be a "dangerous building" within the standards set forth in §101 of this Part, the Council shall forthwith cause written notice to be served upon the owner, occupant, lessee, mortgage, agent and all other persons having an interest in said building as shown by the records of the Recorder of Deeds of Perry County.

2. The notice required by this Section shall be served personally upon the owner of a dangerous building if the owner resides in the Borough

or personally upon his agent if such agent resides within the Borough. If personal service as required herein cannot be obtained or if the owner resides outside the Borough, such notice shall be sent to the owner of a dangerous building by registered mail at the last known address thereof.

3. The notice shall identify the building or structure deemed dangerous and contain a statement of the particulars which made this building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of the order issued pursuant to the provisions of this Part, provided in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure in lieu of making the repairs thereto within the time limits herein set forth.

4. Such notice shall require any person notified to repair, remove, vacate or demolish any building or part thereof to commence the work or act required by the notice within fifteen (15) days of such notice and to complete such repair or removal within forty-five (45) days thereof.

5. The Council shall cause to be placed on all dangerous buildings a notice reading substantially as follows:

"This building has been found to be a dangerous building by the Council of the Borough of Landisburg. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee or agent of this building. The removal of this notice is unlawful until compliance is made under the terms contained in the notice given to the above named party."

(Ord. 2/9/1987, §6)

§107. Penalties.

1. The owner, occupant, mortgagee, lessee or any other person who shall fail to comply with any notice or order to repair, vacate or demolish any such dangerous building given by any person authorized by this Part, or any regulation or order issued thereunder, shall upon conviction before a district justice, be subject to a fine not exceeding six hundred dollars per offense and costs and in default of payment of the fine and costs shall be subject to a term of imprisonment for a period not to exceed thirty (30) days. Provided, each day's continuance of a violation shall constitute a separate offense. Penalties contained in this Part are in addition to any other remedies provided by this Part or by law. [Ord. 4/12/1993]

2. Any person removing the notice provided for in §106(5), hereof, shall upon conviction before the district justice, be subject to a fine not exceeding six hundred dollars (\$600.00) and costs of each offense, and in default of payment of said fine and costs shall be subject to a term of imprisonment for a period not to exceed thirty (30) days. [Ord. 4/12/1993]

3. If the owner, occupant, mortgagee, lessee or any person having an interest in said building, as shown by the land records of the Recorder of Deeds of Perry County, fails to comply with any notice or order to repair, vacate, or demolish any dangerous building within thirty (30) days, the Council is empowered to cause such building or structure to be repaired, vacated or demolished by the Borough and to cause the costs of such repair, vacation or demolition, together with a penalty of fifteen (15%) percentum

plus reasonable attorneys fees to be charged against the land on which the building existed as a municipal lien and proceed thereon as provided in law or to recover such costs plus reasonable attorney fees in a suit at law against the owner or other such person having an interest in the building. Provided, the recovery of such cost and expense, together with the penalty, may be in addition to the penalty imposed in subsections (1) and (2) of this Section.

(Ord. 2/9/1987, §7; as amended by Ord. 4/12/1993)

§108. Emergency Cases. In cases wherein it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a "dangerous building" as defined herein, the Council shall cause the immediate repair, vacation or demolition of such "dangerous building." The cost of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided for in §107(3). (Ord. 2/9/1987, §8)

§109. Liability. No agent or employee or Councilmember or officer of the Borough of Landisburg shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties as provided or implied herein. (Ord. 2/9/1987, §10)

COUNCIL OF GOVERNMENTS ORDINANCE
NO. 2 OF 2002

Sec. I The Perry Council of Governments, hereinafter referred to as the COG is a proposed voluntary association of Local government units operating under a written agreement as authorized by the State Constitution and the act of the General Assembly (Act 180 of 1972).

Sec. II The COG will be formed to discuss and study items of mutual municipal interest and concern and to develop policy and action recommendations and implementation by the separate local government units.

Sec. III. The purpose of the COG is to strengthen local government by becoming a useful tool for dealing with local problems.

Sec IV The Borough of Landisburg now desires to become a participating member in said COG.

Sec. V The Borough of Landisburg hereby authorizes the joining of the borough into the COG.

Sec VI Subject to the final approval of the borough of a cooperation agreement the appointed representative of the borough is directed to meet with the COG to participate in the preparation of the form of agreement.

Adopted this 12/14 day of October 2002.

Landisburg Borough Council

Larry E. Myers
President

Attest:

Diane M. Roark
Secretary

ORDINANCE

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of this Municipality and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code"); and

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

1. This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.
2. 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 municipal building code of this Municipality.
3. Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by resolution:
 - a. By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
 - b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Municipality;
 - c. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
 - d. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Municipality;

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

4. 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.

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

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

c. All relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.

6. Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.

7. This ordinance shall be effective five days after the date of passage of this ordinance.

8. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

DULY ENACTED AND ORDAINED this 14 day of October, ~~2003~~ ²⁰⁰²,
by Landisburg of Borough in public session
duly assembled.

NAME OF MUNICIPALITY

By: Landisburg Borough

ATTEST:

Diane M Rock

Secretary

(Municipality Seal)

CHAPTER 5

CODE ENFORCEMENT

(Reserved to accommodate future enactments)

CHAPTER 6

CONDUCT

Part 1

Pornography

- \$101. Definitions
- \$102. Promoting Pornography
- \$103. Promoting Pornography for Minors
- \$104. Defenses
- \$105. Penalties

Part 2

Curfew

- \$201. Definitions
- \$202. Unlawful Conduct of Minors
- \$203. Unlawful Conduct of Parents
- \$204. Unlawful Conduct of Owners or Operators
of Establishments
- \$205. Procedure Upon Violation
- \$206. Procedures in Case of Repeated Violations
or Other Factors Interfering with Enforcement
- \$207. Police Discretion in Age Determination
- \$208. Penalties
- \$209. Special Events

Part 1
Pornography

§101. Definitions. For the purpose of this Part, the words and phrases set forth below shall have the meaning respectively ascribed to them:

AUDIENCE - one (1) or more persons who are permitted to view a performance (a) for valuable consideration or (b) in or from a public place.

DISPLAY PUBLICLY - the exposing, placing, posting, exhibiting, or in any other fashion displaying in any location, whether public or private, material or a performance in such manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public place or vehicle.

DISSEMINATE - to manufacture, issue, publish, sell, lend, distribute, transmit, broadcast, exhibit or present material or to offer or agree to do the same, or to have in one's possession with intent to do the same.

MATERIAL - any printed matter, visual representation, or sound recording and, includes but is not limited to, books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, three-dimensioned forms, sculptures and phonograph tape or wire recording.

MINOR - any person under eighteen (18) years of age.

NUDITY - uncovered, or less than opaquely covered, post-pubertal human genitals or pubic area, the post-pubertal human female breast below the point immediately above the top of the areola or the covered human male genitals in a discernibly turgid state. For the purpose of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola are covered.

PANDER - advertising or propagandizing in connection with the sale of material, the offering of a service, or the presentation or exhibition of a performance by appealing to the prurient interest of potential customers.

PERFORMANCE - any live or reproduced exhibition including, but not limited to, any play, motion picture film, dance or appearance presented to or performed before an audience.

PORNOGRAPHIC - relating to pornography.

PORNOGRAPHY - any material or performance is "pornography" if all of the following elements are present:

A. Considered as a whole, by the average person, applying the contemporary community standards of the Borough of Landisburg, it appeals to the prurient interest.

B. It depicts, describes or represents in a patently offensive way, sexual conduct, as hereinafter defined.

C. It lacks serious literary, artistic, political or scientific value.

PORNOGRAPHY FOR MINORS - any material or performance is "pornography for minors" if all of the following elements are present:

A. Considered as a whole by the average person applying the contemporary community standards of the Borough of Landisburg with respect to what is suitable for minors, it is presented in such a manner as to appeal to a minor's prurient interests.

B. It depicts, describes or represents in a patently offensive way, nudity or sexual conduct as hereinafter defined.

C. It lacks serious literary, artistic, political or scientific value for minors.

PRURIENT INTEREST - desire or craving for sexual stimulation or gratification. In determining "prurient interest," the material or performance shall be judged with reference to average persons, unless it appears from the character of the material or performance that it is designed to appeal to the prurient interest of a particular group of persons, including, but not limited to, homosexuals or sadio-masochists. In that case, it shall be judged with reference to the particular group for which it was designed.

PUBLIC PLACE or VEHICLE - any of the streets, alleys, parks, boulevards, schools or other public property in the Borough, or any dance hall, rental hall, theater, amusement park, liquor establishment, store, depot, place of public accommodation or other private property generally frequented by the public for the purposes of education, recreation, amusement, entertainment, sport, shopping or travel, or any vehicle for public transportation owned or operated by the government, either directly or through a public corporation or authority, or owned or operated by any non-governmental agency for the use, enjoyment or transportation of the general public.

SEXUAL CONDUCT -

A. Masturbation.

B. Sexual intercourse, whether genital-genital, oral-genital, oral-anal, or anal-genital.

C. Any erotic fondling or touching of the covered or uncovered genitals, buttocks, pubic area, or any part thereof the breasts of the female; whether the conduct described in (A) through (C) is engaged in alone or between members of the same or opposite sex, or between humans and animals or humans and inanimate objects.

D. Actual or simulated display or exhibition of the human pubic area or genitals or any part thereof.

E. Sexual excitement, as hereinafter defined.

F. Sado-masochistic abuse as hereinafter defined.

SEXUAL EXCITEMENT - the facial expressions, movements, utterances or other responses of a human male or female, whether alone or with others, whether clothed or not, who is in an apparent state of sexual stimulation or arousal, or experiencing the physical or sensual reactions of humans engaging in or witnessing sexual conduct.

SADO-MASOCHISTIC ABUSE - flagellation or torture by or upon a person who is nude or clad in undergarments or in a sexually revealing or bizarre costume, or the condition of such person being fettered, bound or otherwise physically restrained, in an apparent act of sexual stimulation or gratification.

(Ord. 10/10/1988, §1)

§102. Promoting Pornography.

1. It shall be unlawful for any person to promote pornography. A person commits the offense of promoting pornography if, knowing its contents and character, he:

A. Disseminates or causes to be disseminated any pornographic material in or from a public place or vehicle, or for valuable consideration; or has in his possession any pornographic material with intent to so disseminate, or knowingly allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him, for such dissemination of pornographic material.

B. Sells an admission ticket, or pass to premises where there is being exhibited or is about to be exhibited material or a performance which is pornographic.

C. Admits, by accepting a ticket or pass, a person to premises where there is being exhibited or is about to be exhibited material or a performance which is pornographic.

D. Produces, presents, directs, or knowingly allows the use of any business, buildings, vehicle or place, owned, leased, conducted or managed by him for a pornographic performance before an audience.

E. Participates in that portion of a live performance before an audience which makes it pornographic.

F. Panders, displays publicly or disseminates door to door, any pornographic material or performance, causes such pandering, public display or door to door dissemination.

2. For the purpose of this Section, possession of two (2) or more identical copies of any pornographic material by any person engaged in the business of disseminating material, as defined above, shall be prima facie evidence of possession with intent to disseminate for valuable consideration.

(Ord. 10/10/1988, §2)

§103. Promoting Pornography for Minors.

1. It shall be unlawful for any person to promote pornography for minors. A person commits the offense of promoting pornography for minors if, knowing its content and character, he:

A. Disseminates or causes to be disseminated to a minor material which is pornography for minors, or knowingly allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him for the dissemination to a minor of material which is pornography for minors.

(6, §103(1)(B))

(6, §103(3)(B))

B. Exhibits to a minor a motion picture film or other performance which is pornography for minors.

C. Sells to a minor an admission ticket or pass to building, vehicle, or place where there is being exhibited or is about to be exhibited a motion picture film or other performance which is pornography for minors.

D. Admits a minor to any building, vehicle or place where there is being exhibited or is about to be exhibited a motion picture film or other performance which is pornography for minors.

E. Knowingly produces, presents, directs or allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him for the presentation of performance which is pornography for minors, before an audience which includes a minor.

F. Displays publicly or disseminates door to door any material or performance which is pornography for minors, or causes such public display or door to door dissemination.

2. Subsection (1)(A) through (1)(E) do not apply to a parent, guardian or other persons in loco parentis to the minor.

(Ord. 10/10/1988, §3)

§104. Defenses. It shall be an affirmative defense to a prosecution under §102 or §103 of this Part if the pornographic material was disseminated by a person who was acting in his capacity as:

A. A teacher of a accredited course of study related to pornography at a State approved educational institution.

B. A licensed medical practitioner or psychologist in the treatment of a patient.

C. A participant in the criminal justice system, such as a legislator, judge, prosecutor, law enforcement official or other similar or related position.

D. A supplier to any person described in (1) through (3) above.

(Ord. 10/10/1988, §4)

§105. Penalties.

1. Fines. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. [Ord. 4/12/1993]

2. Injunction. Council may institute proceedings in equity in the court of common pleas of Perry County for the purpose of enjoining the sale, resale, lending, distribution, exhibit, gift or show of such pornographic literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, or image, or any written or printed matter of an obscene nature, or any article or instrument of a pornographic nature, contrary to the provisions of this Section, and for such purposes jurisdiction is hereby conferred upon said

(6, §105(2), cont'd)

(6, §105(2), cont'd)

court. A preliminary injunction may issue and a hearing thereafter be held thereon in conformity with the Rules of Civil Procedure upon the averment of Council that the sale, resale, lending, distribution, exhibit, gift, or show of such publication constitutes a danger to the welfare or peace of the community.

(Ord. 10/10/1988, §5; as amended by Ord. 4/12/1993)

(6 201)

Part 2
Curfew

201. Definitions.

ESTABLISHMENT - any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

MINOR - any person under the age of eighteen (18) years.

OFFICIAL BOROUGH TIME - Eastern Standard Time except from the last Sunday in April to the last Sunday in October, when it shall be Eastern Daylight Saving Time.

OPERATOR - any individual, firm association, partnership, or corporation operating, managing, or conducting any establishment; and whenever used in any clause prescribing a penalty the term "operator" as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

PARENT - any natural parent of a minor, a guardian, or any adult person, twenty-one (21) years of age or over, responsible for the care and custody of a minor.

PUBLIC PLACE - any public street, highway, road, alley, park, playground, public building, or vacant lot.

REMAIN - to loiter, idle, wander, stroll or play in or upon.

(Ord. 1/13/1975, 1)

202. Unlawful Conduct of Minors.

1. It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of eleven (11:00) o'clock P.M. and five (5:00) o'clock A.M. of the following day official borough time.

2. The provisions of this Section shall not apply to any minor accompanied by a parent, or to a minor upon an errand or other legitimate business directed by such minor's parent, or any minor who is engaged in gainful lawful employment during the curfew hours.

3. Each violation of the provisions of this Section shall constitute a separate offense.

(Ord. 1/13/1975, 2)

203. Unlawful Conduct of Parents.

1. It shall be unlawful for any parent knowingly to permit any minor to remain in or upon any public place or any establishment between the hours of eleven (11:00) o'clock P.M. and five (5:00) o'clock A.M., of the following day official Borough time.

2. The provisions of this Section shall not apply to any parent who accompanies a minor or to a parent who directs a minor upon an errand or other legitimate business or any parent of a minor engaged in gainful lawful employment during the curfew hours.

3. Each violation of the provisions of this Section shall constitute a separate offense.

(Ord. 1/13/1975. 3)

204 Unlawful Conduct of Owners or Operators of Establishments. It shall be unlawful for any operator of any establishment or their agents or employees knowingly to permit any minor to remain upon the premises of said establishment between the hours of eleven (11:00) o'clock P.M. and five (5:00) o'clock A.M. the following day, official Borough time. (Ord. 1/13/1975, 4)

205 Procedure Upon Violation. Any minor found upon the streets, alleys, parks or public places within the Borough in violation of 202 shall be taken into custody by the Borough police or legally deputized individual be delivered to his parents(s), guardian, or person having legal custody of said minor, and be given a copy of this Part. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense be called along with the offender and be so advised once again as to the penalty provisions contained in this part. Upon the third violation, said parent, guardian or person will be cited for the violation. (Ord. 1/13/1975 as added by Ord. 4/12/1993)

206 Procedures in Case of Repeated Violations or Other Factors Interfering with Enforcement. Any minor who shall violate this Part more than three (3) times may, at the discretion of the proper Borough officials, be reported to a society or organization for the purpose of which is to take charge of incorrigibles and delinquents, and proceeding shall then be taken in the proper court for the permanent welfare of such minor and a like procedure make be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of 202 of this Part cannot be made effective by the imposition of fines and penalties. (Ord. 1/13/1975; as added by Ord. 4/12/1993)

207 Police Discretion in Age Determination. The policer officers of the Borough in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgement shall prevail. (Ord. 1/13/1975; as added by Ord. 4/12/1993)

208 Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred collars (\$600.00) plus costs, and in default of payment of said fines and cost, to imprisonment for a term not to exceed thirty (30) days. (Ord. 1/13/1973, 5; as amended by Ord. 4/12/1993)

209. Special Events. Where there are special events, programs or function by properly organized and supervised organizations to advance legitimate recreation, character development, religious training and school activities in the building of good citizenship in young people, the Borough will grant special consideration in such cases upon receipt of notice thereof and the children will be permitted to proceed directly home from the event without incident. (Ord. 1/13/1975, 6)

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

Part 1

Outdoor Burning

- \$101. Garbage Burning Prohibited
- \$102. Vegetative Burning Prohibited
- \$103. Burning Paper Products
- \$104. Penalties

Part 1
Outdoor Burning

§101. Garbage Burning Prohibited. It shall be unlawful for any person to dispose of by burning any garbage or any man-made materials, including, but not limited to, rubber, leather, mattresses, furniture, plastics, greases and oils, within the Borough except as hereinafter provided. (Ord. 9/12/1977, §1; as amended by Ord. 4/12/1993)

§102. Vegetative Burning Prohibited. It shall be unlawful for any person to dispose of by burning, any vegetative material including, but not limited to, tree branches, leaves, grasses, weeds, and/or lumber within the Borough except as hereinafter provided:

A. Council may, each Spring and Fall, authorize the burning of vegetative material by giving adequate public notice of the dates and times during which such burning may be authorized.

