

Municipal Code

Chapter 1

ADMINISTRATION AND GOVERNMENT

Part 1
ELECTED OFFICERS

§ 1-1. Mayor's Salary. [Ord. 405, 3/1/2000]

On and after the first Monday of January 2000, the Mayor of the Borough of Speers shall receive a salary of \$50 per month.

§ 1-2. Compensation of Councilmen. [Ord. 405, 3/1/2000]

On and after the first Monday of January 2000, each Councilman of the Borough of Speers shall receive a salary of \$40 per month.

Part 2
BOARDS AND COMMISSIONS

§ 1-11. Borough Planning Commission Created. [Ord. 284, 12/5/1973¹]

A Borough Planning Commission, composed of five members, appointed in the manner provided by law, is hereby created and established in and for the Borough of Speers. The said Borough Planning Commission shall perform all the duties and may exercise any and all of the powers vested by law in planning agencies in boroughs and, in addition, the said Borough Planning Commission shall operate as the Borough Industrial Redevelopment Committee, one member of which shall represent the Borough of Speers on the Washington County Redevelopment Advisory Committee. Provided: the persons constituting the Borough Planning Commission now functioning in the Borough shall constitute the Planning Commission hereby created, and nothing in this ordinance shall affect the tenure of the said present Borough Planning Commission, but all vacancies hereafter occurring in the said Planning Commission, regardless of the cause thereof, shall be filled in accordance with the provisions of the law governing planning agencies in boroughs at the time of the occurrence of the said vacancy.

1. Editor's Note: Section 2 of this ordinance repealed Ord. 186.

Part 3
FIREMEN'S RELIEF

**§ 1-31. Firemen's Relief Association Recognized. [Res., 11/7/1933,
as amended by Res., 12/5/1973]**

The Borough of Speers recognizes that the Charleroi Volunteer Fire Department, Inc., gives fire protection to the inhabitants of the Borough of Speers and therefore recognizes the Relief Association of the Charleroi Volunteer Fire Department, Inc., as the relief association entitled to receive the moneys paid to the Borough of Speers from the foreign fire insurance tax under the Act of 1929 P.L. 709, as amended.

Part 4
POLICE DEPARTMENT

§ 1-41. to § 1-43.

(Ordinance 285 formerly comprised these Sections and was superseded by Ordinance 326, §§ 1-44 and 1-45 of this chapter.)

§ 1-44. Police Department Abolished. [Ord. 326, 2/7/1979]

The Police Department of the Borough of Speers is hereby abolished and employment of full-time police officers is hereby terminated effective January 31, 1979.

§ 1-45. Effect on Pension Benefits. [Ord. 326, 2/7/1979]

Any and all accrued pension rights or benefits payable to, for, or on behalf of the Chief of Police of the Borough of Speers and a full-time patrolman of the Borough of Speers are hereby to be made payable to, or on behalf of the two full-time policemen, and the appropriate officers of the Borough of Speers are hereby authorized and directed to execute any and all documents and make any and all expenditures to carry out the purposes of these retirement and or pension benefits.

Part 5
PENSIONS, RETIREMENT AND SOCIAL SECURITY

A.
Social Security.

§ 1-51. Benefits of Extension of Social Security to Borough Officers and Employes. [Ord. 190, 8/4/1958]

It is the considered opinion of this body that the extension of the Social Security System to employes and officers of the Borough of Speers will be of great benefit, not only to the employes of the Borough by providing that said employes and officers may participate in the provisions of the Old Age and Survivors Insurance System, but will also be of great benefit to the Borough of Speers by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government.

§ 1-52. Extension of Coverage Authorized. [Ord. 190, 8/4/1958]

The 1951 Session of the General Assembly of the Commonwealth of Pennsylvania, in regular session, enacted a statute, known as Act No. 491, which is the enabling Act provided for in Section 218 of Public Law 734, 81st Congress, which designated the Secretary of Labor and Industry of the Commonwealth of Pennsylvania to act as the State Agency to implement the coverage of employes and officers under the said Old Age and Survivors Insurance System. The Borough of Speers is hereby authorized to execute and deliver to the State Agency a plan, or plans, and agreement, required under Section 6 of the said enabling Act and the Social Security Act, to extend coverage to employes and officers of the Borough of Speers and do all other necessary things to effectuate coverage of employes and officers under the Old Age and Survivors Insurance System.

§ 1-53. Payroll Deduction System, Matching Borough Payments Authorized. [Ord. 190, 8/4/1958]

The Borough Secretary is hereby authorized to establish a system of payroll deduction to be matched by payments by the Borough of Speers to be made into the Contribution Fund of the Social Security Act through the office of the State Agency, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employes of the Borough of Speers. Such payments are to be made in accordance with the provisions of the law and regulations promulgated by the State Agency and the Federal Security Administrator. Such payments which are delinquent shall bear interest at the rate of 1/2 of 1% per month until such time as payments are made.

§ 1-54. Appropriation into Contribution Fund; Agreement with State Agency; Date Participation Commences. [Ord. 190, 8/4/1958]

Appropriation is hereby made from the proper fund, or funds, of the Borough of Speers, in the necessary amount to pay into the Contribution Fund as provided in Section 4 of the enabling Act and in accordance with the plan, or plans and agreement. Authority is given to the President of Council and the Borough Secretary of the Borough of Speers to enter into an agreement with the State Agency, which agreement shall be in accordance with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of the Borough of Speers shall commence as of July 1, 1958.

B.

Police Retirement.**§ 1-61. Application of Foreign Casualty Insurance Fund Monies.
[Ord. 314, 10/1/1975²]**

The Borough Council shall, from time to time, apply monies received from the Commonwealth of Pennsylvania as contributions from the Foreign Casualty Insurance Fund to be applied to retirement and pension plans in the following manner:

- A. The purchase of insurance annuities policies on individual members of the Police Department.
- B. Placement of such funds in approved savings or banking institutions for the benefit of the retirement plan of individual members of the Police Department.
- C. The payment of such funds together with other funds into the Municipal Employees Retirement System for the benefit of the members of its Police Department.

§ 1-62. Eligibility for Benefits. [Ord. 314, 10/1/1975]

The Borough Council shall have included in the insurance annuity policies the final retirement age 65 for all police officers, none of whom shall be entitled to receive any benefits from said annuity unless they shall have served a minimum of 10 years on the police force. Council may, from time to time, alter the vesting and age requirements hereinbefore³ set forth.

2. Editor's Note: Section 3 of this ordinance repealed all inconsistent ordinances.

3. Editor's Note: In §§ 1-61 and 1-62 of this chapter.

Part 6
FISCAL AFFAIRS

§ 1-101. Flood Insurance Program Implementation. [Res., 4/3/1974⁴]

Beginning April 3, 1974, Council shall do the following:

- A. Require permits for all proposed construction, excavation, fill, grading or other improvements in the community.⁵
- B. Review all permit applications for new construction or substantial improvement to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location which has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must.
 - (1) Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - (2) Use construction materials and utility equipment that are resistant to flood damage; and
 - (3) Use construction methods and practices that will minimize flood damage.
- C. Review all permit applications for excavation, fill and/or grading to determine if the proposed site will be reasonably safe from mudslides. If a proposed site and improvements are in a location that may have mudslide hazards, a further review must be made by persons qualified in geology and soils engineering, and the proposed excavation, fill and/or grading must 1) be adequately protected against mudslide damage, and 2) not aggravate the existing hazard.
- D. Review subdivision proposals and other proposed new developments to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

4. Editor's Note: The preamble to this resolution cited the adoption of another resolution on the same date expressing positive interest in the National Flood Insurance Program. See Appendix E.

5. Editor's Note: See Chapter 5, Buildings.

- E. Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

**Part 7
TRANSIT AUTHORITY**

§ 1-151. Intent. [Ord. 357, 3/6/1985]

That it is the desire of the Borough of Speers to organize and participate in an Authority under the Municipality Authorities Act of 1945, 53 P.S. § 301 et seq.

§ 1-152. Articles of Incorporation. [Ord. 357, 3/6/1985]

That in pursuance of said desire and intention, and in conformity with the terms and provisions of the Municipality Authorities Act and its amendments the proposed articles of Incorporation are hereby set forth in full as follows:

**ARTICLES OF INCORPORATION
MID MON-VALLEY TRANSIT AUTHORITY**

1. In compliance with the Municipality Authorities Act of 1945, (53 P.S. § 301 et seq.), and pursuant to resolutions signifying their desire and intention to incorporate a body corporate and politic, this municipality, the Borough of Speers, Washington County, does hereby certify:
 - A. The name of the authority shall be the Mid Mon-Valley Transit Authority.
 - B. The authority is formed under the Municipality Authorities Act of 1954, 53 P.S. § 301 et seq.
 - C. No other authorities have been organized by the aforesaid municipalities under the Municipality Authorities Act of 1945, as amended, or under the Act approved the 28th of June 1935 (P.L. 463).
 - D. This incorporating municipality, its municipal officials, and their addresses consist of the following:

[Here followed the names and addresses of Borough officials]
 - E. The names, addresses, and terms of office of the first board member of the Mid Mon-Valley Transit Authority is the following:

Dr. Louis A. Romito
Represent Speers on Transit Authority
116 Schaffer Avenue, Mapleview
Charleroi, PA 15022
 - F. The Mid Mon-Valley Transit Authority shall exist for the purposes and with the power conferred upon bodies corporate created under

the Municipality Authorities Act as amended, without limitations as to other powers generally named in said Act. These purposes may include the following:

- (1) Provide for transit services in the Monessen Urbanized area;
 - (2) Enter into agreements with agencies, including State and federal transportation departments for capital as well as operating assistance;
 - (3) Enter into agreements with units of local government or other institutions, businesses or associations to accept monies as a share of any costs associated with providing transit services; and
 - (4) Enter into agreements with bus companies to provide transit services in regards to agreements formed with local governments and state and federal agencies or others as provided in Section VI (c).
- G. The Authority shall have no independent power to pledge the credit or taxing power of the member municipalities; nor shall any long term bonded debt be incurred by the Authority without the written joinder and consent of the member municipalities.
- H. Any member municipality may withdraw from the Authority in accordance with the provisions of the Municipality Authorities Act as now constituted or as hereinafter amended provided that it has fully satisfied any financial and contractual obligations to the Authority.

§ 1-153. Execution of Articles. [Ord. 357, 3/6/1985]

That the Articles of Incorporation of the Authority shall be executed on behalf of the Borough of Speers by the Southwestern Pennsylvania Regional Planning Commission. SPRPC is hereby authorized to cause to be published a) notice of this resolution, and b) the day upon which the Articles of Incorporation will be filed with the Secretary of the Commonwealth of Pennsylvania; to file the Articles of Incorporation together with the Ordinance and Resolution authorizing the incorporation of the Authority and the necessary or appropriate to effect the incorporation of the Mid Mon-Valley Transit Authority.

Part 8
FIRE INSURANCE PROCEEDS

§ 1-161. Designated Official. [Ord. 376, 2/3/1993]

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

§ 1-162. Municipal Certificate Required. [Ord. 376, 2/3/1993]

No insurance company, association or exchange (hereinafter the "insuring agent") 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 of Speers (hereinafter the "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds \$5,000, unless the named insured or insuring agent is furnished by the Borough Treasurer with a municipal certificate pursuant to § 508(B) of Act 98 of 1992 and unless there is compliance with § 508(C) and (D) of Act 98 of 1992 and the provisions of this Part.

§ 1-163. Payment of Claim. [Ord. 376, 2/3/1993]

Where pursuant to § 508(B)(1)(I) of Act 98 of 1992, the Borough Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured; provided, however, that if the loss as agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures must be followed:

- A. The insuring agent shall transfer from the insurance proceeds to the designated officer of the Borough in the aggregate of \$1,000 for each \$20,000 of a claim and for each fraction of that amount of a claim, this Section to be applied such that if the claim is \$20,000 or less, the amount transferred to the Borough shall be \$1,000.
- B. If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the Borough from the insurance proceeds the amount specified in the estimate.
- C. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure.
- D. After the transfer, the named insured may submit a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of

the funds transferred to the Borough in excess of the estimate to the named insured, if the Borough has not commenced to remove, repair or secure the building or other structure.

- E. Upon receipt of proceeds under this Section, the Borough shall do the following:
- (1) The designated officer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the Borough. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing of the buildings or any proceedings related thereto.
 - (2) It is the obligation of the insuring agent when transferring the proceeds to provide the Borough with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this subsection shall be followed.
 - (3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Borough and the required proof of such completion received by the designated officer, and if the Borough has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Borough has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Borough shall transfer the remaining funds to the named insured.
 - (4) To the extent that interest is earned on proceeds held by the Borough pursuant to this Section, and not returned to the named insured, such interest shall belong to the Borough. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
- F. Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency. Furthermore, nothing in this subsection 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 if some other reasonable disposition of the damaged property has been negotiated.

§ 1-164. Fees. [Ord. 376, 2/3/1993]

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

§ 1-165. Penalty. [Ord. 376, 2/3/1993]

Any owner of property, any named insured or any insuring agent who violates this Part shall be subject to a penalty of up to \$1,000 per violation.

Part 9
INDEPENDENT AUDITOR

§ 1-171. Office of Elected Auditor Abolished. [Ord. 396, 3/4/1998]

Pursuant to the Act of February 1, 1996 (1965 P.L. 1656, No. 581), as amended, and pursuant to Article X(a)(7),⁶ the office of elected Borough Auditor is hereby abolished.

§ 1-172. Appointment of Independent Auditor. [Ord. 396, 3/4/1998]

An independent auditor shall be appointed by resolution before the close of the fiscal year who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public account or a competent firm of public accountants to make an independent examination of the accounting records of the Borough for such fiscal year and such independent auditor shall also perform the other duties and exercise the powers as conferred upon him/her by Subdivision (k) of Article XI of the Act known as the Borough Code.⁷

6. Editor's Note: Article X(a)(7) was subsequently repealed.

7. Editor's Note: Subdivision (k) of Article XI was subsequently repealed.

**Part 10
ATTORNEY FEES**

§ 1-181. Applicability. [Ord. 431, 11/6/2013]

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

§ 1-182. Schedule of Attorney Fees. [Ord. 431, 11/6/2013]

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

Claim Amount	Attorney Fees
Under \$1,000	\$250
\$1,000 to \$2,500	\$500
\$2,501 to \$5,000	\$1,000
\$5,001 to \$7,500	\$1,500
\$7,501 to \$10,000	\$2,000
\$10,001 to \$25,000	\$2,500
Over \$25,000	10% of the claim amount

§ 1-183. Notice. [Ord. 431, 11/6/2013]

Prior to assessing or imposing attorney fees in connection with delinquent account, the Borough of Speers shall provide notice of the Borough's intention to assess or impose attorney fees in connection with this Part as may be required by the Act of May 16, 1923, P.L. 207, 153, as amended or supplemented, 53 P.S. § 7106.

§ 1-184. Addition of Interest. [Ord. 431, 11/6/2013]

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

or imposition of interest as set forth herein shall be required. Such interest shall be added to the municipal claim and collected therewith.

§ 1-185. Assessment of Penalty. [Ord. 431, 11/6/2013]

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

Chapter 2

AIR POLLUTION

Part 1
AIR POLLUTION CONTROL

§ 2-1. Title. [Ordinance 379, November 3, 1993, Section I]

This Part shall be known and may be cited as the "Speers Borough Air Pollution Control Ordinance of 1993."

§ 2-2. Policy. [Ordinance 379, November 3, 1993, Section II]

Whereas the Council of Speers has determined that air pollution from an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of the Borough of Speers, it is hereby declared to be the policy of Speers to safeguard the citizens of Speers from such air pollution.

§ 2-3. Definitions. [Ordinance 379, November 3, 1993, Section III]

The following words, terms and phrases, when used in this Part, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

COUNCIL — Borough of Speers Council.

FURNACE — Any enclosed device specifically designed for the burning of any material for the production of heat.

GARBAGE — All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR — Any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

OPEN FIRES — A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERSON — Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

REFUSE — Garbage, rubbish and trade waste.

RUBBISH — Solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, trees, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION — Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers or drums.

TRADE WASTE — All solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint,

grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, however, that trade waste shall not include any coal refuse associated within the mining or preparation of coal.

§ 2-4. Regulations. [Ordinance 379, November 3, 1993, Section IV]

As of the effective date of this Part, no person shall:

- A. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside of any building.
- B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his control outside of any building.
- C. Exceptions.
 - (1) Open fires may be set in the performance of an official duty by any public officer if the fire is necessary for:
 - (a) The prevention of a fire hazard which cannot be abated by other means.
 - (b) The protection of the public health.

§ 2-5. Enforcement. [Ordinance 379, November 3, 1993, Section V]

The Borough's police force, or any other duly authorized agent appointed by Council, shall have the power and duty to enforce the provisions of this Part.

§ 2-6. Penalties. [Ordinance 379, November 3, 1993, Section VI]

1. Any person violating any provision of this Part shall, upon conviction by any district magistrate, be sentenced to pay a fine of not less than \$75 nor more than \$150, together with the costs of prosecution for the first violation, and not less than \$150 nor more than \$300, together with the costs of prosecution, for the second and all subsequent violations.
2. Each day a violation exists, it shall constitute a separate offense.
3. If the defendant shall default in the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding 30 days.

Chapter 3

ANIMALS

Part 1
PIGS

§ 3-1. Unlawful to Keep Pigs or Maintain Pig Pens in Borough. [Ord. 286, 12/5/1973]

No person or persons, firm or corporation shall keep any pig or hog at any place within the Borough of Speers, nor shall any person, firm or corporation maintain any pig pen or hog pen at any place therein. Any person or persons, firm or corporation who or which shall violate any provision of this ordinance shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Provided: each day's violation of any provision of this ordinance shall constitute a separate violation. All fines shall be payable to the Borough of Speers.

Part 2
ANIMALS AT LARGE

§ 3-11. Animals not to be at Large. [Ord. 347, 2/2/1983]

No dog, cat or other domesticated animal or any nondomesticated animal shall be suffered or permitted to run at large in this Borough, either upon the public streets or highways or upon property other than the owner of such dog, cat or other animal.

§ 3-12. Animals not to Make Noise. [Ord. 347, 2/2/1983]

No person shall allow any dog, cat or other domesticated animal or any nondomesticated animal confined on that person's premises to make any loud or harsh noise or disturbance which interferes with or deprives the peace, quiet, rest or sleep of any person within the Borough.

§ 3-13. Animals not to Defile Properties. [Ord. 347, 2/2/1983]

No person shall allow any dog, cat or other domesticated animal or any nondomesticated animal owned by him or under his control to defile, defoul, corrupt or otherwise desecrate any sidewalk, walkway or the property of another or to destroy or damage the property of another.

§ 3-14. Penalties. [Ord. 347, 2/2/1983]

Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$25 and all costs of prosecution for each and every offense, and in default of payment of such fine and costs, to imprisonment for not more than 10 days in the Washington County Jail. Provided: each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

Part 3
CATS AT LARGE

§ 3-21. Findings. [Ord. 432, 11/6/2013]

The Council of Speers Borough (hereinafter "Speers") recognizes that cats running at large, whether household cats, feral cats or wild cats of any type, constitute a clear and present nuisance because of the manner in which they dispose of their waste and fluids, that cats constitute a health hazard because of the contact, potential for disease or injury and that they constitute a danger to the community at large.

§ 3-22. Terms Defined. [Ord. 432, 11/6/2013]

1. An "owner" is defined as any person having a property right in any cat or having custody of any cat or any person or organization that harbors or permits a cat to remain on or around his or her property or feeds or places food in an area that permits or allows cats to eat materials that tend to attract cats to the area.
2. Cats are "running at large" if they are on a public highway, on a street, an alley, a sidewalk, a park or on any public land, or if they are on property of any other person, organization or entity other than the owner of the cat (which cat must be tagged for identification purposes) and are not being accompanied with a leash or other secure means by or under the control of the owner or any other person having custody of the said cat with written permission of the owner.

§ 3-23. Running at Large Prohibited. [Ord. 432, 11/6/2013]

It is hereby ordained and shall be unlawful for the owner, possessor, or custodian of any cat or cats to allow, permit or encourage such cat or cats to run at large in the Borough of Speers.

§ 3-24. Seizing of Cats. [Ord. 432, 11/6/2013]

The Animal Control Officer shall seize any cat found running at large in Speers using such procedures as are or may be necessary in order to control the cat without causing harm or injury to the Animal Control Officer. Such cats shall be contained in a facility provided by and under the control of the Animal Control Officer, who will process the confined animals in accordance with the terms and conditions of this Part unless there is some type of emergency which requires otherwise.

§ 3-25. Identification. [Ord. 432, 11/6/2013]

1. Owners of cats with sufficient identification giving the name, address, phone number and whereabouts of the owner shall receive notification from the Animal Control Officer, by personal notice, by telephone, or by registered or certified mail with return receipt, that the cat has been captured and will be humanely disposed of in not less than three days if

not claimed by the owner. When the cat has not been claimed within the three-day period after notification, then the cat will be disposed of in a humane fashion by the Animal Control Officer.

2. Owners may, at their own cost and expense, elect to have a microchip inserted into the cat owned by them which will contain all the above information. Notice of the insertion of the microchip shall be prominently displayed on the cat by a collar tag or other means of notice of the microchip being inserted in the cat.
3. The Animal Control Officer of Speers shall make a clear effort to have captured cats scanned for microchip information and use this information found to contact the person identified by the reading of the microchip.

§ 3-26. Costs. [Ord. 432, 11/6/2013]

Neither the Animal Control Officer nor the Borough shall be responsible for any claim filed by an owner who fails to take action to recover his or her cat. When the owner recovers his or her cat, delivery of the cat by the Animal Control Officer to the owner shall be preconditioned upon the owner paying a fee of \$50 to the Animal Control Officer for the costs, expenses, time and materials that have been utilized in connection with securing the animal and housing the animal. Any owner who claims a cat pursuant to § 3-25 shall not receive the animal until fees and costs have been paid.

§ 3-27. Penalties for Offenses. [Ord. 432, 11/6/2013]

Any person allowing a cat to run at large in Speers Borough, in violation of this Part, shall receive a citation from the Animal Control Officer, which citation shall reference this Part and the violation hereunder. The violation of this Part constitutes a nuisance in the community, and a hazard for members of the community, and a health hazard for the citizens of Speers Borough and is to be enforced so as to eliminate, control or reduce the problems created by cats running at large. The district judge shall impose a fine of not less than \$300 nor more than \$600 and/or imprisonment for a period of not more than 30 days for each violation; each day shall constitute a separate and independent violation of this Part.

Chapter 4

BICYCLES

Chapter 5

BUILDINGS

Part 1
BUILDING CODE

§ 5-1. Adoption of Building Code. [Ord. 399, 5/6/1998, § 1]

A certain document, being marked and designated as the "BOCA National Building Code, 13th, 1996" as published by the Building Officials and Code Administrators International, Inc., be and hereby adopted as the Building Code of the Borough of Speers, Washington County, Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties and conditions and terms of said BOCA Building Code, are hereby referred to, adopted and made part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 5-2.

§ 5-2. Addition, Insertions and Changes. [Ord. 399, 5/6/1998, § 3]

The following sections are hereby revised as follows:

- A. Section 101.1. Insert "Speers Borough, Washington County, Pennsylvania."
- B. Section 112.3.1. Insert "\$6 for the first \$1,000 and \$3 for each additional \$1,000. (Permits and null and void after six months.)"
- C. Section 116.4. Insert "Summary offense, \$500, 30 days."
- D. Section 117.2. Insert, "No less than \$100 and no more than \$3,000."
- E. Section 3408.2. Insert "December 5, 1973."

§ 5-3. Saving Clause. [Ord. 399, 5/6/1998, § 4]

Nothing in this Part or in the Building Code hereby adopted shall be construed to affect any lawsuit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Part, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

Part 2
BUILDING PERMITS, SUPPLEMENTARY REGULATIONS

§ 5-11. Definitions. [Ord. 306, 5/1/1974, § 1]

1. The word "person," as used in this Part, shall mean any natural person or persons, association, partnership, firm or corporation.
2. The word "alteration," as used in this Part, shall mean any enlargement of any building or any work of repair, rearrangement, removal or replacement of any exterior or interior wall, roof, floor or support, or any section or of any part thereof, of any building.

§ 5-12. Permit Required to Erect, Raze or Alter Building; Fees. [Ord. 306, 5/1/1974, § 2]

No person shall cause or permit any building to be razed or any alteration be made therein, upon any property owned by such person, or upon any ground rented by him, in the case of a ground rental arrangement, without first having obtained a permit therefor. Such permit shall be issued by the Borough Building Inspector, upon the filing of an application with him, submission of plans and specifications and in the case of erection or alteration of any building, payment of a fee of a minimum of \$5 and \$1 per thousand for every \$1,000 or fraction thereof of the certified building costs, and furnishing of evidence of intended compliance with the requirements of the law and of all ordinances of the Borough affecting building construction and use therein, such evidence to be given by specific information as may be prescribed by the application form.

§ 5-13. Completion of Work; Inspection; Rectification of Unsatisfactory Conditions. [Ord. 306, 5/1/1974, § 3]

Upon completion of the work of erection, razing or alteration of any building, under a permit granted as aforesaid,⁸ the holder of such permit shall report such completion to the Borough Building Inspector. The Borough Building Inspector may, after completion or at any time during the course of the work for which the permit shall have been granted, cause an inspection of such building to be made. If there is evidence that any requirement of law or of any applicable ordinance has not been complied with, he shall report such fact to the proper Borough official, who shall commence prosecution under such law or ordinance or take the necessary steps to secure compliance otherwise. The fact of completion of such work shall be noted upon the original application for the permit, which shall be kept on file.

8. Editor's Note: See § 5-12 of this chapter.

**§ 5-14. Expiration of Permit; No Refunds; Penalty for Violation.
[Ord. 306, 5/1/1974, § 4]**

If any work authorized by any permit issued under this Part shall not have been commenced within six months after the issuance of such permit, the Borough Building Inspector shall require the permit holder to relinquish such unused permit, which shall thereupon become invalid. Under such conditions, neither the permit fee nor any part thereof shall be returned to such permit holder, and if at any future time such permit holder shall make application for another permit for the same work, he shall follow the same procedure and pay the same fee as if no previous permit had been issued. Any person who shall violate or fail to comply with any of the provisions of this Part shall upon conviction thereof be sentenced to pay a fine of not more than \$100 and costs of prosecution. Each day in violation of this Part shall be considered a separate offense.

Part 3
EXCAVATING, FILLING AND GRADING

§ 5-21. Statement of Intent.⁹ [Ord. 307, 5/1/1974, § 1]

It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the excavation, filling and/or grading of any land within the Borough unless an approved permit has been obtained from the Borough Building Permit Officer.

§ 5-22. Definitions. [Ord. 307, 5/1/1974, § 2]

For the purposes of this Part, the following definitions shall apply:

EARTH MATERIAL — Any rock, natural soil or fill and/or any combination thereof.

EXCAVATION — The mechanical removal of earth material.

FILLING — The deposition of earth material.

GRADING — Any excavating or filling or combination thereof.

PERSON — Any person, persons, partnership, business or corporation.

§ 5-23. Application Procedures. [Ord. 307, 5/1/1974, § 3]

Application for such a permit¹⁰ shall be made in writing to the Building Permit Officer on forms supplied by the Borough. Such application shall contain at least the following:

- A. The name and address of:
 - (1) The applicant;
 - (2) The owner of the land on which the work will be performed; and
 - (3) The contractor performing the work.
- B. An identification and description of the work to be covered by the permit for which application is made.
- C. A description of the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description which will readily identify and definitely locate the proposed work.
- D. An estimate of the value of the proposed work.
- E. Such other information as reasonably may be required by the Building Permit Officer.

9. Editor's Note: This heading and those of §§ 5-22 to 5-32 of this chapter are part of this Part as enacted.

10. Editor's Note: See § 5-21 of this chapter.

§ 5-24. Issuance of Permit. [Ord. 307, 5/1/1974, § 4]

The Building Permit Officer shall issue a permit only after it has been determined that the proposed work will be in conformance with all applicable requirements and regulations.

§ 5-25. Permit Changes. [Ord. 307, 5/1/1974, § 5]

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

§ 5-26. Placards. [Ord. 307, 5/1/1974, § 6]

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

§ 5-27. Start of Work and Expiration of Permit. [Ord. 307, 5/1/1974, § 7]

The proposed work shall begin within six months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing by the Building Permit Officer.

All work shall be completed within one year of the date of issuance of the permit. If any work is to be performed beyond this period, a new permit must be obtained under the conditions and requirements cited in §§ 5-23 and 5-24 of this Part.

§ 5-28. Inspection and Revocation. [Ord. 307, 5/1/1974, § 8]

During the permitted work period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the permit and report such fact to the Council of the Borough of Speers for whatever action it considers necessary.

§ 5-29. Fees. [Ord. 307, 5/1/1974, § 9]

Applications for a permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed work as determined by the Building Permit Officer at the following rates:

Estimated Cost	Fee
\$0.00 to \$200.00	\$0.00
\$201.00 to \$1,000.00	\$5.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	\$1.00

§ 5-30. Appeals. [Ord. 307, 5/1/1974, § 10]

Any person aggrieved by the Building Permit Officer's estimate of the cost of the proposed work may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the determination by the Building Permit Officer. Upon receipt of such appeal, the Borough Council shall set a time and place not less than 10 nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination of the estimated cost by the Borough Council shall be final in all cases.

§ 5-31. Penalties. [Ord. 307, 5/1/1974, § 11]

Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employe of the Borough shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of Speers of not less than \$25 and 00/100 nor more than \$100 and 00/100 plus costs of prosecution. In default of such payment, such person shall be imprisoned in County Prison for a period not to exceed 10 days. Each day during which any violation of this Part continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any excavation, filling, and/or grading in noncompliance with this Part may be declared by the Borough Council to be a public nuisance and abatable as such.

§ 5-32. Severability Clause. [Ord. 307, 5/1/1974, § 12]

If any section, paragraph, sentence or phrase of this Part should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Part which shall remain in full force and effect. For this purpose, the provisions of this Part are hereby declared to be severable.

Part 4
DANGEROUS STRUCTURES

§ 5-41. Dangerous or Dilapidated Buildings or Structures Defined. [Ord. 331, 7/2/1980, § 1]

- (1) Those buildings or structures existing in violation of the Building Codes of this Borough or in violation of the fire prevention code or other ordinances of this Borough.
- (2) Those which have been damaged by fire, wind or other causes so as to become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of this Borough.
- (3) Those which have become or are so dilapidated, decayed, unsafe and unsanitary or which so utterly fail to provide the amenities essential to decent living, that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein or nearby.
- (4) Those which have parts thereof which are so attached that they may fall and injure members of the public or surrounding property.
- (5) Those structures which fail to conform to the standards of the BOCA Codes as adopted in this Borough and amended from time to time.
- (6) Buildings are hereby specifically defined to include any and all structures, whether complete or in the process of construction, or any portion thereof.

§ 5-42. Dangerous Buildings - Nuisances. [Ord. 331, 7/2/1980, § 2]

All dangerous buildings within the terms of § 5-41 of this Part are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

§ 5-43. Duties of Enforcement. [Ord. 331, 7/2/1980, § 3]

- A. The Mayor and/or Code Enforcement Officer of this Borough shall be charged with the duty and enforcement of this Part [§§ 5-41 to 5-49], and are hereby authorized to inspect or cause to be inspected any buildings or other structure which is dangerous or dilapidated in the terms of the definition as set forth in § 5-41 hereof. If such investigation and examination indicates that said structure is dangerous in any respect, a report in writing shall be submitted to the Borough Council, setting forth in what respect such structure or building is dangerous or dilapidated and, if such building or structure is capable of being properly repaired or whether or not it should be removed as a dilapidated or dangerous structure.
- B. In the event such structure can be repaired, Council shall cause written notice to be served upon the owner of such structure and the tenant or

occupant of such structure, if any, directing that the owner shall commence the repair or removal of such building within 20 days after service of such notice, and to complete such repair or removal within 60 days after such receipt of notice. Provided, however, that in any case, the owner shall always retain the right of election to remove the structure instead of making repairs thereto, within the time limits prescribed herein.

- C. It shall be the duty of the Mayor and/or Code Enforcement Officer to report to the Borough Council any noncompliance with the notice provided for in the above subsection.

§ 5-44. Notice Provisions. [Ord. 331, 7/2/1980, § 4]

In the event that notice shall be required under any of the paragraphs hereof, notice shall be served personally upon the owner of the structure, as determined by a review of the records in and for the office of the Recorder of Deeds and/or the County and Borough tax record. In the event that notice cannot be served personally upon the owner, whether due to the owner being outside the Borough, or unavailable for any reason whatsoever, then service of notice hereunder shall be deemed sufficient if sent to the owner at his last known address, by registered mail, return receipt requested, postage prepaid. In the event of mailing of such notice, in addition thereto, the structure shall be posted in a conspicuous place, with a copy of the notice sent to the owner. Service of notice shall also be deemed sufficient if served upon the Agent of the owner in the above described manner.