B. Notice shall be provided, in part, by advertising the time and date in the Perry County Times, and any such postings or advertising as Borough Council shall deem appropriate. It shall be unlawful to burn vegetative materials at any time than that set by Council.

(1) Such burning shall not, however, be permitted between sunset and sunrise.

(2) Such burning shall not be within twenty (20) feet of any building or structure.

(3) Such burning shall not be permitted unless the same is at all times under the constant supervision of an adult person until the same is extinguished.

(4) Such burning shall not be permitted unless the fire is confined and limited to such size and location as will not endanger the rights of persons and the property of others.

(Ord. 9/12/1977, §2; as amended by Ord. 4/12/1993)

§103. Burning Paper Products. Paper products may be burned in a masonry or metal container Tuesdays and Saturdays throughout the year, but not within twenty (20) feet of a structure or roadway. (Ord. 9/12/1977; as added by Ord. 4/12/1993)

§104. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. (Ord. 9/12/1977, §3; as amended by Ord. 4/12/1993)

Borough of Landisburg

Ordinance No. 2013-01

FIRE INSURANCE CLAIM PAYMENTS

§ 1. Enabling Legislation.

This Part is enacted pursuant to the Authority granted by the Act of May 17, 1921, P.L. 682, No. 284, § 508, as amended, 40 P.S. § 638, hereinafter referred to as "the Act."

§ 2. Designated Officer.

The Borough's Secretary/Treasurer or Code Enforcement Officer, or such other person as may be approved by resolution of the Landisburg Borough Council, is appointed as the designated officer who shall be authorized to carry out the responsibilities set forth in this Part.

§ 3. Fire Insurer Shall Not Pay Named Insured Without Certificate.

No insurance company, association or exchange, hereafter "insurer," doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the borough where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insurer is furnished by the Borough Tax Collector with a municipal certificate pursuant to § 3 of this Part and unless there is compliance with § 5 of this Part.

§ 4. Tax Collector Shall Issue Certificate to Insurer.

The Borough Tax Collector, in consultation with the Secretary/Treasurer or Code Enforcement Officer, shall, upon the written request of the named insured, specifying the tax description of the property, the name and address of the insurer and the date agreed upon by the insurer and the named insured as the date of the receipt of a loss report of the claim, furnish the insured either of the following certificates within 14 working days of said request:

- A. A certificate or, at the discretion of the Borough, a verbal notification which shall be confirmed in writing by the insurer to the effect that, as of the date specified in said request there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the certificate or verbal notification, the Borough has not certified any amount as total cost incurred by the Borough for the removal, repair or securing of a building or other structure on the property.
- B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in said request that have not been paid as of the date of the certificate and also showing, as of the date of the certificate, the amount of the total costs, if any, certified to the Borough Tax Collector that have been incurred by the Borough for the removal, repair or securing of a building or other structure on the property. For the purposes of this Part, the borough shall certify to the Borough Tax Collector the total amount, if any, of such costs. A tax assessment penalty or user charge becomes delinquent at the time and on the date the lien could otherwise have been filed against the property by the borough under applicable law.

§ 5. Procedure if Taxes, etc. are Due.

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

§ 6. Procedure if Loss is 60% or More of Aggregate Limits of Liability.

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

- A. The insurer shall transfer from the insurance proceeds to the designated officer in the aggregate \$2,000 for each \$15,000 and for each fraction of that amount of a claim (this subsection to be applied such that if the claim is \$15,000 or less, the amount transferred to the Borough shall be \$2,000) or, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer from the insurance proceeds to the Secretary/Treasurer or Code Enforcement Officer the amount specified in the estimate.

- B. The transfer of the proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure.
- C. After the aforesaid transfer, the named insured may submit a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure. Upon receipt of the estimate, the Code Enforcement Officer shall return the amount of the funds transferred to the Borough in excess of the estimate to the named insured of the Borough who has not commenced to remove, repair or secure the building or other structure.
- D. Upon receipt of the proceeds under this Section, the Code Enforcement Officer, with assistance of the Borough Secretary or Treasurer, shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing the building or other structure which are incurred by the Borough. Such cost shall include without limitation any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing of the building or other structure or any proceedings related thereto.
- E. It is the obligation of the insurer when transferring the proceeds to provide the Borough with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the Secretary/Treasurer or Code Enforcement Officer shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this Part shall be followed.
- F. When repairs, removal or securing of the building or other structure have been completed in accordance with applicable regulations and orders of the Borough and the required proof of such completion received by the Code Enforcement Officer, the funds shall be returned to the named insured if the Borough has not incurred any costs for repairs, removal or securing, but if the Borough has incurred costs for repairs, removal or securing of the building or other structure, the excess funds to the named insured.
- G. To the extent that any interest is earned on proceeds held by the Borough pursuant to this Part and no proceeds are to be returned to the named insured, such interest shall belong to the Borough, but to the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be proportionately distributed to the named insured at the time that the proceeds are returned.
- H. Nothing in this Part shall be construed to limit the ability of the Borough to recover any deficiency. Furthermore, nothing in this Part shall be construed to prohibit the borough and the named insured from entering into an agreement that permits the transfer of funds to the named insured of some other reasonable disposition of the damaged property has been negotiated.

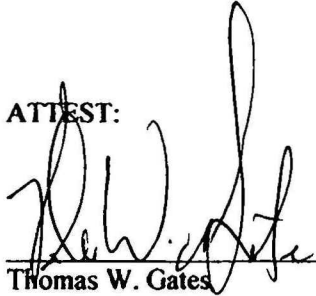
- I. The Landisburg Borough Council may, from time to time, by resolution, adopt the additional procedures and regulations to implement the Act and this Part and may, from time to time by resolution, fix reasonable fees to be charged for municipal activities or services provided pursuant to the Act and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

§ 7. Violation and Penalties.

Any owner of property, named insured or insurer who violates any provision of this Part shall, upon conviction therefore, be sentenced to pay a fine of not less than \$1,000 plus the costs of prosecution for each violation or be imprisoned for a period not to exceed 90 days or both.

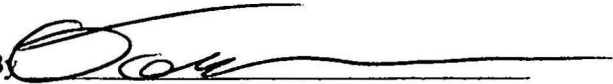
ENACTED AND ORDAINED THIS 14 DAY OF October, 2013.

ATTEST:

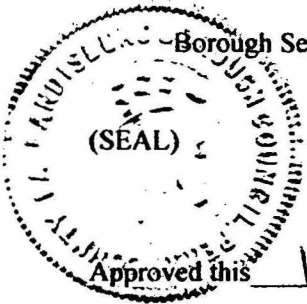

Thomas W. Gates

Borough Secretary

BOROUGH OF LANDISBURG:

By 
Donald L. Kirkpatrick

Borough Council President



Approved this 14 day of October, 2013.


Frances Ewing, Mayor

CHAPTER 8

FLOOD PLAINS

(Reserved to accommodate future enactments)

CHAPTER 9

GRADING AND EXCAVATION

(Reserved to accommodate future enactments)

CHAPTER 10
HEALTH AND SAFETY

Part 1

Storage of Motor Vehicle Nuisances

- \$101. Definitions
- \$102. Motor Vehicle Nuisances Prohibited
- \$103. Storage of Motor Vehicle Nuisances Permitted
- \$104. Inspection of Premises; Notice to Comply
- \$105. Authority to Remedy Noncompliance
- \$106. Hearing
- \$107. Penalties
- \$108. Remedies Not Mutually Exclusive

Part 2

Weeds

- \$201. Height Regulations
- \$202. Removal of Vegetation
- \$203. Penalties

Part 1
Storage of Motor Vehicle Nuisances

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

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

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

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

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

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

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

(Ord. 4/12/1993)

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

1. Broken windshields, mirrors or other glass, with sharp edges.
2. One (1) or more flat or open tires or tubes which could permit vermin harborage.
3. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
4. Any body parts with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and/or vermin harborage.
7. Broken head-lamps or tail-lamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
9. Protruding sharp objects from the chassis.

10. Broken vehicle frame suspended from the ground in an unstable manner.
11. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
12. Exposed battery containing acid.
13. Inoperable locking mechanism for doors or trunk.
14. Open or damaged floor boards including trunk and fire-wall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae.
19. Suspended on unstable supports.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough.

(Ord. 4/12/1993)

§103. Storage of Motor Vehicle Nuisances Permitted.

1. Any person, owner or lessee who has one (1) or more motor vehicle nuisances as defined in §102 above may store such vehicle(s) in the Borough only in strict compliance with the regulations provided herein. Such person, owner or lessee must, first, apply for a permit for either temporary or permanent storage and pay a fee to the Borough in an amount as established, from time to time, by resolution of Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within a opaque fence at least six (6) feet high which is locked at all times when unattended.

2. With the special approval of the Borough Council motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence, at least six (6) feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed three hundred (300) square feet.

3. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough Zoning Ordinance, if any.

(Ord. 4/12/1993)

§104. Inspection of Premises; Notice to Comply.

1. The Mayor is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, he shall

issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

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

(Ord. 4/12/1993)

§105. Authority to Remedy Noncompliance. If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing. (Ord. 4/12/1993)

§106. Hearing.

1. Any person aggrieved by the decision of the Mayor may request and shall then be granted a hearing before the Borough Council, providing he files with the Borough Council within ten (10) days after notice of the Mayor's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Borough Council shall sustain, modify or overrule the action of the Mayor.

(Ord. 4/12/1993)

§107. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 4/12/1993)

§108. Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough Council. (Ord. 4/12/1993)

Part 2
Weed Control

SECTION 201. HEIGHT REGULATIONS. It shall be unlawful for any person, firm, or corporation owning or having a present interest in any real estate in the Borough of Landisburg to permit weeds or similar vegetation, not edible or planted for some useful or ornamental purpose, and which have grown to a height of 8 inches or more, or which have not been cut at least once per month, to grow or remain on the premises owned or occupied by them in the Borough of Landisburg, and all such vegetation as hereby declared to be a nuisance and detrimental to the health, safety and comfort of the inhabitants of the Borough. (Ord. 7, 7/16/1966, Section 1; as amended by Ordinance).

§202. Removal of Vegetation. All such weeds or other similar vegetation shall be cut and removed by the owner or person having a present interest in the real estate within ten (10) days after notification thereto by the Borough Secretary; if such weeds or vegetation remain uncut and unremoved at the end of such notification period, contrary to the provision of this Part, then the same shall be cut and removed by or under the direction of the Council and the cost thereof together with the penalties provided by law shall be collected by lien or by action in assumpsit or any such other manner as may be provided by law. (Ord. 7, 7/6/1966, §2; as amended by Ord. 4/12/1993)

§203. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. It is hereby declared that each refusal or neglect to comply with the terms of this Part shall be considered a separate violation thereof, and notice to the offender by the Borough shall not be necessary in order to constitute an offense. (Ord. 7, 7/6/1966, §3; as amended by Ord. 4/12/1993)

ORDINANCE # _____

AN ORDINANCE OF THE BOROUGH OF LANDISBURG AMENDING THE LANDISBURG BOROUGH HEALTH AND SAFETY ORDINANCE -- PART 2 - WEEDS ADOPTED JULY 6, 1966 TO PROVIDE FOR A REQUIREMENT THAT WEEDS BE CUT AT LEAST ONCE A MONTH OR WHICH HAVE GROWN TO A HEIGHT OF 8 INCHES OR MORE, WHICHEVER OCCURS FIRST.

BE IT ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LANDISBURG:

SECTION 1.-CHAPTER 10, PART 2, SECTION 201 OF THE LANDISBURG BOROUGH HEALTH AND SAFETY ORDINANCE ADOPTED JULY 6, 1966 IS AMENDED TO READ AS FOLLOWS:

SECTION 201. HEIGHT REGULATIONS. It shall be unlawful for any person, firm, or corporation owning or having a present interest in any real estate in the Borough of Landisburg to permit weeds or similar vegetation, not edible or planted for some useful or ornamental purpose, and which have grown to a height of 8 inches or more, or which have not been cut at least once per month, to grow or remain on the premises owned or occupied by them in the Borough of Landisburg, and all such vegetation as hereby declared to be a nuisance and detrimental to the health, safety and comfort of the inhabitants of the Borough. (Ord. 7, 7/16/1966, Section 1; as amended by Ordinance _____).

Section 2. All ordinances or resolutions or part of ordinances or resolutions, inconsistent herewith be and the same hereby repealed.

ENACTED AND ORDAINED THIS 11 DAY OF October, 1995.

LANDISBURG BOROUGH COUNCIL

Terry L. Reisinger SR

Attest:

D. Gene M. Rock
Secretary

**BOROUGH OF LANDISBURG
PERRY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019-01

**AN ORDINANCE PROHIBITING THE USE OF TOBACCO IN RECREATIONAL AREAS,
PARKS AND PLAYGROUNDS AND PROVIDING PENALTIES FOR VIOLATION
THEREOF.**

BE IT ENACTED AND ORDAINED this 14 day of JANUARY, 2019, by the Borough Council of the Borough of Landisburg and it is hereby enacted and ordained by the authority of the same as follows:

WHEREAS, the Borough Council of the Borough of Landisburg acknowledges that second hand tobacco smoke poses a threat to the health, safety and welfare of adults and minor children; and

WHEREAS, the U.S. Surgeon General has determined that there is no safe level of exposure to tobacco smoke pollution; and

WHEREAS, secondhand tobacco smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, heroin, homicide, and suicide, accidents, fire and AIDS combined; and

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and

WHEREAS, the Borough Council of the Borough of Landisburg desires to discourage tobacco use and promote the public health by making Municipality owned parks, playgrounds and recreational fields "tobacco free zones."

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Landisburg and it is hereby ordained and enacted by the authority of the same as follows:

Section 1: DESIGNATED TOBACCO-FREE AREAS: That the areas of parks and playgrounds where children are present including but not limited to picnic areas, sports and athletic fields, etc., in the Borough of Landisburg, and any property which is owned by the Borough of Landisburg, be designated tobacco-free and the use of any tobacco product* or electronic cigarette, in any form, shall be prohibited hereafter.

Section 2: APPROPRIATE SIGNAGE will be posted delineating the tobacco-free areas.

Section 3: ENFORCEMENT:

- A. The provisions of this Ordinance shall be enforced by the Code Enforcement Officer duly authorized by the Borough of Landisburg.
- B. Any violation of the provisions of this Ordinance may be cause for a citation, a violation ticket, and/or a notice of violation to be issued to the violator.
- C. The Borough Council hereby authorizes its appointed officials and employees to take whatever steps are necessary for full participation in and compliance with the Young Lungs at Play Program and/or other such programs of the Commonwealth of Pennsylvania.

Section 4: Any person who violates this Ordinance shall pay a fine, not to exceed One Hundred Dollars (\$100.00) for each offense, in addition to any direct or indirect costs incurred by the Borough of Landisburg.

Section 5: The Community shall be notified of this Ordinance.

Section 6: This Ordinance shall be effective immediately.

***"TOBACCO PRODUCT" INCLUDES:**

- (a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
- (b) Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah.
- (c) Notwithstanding any provision of subsections (a) and (b) to the contrary, "tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold for such an approved purpose.

ENACTED AND ORDAINED by the Landisburg Borough Council, Borough of Landisburg,
County of Perry, Pennsylvania, this 14 day of JANUARY, 2019.

**BOROUGH OF LANDISBURG,
PERRY COUNTY, PENNSYLVANIA**

By: Stephen G. Kowalski
President of Council

ATTEST:

Thomas W. Acker
Secretary

CORPORATE BOROUGH SEAL

APPROVED this 14 day of JANUARY, 2019.

Thomas W. Acker
Mayor, Borough of Landisburg, Perry County, PA

ATTEST:

Thomas W. Acker
Secretary

CN 2019-263
RD# 2019-346

ADMITTED TO RECORD

2019 MAR 14 AM 10:15

PROTHONOTARY'S OFFICE
PERRY COUNTY

**BOROUGH OF LANDISBURG
PERRY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019-02

**BOROUGH OF LANDISBURG, COUNTY OF PERRY, STATE OF PENNSYLVANIA
PROHIBITION OF MARIJUANA ESTABLISHMENTS ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to prohibit marijuana establishments within the boundaries of Landisburg; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

BE IT ENACTED AND ORDAINED this 11 day of MARCH, 2019, by the Borough Council of the Borough of Landisburg and it is hereby enacted and ordained by the authority of the same as follows:

TITLE

This ordinance shall be known as and may be cited as the Landisburg Prohibition of Marijuana Establishments Ordinance.

SECTION II
DEFINITIONS

- a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marijuana plant by manual or mechanical means.
- b) "Marijuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana concentrate and marijuana infused products.
- c) "Marijuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.
- d) "Marijuana establishment" means a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter,

marijuana dispensary or any other type of marijuana-related business whether or not licensed by the Commonwealth of Pennsylvania.

- e) "Marijuana grower" means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments.
- f) "Marijuana infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.
- g) "Marijuana processor" means a person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.
- h) "Marijuana retailer" means a person licensed to obtain marijuana from marijuana establishments and to sell, or otherwise transfer, marijuana to marijuana establishments and to individuals.
- i) "Marijuana secure transporter" means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.
- j) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- k) "Process" or "Processing" means to separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marijuana concentrate or marijuana-infused products.
- l) "State license" means a license issued by the Commonwealth of Pennsylvania that allows a person to operate a marijuana establishment.

SECTION III

NO MARIJUANA ESTABLISHMENTS

1. Landisburg Borough hereby prohibits all marijuana establishments within the boundaries of the borough. This prohibition includes prohibiting establishments and individuals to cultivate, grow, process and retail any marijuana product.
2. Nothing in this Ordinance shall be construed to prohibit a marijuana secure transporter, who is located in another municipality and has a valid state license, from using the public transportation system in Landisburg Borough to transport marijuana to a marijuana establishment not in the Borough.

3. In the event that that Paragraph 1 of this Section is found to be unenforceable pursuant to Section V of this Ordinance, then in that event, any marijuana establishment within the Borough of Landisburg, must be part of and contained in a general pharmacy business where that main business, meaning more than 50% of its gross revenue, is not the sale of marijuana or of materials related to marijuana.

SECTION IV
VIOLATIONS AND PENALTIES

1. Any person or company who owns or operates a marijuana establishment within the Borough of Landisburg shall be in violation of this Ordinance.
2. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance.
3. Any violation of this ordinance is deemed to be a nuisance per se.
4. The provisions of this Ordinance shall be enforced by the Code Enforcement Officer duly authorized by the Borough of Landisburg.
5. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Borough to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, that the Borough incurs in connection with the municipal civil infraction.
6. Each day during which any violation continues shall be deemed a separate offense.
7. In addition, the Borough may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

SECTION V
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

ENACTED AND ORDAINED by the Landisburg Borough Council, Borough of Landisburg, County of Perry, Pennsylvania, this 11 day of MARCH, 2019.

**BOROUGH OF LANDISBURG,
PERRY COUNTY, PENNSYLVANIA**

By: Steve J. Kowalski
President of Council

ATTEST:

Thomas W. Jeter
Secretary

CORPORATE BOROUGH SEAL

APPROVED this 11 day of MARCH, 2019.

Lawrence Conroy
Mayor, Borough of Landisburg, Perry County, PA

ATTEST:

Thomas W. Jeter
Secretary

CHAPTER 11

HOUSING

(Reserved to accommodate future enactments)

N O T I C E

BOROUGH OF LANDISBURG

The Landisburg Borough Council hereby advertises its intent to adopt the following ordinance at its November meeting on November 14, 1994, at 7:30 P.M. held in the Landisburg Fire House, Landisburg, Pa., which ordinance reads as follows:

Multiple Family Dwellings

Ordinance No.

An Ordinance of the Borough of Landisburg, Perry County, Pennsylvania, providing for and regulating the construction and/or conversion of Multiple Family Dwellings and necessary motor vehicle parking requirements, and imposing fines for the violation thereof.

2201	Definitions
2202	Multiple Family Dwellings
2203	Motor vehicle parking spaces
2204	Penalties and Fines
2205	Effective Date

2201 Definitions:

2201.1 Multiple Family Dwelling - A building or buildings situated on one lot in which more than one rent-paying group of persons reside..

2201.2 Residential Unit - A room and/or group of rooms in a multiple family dwelling in which one (1) or more persons reside together, for which rent is paid to an owner.

2201.3 Owner - A natural person or persons, partnership, corporation or legally existing organization who own legal and equitable title to the land and improvements situate thereon.

2201.4 Lot - A parcel of land belonging to an Owner, which is situate in Landisburg Borough and designated as a "Lot" in the Plan of Lots for Landisburg Borough.

2201.5 Rent - Consideration paid for use of occupation of property.

2202 Multiple Family Dwelling:

It shall be unlawful to build and/or convert any building or buildings on a single lot for purposes of human habitation, having more than three (3) residential units per lot.

2203 Motor Vehicle Parking:

The owner or owners of all multiple family dwellings shall provide a minimum of two (2) motor vehicle parking spaces per residential unit. On-street parking spaces shall not be counted as any of the required parking spaces, it being the intent of the Borough Council to require off-street parking be provided by the owner of the multiple family dwelling for all residential unit lessees. Parking spaces shall be 8 ft. x 16 ft. each.

2204 Penalties:

Any person who violates this provision of this Part, shall, upon conviction, be sentenced to pay a fine of \$500.00 per violation plus costs.

Where the violation continues from day to day, and the owner after written notice, fails to correct or cease such violation, each day's continuance shall constitute a separate violation subject to a separate fine.

2205 Effective Date:

This Ordinance shall take effect immediately upon its enactment.

ENACTED AND ADOPTED this 14th day of November, 1994.

President
Landisburg Borough Council

ATTEST:

Secretary.

Approved this 14th day of November, 1994.

Mayor

CHAPTER 12

LIBRARIES

(Reserved to accommodate future enactments)

CHAPTER 13

LICENSES, PERMITS AND
GENERAL BUSINESS REGULATIONS

(Reserved to accommodate future enactments)

CHAPTER 14

MOBILE HOMES AND MOBILE HOME PARKS

(Reserved to accommodate future enactments)

CHAPTER 15

MOTOR VEHICLES AND TRAFFIC

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- \$102. Manner of Adopting Permanent Traffic and Parking Regulations
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- \$203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades
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Part 1
General Regulations

§101. Definitions and Interpretation.

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

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

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

4. Although the streets in the Borough run generally in a northeast-southwest and a northwest-southeast direction, for the purpose of this Chapter, Main Street (Route 850) and the streets running parallel or generally parallel to Main Street (Route 850) shall be deemed to run in a north-south direction, and New Street and the streets parallel or generally parallel to New Street shall be deemed to run in an east-west direction.

(Ord. 4/12/1993)

§102. Manner of Adopting Permanent Traffic and Parking Regulations. All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this Chapter, except where the law specifically authorizes less formal action. (Ord. 4/12/1993)

§103. Provisions to be Continuation of Existing Regulations. The provisions of this Chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this Chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this Chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations. (Ord. 4/12/1993)

§104. Temporary and Emergency Regulations.

1. The Mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

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

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

2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than twenty-five dollars (\$25.00) together with costs of prosecution.

(Ord. 4/12/1993)

§105. Experimental Regulations. The Borough Council may, from time to time by resolution, designate places upon and along the highways in the Borough where, for a period of not more than ninety (90) days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than twenty-five dollars (\$25.00) together with costs of prosecution; provided, the purpose of this Section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking. (Ord. 4/12/1993)

§106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.

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

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

3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§107. Use of Streets by Processions and Assemblages.

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

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

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

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

3. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the [designated official], which shall be issued without fee. Application for the permit shall be made at least two (2) weeks in advance of the day when the procession is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three (3) weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have reached the end of the route of the procession and the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.

4. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§108. Authority of Police Officers. The police officers of the Borough are hereby authorized to direct traffic on the highways of the Borough and at intersections thereof and to otherwise enforce the provisions of this Chapter. (Ord. 4/12/1993)

(15, §109)

(15, §109)

§109. Authorization for Use of Speed Timing Devices. The Borough Police Department is hereby authorized to use all speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with Title 75, Pa. C.S.A. §3368.

This Section authorizes the use of said devices upon all highways within the Borough, be they Borough, County or State highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa. C.S.A. §6101 et seq. (1977) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 4/12/1993)

Part 2
Traffic Regulations

§201. Maximum Speed Limits Established on Certain Streets.

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

<u>Street</u>	<u>Between</u>	<u>Maximum Speed Limit</u>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of thirty-five dollars (\$35.00). Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two dollars (\$2.00) per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

(Ord. 4/12/1993)

§202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures.

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

<u>Bridge or Elevated Structure</u>	<u>Location</u>	<u>Maximum Speed Limit</u>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of thirty-five dollars (\$35.00). Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two dollars (\$2.00) per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

(Ord. 4/12/1993)

§203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades.

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

<u>Street</u>	<u>Between</u>	<u>Direction of Travel</u>	<u>Maximum Gross Weight</u>	<u>Maximum Speed Limit</u>	<u>Required to Stop Before Proceeding Downhill</u>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of thirty-five dollars (\$35.00). Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two dollars (\$2.00) for each mile in excess of five (5) miles per hour over the maximum speed limit.

(Ord. 4/12/1993)

§204. Maximum Speed Limits Established in Parks.

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

<u>Park</u>	<u>Street</u>	<u>Location</u>	<u>Maximum Speed Limit</u>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of thirty-five dollars (\$35.00). Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two dollars (\$2.00) per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

(Ord. 4/12/1993)

§205. Traffic Signals at Certain Locations.

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

<u>Location</u>	<u>Type of Signal</u>
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(Reserved)

2. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§206. Intersections Where Turn Prohibited on Red Signal.

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

<u>Intersection</u>	<u>Vehicles Traveling On</u>	<u>Facing</u>
	(Reserved)	

2. Any driver of a vehicle who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§207. One-Way Streets Established.

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

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Direction of Travel</u>
New St.	Main St.	Easy St.	North

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§208. Turning at Certain Intersections Prohibited or Restricted.

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

<u>Vehicles Travel- ing on</u>	<u>Direction of Travel</u>	<u>Not to Make</u>	<u>Into</u>	<u>When</u>	<u>Type of Vehicle Applicable To:</u>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§209. Right Turns Only Permitted at Certain Intersections.

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

<u>Vehicles Traveling On</u>	<u>Direction of Travel</u>	<u>Times</u>	<u>Not to make left turn into or travel straight across</u>
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(Reserved)

(15, §209(2))

(15, §209(2))

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§210. U-Turns Prohibited at Certain Locations.

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

<u>Street</u>	<u>Portion</u>	<u>Direction of Travel</u>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§211. No Passing Zones Established.

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

<u>Street</u>	<u>Direction of Travel</u>	<u>Between</u>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§212. Through Highways Established.

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

<u>Highway</u>	<u>Between</u>
Carlisle St.	Entire length
Main St.	Entire length.

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§213. Stop Intersections Established.

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

<u>Stop Street</u>	<u>Intersection or Through Street</u>	<u>Direction of Travel</u>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§214. Yield Intersections Established.

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

<u>Yield Street Travel</u>	<u>Through Street</u>	<u>Direction of</u>
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(Reserved)

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§215. Operation of Motor Vehicles Restricted on public Lands.

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

(15, §215(2))

(15, §215(2))

2. Any person who violates an provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$ 25.00) and costs.

(Ord. 4/12/1993)

§216. Rotary Traffic Islands Established.

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

(Reserved)

2. Any person who drives a vehicle otherwise than to the right of any rotary traffic island shall be guilty of a violation of this Section, and, upon conviction, shall be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§217. Play Highways Established and Authorized.

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

<u>Street</u>	<u>Between</u>	<u>Days</u>	<u>Hours</u>
(Highways)			

2. The Mayor is authorized to designate as play highways, whenever he deems that action advisable, and for whatever period of time directed by him, any part of any street in the Borough, where sledding and coasting, shall be permitted. That play highway shall be set apart for the purpose under the direction of the Mayor.

3. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of the Mayor or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

§218. Snowmobile Roads Designated.

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

<u>Street</u> <u>or Road</u>	<u>Between</u>	<u>Used by Snowmobiles</u> <u>Only When Closed to</u> <u>Vehicular Traffic?</u>	<u>Shared with</u> <u>Vehicular Traffic?</u>
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(Reserved)

(15, §218(2))

(15, §218(2))

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

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

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

(Ord. 4/12/1993)

Part 3

Restrictions on Size, Weight and Type of Vehicle and Load

§301. Vehicle Weight Limits Established on Certain Streets and Bridges.

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

<u>Street or Bridge</u>	<u>Between</u>	<u>Maximum Gross Weight</u>
		(Reserved)

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of one hundred fifty dollars (\$150.00) plus one hundred fifty dollars (\$150.00) for each five hundred (500) pounds, or part thereof, in excess of three thousand (3,000) pounds over the maximum allowable weight, and costs.

(Ord. 4/12/1993)

§302. Restrictions on Size of Vehicles on Certain Streets and Bridges.

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

<u>Street or Bridge</u>	<u>Between</u>	<u>Restrictions</u>
		(Reserved)

2. Any person who violates any provision of this Section shall be prosecuted under §4902(a) and §4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of seventy-five dollars (\$75.00) and costs.

(Ord. 4/12/1993)

§303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges.

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

<u>Street or Bridge</u>	<u>Between</u>	<u>Restrictions</u>
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(15, Part 3)

(Reserved)

2. Any person who violates any provision of this Section shall be prosecuted under §4902(b) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00) and costs.

(Ord. 4/12/1993)

§304. Truck Traffic Restricted on Certain Streets.

1. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street

Between

(Reserved)

Provided: nothing in this Section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

Part 4

General Parking Regulations

§401. Vehicles to be Parked Within Marked Spaces. Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this Part for any person to park a vehicle or allow it to remain parked otherwise. (Ord. 4/12/1993)

§402. Parking Prohibited at All Times in Certain Locations. Parking shall be prohibited at all times in the following locations:

<u>Street</u>	<u>Side</u>	<u>Between</u>
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(Reserved)

(Ord. 4/12/1993)

§403. Parking Prohibited in Certain Locations Certain Days and Hours. Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this Section, as follows:

<u>Street</u>	<u>Side</u>	<u>Between</u>
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(Reserved)

(Ord. 4/12/1993)

§404. Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations. It shall be unlawful for any person to park, or to allow to remain parked, on any of the following streets or parts of streets, any vehicle other than a passenger car (which shall not include any bus, motor home or passenger car attached to a trailer of any kind):

<u>Street</u>	<u>Between</u>
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(Reserved)

(Ord. 4/12/1993)

§405. Parking Time Limited in Certain Locations Certain Days and Hours. No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated:

<u>Street</u>	<u>Side</u>	<u>Between</u>	<u>Days</u>	<u>Hours</u>
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(Reserved)

(Ord. 4/12/1993)

§406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited. The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked, in any such zone, except as specifically provided for that zone:

<u>Street</u>	<u>Side</u>	<u>Location</u>	<u>Authorized Purpose or Vehicle</u>
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(Reserved)

(Ord. 4/12/1993)

§407. Standing or Parking on Roadway for Loading or Unloading. It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedalcycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for the purpose of loading or unloading persons or property shall be permitted on the following named streets on Monday through Saturday, between the hours of 9:00 a.m. and 11:30 a.m. and between the hours of 1:30 p.m. and 4:00 p.m., and for no longer than necessary for the loading or unloading.

<u>Street</u>	<u>Side</u>	<u>Between</u>
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(Reserved)

(Ord. 4/12/1993)

§408. Angle Parking Required on Portions of Certain Streets. Only angle parking shall be permitted on the following portions of streets:

<u>Street</u>	<u>Side</u>	<u>Between</u>
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(Reserved)

On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

(Ord. 4/12/1993)

§409. Residential Permit Parking.

1. Findings and Purpose: The Borough finds that:

A. Certain residential areas in the Borough are subjected to commuter vehicle parking, therefore, depriving the residents of those areas of spaces in which to park their own vehicles;

B. Those residential streets are also subjected to a high degree of commuter traffic which substantially reduces the quality of the ambient air level; and

C. The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week. Therefore, the Borough considers it to be in the interest of the people of the Borough to provide for the establishment of a residential permit parking program to insure primary access to available parking spaces by neighborhood residents and also to provide a cleaner ambient air level.

2. Definitions: For the purpose of this Section, words and terms listed in this subsection, as follows, shall have the following meanings:

COMMUTER VEHICLE - a motor vehicle parked in a residential area by a person not a resident of that residential area;

PROPRIETOR - a person who owns or leases real estate within a residential area of which he is not a resident, but who owns or manages a business enterprise or professional office maintained at

that address; for the purpose of this Section, a proprietor shall be entitled to one (1) parking permit for that business or professional office address;

RESIDENT - a person who owns or leases real property within a residential area and who maintains either a voting residence, or bona fide occupancy, or both, at that address;

RESIDENTIAL AREA - a contiguous area containing public highways or parts of public highways primarily abutted by residential property or residential and non-business property (such as schools, parks, places of worship, hospitals and nursing homes).