§ 5-45. Hearing Requirement. [Ord. 331, 7/2/1980, § 5]

- A. Upon receipt of the report of the Mayor and/or Code Enforcement Officer or in the event of noncompliance with the notice as provided, calling for repair or replacement, then, in that event the Borough Council shall give written notice to the owner or his Agent, Occupant, if known, and any Mortgagee of said building or said structure and all other persons actually known to have an interest in said building as shown by the land records in and for the Office of the Recorder of Deeds of Washington County, Pennsylvania, to appear before Council on a date specified in such notice to show cause why the building or structure reported to be a dangerous or dilapidated building should not be repaired, vacated or demolished in accordance with the written notice of repair or removal.
- B. Council at such hearing shall hear testimony of the Mayor and/or Code Enforcement Officer and all other interested parties relative to said building or structure.
- C. Thereafter, and as soon as reasonably possible, Council shall make written findings of fact and shall order the repair and/or vacation and/or the demolishing of any building or structure found to be dangerous or dilapidated. Such order for repair, vacation and/or demolishing of any such buildings or structure shall be sent to the parties receiving notice

of the hearing and such other parties having an interest in said building as may appear at such hearing. Such order shall provide that such dangerous building or structure shall be demolished, vacated and/or repaired at the owner's, or any other party having interest in such building, own risk. Ten days shall be allowed for the compliance with such order of Council after receipt of such order by the owner of the building or structure or his Agent. If such order of Council is not complied with within 10 days after receipt by the owner or his Agent of such order, the Mayor shall be empowered to cause such work or repair to be commenced and/or completed by the Borough, and the cost and expense thereof, with a penalty of 10% of such cost and expense, shall be collected from the owner of such structure in the manner provided by law, or, such real property upon which such repair or demolition was conducted, shall be liened or assessed, the same as any other Municipal lien or assessment. Such lien or assessment to include the cost and expense of repair and/or demolition, and 10% penalty of such cost and expense.

§ 5-46. Emergency Cases. [Ord. 331, 7/2/1980, § 6]

In case where it reasonably appears to the Mayor and/or Code Enforcement Officer that there is an immediate danger to the life or safety of any person unless a dangerous building or structure as defined herein, is immediately repaired, vacated or demolished, the Mayor and/or Code Enforcement Officer shall report such facts to Council at a regular or special meeting and upon Council's authorization shall order or cause the vacation and/or demolition of such dangerous building or structure which shall be assessed and collected in the same manner as provided in § 5-45C hereof.

§ 5-47. Violations - Penalties. [Ord. 331, 7/2/1980, § 7]

The owner, occupant or person having an interest in such building who shall fail to comply with any notice or order to repair, vacate or demolish any such dangerous building or structure given by Borough Council or a party authorized by Borough Council to give such notice or order, shall, upon conviction before any district justice of proper jurisdiction, be subject to a fine not to exceed \$100 and 00/100 and costs, and in default of payment of the fine and costs shall be subject to imprisonment for a period not exceeding 30 days. Each days continuance of the violation shall constitute a separate offense hereunder. The provisions for penalties contained herein are in addition to any other remedies provided by this Part.

§ 5-48. Authority of Mayor to Seek Relief. [Ord. 331, 7/2/1980, § 8]

The Mayor shall have the authority, upon approval by the Borough Council, in addition to the remedies hereinabove provided, to seek relief in the Courts of Washington County, Pennsylvania, by a complaint in equity against the owner or owners for a mandatory injunction to compel the owner or owners thereof to remove any such dangerous structures or building.

§ 5-49. Severability. [Ord. 331, 7/2/1980, §§ 9 and 10]

If any section, clause, sentence, word, or any other part of this Part is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality and invalidity shall not affect or impair any of the remaining provisions, sections, clauses, sentences, words or any other parts of this Part. It is the intention of the Borough Council that each separate provision of this Part shall be deemed independent of all other provisions. If any provision of this Part is declared invalid, all other provisions thereof shall remain valid and enforceable.

Part 5
FLOODPLAIN REGULATIONS

A.
Statutory Authorization.

§ 5-101. Authorization. [Ord. 436, 9/23/2015]

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978,¹¹ delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the Borough of Speers does hereby order as follows.

11. Editor's Note: See 32 P.S. § 679.101 et seq.

B.
General Provisions.

§ 5-111. Intent. [Ord. 436, 9/23/2015]

1. The intent of this Part is to:
 - A. Promote the general health, welfare, and safety of the community.
 - B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - C. Minimize danger to public health by protecting water supply and natural drainage.
 - D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
 - E. Comply with federal and state floodplain management requirements.

§ 5-112. Permit Required; Exception. [Ord. 436, 9/23/2015]

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

§ 5-113. Abrogation and Greater Restrictions. [Ord. 436, 9/23/2015]

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

§ 5-114. Severability. [Ord. 436, 9/23/2015]

If any section, subsection, paragraph, sentence, clause, or phrase of this Part shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Part, which shall remain in full force and effect, and for this purpose the provisions of this Part are hereby declared to be severable.

§ 5-115. Warning and Disclaimer of Liability. [Ord. 436, 9/23/2015]

1. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on

accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

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

C.

Administration.**§ 5-121. Designation of Floodplain Administrator. [Ord. 436, 9/23/2015]**

1. The Zoning Officer is hereby appointed to administer and enforce this Part and is referred to herein as the "Floodplain Administrator." The Floodplain Administrator may: A) fulfill the duties and responsibilities set forth in these regulations, B) delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or C) enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.
2. In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Building Code Official.

§ 5-122. Permit Required Prior to Construction. [Ord. 436, 9/23/2015]

A permit shall be required before any construction or development is undertaken within any area of the Borough of Speers.

§ 5-123. Duties and Responsibilities of Floodplain Administrator. [Ord. 436, 9/23/2015]

1. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Part and all other applicable codes and ordinances.
2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);¹² the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended);¹³ the Pennsylvania Clean Streams Act (Act 1937-394, as amended);¹⁴ and the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.

12. Editor's Note: See 35 P.S. § 750.1 et seq.

13. Editor's Note: See 32 P.S. § 693.1 et seq.

14. Editor's Note: See 35 P.S. § 691.1 et seq.

3. In the case of existing structures, prior to the issuance of any development permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed before the permit is issued.
4. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Part.
6. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Council for whatever action it considers necessary.
7. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this Part, including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
8. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
9. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the Floodplain Ordinance as the Floodplain Administrator/Manager.
10. The Floodplain Administrator shall consider the requirements of 34 Pa. Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§ 5-124. Application Procedures and Requirements. [Ord. 436, 9/23/2015]

1. Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of Speers. Such application shall contain the following:
 - A. Name and address of applicant.

- B. Name and address of owner of land on which proposed construction is to occur.
 - C. Name and address of contractor.
 - D. Site location, including address.
 - E. Listing of other permits required.
 - F. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred, where appropriate.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Part and all other applicable codes and ordinances;
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards;
 - D. Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - E. Building materials are flood-resistant;
 - F. Appropriate practices that minimize flood damage have been used; and
 - G. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
 3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
 - A. A completed permit application form.
 - B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale, and date;

- (2) Topographic contour lines, if available;
 - (3) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - (4) The location of all existing streets, drives, and other accessways; and
 - (5) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:
- (1) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - (2) The elevation of the base flood;
 - (3) Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC.
- D. The following data and documentation:
- (1) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - (2) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and floodway area (see § 5-142A) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.
 - (3) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (see § 5-142B), when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point within the community.
 - (4) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

- (5) Detailed information needed to determine compliance with § 5-153F, Storage, and § 5-154, Development Which May Endanger Human Life, including:
 - (a) The amount, location and purpose of any materials or substances referred to in §§ 5-153F and 5-154 which are intended to be used, produced, stored or otherwise maintained on site.
 - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 5-154 during a base flood.
 - (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
4. Applications for permits shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

§ 5-125. Review by County Conservation District. [Ord. 436, 9/23/2015]

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

§ 5-126. Review of Application by Others. [Ord. 436, 9/23/2015]

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

§ 5-127. Changes. [Ord. 436, 9/23/2015]

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

for any such change shall be in writing and shall be submitted by the applicant to the Floodplain Administrator for consideration.

§ 5-128. Placards. [Ord. 436, 9/23/2015]

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

§ 5-129. Start of Construction. [Ord. 436, 9/23/2015]

1. Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within 12 months after the date of issuance of the permit, or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.
2. The "actual start of construction" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
3. Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request, and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

§ 5-130. Enforcement. [Ord. 436, 9/23/2015]

1. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - A. Be in writing;

- B. Include a statement of the reasons for its issuance;
 - C. Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;
 - D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;
 - E. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Part.
2. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall pay a fine to Borough of Speers of not less than \$25 nor more than \$600, plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved, including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this Part may be declared by the Council to be a public nuisance and abatable as such.

§ 5-131. Appeals. [Ord. 436, 9/23/2015]

1. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Part may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.
2. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Municipalities Planning Code¹⁵ and any other local ordinance.
3. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.¹⁶

15. Editor's Note: See 53 P.S. § 10101 et seq.

16. Editor's Note: See 32 P.S. § 679.101 et seq.

D.

Identification of Floodplain Areas.**§ 5-141. Identification. [Ord. 436, 9/23/2015]**

1. The identified floodplain area shall be:
 - A. Any areas of Borough of Speers classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps, Map 42125C0532F, 42125C0388F, and 42125C0369F, not yet dated, labeled "Revised Preliminary September 30, 2015," and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
2. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by Borough of Speers and declared to be a part of this Part.

§ 5-142. Description and Special Requirements of Identified Floodplain Areas. [Ord. 436, 9/23/2015]

1. The identified floodplain area shall consist of the following specific areas:
 - A. The Floodway Area shall be those areas identified in the FIS and the FIRM as "floodway" and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.
 - (1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.

- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- (1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - (2) AE Area without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - (a) No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
 - (b) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
- C. A Area/District.
- (1) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
 - (2) In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- D. The AO and AH Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are

subject to inundation by one-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

§ 5-143. Changes in Identification of Area. [Ord. 436, 9/23/2015]

The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person document the need for such revision. However, prior to any such change to the special flood hazard area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See § 5-151, Subsection 2, for situations where FEMA notification is required.

§ 5-144. Boundary Disputes. [Ord. 436, 9/23/2015]

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough of Speers and any party aggrieved by this decision or determination may appeal to the Council. The burden of proof shall be on the appellant.

§ 5-145. Jurisdictional Boundary Changes. [Ord. 436, 9/23/2015]

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

E.

Technical Provisions.**§ 5-151. General. [Ord. 436, 9/23/2015]**

1. Alteration or Relocation of Watercourse.
 - A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection regional office.
 - B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
 - C. In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
2. When a community proposes to permit the following encroachments: any development that causes a rise in the base flood elevations within the floodway; or any development occurring in Zones A1-30 and Zone AE without a designated floodway which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the applicant shall (as per 44 CFR 65.12):
 - A. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
 - B. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
 - C. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
3. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances and regulations.

§ 5-152. Elevation and Floodproofing Requirements. [Ord. 436, 9/23/2015]

1. Residential Structures.

- A. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
- B. In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 5-142C of this Part.
- C. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- D. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401 through 405, as amended) shall be utilized where they are more restrictive.

2. Nonresidential Structures. **[Ord. 436, 9/23/2015]**

- A. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - (1) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - (2) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- B. In A Zones, where there no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § 5-142C of this Part.
- C. In AO Zones, any new construction or substantial improvement shall have its lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

- D. Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations," published by the United States Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.
 - E. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401 through 405, as amended) shall be utilized where they are more restrictive.
3. Space Below Lowest Floor.
- A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - B. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
4. Historic Structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement, as defined in this Part, must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum

necessary to preserve the historic character and design of the structure.

§ 5-153. Design and Construction Standards. [Ord. 436, 9/23/2015]

1. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:
 - A. Fill. If fill is used, it shall:
 - (1) Extend laterally at least 15 feet beyond the building line from all points;
 - (2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
 - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - (4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by, the Floodplain Administrator; and
 - (5) Be used to the extent to which it does not adversely affect adjacent properties.
 - B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
 - C. Water and Sanitary Sewer Facilities and Systems.
 - (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - (3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - (4) The design and construction provisions of the UCC and FEMA No. 348, "Protecting Building Utilities From Flood Damages,"

and the International Private Sewage Disposal Code shall be utilized.

- D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive, or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 5-154, Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.
- G. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
 - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings.
 - (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
 - (2) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- J. Paints and Adhesives.
 - (1) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.

- (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.
- K. Electrical Components.
- (1) Electrical distribution panels shall be at least three feet above the base flood elevation.
 - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- N. Uniform Construction Code Coordination. The standards and specifications contained in 34 Pa. Code (Chapters 401 through 405), as amended, and not limited to the following provisions, shall apply to the above and other sections and subsections of this Part, to the extent that they are more restrictive and supplement the requirements of this Part.
- (1) International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - (2) International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R322, Appendix E, and Appendix J.

§ 5-154. Development Which May Endanger Human Life. [Ord. 436, 9/23/2015]

1. Within any identified floodplain area, any structure of the kind described in Subsection A, below, shall be prohibited. If a variance is obtained in accordance with the criteria in Subpart H, then the following provisions apply § 5-154B, C, and D):
 - A. In accordance with the Pennsylvania Flood Plain Management Act,¹⁷ and the regulations adopted by the Department of

17. Editor's Note: See 32 P.S. § 679.101 et seq.

Community and Economic Development as required by the Act, any new or substantially improved structure which 1) will be used for the production or storage of any of the following dangerous materials or substances; or 2) will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or 3) will involve the production, storage, or use of any amount of radioactive substances, shall be subject to the provisions of this section, in addition to all other applicable provisions. The following is a list of materials and substances which are considered dangerous to human life:

- (1) Acetone.
 - (2) Ammonia.
 - (3) Benzene.
 - (4) Calcium carbide.
 - (5) Carbon disulfide.
 - (6) Celluloid.
 - (7) Chlorine.
 - (8) Hydrochloric acid.
 - (9) Hydrocyanic acid.
 - (10) Magnesium.
 - (11) Nitric acid and oxides of nitrogen.
 - (12) Petroleum products (gasoline, fuel oil, etc.).
 - (13) Phosphorus.
 - (14) Potassium.
 - (15) Sodium.
 - (16) Sulfur and sulfur products.
 - (17) Pesticides (including insecticides, fungicides, and rodenticides).
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

- C. Within any floodway area, any structure of the kind described in Subsection A, above, shall be prohibited. Where permitted within any identified floodplain area, any new or substantially improved residential structure of the kind described in § 5-154A, above, shall be elevated to remain completely dry up to at least 1 1/2 feet above base flood elevation and built in accordance with §§ 5-151, 5-152 and 5-153.
- D. Where permitted within any identified floodplain area, any new or substantially improved nonresidential structure of the kind described in § 5-154A, above, shall be built in accordance with §§ 5-151, 5-152 and 5-153, including: 1) elevated, or designed and constructed to remain completely dry up to at least 1 1/2 feet above base flood elevation, and 2) designed to prevent pollution from the structure or activity during the course of a base flood. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (United States Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

**§ 5-155. Special Requirements for Subdivisions and Development.
[Ord. 436, 9/23/2015]**

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in identified floodplain areas where base flood elevation data are not available shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

**§ 5-156. Special Requirements for Manufactured Homes. [Ord. 436,
9/23/2015]**

1. Within any identified floodplain area, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Subpart H, then the following provisions apply.
2. Within any floodway area/district, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Subpart H, then the following provisions apply.
3. Within any identified floodplain area, manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

4. Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - A. Placed on a permanent foundation;
 - B. Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation; and
 - C. Anchored to resist flotation, collapse, or lateral movement.
5. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the United States Department of Housing and Urban Development's "Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto, and 34 Pa. Code Chapters 401 through 405 shall apply.
6. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto, and 34 Pa. Code, as amended, where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for the proposed unit's installation.

§ 5-157. Special Requirements for Recreational Vehicles. [Ord. 436, 9/23/2015]

1. Recreational Vehicles in Zones A and AE must:
 - A. Be on the site for fewer than 180 consecutive days; and
 - B. Be fully licensed and ready for highway use; and
 - C. Be removed from the floodplain when a flood warning is issued.

F.

Activities Requiring Special Permits.**§ 5-161. General. [Ord. 436, 9/23/2015]**

1. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act,¹⁸ the following activities to be newly proposed shall be prohibited by the Borough of Speers unless a special permit has been issued by the Borough of Speers:
 - A. The commencement of any of the following activities or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:
 - (1) Hospitals.
 - (2) Nursing homes.
 - (3) Jails or prisons.
 - B. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Borough of Speers:
 - (1) Hospitals.
 - (2) Nursing homes.
 - (3) Jails or prisons.
 - C. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§ 5-162. Application Requirements for Special Permits. [Ord. 436, 9/23/2015]

1. Applicants for special permits shall provide five copies of the following items:
 - A. A written request, including a completed permit application form.
 - B. A small-scale map showing the vicinity in which the proposed site is located.
 - C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

18. Editor's Note: See 32 P.S. § 679.101 et seq.

- (1) North arrow, scale and date;
 - (2) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two feet;
 - (3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
 - (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water, including direction and velocities;
 - (7) The location of all proposed buildings, structures, utilities, and any other improvements; and
 - (8) Any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale, showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
 - (4) Detailed information concerning any proposed floodproofing measures;
 - (5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

- (6) Profile drawings for all proposed streets, drives, and vehicular accessways, including existing and proposed grades; and
- (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
- (2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
- (3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
- (4) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
- (5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
- (6) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development";
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- (8) Any other applicable permits, such as, but not limited to, a permit for any activity regulated by the Department of

Environmental Protection under Section 302 of Act 1978-166;¹⁹ and

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

§ 5-163. Application Review Procedures. [Ord. 436, 9/23/2015]

1. Upon receipt of an application for a special permit by the Borough of Speers, the following procedures shall apply in addition to those of Subpart C:
 - A. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough of Speers Planning Commission and Borough of Speers Engineer for review and comment.
 - B. If an application is received that is incomplete, the Borough of Speers shall notify the applicant, in writing, stating in what respect the application is deficient.
 - C. If the Borough of Speers decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
 - D. If the Borough of Speers approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five working days after the date of approval.
 - E. Before issuing the special permit, the Borough of Speers shall allow the Department of Community and Economic Development 30 days after receipt of the notification by the Department to review the application and decision made by the Borough of Speers.
 - F. If the Borough of Speers does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.
 - G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough of Speers and the applicant, in writing, of the reasons for the disapproval, and the Borough of Speers shall not issue the special permit.

19. Editor's Note: See 32 P.S. § 679.302.

§ 5-164. Special Technical Requirements. [Ord. 436, 9/23/2015]

1. In addition to the requirements of Subpart E of this Part, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Subpart E of this Part or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - (1) The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
 - (2) The lowest floor (including basement) will be elevated to at least 1 1/2 feet above base flood elevation.
 - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
 - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
3. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough of Speers and the Department of Community and Economic Development.

G.

Existing Structures in Identified Floodplain Areas.**§ 5-165. Existing Structures. [Ord. 436, 9/23/2015]**

The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 5-166 shall apply.

§ 5-166. Improvements. [Ord. 436, 9/23/2015]

1. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
 - A. No expansion or enlargement of an existing structure shall be allowed within any floodway area/district that would cause any increase in BFE.
 - B. No expansion or enlargement of an existing structure shall be allowed within the AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
 - C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.
 - D. The above activity shall also address the requirements of the 34 Pa. Code, as amended, and the 2009 IBC and the 2009 IRC.
 - E. Within any floodway area/district (see § 5-142A), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
 - F. Within any AE Area/District without floodway (see § 5-142B), no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
 - G. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
 - H. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Part.

H.
Variances.

§ 5-171. General. [Ord. 436, 9/23/2015]

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

§ 5-172. Variance Procedures and Conditions. [Ord. 436, 9/23/2015]

1. Requests for variances shall be considered by the Borough of Speers in accordance with the procedures contained in § 5-131 and the following:
 - A. No variance shall be granted for any construction, development, use, or activity within any floodway area/district that would cause any increase in the BFE.
 - B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
 - C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Subpart F) or to development which may endanger human life (§ 5-154).
 - D. If granted, a variance shall involve only the least modification necessary to provide relief.
 - E. In granting any variance, the Borough of Speers shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Part.
 - F. Whenever a variance is granted, the Borough of Speers shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - G. In reviewing any request for a variance, the Borough of Speers shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.

- (3) That the granting of the variance will:
 - (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor
 - (b) Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- H. A complete record of all variance requests and related actions shall be maintained by the Borough of Speers. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.
2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent-annual-chance flood.

I.

Definitions.**§ 5-175. General. [Ord. 436, 9/23/2015]**

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

§ 5-176. Specific Definitions. [Ord. 436, 9/23/2015]

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

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

BASE FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood" or "one-percent-annual-chance flood").

BASE FLOOD DISCHARGE — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, and A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor below ground level on all sides.

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

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be

affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

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

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

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA — This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the special flood hazard area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See §§ 5-141 and 5-142 for the specifics on what areas the community has included in the identified floodplain area.

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

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

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective start date of this floodplain management Part and includes any subsequent improvements to such structures. Any construction started after July 16, 1981, and before the effective start date of this floodplain management Part is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

POST-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM) dated July 16, 1981, or latest map revision, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM) dated July 16, 1981, or latest map revision, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet.

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

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

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

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The "actual start" means either

the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or repetitive loss, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities, whether administered by the municipality, a third party or the Department of Labor and Industry; applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VARIANCE — A grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

J.
Enactment.

§ 5-181. Adoption. [Ord. 436, 9/23/2015]

This Part shall be effective on September 23, 2015 and shall remain in force until modified, amended or rescinded by Borough of Speers, Washington County, Pennsylvania.

Part 6
BUILDING NUMBERS

§ 5-191. Posting of Address Identification Number Required. [Ord. 381, 2/2/1994, § I]

The owner of each residence, apartment building or business shall post and display its street, avenue, road, alley or lane identification numbers within 60 days of the effective date of this Part.

§ 5-192. Regulations Size, Posting and Display of Address Identification Numbers. [Ord. 381, 2/2/1994, § II]

1. Size. The minimum size of any identification number attached to a residence, apartment building or business shall be four inches in height. The minimum size of an identification number attached to a United States Postal mailbox shall be one inch in height.
2. Color. The color of the identification numbers must be such that it is in contrast with and clearly visible in relation to the background color upon which it is attached.
3. Posting.
 - A. Every residence, apartment building or business must have the identification number posted on its United States Postal mailbox if the mailbox is not attached to such residence, apartment building or business, is used to receive and post mail and is located directly in front of the residence, apartment building or business. For the purposes of this subsection, the term "located directly in front" shall mean within five feet of either side of the main walkway to the residence, apartment building or business whether such walkway be a sidewalk, path or driveway.
 - B. Any residence, apartment building or business that does not use a United State Postal mailbox that conforms to the specifications set fort in Subsection 3A, must place an identification number directly on the residence, apartment building or business in a conspicuous place.
 - C. Council of the Borough of Speers encourages all owners to use both locations described above to clearly mark the residence, apartment building or business.
 - D. All identification numbers must be clearly visible from the street, avenue, road, alley or lane which provides public access to the residence, apartment building or business and cannot be obstructed by vegetation, trees or any other object.
 - E. If any residence, apartment building or business would not be visible from the street, avenue, road, alley or lane and does not use a United States Postal mailbox, identification numbers must be

posted on a post or masonry pillar visible from the street, avenue, road, alley or lane which provides public access.

§ 5-193. Notification of Violation. [Ord. 381, 2/2/1994, § III]

The Council of the Borough of Speers is authorized to give written notice by certified mail, return receipt, to the owner of any residence, apartment building or business not in conformance with this Part by mailing the same to the residence, apartment building or business found to be in violation. In the event the certified mail is returned and marked as refused or unclaimed, notice shall be given by mailing the same to the residence, apartment building or business by regular mail, postage prepaid. Personal service may be used in place of the United States postal service and shall be considered completed by handing such notice to an adult individual at the residence, apartment building or business found to be in violation. Such written notice shall contain the street, avenue, road, alley or lane name and identification number, the section, paragraph and/or subsection of this Part of which the owner is in violation, and the means of correcting such violation by citing the section, paragraph or subsection of this Part. The violator shall correct the violation within 15 days of receipt of such written notice to conform to the requirements of this Part.

§ 5-194. Violations and Penalties. [Ord. 381, 2/2/1994, § IV]

Any owner who violates any of the provisions of this Part shall, upon conviction, be guilty of a summary offense which is punishable by a fine of not less than \$150 nor more than \$300, with the costs of prosecution, or in default of payment of such fine, then by imprisonment in the Washington County jail for a period not to exceed 30 days, or both. Each day of violation is a separate and distinct offense.

Part 7
PROPERTY MAINTENANCE CODE

§ 5-201. Adoption of Property Maintenance Code. [Ord. 437, 12/8/2015]

A certain document, three copies of which are on file in the office of the Borough of Speers, being marked and designated as the International Property Maintenance Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Speers, in the Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, building and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the demolition of such existing structures as herein provided; providing for issuance of permits and collection of fees therefor; and each and all the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Speers are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 5-202 of this Part.

§ 5-202. Amendments. [Ord. 437, 12/8/2015]

1. The following sections are hereby revised:
 - A. Section 101.1. Borough of Speers.
 - B. Section 103.5. Schedule of fees to be set forth in a separate resolution that can be revised from time to time, by revision of that resolution of setting fees.
 - C. Section 112.4. Amount of not less than \$300 and not more than \$1,000.
 - D. Section 302.4. In excess of six inches in height.
 - E. Section 304.14. During the period of May 1 to October 1.
 - F. Section 602.3. September 1 to June 1.
 - G. Section 602.4. September 1 to June 1.

§ 5-203. Repealer. [Ord. 437, 12/8/2015]

Ordinance No. 398 of Speers Borough Code, Chapter 5, Part 7, and all other ordinances or parts of laws in conflict herewith are hereby repealed.

§ 5-204. Severability. [Ord. 437, 12/8/2015]

If any section, subsection, sentence, clause or phrase of this Part is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part. The Council of the Borough of Speers declares that it would have passed this law and section or subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

§ 5-205. Saving Clause. [Ord. 437, 12/8/2015]

Nothing in this Part or in the Property Maintenance Code hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 5-203 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 5-206. Effective Date. [Ord. 437, 12/8/2015]

This Part and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after January 1, 2016.

Part 8
UNIFORM CONSTRUCTION CODE

§ 5-211. The Pennsylvania Construction Code Act. [Ord. 412, 5/5/2004]

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

§ 5-212. Adoption of the Uniform Construction Code. [Ord. 412, 5/5/2004]

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 Borough.

§ 5-213. Administration and Enforcement. [Ord. 412, 5/5/2004]

Administration and enforcement of the Code within this Borough shall be undertaken in any of the following ways as determined by the Council of this Borough from time to time by resolution.

- A. By the designation of an employee of the Borough to serve as the municipal code official to act on behalf of the Borough.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough.
- 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 Borough.
- 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.

§ 5-214. Board of Appeals. [Ord. 412, 5/5/2004]

A Board of Appeals shall be established by resolution of the Council of this Borough 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.

§ 5-215. Continuation of Prior Ordinances. [Ord. 412, 5/5/2004]

1. All Building Code ordinances or portions of ordinances which were adopted by this Borough on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.
2. All Building Code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.
3. All relevant ordinances, regulations and policies of this Borough not governed by the Code shall remain in full force and effect.

§ 5-216. Fees. [Ord. 412, 5/5/2004]

Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Council by resolution from time to time.

§ 5-217. Effective Date. [Ord. 412, 5/5/2004]

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

§ 5-218. Severability. [Ord. 412, 5/5/2004]

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

Part 9
ABANDONED AND FORECLOSED PROPERTY

§ 5-219. Purpose and Intent. [Ord. 442, 5/2/2018, § 1]

It is the purpose and intent of the Borough to establish a process to address the deterioration and blight of the Borough neighborhoods caused by an increasing amount of foreclosed or abandoned real property located within the Borough, and to identify, regulate, limit and reduce the number of abandoned properties located within the Borough. It is the Borough's further intent to establish a registration program as a mechanism to protect neighborhoods from becoming blighted due to lack of adequate maintenance and security of foreclosed and abandoned properties.

§ 5-220. Definitions. [Ord. 442, 5/2/2018, § 2]

The following words, terms and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ABANDONED PROPERTY — Any real property in the Borough Township that has become both vacant and blighted.

ACCESSIBLE PROPERTY/STRUCTURE — A property or structure that is accessible through a compromised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE ORDINANCES, CODES AND/OR REGULATIONS — To include, but not be limited to, the Borough's Property Maintenance Ordinance/Code, the Borough's Building Code, the Borough's Zoning Ordinance,²⁰ the Borough's Code of Ordinances ("Borough Code"), and the Pennsylvania Uniform Construction Code (U.C.C.).

BLIGHTED PROPERTY —

1. Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
2. Properties cited for a public nuisance pursuant to the Borough's ordinances, codes and/or regulations; or
3. Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the Borough's ordinances, codes and/or regulations.

ENFORCEMENT OFFICER — Any building official, zoning officer, code enforcement officer, building inspector, fire inspector, law enforcement

20. Editor's Note: See Ch. 5, Part 7, Ch. 5, Part 1, and Ch. 27, respectively.

officer, or other person authorized by the Borough to enforce the applicable Borough ordinances, codes, and/or regulations.

FORECLOSED PROPERTY — Any real property located in the Borough, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the lender, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the lender under a deed in lieu of foreclosure. The designation of a property as "foreclosed" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

OWNER — Any person, legal entity or other party having any ownership interest, whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

PROPERTY MANAGEMENT COMPANY — A property manager, property maintenance company or similar entity responsible for the management and/or maintenance of real property.

VACANT PROPERTY — Any building or structure that is not legally occupied.

§ 5-221. Applicability. [Ord. 442, 5/2/2018, § 3]

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Borough above and beyond any other state, county or local provisions for the same.

§ 5-222. Establishment of Registry. [Ord. 442, 5/2/2018, § 4]

Pursuant to the provisions of § 5-223 herein, the Borough or its designee shall establish a registry cataloging each foreclosed or abandoned property within the Borough, containing the information required by this Part.

§ 5-223. Registration of Foreclosed or Abandoned Real Property Required. [Ord. 442, 5/2/2018, § 5]

1. Upon default by the mortgagor of the mortgage on any real property located within the Borough, the mortgagee (lender) who holds such mortgage shall perform an inspection of the property to determine vacancy or occupancy. The mortgagee shall, within 10 days of the inspection, register the property with the Borough's Code Enforcement Department, or its designee, on a form provided by the Borough and shall indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
2. If the property is occupied but remains in mortgage default, it shall be inspected by the mortgagee or his designee on a monthly basis until:

- A. The mortgagor or other party remedies the default; or
 - B. The property is found to be vacant or shows evidence of vacancy, at which time it is deemed abandoned, and the mortgagee shall, within 10 days of that inspection, update the property registration to a vacancy status on a form provided by the Borough.
3. This Part shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure sale.
 4. This Part shall also apply to properties that have been identified by the Code Enforcement Department as being vacant and abandoned through the investigation of code violations or blighted conditions on such properties.
 5. Registration pursuant to this Part shall contain the name of the property owner, the mortgagee and the foreclosure process server or attorney the direct mailing address of the owner, the mortgagee and the process server or attorney; a direct contact name and telephone number for all parties; facsimile number and e-mail address for all parties; the Washington County tax parcel identification number of the property, and the name and twenty-four-hour contact phone number of any property management company responsible for the security and maintenance of the property.
 - A. If the property is vacant, the front door of the property shall be posted legibly and clearly with the name and twenty-four-hour contact telephone of the owner, mortgagee or designated local agent. The posting shall contain the following language:

THIS PROPERTY IS MANAGED BY:
TO REPORT ANY PROBLEMS OR CONCERNS, CALL:
 6. A nonrefundable annual registration fee of \$50 shall accompany the registration form. The annual registration fee shall be valid for one calendar year and shall be due on the date of registration and every year thereafter until such property becomes legally occupied.
 7. All registration fees must be paid directly from the mortgagee, server, trustee, or owner. Third-party registration fees will not be accepted without the prior consent of the Borough and/or its authorized designee.
 8. Properties subject to this Part section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this Part as long as they remain vacant or in default. Once the property is no longer in foreclosure or is sold to a person or entity other than the mortgagee, the mortgagee must provide proof of sale or written notice of termination of the foreclosure proceeding to the Borough.

9. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration form within 10 days of the change.
10. Failure of any mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Part shall be considered a violation of the same and shall be subject to enforcement and sanctions.
11. Pursuant to any administrative or judicial finding and determination that any property is in violation of this Part, the Borough may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

§ 5-224. Maintenance Requirements. [Ord. 442, 5/2/2018, § 6]

1. Properties subject to this Part shall be compliant with all other applicable Borough ordinances, codes and/or regulations. Failure of the mortgagee and/or owner to properly maintain the property may result in a violation and issuance of a citation or notice of violation. Pursuant to a finding and determination by the Borough Code Enforcement Officer, Magisterial District Judge or a court of competent jurisdiction, the Borough may take the necessary action to ensure compliance.
2. Properties subject to this Part shall be kept free of trash, junk, or debris; building materials; unlicensed or junk vehicles; any accumulation of newspapers, circulars, flyers, printed material or notices, except those required by federal, state or local law; discarded personal items, including, but not limited to, furniture, clothing, and appliances; and any other items that give the appearance that the property is abandoned.
3. The property shall be maintained free of graffiti or similar markings by removal or painting over with exterior grade paint that matches the color of the exterior structure.
4. Yard and/or landscape maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape. All sidewalks adjoining the property shall be kept clear of snow and ice.
5. Yard and/or landscape material shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable yard and/or landscape material shall not include weeds, fallen trees or branches, gravel, broken concrete, asphalt or similar material.
6. Pools, spas and other bodies of water, including ponds, shall be maintained in a clean and sanitary condition and in good repair. Pools

and spas shall be secured in accordance with all applicable Borough ordinances, codes and/or regulations.

§ 5-225. Security Requirements. [Ord. 442, 5/2/2018, § 7]

1. Properties subject to this Part shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
2. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a person to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a person to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window, not by placement of wood or other material.
3. If the mortgage on a property is in default and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable Borough ordinances, codes and/or regulations, and the property manager must perform regular inspections to verify compliance with the requirements of this Part and any other applicable laws.

§ 5-226. Public Nuisance. [Ord. 442, 5/2/2018, § 8]

All abandoned real property is hereby declared to be a public nuisance, the abatement of which, pursuant to the police power, is hereby declared to be necessary for the health, welfare and safety of the residents of the Borough of Speers.

§ 5-227. Violations and Penalties; Enforcement. [Ord. 442, 5/2/2018, § 9]

1. Any person or entity that violates any of the provisions of this Part may be charged with such violation, and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 for each violation. In default of payment of any imposed fine(s), the offender and/or its authorized representative may be imprisoned for a term not to exceed 90 days in the Washington County Correctional Facility.
2. Whenever any person or entity violating any of the provisions of this Part is notified of such violation, in writing, by the Borough, each day, or portion thereof, a violation occurs or continues to occur shall constitute a separate violation.

§ 5-228. Inspections for Violations. [Ord. 442, 5/2/2018, § 10]

Adherence to this Part does not relieve any person, legal entity and/or agent from any other obligations set forth in any other applicable Borough ordinances, codes and/or regulations, which may apply to the property.

Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable ordinances, codes and/or regulations, and the owner shall be responsible for meeting with the Borough's Code Department within 45 days for a final inspection report.

§ 5-229. Penalty for Opposing, Obstructing or Resisting Enforcement Officer. [Ord. 442, 5/2/2018, § 11]

Whoever opposes, obstructs or resists any Enforcement Officer or any person authorized by the Enforcement Officer in the discharge of duties as provided in this Part shall be punishable as provided in the applicable Borough ordinances, codes and/or regulations or by a court of competent jurisdiction.

§ 5-230. Immunity of Enforcement Officer. [Ord. 442, 5/2/2018, § 12]

Any Enforcement Officer or any person authorized by the Borough to enforce this Part shall be immune from prosecution, civil or criminal, for reasonable, good-faith entry upon real property while in the discharge of duties imposed by this Part.

§ 5-231. Amendment of Fees. [Ord. 442, 5/2/2018, § 13]

The Board of Supervisors may, at any time by way of resolution, amend this Part to change the amount of the annual registration fee.

§ 5-232. Repealer. [Ord. 442, 5/2/2018, § 14]

Any and all prior ordinances and/or any and all portions of prior ordinances which are in conflict with this Part are hereby repealed to the extent of such conflict. The remaining ordinances and/or portions of prior ordinances, not modified herein, shall remain the same.

§ 5-233. Severability. [Ord. 442, 5/2/2018, § 15]

1. The provisions of this Part are severable, and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Supervisors that such determination by the court shall not affect or render void the remaining provisions of this Part.
2. It is the declared intent of the Board of Supervisors that this Part would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.
3. It is the declared intent of the Borough Council that this Part would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

§ 5-234. When Effective. [Ord. 442, 5/2/2018, § 16]

This Part shall take effect immediately.

Chapter 6
CONDUCT

Part 1
DISORDERLY ACTS

§ 6-1. Disorderly Conduct Prohibited. [Ordinance 288, December 5, 1973, Section 1]

Disorderly conduct is hereby prohibited within the Borough of Speers. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

1. Engages in fighting or threatening, or in violent or tumultuous behavior;
2. Makes unreasonable noise;
3. Uses obscene language, or makes an obscene gesture; or
4. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

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

§ 6-2. Disturbance of the Peace Prohibited. [Ordinance 288, December 5, 1973, Section 2]

Disturbance of the peace is hereby prohibited within the Borough of Speers. Any person who shall be guilty of any wilful act causing or tending to cause a disturbance of the peace and good order of the Borough, or causing or tending to cause any danger, discomfort or annoyance to inhabitants of the Borough or to users of any of the public streets or alleys in the Borough; or who shall fight or quarrel or incite others to fight or quarrel; or who shall congregate upon any of the public streets or alleys or public grounds or places of public resort in the Borough, to the annoyance of peaceable residents nearby or traveling upon any street or alley or being lawfully upon any of the public grounds or places of public resort in the Borough, whereby the public peace is broken or disturbed or the traveling public annoyed shall be guilty of disturbance of the peace.

§ 6-3. Penalty for Disorderly Conduct or Disturbance of the Peace. [Ordinance 288, December 5, 1973, Section 3]

Any person who shall violate any provision of this ordinance [Sections 1 to 3 this Chapter] shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution, and, in default of payment of

such fine and costs, to imprisonment for not more than 30 days. All fines payable to the Borough of Speers.

§ 6-4. Use of Firearms Restricted. [Ordinance 289, December 5, 1973, Section 1]

No person shall, except in necessary defense of person or property, fire or discharge any gun or other firearm at any place within the limits of the Borough of Speers. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$100 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. All fines payable to the Borough of Speers.

§ 6-5. Unlawful to Tamper with Public Property or Certain Property in Public Places. [Ordinance 290, December 5, 1973, Section 1]

No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface any public property in the Borough of Speers, or any grass, walk, lamp, ornamental work, building, street light, fire hydrant, or water or gas stop box on or in any street, alley, sidewalk or public ground in the Borough.

§ 6-6. Unlawful to Tamper With Stakes, Posts and Monuments. [Ordinance 290, December 5, 1973, Section 2]

No person or persons shall in any manner interfere with or meddle with or pull, drive, change, alter or destroy any stake, post, monument or other evidence of any elevation, grade, line, location, corner or angle in the Borough of Speers, made, placed or set, or hereafter made, placed or set, or caused to be done by the authorities of the Borough in any survey of or in any street, alley or public ground in the Borough, to evidence the location, elevation, line, grade, corner or angle of any public street, alley, sidewalk, curb, gutter, drain or other public work, matter or thing.

§ 6-7. Unlawful to Tamper with Warning Lamps Signs or Barricades. [Ordinance 290, December 5, 1973, Section 3]

No person or persons shall wilfully or maliciously destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Borough or by any person, firm or corporation doing work by permission of the authorities of the Borough on any street, alley, sidewalk, bridge or public ground in the Borough, as a warning of danger.

§ 6-8. Unlawful to Take Earth, Stone or Other Material from Street, Alley or Public Ground. [Ordinance 290, December 5, 1973, Section 4]

No person or persons shall take any earth, stone or other material from any street, alley or public ground in the Borough of Speers.

§ 6-9. Certain Acts not Unlawful. [Ordinance 290, December 5, 1973, Section 5]

This ordinance [Sections 5 to 10 this chapter] shall not apply to normal activities in connection with the construction, maintenance and repair of the streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon or therein upon permit from or by authority of the Borough.

§ 6-10. Penalty for Tampering With, Injuring or Removing Certain Property. [Ordinance 290, December 5, 1973, Section 6]

Any person who shall violate any provision of this ordinance [Sections 5 to 10 this Chapter] shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and cost of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Provided: the fact that a violator has been penalized after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from such violation. All fines payable to the Borough of Speers.

Part 2
LEWD MATERIALS

§ 6-21. Definitions. [Ordinance 337, October 7, 1981, Section 1]

For the purpose of this ordinance [Sections 21 to 24 this Part 2], the words and phrases set forth below shall have the meaning respectively ascribed to them:

AUDIENCE — One 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 a manner that it may be readily seen and its content or character distinguished by viewing it in or 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-dimensional forms, sculptures, and phonograph, tape or wire recordings.

NUDITY — Uncovered, or less than opaquely covered, post-pubertal human genitals or pubic area, the post-pubertal human female breast below a 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 only 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.

PERSON — Any individual, partnership, firm, association, corporation or other legal entity.

LEWD MATERIAL — Any material or performance in which 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 Speers, it appeals to the prurient interest in sex; and (b) it depicts, describes or represents in a patently offensive way, sexual conduct, as hereinafter defined; and (c) taken as a whole, it lacks serious literary, artistic, political or scientific values.

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 sado-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 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 in-animate objects; or (d) actual or simulated display or exhibition of the human pubic area or genitals or any part thereof, or (e) sexual excitement, as hereinafter defined, or (f) sado-masochistic abuse as hereinafter defined.

SEXUAL EXCITEMENT — The facial expressions, movements, utterances or any other physical 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.

§ 6-22. Disseminating and/or Promoting Lewd Material. [Ordinance 337, October 7, 1981, Section 2]

- A. It shall be unlawful for any person, as defined in this ordinance to disseminate and/or promote and/or display publicly lewd material in the Borough. A person shall be guilty of the offense of disseminating and/or promoting and/or displaying publicly lewd material, if, knowing its content and character he:
1. Disseminates or causes to be disseminated any lewd material in or from a public place or vehicle, or for valuable consideration; or has in his possession any lewd material with inintent 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 lewd material; or

2. Sells an admission ticket, or pass to premises where there is being exhibited or is about to be exhibited lewd material or a performance which contains lewd material; or
3. 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 contains lewd material; or
4. Produces, presents, directs, or knowingly allows the use of any business, building, vehicle or place, owned, leased, conducted or managed by him to be used for a performance which contains lewd material before an audience; or
5. Participates in that portion of a live performance before an audience which makes the performance contain lewd material; or
6. Panders, displays publicly, or disseminates door to door, any lewd material, or causes such pandering, public display or door-to-door dissemination.

§ 6-23. Fines and Penalties. [Ordinance 337, October 7, 1981, Section 3]

Any person, as defined in this ordinance, convicted of violating this ordinance shall be guilty of a summary offense, and upon conviction before any Magistrate or Justice of the Peace, shall be subject to the payment of a fine not exceeding \$300 and the payment of the costs of prosecution, for each offense, and in default of payment thereof, shall be subject to imprisonment in the appropriate jail for a period not exceeding 30 days. Each day's continuance of any violation of this ordinance shall constitute a separate offense, punishable by a like fine, costs and imprisonment in default of payment thereof.

§ 6-24. Severability. [Ordinance 337, October 7, 1981, Section 4]

If any one or more sections, subsections, sentences, clauses or phrases of this ordinance is for any reason held to be unconstitutional, unlawful or invalid, such decision shall not affect the constitutionality, legality or validity of the remaining portions of this ordinance. The Borough declares it would have passed this ordinance and any one or more remaining sections, subsections, sentences, clauses and phrases thereof, irrespective of the fact that any one or more of said sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Chapter 7

CURFEW

§ 7-1. Ten p.m. Curfew Established for Children Under Age of 18; Curfew Whistle. [Ordinance 230, August 2, 1965, Section 1]

No child under the age of 18 years shall be or remain or go in or upon any of the public streets, highways, alleys, parks, or other premises in the Borough of Speers, Washington County, Pennsylvania, after the hours of 10:00 p.m. and between said time and 7:00 a.m. of the following day; said hours to be known as curfew hours unless said child is accompanied by his or her parent, guardian, or other person having the legal custody of said child or is accompanied by a responsible person of good repute over 21 years of age. A warning whistle or siren to be known as the "curfew whistle" shall be sounded each evening at the beginning of curfew hours.²¹

§ 7-2. Duty of Parents and Guardians. [Ordinance 230, August 2, 1965, Section 2]

No parent, guardian or other person having the legal control, care or custody of any child under the age of 18 years shall allow or permit any such child to be or remain or go in or upon any of the public streets, highways, alleys, parks or other public premises in the Borough of Speers, Washington County, Pennsylvania, during said curfew hours, unless said child is accompanied by his or her parent, guardian or other person having legal custody of said child or is accompanied by a responsible person of good repute over 21 years of age.

§ 7-3. Penalty for Violation. [Ordinance 230, August 2, 1965, Section 3, as amended by Ordinance 279, December 5, 1973, Section 1]

Any parent, guardian or other person having the legal control, care or custody of any child under the age of 18 years violating any provision of this ordinance²² shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 or more than \$100 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days.

Chapter 8

FIRE PREVENTION AND FIRE PROTECTION

21. Section 4 of this ordinance repealed all conflicting ordinances and parts of ordinances.

22. Sections 1 to 3 of this chapter.

Part 1
FIRE PREVENTION CODE

§ 8-1. Adoption of Fire Prevention Code. [Ord. 397, 5/6/1998, § 1]

A certain document, being marked and designated as the "BOCA National Fire Prevention Code, Tenth Edition, 1996," as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Fire Prevention Code of the Borough of Speers, Washington County, Pennsylvania, for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties and conditions and terms of said BOCA National Fire Prevention Code are hereby referred to, adopted and made part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 2 of this Part.

§ 8-2. Additions, Insertions and Changes. [Ord. 397, 5/6/1998, § 3]

That the following sections are hereby revised as follows:

- A. Section F-101.1. Insert "Speers Borough, Washington County, Pennsylvania."
- B. Section F-107.2.3. Insert "Yes" on each line in the column headed "Permit Required" and "____ dollars" on each line in the columns headed "Permit Fee" and "Inspection Fee."

§ 8-3. Establishment of Limits. [Ord. 397, 5/6/1998, § 4]

The limits referred to in Section F-3003.2 of the BOCA National Fire Prevention Code, 1996, in which the storage of explosive materials is prohibited are hereby established as follows:

The Borough of Speers, Washington County, Pennsylvania.

§ 8-4. Saving Clause. [Ord. 397, 5/6/1998, § 5]

Nothing in this Part 1 or the Fire Prevention Code hereby adopted shall be construed to affect any lawsuit or proceeding impending in any court or any rights acquired or liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited in this Part, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

Part 2
REIMBURSEMENT OF EMERGENCY SERVICES COSTS

§ 8-21. Liability for Costs. [Ord. 417, 3/7/2007]

Any person who intentionally, negligently, accidentally or otherwise causes a motor vehicle accident, hazardous material or substance spill or any other act or omission necessitating the providing of emergency services by or for the Borough of Speers or the Charleroi Volunteer Fire Department, hereinafter referred to as "Fire Department," within the boundaries of the Borough of Speers shall be liable for the for all costs incurred by the Borough and/or the Fire Department as a result of such accident, spill, or other act or omission. The remedy provided by this Part 2 shall be in addition to any other remedies provided by law.

§ 8-22. Definitions. [Ord. 417, 3/7/2007]

For the purpose of this Part 2, the following terms shall have the meanings indicated:

HAZARDOUS MATERIALS — Any substances or materials in a quantity or form which, in the determination of the Emergency Management Coordinator or other authorized representative of the Borough, poses an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, and shall include but not be limited to such substances as explosives, radioactive, materials, petroleum products or gasses, poisons, etiological (biological) agents, flammable materials, corrosives or materials listed in the Hazardous Substance List of the Pennsylvania Department of Labor and Industry.

§ 8-23. Exclusions. [Ord. 417, 3/7/2007]

The authority to recover costs under this Part 2 shall not include the actual fire-suppression services which are normally and usually provided by the Fire Department. It shall, however, permit the recovery of costs of lost or broken equipment and/or consumable supplies used in the normal course of providing emergency services, be it for fire suppression or any item identified in § 21 or 22 of this Part 2.

§ 8-24. Charges. [Ord. 417, 3/7/2007]

For purposes of this Part 2, the charges for use of the Borough and Fire Department emergency services equipment, materials, and personnel shall be established by resolution of the Borough Council.

§ 8-24

SPEERS CODE

§ 8-24

Chapter 9
FRANCHISES

Part 1
ELECTRIC

§ 9-1. Franchise to R. J. Linton, W. W. Staub, E. S. Corbett and Assigns.²³ [Ordinance 21, August 28, 1896, Section 1]

R. J. Linton, W. W. Staub and E. S. Corbett and their assigns are hereby authorized and empowered to enter upon any or all of the streets, lanes and alleys in the Borough of Speers for the purpose of constructing, maintaining and using therein and thereon poles, conduits, wires and other appliances necessary for the purpose of supplying heat, light and power, or any or all of them, to the public by means of electricity, subject to the following regulations and conditions:

First. Before entering upon the streets, lanes and alleys of the Borough, for the purpose of constructing therein and thereon any apparatus or device for the supplying of light, heat and power, or any or all of them, by means of electricity, the said Company shall file with the Clerk of Council of said Borough a written statement showing the streets or highways upon which the proposed appliances are to be erected and constructed, and the nature and character thereof.

Second. All wires, cables or other means used by the said Company or their assigns over the surface of any street, highway, lane or alley in said Borough shall be erected at a height of not less than 20 ft. above the grade line. All wires, cables or overhead system along or over any of the streets, lanes, highways or alleys of said Borough shall be erected along and over the curb line as nearly as practicable, and no such wires, cables, or other overhead system shall be constructed over and across any street, lane, highway or alley except at the intersection thereof with another street, lane, highway or alley. The poles erected by said Company shall be of uniform size as near as possible, smooth, and shall be set at such places on the streets as Council may designate, and in case of a change in width or grade of any such streets, lanes, highways or alleys, the said Company or their assigns shall at their own cost and expense reset their poles at such points thereon as the Borough may direct.

Third. All wires, cables, conduits, tubes or other underground system constructed under the surface of any street, lane, highway or alley shall be placed not less than two feet beneath the surface of the roadway of such street or highway, and as near the curb as may be practicable.

Fourth. If at any time any of the wires or devices of the said Company or their assigns shall in any manner obstruct, endanger or interfere with the Fire Department when called into service, the said Fire Department shall have the right and be at liberty to cut down and remove said wires and devices without liability for damages to said Company or their assigns, either on the part of members of said Fire Department, or of the said Borough.

23. This franchise is now vested in the West Penn Power Company.

Fifth. The said Company or their assigns shall furnish free of cost to the Borough sufficient electric current to light their Municipal Building.²⁴

Sixth. The said Borough shall have at all times the right and privilege to use the poles of said Company, free of charge, for the purpose of carrying the wires of its police and fire alarm telegraph system.²⁵

24. At present this free service is not being furnished, this provision having been superseded by the provisions of the Public Utility Law requiring uniformity of rates and prohibiting discrimination in rates.

25. Paragraph 7 of this section provided that if the Company was not, within four months after the approval of this ordinance, prepared to furnish, by means of electricity, both arc and incandescent light to consumers of the Borough, all the rights and privileges in this ordinance were to cease and determine at the option of Borough Council. Paragraph 8 directed that, within 30 days after the approval of this ordinance, the Company or its assigns file with the Clerk of Council its written approval of the ordinance.

Part 2
TELEPHONE

**§ 9-21. Franchise to The Bell Telephone Company of Pennsylvania.
[Ordinance 105, May 6, 1932, Introductory Section]**

Permission be and is hereby granted to The Bell Telephone Company of Pennsylvania, its successors and assigns, to construct, maintain and operate its posts, poles, cables, wires and all other necessary overhead apparatus on, over and along, and its conduits, ducts, mains, pipes, cables, wires, manholes, terminal and distributing poles and all other necessary underground appliances on, in, under and through, the streets, alleys, and highways, within the limits of the Borough of Speers, County of Washington, State of Pennsylvania; to use the property of other companies and to permit other companies that possess authority to operate within the limits of the said Borough to use its property, upon such arrangements as the two companies may agree to; provided:²⁶

§ 9-22. Requirements for Poles; Restrictions on Extent of Street or Alley Opened or Encumbered at One Time. [Ordinance 105, May 6, 1932, Section 1]

All poles erected by said Company shall extend not less than 20 feet above the surface of the ground, and shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said streets, alleys and highways, and in the installation and maintenance of its underground system, said Company shall open or encumber no more of any street, alley or highway than will be necessary to enable it to perform the work with proper economy and efficiency.

**§ 9-23. Plan of Location of Facilities Subject to Borough Approval.
[Ordinance 105, May 6, 1932, Section 2]**

Before any poles are erected or conduits or manholes are constructed in, upon or along any street, alley or highway said Company shall present a plan or plans as to the location of any poles, showing the approximate location thereon, to the chairman of the Street Committee for approval. Should the chairman of the Street Committee disapprove any plan or plans as to the location of any poles, conduits or manholes, he shall cause to be designated thereon, by use of appropriate words or marks or both, some other location suitable for the purpose of said Company, but nothing in this

26. Section 9 of this ordinance required that the Company file its written acceptance of all the terms, conditions, regulations and restrictions contained in this ordinance, within 60 days after its final enactment; otherwise the ordinance would become null and void. Section 10 provided that upon acceptance by the Company and approval of this ordinance by the Public Service Commission of Pennsylvania, an ordinance of September 8, 1908 (Ordinance 31) in favor of the Central District and Printing Telegraph Company (predecessor of The Bell Telephone Company of Pennsylvania) was to become null and void. Section 10 required that the Company pay all legal advertising or printing fees incurred by the Borough in connection with the passage of this ordinance.

section contained shall be construed to require the submission or approval of plans when the Company finds it necessary to renew existing poles.

§ 9-24. Restoration of Sidewalk or Street Pavement by Company. [Ordinance 105, May 6, 1932, Section 3]

The said Company shall replace and properly relay that portion of any sidewalk or street pavement which may have been displaced or damaged by it in the construction or maintenance of its system. Should the Company fail to make such replacement and repairs within a reasonable time after receipt of written notice from Council so to do, then and in such an event the Borough may cause the work to be done and charge the Company for the actual cost thereof.

§ 9-25. Space on Poles and in Conduits Available for Borough Police and Fire Alarm Wires. [Ordinance 105, May 6, 1932, Section 4]

Space on the poles erected and in the conduits constructed under the provisions of this ordinance²⁷ may be used, free of charge, for the purpose of carrying wires of any fire alarm or police telegraph system owned and maintained by the said Borough, provided the said wires are placed and maintained in such a manner as may be prescribed by the said Company, and no use shall be made of such space by the said Borough which will result in interfering with or impairing the operation or use of the Company's property or service, or will endanger its property or employees.

§ 9-26. Maintenance of Facilities by Company: Nonliability of Borough. [Ordinance 105, May 6, 1932, Section 5]

The said Company shall maintain all posts, poles, cables, wires, conduits, ducts, mains, pipes, manholes and all other apparatus erected or constructed under the provisions of this ordinance,²⁸ in good and safe order and condition, and shall at all times fully indemnify, protect and save harmless the said Borough from and against all loss, and necessary expenditures arising from the erection, construction and maintenance of its system or from its neglect or failure to maintain the said apparatus in good and safe order and condition.

§ 9-27. No Exclusive Right Granted. [Ordinance 105, May 6, 1932, Section 6]

Nothing in this ordinance²⁹ contained shall be construed to grant unto the said Company any exclusive right, or to prevent a grant of similar privileges to other companies.

27. Sections 21 to 29 of this chapter.

28. Sections 21 to 29 of this chapter.

29. Sections 21 to 29 of this chapter.

§ 9-28. Company Subject to Certain General Ordinances. [Ordinance 105, May 6, 1932, Section 7]

The said Company shall be governed by all legal ordinances of a general nature affecting its operations in the Borough of Speers, that are now in force and enacted under and by virtue of the police powers of the said Borough or the laws of the State, as well as all such ordinances hereafter so enacted, provided the terms, conditions and regulations prescribed therein do not impair or abridge the permission contained in this ordinance.³⁰

§ 9-29. Company to Furnish Certain Free Service. [Ordinance 105, May 6, 1932, Section 8]

Said Company shall continue to maintain free of charge the one free telephone now being furnished for use of the said Borough, and shall relocate said telephone from time to time to locations within the limits of the Borough of Speers as the Council of said Borough by resolution may direct, and shall furnish free service from said telephone for the transaction of Borough business only to all subscriber's stations embraced in local service and established from time to time by said Company for the Central Office with which the said telephone is connected, and the said Borough shall pay unto the said Company for all telephone service furnished it outside of the area within which free service is to be allowed under this section.³¹

30. Sections 21 to 29 of this chapter.

31. At present free service is not being furnished, this provision having been superseded by the provisions of the Public Utility Law requiring uniformity of rates and prohibiting discrimination in rates.

Part 3
TELEVISION

§ 9-51. Agreement Granting Franchise to Centre Video Corporation Authorized.³² [Ordinance 251, July 2, 1969, Section 1; as amended by Ordinance 353, February 1, 1984, § 1]

The Borough of Speers hereby enters a Franchise Agreement with Centre Video Corporation, its successors and assigns to construct, operate, and maintain a cable television system in the Borough of Speers setting forth conditions accompanying the grant of franchises and providing for regulation and use of the cable television system.

§ 9-52. General Conditions of Agreement. [Ordinance 251, July 2, 1969, Section 2]

The agreement hereby authorized³³ be, and the same is hereby made subject to any and all Acts of Assembly, ordinances of the Borough of Speers, Acts of Congress and future provisions of any Act of Assembly conferring jurisdiction of CATV to the Pennsylvania Public Utility Commission and any regulation of said Commission adopted or issued pursuant to the conferral of such jurisdiction, as well as any future provision of any Act of Congress conferring jurisdiction of CATV to the Federal Communications Commission and any federal licensing or rate regulation required by that Commission.

§ 9-53. Company to Procure, at Own Expense, Easements, Rights of Way, Grants, Certificates, Permits and Agreements from Other Entities. [Ordinance 251, July 2, 1969, Section 3; as amended by Ordinance 353, February 1, 1984]

Centre Video Corporation, as licensee, shall procure, at its own expense, any and all easements, rights of way, grants, certificates of approval, permits and agreements which may be required from any person or corporation or federal, state, municipal or other governmental agency or from any utility companies presently operating in Speers Borough and with whom said licensee may connect any lines, or with whom said licensee may jointly use any poles, lines or other transmission or distribution facilities.

§ 9-54. Company to Use Existing Facilities of Public Utilities Where Possible. [Ordinance 251, July 2, 1969, Section 4; as amended by Ordinance 353, February 1, 1984]

Centre Video Corporation, as licensee, in order to minimize the number of poles, towers and other facilities constructed and maintained in and along the public streets and highways shall utilize the existing facilities of public utilities now maintained within the Borough to the extent that its approval

32. Previous Franchise holder was Tex-Video, Inc.

33. By Section 51 of this chapter.

be required, does hereby authorize such use, but licensee shall obtain permission for the use thereof at its sole expense; and further provided, if the use of poles and towers be impracticable, the licensee, upon application for street opening permit and posting of performance bond in double the amount of the replacement costs as estimated by the Borough Engineer, may construct and install its cables and facilities underground at locations to be approved by the Borough Engineer and, in such event, licensee shall, at its own cost and expense and in a manner approved by the Borough Engineer, replace and restore all paved cartways, road surfaces, sidewalks and other appurtenances disturbed in a safe and workmanlike manner to substantially as good condition as existed immediately prior to the opening.

§ 9-55. Facilities to Conform to Certain Safety Requirements; Freedom from Spurious Radiation and Distortion of Signals; Minimum of Interference with or Obstruction to Traffic and the Public. [Ordinance 251, July 2, 1969, Section 5; as amended by Ordinance 353, February 1, 1984]

Centre Video Corporation, as licensee, shall construct, maintain and operate its facilities and CATV system throughout in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, the requirements of the Federal Communications Commission with respect to freedom from spurious radiation and ordinances of the Borough regulating electrical installations, and in such manner as to cause the least interference and obstruction to traffic and the public; and upon receipt of written notice from the Borough Secretary that any of its facilities endangers the public, is causing distortion to direct-off-the-air-television signals, or interferes with the use of any public street or highway, said licensee shall, at its own expense, repair, remove, alter or change such facility or facilities within a reasonable time in such manner as to alleviate the condition.

§ 9-56. Nonliability of Borough; Public Liability Insurance Coverage Required. [Ordinance 251, July 2, 1969, Section 6; as amended by Ordinance 353, February 1, 1984]

Centre Video Corporation, as licensee, shall save harmless the Borough from all claims and shall indemnify said Borough against any loss sustained by it on account of the negligence or any act of the Company, its agents, servants or employees, in the construction, maintenance or operation of its facilities and CATV system; provided, however, that the Borough shall notify the licensee within 20 days after receipt of any claim or notice of damage either by suit or written claim which might give rise to indemnification by the licensee shall maintain, during the term of this franchise or any extension thereof, public liability insurance of not less than \$100,000 for any one person and \$300,000 for any one accident and property damage insurance of not less than \$100,000, duly issued by one or more insurers authorized to do business in the Commonwealth of Pennsylvania, and the licensee shall furnish the Borough with satisfactory proof of this insurance

coverage within 10 days after the execution of the agreement herein authorized.³⁴

§ 9-57. Term of Franchise and Agreement; Conditions Thereof. [Ordinance 251, July 2, 1969, Section 7]

The franchise and term of the agreement herein³⁵ authorized shall be for a period of 10 years conditioned upon full performance by licensee of each and every obligation of said agreement and at the expiration of 10 years it shall continue at full force so long as there is a complete performance by licensee.

§ 9-58. Rates to be Charged to Subscribers. [Ordinance 251, July 2, 1969, Section 8; as amended by Ordinance 316, June 2, 1976, Section 2]

The rates to be charged to the subscribers to the CATV service shall be as follows:

(a) Connection Fees:

Connection, reconnection, relocation or connection of additional outlet at a time other than the initial outlet - \$10.

(b) Monthly Service Charge:

(1) Residential rate

- first outlet, \$5.
- each additional outlet, \$1.25 each.

(2) Commercial rate

- first outlet - \$7.
- each additional outlet, \$2 each.

(3) Motels, hotels, rooming houses, apartment houses, trailer courts, hospitals and rest homes shall be charged on a negotiated rate schedule.

(4) Licensee shall furnish upon the request of the Borough one free connection and service to each public and parochial school, any municipal building, police station, fire house and charitable institution.

(5) No service charge will be made for disconnecting from the CATV service.

(c) FM Service Charge:

34. See Section 51 of this chapter.

35. In this ordinance, Sections 51 to 67 of this chapter; see especially Section 51.

- (1) A standard fee of \$5 will be charged for the installation of each FM tap. The service charge will be \$0.50 per month.³⁶

§ 9-59. Annual Payments by Company to Borough. [Ordinance 251, July 2, 1969, Section 9; as amended by Ordinance 353, February 1, 1984]

Centre Video Corporation, as the consideration for the granting of this franchise,³⁷ agrees to pay the Borough of Speers, the minimum of \$200 annually, plus \$1 for each additional customer over and above 300, to be paid by the licensee on the date of the completion of the first tap into a customer; payments thereafter, to be within 30 days of the beginning of each succeeding fiscal year of service.

§ 9-60. Requirements for CATV System. [Ordinance 251, July 2, 1969, Section 10; as amended by Ordinance 353, February 1, 1984]

Centre Video Corporation, shall provide a CATV system that will:

- (a) Carry color programs with full fidelity to any subscriber color receiver.
- (b) Provide clear pictures on all subscriber receivers of the same quality as that received at the antenna site, provided said receivers be in good working order.
- (c) Employ or use cable capable of simultaneously transmitting television signals on a minimum of nine channels.
- (d) Employ or use installation and house drop hardware uniform throughout the Borough, except that it shall be free to change hardware and installation procedures as the television art progresses.

§ 9-61. Conditions for Termination of Franchise by Company. [Ordinance 251, July 2, 1969, Section 11; as amended by Ordinance 353, February 1, 1984]

Centre Video Corporation, may terminate the franchise hereby³⁸ granted at any time upon giving the Borough 90 days' written notice of its intent to do so.

§ 9-62. Duty of Company Upon Termination of Franchise. [Ordinance 251, July 2, 1969, Section 12; as amended by Ordinance 353, February 1, 1984]

Centre Video Corporation, as licensee, shall pay the Borough of Speers within 30 days of the effective date of termination of its franchise³⁹ all sums due the Borough under the provisions of this ordinance and the agreement

36. Section 1 of Ordinance 316 provided that the ordinance be effective July 1, 1976.

37. The franchise granted by this ordinance, Sections 51 to 67 of this chapter.

38. By this ordinance, Sections 51 to 67 of this chapter; see especially Section 51.

39. The franchise granted by this ordinance, Sections 51 to 67 of this chapter.

herein authorized and within 90 days after expiration or termination of its franchise, the licensee, at its own expense and cost, shall remove all facilities constructed by it in accordance herewith and shall restore all paved cartways, road surfaces, sidewalks and appurtenances disturbed by such removal.