3. Criteria: The residential areas designated in subsection 4 of this Section are those deemed impacted and hence eligible for residential parking on the basis of the following criteria:

A. During any period between the hours of 7:00 a.m. and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to seventy percent (70%) or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be twenty (20) linear feet.

B. During the same period as specified in A, directly above, ten percent (10%) or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Bureau of Motor Vehicles and Licensing of the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.

Provided: in determining that a specific area identified as impacted and eligible for residential permit parking is designated as a residential permit parking area, the following factors are taken into consideration:

- (1) The local and metropolitan needs with respect to clean air and environment;
- (2) The possibility of a reduction in total vehicle miles driven in the Borough;
- (3) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards;
- (4) The proximity of public transportation to the residential area;
- (5) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection with it; and
- (6) The need for parking in excess of the residential permit parking program in proximity to establishments located in the residential permit parking area and used by the general public for religious, health or educational purposes.

4. Designation of residential permit parking areas: The following are designated as residential permit parking areas:

<u>Area</u>	<u>Bounded by and Including</u>
	(Reserved)

Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which parking shall be by permit only.

5. Application for permit: Application for a residential parking permit shall be made to the Chief of Police by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on or is a proprietor of property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle, and each application shall be accompanied by a permit fee, set pursuant to a Resolution of the Borough Council, which shall be for the use of the Borough, to be applied to the cost of administering the residential permit parking program. Each application shall contain the following information: the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident or the proprietor, as the case may be; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Chief of Police, the applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.

6. Issuance of permit: Upon receipt of the application and the permit fee, and determination by him that the information upon the application shows that the applicant is entitled to a residential parking permit, the Chief of Police shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking area number, and the expiration date. The permit shall be renewable annually before the expiration date, upon making application for renewal and payment of the permit fee. It shall be unlawful and a violation of this Section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.

7. Temporary and exemption parking permits: Temporary parking permits may be issued by the Chief of Police, upon payment of a fee established pursuant to a Resolution, to bona fide visitors of residents of a designated residential permit parking area, and exemption parking permits may be issued, without payment of a fee, to handicapped persons.

8. Responsibility of permit holder:

A. Notwithstanding any provision of this Section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield

of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.

B. A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.

C. No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this Section by the permit holder and by the person who so used or displayed the parking permit.

D. It shall constitute a violation of this Section for any person falsely to represent himself as eligible for a residential parking permit or to furnish false information in an application to the Chief of Police in order to obtain a residential parking permit.

(1) Revocation of permits: The Chief of Police shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this Section. Upon written notification to him of the revocation, the permit holder shall surrender the permit to the Chief of Police. Failure to do so, when so requested, shall constitute a violation of this Section. Provided: any person receiving such a notice may, within ten (10) days after the date of the notice, appeal to Borough Council for a hearing on the revocation, and the decision of Borough Council shall be final.

(Ord. 4/12/1993)

§410. Penalties. Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than fifteen dollars (\$15.00) and costs. Provided: it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the appropriate official all violations of any provision of this Part, indicating, in each case: the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of _____ dollars (\$0.00) within _____ () hours after the time of the notice, or if he will place the sum of _____ dollars (\$0.00), enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

Part 5

Removal and Impoundment of Illegally Parked Vehicles

§501. Applicability and Scope. This Part is enacted under authority of §6109(a-22) of the Vehicle Code, and gives authority to the Borough to remove and impound those vehicles which are parked in a tow away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Pennsylvania Vehicle Code. (Ord. 4/12/1993)

§502. Authority to Remove and Impound. The Borough shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in §801 of this Part. Provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part, or the provisions of the Pennsylvania Vehicle Code. (Ord. 4/12/1993)

§503. Tow Away Zones Designated. The following designated streets and/or parking lots are hereby established as tow-away zones. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of the Borough parking regulations:

<u>Street</u>	<u>Side</u>	<u>Between</u>
<u>Parking Lot</u>		(Reserved)

(Ord. 4/12/1993)

§504. Designation of Approved Storage Garages; Bonding; Towing and Storage. Removal and impounding of vehicles under this Part shall be done only by "approved storage garages" that shall be designated from time to time by Borough Council. Every such garage shall submit evidence to Borough Council that it is bonded or has acquired liability insurance in an amount satisfactory to Borough Council as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to Borough Council its schedule of charges for towing and storage of vehicles under this Part, and, when the schedule is approved by Borough Council, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Part by any approved storage garage. Borough Council shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Part. (Ord. 4/12/1993)

§505. Payment of Towing and Storage Charges. The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Part for which the vehicle was removed or impounded. (Ord. 4/12/1993)

§506. Reclamation Costs. In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a twenty-five dollar (\$25.00) fee of which ten dollars (\$10.00) shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken. (Ord. 4/12/1993)

§507. Records of Vehicles Removed and Impounded. The Borough shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle. (Ord. 4/12/1993)

§508. Restrictions upon Removal of Vehicles. No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately. (Ord. 4/12/1993)

§509. Penalty for Violation. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of fifty dollars (\$50.00) together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 Pa.C.S.A. §7301 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 4/12/1993)

§510. Reports and Disposition of Unclaimed Vehicles. If after a period of fifteen (15) days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with §7311 of The Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after thirty (30) days, the vehicle may be transferred to a licensed Salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 Pa.C.S.A. §110 et seq., as amended). (Ord. 4/12/1993)

Part 6

Snow and Ice Emergency

§601. Declaration of Snow and Ice Emergency. In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §603 of this Part, the Mayor, in his discretion, may declare a snow and ice emergency (designated in this Part as a "snow emergency"). Information on the existence of a snow emergency shall be given by the Borough through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media. (Ord. 4/12/1993)

§602. Parking Prohibited, Driving Motor Vehicles Restricted, on Snow Emergency Routes During Emergency. After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

- A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §603 of this Part; or
- B. To drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow tires or chains.

(Ord. 4/12/1993)

§603. Snow Emergency Routes Designated. The following are designated as snow emergency routes:

<u>Street</u>	<u>Between</u>
	(Reserved)

(Ord. 4/12/1993)

§604. Penalty for Violation.

1. If, at any time during a period of snow emergency declared under §901 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of not more than fifteen dollars (\$15.00) and costs.

2. If, at any time during a period of snow emergency declared under §601 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

(Ord. 4/12/1993)

Part 7

Pedestrian Regulations

§701. Pedestrians to Obey Traffic-Control Signs. At all locations in the Borough where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under §702 of this Part, shall obey the directions of those traffic-control signals, as follows:

A. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk;

B. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway;

C. When facing a steady red signal, a pedestrian shall not enter the roadway.

(Ord. 4/12/1993)

§702. Pedestrian-Control Signal Locations Established. At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

<u>Street</u>	<u>Intersection</u>	<u>Direction of Travel</u>
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(Reserved)

Every pedestrian facing a steady or flashing "Don't Walk" signal shall obey the directions of that signal, as follows:

A. When facing a steady "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.

B. When facing a flashing "Don't Walk" signal a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone.

Any pedestrian who fails to obey the directions of a Don't Walk" signal, as indicated above, shall be guilty of an offense and a violation of this Part.

(Ord. 4/12/1993)

§703. Locations Where Pedestrian Crossing in Unmarked Crosswalks Restricted. Except when authorized by a police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated.

<u>Street</u>	<u>Intersection</u>	<u>Direction of Travel</u>
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(Reserved)

(Ord. 4/12/1993)

§704. Locations Where Pedestrians May Cross Only in Crosswalk. It shall be unlawful for any pedestrian:

A. To cross any roadway in a business district within the Borough except in a crosswalk;

B. To cross the roadway, in any of the following portions of streets in the Borough, except in a crosswalk:

<u>Street</u>	<u>Between</u>
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(Reserved)

Provided: nothing in this section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by §702 of this Part.

(Ord. 4/12/1993)

§705. Penalty for Violation. Any pedestrian who violates any provision of this Part shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of five dollars (\$5.00) and costs. (Ord. 4/12/1993)

CHAPTER 16

PARKS AND RECREATION

(Reserved to accommodate future enactments)

CHAPTER 17

PLANNED RESIDENTIAL DEVELOPMENT

(Reserved to accommodate future enactments)

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 1

Sewer Rates, Rules and Regulations

- \$101. Definitions
- \$102. Tapping and Connection Fees for Sewer Service
- \$103. Sewer Rental Charges
- \$104. Measuring Volume
- \$105. Time and Method of Payment
- \$106. Liens for Connection Fees and Sewer Rentals;
Filing and Collection of Liens
- \$107. Prohibited Wastes
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into the Sewerage System and Rentals and Charges Imposed
Therefor
- \$109. Access
- \$110. Building Sewers and Connections
- \$111. Additions to and Changes of Sewer Rentals or Charges;
Adoption of Additional Rules and Regulations

Part 2

Sewer Connections

- \$201. Definitions
- \$202. Use of Public Sewers Required
- \$203. Building Sewers and Connections
- \$204. Rules and Regulations Governing Building Sewers and Connections to
Sewers
- \$205. Enforcement

Part 1

Sewer Rates, Rules and Regulations

§101. Definitions. Unless the context specifies and clearly indicates otherwise, the meaning of items and phrases shall be as follows:

AUTHORITY - Landisburg Municipal Authority, a Pennsylvania municipal authority.

BOD (Biochemical Oxygen Demand) - the quantity of oxygen, expressed in ppm, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees centigrade. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater," as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

BOROUGH - the Borough of Landisburg, Perry County, Pennsylvania, a Pennsylvania municipal corporation acting by and through its Council or, in appropriate cases, its authorized representative.

BUILDING SEWER - the extension from the sewage drainage system of any structure to the lateral of a sewer.

COMMONWEALTH - the Commonwealth of Pennsylvania.

DOMESTIC ESTABLISHMENT - any room, group of homes, apartment, house trailer, building or other enclosure connected, directly or indirectly, to the sewerage system and occupied or intended for occupancy as separate living quarters by a family or any other group of persons living together or by a person or persons living alone, excluding institutional dormitories.

IMPROVED PROPERTY - any property located within this Borough or Township upon which there is erected a structure intended for continuous or periodic habitation, and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL USER - any nongovernmental user, existing or future, of publicly owned treatment works identified in the most recent edition of the "Standard Industrial Classification Manual, Office of Management and Budget," as amended and supplemented, under the following divisions: agriculture, forestry and fishing; mining; manufacturing; transportation; communications; electric, gas and sanitary services; and services. An industrial user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic waste or wastes from sanitary conveniences.

INDUSTRIAL WASTES - any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

INTERCEPTOR - the interceptor sewer complete with all appurtenant manholes and chambers constructed from Manhole 103 to the treatment facility located in Landisburg Borough and Tyrone Township.

LATERAL - that part of the sewerage system extending from a sewer to the curb line, or if there shall be no curb line, to the property line, or if no such lateral shall be provided, then lateral shall mean that portion of or place in a sewer which is provided for connection of any building sewer.

mg/l - milligrams per liter.

NONDOMESTIC ESTABLISHMENT - any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewerage system, including institutional dormitories, which do not or does not constitute a domestic establishment.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, company, association, society, corporation or other group or entity.

pH - the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

ppm - parts per million by weight.

PLUMBING INSPECTOR - the person or persons appointed by the Authority to enforce the terms of these rules and regulations.

SANITARY SEWER - normal water-carried household and toilet wastes from any improved property.

SEWER - any pipe or conduit constituting a part of the sewerage system used or usable for sewage collection purposes.

SEWERAGE SYSTEM - all facilities, as of any particular time, for collecting, pumping, transporting, treating, or disposing of sanitary sewage and industrial wastes, to be owned by the Authority.

SLUG - any discharge of sewer wastes which for a period of fifteen (15) minutes shall exceed five (5) times the average daily flow.

SUSPENDED SOLIDS - suspended solids, as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

TOWNSHIP - the Township of Tyrone, Perry County, Pennsylvania, a municipal subdivision (a second class township) of the Commonwealth.

TREATMENT PLANT - the sewage treatment plant and related facilities, including sewage transportation facilities, and to which sanitary sewage and/or industrial wastes are discharged from the sewerage system for ultimate treatment and disposal

(Ord. 4/12/1993)

§102. Tapping and Connection Fees for Sewer Service. No person shall connect any improved property with any part of the sewerage system without first making application for and securing a permit, in writing, from the

Authority. Such application shall be made on a form to be provided by the Authority. The cost of the permit shall be twenty-five dollars (\$25.00).

A. Tapping Fee.

(1) This Authority will charge a tapping fee for properties improved after January 1, 1989. The tapping fee charge against the owner of any improved property is charged for connection of each such improved property whenever such owner hereafter shall connect any such improved property with the sewerage system.

(2) The amount of the tapping fee shall be the direct cost for materials, labor, meter, fringe benefits, engineering and legal charges.

(3) All tapping fees shall be payable to the treasurer of this Authority or to such other officer or representative of this Authority as shall be authorized, from time to time, to accept payment thereof.

(4) Payment of tapping fees charged by this Authority shall be enforced by this Authority in any manner appropriate under laws at the time in effect.

B. Connection Fee.

(1) The Authority will charge a connection fee for property improved after January 1, 1989. The connection fee as set forth is imposed upon and shall be collected by the Authority from the owner of each improved property which physically shall connect such improved property to the sewerage system, for the use of the sewerage system, whether such use shall be direct or indirect.

(2) The amount of the connection fee for connection of each domestic establishment shall be one thousand dollars (\$1,000.00). In case of a combination of one (1) or more domestic establishments with a similar unit or units and each thereto having the use of the sewerage system through one (1) sewer connection, then each such domestic establishment shall be charged the rates herein provided as though each thereof were in a separate structure and as though each thereof had a direct and separate connection to the sewerage system.

(3) The amount of the connection fee for connection of each nonresidential improved property which is charged for sewer service on a metered basis shall be determined on the basis of one (1) equivalent domestic establishment for each twelve thousand (12,000) gallons discharged quarterly or for each twelve thousand (12,000) gallons of sewage estimated to be discharged quarterly. If necessary, the discharge shall be estimated by the Authority or the Authority's consulting engineer using standard engineering data and procedures. The connection fee shall be the equivalent domestic establishment times one thousand dollars (\$1,000.00).

After one (1) year following the date of connection, the Authority shall make an analysis of actual quarterly discharge, and the Authority shall thereafter adjust the connection fee previously collected, either upward or downward based upon the

actual quarterly discharge. In no event shall the connection fee be less than one thousand dollars (\$1,000.00).

(4) All connection fees shall be due and payable at the time application is made to the Authority to make such connection to the sewerage system.

(5) All connection fees shall be made payable to the treasurer of this Authority or to such other officer or representative of this Authority as shall be authorized, from time to time, to accept payment thereof.

(Ord. 4/12/1993)

§103. Sewer Rental or Charges. There is hereby imposed upon the owner of each improved property served by the sewerage system and having the use thereof sewer rents or charges payable as hereinafter provided for the use, whether direct or indirect, of the sewerage system, based on the schedules of classifications and rates or charges hereinafter set forth:

A. In cases where the improved property is served by a public water supplier, sewer rentals or charges shall be computed in accordance with the following water meter rate schedule:

(1) Residential.

(a) A charge is instituted in the amount of seventy-two dollars (\$72.00) per quarter for the first twelve thousand (12,000) gallons (or any part thereof) of water consumption.

(b) For each additional thousand gallons (above twelve thousand (12,000) gallons) of water consumption, a charge is instituted in the amount of five dollars and fifty cents (\$5.50) per thousand gallons of water consumption.

(c) Multiple Use. In case of a combination of one (1) or more domestic establishments with a similar unit or units and each thereto having the use of the sewerage system through one (1) sewer connection, then each such domestic establishment shall be charged the rates herein provided as though each thereof were in a separate structure and as though each thereof had a direct and separate connection to the sewerage system.

(d) Mobilehome Court And Apartment Complex Service.

1) The owner of each improved property may make one (1) connection to the Authority's sewerage system for which he will be subject to the minimum charge of seventy-two dollars (\$72.00) per quarter for each mobilehome pad located in the mobilehome court or each apartment located in the apartment complex.

2) The quantities of quarterly sewage discharge allowable from each mobilehome court or apartment complex before excess usage charges shall be placed in effect will be determined by multiplying the total

number of mobilehome pads or apartment units times twelve thousand (12,000) gallons.

(e) For service less than a full quarterly period, the listed rates will be prorated for the period of usage or prorated on the usage, whichever is greater.

(2) Commercial and Industrial.

(a) A charge is instituted in the amount of seventy-five dollars (\$75.00) per quarter for the first twelve thousand (12,000) gallons (or any part thereof) of water consumption.

(b) For each additional thousand gallons (above twelve thousand (12,000) gallons) of water consumption, a charge is instituted in the amount of five dollars and sixty cents (\$5.60) per thousand gallons of water consumption.

(c) For service less than a full quarterly period, the listed rates will be prorated for the period of usage or prorated on the usage, whichever is greater.

B. In cases where the improved property is not served by a public water supplier, a charge is instituted in the amount of seventy-two dollars (\$72.00) per quarter for residential and seventy-five dollars (\$75.00) per quarter for commercial and industrial. Should either this Board or the owner feel that these flat charges create an unfair result, then, in said event, the owner may have a water meter installed, or this Board may require the installation of a water meter. In circumstances where the improved property is not served by a public water supplier and there is currently a water meter installed, billings shall be in accordance with the water meter rate schedule.

C. In cases where the improved property is an industrial establishment which consumes water in the industrial process, making it difficult or impossible to fairly monitor sewage discharge from water intake, a charge is instituted in the amount of two hundred dollars (\$200.00) per month.

(Ord. 4/12/1993)

§104. Measuring Volume.

1. Methods of Measuring Volume.

A. Person purchasing all water used from the water supplier discharges sanitary sewage and/or industrial waste into the sewerage system, the volume of water used as determined from meter readings made by or made available to the Authority shall be used in computing the sewer rentals.

B. In cases where persons have sources of water supply in addition to, or other than from the water supplier and discharge sanitary sewage and/or industrial waste into the sewerage system, those persons shall provide a meter on such additional or other sources of supply. The total amount of water used as shown by these meter readings will be used in computing the sewer rentals. If no

such meter is installed, the Sewer Manager shall estimate the total amount of water used for the purpose of determining the sewer rentals.

C. In cases where persons use water from the water supplier and/or from any other source such that all or any part of the water so used is not discharged into the sewerage system, the quantity of water used to determine the sewer rentals shall be computed by one (1) of the following methods:

(1) Method 1. By placing a meter or measuring device on the sewer construction. The readings from this meter or measuring device shall be used in computing the sewer rental.

(2) Method 2. By placing a meter or measuring device on the effluent not discharging into the sewerage system. The reading from this meter or measuring device will then be deducted from the total water meter readings and the remainder will be used in computing the sewer rentals.

(3) Method 3. When in the opinion of the Sewer Manager it is not desirable or not practical to install devices to continuously determine the quantity of water not discharged to the sewerage system, the Sewer Manager will determine, in such manner and by such method as he may prescribe, the percentage of metered water discharged into the sewerage system and the quantity of water used to compute the sewer rentals shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to the estimated amount shall be submitted to the Authority for determination and its decision shall be final for the current calendar year.

2. Measuring Devices. All meters or measuring devices not provided by the water supplier but otherwise used under the provisions of this Part shall be furnished and installed by the Authority at the expense of the property owner and shall be owned by, and under the control of, the Authority and may be tested, inspected or repaired by Authority employees whenever deemed necessary. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made by the Authority at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such installation and repairs shall be due and payable at the same time and collected in the same manner as are the bills for sewer service; such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed.

3. Meter Readings. Authority shall be responsible for the reading of all meters or measuring devices, unless such readings are otherwise made available to the Authority by the water supplier, and they shall be made available to Authority employees for meter readings at any reasonable time.

(Ord. 4/12/1993)

§105. Time and Method of Payment.

1. Bills.

A. Bills for sewer service will be rendered in calendar quarters, on the first days of January, April, July and October, respectively, or on such other dates as the Authority shall specify, for service rendered in the applicable monthly period. All bills are payable upon receipt.

B. Each owner of an improved property, which shall be connected to the sewerage system during any billing period, shall pay prorata sewer rental and charge for service for the balance of the billing period and shall be billed in conjunction with the next regular annum billing or by a special billing, as this Authority may determine.

2. Sewer rentals and charges shall be due and payable upon the applicable billing date as provided for in subsection (1) of this Section, at the office of the treasurer of this Authority, or at such other location as this Authority may designate, and the appropriate amount shall constitute the net bill. If sewer rentals and charges are not paid within thirty (30) calendar days after each billing date, an additional sum of ten (10%) per centum shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such thirty (30) calendar day period shall constitute payment within such period. If the end of such thirty (30) calendar day period shall fall on a legal holiday or a Sunday, payment made on or mailed and postmarked on the next succeeding week day which is not a legal holiday shall constitute payment within such period. Any bill not paid within said thirty (30) calendar day period shall be deemed delinquent.

C. Each owner of an improved property which is connected to the sewerage system initially shall provide this Authority with and thereafter shall keep this Authority advised of his correct address. Failure of any person to receive any bill for sewer rentals and charges shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(Ord. 4/12/1993)

§106. Liens for Connection Fees and Sewer Rentals; Filing and Collection of Liens.

1. Connection fees, sewer rentals and charges shall be a lien on the improved property connected to and served by the sewerage system; and any such sewer rentals and charges which are delinquent shall be filed as a lien against the improved property so connected to and served by the sewerage system, which lien shall be filed in the office of the Prothonotary of Perry County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

2. The Authority also reserves the right to file civil suit against the property owner through the District Justice Office.

(Ord. 4/12/1993)

§107. Prohibited Wastes.

1. No person shall discharge or cause to be discharged any storm water, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar or basement drainage,

drainage from roof leader connections, unpolluted commercial process water, overflow or drainage from cesspools, exhaust steam or any oil, tar, grease, gas, benzine or other combustible gases or liquids or any garbage (unless treated in an approved manner), insoluble solids, inorganic wastes, toxic wastes or any other dangerous or harmful substance which can adversely affect any part of the sewerage system or the treatment plant, into any sewer.

2. This Authority reserves the right to refuse permission to connect to the sewerage system, to compel discontinuance of use of the sewerage system or to compel pretreatment of industrial wastes, in order to prevent discharges deemed harmful or to have a deleterious effect upon any sewer or the sewerage system or the treatment plant.

3. No sanitary sewage or industrial wastes shall be discharged to the sewage system with or without pretreatment:

A. Being harmful or deleterious to any part of the sewerage system.

B. Being inhibitory to the treatment process at the treatment plant.

C. Having a temperature higher than one hundred (120°) degrees Fahrenheit or less than thirty-two (32°) degrees Fahrenheit.

D. Containing more than one hundred (100) milligrams per liter of fats, oils or greases.

E. Containing any gasoline, benzine, naphtha, fuel oil, paint products, acid, base or other flammable or explosive liquids, solids or gases.

F. Containing any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing safe entry into sewers for their maintenance and repair.

G. Containing unground garbage, scraps or vegetables.

H. Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butchers offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, or any other solids or viscous substances capable of causing obstruction to the flow in the sewerage system or other interference with the proper operation of the sewerage system or the treatment plant.

I. Having a pH, stabilized, lower than six (6.0) or higher than nine (9.0) or having any corrosive or scale forming property capable of causing damage or hazards to structures, equipment, bacterial action or personnel of the sewerage system or the treatment plant.

J. Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the receiving stream of the treatment plant, limiting the concentration in milligrams per liter of the following ions in the discharges into the sewerage system or the treatment plant: cyanide, arsenic, phenol 0.5 mg/l; lead and mercury 1.0 mg/l; chromium

trivalent and chromium hexavalent 2.0 mg/l; cadmium, copper, nickel, silver, tin and zinc 2.0 mg/l; iron 5.0 mg/l.

K. Containing total suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the treatment plant, except as otherwise provided herein;

L. Containing any toxic radioactive isotopes.

M. Containing color from any source that, when diluted 1:10, will have a luminescence of ninety (90%) percent or better and purity of ten (10%) percent or less, at its dominant wave length by the tristimulus method.

N. Having a chlorine demand in excess of twelve (12) mg/l.

O. Being prohibited by any permit issued by the Commonwealth of Pennsylvania or of the United States of America or any of their respective agencies.

P. Containing wastes which are not amenable to biological treatment or reduction in the treatment plant, specifically nonbiodegradable complex carbon compounds.

Q. Being at a flow rate and/or pollutant discharge rate which is taking on the proportions of a slug so that there is a treatment process upset and subsequent loss of treatment efficiency at the treatment plant.

4. Where necessary, in the opinion of this Authority, this Authority may require any owner to provide, at such owner's expense, such facilities for preliminary treatment of industrial wastes as may be necessary to reduce objectionable characteristics or constituents of such industrial wastes in order to bring the same within the maximum limits permitted herein and to control the quantities and rates of discharge of such industrial wastes over a twenty-four (24) hour day and a seven (7) day week.

5. Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of industrial wastes shall be submitted for approval of this Authority; and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from this Authority and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction.

6. Whenever facilities for preliminary treatment and handling of industrial wastes shall have been provided by any owner, such facilities continuously shall be maintained, at the expense of such owner, in satisfactory operating condition; and this Authority shall have access to such facilities at reasonable times for purposes of inspection and testing.

(Ord. 4/12/1993)

§108. Regulations Governing Admission of Industrial Wastes into the Sewerage System and Rentals and Charges Imposed Therefor.

1. Any person desiring to make or to use a connection to the sewerage system through which industrial wastes shall be discharged into the sewerage system shall file with this Authority an application for a permit

and an industrial waste questionnaire, to be furnished by this Authority, which shall supply to this Authority pertinent data, including estimated quantities of flow, characteristics and constituents, with respect to industrial wastes proposed to be discharged into the sewerage system and shall obtain written permits from this Authority to do so before making or using such connection. The collection and analysis of samples of industrial wastes shall be made by or under the supervision of a professional sanitary engineer. The cost of obtaining all such data shall be borne by the person desiring to make or to use such a connection to the sewerage system.

2. Any person who shall discharge industrial wastes into the sewerage system, when required by this Authority, shall construct, at the expense of such person, and thereafter properly shall maintain, at the expense of such person, a suitable control manhole and other devices as shall be approved by this Authority to facilitate observation, measurement and sampling by this Authority of industrial wastes discharged to the sewerage system. Any such control manhole, when required by this Authority, shall be constructed at an accessible, safe, suitable and satisfactory location, in accordance with plans to be approved by this Authority prior to commencement of construction.

3. Industrial users shall install fine screens to remove husks, hulls, vegetable skins, peelings, threads, lint, grease and other such nonsettleable and floating solids, or other organic or inorganic substances, determined by this Authority to overload, impair the efficiency of or cause difficulties in operation of the sewerage system.

4. Any industrial user who is discharging or permitting to be discharged industrial wastes into the sewerage system and who contemplates a change in the method of operation which will alter the composition of industrial wastes at the time being discharged into the sewerage system shall notify this Authority, in writing, at least ten (10) days prior to consummation of such change so that this Authority may sample the industrial wastes immediately after such change takes place in order to make the determinations provided for or required herein.

5. Each owner of an improved property granted permission to discharge industrial wastes into the sewerage system shall provide all facilities, including a meter or meters approved by this Authority.

6. This Authority reserves the right to require the owner of any improved property having large variations in rates of waste discharged to install suitable regulating devices for equalizing waste flows to the sewerage system.

7. This Authority specifically reserves the right, from time to time, to impose surcharges for industrial wastes discharged into the sewerage system which shall establish appropriate surcharge rates and charges.

8. In the event sanitary sewage is combined with industrial wastes passing through the meter or meters provided for measuring the volume of industrial wastes, an estimate of the volume of sanitary sewage shall be granted as an allowance against the total volume measured in applying appropriate surcharge rates and charges for industrial wastes.

§109. Access. This Authority shall have the right of access at reasonable times to any part of any improved property which shall be served by the sewerage system as shall be required for purposes of inspection, management, sampling and testing, and for performance of other functions relating to service rendered by this Authority through the sewerage system. (Ord. 4/12/1993)

§110. Building Sewers and Connections.

1. Connections

A. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any sewer or the sewerage system without first making application for and securing a permit, in writing, from this Authority.

B. Application for a permit shall be made by the owner of the improved property to be served or his duly authorized agent.

C. No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

(1) Such person shall have notified the Authority of the desire and intention to connect such improved property to a sewer.

(2) Such person shall have made application for and obtained a permit from the Authority.

(3) Such person shall have given the Authority at least twenty-four (24) hours notice of the time when such connection will be made so that this Authority may supervise and inspect the work of connection and necessary testing.

(4) Such person shall have paid to the Authority any fee charged and imposed by the Authority, as required under §102 of this Part.

D. Each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one (1) improved property on one (1) building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Authority, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Authority.

E. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.

F. A building sewer shall be connected to a sewer at the place designated by this Authority and where the lateral is provided. The invert of a Building Sewer at the point of a gravity connection shall

be at the same or a higher elevation than the invert of the sewer. Where any building drainage system is too low to permit gravity flow to the sewer lateral, the sewage flow from such building drainage system shall be lifted by an approved means and discharged through the building sewer.

G. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

H. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Authority.

I. If any person shall fail or refuse, upon receipt of a notice of this Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within sixty (60) days of receipt of such notice, this Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewerage system until such unsatisfactory condition shall have been remedied to the satisfaction of the Authority.

2. Building Sewers and Connections to Sewers.

A. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer.

B. No building sewer shall be covered until it has been inspected and approved by this Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

3. Installation of Building Sewer. Building sewer or service line shall be subject at all times to the inspection and approval of the Authority or its duly authorized representative who shall have supervision and control over the same.

A. Size. Service lines shall in no case be less than four (4) inches in diameter. Where multiple houses of three (3) or more are permitted to be served by a common line under a special connection permit issued by the Authority, the multiple houses will be served with a six (6) inch line, unless a larger line for the multiple house is required by the Authority Manager or his representative. An approved adapter connecting the service line to the lateral sewer must be used.

B. Material. Pipe used for building sewers or service lines shall conform to cast iron soil pipe conforming with HS-67, service weight, bell and spigot joint or PVC Schedule 40.

C. Service lines shall be laid on a grade of not less than one-quarter (1/4) of an inch per foot for four (4) inch pipes and one-eighth (1/8) of an inch per foot for six (6) inch pipes or larger.

D. At the option of the Authority, all service lines greater than two hundred (200) feet in length, connecting nondomestic establishments or industrial users to the sewer, shall be air tested in accordance with specifications available from the Authority upon request.

E. Service lines must be as direct as possible. Changes in direction must be made with "Y's", combination "Y" and one-eighth (1/8) bends or half "Y's", or one-eighth (1/8) bends. Any ninety (90°) degree change in direction shall include a cleanout. Changes in size where the lateral sewer is connected to the service line shall be made only with fittings.

F. Ditches shall be promptly backfilled after inspection and approval by the Authority Manager or his representative. Care shall be taken to prevent damage to the pipe in backfilling and to secure a well-compacted and firm trench.

G. On existing improved properties as distinguished from future properties to be improved, the service line shall be vented, trapped and a cleanout placed on the line.

(1) Vents. A vent shall be placed along the house sewer line at a location acceptable to the Authority Manager or his representative. Vent risers shall extend a minimum of twelve (12) inches above the ground surface and shall be capped with a mushroom vent or double bend. Vents shall be at least four (4) inches in diameter.

(2) Trap. A standard building trap shall be provided immediately after the vent. The trap shall be the full size of the service line.

(3) Cleanouts. A cleanout shall be placed immediately following the building trap. The cleanout shall consist of a line size "Y" branch with a riser of not less than four (4) inches extending to the surface where it is to be provided with a ferrule and plug for cleaning purposes.

H. Upon completion of each service installation, the Authority Manager or his representative is to be notified and an appointment made for inspection. All pipes and pipe joints must be visible and accessible to the Authority Manager or his representative. If the work is satisfactory, the permit, which must be on hand at the time of the inspection, will be endorsed and returned to the owner.

4. Registration. Persons performing work on the sewerage system shall be subject to registration as follows:

A. Persons desiring registration to perform work on the sewerage system in the Borough/Township must apply to the Authority office, present their qualifications, past experience, record their place of business and any other required information. Upon acceptance, their names shall be inscribed on an Authority registry list. No

(18, §110(4)(A), cont'd)

(18, §110(4)(A), cont'd)

registration fee will be charged by the Authority nor will the Authority issue any licenses or certificates.

B. Evidence of failure to comply with these rules and regulations, by any registrant, will open that registrant to removal of his name from the registry list which will automatically exclude him from doing any work in the Borough on the sewerage system.

(Ord. 4/12/1993)

§111. Additions to and Changes of Sewer Rentals or Charges; Adoption of Additional Rules and Regulations.

1. This Authority reserves the right to adopt and promulgate, from time to time, additional classifications and sewer rentals or charges therefor, or modifications of the schedule of sewer rentals or charges as set forth in these rates, rules and regulations, which additional classifications and sewer rentals or charges, or modifications, as the case may be, shall be construed as a part of these rates, rules and regulations.

2. This Authority reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary any proper in connection with use and operation of the sewerage system, which rules and regulations shall be, shall become and shall be construed as part of the rates, rules and regulations.

(Ord. 4/12/1993)

Part 2
Sewer Connections

§201. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

AUTHORITY - Landisburg Municipal Authority, a Pennsylvania municipal authority.

BOROUGH - the Borough of Landisburg, Perry County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

BUILDING SEWER - the extension from the sewage drainage system of any structure to the lateral of a sewer.

IMPROVED PROPERTY - any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL WASTES - any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

LATERAL - that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in a sewer which is provided for connection of any building sewer.

OWNER - any individual, partnership, company, association, society, trust, corporation or other group or entity.

PERSON - any individual, partnership, company, association, society, trust, corporation or other group or entity.

SANITARY SEWER - normal water carried household and toilet wastes discharged from any improved property.

SEWER - any pipe, main or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM - all facilities, as of any particular time, for collecting, transporting, pumping and/or disposing of sanitary sewage and/or industrial wastes situate in the Borough and owned, maintained and operated by the Authority.

TOWNSHIP - the Township of Tyrone, Perry County, Pennsylvania, a political subdivision, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

§202. Use of Public Sewers Required.