**§ 9-63. Conditions for Grant of Similar Franchise by Borough.
[Ordinance 251, July 2, 1969, Section 13; as amended by Ordinance 353, February 1, 1984]**

The Borough shall not grant any franchise to any individual or company offering or furnishing a CATV service similar to those of Centre Video Corporation, on terms and conditions more favorable to such individual or company than those contained herein unless this ordinance⁴⁰ be amended to provide for such more favorable terms and conditions.

**§ 9-64. Failure of Company to Proceed with Construction Constitutes Grounds for Termination of Franchise by Borough.
[Ordinance 251, July 2, 1969, Section 14; as amended by Ordinance 353, February 1, 1984]**

Centre Video Corporation shall initiate construction within six months after having secured all necessary rights of way and its failure to proceed (other than for reasons beyond its control) shall be grounds for the termination of the franchise herein⁴¹ granted at the election of the Borough of Speers.

§ 9-65. Company Authorized to Permit Certain Others to Make Joint Use of Facilities; Conditions for Company to Assign or Transfer Rights and Obligations. [Ordinance 251, July 2, 1969, Section 15; as amended by Ordinance 353, February 1, 1984]

Centre Video Corporation, as licensee, may authorize and permit other persons or corporations holding a franchise and serving the public inhabitants of the Borough of Speers, to make joint use of the licensee's facilities; and it may, subject to the approval of the Borough, assign, transfer and set over to any person or corporation of its choosing, the rights and obligations of the agreement herein⁴² authorized.

**§ 9-66. Acceptance to be Filed; Acceptance Constitutes Agreement.
[Ordinance 251, July 2, 1969, Section 17; as amended by Ordinance 353, February 1, 1984]**

Within 30 days from the effective date of this ordinance, Centre Video Corporation shall file its written acceptance hereof with the Borough of Speers and such acceptance when joined in by the President of the Borough

40. Sections 51 to 67 of this chapter.

41. Sections 51 to 67 of this chapter.

42. In this ordinance, Sections 51 to 67 of this chapter.

Council, shall constitute the written agreement referred to in this ordinance,⁴³ and shall be binding upon both.

§ 9-67. Severability. [Ordinance 251, July 2, 1969, Section 18]

The provisions of this ordinance⁴⁴ shall be severable and if any section or subsection should be held to be unconstitutional or invalid, the decision so holding shall not be construed to affect the validity of any of the remaining sections or subsections; and it is hereby declared to be the intent of the enacting authority that this ordinance would have been adopted had such unconstitutional or invalid section not been included herein.

43. In this ordinance, Sections 51 to 67 of this chapter.

44. Sections 51 to 67 of this chapter.

Part 4
PIPE LINES

§ 9-91. Charge Assessed Against Standard Oil Company for Maintenance of Pipe Lines Under River Avenue. [Ordinance 109, December 5, 1933, Section 2]

On and after the passage of this ordinance the charge assessed against the Standard Oil Company of Pennsylvania or its successors in title for the maintenance of its present pipe lines maintained under River Avenue⁴⁵ from the property of the Standard Oil Company, to the River near the Otto Miller residence in the said Borough of Speers, shall be \$10.⁴⁶

45. The right to maintain this pipe line was based on an ordinance of February 18, 1930, no copy of which can be found among the records of the Borough.

46. The title of this ordinance indicated that this is an annual charge. Section 1 of this ordinance repealed Ordinance 63 formerly designated Ordinance 56, at least to the extent that it levied a \$25 annual charge against this company.

Chapter 10
GARBAGE AND REFUSE

Part 1
COLLECTIONS

§ 10-1. Garbage and Refuse to be Removed by Contract Collector.
[Ordinance 390, 5/1/1996, Section 1]

Removal of garbage and other refuse material shall be performed exclusively in the Borough of Speers under the terms of the contract signed between the Borough of Speers, party of the first part, and Kelly Run Sanitation, Inc., party of the second part, and by such contracts as may in the future be awarded. The terms and conditions thereof are incorporated hereby by reference as though fully set forth at length and a copy of said contract is on file at the office of the Borough Secretary, Municipal Building, Speers, Pennsylvania.

§ 10-2. Placement of Refuse for Collection; "Family Unit" Defined.
[Ordinance 390, 5/1/1996, Section 2]

1. Garbage pickup on the scheduled day shall be at the curb to be picked up.
2. The term "family unit" shall be defined as a person or group of persons living together as a single and separate unit.

§ 10-3. Rates for Family Unit Collections; Landlord Responsible for Payment. **[Ordinance 390, 5/1/1996, Section 3]**

The rates for removal of matter subject to the terms of this Part (Sections 1 through 11 of this Part) shall be, for each family unit, \$75 per annum payable at face on or before February 14 of each year this Part remains in force. The rates for removal of matter subject to the terms of this Part, if paid on or before January 31 of each year this Part is in effect, shall be \$70. The landlord is responsible for the payment on default of his tenant.

§ 10-4. Rates for Collection from Industrial, Business or Professional Customers. **[Ordinance 390, 5/1/1996, Section 4]**

For industrial, business or professional customers, the contractor shall establish rates for removal of such customers and shall negotiate and collect such rates from said customers on a fair, uniform and equitable schedule of rates. Payment and collection of such rates shall be directly from the customer to the contractor.

§ 10-5. Delinquent Accounts. **[Ordinance 390, 5/1/1996, Section 5]**

Any payment not made on or before February 14 of each year this Part remains in effect shall be delinquent and the following penalties shall be imposed thereon:

- A. A penalty of \$2 if the payment is made after February 14 but prior to February 28, making the total payment \$77.

- B. An additional penalty of \$3 if the payment is made after February 27, making the total payment \$80.
- C. Stoppage of service will occur on March 1 if payment is not made. Service shall be resumed thereafter only on payment of accumulated fees and penalty for the period of collection and noncollection, plus interest.

§ 10-6. Legal Remedies. [Ordinance 390, 5/1/1996, Section 6]

The stoppage of services hereinbefore (§ 5 (C), above), authorized for nonpayment of collection charges shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges in the manner provided by law, either by action in assumpsit or by the filing of a municipal claim or lien.

§ 10-7. Enforcement. [Ordinance 390, 5/1/1996, Section 7]

The Mayor or Council may, from time to time, designate an agent in charge of the enforcement of this Part.

§ 10-8. Penalties. [Ordinance 390, 5/1/1996, Section 8]

Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this Part shall, upon conviction thereof before a Magistrate or Justice of the Peace of the Borough, pay a fine of not less than \$5 nor more than \$100 and, in default of the payment of such fine and costs of prosecution, he/she shall be imprisoned for not more than 30 days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as herein provided.

§ 10-9. Effective Date. [Ordinance 390, 5/1/1996, Section 9]

This Part shall take effect on January 1, 1996, and shall continue in effect in 1997 and thereafter.

Part 2
MUNICIPAL SOLID WASTE

§ 10-11. Short Title. [Ordinance 390, 5/1/1996, Section 12]

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

§ 10-12. Definitions. [Ordinance 390, 5/1/1996, Section 13]

1. The following words and phrases as used in this Part shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

ACT 97 — The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

ACT 101 — The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SALVAGING — The controlled removal of recycling of material from a solid waste processing or disposal facility.

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

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

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

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

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

§ 10-13. Prohibited Activities. [Ordinance 390, 5/1/1996, Section 14]

1. It shall be unlawful for any person to accumulate or permit to accumulate on any public or private property within the Borough any garbage, rubbish, bulky waste or any other municipal or residual waste except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
2. It shall be unlawful for any person to burn any solid waste within the Borough except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
3. It shall be unlawful for any person to process and/or dispose any solid waste in the Borough except in accordance with all applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.
4. It shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the Borough without a current, valid license to do so issued by the Borough of Speers.
5. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Borough without prior written approval from the Borough.
6. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Borough except at an approved and permitted resource recovery facility under any applicable Department rules and regulations adopted pursuant to Act 97 and Act 101.

§ 10-14. Standards for Storage of Solid Waste. [Ordinance 390, 5/1/1996, Section 15]

1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.
2. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials therein.
3. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter A, "Regulations for the Storage of Municipal Waste."

§ 10-15. Standards and Regulations for Collection. [Ordinance 390, 5/1/1996, Section 16]

1. All households, homeowners, commercial, industrial and institutional establishments within the Borough shall utilize the services of the Borough's waste collector or hauler for disposal of their domestic waste or household waste.
2. All licensed collectors and waste haulers shall comply with the minimum standards for collection and transportation of municipal waste set forth in the Department's Title 25, Chapter 285, Subchapter B, "Regulations for Collection and Transportation of Municipal Waste."
3. All municipal waste collected within the Borough shall only be conveyed or transported to a transfer station, processing facility and/or disposal site permitted by the Department of Environmental Protection and/or other regulatory agencies pursuant to the approved municipal waste management plan for Washington County.

§ 10-16. Licensing Requirements. [Ordinance 390, 5/1/1996, Section 17]

No person shall collect, remove, haul or transport any solid waste upon or through any streets or alleys of the Borough without first obtaining a license from the Borough of Speers pursuant to the requirements of this Part.

§ 10-17. Injunction Powers. [Ordinance 390, 5/1/1996, Section 18]

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

§ 10-18. Penalties. [Ordinance 390, 5/1/1996, Section 19]

Any person who violates any provision of this Part shall, upon conviction, be guilty of a misdemeanor which is punishable by a fine of not less than \$25 nor more than \$300 or, in default of payment of such fine, then by imprisonment for a period not to exceed 10 days, or both. Each day a violation shall be considered a separate and distinct offense.

§ 10-19. Effective Date. [Ordinance 390, 5/1/1996, Section 20]

This Part shall take effect on January 1, 1996, and shall continue in effect in 1997 and thereafter.

Chapter 11

HEALTH AND SANITATION

Part 1
GRASS, WEEDS AND OTHER VEGETATION

§ 11-1. Grass Weeds and Certain Other Vegetation Unlawful Under Certain Conditions. [Ordinance 291, December 5, 1973, Section 1]

No person, firm or corporation, owning or occupying any property within the Borough of Speers, shall permit any grass, weeds or other vegetation which is not edible or planted for some useful or ornamental purpose to grow or remain upon such premises within 100 feet from the property line of any lot on which there is a residence if: (a) such grass, weeds or vegetation exceeds a height of six inches; or (b) emits any unpleasant or noxious odor; or (c) conceals any filthy deposit; or (d) creates or produces pollen.⁴⁷

§ 11-2. Grass, Weeds and Certain Other Vegetation a Nuisance Under Certain Conditions. [Ordinance 291, December 5, 1973, Section 2]

Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any provision of the first section of this ordinance⁴⁸ is hereby declared to be detrimental to the health, safety and welfare of the inhabitants of the Borough and is accordingly declared to be a nuisance.

§ 11-3. Responsibility for Removing, Trimming or Cutting. [Ordinance 291, December 5, 1973, Section 3]

The owner of any premises, either as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of any provision of the first section of this ordinance.⁴⁹

§ 11-4. Notice to Remove, Trim or Cut; Authority for Borough to Do Work and Collect Cost, Plus 10%, from Defaulting Owner or Occupant. [Ordinance 291, December 5, 1973, Section 4]

The Borough Council, or any officer or employe of the Borough designated thereby for the purpose, is authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of any of the provisions of the first section of this ordinance,⁵⁰ directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or other vegetation, so as to conform to the requirements of such Section one, within five days after issuance of such notice. In case any

47. Section 6 of this ordinance repealed Ordinance 151.

48. Section 1 of this chapter.

49. Section 1 of this chapter.

50. Section 1 of this chapter.

person, firm or corporation shall fail, neglect or refuse to comply with such notice, within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or other vegetation, or may contract with a person, firm or corporation to remove, trim or cut the same, and the cost thereof, with an additional amount of 10% may be collected by the Borough by filing a municipal lien or by any other manner provided by law.

§ 11-5. Penalty for Violation. [Ordinance 291, December 5, 1973, Section 5]

Any person, firm or corporation, who or which shall violate or fail, neglect or refuse to comply with any provision of this ordinance,⁵¹ shall be guilty of a violation, and, for each and every such violation, upon conviction thereof, shall be sentenced to pay a fine of not less than \$5 or more than \$25 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than five days. Provided: each day's violation shall constitute a separate offense, and notice to the offender shall not be necessary in order to constitute an offense. All fines payable to the Borough of Speers.

51. Sections 1 to 5 of this chapter.

Part 2
NUISANCES

§ 11-11. Nuisance.⁵² [Ordinance 269, July 11, 1973, Section 1]

From and after the effective date of this ordinance, the unsheltered storage of unused, stripped, junked, wrecked, or otherwise unusable automobiles or other vehicles, machinery, implements and/or equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, (hereinafter⁵³ referred to as personalty), for a period of 30 days or more (except in places where a junk yard business is regularly conducted), within the corporate limits of the Borough of Speers, shall be deemed a nuisance, dangerous to the public health and safety.⁵⁴

§ 11-12. Abatement of Nuisance by Owners. [Ordinance 269, July 11, 1973, Section 2]

The owner, owners, tenants, lessees and/or occupants of any parcel of real estate within the Borough limits of the Borough of Speers upon which there is storage of personalty as defined in Section 1 hereof⁵⁵ shall jointly and severally be responsible for the abatement of the nuisance created by said personalty and shall upon notification by the Borough of Speers promptly remove such personalty into completely enclosed buildings authorized for the use or storage purposes within the Borough of Speers, or otherwise remove said personalty to a location outside of the corporate limits of the Borough of Speers.

§ 11-13. Penalty. [Ordinance 269, July 11, 1973, Section 3]

Upon failure of the owner or owners, tenants, lessees, occupants or persons otherwise responsible for the nuisance described in Section 1 hereof,⁵⁶ to remove the same after notification by the Borough, such persons shall be subject to a fine of not less than \$25 and not more than \$300, and/or imprisonment for a period not in excess of 30 days in an appropriate institution of confinement for each offense. A separate offense shall be deemed committed on each day during which such nuisance is permitted to exist.

§ 11-14. Abatement by Borough. [Ordinance 269, July 11, 1973, Section 4]

In addition to the penalties herein provided, the Borough of Speers shall have the right and privilege to remove said personalty to a location of its

52. This heading and those of Sections 12 to 14 of this chapter are part of the ordinance as enacted.

53. In Sections 12 to 15 of this chapter.

54. In Sections 6 of this ordinance repealed all inconsistent ordinances and parts of ordinances.

55. Section 11 of this chapter.

56. Section 11 of this chapter.

selection for storage. The Borough shall notify the last known owner or owners of the personalty removed that the same has been placed in storage and shall be sold after the expiration of 30 days if removal and storage charges are not paid by the responsible owner or owners. In the event that such personalty has been placed in storage by the Borough, said personalty may be sold by the Borough for payment for removal and storage charges. If the proceeds of such sale are insufficient to pay the costs of removal and storage, the owners of such personalty shall be liable to the Borough of Speers for the balance of the costs jointly and severally, to be recoverable in a suit at law. If the proceeds of such sale are in excess of the costs thereof, the balance shall be paid said owner or owners or deposited in the Borough treasury for their use.

§ 11-15. Other Remedies Available. [Ordinance 269, July 11, 1973, Section 5]

Notwithstanding any other provisions hereof,⁵⁷ the Borough of Speers may file a municipal claim of record against the owner or owners of the premises from which said personalty is removed for the cost of removal if the cost of removal and storage is in excess of the proceeds received at the sale thereof.

57. See Sections 13 and 14 of this chapter.

Chapter 12

HOUSING

Part 1
HOUSING CODE

§ 12-101. Adoption of Housing Code. [Ord. 302, 12/5/1973]

That certain document, entitled the "BOCA Basic Housing Code, Second Edition, 1970," including 1971 changes, as published by the Building Officials Conference of America, copies of which are on file in the office of the Borough Secretary of the Borough of Speers, with such changes, additions and insertions as are set forth in § 12-102 of this Part 1, is hereby adopted as the housing code of the Borough of Speers, for the control of buildings and structures as therein provided; and each and all of the provisions contained in the said Basic Housing Code, with the changes, additions and insertions hereinabove referred to, are hereby adopted and made a part of this Part 1 as if fully set out herein.

§ 12-102. Amendments Made in the BOCA Basic Housing Code. [Ord. 302, 12/5/1973]

The said BOCA Basic Housing Code is hereby amended and changed in the following respects:

A. Section H-110.2 of the said code is hereby amended to read as follows:

H-110.2. Application of Zoning Ordinance. Nothing in this code shall permit the establishment or conversion of a multifamily dwelling in any zone except where permitted by the Borough's Zoning Ordinance or the continuation of any nonconforming use except as provided therein.

B. Section H-120.11 of the said code is hereby amended to read as follows:

H-120.11. Coordination of Enforcement. Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the Building Official of the municipality. Whenever, in the opinion of the Building Official, it is desirable or necessary to have any inspection of any condition by any other official of the municipality, he shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. No order for correction of any violation under this code shall be issued without the approval of the Building Official, and it shall be his responsibility, before issuing any such order, to determine that it has the concurrence of any other official of the municipality concerned with any other matter involved in the case in question.

C. The first sentence only of Section H-120.12 of the said code is hereby amended to read as follows. All remaining material in the said section shall remain in effect as published therein.

"Except as may otherwise be provided by statute or by ordinance of the municipality, no officer, agent, or employe of the municipality charged with the enforcement of the Housing Code 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 his duties under this code."

D. Section H-140.3 of the said code is hereby amended to read as follows:

H-140.3. Penalty for Violations. Any person who shall violate any provision of this code shall be guilty of an offense; and for every such offense, upon conviction thereof, such person shall be sentenced to pay a fine of not more than \$300 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days, provided that each day on which any such violation shall continue after due notice thereof shall have been served in accordance with the terms and provisions hereof shall constitute a separate offense. All fines are payable to the Borough.

E. The first sentence only of Section H-141.0 of the said code is hereby amended to read as follows. All remaining material in the said section shall remain in effect as published therein.

"The appeal board provided for in the Building Code shall serve as appeal board under this code, with the duty, responsibility and authority to decide the matters referred to it under the provisions of this code."

F. Section H-210.0 of the said code, "Applied Meaning of Words and Terms," is hereby amended by adding the following provisions at the end thereof:

CITY - The Borough of Speers.

THIS MUNICIPALITY or THE MUNICIPALITY - The Borough of Speers.

THE LEGAL REPRESENTATIVE OF THE MUNICIPALITY - The Borough Solicitor.

§ 12-103. Additional Amendment. [Ord. 302, 12/5/1973]

Every interior wall, ceiling, door and floor, or parts thereof, shall be maintained in sound condition and good repair, free of any holes, cracks, loose plaster or other defects that would provide access for insects or rodents. All interior surface shall be finished with wallpaper, paint or other acceptable material so as to be easily cleanable, reasonably smooth, clean and tight. Floors shall also be reasonably true and level, free of any fixed, irregular or broken surface material that would create a tripping hazard.

Part 2
RESIDENTIAL RENTAL UNITS

§ 12-201. Title. [Ord. 422, 10/7/2009]

This Part 2 shall be known as the "Borough of Speers Residential Rental Unit Ordinance."

§ 12-202. Purpose; Findings. [Ord. 422, 10/7/2009]

The purpose of this Part 2 and the policy of the Council of the Borough of Speers, in order to protect and promote the public health, safety and welfare of its citizens, is to establish rights and obligations of owners and occupants relating to the rental of certain residential rental units in the Borough of Speers and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. The policy of this Borough is that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this Part 2 provides for a system of inspections, issuance and renewal of occupancy licenses and sets penalties for violations. This Part 2 shall be liberally construed and applied to promote its purposes and policies. In considering the adoption of this Part 2, the Borough of Speers makes the following findings:

- A. In recent years, many former private homes have been turned into residential rental units;
- B. In recent years, many former private businesses have been turned into residential rental units within the Borough;
- C. Those rental units have oftentimes been rented to individuals who, because they have no ownership interest in the property, have allowed the properties to deteriorate;
- D. In many cases, owners of properties live long distances from the Borough of Speers, and as a result, property maintenance of many rental units in the Borough of Speers has been somewhat lax;
- E. Problems have occurred because many tenants have no ownership interest in the real estate and have not been concerned about following the codes of the Borough of Speers, including codes which govern maintenance and safety of the property; and
- F. In turn, problems for other homeowners near the rental units have developed.

§ 12-203. Definitions. [Ord. 422, 10/7/2009]

As used in this Part 2, the following terms shall have the meanings indicated:

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

CODE — Any code or ordinance adopted, enacted and/or in effect in and for the Borough of Speers concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential unit. Included within, but not limited by, this definition are the following, which are in effect as of the enactment of this Part 2: the Uniform Construction Code (hereinafter "UCC"), the International Property Maintenance Code, the International Plumbing Code, the International Fire Prevention Code, the International Electrical Code, the Floodplain Management Ordinance, the International Building Code, and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMENT OFFICER — The duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Borough of Speers, the Deputy Fire Code Enforcement Officer for the Borough of Speers, and any other person properly appointed to enforce the codes and ordinances of the Borough of Speers, including but not limited to police officers authorized by the Borough of Speers.

COMMON AREA — Any open area within a structure shared by occupants or that the occupants have the right to share, including but not limited to kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, excepting bedrooms.

DISRUPTIVE CONDUCT — Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense nor that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur and keep written records, including a disruptive conduct report, of such occurrence.

DISRUPTIVE CONDUCT REPORT — A written report of disruptive conduct, on a form to be prescribed therefor, to be completed by the Code Enforcement Officer or the police officer, as the case may be, who actually investigates an alleged incident of disruptive conduct, and which shall be maintained by the Code Enforcement Officer.

GUEST — A person on the premises with the actual or implied consent of an occupant.

LANDLORD — One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises,

including a mortgage holder in possession of a residential rental unit (same as "owner").

LANDLORD-TENANT ACT — The Landlord and Tenant Act of 1951, 68 P.S. § 250.101 et seq., as amended.

MANAGER — An adult individual designated by the owner of a residential rental unit.

OCCUPANCY LICENSE — The license issued to the owner of residential units under this Part 2, which is required for the lawful rental and occupancy of residential rental units.

OCCUPANT — An individual who resides in a residential rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania.

OWNER — One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit.

OWNER-OCCUPIED RENTAL UNIT — A rental unit in which the owner resides on a regular, permanent basis.

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

POLICE — The Police Department employed by the Borough of Speers or any authorized member or officer thereof or any other law enforcement agency having jurisdiction within the Borough of Speers.

PREMISES — Any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more rental units are located.

RENTAL AGREEMENT — A written agreement between the owner/landlord and occupant/tenant supplemented by the addendum required under this Part 2, embodying the terms and conditions concerning the use and occupancy of a specified residential rental unit or premises.

RESIDENTIAL RENTAL UNIT — Any structure within the Borough which is occupied by someone other than the owner of the real estate, as determined by the most-current deed and for which the owner of said parcel of real estate received any value, including but not limited to money or the exchange of services. Each apartment within a building is a separate structure requiring inspection and a license.

STRUCTURE — Any human-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land. Each apartment within a building is a separate structure.

TENANT — An individual who resides in a residential unit, whether or not he or she is the owner thereof, with whom a legal relationship with the

owner/landlord is established by lease or by the laws of the Commonwealth of Pennsylvania (same as "occupant").

§ 12-204. Owner's Duties. [Ord. 422, 10/7/2009]

Every owner shall have the following duties:

- A. To keep and maintain all rental units in compliance with all applicable state laws and regulations and local ordinances.
- B. To keep and maintain the owner's rental units in good and safe condition.
- C. To regularly perform all maintenance, including grass cutting, lawn mowing, weed removal, and ice and snow removal.
- D. To make any and all repairs in and around the rental premises.
- E. To regulate the proper and lawful use and maintenance of every premises situate in the Borough of Speers which he, she or it owns.
- F. To regulate the conduct and activities of occupants of every unit which he, she or it owns in the Borough when such conduct or activity takes place at the owner's rental unit or on the rental unit premises.
- G. To regulate the conduct and activity of occupants, both contractually and through enforcement as more fully set forth in this Part 2. This section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity, nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law. This section shall not be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing contained herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law. This Part 2 is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough of Speers against an owner, occupant or guest thereof.
- H. Designation of Manager. Every owner of a residential rental unit in the Borough who is not a full-time resident of the Borough, and/or who does not live within 15 miles of the boundaries of the Borough of Speers, shall designate a manager who shall reside in an area that is within 15 miles of the Borough of Speers. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside within the above-referenced area. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside within the above-referenced area. Said

partner shall perform the same function as a manager. The manager shall be the agent of the owner for the service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Part 2 and under rental agreements with occupants. The identity, address and telephone number(s) of a person who is designated as a manager hereunder shall be provided by the owner or manager to the Borough, and such information shall be kept current and updated as it changes. Any change in the identity of the person designated as a residential rental unit manager or his or her address or telephone number shall be communicated to the Borough within 15 days of any such change.

- I. Disclosure. Before an occupant commences his or her tenancy, the owner or manager shall:
 - (1) Disclose to the occupant/tenant, in writing, on or before the commencement of the tenancy, the name, address and telephone number of the manager and the name, address and telephone number of the owner;
 - (2) Furnish the occupant with the most-recent inspection report relating to the property.
- J. Maintenance of Premises.
 - (1) The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance, including lawn mowing, grass cutting, weed pulling and/or whacking and ice and snow removal, and shall promptly make any and all necessary repairs to fulfill the obligation of maintenance.
 - (2) The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling. In such case, however, such agreement between the owner and the occupant must be in writing. Such an agreement may be entered into between the owner and occupant only if:
 - (a) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant;
 - (b) The agreement does not diminish or affect the obligation of the owner to other occupants in the premises;
 - (c) In no case shall the existence of any agreement between owner and occupant relieve an owner of any responsibility under this Part 2, or other ordinances or codes, for maintenance of the premises.
- K. Rental Agreement. The following shall apply to all rental agreements entered into in the Borough:

- (1) All disclosures and information required to be given to occupants by the owners shall be furnished at or before the commencement of the landlord/tenant relationship. The owner shall provide the occupant with copies of any rental agreement and addendum upon execution.
 - (2) Terms and Conditions. The owner and occupant may include in the rental agreement terms and conditions not prohibited by this Part 2 or other applicable ordinances, regulations and laws, including rent, term of agreement and other provisions governing the rights and obligation of the parties.
 - (3) Prohibited Provisions. Except as otherwise provided by this Part 2, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this Part 2. A provision prohibited by this subsection, including any rental agreement, is unenforceable.
 - (4) Provision of Summary of Ordinance to Occupant. Following the effective date of this Part 2, a summary hereof, in substantially the form set forth in Appendix A, shall be provided to the occupant at or before the commencement of the landlord/tenant relationship. If a summary has been provided at or before the commencement of the landlord-tenant relationship, a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this Part 2, the owner shall provide the occupant with a copy of the summary within 60 days after enactment of this Part 2.
 - (5) The owner shall secure a written acknowledgement from occupants that the occupants have received the disclosures and information required by this Part 2.
 - (6) Upon request by the Borough of Speers, the owner, within 10 days of the request, shall furnish to the Borough of Speers copies of any leases required by the Landlord-Tenant Act that the owner has entered into for residential rental units, including acknowledgment that the occupants have received the disclosures and information required by this Part 2.
- L. Registration. Every owner of a residential unit must register the unit with the Code Enforcement Officer in accordance with the following schedule:
- (1) For all owners of existing residential rental units, they must register the units with the Code Enforcement Officer within 30 days after the effective date of this Part 2;
 - (2) Any individual, entity, or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer of the Borough within 30 days of the completion of the conversion of the unit or

units or within 30 days of the time when any rent, including the exchange of other services for the unit or units, is obtained or within 30 days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.

- (3) When a residential rental unit is sold, the purchase (grantee) and/or his or her agent shall, within 72 hours of any purchase of a residential rental unit, notify the Borough by contacting either the Code Enforcement Officer or the Borough Manager.
 - (4) The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within 10 days of any changes of the information set forth below.
 - (5) All owners of any residential rental unit living outside the fifteen-mile limit set forth in § 12-204H must have a local manager who shall reside within 15 miles of the Borough of Speers and who shall be available as an emergency contact person.
 - (6) Registration information shall be provided by all owners to the Code Enforcement Officer and shall include the following:
 - (a) Owner name, address, and telephone number;
 - (b) Local manager name, address, and telephone number;
 - (c) Property address and number of units;
 - (d) Maximum occupancy per unit;
 - (e) Emergency telephone number for rental unit;
 - (f) Actual number of occupants;
 - (g) Names and addresses of current tenants and/or all others occupying the residential units with the tenants.
 - (7) Any owner of a residential rental unit shall notify the Borough within 10 days of a new tenant occupying, renting or residing in the landlord's or the owner's residential unit.
 - (8) Notwithstanding any other provisions of this Part 2, the names and addresses of the tenants shall not be disclosed by any Borough personnel in the event that the tenant is the subject of a court order requiring that this information be kept confidential.
- M. Complaints. The owner shall reply promptly to reasonable complaints and inquiries from occupants.
- N. Landlord-Tenant Act. The owner shall comply with all provisions of the Landlord-Tenant Act.
- O. Common Areas. Where an owner of a residential rental unit does not regulate the use of common areas and the behavior of occupants and

guests in the common areas, the owner shall be directly responsible for the behavior of occupants and guests in the common areas as if the owner were an occupant. The failure of the owner to regulate behavior of occupants and guests in the common areas that results in the following shall be a violation of this Part 2:

- (1) Engaging in fighting, threatening or other violent or tumultuous behavior;
- (2) Making unreasonable noise; or
- (3) Creating a hazardous or physically offensive conditions by any act which serves no legitimate purpose of the actor.

P. Enforcement. The following provisions shall govern enforcement:

- (1) Within 10 days after receipt of written notice from the Code Enforcement Officer that an occupant of a residential rental unit has violated a provision of this Part 2, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.
- (2) Within 20 days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report, on a form provided by the Borough, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.
- (3) The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan, and failure to do so shall be a violation of this Part 2.
- (4) In the event that a second violation occurs within a license year involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to initiate eviction proceedings against the occupants who violated this Part 2 in accordance with the Landlord-Tenant Act and to not permit the occupant to occupy the premises during the subsequent licensing period. All tenants who have been evicted if asked shall advise their new landlord that they have been evicted from a residence for violating the terms and conditions of this Part 2. This duty of disclosure shall apply to all tenants who seek to rent residential rentals units within the Borough of Speers.

Q. Code Violations. Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

- R. **Borough Can Make Repairs.** In the event that the owner of premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code in effect in the Borough, within the period of time stated in such notice, the Borough may cause the violation to be corrected and/or abated by using Borough personnel and/or individuals contracted with by the Borough to correct, cure and/or abate such violations. In such circumstance, there shall be imposed upon the owner a charge of all costs involved for each time the Borough shall cause a violation to be corrected, abated and/or cured, and the owner of the premises shall be billed after the same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this subsection are not exclusive, and the Borough and its Code Enforcement Officer may invoke such other remedies available under this Part 2 or the applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declarations of premises as unfit for habitation; or suspension, revocation or nonrenewal of the license issued hereunder; and/or other provisions aimed at citing owners who fail to comply with this Part 2.
- S. **Inspections.** The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. Inspections may also be performed by the Code Enforcement Officer's designee. The inspections shall be completed as follows:
- (1) The Code Enforcement Officer shall inspect all units once a year and record the inspection on a written inspection report. The inspection report shall be signed and dated by the owner of the residential rental unit or his or her manager and shall, in addition, be signed by all the tenants named on the lease at the time of the inspection. Inspections may be made by the Code Office any time within the said year.
 - (2) The reports of inspections shall be kept on file in the Code Enforcement office and shall be available upon request.
- T. **Smoke Alarms.** All owners of residential rental units in the Borough shall be required, within five days of the passage of this Part 2, to install smoke alarms, regardless of the occupant, at the following locations:
- (1) On the ceiling or wall outside each separate sleeping area in the immediate vicinity of the bedroom;
 - (2) In each room used for sleeping purposes;
 - (3) In each story within a dwelling unit, including basements and cellars, but not including crawl spaces and uninhabitable attics.