1. The owner of any improved property benefitted, improved or accommodated by a sewer shall connect such improved property with such sewer, in such manner as this Borough may require, within sixty (60) days after notice to such owner from this Borough to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough or the Authority, from time to time.

2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection (1), shall be conducted into sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough or the Authority, from time to time.

3. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of subsection (1). No person shall discharge or permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of subsection (1), except where suitable treatment has been provided which is satisfactory to this Borough and Authority.

4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to a sewer or which shall be required under subsection (1) to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Borough, shall be cleansed and filled at the expense of the owner of such improved property and under the direction and supervision of this Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, cleansed and filled, shall constitute a nuisance and such nuisance shall be abated as provided by law, at the expense of the owner of such improved property.

5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

6. The notice by this Borough to make a connection to a sewer, referred to in subsection (1), shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring the connection in accordance with the provision of this Part and specifying that such connection shall be made within sixty (60) days from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

§203. Building Sewers and Connections.

1. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one (1) improved property on one (1) building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Borough and the Authority, in writing, shall have been secured.

2. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and, such owner shall indemnify and save harmless this Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.

3. A building sewer shall be connected to a sewer at the place designated by the Authority and where the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and water tight.

4. If the owner of any improved property located in this Borough and benefitted, improved or accommodated by any sanitary sewer constituting part of the sewer system, after sixty (60) days notice from this Borough in accordance with §202(1), shall fail to connect such improved property, as required, this Borough may make such connection and may collect from such owner the costs and expenses thereof. In such case, this Borough shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Borough shall file a municipal lien for said construction within six (6) months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

(Ord. 4/11/1988, Art. III)

§204. Rules and Regulations Governing Building Sewers and Connections to Sewers.

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.

2. No building sewer shall be covered until it has been inspected and approved by this Borough or the Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and all other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Borough.

5. If any person shall fail or refuse, upon receipt of a notice from this Borough or the Authority, in writing, to remedy any unsatisfactory conditions with respect to a building sewer, within sixty (60) days of receipt of such notice, this Borough or the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of this Borough and the Authority.

6. This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as a part of this Part.

(Ord. 4/11/1988, Art. IV)

§205. Enforcement.

1. Any person who shall violate this Part shall be sentenced, upon conviction thereof, to a fine of not more than one thousand (\$1,000.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such. [Ord. 4/12/1993]

2. Fines and Costs imposed under the provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law.

(Ord. 4/11/1988, Art. V; as amended by Ord. 4/12/1993)

CHAPTER 19

SIGNS AND BILLBOARDS

(Reserved to accommodate future enactments)

CHAPTER 20

SOLID WASTE

(Reserved to accommodate future enactments)

ORDINANCE #

Chapter 20 Part I

BE IT ENACTED AND ORDAINED, by the Borough Council of Landisburg Borough, Perry County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

WHEREAS, public notice has been given to the residents of Landisburg Borough via the publication of the proposed ordinance twice in the newspaper of general circulation in Landisburg Borough prior to the passage thereof.

NOW THEREFORE BE IT RESOLVED AND ORDAINED that:

SOLID WASTE

- Section 1. Short Title
- Section 2. Definitions
- Section 3. Council in Charge of Collection, Transportation and Disposal
- Section 4. Pre-collection Practice
- Section 5. Collection Practices
- Section 6. Unlawful Deposit of Garbage; Tampering with Receptacles Prohibited
- Section 7. Vehicle Requirements
- Section 8. Rules and Regulations Authorized
- Section 9. Severability
- Section 10. Penalty for Violation

Section 1. Short Title. This ordinance shall be known and may be cited as the Municipal Garbage and/or Refuse Collection Service Ordinance of the Landisburg Borough.

Section 2. Definitions. The following words and terms, as used in this ordinance shall have the meanings hereby ascribed hereto, unless the context clearly indicates a different meaning:

“Garbage” shall mean all table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

“Refuse” shall mean all discarded articles or materials, except sewage, liquid waste and garbage, and including ashes and combustible and noncombustible waste.

“Person” shall mean any natural person, association, partnership, firm or corporation.

"Ashes" shall mean the residue from the burning of wood, coal, coke, or other combustible materials.

"Commercial" shall mean the use of a premise other than as an improved property.

"Improved property" shall mean any property used for residential purposes upon which there is erected a structure or structures intended for continuous or periodical habitation, occupancy or use by human beings or animals and from which property garbage and/or refuse shall be generated.

"Dwelling unit" shall mean one or more rooms in an improved property arranged for occupancy by any person or family.

"Borough" shall mean the Borough of Landisburg, Perry County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania.

"Council" shall mean the group of elected officials acting as the governing body of the Borough.

Section 3. Council in Charge of Collection, Transportation and Disposal. The Borough Council shall have the authority to make rules and regulations governing the day of collection, type and location of refuse containers and such other matters pertaining to the collection, transportation and disposal of garbage and/or refuse as it deems necessary, provided that such rules and regulations are not contrary to law or to the provisions of this ordinance.

Section 4. Pre-Collection Practices. The following pre-collection practices shall be followed:

A. Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in good condition. Any container that does not conform to the provisions of this ordinance or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The Borough Council shall have the authority to refuse collection services for failure to comply herewith.

B. Garbage and/or refuse containers shall be equipped with suitable handles and tight-fitting covers and shall weight not more than 75 pounds.

C. Containers may be of metal construction or plastic construction and shall include plastic bags manufactured for disposal purposes.

D. Combustible and noncombustible refuse may assembled, boxed or bundled separately in such a way that it can be handled conveniently and will not be disseminated by wind or otherwise while awaiting collection.

Section 5. Collection Practices. Collection practices shall be as follows:

A. Garbage and/or refuse shall be placed in containers as hereinabove provided and shall be placed on the curb line of each street or the property line adjoining each alley along the established route.

Section 6. Unlawful Deposit of Garbage: Tampering with Receptacles Prohibited. No person shall deposit garbage and/or refuse or cause garbage and/or refuse to be deposited in any street, alley or other public place or in any stream or body of water or upon private property whether owned by such person or not within the Borough except it be in proper receptacles for collection, nor shall any person molest, collect, transport through the streets or interfere with receptacles containing garbage and/or refuse designated for collection.

Section 7. Vehicle Requirements. Any Vehicle transporting or collecting garbage and/or refuse over the streets, alleys and thoroughfares of the Borough shall be provided with a cover and so operated as to prevent dirt, debris, garbage and/or refuse from being scattered, spilled, dropped or blown therefrom. It shall be unlawful to scatter, spill, dump or drop or permit to be scattered, spilled, dumped or dropped any dirt, debris, garbage and/or refuse upon the streets, alleys and thoroughfares of the Borough whether from a vehicle or otherwise.

Section 8. Rules and Regulations Authorized. The Borough reserves the right to adopt and from time to time this Borough may adopt such additional rules and regulations as it shall deem necessary and proper, which rules and regulations shall be construed as a part of this ordinance.

Section 9. Severability. In the event any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this ordinance, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

Section 10. Penalty for Violation. Any person, firm or corporation who or which shall violate any provision of this ordinance, except for Section 7 hereof, shall, upon conviction thereof, be sentenced to pay a fine of not more than five hundred dollars (\$500.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Any person who shall operate a vehicle in violation of Section 7 of this ordinance shall, upon summary conviction before a Magistrate, be sentenced to pay a fine of five hundred dollars (\$500.00) and costs of prosecution, and, in default of payment thereof, shall undergo imprisonment for not more than five (5) days, as provided in The Vehicle Code.

Section 11. A copy of this ordinance shall be filed forthwith in the Office of the Clerk of Courts for Perry County, Pennsylvania.

Section 12. This Ordinance shall take effect May 14, 2001.

ENACTED AND ORDAINED THIS 14th DAY OF May, 2001.

Larry E. Myers
President
Landisburg Borough Council

Attest:

Diane M. Rock
Secretary

Perry County Civil Ct
CV-OR-2011-1456
Road Docket # RD 2011-301

ORDINANCE NO. 2011-06

ADMITTED TO RECORD

2011 DEC 19 AM 11:10

AN ORDINANCE OF THE BOROUGH OF LANDISBURG, PERRY COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES, STORING OR ACCUMULATING ABANDONED OR JUNKED MOTOR VEHICLES, JUNK MATERIAL, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDINGS IN A STATE OF DILAPIDATION OR DISREPAIR ON PRIVATE OR PUBLIC PROPERTY WITHIN THE BOROUGH: PROVIDING FOR THE REMOVAL THEREOF ON PUBLIC OR PRIVATE GROUNDS AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO COLLECT THE COSTS OF SUCH REMOVAL BY THE BOROUGH, AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Borough Council of Landisburg Borough, Perry County, Pennsylvania, deems it to be in the best interests and general welfare of the citizens and the residents of the Borough to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property; and WHEREAS, the Borough Code authorizes Boroughs to prohibit nuisances, to remove same and to impose Penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Borough Council of Landisburg Borough, Perry County, Pennsylvania, as follows:

Section 1. DEFINITIONS: For the purpose of this ordinance 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 word "shall" is always mandatory and not merely directory.

1. "Borough" is the Borough of Landisburg, which is located within the confines of Perry County, Pennsylvania.
2. "Borough Council" is the Borough Council of Landisburg Borough, Perry County.
3. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Borough.
4. "Person" is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.
5. "Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.
6. "Nuisance" is the unreasonable, unwarrantable, or unlawful use of public or private property, which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.
7. "Abandoned or Junked Motor Vehicle" is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.

CERTIFIED A TRUE COPY
Justi Brown
DEPUTY PROTHONOTARY

Section 2. NUISANCES DECLARED ILLEGAL: Nuisances, including, but not limited to the following, are hereby declared to be illegal:

A. Storing or Accumulating the following:

1. Garbage, tires, refuse or rubbish.

(a) Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the borough any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood.

(b) Refuse/rubbish: Combustible trash, including paper, cartons, boxes, barrels, tree branches, wood furniture, bedding; noncombustible trash, including metals, tin cans, metal furniture, pieces of concrete, glass, crockery, other mineral waste; street rubbish, including street sweeping; dirt, catch-basin dirt, contents of letter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include leaves, cornstalks, stubble or other vegetable material generated in the course of harvesting agricultural crops. It shall be unlawful to cause or permit to accumulate any dust, trash or such a material that it can be blown away by the wind anywhere in the borough excepting in a covered container.

(c) Tires: stored on residential property, covered or non-covered.

2. Junk Material, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials, unless for resale, that can be seen from any public highway, road, street, avenue, land or alley which is maintained by the Borough, or by the Commonwealth of Pennsylvania.

B. Storing or accumulating abandoned or junked motor vehicles, that can be seen from any public highway, road, street, avenue, lane or alley which is maintained by the Borough, or by the Commonwealth of Pennsylvania. All such vehicles must be moved within 60 days, or if at a vehicle repair business, 90 days.

C. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, washing machines, bathtubs, washstands, sump pits, lavatories, water closets, swimming pools, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley: or from any property into or upon any adjoining property.

D. Draining or flowing, or allowing to drain or flow, any water or drainage from within a dwelling situate upon property along any public highway, road, street, avenue, lane, or alley in the Borough onto or upon a sidewalk or traveled portion for said drainage by means of a pipe, drainage ditch or otherwise.

- E. Burning of tires, tar products or similar material.
- F. Maintaining or causing to be maintained, any dangerous structure, including but not limited to abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair.
- G. Permitting the growth of any grass, weeds, noxious weeds, or any vegetation whatsoever: (1) not edible or planted for some useful, legal or ornamental purpose, or (2) to conceal any rubbish, garbage, trash or any other violation of this ordinance.
- H. Permitting or allowing any well, cesspool or cistern to be, or remain, uncovered.
- I. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road, street or alley which is maintained by the Borough or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- J. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, road, or alley to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective device.
- K. Defacing Public and Private Property. It shall be unlawful for any person, partnership, corporation or agent acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners, or vehicles within the borough. Examples of defacing shall include, but not be limited to, the following examples: application of paint, inks and dyes.
- L. Cesspools. For any person to permit and maintain open vaults, drains, failed cesspools and failed septic systems prejudicial to public health.
- M. For any person to engage in the business of manufacture or sale of any explicitly pornographic, obnoxious or obscene material or to provide entertainment which is considered obscene in nature within the Borough.
- N. Nauseous draining. For any person to run foul or nauseous liquids, washings or drainings from any manufacturing establishment, store, stable, private residence or shop into any of the gutters or along any of the sidewalks, streets, roads, alleys or courts of the Borough.
- O. Dogs and animals. For any person owning, keeping, or permitting any dog, bitch or animal on or about his premises to disturb the peace and quiet of the night by barking, howling, crying or otherwise making a noise to the annoyance of the neighborhood:
 - 1. Harboring – it shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. This provision shall not apply to a “seeing eye” dog that is used to assist a person who is legally blind.
 - 2. Dogs Running at Large – it shall be unlawful for any person owning or possessing any dog to permit the same to run at large. “Running at large” shall be defined to be the presence of a dog at any place except upon the premises of the owner, or upon the premises of another with the consent of the owner of such premises. A dog shall not be

considered to be running at large if it is on a leash or under control of a person physically able to control it.

3. Keeping of Vicious Animals –

(a) It shall be unlawful for any person to harbor or keep a vicious animal within the borough. Any such animal which is found off the premises of its owner may be seized by any police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are kept on the premises and restrained by a leash or chain, cage, fence or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(b) “Vicious animal” shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that a person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

Q. Obstructing streets. For anyone placing a vehicle or other obstruction on or along any street of the Borough so as to interfere with vehicular or pedestrian traffic, unless it should become necessary to drive or place the vehicle in such position to load or unload merchandise or furniture, and then such vehicle shall only be permitted to remain for such lengths of time as is necessary to load or unload the same.

R. For any person to permit any animals including any dogs, cattle, horses, mule, sheep, goat, geese, ducks or swine to roam or be at large upon the streets, lanes or alleys in any of the inhabited parts of the Borough.

S. Depositing in streets, streams, etc. For any person to throw, spread or deposit on any of the streets, roads, lanes, alleys, courts, sidewalks or any watercourse or gutter within the Borough limits, and permit it to remain there, any animal carcass, fish, shellfish, paper, glass, tires, cans, rubbish or offal of any kind or any other refuse or offensive matter whatsoever.

Section 3. WRITTEN NOTICE TO VIOLATORS REQUIRED: Whenever a condition constituting a nuisance is permitted or maintained, the Borough of Landisburg shall send a plain letter to the offender giving him/her ten (10) days to comply with the Ordinance.

If the ten (10) day period has expired, a Certified Letter is to be sent giving notice to the violator that they have one (1) week to comply with the Ordinance, or it will be turned over to the Code Enforcement Officer for action.

After the seven (7) days has lapsed, the Code Enforcement Officer will go to the said residence (with a witness) to serve a letter of intent to file charges.

The Code Enforcement Officer will then take the complaint to the District Justice to file charges.

Any notice given under this Ordinance shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Borough, or whether the situation can be corrected by repairs, alterations or by fencing or boarding, or in some way

confining and limiting the nuisance.

If any of the provisions of Section 2(E), (H), (I), (J), (O) or (Q) is violated, and if the circumstances require immediate corrective measures, any notice given shall require the owner to immediately comply with the terms thereof.

Section 4. PENALTY FOR VIOLATION: For any violation of any provision of this Ordinance by permitting, creating, maintaining, or being guilty of any of the nuisances herein specified and upon failure to abate such after notice to do so, a person shall be guilty of a summary offense, and upon conviction thereof be liable to pay a fine not more than \$600.00, plus the costs of prosecution, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than Ten (10) days, provided; further, that each day's continuance of a violation shall constitute a separate offense.

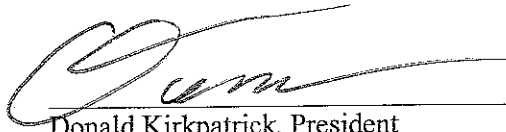
1. This Ordinance regulates building, housing, property maintenance, health, fire, public safety, and water and air pollution, and shall be enforced pursuant to Article 33 (53 P.S. 48301 et. seq.) and other pertinent provisions of the Borough Code. Enforcement thereof shall be by an action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Borough Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 454(c) (relating to trial in summary cases).
2. The Borough Council may direct that any removal, repairs, or abatement work, is to be done by the Borough. If so, it shall certify the costs thereof, together with the statutory penalty of ten percent of such cost, to the Borough Solicitor. The cost (and penalty) of such removal, repairs or abatement work shall be a lien upon such premises from the time of such removal, repairs and abatement, which date shall be determined by the certificate of the person doing such work, and filed with the Borough Secretary.
2. The Borough, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation, or seek any such other relief as any such court of competent jurisdiction is empowered to afford under law.

Section 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6. SCOPE: This Ordinance is a supplement to existing ordinances regulating behavior that may be classified as a nuisance and establishes additional conduct that constitutes a nuisance. This Ordinance does not repeal or amend any prior enacted ordinances to the extent of limiting the enforcement of such ordinances. Nothing in this ordinance is intended to, nor shall conflict with, any provisions of the Borough's Ordinances.