U. Noncompliance. In the event of noncompliance, the following provisions shall apply:

- (1) Any parcel of real estate containing a residential rental unit which has been found to be in noncompliance with this Part 2 shall be subject to reinspection by the Code Enforcement Officer. The Code Enforcement Officer shall contact the owner and/or manager to set up an inspection date and time. Such inspection date and time shall occur within 15 days of the date of the Code Enforcement Officer's request and/or sooner if agreed upon by the parties. Additionally, in circumstances where a residential rental unit has been found to be noncompliant and it has become vacant, such unit shall be subject to inspection upon request by the Code Enforcement Officer within 15 days of the date that the unit has become vacant.
- (2) In the event of a violation, a residential rental unit cannot be occupied unless and until the unit is approved as meeting the criteria of this Part 2, including an inspection by the Code Enforcement Officer as set forth in Subsection U(1) above, and any other applicable codes of the Borough of Speers as determined by the Enforcement Officer.
- (3) Notice of violation.
 - (a) If, after inspection of one or more of the residential rental units as set forth above, the Code Enforcement Officer determines that there are violations of any of the codes of the Borough, the Code Enforcement Officer shall provide a notice of violation which shall, at minimum, set forth the following:
 - [1] Street address of the property;
 - [2] Date of the inspection;
 - [3] Name of the inspector;
 - [4] List of violations.
 - (b) Within 10 days after a receipt of notice from the Borough's Code Enforcement Officer that there has been a violation of this section or any applicable ordinances, the owner shall take immediate steps to remedy the violation and take steps to assure that there will not be a reoccurrence of the violation.
 - (c) Within 20 days after receipt of a notice of violation, the owner of a residential rental unit shall file with the Code Enforcement Officer a report, on a form provided by the Borough, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

- (d) The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner, on his or her own initiative, shall enforce the plan, and failure to do so shall be a violation of this Chapter 12, Part 2, of the Borough of Speers.
 - (e) In the event that a second violation occurs within a twelve-month period, involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to evict the occupant or occupants who have violated this Chapter 12, Part 2, of the Borough of Speers and to not permit the occupants to occupy the premises during any subsequent period.
- (4) If, after a violation as set forth above, a parcel of real estate containing residential rental units has no violations of applicable codes of the Borough of Speers for a period of two years, said property shall then be deemed to be back in compliance with the terms and conditions of this Part 2 and shall not then be subject to the inspections set forth in this section until there are other violations.
 - (5) If a parcel of real estate is noncompliant with the terms and conditions of this Part 2 or other ordinances of the Borough and the parcel is sold, then the parcel of real estate shall remain noncompliant until the sooner of the following events:
 - (a) The original two-year period with no violations passes with no further violations; or
 - (b) If 10 months passes after purchase by the new owner with no violations of any ordinances of the Borough of Speers.
 - (6) All owners of any real estate containing or upon which is erected any residential rental unit which is in noncompliance with this Part 2 and who desire to sell the parcel of real estate shall notify the purchasers, in writing, prior to the sale of the parcel of real estate, that the parcel of real estate is in noncompliance with the terms and conditions of this Part 2. Further, any property and/or the selling of a parcel and real estate upon which is erected a residential rental unit or units which are found to be in noncompliance under the terms and conditions of this Part 2 shall notify the Code Enforcement Officer, in writing, within 30 days prior to closing on the sale of said parcel of real estate.
 - (7) All owners of any parcels of real estate containing residential rental units shall permit access to the property so that the Code Enforcement Officer of the Borough of Speers shall be able to complete all inspections necessary to determine compliance with this Part 2 and any other applicable ordinances of the Borough of Speers. Refusal to allow entry to the residential rental until by the

Code Enforcement Officer for the purposes of inspection shall be considered a violation of this Part 2.

- (8) For the purpose of enforcing this Part 2, the Code Enforcement Officer may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection or otherwise enforcing the terms and conditions of this Part 2.
 - (9) The Code Enforcement Officer may reinspect any property subject to a notice of violation upon expiration of the time to accomplish repairs or upon notice from the owner that the violations have been rectified.
 - (10) The owner of any property containing or upon which is erected a residential rental unit shall pay a fee of \$25 for each and every reinspection to cover the cost of the reinspection each time a reinspection is required under the terms of this Part 2 or each time a reinspection is requested by the Code Enforcement Officer to determine compliance with this Part 2 or any other applicable ordinances of the Borough. The fee set forth herein may be increased or decreased by a resolution of the Borough of Speers Council.
- V. Documentation. The owner shall maintain at the licensed rental unit and provide upon demand the following:
- (1) The current license and current inspection report issued by the Code Enforcement Officer of the Borough;
 - (2) The addendum to the license application required by this Part 2, showing the names of the authorized occupants of the residential rental unit;
 - (3) The total number of persons who may occupy the residential rental unit or units and any common areas located within the residential rental unit;
 - (4) A notice of ordinances and statutes applicable to the occupants of the rental unit on a placard provided by the Borough;
 - (5) The notices required by this section shall be maintained in such a way so as to minimize tampering and removal.

§ 12-205. Occupant's Duties. [Ord. 422, 10/7/2009]

The following provisions shall constitute duties of any occupant of a residential rental unit within the Borough:

- A. General. The occupant shall comply with all obligations imposed upon occupants by this Part 2, all applicable codes and ordinances of the Borough of Speers and all applicable provisions of state law.

- B. **Maximum Occupancy.** The maximum number of persons permitted in any rental unit at any time shall not exceed one person per each 40 square feet of habitable floor space in said rental unit.
- C. **Garbage.** An occupant shall deposit all rubbish, garbage and other waste from his or her rental unit into containers provided by the owner or landlord in a clean and safe manner and shall separate and place for collection all recyclable materials, if required, in compliance with all ordinances of the Borough of Speers and all other applicable laws and regulations.
- D. **Peaceful Enjoyment.** The occupant shall conduct himself or herself and require other persons, including, but not limited to, guests on the premises and within his or her rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of an adjacent or nearby dwelling by the person occupying the same.
- E. **Residential Use.** The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose than as a residence.
- F. **Illegal Activities.** The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa. C.S.A. § 101 et seq.), or Liquor Code (47 P.S. § 1-101 et seq.), or the Controlled Substance Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq.).
- G. **Disruptive Conduct.** The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in, disruptive conduct or other violations of this Part 2. It shall be a violation of this Part 2 for any occupant or any other person to engage in disruptive conduct, as defined by this Part 2. When police or the Code Enforcement Officer investigates an alleged incident of disruptive conduct, he or she shall complete a disruptive conduct report upon a finding that the reported incident did, in his or her judgment, constitute disruptive conduct as defined herein. The information filled in on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct requested on the presented form. Where the police make such investigation, said officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer. In all cases, the Code Enforcement Officer shall mail a copy of the disruptive conduct report to the owner or manager within three working days of the occurrence of the alleged disruptive conduct, whether the person making the investigation on behalf of the Borough is the Code Enforcement Officer or a police officer.
- H. **Compliance with Rental Agreement.** The occupant shall comply with all lawful provisions of the rental agreement entered into between the

owner and occupant. Failure to comply may result in the eviction of the occupant by the owner.

- I. Damage to Premises. The occupant shall not intentionally cause, nor permit or tolerate others to cause, damage to the premises. Conduct which results in damages in excess of \$500 shall be considered a violation of this Part 2.
- J. Inspection of Premises. The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice.
- K. Removal or Defacement of Notice. It shall be a violation of this Part 2 for any person to remove or deface any notice or document required to be posted within a residential rental unit, and it shall be unlawful for any person to occupy the rental unit unless all notices and documents are posted as required.
- L. Tenant Registration. The following provisions shall govern tenant registration within the Borough of Speers:
 - (1) All tenants who are renting a residential rental unit or residential rental units in the Borough of Speers shall, within 60 days of the passage of this Part 2, go to the Code Enforcement Officer in the Speers Borough Building located at 300 Phillips Street, Speers, Charleroi, Pennsylvania, with two forms of identification, which shall include a state-issued driver's license or photo identification card and one of the other following forms of identification:
 - (a) Passport; or
 - (b) Birth certificate; or
 - (c) Social Security card; or
 - (d) Other government-issued identification.
 - (2) The Borough shall not retain a record of the tenant's social security number, if any, driver's license or photo identification number, date of birth, passport number or country of issuance or similar confidential information but shall review these documents solely to verify identity.
 - (3) The Borough Code Enforcement Officer shall record the name of the tenant, the landlord's name, the date of registration, the address of the leased premises and the type of identifying information presented (e.g., passport and/or birth certificate) and shall have the tenant attest in writing that the information provided is true and correct, subject to the penalties provided for unsworn falsification to authorities under Title 18 of the Pennsylvania Consolidated Statutes.

- (4) If a tenant is unable to present this information in person on account of a disability or infirmity, the Code Enforcement Officer shall provide alternative means to provide this information in order to reasonably accommodate the tenant.
- (5) Each time a tenant enters into a new lease, he or she shall register with the Borough of Speers within 10 days of entering into the landlord-tenant relationship and/or occupying the premises, whichever occurs first, and provide the information referenced above.

§ 12-206. Licenses and Inspections. [Ord. 422, 10/7/2009]

The following provisions shall apply to all licenses and inspections in the Borough of Speers:

A. License Requirement.

- (1) As a prerequisite to entering into a rental agreement or permitting the occupancy of any rental unit (except as provided herein), the owner of every such rental unit shall be required to apply for and obtain a license for each rental unit. A license shall be required for all residential rental units. The following categories of rental properties shall not require licenses and shall not, therefore, be subject to the permanent provisions of this Part 2:
 - (a) Hospitals;
 - (b) Nursing homes;
 - (c) Personal care homes;
 - (d) Properties owned by churches and/or religious organizations which serve as offices and/or residences for clergy.
- (2) The application for the license shall be in a form as determined by the Borough. The owner shall maintain a current and accurate list of occupants in each rental unit, which shall include the name and current telephone number and which shall be available to the Borough for inspection upon reasonable notice. The owner shall notify the Borough of changes in the occupancy or of contact information within 10 days of the change.
- (3) The owner shall furnish with his or her application for a license a floor plan, drawn to scale, with measurements of each room within the residential rental unit. The owner shall submit the scale drawing only with the first application submitted after the enactment of this Part 2. In the event that there are changes to the floor plan, the owner shall submit a revised floor plan with the application first submitted after the changes to the floor plan were made. The Borough may share this floor plan with all other

Borough departments and agencies, including the local volunteer fire department.

- (4) In the event that a license is denied by the Code Enforcement Officer, the owner shall have the right to appeal to the Borough Council within 30 days of the mailing of the notice of denial of the application. The hearing before the Borough Council shall be governed by the Local Agency Law.⁵⁸
- B. Annual License Term, Fee and Occupancy Limit. The following provisions shall apply to the annual license term, fee and occupancy limits:
- (1) Each license shall have an annual term running from January 1 of a particular year through December 31 of that next year.
 - (2) Upon application for a license prior to an issuance or renewal thereof, each owner/applicant shall pay to the Borough an annual license and inspection fee, in an amount to be established from time to time by resolution of the Council of the Borough of Speers. The initial fee for a license shall be \$50 for each premises. The initial fee for inspection shall be \$10 per residential rental unit. The fee due during calendar year 2010 shall be paid on or before June 30, 2010. In each succeeding year, the fee shall be paid on or before the 15th day of January.
 - (3) The license shall indicate thereon the maximum number of occupants in each rental unit.
 - (4) No license shall be issued if the owner has not paid any fines and costs arising from the enforcement of this Part 2 or any of the ordinances of the Borough of Speers relating to land use and/or code enforcement or if any licensing fees under this Part 2 are due and owing to the Borough.
- C. Search Warrant. Upon a showing of probable cause that a violation of this Part 2 or any other ordinance of the Borough of Speers has occurred, the Code Enforcement Officer may apply to the Magisterial District Judge having jurisdiction in the Borough of Speers for a search warrant to enter and inspect the premises.

§ 12-207. Grounds for Nonrenewal, Suspension or Revocation of License. [Ord. 422, 10/7/2009]

The following provisions shall apply to the nonrenewal, suspension or revocation of a residential rental unit license:

- A. The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, nonrenewal, suspension or revocation of the owner's license, for violating any provision of this

58. Editor's Note: See 2 Pa. C.S.A. § 101 et seq.

Part 2 that imposes a duty upon the owner and/or for failing to regulate the breach by occupants as provided herein.

B. Definition of Options. The following options shall apply:

- (1) Formal Warning. A formal written notification of at least one violation of this Part 2 may be handled by the use of a formal warning. Upon satisfactory compliance with this Part 2 in any conditions imposed by the Code Enforcement Officer and/or the Borough of Speers, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Officer and the reason for the warning no longer exists.
- (2) Nonrenewal. Nonrenewal is the denial of the privilege to apply for license renewal after the expiration of the license term. The Borough will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer or by the Council of the Borough of Speers. Any real estate rental unit for which a license has not been renewed shall be required to undergo an inspection as provided for in this Part 2.
- (3) Suspension. The immediate loss of the privilege to rent residential rental units for a period of time set by the Code Enforcement Officer and/or the Borough Council. The owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the owner's privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.
- (4) Revocation. The immediate loss of the privilege to rent residential rental units for a period of time set by the Code Enforcement Officer or the Borough Council and the loss of the privilege to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.

C. Criteria for Applying Discipline.

- (1) The Code Enforcement Officer, when recommending discipline, and the Borough Council, when applying discipline, shall consider the following:
 - (a) The effect of the violation on the health, safety and welfare of the occupants of the residential rental unit and other residents of the premises.
 - (b) The effect of the violation on the neighborhood.

- (c) Whether the owner has prior violations of this Part 2 and other ordinances of the Borough or has received notices of violations as provided for in this Part 2.
 - (d) Whether the owner has prior violations of the ordinances in other municipalities, including those within and without the Commonwealth of Pennsylvania.
 - (e) Whether the owner has been subject to disciplinary proceedings under this Part 2.
 - (f) Whether the owner has been to proceedings under prior ordinances.
 - (g) The effect of disciplinary action on the occupants.
 - (h) The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner.
 - (i) The policies and lease language employed by the owner to manage the rental unit to enable the owner to comply with the provisions of this Part 2.
- (2) In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend and the Borough Council may impose upon the existing or subsequent licensees reasonable conditions related to fulfilling the purposes of this Part 2.
- D. Grounds for Imposing Discipline. Any of the following may subject an owner to discipline as provided for in this Part 2:
- (1) Failure to abate a violation of Borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.
 - (2) Refusal to permit the inspection of the premises by the Code Enforcement Officer as required by this Part 2.
 - (3) Failure to take steps to remedy and prevent violations of this Part 2 by occupants of residential rental units as required by this Part 2.
 - (4) Failure to file and implement an approved plan to remedy and prevent violations of this Part 2 by occupants of the rental unit as required by this Part 2.
 - (5) Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the Borough as provided for in this Part 2.
 - (6) Three violations of this Part 2 or other ordinances of the Borough that apply to the premises within a license term. For purposes of this Part 2, there need be no criminal conviction before a violation can be found to exist. Before a violation may be aggregated under

this section, the Code Enforcement Officer must have sent the owner written notice of each violation, to the owner or designated manger, and must have provided written notice of the intention to aggregate the violations together for the purpose of imposing discipline under this section.

E. Procedure for Nonrenewal, Suspension or Revocation of License. The following provisions apply to the procedure that must be observed in issuing a nonrenewal, suspension and/or revocation of a residential rental unit license:

- (1) Notification. Following a determination that grounds for nonrenewal, suspension or revocation of a license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question, and shall contain the following information:
 - (a) The address of the premises in question and the identification of the particular residential rental unit affected.
 - (b) A description of the violation which has been found to exist.
 - (c) A statement that the license for said residential rental unit shall be either suspended or revoked, or will not be renewed for the next license year beginning January of that year, or that the owner will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence and, in the case of a suspension, shall also state the duration of said suspension.
 - (d) A statement that, due to the nonrenewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, leasing or permitting occupancy of the dwelling unit(s) from and during the period said action is in effect.
 - (e) A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the license to Borough Council, by submitting in writing to the Borough Secretary and/or the Borough Manager, within 30 days from the date printed on the notice, a detailed statement of the appeal, including the grounds therefor, and the reasons alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned, and a statement of relief requested by the appellant. Such notice of appeal shall be required to be submitted on a form to be prescribed therefor by the Borough Council and signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established from time to time by resolution of the Borough

Council. The initial fee for the filing of such appeal shall be \$100. In the event that the appeal is sustained, the fee shall be refunded to the owner.

- (f) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Borough Secretary and/or Borough Manager shall schedule a hearing to be held at the time and date of the next regularly scheduled Borough Council meeting not less than 10 days from the date on which the appeal is filed.
 - (g) The appellant, the Code Enforcement Officer and the owners of the properties within a radius of 300 feet from the premises for which the license is at issue shall receive written notice of the hearing on the appeal.
 - (h) Borough Council shall hold a hearing on the appeal, which shall be conducted in accordance with the Local Agency Law, 2 Pa. C.S.A. § 751 et seq. The appellant and all other parties having an interest may be heard. Based on the facts and argument of the appellant and of the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties, the Borough Council shall make a decision either affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal is taken. Such decision shall be rendered at a public meeting, either immediately following the hearing or within 30 days thereafter. The decision shall be reduced to writing, stating clearly the factual and legal basis for the decision, within 45 days after the hearing. If the Council of the Borough of Speers deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than 30 days from the initial hearing; and in such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).
- (2) Delivery of Notification.
- (a) All notices shall be sent to the owner and manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Code Enforcement Officer shall attempt delivery by personal service on the owner or manager, if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.
 - (b) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner or manager at the addresses stated on the most-current license application for the premises in question, by regular first-class

mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. mail, and all time periods set forth above shall thereupon be calculated from said fifth day.

- F. **Nonexclusive Remedies.** The penalty provisions of this Part 2 and the license nonrenewal, suspension and revocation procedures provided in this Part 2 shall be independent, non-mutually-exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Part 2. Under no circumstance shall the remedies in this Part 2 preclude the Borough from citing individuals, including owners and/or occupants, for violations of this Part 2 as are contemplated by 53 P.S. § 48301 et seq. The remedies and procedures provided in this Part 2 for violations hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance of the Borough, whether or not such other code or ordinance is referenced in this Part 2 and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part 2.

§ 12-208. Enforcement, Violations and Penalties. [Ord. 422, 10/7/2009]

The following provisions apply to the enforcement, violations and penalties of this Part 2:

- A. This Part 2 shall be enforced by the Code Enforcement Officer of the Borough of Speers, all police officers and any other persons designated by the Council of the Borough of Speers.
- B. **Basis for Violation.** It shall be unlawful:
- (1) For any person, as either owner or manager of a residential rental unit for which a license is required, to operate without a valid, current license issued by the Borough authorizing such operation.
 - (2) For any person, either owner or manager, to allow the number of occupants of residential units to exceed the natural limit as set forth in the license.
 - (3) To violate any other provision of this Part 2, including but not limited to this section.
 - (4) For any occupant to violate any portion of this section and/or this Part 2.
- C. **Penalties.** The following penalties shall apply to this Part 2:

- (1) Any landlord or owner of a residential unit who or which violates any provision of this Part 2, together with all subsections hereunder, shall, upon conviction thereof, be sentenced to pay a fine of no more than \$500 for each and every offense. Each day of a violation of this Part 2 shall constitute a separate offense which may be subjected to an additional maximum fine.
 - (2) Any occupant of a residential rental unit who violates any provisions of this Part 2 and any of its subsections shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$500 for each and every offense. Each day of said violation shall constitute a separate offense for which a separate fine may be imposed.
- D. Fines. All fines imposed through this Part 2 shall be collected as allowable by law.
- E. Separate Violation. Each day during which any owner of a residential rental unit violates any provision of this Part 2 shall constitute a separate offence.
- F. Choice of Remedy. This Part 2 and the foregoing penalties shall not be construed to limit or deny the right of the Borough of Speers or its agents or representatives to such equitable other remedies as may otherwise be available with or without process of law.
- G. Attorneys' Fees. In addition to the fines set forth herein, the Borough of Speers shall be entitled to reasonable attorneys' fees incurred in enforcing this Part 2. Said fees shall be added to any penalties set forth above.
- H. Owner's Duties. The owner of all residential rental units in the Borough of Speers shall have the responsibility of making sure that all occupants within their rental units comply with and abide by this Part 2.

§ 12-209. Miscellaneous Provisions. [Ord. 422, 10/7/2009]

The following miscellaneous provisions shall govern this Part 2:

- A. Notices. For the purposes of this Part 2, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner. There shall be rebuttable presumption that any notice required to be given to the owner under this Part 2 shall have been received by such owner if the notice was given to the owner in the manner provided by this Part 2. The plain lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Part 2.
- B. Changes in Ownership Occupancy. It shall be the duty of each owner of a residential rental unit to notify the Code Enforcement Officer, in

writing, of any change in ownership of the premises or of the number of residential premises or of the number of residential rental units on the premises. It shall also be the duty of the owner to notify the Code Enforcement Officer in writing of any increase in the number of occupants in any rental unit or of the changing of a rental unit from owner-occupied to non-owner-occupied, which thereby transforms the dwelling into a residential rental unit for the purposes of this Part 2.

- C. Owners Severally Responsible. If any rental unit is owned by more than one person, in any form of joint tenancy, as a partnership or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part 2 and shall be severally subject to prosecution for the violation of this Part 2.
- D. Confidentiality. All registration and contact information shall be maintained in a confidential manner by the Code Enforcement Officer and shall only be utilized for the purpose of enforcement of this Part 2 by the Code Enforcement Officer and by the Borough Manager and/or for other lawful Borough purposes.
- E. Separability and Savings. If any section or provision of this Part 2 is adjudged by a court of competent jurisdiction to be unlawful, void, or unenforceable, all the remaining sections and provisions of this Part 2 shall remain in full force and effect.
- F. Effective Date. This Part 2 shall become effective on January 1, 2010.

Part 3
MUNICIPAL HOUSING CODE AVOIDANCE

§ 12-301. Implementing and Adopting Provisions of Act 70 of 1998.
[Ord. 441, 5/2/2018, § 1]

The Council of the Borough of Speers hereby implements and adopts the provisions of 18 Pa.C.S.A. § 7510⁵⁹ as a crime within the Borough of Speers pursuant to Act 70 of 1998, known as the "Municipal Housing Code Avoidance Act."

§ 7510. Municipal housing code avoidance.

(a) Offense defined. A person commits the crime of municipal housing code avoidance if:

- (1) The person has been convicted of a fourth or subsequent violation of the same subsection of a municipal housing code for the same property;
- (2) The violation has been continual and uncorrected;
- (3) The violation poses a threat to the public's health, safety or property; and
- (4) No reasonable attempt has been made by the person to correct the violation.

(b) Grading. Municipal housing code avoidance shall constitute a:

- (1) Misdemeanor of the second degree when the offense is a fourth conviction of a violation of the same subsection under a municipal housing code relating to the same property.
- (2) Misdemeanor of the first degree when the offense is based on five or more convictions of violations of the same subsection under a municipal housing code relating to the same property.

(c) Definition. As used in this section, the term "municipal housing code" means any of the Borough's building, housing or property maintenance codes or ordinances.

59. Editor's Note: 18 Pa.C.S.A. § 7510 was repealed by 2015, July 10, P.L. 162, No. 34, § 1. See now 53 Pa.C.S.A. § 6115.

Chapter 13

LIBRARIES

Chapter 14

**LICENSES, PERMITS AND GENERAL BUSINESS
REGULATIONS**

Part 1
ACTIVITIES ON STREETS AND PUBLIC GROUNDS

§ 14-1. Permit Required to Hold Certain Activities on Streets and Public Grounds. [Ordinance 292, December 5, 1973]

No person, partnership, association, firm or corporation shall conduct any parade, show, meeting, game or demonstration of any nature upon any street or public ground in the Borough of Speers without first having obtained a permit therefor from the Mayor. Such permit shall be issued without payment of a fee. The application for such permit shall be made to the Mayor, in writing, at least five days in advance of the date on which such parade, show, meeting, game, or demonstration is proposed to be held. Any person, partnership, association, firm or corporation who or which shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$100 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 10 days. All fines payable to the Borough of Speers.

Part 2
TRANSIENT RETAIL BUSINESS

§ 14-11. Definitions and Interpretation.⁶⁰ [Ordinance 293, December 5, 1973, Section 1]

- (a) The term "transient retail business," as used in this ordinance,⁶¹ shall mean and include the following: (1) engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any street or alley, sidewalk or public ground, or from house to house, within the Borough of Speers; and (2) selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.
- (b) The word "person," as used in this ordinance, shall mean any natural person, partnership, association, firm or corporation.
- (c) In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.⁶²

§ 14-12. License Required to Engage in Transient Retail Business. [Ordinance 293, December 5, 1973, Section 2]

No person shall engage in any transient retail business within the Borough of Speers without first having obtained from the Mayor a license, for which the following fee, which shall be for the use of the Borough, shall be charged:

Five dollars for one day;

Ten dollars for one month;

Twenty-five dollars for six months

Fifty dollars for one year.

60.This heading and the headings of Sections 12 to 18 are part of the ordinance as enacted.

61.Sections 11 to 18 of this chapter.

62.Section 9 of this ordinance repealed Ordinance 115.

Provided: no license fee shall be charged under this section: (a) to farmers selling their own produce; (b) for the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose; or (c) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products, but all persons exempted hereby from payment of the license fee shall be required to register with the Mayor and to obtain a license without fee. Provided further: any person dealing in one or more of the hereinabove-mentioned exempted categories, and selling other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided further: the Borough Council may similarly exempt from payment of the license fee, but not from registering with the Mayor, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any non-profit corporation. Provided further: every license issued under the provisions of this ordinance⁶³ shall be issued on an individual basis to persons engaged in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license.

§ 14-13. Application for License. [Ordinance 293, December 5, 1973, Section 3]

Every person desiring a license under this ordinance⁶⁴ shall first make application to the Mayor for such license. If such person shall also be required to obtain a license from any State or County officer, he shall, when making such application, exhibit a valid license from such State or County officer. The applicant shall give his name and address; his previous criminal record, if any; the name of the person by whom he is employed; the type of goods, wares and merchandise he wishes to deal with in such transient retail business; the length of time for which such license is to be issued; and the type and license number of the vehicle to be used, if any.

§ 14-14. Issuance of License; Information Thereon; Custody and Display Thereof. [Ordinance 293, December 5, 1973, Section 4]

Upon receipt of such application and the prescribed fee,⁶⁵ the Mayor shall refer such application to the Chief of Police, who shall make such investigation into the application that he shall deem to be necessary. Such investigation shall not require more than 72 hours. If the Chief of Police shall find such application in order, he shall report the same to the Mayor, who shall thereupon issue the license required under this ordinance.⁶⁶ Such license shall contain the information required to be given on the application

63. Sections 11 to 18 of this chapter.

64. Sections 11 to 18 of this chapter.

65. See Sections 12 and 13 of this chapter.

66. Sections 11 to 18 of this chapter; see especially Section 12.

therefor. Every license holder shall carry such license upon his person, if engaged in a transient retail business from house to house or upon any street, alley, sidewalk or public ground in the Borough, or shall display such license at the location where he shall engage in such business if doing so from a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials, and citizens or residents of the Borough.

§ 14-15. Prohibited Acts. [Ordinance 293, December 5, 1973, Section 5]

No person engaged in any transient retail business shall:

- (a) Sell any product or type of product not mentioned in his license;
- (b) Hawk or cry his wares upon any street, alley, sidewalk or public ground in the Borough;
- (c) When selling from a vehicle, stop or park such vehicle upon any street or alley in the Borough for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity;
- (d) Park any vehicle upon any street or alley in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton or wrapping material or of any stock or wares or foodstuffs which shall have become unsaleable through handling, age or otherwise.

§ 14-16. Suspension or Revocation of License. [Ordinance 293, December 5, 1973, Section 6]

The Mayor is hereby authorized to suspend or revoke any license issued under this ordinance⁶⁷ when he shall deem such suspension or revocation to be in the interest of the public health, safety, welfare or morals, or for violation of any provision of this ordinance, or for giving false information in any application for a license hereunder. Appeals from any suspension or revocation may be made to the Borough Council at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

§ 14-17. Penalty for Violation. [Ordinance 293, December 5, 1973, Section 7]

Any person who shall violate any provision of this ordinance⁶⁸ shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than \$100 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Provided:

67. Sections 11 to 18 of this chapter.

68. Sections 11 to 18 of this chapter.

each day's violation of any provision of this ordinance shall constitute a separate violation. All fines payable to the Borough of Speers.

§ 14-18. Severability. [Ordinance 293, December 5, 1973, Section 8]

The provisions of this ordinance⁶⁹ shall be severable, and if any section, part of section or provision thereof shall be held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of any of the remaining sections, parts of sections or provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been a part thereof.

Part 3
UTILITIES

§ 14-31. Annual Enumeration and Inspection of Utility Poles Required. [Ordinance 125, June 15, 1939, Section 1]

It shall be the duty of the Street Commissioner, or other officer appointed by the Borough Council, to make or cause to be made an annual enumeration and inspection of all telegraph poles, telephone poles, electric light poles, and electric power poles, and any and all other poles, which are now erected and maintained, or which may hereafter be erected and maintained, or which may hereafter be erected and maintained, by any person, firm, association, or corporation whatsoever on any of the streets, lanes, alleys, highways or public places within the limits of the Borough of Speers, Washington County, Pennsylvania.⁷⁰

§ 14-32. Annual Inspection Fee Imposed. [Ordinance 125, June 15, 1939, Section 2]

For the purpose of defraying the expense of the inspection and enumeration as herein⁷¹ provided, an annual inspection fee of \$0.25 per pole is hereby imposed upon any and all poles now erected and maintained, or which may hereafter be erected and maintained, on any of the streets, lanes, alleys, highways or public places within the limits of the Borough of Speers, Washington County, Pennsylvania, by any telegraph company, telephone company, electric light company, electric power company, or any other person, firm, association or corporation whatsoever, and any telegraph company, telephone company, electric light company, electric power company, or any other person, firm, association or corporation now owning and maintaining, or which may hereafter erect and maintain any pole or poles upon any of the streets, lanes, alleys, highways, or public places within the limits of said Borough, shall pay or cause to be paid at the time and in the manner hereinafter provided, an annual inspection fee of \$0.25 for each and every pole thus erected and maintained as aforesaid.

§ 14-33. Annual Report to Council of Enumeration. [Ordinance 125, June 15, 1939, Section 3]

The Street Commissioner, or other officer appointed by the Borough Council to make the enumeration and inspection of poles as herein⁷² provided, shall make a true report in writing to the Borough Council at its first regular meeting thereof in January of each year, setting forth the number of poles erected and maintained by each company owning and maintaining such poles on the streets, alleys, lanes, highways and public places within the limits of the said Borough of Speers.

70. Section 5 of this ordinance repealed all ordinances and parts of ordinances not in accord with this ordinance.

71. In Section 31 of this chapter.

72. In Section 31 of this chapter.

§ 14-34. Penalty for Failing to Pay Inspection Fee. [Ordinance 125, June 15, 1939, Section 4]

Any corporation, firm or individual erecting, owning or maintaining any pole or poles upon the streets, lanes, alleys, highways or public places of said Borough, and refusing to or neglecting to pay the inspection fee levied in accordance with the terms of this ordinance,⁷³ shall be subject to a fine of \$0.25 per pole per month for each month the fee remains unpaid beyond the time when it is due in accordance with the terms of this ordinance. Such fine or penalty shall be for the use of the Borough of Speers and shall be collected as fines and penalties.

73. Sections 31 to 34 of this chapter; see especially Section 32.

Part 4
MOVING PERMIT

§ 14-41. Definitions. [Ordinance 346, February 2, 1983, Section 1]

The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

1. PERSON — Any natural person, partnership, firm, association or corporation. Singular shall include the plural and the masculine shall include the feminine and neuter.
2. SECRETARY — The Secretary of the Borough of Speers.

§ 14-42. Permit Required. [Ordinance 346, February 2, 1983, Section 2]

It shall be unlawful for any person to move into, move within or move from, or cause his personal property to be moved or removed from any house, dwelling, or other building within the Borough of Speers, Washington County, Pennsylvania, without a permit therefore.

§ 14-43. Persons Moving into Borough. [Ordinance 346, February 2, 1983, Section 3]

Any person desiring to occupy any premises within the Borough of Speers shall file an application therefore with the Secretary setting forth the following information:

1. Applicant's name and address.
2. Location of the premises within the Borough of Speers.
3. Name and address of the owner of said premises.
4. The nature of the proposed use of the said premises.
5. Names and ages of all intended occupants of any residential premises.

§ 14-44. Permit Fee. [Ordinance 346, February 2, 1983, Section 4]

Upon compliance with all pertinent ordinances of the Borough of Speers and all other applicable statutes, the Secretary shall issue a permit of occupancy upon payment of a permit fee of \$5. The duty to pay such fee shall be imposed in conjunction with any persons required to obtain said permit upon all real property owners leasing, subletting, or providing a place of occupancy to any person.

§ 14-45. Persons Removing from Borough. [Ordinance 346, February 2, 1983, Section 5]

Any person desiring to remove from any premises in the Borough of Speers shall file an application therefore with the Secretary at least 10 days prior to such expected time of removal setting forth the following information:

1. Applicant's name and address.
2. Location of the premises.
3. Name and address of the owner of said premises.
4. Name and ages of all occupants of any residential premises.
5. Expected date of departure from the Borough of Speers.

§ 14-46. Conditions for Permit. [Ordinance 346, February 2, 1983, Section 6]

Upon compliance with all pertinent ordinances of the Borough of Speers and any other applicable statutes, and upon evidence that the applicant has no outstanding obligations due the Borough of Speers, Secretary shall forthwith issue a permit for removal.

§ 14-47. Movers to Ascertain Permit. [Ordinance 346, February 2, 1983, Section 7]

It shall be unlawful for any person to transport or remove its own or the personal property of another person which said person moving into or removing from a house, dwelling or other building within the Borough of Speers unless such person so moving into or removing from the said Borough of Speers shall have first obtained the permit as hereinbefore provided. It shall be the duty of such person transporting or removing the personal property of itself or of another person to or from the Borough of Speers to ascertain that the person whose property is to be so transported, or removed, has obtained the permit as hereinbefore required.

§ 14-48. Penalties. [Ordinance 346, February 2, 1983, Section 8]

Any person who shall violate any of the provisions of this ordinance [this Part 4] shall, upon conviction thereof in a summary proceeding before a Magistrate or Justice of the Peace of Washington County, Pennsylvania, be liable for a fine not exceeding the sum of \$100 for each such violation together with the costs of prosecution and/or imprisonment in the Washington County Jail for a period of 30 days.

Chapter 15

MOBILE HOMES AND MOBILE HOME PARKS

Chapter 16

MOTOR VEHICLES AND TRAFFIC

Part 1
GENERAL REGULATIONS

§ 16-1. Definitions and Interpretation. [Ord. 294, 12/4/1973, Art. I, § 1]

1. Words and phrases, when used in this Part 1, shall have the meanings ascribed to them in the Vehicle Code of Pennsylvania, as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.
2. In this Part 1, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.⁷⁴

§ 16-2. Manner of Adopting Permanent Traffic and Parking Regulations. [Ord. 294, 12/5/1973, Art. I, § 2]

All traffic and parking regulations in the Borough of Speers shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the Borough of Speers.

§ 16-3. Temporary and Emergency Regulations. [Ord. 294, 12/5/1973, Art. I, § 3]

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.
 - 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 72 hours.
2. Such temporary and emergency regulations shall be enforced by the Mayor and 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 regulation, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this Part 1 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 Part 1, to a fine of not more than \$10 and costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than five days.

74. Editor's Note: Section 3 of Article IV of this ordinance repealed Ordinance 47, Ordinance 132 and Ordinance 198.

§ 16-4. Experimental Regulations. [Ord. 294, 12/5/1973, Art. I, § 4]

The Borough Council may, from time to time, designate places upon and along the highways in the Borough where, for a period of not more than 90 days, specific traffic and/or parking regulations, restrictions and prohibitions shall be in force and effect and shall designate such locations by proper signs and markings. Such regulations, restrictions and prohibitions shall be effective just as if they had been specified in this Part 1. No person shall operate or park a vehicle or tractor in violation of any such regulation, restriction or prohibition, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this Part 1 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 Part 1, to a fine of not more than \$10 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five days; provided that 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.

§ 16-5. Authority of Peace Officers. [Ord. 294, 12/5/1973, Art. I, § 5]

The peace officers of the Borough are hereby given authority to direct traffic on the highways in the Borough, and at intersections thereof.⁷⁵

75.Note: Under the Vehicle Code, the penalty for refusing to comply with any lawful order, signal or direction of a peace officer who is in uniform and exhibits his badge or other sign of authority is a fine of \$10 and costs, and, in default of payment, imprisonment for not more than five days. (1959, P.L. 58, Section 1221-d); see also § 16-43 of this chapter.

**Part 2
TRAFFIC REGULATIONS**

§ 16-11. Motor Vehicles Not to be Driven on Sidewalks. [Ord. 294, 12/5/1973, Art. II, § 1]

No person shall operate a motor vehicle or tractor upon or across any sidewalk in the Borough, except to cross a sidewalk in order to gain access to or egress from a driveway or alley at such locations where the curb, if such sidewalk is curbed, shall have been properly cut down for the purpose. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$50 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than 10 days.

§ 16-12. Speed Limits Established. [Ord. 294, 12/5/1973, Art. II, § 2]

1. The following speed limits are hereby established:

		Speed Limit
Highway	Portion	(miles per hour)
Route 88	Between northwest Borough line and southeast Borough line	35
Speer Street	Between Solomon Street and the dead end at the northern terminus of Speer Street	15
Upper and Lower State Street	Between the southeast Borough line and the west Borough line	35
All other Borough streets	Entire extent	25

2. Any person who shall operate a motor vehicle or tractor at a speed in excess of that established therefor upon any highway or portion thereof specified in this section shall, upon conviction thereof, be sentenced to pay a fine of \$10 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five days.

§ 16-13. One-Way Highways Established. [Ord. 294, 12/5/1973, Art. II, § 4]

1. The following are hereby established as one-way highways:

Highway	From	To	Direction of Travel
Elizabeth Street	State Street	Oak Street	Northbound

- 2. Any person who shall operate a motor vehicle or tractor upon any highway or portion thereof hereby established as a one-way highway other than in the direction hereby established for traffic thereon shall, upon conviction thereof, be sentenced to pay a fine of not more than \$10 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five days.

§ 16-14. U-Turns Prohibited on Portions of Certain Highways. [Ord. 294, 12/5/1973, Art. II, § 4]

- 1. It shall be unlawful for the operator of any motor vehicle or tractor to make a U-turn on any of the following portions of highways:

Highway	Between
Maple Drive	State Street and the Borough line
State Street	Jane Avenue and Davidson Drive

- 2. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$10 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five days.

§ 16-15. Through Highways Established. [Ord. 294, 12/5/1973, Art. II, § 5]

- 1. The following highways are hereby established as through highways, and the operator of every vehicle or tractor, upon approaching any such highway at any intersection thereof (except for such intersections where there are now or shall hereafter be located official traffic signals), shall come to a full stop, within a reasonable distance, before entering any such through highway:

Highway	Between
Maple Drive	The Borough line and State Street
Oak Street	Phillips Street and Jane Avenue
Route 88	The northwest Borough line and the southeast Borough line
Upper and Lower State Street	The southeast Borough line and the west Borough line, except for the intersection with Maple Drive

- 2. Any operator of a vehicle or tractor who shall fail to come to a full stop, within a reasonable distance, before entering any such through highway, as hereinabove required, shall, upon conviction thereof, be sentenced to pay a fine of \$5 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than three days.

§ 16-16. Stop Intersections Established. [Ord. 294, 12/5/1973, Art. II, § 5; as amended by Ord. 391, 11/6/1996, § 1; by Ord. 394, 12/3/1997, § 1 and by Ord. 400, 6/3/1998, § 1]

1. The following intersections (in addition to highways intersecting with the through highways established by § 16-15 of this Part 2) are hereby established as stop intersections, and official stop signs shall be erected (or are hereby confirmed if heretofore erected) in such a position as to face traffic approaching the second-named highway upon the first-named highway, in the direction or directions hereby indicated. All vehicles and tractors approaching any such intersection upon the first-named highway, in the direction or directions hereby indicated in each case, shall come to a full stop, within a reasonable distance, before entering any such intersection:

Stop Highway	Through Highway	Direction of Travel
Alley No. 1	Carson Street	Westbound
Alley No. 2	Carson Street	Westbound
Arlington Avenue	Grandview Way	Northbound
Charles Street	Scott Street	Northbound
Charles Street	Scott Street	—
Crest Street	Scott Street	Northbound
Grandview Way	Maple Terrace	Southbound
Howard Street	Scott Street	Northbound
Jane Avenue	Rebecca Street	Northbound and southbound
Lewis Avenue	Rebecca Street	Northbound and southbound
Maple Terrace	Arlington Avenue	Northbound
Oak Street	Charles Street	Eastbound and westbound
Oak Street	Elizabeth Street	Eastbound and westbound
Oak Street	Jane Avenue	Westbound
Oak Street	Lewis Avenue	Eastbound and westbound
Oak Street	Speers Avenue	Eastbound and westbound
Rebecca Street	Charles Street	Eastbound and westbound
Rebecca Street	Elizabeth Street	Eastbound and westbound
Rebecca Street	Phillips Street	Eastbound

Stop Highway	Through Highway	Direction of Travel
Rebecca Street	Speers Avenue	Eastbound and westbound
River Avenue	Solomon Street	Eastbound
Shaffer Street	Grandview Avenue	—
Scott Street	Crest Street	—
Scott Street	Phillips Street	Eastbound
Schafer Avenue	Grandview Way	Northbound
Short Street	Crest Street	—
Solomon Street	River Avenue	Eastbound
State Street	Charles Street	—
State Street	Jane Avenue/ Davidson Drive	
State Street	Lewis Avenue	—
State Street	Maple Drive	Eastbound and westbound

2. Every driver of a vehicle approaching the intersection controlled by a stop sign shall stop vehicle as required by Section 3323(b) of the Vehicle Code and shall not proceed into or across the intersection until he/she has followed all applicable requirements of that section of the law.
3. Any person who violates this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 16-17. Yield-Right-of-Way Intersections Established. [Ord. 294, 12/5/1973, Art. II, § 7]

1. The following intersections are hereby established as yield right-of-way intersections, and official yield signs shall be erected (or are hereby ratified if heretofore erected) in such a position as to face traffic approaching the second-named highway from the first-named highway, in the direction or directions hereby indicated. All vehicles and tractors approaching any such intersection upon the first-named highway, in the direction or directions hereby indicated, shall yield the right-of-way to any vehicle in the intersection or approaching on the second-named highway so closely as to constitute an immediate hazard during the time that the operator of such vehicle or tractor is moving across or within such intersection:

Yield Highway	Through Highway	Direction of Travel
Charland Driveway	Arentzen Boulevard	Southbound
Guttman Avenue	Arentzen Boulevard	Northbound and southbound

2. Any operator of a vehicle who shall fail to yield the right-of-way, as hereinabove required, shall, upon conviction thereof, be sentenced to pay a fine of \$5 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than three days.

§ 16-18. Vehicle Weight Limits Established. [Ord. 294, 12/5/1973, Art. II, § 8]

1. It shall be unlawful for any person to operate any motor vehicle or other vehicle, or any tractor, trailer, or tractor-trailer combination, having a gross weight in excess of that herein respectively prescribed, upon any of the following highways or portions thereof:

Highway	Portion	Maximum Gross Weight
All highways except state highways	Entire extent	10 tons

2. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of \$50 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than 10 days.

§ 16-19. Unlawful to Operate Motor Vehicles or Tractors on Highways Closed for Construction or Repair. [Ord. 294, 12/5/1973, Art. II, § 9]

It shall be unlawful for any person to operate any vehicle or tractor upon any highway in the Borough that is under construction, resurfacing or repair, in disregard of any official sign, barricade or notice that the same is closed to vehicular traffic. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$25 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than 10 days.

§ 16-20. Play Highways Authorized. [Ord. 294, 12/5/1973, Art. II, § 10]

The Mayor is hereby authorized to designate as play highways, whenever he shall deem such notice advisable, and for whatever period of time directed by him, any portion of any highway in the Borough, whereon sledding and coasting shall be permitted. Such highway shall be set apart for the purpose under the direction of the Mayor. No person shall operate any motor vehicle or tractor upon any play highway, at any time when such highway shall be so designated, except in case of emergency, with special permission of the Mayor or of the peace officer in charge, who shall first clear such play highway of all persons using such highway for the purpose for which it was set aside. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$10

and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five days.

**Part 3
PARKING REGULATIONS**

§ 16-31. Parking Without Lights Authorized. [Ord. 294, 12/5/1973, Art. III, § 1]

The boundary limits of the Borough of Speers are hereby established as a zone in which motor vehicles may remain standing without lights, and all highways within such boundary limits are hereby designated as highways where motor vehicles may remain standing without lights.

§ 16-32. Parking Prohibited at All Times in Certain Locations. [Ord. 294, 12/5/1973, Art. III, § 2]

Parking shall be prohibited at all times in the following locations:

Highway	Side	Portion
All highways in Greater Charleroi Industrial Park	Both	Entire extent
Elizabeth Street	East	Between State Street and Oak Street

§ 16-33. Parking Prohibited in Certain Locations Certain Days and Hours. [Ord. 294, 12/5/1973, Art. III, § 3]

Parking shall be prohibited in the following locations at all times on the days and between the hours hereby indicated:

Highway	Side	Between	Days	Hours
Philips Street	East	State Street and end of Borough Building	Every day	7:00 a.m. to 9:00 a.m.; 3:00 p.m. to 5:00 p.m.

§ 16-34. Penalty for Violation. [Ord. 294, 12/5/1973, Art. III, § 4]

Any person who shall violate any provisions of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not less than \$2 nor more than \$10 and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five days.

§ 16-35. Truck Parking Regulated. [Ord. 371, 2/2/1990]

1. It shall be unlawful for any person to park or allow to remain parked, on any of the following streets or parts of streets, any vehicle other than a passenger car or light truck not exceeding one ton's load capacity (which shall not include any bus, truck over one ton's load capacity, motor home, trailer or semi-trailer of any kind):

Highway	Between
Ann Avenue	State Street to Oak Street
Arentzen Boulevard	Guttman Avenue the entire length of Arentzen Boulevard
Arlington Avenue	Grandview Way and Linden Avenue
Boltz Avenue	Route 88 the entire length
Charles Street	Oak Street to Speers Borough Recreation Park
Crest Street	Scott Street to Short Street
Davidson Drive	State Street the entire length
Elizabeth Street	State Street to Oak Street
Grandview Way	Route 88 and Maple Avenue
Guttman Avenue	Arentzen Avenue the entire length of Guttman Avenue
Hosner Street	State Street the entire length
Howard Street	Short Street to Scott Street
Jane Avenue	State Street to Oak Street
Lewis Avenue	State Street to Oak Street
Lillian Street	Rebecca Street to Phillips Street
Linden Avenue	Arlington Avenue the entire length
Maple Avenue	Arlington Avenue the entire length
Melenyzer Street	Davidson Street the entire length
Phillips Street	Oak Street to Short Street
Rebecca Street	Jane Avenue to Phillips Street
Scott Street	Charles Street to Philip Avenue
Shaffer Avenue	Grandview Way the entire length
Speers Avenue	State Street to Oak Street
Summit Street	Davidson Street the entire length
Valley Circle	Davidson Street the entire length

2. Any truck, truck/tractor, trailer or semi-trailer is prohibited from parking in any yard or driveway in any district of the Borough zoned for residential use. This prohibition is in addition to the prohibition from parking in the streets as provided for in Subsection 1 of this section. The prohibition contained in this section is not intended to prohibit or exclude light trucks with a load capacity of one ton or less.

3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs; provided that it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the Mayor all violations of any provision of this Part 3, including in each case: the

ordinance 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 section. The notice shall contain instructions to the owner or to the driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$15 within 48 hours after the time of the notice, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this subsection.

Part 4
INTERPRETATION

§ 16-41. Severability. [Ord. 294, 12/5/1973, Art. IV, § 1]

The provisions of Parts 1 through 4 of this chapter shall be severable; and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of Parts 1 through 4 of this chapter. It is hereby declared as a legislative intent that Parts 1 through 4 of this chapter would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

§ 16-42. Provisions to be Continuation of Existing Regulations. [Ord. 294, 12/5/1973, Art. IV, § 2]

The provisions of Parts 1 through 4 of this chapter, so far as they are the same as those of ordinance and regulations in force immediately prior to the enactment of Parts 1 through 4 of this chapter, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of Parts 1 through 4 of this chapter shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any of these repealed ordinances or regulations.

§ 16-43. Fines Payable to Borough. [Ord. 294, 12/5/1973, Art. V]

All fines and penalties payable under Parts 1 through 4 of this chapter are payable to the Borough of Speers.

Part 5
RECREATIONAL VEHICLES

§ 16-51. Intent and Purpose. [Ord. 364, 5/6/1987, § 1]

The Borough of Speers finds and declares that the provisions of this Part 5 are enacted for the following reasons:

- A. To provide for the registration of all unlicensed vehicles as herein defined owned by residents of this Borough.
- B. To facilitate the identification and location of all vehicles reported stolen or missing.
- C. To assist the Police Department in its efforts to prevent the theft of such vehicles.
- D. To establish regulations governing the operation of such vehicles.

§ 16-52. Scope. [Ord. 364, 5/6/1987, § 2]

1. The registration requirements of this Part 5 shall apply to all vehicles, as hereinafter defined, owned by residents of this Borough, except those vehicles owned and held for sale by residents engaged in the business of buying or selling new or used vehicles as defined herein.
2. Unless otherwise indicated, all other provisions of this Part 5 shall apply to all vehicles, as defined herein, operated within the jurisdictional boundaries of this Borough.

§ 16-53. Definitions. [Ord. 364, 5/6/1987, § 3]

1. As used in this Part 5, the following terms shall have the meanings indicated:

VEHICLE — Motorized vehicles unlicensed under the Motor Vehicle Code, including motorcycle type of vehicles (commonly called "minibikes" or "trailbikes"), snowmobiles, all-terrain vehicles and any other motorized vehicle not licensed under the Motor Vehicle Code.

§ 16-54. Registration of Vehicle. [Ord. 364, 5/6/1987, § 4]

It shall be a violation of this Part 5 for any resident to operate a vehicle, as defined herein, within the jurisdictional boundaries of this Borough unless such vehicle is registered pursuant to this Part 5 and unless such vehicle properly displays a valid registration decal pursuant to this Part 5.

§ 16-55. Procedure for Registration. [Ord. 364, 5/6/1987, § 5]

1. Any resident acquiring ownership of a vehicle as defined herein shall have such vehicle registered pursuant to this Part 5 within seven days after acquisition.

2. To register a vehicle as defined herein, the owner shall complete an application form, return it to the police station and pay a registration fee of \$2. The application form shall request the following information on all vehicles as defined herein:
 - A. Name, address and signature of the owner.
 - B. The frame number of the vehicle.
 - C. A brief description of the vehicle, to include:
 - (1) The manufacture or model name of the vehicle.
 - (2) The color of the frame of the vehicle.
 - (3) The size of the diameter of the wheels of the vehicle.
3. Upon the submission of a completed application form and payment of the registration fee, the owner of the vehicle shall receive from the Police Department a registration card and a registration decal.
 - A. The registration card shall contain the following:
 - (1) The name, address and signature of the owner.
 - (2) The frame number of the vehicle.
 - (3) The registration number of the vehicle.
 - (4) The expiration date of the registration decal.
 - B. The registration decal shall be affixed to the vehicle in a conspicuous place on that part of the frame into which the seat is fitted. The registration decal shall contain the following:
 - (1) The registration number of the vehicle.
 - (2) The expiration date of the registration decal.
4. It shall be a violation of this Part 5 for any person to provide or furnish false or misleading information concerning a vehicle or the ownership of a vehicle for the purpose of securing or attempting to secure the registration of the vehicle.

§ 16-56. Prohibited Conduct on Sidewalk. [Ord. 364, 5/6/1987, § 6]

No person shall operate, nor shall the owner of any vehicle as defined herein permit to be operated, on the sidewalk of the Borough any vehicle of the type defined herein.

§ 16-57. Prohibited Conduct on Public or Private Property. [Ord. 364, 5/6/1987, § 7]

No person shall operate, nor shall the owner of any vehicle as defined herein permit to be operated, on any public or private ground in this Borough any

vehicle of the type defined herein unless the operator and/or owner has the express written permission of the owner of the land where such vehicle is being operated.

§ 16-58. Prohibited Conduct by Vehicle Owner. [Ord. 364, 5/6/1987, § 8]

Any owner of a vehicle as defined herein who shall knowingly permit any person, minor or adult, to operate such vehicle in violation of the terms of this Part 5 shall be jointly and severally liable with such person for any damage caused by such person in operation of such vehicle.

§ 16-59. Penalties. [Ord. 364, 5/6/1987, § 9]

Every person convicted of a violation of any provision of this Part 5 shall be punished by a fine of not more than \$25 for the first offense, not more than \$50 for the second offense, and not more than \$75 for the third and subsequent offenses, plus costs of prosecution or by impoundment of the violator's vehicle for a period not to exceed 30 days, or any combination thereof, or in default of payment thereof, shall undergo an imprisonment for not more than five days for the first offense, not more than 10 days for the second offense and not more than 15 days for the third and subsequent offenses.

Part 6
HANDICAPPED PARKING

§ 16-61. Permit Required. [Ord. 418, 7/12/2007; as amended by Ord. 429, 8/1/2012]

No motor vehicle of any kind shall be permitted to park at any time in a zone designated by the Borough Council as a handicapped parking zone, unless the vehicle parked in that handicapped zone is the vehicle authorized to be parked in that handicapped parking zone by its permit for a handicapped parking zone, issued by the Borough Council for that particular handicapped parking zone.

§ 16-62. Rules and Regulations; Markings; Fees; Renewals. [Ord. 418, 7/12/2007; as amended by Ord. 429, 8/1/2012]

1. The Borough Council shall promulgate regulations concerning applications by handicapped persons or disabled veterans to have a parking space designated as handicapped and for use by that person only.
2. Any parking space designated handicapped on the application by a designated handicapped person or disabled veteran shall be marked with an international symbol for access for persons with disabilities and a sign stating the penalty amount for violation.
3. Upon approval of Borough Council of an application to have a handicapped zone designated for use by a qualified handicapped or disabled person, the cost of the sign is to be paid by the applicant, upon approval of his/her application.
4. The Borough Council is hereby authorized to adopt rules and regulations and applications for granting a handicapped parking space permit.
5. Each permit for a handicapped parking space shall be renewed on an annual-year basis at the cost of \$50 per year.
6. In making the final determination regarding renewal of a previously permitted handicapped space, the Borough shall apply the criteria contained in the rules and regulations adopted by it.

§ 16-63. Limitation on Number of Spaces. [Ord. 418, 7/12/2007; as amended by Ord. 429, 8/1/2012]

1. No more than two handicapped parking spaces shall be located on any block where parking is permitted on both sides of the street.
2. No more than one handicapped parking space shall be located on any block where parking is permitted on only one side of the street.
3. Definition of "Block" for Grandview Way — Block Status and Locations.

Beginning from the corner of Grandview Way and Maple Terrace:

Block 1: 350 feet to the left side of the driveway, 310 Grandview Way.

Block 2: 350 feet from Block No. 1 to the side of the sewage grate in front of 278 Grandview Way.

Block 3: 350 feet from Block No. 2 to the telephone pole in front of 243 Grandview Way.

Block 4: From Block No. 3 to the intersection of Grandview Way and Arlington Avenue.

Block 5: From Block No. 4 to the intersection of Grandview Way and Schaffer Avenue.

Block 6: From Block No. 5 to Route 88.

§ 16-64. Parking of Vans Transporting Disabled Persons. [Ord. 418, 7/12/2007; as amended by Ord. 429, 8/1/2012]

Parking is limited to parking on the curb side only so that the access door for the disabled person to enter the van does not require said person to be put in the danger of loading from the street side.

§ 16-65. Standards. [Ord. 418, 7/12/2007; as amended by Ord. 429, 8/1/2012]

1. No permit shall be granted where adequate, handicapped-accessible off-street parking is available.
2. All applicants shall meet at least one of the following requirements:
 - A. The applicant is wheelchair-confined;
 - B. The person requesting a permit is caring for a person who has a severe physical or mental disability;
 - C. The applicant is unable to walk a distance of 50 feet (applicant may be asked to perform this and/or produce documentation verifying this condition);
 - D. The applicant has severe cardiopulmonary insufficiency requiring the use of ambulatory oxygen;
 - E. The applicant requires the use of prosthetic devices that restrict normal ambulation;
 - F. The applicant has other physical or mental limitations that the Borough believes are severe enough to warrant a handicapped parking space.

§ 16-66. Revocation of Permit. [Ord. 418, 7/12/2007; as amended by Ord. 429, 8/1/2012]

The Borough reserves the right to revoke any permit for a handicapped parking space at any time for any reason.

§ 16-67. Violations and Penalties. [Ord. 418, 7/12/2007; as amended by Ord. 429, 8/1/2012]

Any person violating this Part 6 shall pay a fine of not less than \$50 and not more than \$200, as well as the costs of prosecution.

§ 16-68. Severability. [Ord. 418, 7/12/2007; as amended by Ord. 429, 8/1/2012]

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Part 6 shall be adjudged or declared invalid for any reason whatsoever, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, which shall remain in full force and effect.

§ 16-69. Applications; Review of Applications. [Ord. 418, 7/12/2007; as amended by Ord. 429, 8/1/2012]

1. Any resident of the Borough of Speers may make application to the Borough for handicapped parking space only after acquiring a handicapped license plate or placard or a disabled veterans' license plate.
2. New applications shall be reviewed by the Borough Council, which will make the final determination regarding the granting of a handicapped parking space.

Chapter 17

PARKS AND RECREATION

Part 1
CONDUCT IN PARKS

§ 17-1. Short Title. [Ordinance 348, February 2, 1983, Section 1]

This ordinance [this Part 1] shall be known and may be cited as the "1983 Ordinance Regulating Conduct in Public Parks".

§ 17-2. Definitions. [Ordinance 348, February 2, 1983, Section 2]

For the purposes of this ordinance [this Part 1], the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BOROUGH — Is the Borough of Speers, Washington County, Pennsylvania.

DIRECTOR — Is a person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

PARK — Is a park, reservation, playground, beach, recreation center or any other area in the Borough, owned or used by the Borough, and devoted to active or passive recreation.

PERSON — Is any person, firm, partnership, association, corporation, company or organization of any kind.

VEHICLE — Is any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term shall include any trailer in two of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the Borough park.

§ 17-3. Park Property. [Ordinance 348, February 2, 1983, Section 3]

No person in a park shall:

1. Buildings and Other Property -
 - A. Disfiguration and Removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
 - B. Restrooms and Washrooms. Fail to cooperate in maintaining restrooms or washrooms in a neat and sanitary condition.
 - C. Removal of Natural Resources. Dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or

materials, or make any excavation by tool, equipment, blasting or other means of agency.

- D. Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.
2. Trees, Shrubbery, Lawns -
- A. Injury and Removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
 - B. Climbing Trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property not designated or customarily used for such purposes.
 - C. Hitching of Animals. Tie or hitch a horse or other animal to any tree or plant.
3. Wild Animals, Birds, Etc. -
- A. Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall be remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall be collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes or other deadly reptiles, may be killed on sight.
 - B. Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

§ 17-4. Sanitation. [Ordinance 348, February 2, 1983, Section 4]

No person in a park shall:

- 1. Pollution of Waters - Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- 2. Refuse and Trash - Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed

in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

§ 17-5. Traffic. [Ordinance 348, February 2, 1983, Section 5]

No person in a park shall:

1. State Motor Vehicle Laws Apply - Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances.
2. Enforcement of Traffic Regulations - Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.
3. Obey Traffic Signs - Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.
4. Speed of Vehicles - Ride or drive a vehicle at a rate of speed exceeding five miles an hour, except upon such roads as the Director may designate, by posted signs, for speedier travel.
5. Operation Confined to Roads - Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.
6. Parking -
 - A. Designated Areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.
 - B. Immovable Vehicles. Leave any vehicle anywhere in the park with one or more wheels chained, or with motor set in gears and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.
 - C. Double-Parking. Double-park any vehicle on any road or parkway unless directed by a park official.
 - D. Muffler Required. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

7. Bicycles -

- A. Confined to Roads. Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
- B. Operation. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall, at all times, operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.
- C. Rider Prohibited - Ride any other person on a bicycle.
- D. Immobile. Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

§ 17-6. Recreational Activities. [Ordinance 348, February 2, 1983, Section 6]

No person in a park shall:

1. Hunting and Firearms - Hunt, trap or pursue wild life at any time. No person shall use, carry, or possess firearms of any descriptions, air-rifles, spring-guns, bow-and-arrows, slings or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with any fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.
2. Picnic Areas and Use -
 - A. Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
 - B. Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first served."
 - C. Non-exclusive. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

- D. Duty of Picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
3. Camping - No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-trailer, camp-wagon or the like.
4. Games - Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms or recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefore. Roller skating shall be confined to those areas specifically designated for such pastime.
5. Horseback Riding - Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

§ 17-7. Behavior. [Ordinance 348, February 2, 1983, Section 7]

No person in a park shall:

1. Intoxicating Beverages -
 - A. Prohibition. Have brought alcoholic beverages, nor shall any person drink alcoholic beverages at any time in the park.
 - B. Drunkenness. Have entered or be under the influence of intoxicating liquor.
2. Fireworks and Explosives - Brought, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives or inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.
3. Domestic Animals - Have been responsible for the entry of a dog, cat or other domestic animal into the park. No dogs, cats or domestic animals are to be permitted in the park.

4. Alms - Shall solicit alms or contributions for any purpose, whether public or private.
5. Fires - Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.
6. Closed Areas - Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.
7. Games of Chance - Gamble or participate in or abet any game of chance.
8. Loitering and Boisterousness - Sleep or protractedly lounge on the seats, or benches or other areas, or engage in loud boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.
9. Exhibit Permits - Fail to produce and exhibit any permit from the Director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
10. Interference with Permittees - Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

§ 17-8. Merchandising, Advertising and Signs. [Ordinance 348, February 2, 1983, Section 8]

No person in a park shall:

1. Vending and Peddling - Expose or offer for sale any article or thing, nor shall be station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director.
2. Advertising - Announce, advertise or call the public attention in any way to any article or service for sale or hire.
3. Signs - Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

§ 17-9. Park Operating Policy. [Ordinance 348, February 2, 1983, Section 9]

1. Hours - The park will be open every day between May 15 and September 15. The opening and closing hours for the park shall be posted therein for public information.

2. Closed Areas - Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary.
3. Permit - A permit shall be obtained from the appropriate Director before participating in park activity:
 - A. Application. A person seeking issuance of a permit hereunder shall file an application with the appropriate Director. The application shall state:
 - (1) The name and address of the applicant;
 - (2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;
 - (3) The day and hours for which the permit is desired;
 - (4) The park or portion thereof for which such permit is desired;
 - (5) An estimate of the anticipated attendance;
 - (6) Any other information which the Director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.
 - B. Standards for Issuance. The Director shall issue a permit hereunder when he finds:
 - (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
 - (2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
 - (4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Borough;
 - (5) That the facilities desired have not been reserved for other use at the day and hour required in the application.
 - C. Effect of Permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

- D. Liability of Permittee - The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.
- E. Revocation - The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

§ 17-10. Enforcement. [Ordinance 348, February 2, 1983, Section 10]

1. Officials - The Director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance [this Part 1].
2. Ejectment - The Director and any park attendant shall have the authority to eject from the park any person acting in violation of this ordinance.
3. Seizure of Property - The Director and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park, or used, in violation of this ordinance.

§ 17-11. Penalties. [Ordinance 348, February 2, 1983, Section 11]

Any person, firm or corporation violating any of the provisions of this ordinance [this Part 1] shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$200 or be imprisoned in the Washington County Jail for a period not exceeding 30 days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Chapter 18

PLUMBING

Chapter 19

SEWERS AND SEWAGE DISPOSAL

Part 1
SEWERS

§ 19-1. Certain Receptacles not Permitted on Premises Accessible to Public Sewer. [Ordinance 130, February 4, 1941, Section 1]

On and after the 15th day of August, 1941, it shall be unlawful for any person, firm, or corporation, to use or maintain or to permit the use or maintenance of any privy, privy vaults, or cesspools for human excrement on any premises of the Borough of Speers accessible to a public sewer.⁷⁶

§ 19-2. Certain Receptacles to be Abandoned. [Ordinance 130, February 4, 1941, Section 2]

On and after the 15th day of August, 1941, any privy vaults, cesspools, or similar receptacles for human excrement shall be abandoned and within 10 days thereafter be cleansed and filled in a manner satisfactory to the Council of said Borough of Speers or its designated employee.

§ 19-3. Certain Receptacles not to be Connected to Public Sewer System. [Ordinance 130, February 4, 1941, Section 3]

On and after the passage of this ordinance it shall be unlawful for any person, firm, or corporation, to connect any privy vault or cesspool or receptacle for human excrement to the public sewer system, or to cause, permit, or allow any person, firm, or corporation to connect any privy vault or cesspool, or on property owned or occupied by any person, firm or corporation in the Borough of Speers.

§ 19-4. Certain Buildings to be Connected to Accessible Public Sewer. [Ordinance 130, February 4, 1941, Section 4]

On and after the 15th day of August, 1941, all occupied buildings on premises accessible to a public sewer used in conformity with the requirements of State law shall be connected to the said public sewer in accordance with the ordinances, rules, regulations, etc., of the Borough of Speers; and it shall be unlawful to occupy or permit the occupancy of any building or premises accessible to a public sewer without the same being connected to said public sewer.

76. The preamble to this ordinance stated that the Sanitary Water Board of the Commonwealth had issued a permit to the Borough to discharge sewage into the Monongahela River; that one of the requirements to continue the permit was that the Borough pass and enforce an ordinance requiring the abandonment of privies, etc.; that sewers had been laid throughout the principal area of the Borough and that water supply was available.

§ 19-5. Receptacles Connected to Sewer to be Connected to Running Water for Purpose of Flushing. [Ordinance 130, February 4, 1941, Section 5]

Any person, firm or corporation holding or if on premises accessible to a public sewer and connected to the public sewer as aforesaid⁷⁷ shall at all times maintain and use an adequate supply of water to properly flush said sewer. All receptacles for human excrement shall consist of approved plumbing fixtures connected to running water capable of providing sufficient water to properly flush and eliminate and carry to the public sewer all human excrement.

§ 19-6. Penalty for Violation. [Ordinance 130, February 4, 1941, Section 6]

Any person, firm or corporation, violating any of the provisions of this ordinance,⁷⁸ shall be subject to a fine not exceeding \$100 for each and every offense, to be recovered as fines and penalties are by law recoverable. Each day any provision of this ordinance is violated shall be considered a separate and several offense. Upon the failure of any individual to pay such fine with lawful costs, said individual may be sentenced to imprisonment for a period not exceeding 30 days.