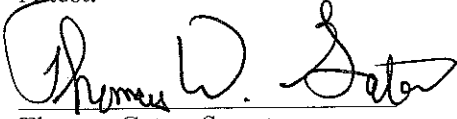
This Ordinance shall become effective immediately on the date of enactment as provided for in 53 P.S. 46007(b).

ENACTED and ORDAINED this 12 day of December 2011.



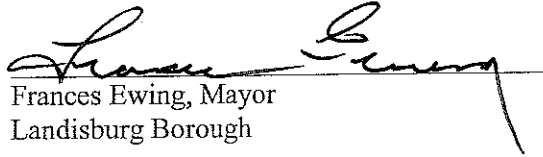
Donald Kirkpatrick, President
Landisburg Borough Council

Attest:



Thomas Gates, Secretary

[SEAL]



Frances Ewing, Mayor
Landisburg Borough

2011/Landisburg Nuisance

CHAPTER 21

STREETS AND SIDEWALKS

Part 1

Sidewalk Obstructions

- \$101. Applicability
- \$102. Restrictions on Sidewalk Sales
- \$103. Illegal to Obstruct Sidewalks
- \$104. Penalties

Part 2

Driving on Sidewalks

- \$201. Driving on Sidewalks Prohibited
- \$202. Penalties

Sidewalk Obstruction

101 Applicability

The provisions of this Part shall not apply to the sale, storage or display of newspapers or periodicals. (Ord. 4/12/1993)

102 Restriction on Sidewalk Sales

It shall be unlawful for any vendor of groceries, fruits or produce or any kind of foodstuffs or merchandise, except peddlers duly licensed or authorized and farmers, to store, display, exhibit or sell his said wares on public highways, including the sidewalk or cart way, or any portion thereof, or to make use of the sidewalk or cart way, or any portion thereof, as a place for salesmen, clerks or customers to stand while transacting business, or in any way to obstruct the sidewalk or cart way, or any portion thereof, and prevent the free use of the same by the general public. (Ord. 4/12/1993)

103 Illegal to Obstruct Sidewalks

It shall be unlawful to put or place any box, boxes, barrels, merchandise or other articles that obstruct the free use of any sidewalk upon any of the sidewalks, except articles temporarily placed thereon for the purpose of loading or unloading, removing or storing away. (ord. 4/12/1993)

104 Penalties

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00) plus costs and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 4/12/1993)

Part 2

Driving on the Sidewalk

201 Driving on Sidewalk Prohibited

No person shall operate or park a motor vehicle or tractor upon any sidewalk in the borough, nor shall any person operate or park a motor vehicle upon or across any sidewalk except in order to gain access to or egress from a driveway or alley at such locations where the curbed, if such sidewalk is curbed, shall have been properly cut down for that purpose. (Ord, 11/8/1976, 1),

202 Penalties

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600,00) plus costs and, in default of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. (Ord. 11/8/1976, 2; as amended by Ord. 4/12/1993)

ORDINANCE #
2001-1

AN ORDINANCE OF THE BOROUGH COUNCIL OF LANDISBURG BOROUGH, PERRY COUNTY, PENNSYLVANIA, CONVERTING FACULTY AVENUE INTO A ONE-WAY STREET FROM GEORGE STREET TO CARLISLE STREET.

BE IT ENACTED AND ORDAINED, by the Borough Council of Landisburg Borough, Perry County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

WHEREAS, AFTER DUE INVESTIGATION, IT APPEARS TO BE IN THE PUBLIC INTEREST TO CONVERT FACULTY AVENUE FROM GEORGE STREET TO CARLISLE STREET INTO A ONE-WAY STREET FROM EAST TO WEST, DUE TO INCREASED TRAFFIC FLOW;

WHEREAS, public notice has been given to the residents of Landisburg Borough via the publication of the proposed ordinance authorizing the conversion of Faculty Avenue as stated above, twice in the newspaper of general circulation in Landisburg Borough prior to the passage thereof.

NOW THEREFORE BE IT RESOLVED AND ORDAINED that:

SECTION ONE: Faculty Avenue shall be one way, east to west, from George Street to Carlisle Street.

SECTION TWO: A copy of this ordinance shall be filed forthwith in the Office of the Clerk of Courts for Perry County, Pennsylvania.

SECTION THREE: This Ordinance shall take effect February 13, 2001.

ENACTED AND ORDAINED THIS 12 DAY OF Feb.
2001.

Larry E. Myers
President
Landisburg Borough Council

Attest:

Dlene M. Rock
Secretary

PERRY COUNTY CIVIL CT
CV-OR-2011-1455
RD 2011-300

ORDINANCE NO. 2011-04

ADMITTED TO RECORD
2011 DEC 19 AM 11:10
NOTARIAL OFFICE
PERRY COUNTY

AN ORDINANCE ESTABLISHING REGULATIONS TO FACILITATE SNOW REMOVAL FROM STREETS, HIGHWAYS AND SIDEWALKS IN THE BOROUGH OF LANDISBURG AND TO PROVIDE PENALTIES FOR VIOLATIONS

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Landisburg, Perry County, Pennsylvania, and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1. During snow removal operations, and during and after an accumulation of three (3) inches or more of snow, it shall be unlawful for any person, firm, corporation or association to park, or allow to be parked, any motor vehicle or other vehicle on any sidewalk in the Borough of Landisburg.

SECTION 2. Every sidewalk in the Borough of Landisburg shall be cleared of snow and ice within twenty-four (24) hours after the snowfall ceases by the owner, occupier or lessee of the premises abutting the sidewalk. In the event the snow and ice on the sidewalk is so hard that it cannot be removed without damage to the sidewalk, the owner, occupier or lessee shall cause the sidewalk to be kept strewn with ashes, sand, sawdust, or any abrasive material, and shall, as soon thereafter as the weather permits, thoroughly remove such material. The absence of an owner of the premises shall not relieve such owner from the duty to clear or cause to be cleared all snow and ice, nor from prosecution pursuant to this Ordinance.

SECTION 3. Any person, firm, corporation or association allowing runoff of water from premises owned by same that results in an icing of the sidewalk shall be required to clear the ice from the sidewalk within twenty-four hours of notice by the Borough Council or its agent, or Code Enforcement Officer, or the Mayor, and shall remedy the situation in the manner described in section 4 in the event the ice cannot be removed without damaging the sidewalk.

SECTION 4. Any person, firm, corporation or association who shall violate or fail to comply with any of the provisions of this Ordinance shall commit a summary criminal offense, and upon conviction thereof in a summary proceeding, be sentenced to pay a fine of twenty-five (\$25.00) Dollars, restitution to cover any costs incurred by the Borough in removing snow from the sidewalk abutting the offender's premises, and the costs of prosecution. Each day's continuance of a violation shall constitute a separate offense.

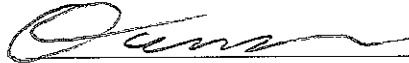
SECTION 5. The provisions of this Ordinance are severable, and if any word, words, part, parts, provision, section, sentence or clause shall be declared illegal, invalid, or unconstitutional by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining words, parts, provisions, sections, sentences or clauses of this Ordinance. It is hereby declared to be the

CERTIFIED A TRUE COPY
Rachel H. [Signature]
DEPUTY PROTHONOTARY

intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional word, words, part, parts, provisions, sections, sentences or clauses had not been included herein.

SECTION 6. Enforcement of this Ordinance shall be done pursuant to Ordinance #2011-2, relating to the Office of Code Enforcement.

ENACTED and ORDAINED this 12 day of December 2011.



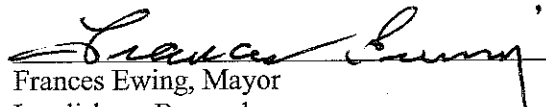
Donald Kirkpatrick, President
Landisburg Borough Council

Attest:



Thomas Gates, Secretary

[SEAL]



Frances Ewing, Mayor
Landisburg Borough

2011/Landisburg Snow Removal

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

[See the Perry County Ordinance]

(Reserved to accommodate future enactments)

CHAPTER 23

SWIMMING POOLS

(Reserved to accommodate future enactments)

CHAPTER 24
TAXATION, SPECIAL

Part 1
Earned Income Tax

- \$101. Incorporation of Statute
- \$102. Imposition of Tax
- \$103. Declarations, Returns and Payment of Tax
- \$104. Collection at Source
- \$105. Administration
- \$106. Interest and Penalties for Late Payment
- \$107. Penalties for Violations

Part 1
Earned Income Tax

§101. Incorporation of Statute. The provisions of §6913 of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §6901-24, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, are incorporated herein by reference thereto; except to the extent that options are provided in said §6913, this Part designates the option selected, and except as and where hereinafter specifically provided otherwise. (Ord. 4/12/1993)

§102. Imposition of Tax.

1. A tax for the general revenue purposes of one (1%) percent is hereby imposed on:

A. Salaries, wages, commissions and other compensation earned or paid after January 1, of any year by residents of the Borough of Landisburg; and on

B. The net profits earned after January 1 of any year, of businesses, professions or other activities conducted by such residents.

2. Imposition of Tax on Nonresidents. A tax for the general revenue purposes of one (1%) percent is hereby imposed on:

A. Salaries, wages, commissions and other compensation earned or paid after January 1, of any year, by nonresidents of the Borough for work done or services performed or rendered in the Borough; and on

B. Net profits earned after January 1 of any year, on businesses, professions or other activities conducted in the Borough by nonresidents.

3. The tax levied under subsections (1)(A) and (2)(A) of this Section shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to any person who is employed by or renders services to him. The tax levied under subsections (1)(B) and (2)(B) of this Section will relate to and be imposed on the net profits of any business, profession or enterprise carried on by any person as owner or proprietor, either individually or in association with some other person or persons.

(Ord. 4/12/1993)

§103. Declarations, Returns and Payment of Tax.

1. Every taxpayer whose net profits are subject to the tax imposed by this Part shall file a declaration of his estimated net profits for the current year and shall pay the tax due thereon in quarterly installments, all as provided in §6913, III.A.(1)(ii) of the Local Tax Enabling Act.

2. Every taxpayer whose earnings are subject to the tax imposed by this Part shall make and file final returns and pay to the officer the balance of the tax due, as provided in §6913, III.B., first paragraph of the Local Tax Enabling Act.

3. Every taxpayer whose earnings are not subject to collection at the source, shall make and file with the officer quarterly returns and shall pay quarter-annually the amount of tax shown as due on such returns all as provided in §6913, III.B(2) of the Local Tax Enabling Act .

4. The officer is hereby authorized to provide by regulation, subject to the approval of the Borough Council, that the return of an employer or employers, showing the amount of tax deducted by said employer or employers from the salaries, wages, or commissions of any employee, and paid by him or them to the officer shall be accepted as the return required of any employee whose sole income, subject to the tax or taxes under this Part, is such salary, wages or commissions.

(Ord. 4/12/1993)

§104. Collection at Source. Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the Borough who employs one (1) or more persons, other than domestic servants, for a salary, wage, commission or other compensation, shall register with the officer, deduct the tax imposed by this Part on the earned income of his employee or employees and shall make and file quarterly returns and final returns and pay quarterly to the officer the amount of taxes deducted, all as provided in §6913, IV, of the Local Tax Enabling Act. (Ord. 4/12/1993)

§105. Administration. The earned income tax officer shall be selected from time to time by resolution of, and shall receive such compensation for his services and expenses as determined from time to time by the Borough Council. Such officer shall have the powers and duties, and shall be subject to the penalties as provided in §6913, V, VI, VII of the Local Tax Enabling Act. (Ord. 4/12/1993)

§106. Interest and Penalties for Late Payment. If for any reason the tax is not paid when due, interest at the rate of six percent (6%) per annum on the amount of said tax, and an additional penalty of one-half of one percent (1/2%) of the amount of the unpaid tax for each month or fraction thereto during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed. (Ord. 4/12/1993)

§107. Penalties for Violations.

1. Any person who fails, neglects, or refuses to make any declaration or return required by this Part, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects, or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the officer or any agent designated by him to examine his books, records, and papers, and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this Part, shall, upon conviction therefor before any district justice of the peace, or court of competent jurisdiction, be sentenced to pay a fine of not more than five hundred dollars

(\$500.00) for each offense, and costs, and in default of payment, to be imprisoned for a period not exceeding thirty (30) days.

2. Any person who divulges any information which is confidential under the provisions of this Part, shall, upon conviction therefor, before any district justice of the peace, or court of competent jurisdiction, be sentenced to pay a fine of not more than five hundred dollars (\$500.00) for each offense, and costs, and in default of payment, to be imprisoned for a period not exceeding thirty (30) days.

3. The penalties imposed under this Section shall be in addition to any other penalty imposed by any other section of this Part.

4. The failure of any person to receive or procure forms required for making the declaration or returns required by this Part shall not excuse him from making such declaration or return.

(Ord. 4/12/1993)

Ordinance # 2002-1

A Ordinance of the Borough of Landisburg of Perry County, Pennsylvania, providing for the levying, assessment and collection of a tax for general revenue purposes upon a transfer of an interest in real property to the extent that the transfers are subject to tax imposed by the Commonwealth of Pennsylvania, pursuant to 72 P.S. 8101-C et seq., authorized by Article XI-D, "Local Real Estate Transfer Tax," 72 P.S. 8101-D et seq. and administered, collected and enforced under the "Local Tax Enabling Act," 53 P.S. 6901 et seq.; providing a severability clause; and providing an effective date.

The Landisburg Borough Council hereby resolves as follows:

SECTION 1: SHORT TITLE.

This Ordinance shall be known as the "Realty Transfer Tax Ordinance of the Borough of Landisburg".

SECTION 2: AUTHORITY.

A Realty Transfer Tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Borough of Landisburg regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place as authorized by Article XI-D, "Local Real Estate Transfer Tax." 72 P.S. 8101-D et seq., and the "Local Tax Enabling Act, 53 P.S. 6901, et seq.

SECTION 3: DEFINITIONS.

- A. "Association." A partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent's estate.
- B. "Corporation." A corporation, joint-stock association, business trust, or banking institution which is organized under the laws of this Commonwealth, the United States, or any other state, territory, foreign country or dependency.
- C. "Document." Any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds or trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding thirty (30) years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under Section 8 of this Ordinance.

D. "Family Farm Corporation." A corporation of which at least seventy-five (75%) percent of its assets are devoted to the business of agriculture and at least seventy-five (75%) percent of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

1. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;
2. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;
3. Fur farming;
4. Stockyard and slaughterhouse operations; or
5. Manufacturing or processing operations of any kind.

E. "Governing Body. The Landisburg Borough Council

F. "Members of the Same Family." Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

G. "Person." Every natural person association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the terms "person" as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

H. "Real Estate."

1. All lands, tenements or hereditaments within the Borough of Landisburg including without limitation buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees, and other improvements, immovables or interests which by custom, usage or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.

2. A condominium unit.

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." A corporation or association which is primarily

engaged in the business of holding, selling or leasing real estate, ninety (90%) percent or more of the ownership interest in which is held by thirty-five (35) or fewer persons and which:

1. Derives sixty (60%) 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 (90%) 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."

1. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including without limitation an estate in fee simple, life estate, or perpetual leasehold; or
2. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty (30) years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

K. "Transaction." The making, executing, delivering, accepting, or presenting for recording of a document.

L. "Value."

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 shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in 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 clause (1) or (2), 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 or effective with the transfer.

SECTION 4: 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 (1%) 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 (30) days of acceptance of such document or within thirty (30) days of becoming an acquired company.

B. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the recorder of deeds whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.

C. It is the intent of this Ordinance that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in The Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. 6901 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Borough of Landisburg under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half ($\frac{1}{2}$) of the rate and such one-half ($\frac{1}{2}$) rate shall become effective without any action on the part of the Borough of Landisburg, provided, however, that the Borough of Landisburg and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half ($\frac{1}{2}$) of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under "The Local Tax Enabling Act".

D. If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due, shall be added and collected.

SECTION 5: EXEMPT PARTIES.

The United States, the Commonwealth, or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this section. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

SECTION 6: EXCLUDED TRANSACTIONS.

The tax imposed by Section 4 shall not be imposed upon:

- A. A transfer to the Commonwealth, or to any of its instrumentalities, agencies or political subdivision, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one (1) year from the date of condemnation.
- B. A document which the Borough of Landisburg is prohibited from taxing under the Constitution or statutes of the United States.
- C. A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim bureau sale.
- D. A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.
- E. A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by co-tenants; however, if any other parties take shares greater in value than their undivided interest, tax is due on the excess.
- F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired 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 spouse of a brother or sister and brother or sister or the spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.
- G. A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent's devisee or heir.

H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.

I. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.

J. A transfer for no or nominal actual consideration from trustee to successor trustee.

K. A transfer (i) for no or nominal actual consideration between principal and agent or straw party; or (ii) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this section.

Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.

L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department reasonably determines that the primary intent of such merger, consolidation or division is avoidance of the tax imposed by this Ordinance.

M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two (2) 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: (i) the grantee shall directly use 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 (ii) 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 tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. 501(c)(3)) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.

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 (75%) percent of each class of the stock thereof.

T. A transfer between members of the same family of an ownership interest in real estate company or family farm corporation.

U. A transaction wherein the tax due is one dollar (\$1.00) or less .

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 Ordinance.