It is the intention of the Council of the Borough of Speers that should any section or sections of the ordinance become invalid and inoperative by virtue of a court decision or otherwise, then the remaining sections shall be and continue valid and effective.⁷⁹

§ 19-7. Roof, Surface and Storm Water not to be Drained into Sanitary Sewers. [Ordinance 180, January 8, 1957, Section 2, as amended by Ordinance 274, December 5, 1973, Section 1]

No person, firm or corporation shall allow any surface water, roof water or storm water to enter any pipe, drain or vessel connected with any sanitary sewer in the Borough, or shall connect any downspout or other collector of roof water, surface water or stormwater to any sanitary sewer. Any person, firm or corporation who or which shall violate any provision of this section shall, for each and every such violation, be sentenced to pay a fine of not more than \$100 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Provided: each day on which any such violation shall continue shall constitute a separate violation.⁸⁰

77. See Section 4 of this chapter.

78. Sections 1 to 6 of this chapter.

79. At the end of this section, as enacted, was a provision for the repeal of all inconsistent ordinances and parts of ordinances, insofar as they conflict with this ordinance.

80. Section 1 of Ordinance 180 repealed Ordinance 135; Sections 3 through 7 were repealed by Section 2 of Ordinance 274; Section 8 repealed all ordinances and regulations which conflicted with the provisions and terms of Ordinance 180.

Part 2
GREASE DISCHARGE

§ 19-201. Title. [Ordinance 406, January 3, 2001, Section 1]

This Part shall be known as the "Speers Borough Grease Remediation Ordinance."

§ 19-202. Definitions. [Ordinance 406, January 3, 2001, Section 2]

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

EXCESSIVE AMOUNTS OF GREASE — Discharge concentrations exceeding 100 per million (ppm) of grease, oil and fat downstream of an interceptor or trap.

FOOD PREPARATION FACILITY — Any food establishment in any building, room or place or any portion thereof or appurtenance thereto, where human food is mixed, cooked or otherwise prepared, offered for sale, sold, served or given with or without charge to patrons, customers or guests for consumption on or off the premises; provided, however, that this does not include the mixing, cooking or other preparation or serving of food in single-family dwellings to the resident family or its guest.

GREASE INTERCEPTOR — An interceptor whose rated flow exceeds 35 gallons per minute (gpm) and which is located underground outside the building.

GREASE TRAP — An interceptor whose flow rate is 35 gpm or less and which is located inside the building. Grease traps shall be rated for a minimum 22.5 gpm.

RESTAURANT — Any public eating place where meals are prepared, offered for sale, sold and served to patrons, customers or guests for compensation based on the price charged for and generally paid at the conclusion of each meal. The words "meals," as used herein, means meals generally consisting of courses embracing some kind of meat or its equivalent, vegetables, bread, pastry, beverages and accompaniments.

§ 19-203. Plumbing to be in Good Repair. [Ordinance 406, January 3, 2001, Section 3]

Every building or room occupied or used as a food preparation facility or restaurant shall be well drained. All soil pipes, waste pipes, drains or other plumbing fixtures shall be of adequate size to enable passage of any waste intended to pass through it to the main public sewer. All drains, sewers, waste and soil pipes, traps in water and gas pipes shall at all times be kept in good repair and order so that no gasses or odor shall escape therefrom and so that the same shall not leak, and all vent pipes shall be kept in good order and repair and free from obstruction.

§ 19-204. Grease Traps and Grease Interceptors Required. [Ordinance 406, January 3, 2001, Section 4]

1. On or before January 1, 2001, every building, room or space or part thereof used as a restaurant or food preparation facility, whether new or existing, shall install or cause to be installed a grease interceptor or grease trap. The type of installation shall be determined by the total fixture flow-through rate of potential grease laden fixtures discharging through the building sewage lines as determined by the Authority of the Borough of Charleroi. For flow-through rates 35 gpm or less, an internal grease trap may be installed in certain existing structures used as restaurants and food preparation facilities. For flow-through rates exceeding 35 gpm, an external underground grease interceptor must be installed in all new structures or changes of use involving restaurants or food preparation facilities.
2. All new restaurants or food preparation facilities shall be required to install an exterior, underground grease interceptor of a minimum 1,000 gallon capacity, regardless of flow-through rate.
3. In all existing restaurants or food preparation facilities, there shall be installed a grease interceptor or grease trap as determined by flow-through rate, as detailed above. In existing facilities where it is determined by Speers Borough that a grease trap is not sufficient, Speers Borough or its responsible agent or assigns may require that a grease trap interceptor (as detailed above) be installed. Such insufficiency shall be evidenced by excessive amounts of grease being discharged into the public sewer system by a facility. All existing restaurants or food preparation facilities shall, at a change of ownership or alteration, install an exterior, underground grease interceptor of a minimum 1,000 gallon capacity. In all existing structures, buildings or parts thereof in which there is a change of use or occupancy to that of a restaurant or food preparation facility, there shall be installed a grease interceptor, minimum 1,000 gallon capacity, regardless of flow-through rate. Each grease interceptor or grease trap shall and must be installed by a registered plumber.

§ 19-205. Installation of Grease Interceptors and Traps. [Ordinance 406, January 3, 2001, Section 5]

1. Said grease trap or interceptors shall be installed at an appropriate location along the sewer line between the restaurant and/or food preparation facility and the lines entry into the main public sewer line. An inspection site tee shall be installed between the interceptor discharge and connect to the public sewer system. All installations shall be in accordance with the Authority of the Borough of Charleroi Rules and Regulations.
2. No solid waste device, such as waste grinders, disposal, potato peelers, etc., shall discharge through the grease trap or grease interceptor. Only

potential grease laden fixtures may discharge through the trap or interceptor.

§ 19-206. Maintenance of Grease Interceptors and Grease Traps. [Ordinance 406, January 3, 2001, Section 6]

1. All grease interceptors and grease traps shall be maintained and kept in good working order at all times. The interceptor or trap shall limit the amount of grease discharged into the public sewer system to levels not exceeding those permitted by the Authority of the Borough of Charleroi. Oil/grease discharges shall not exceed 100 ppm downstream of the interceptor or trap.
2. It shall be the duty and responsibility of any owner, lessee or agent of any restaurant or food preparation facility to, at a minimum of, quarterly, inspect the grease interceptor or trap. A written record shall be kept of all inspections. The inspection shall, at a minimum list the name (inspector and company), address, phone number of the inspector/disposal company, the method and frequency of cleaning schedule and the date of the cleaning/inspection. Such records shall be presented to the municipality upon request. A more frequent cleaning/inspection schedule may be ordered to be performed by the facility when it is determined by the municipality that the facility is discharging excessive amounts of grease to the public sewer system.

§ 19-207. Violations and Penalties. [Ordinance 406, January 3, 2001, Section 7]

1. Whosoever violates any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of up to \$1,000 for each offense plus costs of prosecution and, in default of payment of such fine and cost of prosecution, shall be imprisoned for a period of not exceeding 30 days. Each day that a violation continues shall be deemed a separate offense.
2. Whosoever violates any of the provisions of this Part shall cease to discharge or infiltrate or permit the discharge or infiltration of the violating materials and substances upon receiving 30 days notice, in writing, to do so. In case the violator neglects or refuses to do so, in addition to the fines set forth above, Speers Borough may proceed to have the violating system disconnected and the cost thereof, together with the penalty of 10% additional thereto, shall be collected from the violator in the manner provided by law. In addition to the penalties provided above, Speers Borough shall have the right, upon proper notification, to cause water service to the offending premises to be terminated by the provider thereof.

§ 19-208. Right of Entry/Inspection of Facility Maintenance. [Ordinance 406, January 3, 2001, Section 8]

1. In the discharge of duties, Speers Borough Code Enforcement Officer, Authority of the Borough of Charleroi personnel or authorized representative shall have the authority to enter, at any reasonable hour, any restaurant or food preparation facility in the jurisdiction to enforce the provisions of this Part.
2. The Speers Borough Enforcement Officer may cooperate with or delegate his authority to the appropriate official of the Borough of Charleroi or other county agency charged with the duty of enforcing any ordinance or regulations relating to the subject matter of the within Part.

§ 19-209. The Authority of the Borough or Charleroi Rules and Regulations. [Ordinance 406, January 3, 2001, Section 9]

Speers Borough reserves the right to invoke and enforce an Authority of the Borough or Charleroi regulation relating to the subject matter of this Part and to seek the imposition of the penalties provided in the said Authority of Charleroi Rules and Regulations.

Chapter 20

SIGNS AND BILLBOARDS

§ 20-1. "Sign" Defined. [Ordinance 177, March 9, 1956, Section 1, as amended by Ordinance 179, July 6, 1956, Section 1]

The word "sign," as used in this ordinance,⁸¹ shall mean and include any structure, board or article (any part of which is located out of doors), including all frames, braces and supports thereof, used or intended to be used for the carrying or display of any announcement, advertisement or notice. The word "sign." as used in this ordinance shall not include any of the following:

- (a) Anything lettered directly upon the wall of any building or upon any other part thereof.
- (b) Any nameplate or professional sign not over two square feet in area.
- (c) Any official sign erected under the provisions of the Vehicle Code or any ordinance adopted thereunder.
- (d) Any street name sign or directional sign erected by the Borough.
- (e) Any bulletin board not over eight square feet in area for any public charitable, religious or educational institution, when such sign is located entirely upon the premises of such institution.
- (f) Any non-illuminated real estate sign not exceeding eight square feet in area advertising the sale or rental of the premises upon which such sign is located.
- (g) Any sign not in excess of 15 square feet in area announcing the name of any architect, engineer, contractor or artists engaged in work upon a building under construction, alteration or repair.
- (h) Any sign or stone tablet that is embedded or set into a building or which is so constructed as to become a part of such building, provided that such sign bears only such information as the following: the name of the owner of the building, the name of the building, the date of erection of the building and the nature of the business conducted therein.
- (i) Any sign or signs designating the name of a business or its brand products when such sign shall be erected upon the same premises or lot upon which the business is conducted.⁸²

81. Sections 1 to 14 of this chapter.

82. Ordinance 179 added paragraph (i) to this section; Section 2 of Ordinance 179 provided that all other clauses, paragraphs, sections, phrases and provisions of Ordinance 177 were to remain in full effect as originally enacted.

§ 20-2. "Person" Defined; Interpretation. [Ordinance 177, March 9, 1956, Section 2]

The word "person," as used in this ordinance,⁸³ shall mean and include any natural person, partnership, firm, association or corporation. The singular shall include the plural and the masculine shall include the feminine.

§ 20-3. Permit Required; Application Therefor. [Ordinance 177, March 9, 1956, Section 3]

No sign shall hereafter be erected, repaired, altered, relocated, or enlarged in the Borough of Speers until the person proposing to erect, repair, alter, relocate or enlarge such sign shall have obtained a permit therefor from the Borough Street Commissioner. Such permit shall be issued only when such person shall have complied with all the preliminary requirements set forth in this ordinance⁸⁴ and when the Commissioner shall have satisfied himself that such sign will, in every respect, comply with all of the applicable provisions of this ordinance, such provisions being designed for the safety of the inhabitants of the Borough and the persons using the Borough thoroughfares. Any person who shall desire any such permit shall file an application therefor in the office of the Borough Street Commissioner. Such application shall be upon a form prescribed by the Commissioner and designed to elicit all information necessary to obtain a correct understanding of the characteristics and specifications and of the compliance of such signs with the provisions of this ordinance. The Commissioner may require that complete plans and specifications be filed for any such sign. Such application shall be accompanied by a fee of \$5, which shall be for the use of the Borough and is hereby imposed in order to cover or partially cover the cost of investigation and inspection of the work of construction of such sign.

§ 20-4. Investigation; Alteration of Plans and Specifications; Agreement. [Ordinance 177, March 9, 1956, Section 4]

Following the receipt of any such application, plans and specifications and fee, the Commissioner shall investigate the facts contained in such application and plans and specifications. Following such investigation, he shall notify the applicant as to whether the facts contained in such application, plans and specifications conform to the requirements of this ordinance,⁸⁵ and, if not, of the manner in which the plans and specifications can be altered or amended in order to comply therewith. If such alteration or amendment shall be agreed upon by the applicant and he shall make such alteration or amendment upon the application and/or plans and specifications, as necessary, he shall be entitled to receive a permit providing that he shall comply with the following additional requirements:

83. Sections 1 to 14 of this chapter.

84. Sections 1 to 14 of this chapter.

85. Sections 1 to 14 of this chapter.

- (a) Such applicant shall file a written agreement, properly executed, in which he shall agree to erect such sign according to the facts contained in such application, as finally approved and/or the plans and specifications accompanying the same, as finally approved, under the supervision and direction of the Street Commissioner.

§ 20-5. Signs to be Maintained in Conformity with Requirements. [Ordinance 177, March 9, 1956, Section 5]

Every sign now or hereafter located in the Borough shall constantly be maintained by the owner thereof in strict accordance with all the applicable provisions of this ordinance.⁸⁶

§ 20-6. Routine Inspections; Annual Fee. [Ordinance 177, March 9, 1956, Section 6, as amended by Ordinance 257, January 6, 1971, Section 1]

In order to check upon the continued maintenance of all signs now or hereafter located in the Borough, the Borough Street Commissioner shall cause a routine inspection of all signs in the Borough to be made at least twice a year and at any other time when he shall deem such inspection necessary. He shall report to the Council of all unsafe signs, all signs failing in any respect to conform to requirements as provided herein,⁸⁷ and all signs not licensed by the Borough. To cover the cost of inspection of all signs, as required by this section, the owner of every sign located in the Borough shall annually, on or before the first day of April, pay a license or inspection fee of \$20 for each sign erected, regardless of size, to the Borough Secretary.

§ 20-7. Unlicensed or Unsafe Signs. [Ordinance 177, March 9, 1956, Section 7]

Upon receiving any report from the Borough Street Commissioner as provided in the sixth section of this ordinance,⁸⁸ the Council shall notify the owner of such sign, or of the property upon which such sign is located, in the case of an unlicensed sign, directing that within 15 days after such notice, such person either remove such sign or make repairs as necessary, or, where the report is merely of an unlicensed sign, pay such license fee. In case of any unsafe sign not removed or repaired and made safe in every respect thereby, the Borough Council may, at the expiration of such period of 15 days, cause the removal of such sign, or of any unsafe portion thereof, if, in the opinion of Council, the removal of such portion would be sufficient to eliminate all sources of danger to the public, and may collect the cost of such removal, together with a penalty of 10% in addition thereto, from the owners of such sign, or of such property, as the case may be, in the manner provided by law.

86. Sections 1 to 14 of this chapter.

87. In this ordinance, Sections 1 to 14 of this chapter.

88. Section 6 of this chapter.

§ 20-8. Regulations Applicable to All Signs. [Ordinance 177, March 9, 1956, Section 8]

The following regulations shall apply to all signs located in the Borough of Speers:

- (a) No sign shall be erected or located so as to prevent free ingress or egress from any window or door.
- (b) Every sign erected, repaired, altered, relocated or enlarged in the Borough under a permit issued under this ordinance⁸⁹ shall have displayed upon the front thereof, the name of the owner of such sign and the number of the permit issued therefor.
- (c) No sign shall be so erected or located that, by reason of its location, shape or color, or the color, shape or location of the lights used in conjunction therewith such sign might interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking.
- (d) No sign painted or printed on paper or fabric or other similar material or substance which is particularly flammable or flimsy material shall be posted or otherwise secured to any projecting sign, awning, or canopy.
- (e) Every sign erected or located within 50 feet of any building in the Borough shall be constructed entirely of metal or other non-flammable material, with the exception of any ornamental moulding thereof.
- (f) Every sign hereafter erected or located within the Borough shall conform to all the applicable provisions of the Zoning Ordinance of the Borough.⁹⁰
- (g) No lewd, vulgar, indecent or obscene advertising matter shall be displayed upon any sign.
- (h) No sign, nor any posts, supports or braces therefor, shall be constructed, erected or located upon any sidewalk, street or Borough property.
- (i) Illuminating arrangements for signs shall be such that the light is concentrated upon such sign and that there shall be no glare cast upon the street, the sidewalk or adjacent property.

§ 20-9. Regulations Applicable to Ground Signs. [Ordinance 177, March 9, 1956, Section 9]

Every ground sign not attached to any building shall conform to all the requirements contained in this section:

89. Sections 1 to 14 of this chapter.

90. See Sections 121 to 124 of Chapter XXVII.

- (a) Every ground sign, and all parts thereof, shall be located entirely within the building line.
- (b) Every ground sign shall be metal clad, fastened to or placed on metal or wooden supports, which shall be sunk into the ground and shall be substantially braced and constructed.
- (c) Between each ground sign and the ground there shall be an open space of at least two feet; such open space may be filled in with lattice work or with a platform, provided that no more than 1/2 of any square foot of such open space shall be so filled in.

§ 20-10. Regulations Applicable to Wall Signs. [Ordinance 177, March 9, 1956, Section 10]

Every wall sign which is placed against a building or other structure and fastened directly thereto shall conform to all the requirements of this section:

- (a) Every wall sign shall be securely fastened to the building or other structure against which it is placed.
- (b) No wall sign or any part thereof shall project more than six inches beyond the building line.

§ 20-11. Regulations Applicable to Roof Signs. [Ordinance 177, March 9, 1956, Section 11]

Every sign erected upon the roof of any building or other structure shall conform to all of the requirements contained in this section:

- (a) No portion of a roof sign shall extend beyond the building line or beyond any exterior wall of any building.
- (b) Every roof sign shall be so located as not to interfere with any opening in the roof upon which it is constructed and as not to interfere with passage from one part of such roof to any other part thereof.
- (c) No part of any roof sign shall be more than 30 feet above the surface of the roof.

§ 20-12. Regulations Applicable to Projecting Signs. [Ordinance 177, March 9, 1956, Section 12]

Every projecting sign that shall be attached to any building or other structure shall conform to all of the requirements contained in this section:

- (a) Where glass is used in the construction of any projecting sign, such glass shall not comprise more than 40% of the total area of the sign surface.

- (b) No projecting sign shall project more than seven feet beyond the property line into or in the direction of the street, nor shall any portion of any projecting sign be closer than 18 inches inside of the outer curb.
- (c) No portion of any projecting sign shall be less than 10 feet above the surface of the sidewalk or highway above which such sign projects.

§ 20-13. Penalty for Violation. [Ordinance 177, March 9, 1956, Section 13, as amended by Ordinance 273, December 5, 1973, Section 1]

Any person who shall violate any provision of this ordinance⁹¹ shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than \$100 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Provided: each day's continuance of a violation of any provision of this ordinance shall constitute a separate violation.

§ 20-14. Severability. [Ordinance 177, March 9, 1956, Section 14]

The provisions of this ordinance⁹² shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included therein.⁹³

Chapter 21

STREETS AND SIDEWALKS

91. Sections 1 to 14 of this chapter.

92. Sections 1 to 14 of this chapter.

93. Section 3 of Ordinance 179 (Section 1 of which had added paragraph (i) to Section 1 of this chapter) provided that if the provisions set forth in that ordinance were to be held invalid, unconstitutional or illegal, for any cause, such unconstitutionality, illegality or invalidity were not to impair any provisions of Ordinance 177 (Sections 1 to 14 of this chapter), but that instead all the provisions contained therein were to remain in effect and valid.

Part 1
STREET OPENING PERMITS

§ 21-1. Permit Required; Fee. [Ord. No. 444, 11/7/2018]

From and after the passage and approval of this Part, no person, firm or corporation, except as noted in Appendix A and Appendix B of this Part,⁹⁴ shall make any opening, trench or excavation in any part of the public streets, alleys, curbs or sidewalks of the Borough of Speers without first obtaining a permit therefor from the Borough Secretary/Treasurer, Code Enforcement Office or other person or office designated by Borough Council, for which permit the sum of \$1,500 or such other amount as may hereafter be set by Borough Council by resolution shall be paid into the Borough treasury. The permit shall be valid for one year from date of issuance and shall apply to all openings made in the Borough during that time.

§ 21-2. Conditions for Permit Issuance. [Ord. No. 444, 11/7/2018]

1. All permits must be at all times conspicuously posted at the scene of the work while it is in progress, and in the event said permit becomes lost or destroyed before completion of said work, a duplicate permit shall be procured from the Borough for which an additional fee of \$50 shall be charged.
2. In case it shall be necessary to cross any street with a conduit or trench, not more than 1/2 the width of such street shall be opened or obstructed at any one time. The person, firm or corporation to whom the permit is issued shall comply with the requirements of the latest version of PennDOT Publication 213 and the requirements of this Part. Movement of vehicular traffic shall be kept open at all times.
3. All openings, trenches and excavations shall be properly guarded, suitable barricades erected and suitable lighting shall be displayed thereon from sunset to sunrise, so as to provide a sufficient safeguard to persons and vehicles lawfully using the streets, alleys or sidewalks. The persons, firm or corporation to whom the permit is issued shall also comply with the requirements of the latest version of PennDOT Publication 213.
4. All openings, trenches or excavations made in pursuance of this Part and by virtue of a permit issued thereunder shall be backfilled and restored in compliance with the specifications contained in Appendix D of this Part.⁹⁵
5. On all streets paved with a concrete pavement or paved with brick on a concrete base, no opening shall be made in such pavement, but all work shall be done by means of horizontal boring or directional drilling;

94. Editor's Note: Appendixes A through C are included as an attachment to this chapter.

95. Editor's Note: Appendix D is on file in the Borough offices.

provided, however, that where, in the opinion of the Street Commissioner horizontal boring or directional drilling is impractical, openings may be made in such pavements. In case of horizontal boring or directional drilling, the work shall be done in such manner as to maintain the surface of the street in safe condition for travel. Permits for such excavations shall stipulate thereon that the work shall be done by horizontal boring or directional drilling and not by opening the surface. All fill removed from horizontal boring or directional drilling shall be replaced and compacted by means of mechanical tampers, and additional fill supplied to complete the backfill whenever necessary. When, in the opinion of the Street Commissioner, an opening at the curb is required to begin horizontal boring or directional drilling, the permit shall stipulate thereon the exact length and width of the opening required, and the work of horizontal boring or directional drilling and backfilling shall be carried out as hereinbefore stated. When backfilling and compaction have been completed as specified, the edges of the concrete shall be cut back eight inches from either edge of original excavation. The edge of concrete shall be cut neatly and to line and concrete replaced to the exact thickness of the original. The surface shall be floated and finished to the exact surface line of original roadway. Should horizontal boring or directional drilling be impractical, the Street Commissioner may approve an open-cut method of construction in accordance with Borough standards and the latest version of Pennsylvania Department of Transportation Publication 408.

6. Any person, firm or corporation to whom a permit is issued hereunder shall comply with all other applicable statutes, ordinances, rules and regulations, including, but not limited to, the Pennsylvania One Call Act.

§ 21-3. Term of Bond; Inspections; Correction of Defects. [Ord. No. 444, 11/7/2018]

Any bond required to be given in pursuance of Appendix C of this Part⁹⁶ shall remain in full force and effect for a period of one year after completion of the work of refilling the opening, trench or excavation and the relaying of any pavement over the same, and in the case of annual bonds given by public utility corporations, for a period of one year after completion of the last work done in the calendar year for which said bond is given. It shall be the duty of the Street Commissioner to make such inspections of the work during its progress or after completion as he or she may deem necessary, and to report any settlements in paving or defective conditions found as a result of the work done. It shall be the duty of the Borough Secretary/Treasurer, upon instruction of the Street Commissioner or Council, or if so advised by the Solicitor, to give prompt notice to any person, firm or corporation to whom the permit to make such opening, trench or excavation was issued, to repair any such settlement in paving or defective condition within 30 days and, upon the failure or refusal of such person, firm or

96. Editor's Note: Appendixes A through C are included as an attachment to this chapter.

corporation to make the necessary repairs or replacements pursuant to such notice within 30 days, the Borough shall proceed to do the work and the cost, together with an attorney's fee of 5%, or \$750, whichever is the greater amount, shall be collected from the person, firm or corporation obtaining such permit by appropriate legal action upon said bond, or against any sureties on said bond, or in any other manner provided by law.

§ 21-4. Work Performed by Property Owners. [Ord. No. 444, 11/7/2018]

Openings, trenches and excavations between the curb and the property line may be made by any abutting property owner, his agent or agents, employee or employees, lessee or lessees, after obtaining a permit from the Borough in accordance with this Part; provided, however, that the Borough is hereby authorized to issue such a permit, without the payment of any fee, and without the necessity of a bond, if it determines that is appropriate. All such replacements, repairs and fills shall be made, and all such work shall be performed, as specified in this Part.

§ 21-5. Responsibility of Property Owners, Occupants and Tenants. [Ord. No. 444, 11/7/2018]

The owner, occupant or tenant of every property abutting any street or public alley in the Borough of Speers is hereby required to remove or cause to be removed from all the sidewalks in front of or along such property all snow and ice thereon fallen or formed within 24 hours after the same shall have ceased to fall or to form. The owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner or is unoccupied or vacant, or where such property is a multiple-business, multiple-unit or multiple-dwelling building with a common frontage to all occupiers or tenants of said multiple-business, multiple-unit or multiple-dwelling building. Where such a property is a multiple-business, multiple-unit or multiple-dwelling building in which each occupier or tenant has his or her own individual frontage, such occupier or tenant shall be responsible for conforming to the requirements of this section. No snow or ice which is removed from sidewalks shall be placed on any street or alley.

§ 21-6. Permit Requirements; Fees. [Ord. No. 444, 11/7/2018]

1. Prior to opening an existing sidewalk, a permit shall be obtained from the Borough Secretary/Treasurer, Code Enforcement Office or other person or office designated by Borough Council. The fee for said permit shall be \$1,500 for the first 30 feet of construction and \$50 for each additional 10 feet of construction, except that no permit fee is required for construction or repair done by or at the direction of an owner who uses that property solely for the residence of the owner and his immediate family; and provided, however, that the Borough is hereby authorized to issue such a permit to other persons without the payment of any fee, if it determines that is appropriate. The person who obtains

any such permit shall arrange for an inspection by an authorized representative of the Borough during and upon the completion of such construction.

2. Any area off the sidewalk which is used for a driveway or for parking of vehicles may be surfaced with bituminous material.

§ 21-7. Sidewalk Specifications. [Ord. No. 444, 11/7/2018]

1. All concrete sidewalks shall be replaced in full slabs, using 3,500 psi concrete, four inches in depth. Concrete sidewalks crossing driveways shall be replaced in full slabs, using 3,500 psi concrete, six inches in depth and in compliance with Appendix D attached hereto.⁹⁷ All concrete sidewalks shall be constructed in compliance with established Borough standards and the latest version of Pennsylvania Department of Transportation Roadway Construction Standard 67.

§ 21-8. Curb Specifications. [Ord. No. 444, 11/7/2018]

1. All concrete curbs shall be replaced by using 3,500 psi concrete and constructed in compliance with established Borough standards and the latest version of Pennsylvania Department of Transportation Roadway Construction Standard 64 and in compliance with Appendix D attached hereto.⁹⁸

97. Editor's Note: Appendix D is on file in the Borough offices.

98. Editor's Note: Appendix D is on file in the Borough offices.

Part 2
SIDEWALK CONSTRUCTION, RECONSTRUCTION AND REPAIR

§ 21-31. Property Owners to Construct or Reconstruct Sidewalks on Notice. [Ord. 200, 7/9/1959, § 1]

Every owner of property in the Borough of Speers shall, on 20 days' notice from the Borough Council, construct or reconstruct a sidewalk which shall conform to all applicable requirements of this Part in front of or alongside of such property.

§ 21-32. Property Owners to Repair Sidewalks on Notice. [Ord. 200, 7/9/1959, § 2]

Every owner of property in the Borough of Speers shall, on five days' notice from the Borough Council, repair the sidewalk in the manner stipulated in such notice in front of or alongside such property.

§ 21-33. Requirements for Notice. [Ord. 200, 7/9/1959, § 3]

The notices referred to in the preceding sections of this Part may be written or printed or partly written and partly printed.

§ 21-34. Material for Sidewalks. [Ord. 200, 7/9/1959, § 4]

All sidewalks shall be constructed, reconstructed, and repaired of concrete only according to specifications determined from time to time by the Borough Engineer. Provided, that the entrance way to business establishments may apply a bituminous surface sidewalk meeting specifications as determined by the Borough Engineer and upon consent of the Borough Council.

§ 21-35. Width of Sidewalks; Construction in Blocks. [Ord. 200, 7/9/1959, § 5]

All sidewalks situate in the Borough of Speers shall be at least four and not more than five feet in width as specified by Borough Council from time to time, and in accordance with the locality and said sidewalk shall correspond in all instances with the existing widths of adjacent walks in the locality and shall be constructed in blocks, each block to be a length of no more than five feet in length with expansion and construction joints as specified by the Borough Engineer.

§ 21-36. Support of Sidewalks Located over Excavations. [Ord. 200, 7/9/1959, § 6]

In all cases where sidewalks are constructed, reconstructed or repaired over coal cellars or other excavations under such sidewalk, such sidewalk shall be supported by iron or steel beams or girders or stone, or concrete arches; in no case shall any support of wood or other perishable material be used.

§ 21-37. Conformity to Line and Grade. [Ord. 200, 7/9/1959, § 7]

All sidewalks shall be constructed, reconstructed and repaired and the grading therefor done upon the line and grade obtained by the property owner from the Borough Engineer and not otherwise; upon notice as provided in §§ 21-31 and 21-32 of this Part as the case may be such work of construction, reconstruction or repair shall be done by the owner or owners of such property.

§ 21-38. Determination of Extent of Work Required; Supervision over Work. [Ord. 200, 7/9/1959, § 8]

It shall be the duty and responsibility of the Borough Engineer to determine in the case of any individual property whether or not the sidewalk shall be reconstructed or repaired; and if so the specific part or parts thereof to be reconstructed or repaired. The Engineer may at any time, during the course of work of constructing, reconstructing or repairing any sidewalk, visit the site of such work to ascertain whether such work is being done according to requirements; and he or one of his assistants shall visit any such place for such purpose whenever requested by the property owner. Within two days after the completion of the work of construction, reconstruction, or repair of any sidewalk, it shall be the duty of the owner of the property where such work was done to notify the Borough Engineer of that fact so that he may inspect such sidewalk to determine whether the grade thereof has been observed and followed.

§ 21-39. Authority for Property Owner to Do Work on Own Initiative. [Ord. 200, 7/9/1959, § 9]

Any property owner upon his own initiative, and without notice from any Borough authority, may construct, reconstruct or repair a sidewalk in front of or along his property, provided that such owner shall first make application to the Borough Street Commissioner and shall conform to the requirements of this Part as to line, grade, width, and as to the material used; and that he shall also notify the Borough Engineer as required by § 21-38 of this Part within two days after completion of the work.

§ 21-40. Penalty for Violation. [Ord. 200, 7/9/1959, § 10; as amended by Ord. 277, 12/5/1973, § 1]

Any person, firm or corporation, violating any provision of this Part shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not less than \$10 or more than \$100 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 10 days.

Part 3
SNOW AND ICE REMOVAL FROM SIDEWALKS

§ 21-51. Responsibility for Removing Snow and Ice; Time Limit.
[Ord. 297, 12/5/1973, § 1]

The owner, occupant or tenant of every property abutting upon or alongside any street or alley in the Borough of Speers is hereby required to remove or cause to be removed from all of the sidewalks in front of or abutting such property, all snow and ice thereon fallen or formed, within 24 hours after the same shall have ceased to fall or to be formed. Provided: the owner of a property shall be responsible for conforming to the requirements of this section where such property shall be occupied by such owner, shall be vacant or unoccupied, or shall be a multiple-unit property, having more than one tenanted or tenantable unit; the tenant or occupier of a property shall be so responsible where such property is a single-unit property, occupied by such tenant or occupier only. Provided further: no snow or ice, so removed from any sidewalk, shall be placed upon any portion of the street, gutter or sidewalk area, but shall be placed upon the property abutting upon such sidewalk.

§ 21-52. Authority for Borough to Remove Snow and Ice and Collect Cost, Plus Additional Amount. [Ord. 297, 12/5/1973, § 2]

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with the provisions of § 21-51 of this Part, within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent, and to collect the expenses thereof, with an additional amount of 10% thereof, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under § 21-53 of this Part.

§ 21-53. Penalty for Violation. [Ord. 297, 12/5/1973, § 3]

Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk as required by § 21-51 of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$25 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 10 days. Provided: such fine and costs of prosecution may be in addition to any expenses and additional amounts imposed as provided for § 21-52 of this Part. All fines shall be payable to the Borough of Speers.

Part 4
USES OF STREETS AND SIDEWALKS

§ 21-61. Sledding Prohibited on Sidewalks, Restricted on Streets and Alleys. [Ord. 298, 12/5/1973]

No person or persons shall coast or ride upon any sled or similar conveyance upon any street or alley in the Borough unless such street or alley shall have been especially set apart by the Mayor as a "play highway" for the purpose of sledding⁹⁹ and shall have been blocked off or otherwise adequately protected from vehicular traffic. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$10 for each and every such violation. All fines shall be payable to the Borough of Speers.