SECTION 7: DOCUMENTS RELATING TO ASSOCIATIONS OR CORPORATIONS AND MEMBERS, PARTNERS, STOCKHOLDERS, OR SHAREHOLDERS THEREOF.

Except as otherwise provided in Section 6 hereof, 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.

SECTION 8: ACQUIRED COMPANY.

A. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of

transferring, directly or indirectly, ninety (90%) percent or more of the total ownership interest in the company within a period of three (3) 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 Ordinance.

C. Within thirty (30) days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of deeds of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set for the value of real estate holdings of the acquired property in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

SECTION 9: CREDITS AGAINST TAX.

A. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.

B. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

C. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax due paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.

D. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

E. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

SECTION 10: EXTENSION OF LEASE.

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

SECTION 11: DUTIES OF RECORDER OF DEEDS.

A. As provided in 16 P.S. 11011-6, as amended by Act of July 7, 1983 (P L. 40, No. 21), the recorder of deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Borough of Landisburg based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania Realty Transfer Tax, without compensation from the Borough of Landisburg.

B. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the recorder shall not accept for recording such a deed unless it is accompanied by a Statement of Value what taxes are due each municipality.

C. On or before the tenth (10th) of each month, the recorder shall pay over to the Borough of Landisburg all local realty transfer taxes collected, less two (2%) percent for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania Realty Transfer Tax. The two (2%) percent commission shall be paid to the county.

D. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the recorder shall record the deed of record the additional realty transfer tax form only when both the state and local amounts and a re-recording fee has been tendered.

SECTION 12: STATEMENT OF VALUE.

Every document lodged with or presented to the records 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 section. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this section shall not apply to any excludable real estate transfer which are exempt from taxation based on family relationship. Other documents presented for affixation of stamps shall be accompanied by a certified copy of the document and Statement of Value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Ordinance.

SECTION 13: CIVIL PENALTIES.

A. If any part of any underpayment of tax imposed by this article is due to fraud, there shall be added to the tax amount equal to fifty (50%) percent of the underpayment.

B. In the case of failure to record a declaration required under this section on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax five (5%) percent of the amount of such tax if the failure is for not more than one (1) month, with an additional five (5%) percent for each additional month or fraction thereof during which such failure continues, not exceeding fifty (50%) percent in the aggregate.

SECTION 14: LIEN.

The tax imposed by this Ordinance shall become a lien upon the lands, tenements, or hereditaments, or any interest thereof, lying, being situated, wholly or in part within the boundaries of the Borough of Landisburg, which lands, tenements, hereditaments or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this Ordinance, said lien to begin at the time when the tax under this Ordinance is due and payable, and continue until discharge by payment, or in accordance with the law, and the solicitor is authorized to file a municipal tax claim in the Court of Common Pleas of the 41st Judicial District of Pennsylvania, Perry County Branch, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. 7101, et seq., its supplements and amendments.

SECTION 15: ENFORCEMENT.

All taxes imposed by this Ordinance together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

SECTION 16: REGULATIONS.

The Secretary of the Borough of Landisburg is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations, which have promulgated by the Pennsylvania Department of Revenue under 72 P.S. 8101-C et seq., are incorporated into and made a part of this Ordinance.

SECTION 17: SEVERABILITY.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the Ordinance in its entirety or of any part thereof other than declared to be invalid.

SECTION 18: REPEALER.

Any Ordinance relating to the imposition of a realty transfer tax hereinbefore adopted is hereby repealed.

SECTION 19: FISCAL YEAR.

The tax imposed by this Ordinance is imposed for the Calendar year 2002 and shall remain in effect thereafter until repealed.

SECTION 20: EFFECTIVE DATE.

This Ordinance shall take effect on October 15, 2002.

RESOLVED this ¹⁴/₁₄ day of October, 2002.

BOROUGH OF LANDISBURG

BY: Lancey E. Magee
PRESIDENT OF BOROUGH COUNCIL

ATTEST:

Diane M. Rock
Secretary

Perry County
CIVIL DOCKET # 2010-111

Landisburg Borough
Perry County

ADMITTED TO RECORD

2010 JAN 20 AM 10:37

Resolution No. 2010-01

PROthonary's OFFICE
PERRY COUNTY

A RESOLUTION OF THE BOROUGH OF LANDISBURG IN THE COUNTY OF PERRY, THE COMMONWEALTH OF PENNSYLVANIA, ALLOWING THE LANDISBURG BOROUGH TAX COLLECTOR TO CHARGE A FEE FOR INSUFFICIENT FUNDS FOR CHECKS MADE FOR TAX PAYMENT. ALSO TO CHARGE A FEE FOR TAX CERTIFICATIONS AND TAX BILL RECEIPTS.

BE IT RESOLVED AND ENACTED, and is hereby resolved and enacted by the Council of Landisburg Borough, County of Perry, Commonwealth of Pennsylvania:

WHEREAS, the Landisburg Borough Tax Collector should not incur out of pocket expenses from bank fees due to checks for tax payment that have insufficient funds.

WHEREAS, the Landisburg Borough Tax Collector receives numerous requests for copies of the tax bills beyond the original payment.

WHEREAS, the Landisburg Borough Tax Collector does not receive reimbursement for the materials or time of these requests for copies.

WHEREAS, the Landisburg Borough Tax Collector receives multiple verbal certification requests which require more time and effort.

WHEREAS, the Landisburg Borough Tax Collector is requesting that every parcel number requested per year for certification, be returned in writing at the rate of \$10.00.

THEREFORE, the Borough of Landisburg Council hereby authorizes the Landisburg Borough Tax Collector to assign a fee of up to \$5.00 per copy of a tax bill receipt that is issued at a time other than original payment.

And

The Borough of Landisburg Council hereby authorizes the Landisburg Borough Tax Collector to assign a fee of up to \$10.00 for every parcel number requested per year for certification, to be returned in writing.

And

The Borough of Landisburg Council hereby authorizes the Landisburg Borough Tax Collector to assign a fee of up to \$50.00 for every check received for tax payment with insufficient funds.

This resolution shall take effect on the 1st day of JANUARY, 2010

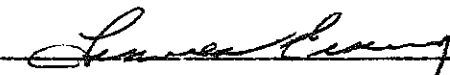
RESOLVED this 11th day of JANUARY, 2010, at a regularly scheduled meeting of the Landisburg Borough Council, Perry County, Pennsylvania.

Attest:


Thomas W. Gates, Secretary/Treasurer


Donald L. Kirkpatrick, President




Frances Ewing, Mayor

CHAPTER 25

TREES

(Reserved to accommodate future enactments)

CHAPTER 26

WATER

(Reserved to accommodate future enactments)

CHAPTER 27

ZONING

(Reserved to accommodate future enactments)

APPENDIX

The following ordinances and resolutions are no longer of general interest, primarily because their provisions were carried out directly after their enactment. Since they are mainly of historical or administrative interest, it has not been considered necessary to include their entire text. Instead, they are arranged in groups, according to subject matter, and within each group listed by title in chronological order. The content of the ordinances and resolutions is indexed, in all necessary detail, in the general index at the end of this volume. The annual budget and tax ordinances have been listed only in the "Key to the Disposition of Ordinances." Any person who desires to read the full text of any of the ordinances or resolutions may do so by consulting the original Ordinance Books on file in the Borough Offices.

The enactments included in this Appendix are grouped under the following headings:

- A. Annexation of Territory
- B. Bond Issues and Loans
- C. Franchises and Services
- D. Governmental and Intergovernmental Affairs
- E. Plan Approval
- F. Public Property
- G. Sewers
- H. Streets and Sidewalks
- I. Water
- J. Zoning; Prior Ordinances

(App. A)

(App. A)

Appendix A
Annexation of Territory

(Reserved to accommodate future ordinances)

(App. B)

(App. B)

Appendix B
Bond Issues and Loans

(Reserved to accommodate future ordinances)

Appendix C
Contracts and Services

(Reserved to accommodate future ordinances)

Appendix D

Governmental and Intergovernmental Affairs

<u>Ord./Res.</u>	<u>Date</u>	<u>Description</u>
Res. 1-1959	3/2/1959	Approving the designation of the Perry County Industrial Agency as the Industrial Development Agency to represent the County of Perry in all matters relevant to and for all purposes of the Industrial Development Assistance Law.
Res. 1-1967	4/5/1966	Agreeing that the planning requirements of Act 537 should be accomplished at the County level on a County-wide basis and that Council delegates the responsibility for the preparation of such a plan to the County, and will co-operate in the preparation of the plan and will give serious consideration to the adoption of the plan, when completed.
Res. 6/5/1968	6/5/1968	Recognizing the Tri-County Regional Planning Commission as the area-wide agency designated to perform regional planning in the Harrisburg Standard Metropolitan Statistical Area, and, also as the area-wide review agency, to review applications for Federal loans or grants.
Res. 6/5/1968B	6/5/1968	Agreeing that the planning requirements of Act 537 should be accomplished at the County level on a County-wide basis and that Council delegates the responsibility for the preparation of such a plan to the County, and will co-operate in the preparation of the plan and will give serious consideration to the adoption of the plan, when completed.
Res. 7/5/1972	7/5/1972	Requesting Perry County to appoint an enforcement officer to enforce the Perry County Subdivision and Land Development Ordinance or Landisburg Borough's own Land Subdivision Ordinances, as the case may be, and further to carry out the inspection functions required by the Sewage Facilities Act. Also should

(App. D)

(App. D)

<u>Ord./Res.</u>	<u>Date</u>	<u>Description</u>
		the County desire to have a building code and building permit regulations in the future that said Borough will co-operate with the County in such efforts and will designate the enforcement officer hired by the County of Perry as the person to enforce said regulations.
Res. 4/8/1974	4/8/1974	Approving the feasibility report for sewage facilities for the Borough of Landisburg, Perry County, dated March 1974 as prepared by LeVan, Inc., consulting engineers. Also copies be made available to the Tyrone Township Supervisors, the Department of Environmental Resources, the Bureau of Water Quality Management and the Tri-County Regional Planning Commission.
Res. 8/12/1974	8/12/1974	Requesting the Department of Highways to inspect the Borough streets and approve the locations for line painting and cross-walk painting that the Council and the Department shall agree upon.
Res. 12/9/1974	12/9/1974	Appointing Mr. Lee Shull, being qualified and present, to fill the office of Mayor for the unexpired term of the vacated office, which term shall expire on December 31, 1977. Also, appointing Mr. Jack Zeigler to fill the vacant office of Councilmen whose term shall expire on December 31, 1977.
Res. 2/13/1984A	2/13/1984	Appointing Mr. Daniel D. Smith as Sewage Enforcement Officer for Landisburg Borough and that he be included in the Borough liability insurance coverage for work performed by in the course of his duties.
Res. 1-1985	8/12/1985	Recognizing that the existing Perry County Waste Management Plan is outdated and in need of revision to reflect current conditions. The Borough is requesting the Perry County to revise the existing Solid Waste Management Plan, and hereby empowers the County to perform this function on behalf of the Borough and

(App. D)

(App. D)

<u>Ord./Res.</u>	<u>Date</u>	<u>Description</u>
		County. Also, the Borough desires to participate fully in the development of the revised Solid Waste Management Plan subject to approval by the Borough of any financial obligations which may be required for the development of said revised Solid Waste Management Plan.
Res. 12/9/1985	12/9/1985	Agreeing to comply with the requirements of the Recreational Improvement and Rehabilitation Act (RIRA) program and the Department of Community Affairs for the purpose of obtaining grant funds to develop Mark E. Henry Memorial Park.
Res. 4/14/1986	4/14/1986	Appointing Eugene F. Carpenter as Sewage Enforcement Officer for the year 1986.
Res. 1/12/1987	1/12/1987	Appointing Eugene F. Carpenter as Sewage Enforcement Officer for the year 1987.
Res. 2/12/1987	2/12/1987	Appointing Glace Association, Inc., to perform the mentioned requirements for the installation of the Landisburg Borough sewage collection/installation and treatment system.
Res. 3/12/1987	3/12/1987	Appointing the firm of Snelbaker, Elicker and Silver to perform the mentioned requirements relating to the construction and installation of the Borough sewage collection/installation and treatment system.
Res. 2/13/1989	2/13/1989	Requesting the County Board of Elections to place on the ballot the question, "Do you favor the issuance of a license to conduct small games of chance in the Municipality of Landisburg."

(App. E)

(App. E)

Appendix E
Plan Approval

(Reserved to accommodate future ordinances)

(App. F)

(App. F)

Appendix F
Public Property

<u>Ord./Res.</u>	<u>Date</u>	<u>Description</u>
Res. 2/13/1984B	2/13/1984	Selling real estate situated in the Borough of Landisburg to Ronald L. Dupert and Brenda I. Dupert for \$800.00.

Appendix G

Sewers

<u>Ord./Res.</u>	<u>Date</u>	<u>Subject</u>
4/11/1988A	4/11/1988	Authorizing and approving a management agreement between the Borough and the Landisburg Municipal Authority; authorizing and approving an intermunicipal service agreement between the Borough of Landisburg, the Landisburg Municipal Authority and the Township of Tyrone, collectively known as the "Agreements." The purpose being to acquire, purchase, hold, construct, improve, maintain, operate, own and lease sewers, sewer systems or parts thereof and sewage treatment works.
4/11/1988B	4/11/1988	Granting to Landisburg Municipal Authority certain rights and privileges in, along, over and under streets, roads, lanes, courts, cul-de-sacs, alleys, public ways, public squares and other properties of the Borough for use in connection with said Authority's sewer system; and providing for regulating the manner in which such rights and privileges shall be exercised.

Appendix H
Streets and Sidewalks

This appendix contains an alphabetical listing of streets, and under each street a chronological listing of all ordained activities.

<u>Name</u>	<u>Activity</u>	<u>Location</u>	<u>Ord/Res</u>	<u>Date</u>
Easy St.	Naming	Between Water St. and Main St. for a length of 1132 feet	Res. 7/12/1976	7/12/1976
Faculty St.	Acceptance	Entire length	Res. 7/12/1976	7/12/1976
	Naming	From Carlise St. to George St.; from George St. to New St; and from New St. to Venus St. for a distance of 1285 feet	Res. 1-1962	9/6/1962
	Paving	From the intersection of George St. east to New St. for a distance of 450 feet in length 15 feet wide	Res. 1-1962	9/6/1962

(App. I)

(App. I)

Appendix I
Water

(Reserved to accommodate future ordinances)

Appendix J
Zoning; Prior Ordinances

(Reserved to accommodate future enactments)

BOROUGH OF LANDISBURG
 KEY TO THE DISPOSITION OF ALL ORDINANCES
 (and significant resolutions)

<u>Ord./Res.</u>	<u>Disposition</u>	<u>Number</u>	<u>Subject</u>
1	Repealer		
2	Chapter 2	\$\$301,302	Hogs
3	Repealed by	A.O.	Livestock at Large
4	Chapter 2	\$\$101-108	Dogs at Large
5	Repealed by	A.O.	Loitering
Res. 1	1955 Per Capita Tax		
Res. 1-1959	Appendix	D	Industrial Agency
6	Expired		Earned Income Tax
7	Chapter 10	\$\$201-203	Weeds
Res. 1-1962	Appendix	H	Streets
Res. 1-1967	Appendix	D	Sewer Planning
Res. 6/5/1968	Appendix	D	Planning Commission
Res. 6/5/1968B	Appendix	D	Sewer Planning
Res. 7/5/1972	Appendix	D	Enforcement Officer
Res. 4/8/1974	Appendix	D	Sewage Facilities
Res. 8/12/1974	Appendix	D	Department of Highways
Res. 12/9/1974	Appendix	D	Council
1/13/1975	Chapter 6	\$\$201-209	Curfew
Res. 7/12/1976	Appendix	H	Streets
11/8/1976	Chapter 21	\$\$201,202	Driving on Sidewalks
11/24/1976	Chapter 2	\$\$201-204	Animal Noises
Res. 11/8/1976	Tax Rate	1977	
2/14/1977	Repealed by	9/12/1977	Outdoor Burning
9/12/1977	Chapter 7	\$\$101-104	Outdoor Burning
3/9/1981	Superseded by	A.O.	Penalties
Res. 2/13/1984A	Appendix	D	Sewage Officer
Res. 2/13/1984B	Appendix	F	Public Property
Res. 1-1985	Appendix	D	County Waste Management Revision
Res. 12/9/1985	Appendix	D	RIRA program
Res. 4/14/1986	Appendix	D	Sewage Officer
Res. 1/12/1987	Appendix	D	Sewage Officer
2/9/1987	Chapter 4	\$\$101-109	Dangerous Structures

<u>Ord. or Res.</u>	<u>Disposition</u>	<u>Number</u>	<u>Subject</u>
Res. 2/12/1987	Appendix	D	Sewage Installation
Res. 3/12/1987	Appendix	D	Sewage Installation
4/11/1988	Chapter 18	§§201-205	Sewers
4/11/1988A	Appendix	G	Sewers
4/11/1988B	Appendix	G	Sewers
10/10/1988	Chapter 6	§§101-105	Pornography
Res. 2/13/1989	Appendix	D	Games of Chance
4/12/1993	Adopting Ordinance		

BOROUGH OF LANDISBURG

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