99. Editor's Note: See § 16-20.

Chapter 22

SUBDIVISION AND LAND DEVELOPMENT

§ 22-1. Definitions. [Ordinance 189, May 29, 1958, Section 1, as amended by Ordinance 275, December 5, 1973, Section 1]

The following words and phrases, as used in this ordinance,¹⁰⁰ shall have the meanings hereby ascribed thereto unless the context thereof clearly indicates a different meaning:

PERSON — A natural person, association, firm, partnership or corporation.

OWNER — A person who is the registered owner of real estate to be subdivided and/or developed in accordance with the provisions of this ordinance.

SUBDIVISION — Used herein as defined in Section 107(21) of the Pennsylvania Municipalities Planning Code (1968 P.L. 805).

HIGHWAY — The whole or any part of any public street, or avenue, public road, bridge or culvert, and shall include the cartway, gutter, curb, sidewalk and the whole legal width of the right of way.

ROAD — A public right of way for travel.

STREET and/or AVENUE — A public right of way in a subdivision or built-up community.

The singular shall include the plural, and the masculine shall include the feminine and the neuter.¹⁰¹

§ 22-2. Plan to be Approved Prior to Subdivision of Land or Certain Acts in Connection with Facilities Therein. [Ordinance 189, May 29, 1958, Section 2]

It shall be unlawful for the owner of any land in the Borough of Speers to make a subdivision thereof, or to lay out, construct, open or dedicate for public use or travel, or for the common use of the occupants of buildings thereon, any street, sanitary sewer, storm sewer, water main or other facilities in connection therewith unless and until a plan thereof shall have been prepared by a registered professional engineer or surveyor and submitted to and approved by the Borough Council.

¹⁰⁰Sections 1 to 11 of this chapter.

¹⁰¹The preamble to Ordinance 189 stated that by virtue of Sections 1671 through 1678 of the Act of 1951 P.L. 1026 No. 217 (an amendment to the Borough Code of 1927) power had been granted to boroughs to adopt land subdivision regulations by ordinance, to include definitions, designs, standards, plan requirements, plan processing procedures, improvements construction requirements and conditions of acceptance of public improvements; that existing regulations of the Borough had been found inadequate to create conditions favorable to the health, safety, morals and general welfare, or to assure adequate streets and other public improvements. Ordinance 275 amended (c) only of this section.

§ 22-3. Plans Where Lots Abut Improved Streets of Sufficient Width. [Ordinance 189, May 29, 1958, Section 3, as amended by Ordinance 275, December 5, 1973, Section 2]

Plans of subdivisions wherein lots abut existing improved streets of sufficient width, as hereinafter¹⁰² prescribed, shall be submitted to Borough Council for approval or rejection and Council shall act upon every such plan and render its decision and communicate it to the applicant not later than 40 days after such application is filed.

§ 22-4. Contents of Plans. [Ordinance 189, May 29, 1958, Section 4]

Subdivision plans submitted for approval shall include:

1. Complete block dimensions with bearings, tangent distances, and include all curve data and corresponding to those used on the profile; lot numbers and lot dimensions with bearings; and shall show the profiles of the highways, the courses, structure and capacity of any drainage facilities, and the method of drainage of adjacent or contiguous territory.
2. Location of all street monuments at street intersections, angle points, and beginning and ending of all curves.
3. Curb grades, profiles showing grades, cross-sections, rate of grade and bench marks.
4. Width of rights of ways, cartways, and sidewalks. All curbing at street intersections shall be circular curves with radius of not less than 20 feet and larger for sharp corners.
5. Names of all existing highways shall be continued and there shall be no duplication of names existing elsewhere in the Borough.
6. Course, structure, capacity and design of all drainage appurtenances, including storm and sanitary sewers.
7. Indicate a proposed right of way not less than 15 feet wide along natural watercourses and where necessary, for the Borough to construct and maintain sanitary and storm sewers.
8. Cross-sections of proposed street paving indicating depth and type of each course, and also the position and type of curbs and sidewalks and other improvements.
9. Original plans of highways and/or subdivisions signed by the owner, when approved by the Council, shall be signed on behalf of the Borough by the President of Council and shall be attested by the Borough Secretary.

102n Section 4 of this chapter.

10. All streets in any subdivision shall be shown as 40 feet in width. No street may show a closed or dead-end without adequate vehicle turning space with a minimum radius of 40 feet. Any such closed end shall first be approved by the Borough Council, if in the discretion of the Council, it does not create a traffic hazard. No street shall traverse upwards at a grade of more than 10%. A grade in excess of 10% may at the discretion of the Borough Council be permitted where it is clear that no traffic hazard is or will be created thereby.

§ 22-5. Council May Require Changes in Plans. [Ordinance 189, May 29, 1958, Section 5]

The Council may require alterations, changes or modifications of any kind that it deems necessary in any plans submitted to it under this ordinance,¹⁰³ and may refuse the approval until all such alterations, changes or modifications in the plan have been made.

§ 22-6. Recording of Duplicate of Plan; Effect Thereof. [Ordinance 189, May 29, 1958, Section 6, as amended by Ordinance 275, December 5, 1973, Section 3]

An approved duplicate copy of each subdivision plan, approved as provided in this ordinance,¹⁰⁴ shall, within 30 days after the date of approval, be recorded by the owner in the office for the recording of deeds in this County, and the owner shall forthwith notify the Council in writing of the date of such recording. After a subdivision plan shall have been officially recorded, the streets, parks and other public improvements shown thereon shall be considered a part of the official plan of the Borough. Every street, park or other improvement shown on a subdivision plan, that shall be recorded as provided herein, shall be deemed to be a private street, park or improvement, until such time as the same shall have been offered for dedication to the Borough and accepted, by ordinance or resolution, or until it shall have been condemned for use as a public street, park or other improvement.

§ 22-7. Prerequisites for Approval of Plan. [Ordinance 189, May 29, 1958, Section 7, as amended by Ordinance 244, January 3, 1968, Section 1]

Before approving any subdivision plan, the Borough Council shall require that provision be made to assure that each street laid out in the plan be graded, curbed and covered with a concrete or bituminous surface according to the specifications set forth by the Borough Engineer; also that sidewalks shall be placed along the sides of streets in conformity with existing regulations; also that lot plans prior to approval shall contain plans for construction of adequate sanitary sewers, gas and water lines to each and every lot in the plan, and the subdivider or owner shall enter into such

¹⁰³Sections 1 to 11 of this chapter.

¹⁰⁴Sections 1 to 11 of this chapter.

contract and post security as the Borough Council shall deem proper to guarantee completion of such plan.

§ 22-8. Installation of Sewers and Other Underground Facilities. [Ordinance 189, May 29, 1958, Section 8]

Where connection with the sanitary sewer system of the Borough is practicable, the owner, by special arrangement with the Council, shall install sanitary sewers and sewer laterals in conformity with Borough specifications for sanitary sewer construction before streets and roads shown on the plans are paved. All gas, water, electric and other mains, pipes and conduits, together with all service connections or laterals shall be laid, when the need for the same can be reasonably anticipated, before the streets and roads shown on the plans are paved.

§ 22-9. Location of All Existing Utility Facilities, Together with All Service Connections.¹⁰⁵ [Ordinance 189, May 29, 1958, Section 9]

In the event that developer of a subdivision proposes to provide electric service at the rear of houses or buildings to be erected on such subdivision, such developer shall also make provisions for electric service at the street front of houses or buildings for public street lighting either by poles or underground conduits with suitable light standards and such developer shall indicate the method and location of street lighting facilities on plans submitted for approval.

§ 22-10. Sanitary Sewage Disposal Facilities. [Ordinance 189, May 29, 1958, Section 10]

It shall be prohibited to construct, use or maintain any cesspool, septic tank or other sanitary sewer disposal than the public sanitary sewers now in existence and as would be lawfully existing or lawfully constructed in the future.

§ 22-11. Penalty for Violation. [Ordinance 189, May 29, 1958, Section 11, as amended by Ordinance 275, December 5, 1973, Section 4]

The penalties for the violation of this ordinance¹⁰⁶ shall be those stipulated in the Pennsylvania Municipalities Planning Code (1968 P.L. 805 section 515).¹⁰⁷

105This heading is a part of this section as enacted.

106Sections 1 to 11 of this chapter.

107Section 515 of the Planning Code prescribes a fine of not more than \$100 per lot or parcel or per dwelling within each lot or parcel.

§ 22-12. Additional Requirements for Plans. [Ordinance 199, July 9, 1959, Section 1]

It shall be unlawful for the owner of any land in the Borough of Speers to make a subdivision thereof or lay out, construct, open or dedicate for public use or travel or for the common use of the occupants of buildings thereon, any street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith unless and until any plan thereof shall be prepared by a registered professional engineer or surveyor and submitted to the Borough Council and approved by them. Such plan or pre-application plans or preliminary plan shall contain the following information:

- A. General Subdivision Information shall describe or outline the existing conditions of the site and the proposed developments as necessary to supplement the drawings required below. This information should include data on existing covenants, land characteristics, and available community facilities and utilities, and information describing the subdivision proposal such as the number of residential lots, typical lot width and depth, price range, business areas, playground, park areas, and other public areas, proposed protective covenants, and proposed utilities and street improvements.
- B. Boundary Survey on topography with location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location, main traffic arteries, shopping center, park and playgrounds, title, scale, North arrow, and date.
- C. Sketch Plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on the topographic print [and] shall include such topographic data as the Planning Commission determine is necessary for the consideration of the proposed sketch plan.
- D. Slope Map of the tract that is proposed to be subdivided shall distinguish, in simple form, the land areas of 15% and less in slope from the land areas of more than 15% slope.
- E. A plan of the subdivision drawn to scale of 50 feet to one inch or 100 feet to the inch. If the proposed subdivision approaches the size of a complete neighborhood, a scale of 200 feet to the inch may be used.
- F. Proposed name of the subdivision.
- G. Names and addresses of the owner and developer and the engineer who prepared the plan.
- H. Graphic scale, North arrow and date.
- I. Existing Conditions:
 1. A topographic map with contours at vertical intervals of 51 feet.

2. Exact boundaries with dimensions, bearing and angle, and references.
 3. All existing watercourses, tree masses and other significant natural features as well as all existing buildings and other significant man-made features.
 4. All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed subdivision and adjacent thereto, with pipe size, grades and locations shown.
 5. The names of all owners of all abutting unplotted land and the names, plot book reference and perimeter lotting of all abutting subdivisions.
 6. If a coal seam lies within the boundaries of the proposed subdivision, its depth and area shall be shown, and whether or not it has been mined.
- J. Proposed Developments:
1. Parcels of land proposed to be dedicated or reserved for public, semi-public, or community purposes.
 2. The proposed building line for each street.
 3. Where the preliminary plan covers only a part of the subdivider's entire holding, an overall plan shall be submitted of the prospective street layout for the remainder.
 4. Provisions for collecting and discharging surface drainage on or off the site, pipe size, location, sizes of inlets and catch basins, etc., and preliminary design of any bridge and culvert which may be required.
- K. Supplementary Data:
1. Profiles and typical cross-sections for all proposed streets shown on the preliminary plan.
 2. Profiles and other explanatory data concerning installation and construction of sanitary and storm sewer system and other utility systems. The size or capacity of each should be shown and the locations and distance to each utility indicated.
- L. Prepare and submit for approval the final plan.

The ensuing program makes the final plan routine, and insures that the subdivision will be of good design; that the subdivision fits the land; that the streets will function properly; that essential public services and facilities can be provided economically; that the area will be safe, pleasant and a convenient place in which to live; and that the subdivision will be capable of maintaining high property values over the years.

- M. Each plan, the pre-application plan, the preliminary plan, and the final plan must be signed by the chairman and secretary of the Borough Planning Commission, before being submitted to the Borough Council.¹⁰⁸

**§ 22-13. Penalty for Violation of Additional Requirements.
[Ordinance 199, July 9, 1959, Section 3, as amended by Ordinance
276, December 5, 1973, Section 1]**

The penalties for violation of this ordinance¹⁰⁹ shall be those stipulated in the Pennsylvania Municipalities Planning Code (1968 P.L. 805 section 515).¹¹⁰

**Chapter 23
STORMWATER**

108The preamble to this ordinance stated that by virtue of the laws of the Commonwealth of Pennsylvania, the Borough had adopted Ordinance 189 (Sections 1 to 11 of this chapter) and here desired to require additional provisions to the same. Section 2 provided that this ordinance did not intend to repeal, or in any way alter, the requirements in Ordinance 189, but was instead supplemental, requiring additional prerequisites to the approval of plans.

109Sections 12 and 13 of this chapter.

110See Note 8 of this chapter.

Part 1
GENERAL PROVISIONS

§ 23-101. Short Title. [Ord. 425, 7/6/2011]

This chapter shall be known and may be cited as the "The Borough of Speers Stormwater Management Ordinance."

§ 23-102. Statement of Findings. [Ord. 425, 7/6/2011]

The governing body of the Borough of Speers finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood-reduction efforts in upstream and downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point-source pollution of water resources.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, welfare, and the protection of the people of the Borough of Speers and all the people of the commonwealth, their resources, and the environment.
- C. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns; accelerating stream flows (which increase scour and erosion of stream beds and stream banks, thereby elevating sedimentation); destroying aquatic habitats; and elevating aquatic pollutant concentrations and loadings, such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.
- D. Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater issues.
- F. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

- G. Nonstormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the commonwealth.

§ 23-103. Purpose. [Ord. 425, 7/6/2011]

The purpose of this chapter is to promote health, safety, and welfare within the Borough of Speers, Washington County, by minimizing the harms and maximizing the benefits described in § 23-102 of this chapter through provisions intended to:

- A. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93, to protect, maintain, reclaim, and restore the existing and designated uses of the waters of the commonwealth.
- B. Manage accelerated runoff and erosion and sedimentation problems close to their source, by regulating activities that cause these problems.
- C. Preserve the natural drainage systems as much as possible.
- D. Maintain groundwater recharge, to prevent degradation of surface water and groundwater quality and to otherwise protect water resources.
- E. Maintain existing flows and quality of streams and watercourses.
- F. Preserve and restore the flood-carrying capacity of streams and prevent scour and erosion of stream banks and stream beds.
- G. Manage stormwater Impacts close to the runoff source, with a minimum of structures and a maximum use of natural processes.
- H. Provide procedures, performance standards, and design criteria for stormwater planning and management.
- I. Provide proper operation and maintenance of all temporary and permanent stormwater management facilities and best management practices (BMPs) that are constructed and implemented.
- J. Provide standards to meet the NPDES permit requirements.
- K. Implement an "illegal discharge detection and elimination program" in MS4 permanent urbanized areas to address nonstormwater discharges into the Borough of Speers' separate storm sewer system.

§ 23-104. Statutory Authority. [Ord. 425, 7/6/2011]

1. Primary Authority. The Borough of Speers is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1 et seq., as amended, the "Stormwater Management Act," and the Borough Code.
2. Secondary Authority. The Borough of Speers also is empowered to regulate land use activities that affect runoff by the authority of the Act

of July 31, 1968, P.L. 805, No. 247, the Pennsylvania Municipalities Planning Code, as amended.¹¹¹

§ 23-105. Applicability. [Ord. 425, 7/6/2011]

1. This chapter shall apply to all areas of the Borough of Speers, any regulated activity within the Borough of Speers, and all stormwater runoff entering into the Borough of Speers' separate storm sewer system from lands within the boundaries of the Borough of Speers.
2. Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This chapter shall operate in coordination with those parallel requirements; the requirements of this chapter shall be no less restrictive in meeting the purposes of this chapter than state law.
3. "Regulated activities" are any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff. "Regulated activities" include, but are not limited to, the following listed items:
 - A. Earth disturbance activities.
 - B. Land development.
 - C. Subdivision.
 - D. Construction of new or additional impervious or semipervious surfaces.
 - E. Construction of new buildings or additions to existing buildings.
 - F. Diversion or piping of any natural or man-made stream channel.
 - G. Installation of stormwater management facilities or appurtenances thereto.
 - H. Installation of stormwater BMPs.
4. See § 23-302 of this chapter for exemption/modification criteria.

§ 23-106. Repealer. [Ord. 425, 7/6/2011]

Any ordinance, ordinance provision(s), or regulation of the Borough of Speers inconsistent with any of the provision(s) of this chapter is hereby repealed to the extent of the inconsistency only.

§ 23-107. Severability. [Ord. 425, 7/6/2011]

In the event that a court of competent jurisdiction declares any section(s) or provision(s) of this chapter invalid, such decision shall not affect the validity of any of the remaining section(s) or provision(s) of this chapter.

111Editor's Note: See 53 P.S. § 10101 et seq.

§ 23-108. Compatibility with Other Requirements. [Ord. 425, 7/6/2011]

Approvals issued and actions taken pursuant to this chapter do not relieve the applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. To the extent that this chapter imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this chapter shall be followed.

§ 23-109. Duty of Persons Engaged in the Development of Land. [Ord. 425, 7/6/2011]

Notwithstanding any provision(s) of this chapter, including exemptions, any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures also shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

§ 23-110. Municipal Liability Disclaimer. [Ord. 425, 7/6/2011]

1. Neither the granting of any approval under this chapter, nor the compliance with the provisions of this chapter, or with any condition imposed by a municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom or as otherwise imposed by law nor impose any liability upon the Borough of Speers for damages to persons or property.
2. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guaranty or warranty of any kind by the Borough of Speers, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

Part 2
DEFINITIONS

§ 23-201. Terminology. [Ord. 425, 7/6/2011]

For the purpose of this chapter, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural; and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained."

§ 23-202. Definitions. [Ord. 425, 7/6/2011]

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

ACCELERATED EROSION — The removal of the surface of the land through the combined action of human activity and natural processes at a rate greater than would occur because of the natural process alone.

AGRICULTURAL ACTIVITIES — Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy-use areas. This includes the work of producing crops, tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

ALTERATION — As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

APPLICANT — A landowner, developer, or other person who has filed an application for approval to engage in any regulated activities at a project site within the Borough of Speers.

BEST MANAGEMENT PRACTICES (BMPs) — Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "nonstructural" or "structural." "Nonstructural BMPs" are measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas "structural BMPs" are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

BOROUGH OF SPEERS — The Borough of Speers, Washington County, Pennsylvania.

CHANNEL EROSION — The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

CISTERN — An underground reservoir or tank used for storing rainwater.

CONSERVATION DISTRICT — The Washington County Conservation District. The Washington County Conservation District has the authority under a delegation agreement executed with the Department of Environmental Protection to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code Chapter 102.

CULVERT — A structure with appurtenant works that carries a stream and/or stormwater runoff under or through an embankment or fill.

DAM — An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

DESIGNEE — The agent of this Borough of Speers and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this chapter by contract or memorandum of understanding.

DESIGN STORM — The magnitude and temporal distribution of precipitation from a storm event, measured in probability of occurrence (e.g., a twenty-five-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems. Also see "return period."

DETENTION BASIN — An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DETENTION VOLUME — The volume of runoff that is captured and released into waters of the commonwealth at a controlled rate.

DEVELOPER — A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this chapter.

DEVELOPMENT SITE (SITE) — The specific tract of land for which a regulated activity is proposed. Also see "project site."

DISTURBED AREA — An unstabilized land area where an earth disturbance activity is occurring or has occurred.

DOWNSLOPE PROPERTY LINE — That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed toward it.

DRAINAGE CONVEYANCE FACILITY — A stormwater management facility designed to convey stormwater runoff, and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

DRAINAGE EASEMENT — A right granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.

DRAINAGEWAY — Any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

EARTH DISTURBANCE ACTIVITY — A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EROSION — The movement of soil particles by the action of water, wind, ice, or other natural forces.

EROSION AND SEDIMENT POLLUTION CONTROL PLAN — A plan which is designed to minimize accelerated erosion and sedimentation.

EXCEPTIONAL-VALUE WATERS — Surface waters of high quality, which satisfy Pa. Code Title 25, Environmental Protection, Chapter 93, Water Quality Standards, Section 93.4b(b) (relating to antidegradation).

EXISTING CONDITIONS — The initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land and not forested, the land use shall be considered as "meadow," unless the natural land cover is documented to generate lower curve numbers or rational "C" coefficient.

FEMA — The Federal Emergency Management Agency.

FLOOD — A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of the commonwealth.

FLOOD FRINGE — The remaining portions of the one-hundred-year floodplain outside of the floodway boundary.

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration, Flood Hazard Boundary maps as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be inundated by a one-hundred-year flood. Also included are areas that comprise Group 13 soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

FLOODWAY — The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the one-hundred-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one-hundred-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet landward from the top of the bank of the stream.

FOREST MANAGEMENT/TIMBER OPERATIONS — Planning and activities necessary for the management of forestland. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

FREEBOARD — A vertical distance between the elevation of the design high water and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a pond or basin.

GRADE — A slope, usually of a road, channel or natural ground, specified in percent and shown on plans as specified herein.

(TO) GRADE — To finish the surface of a roadbed, top of embankment or bottom of excavation.

GROUNDWATER RECHARGE — Replenishment of existing natural underground water supplies.

HEC-HMS MODEL CALIBRATED — (Hydrologic Engineering Center Hydrologic Modeling System) A computer-based hydrologic modeling technique adapted to the watershed(s) in Washington County for the Act 167 Plan. The model has been calibrated by adjusting key model input parameters.

HIGH-QUALITY WATERS — Surface water having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pa. Code Title 25,

Environmental Protection, Chapter 93, Water Quality Standards, Section 93.4b(a).

HYDROLOGIC SOIL GROUP (HSG) — Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into one of four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of interest may be identified from a soil survey report from the local NRCS office or the County Conservation District.

IMPAIRED WATERWAY — A surface water segment found not attaining any one of the defined uses and which is included on the Stream Integrated List represents stream assessments in an integrated format for the Clean Water Act, Section 303(d), listing.

IMPERVIOUS SURFACE (IMPERVIOUS AREA) — A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) include, but are not limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, parking or driveway areas, and any new streets and sidewalks. Any surface areas proposed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

IMPOUNDMENT — A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

INFILTRATION STRUCTURES — A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trenches, etc.).

INLET — A surface connection to a closed drain; a structure at the diversion end of a conduit; the upstream end of any structure through which water may flow.

KARST — A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, steep-sided hills, underground drainage and caves. Karst is formed on carbonate rocks, such as limestone or dolomites and sometimes gypsum.

LAND DEVELOPMENT (DEVELOPMENT) —

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more buildings; or
 - (2) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features:
- B. Any subdivision of land.

- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.¹¹²

LOW-IMPACT DEVELOPMENT (LID) — An approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID still allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impacts.

MAIN STEM (MAIN CHANNEL) — Any stream segment or other runoff-conveyance facility used as a reach in the Washington County Act 167 watershed hydrologic model(s).

MANNING EQUATION (MANNING FORMULA) — A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) — The federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania.

NOAA ATLAS 14 — Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland (2004). NOAA's Atlas 14 can be accessed at internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

NON-POINT-SOURCE POLLUTION — Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NRCS — Natural Resources Conservation Service [previously Soil Conservation Service (SCS)].

OPEN CHANNEL — A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.

OUTFALL —

- A. A point where water flows from a conduit, stream, or drain;
- B. "Point source," as described in 40 CFR 122.2, at the point where the Borough of Speers' storm sewer system discharges to surface waters of the commonwealth.

OUTLET — Points of water disposal from a stream, river, lake, tidewater, or artificial drain.

PADEP — The Pennsylvania Department of Environmental Protection.

112Editor's Note: See 53 P.S. § 10503.

PARKING LOT STORAGE — Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

PEAK DISCHARGE — The maximum rate of stormwater runoff from a specific storm event.

PERSON — An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PERVIOUS AREA — Any area not defined as impervious.

PIPE — A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

PLANNING COMMISSION — The Planning Commission of the Borough of Speers.

POINT SOURCE — Any discernible, confined, or discrete conveyance, including, but not limited to: any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in state regulations at 25 Pa. Code § 92.1.

PROBABLE MAXIMUM FLOOD (PMF) — The flood that may be expected from the most-severe combination of critical meteorological and hydrologic conditions that is reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

PROJECT SITE — The specific area of land where any regulated activities in the Borough of Speers are planned, conducted, or maintained.

QUALIFIED PROFESSIONAL — Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this chapter.

RATIONAL FORMULA — A rainfall-runoff relation used to estimate peak flow.

REDEVELOPMENT — Earth disturbance activities on land which has previously been developed.

REGULATED ACTIVITIES — Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

REGULATED EARTH DISTURBANCE ACTIVITY — Activity involving earth disturbance subject to regulation under 25 Pa. Code Chapter 92, Chapter 102, or the Clean Streams Law.

RELEASE RATE — The percentage of predevelopment peak rate of runoff from a site or subwatershed area to which the post-development peak rate of runoff must be reduced to protect downstream areas.

RELEASE RATE DISTRICT — Those subwatershed areas in which post-development flows must be reduced to a certain percentage of

predevelopment flows as required to meet the plan requirements and the goals of Act 167.

RETENTION BASIN — An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

RETENTION VOLUME/REMOVED RUNOFF — The volume of runoff that is captured and not released directly into the surface waters of this commonwealth during or after a storm event.

RETURN PERIOD — The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the twenty-five-year return period rainfall would be expected to recur on the average once every 25 years; or stated in another way, the probability of a twenty-five-year storm occurring in any one given year is 0.04 (i.e., a four-percent chance).

RIPARIAN BUFFER — A vegetated area, bordering perennial and intermittent streams and wetlands, that serves as a protective filter to help protect streams and wetlands from the impacts of adjacent land uses.

RISER — A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

ROAD MAINTENANCE — Earth disturbance activities within the existing road right-of-way, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities. Road maintenance activities that do not disturb the subbase of a paved road (such as milling and overlays) are not considered earth disturbance activities.

ROOFTOP DETENTION — Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

RUNOFF — Any part of precipitation that flows over the land surface.

RUNOFF CAPTURE VOLUME — The volume of runoff that is captured (retained) and not released into surface waters of the commonwealth during or after a storm event.

SEDIMENT — Soils or other materials transported by surface water as a product of erosion.

SEDIMENTATION — The process by which mineral or organic matter is accumulated or deposited by the movement of water.

SEDIMENT BASIN — A barrier, dam, or retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by stormwater runoff.

SEDIMENT POLLUTION — The placement, discharge, or any other introduction of sediment into waters of the commonwealth occurring from the failure to properly design, construct, implement or maintain control

measures and control facilities in accordance with the requirements of this chapter.

SEEPAGE PIT/SEEPAGE TRENCH — An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

SHEET FLOW — Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

SOIL-COVER-COMPLEX METHOD — A method of runoff computation developed by the Natural Resources Conservation Service (NRCS) that is based on relating soil type and land use/cover to a runoff parameter called "curve number (CN)."

SPILLWAY (EMERGENCY) — A depression in the embankment of a pond or basin, or other overflow structure, that is used to pass peak discharges greater than the maximum design storm controlled by the pond or basin.

STATE WATER QUALITY REQUIREMENTS — The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

STORAGE INDICATION METHOD — A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage), with outflow defined as a function of storage volume and depth.

STORM FREQUENCY — The number of times that a given storm event occurs or is exceeded on the average in a stated period of years. See also "return period."

STORM SEWER — A system of pipes and/or open channels that conveys intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

STORMWATER — Drainage runoff from the surface of the land resulting from precipitation, snow, or ice melt.

STORMWATER HOTSPOT — A land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff.

STORMWATER MANAGEMENT FACILITIES — Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention and retention basins, open channels, storm sewers, pipes and infiltration facilities.

STORMWATER MANAGEMENT PLAN — The Washington County Stormwater Management Plan for managing stormwater runoff in Washington County as required by the Act of October 4, 1978, P.L. 864 (Act 167), and known as the "Storm Water Management Act."¹¹³

STORMWATER MANAGEMENT SITE PLAN (SWM SITE PLAN) — The plan prepared by the applicant or his representative indicating how stormwater runoff will be managed at the project site in accordance with this chapter.

STREAM ENCLOSURE — A bridge, culvert, or other structure in excess of 100 feet in length, upstream to downstream, which encloses regulated waters of the commonwealth.

SUBDIVISION — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwellings, shall be exempt (Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247).

SUBWATERSHED AREA — The smallest drainage unit of a watershed for which stormwater management criteria has been established in the stormwater management plan.

SWALE — A low-lying stretch of land that gathers or carries surface water runoff.

TIMBER OPERATIONS — See "forest management."

TIME OF CONCENTRATION (T_c) — The time for surface runoff to travel from the hydraulically most-distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

USDA — The United States Department of Agriculture.

WATERCOURSE — A channel or conveyance of surface water, such as a stream or creek, having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED — A region or area drained by a river, watercourse, or other surface water, whether natural or artificial.

WATERS OF THE COMMONWEALTH — Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

113Editor's Note: See 32 P.S. § 680.1 et seq.

WETLAND — Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

§ 23-203. Acronyms. [Ord. 425, 7/6/2011]

BMPs	Best management practices
CN	Curve number
E&S	Erosion and sedimentation
EV	Exceptional value
FEMA	Federal Emergency Management Agency
HEC-HMS	Hydrologic Engineering Center Hydrologic Modeling System
HQ	High quality
HSG	Hydrologic soil group
LID	Low-impact development
MPC	Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805. No. 247
MS4	Municipal separate storm sewer system
NOAA	United States Department of Commerce, National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
O&M	Operation and maintenance
PADEP	Pennsylvania Department of Environmental Protection
PennDOT	Pennsylvania Department of Transportation
PMF	Probable maximum flood
SWM	Stormwater management
Tc	Time of concentration
USDA	United States Department of Agriculture

Part 3
STORMWATER MANAGEMENT STANDARDS

§ 23-301. General Requirements. [Ord. 425, 7/6/2011]

1. For all regulated activities, unless specifically exempted in § 23-302:
 - A. Preparation and implementation of an approved SWM site plan is required.
 - B. No regulated activities shall commence until the Borough of Speers issues written approval of an SWM site plan, which demonstrates compliance with the requirements of this chapter.
 - C. The SWM site plan shall demonstrate that adequate capacity will be provided to meet the volume and rate control requirements as described under §§ 23-304 and 23-305 of this chapter.
 - D. The SWM site plan approved by the Borough of Speers shall be on site throughout the duration of the regulated activities.
2. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pennsylvania Code (including, but not limited to, Chapter 102, Erosion and Sediment Control) and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), No. 363-2134-008 (April 15, 2000), as amended and updated.
3. For all regulated activities, stormwater BMPs shall be designed, installed, implemented, operated, and maintained to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law, conform to the state water quality requirements, and meet all requirements under the Storm Water Management Act and any more-stringent requirements as determined by the Borough of Speers.
4. The Borough of Speers may, after consultation with the PADEP, approve measures for meeting the state water quality requirements other than those in this chapter, provided that they meet the minimum requirements of, and do not conflict with, state law, including, but not limited to, the Clean Streams Law.
5. All regulated activities shall include, to the maximum extent practicable, measures to:
 - A. Protect health, safety, and property.

- B. Meet the water quality goals of this chapter by implementing measures to:
 - (1) Minimize disturbance to floodplains, wetlands, natural slopes, existing native vegetation and woodlands.
 - (2) Create, maintain, or extend riparian buffers and protect existing forested buffers.
 - (3) Provide trees and woodlands adjacent to impervious areas whenever feasible.
 - (4) Minimize the creation of impervious surfaces and the degradation of waters of the commonwealth and promote groundwater recharge.
 - (5) Protect natural systems and processes (drainageways, vegetation, soils, and sensitive areas) and maintain, as much as possible, the natural hydrologic regime.
 - (6) Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.
 - (7) Avoid erosive flow conditions in natural flow pathways.
 - (8) Minimize soil disturbance and soil compaction.
 - (9) Minimize thermal impacts to waters of the commonwealth.
 - (10) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible, and decentralize and manage stormwater at its source.
- 6. Impervious Areas:
 - A. The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in stages.
 - B. For developments taking place in stages, the entire development plan must be used in determining conformance with this chapter.
- 7. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
 - A. The applicant must provide written permission for proposed concentrated flow across adjacent properties if no existing drainage channel or watercourse exists.

- B. Such stormwater flows shall be subject to the requirements of this chapter.
8. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this chapter.
 9. Where watercourses traverse a development site, drainage easements (encompassing the one-hundred-year elevation with a minimum width of 20 feet) shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintenance, including mowing of vegetation within the easement, may be required, except as approved by the appropriate governing authority.
 10. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by the PADEP under regulations at 25 Pa. Code Chapter 105 through the joint permit application process, or, where deemed appropriate by the PADEP, through the general permit process.
 11. Any stormwater management facilities or any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures, etc.) that are regulated by this chapter, that will be located in or adjacent to waters of the commonwealth (including wetlands), shall be subject to approval by the PADEP under regulations at 25 Pa. Code Chapter 105 through the joint permit application process, or, where deemed appropriate by the PADEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from the PADEP.
 12. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.
 13. Any stormwater management facilities regulated by this chapter that will be located on or discharged onto state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
 14. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are encouraged, where soil

conditions and geology permit, to reduce the size or eliminate the need for detention facilities.

15. Infiltration BMPs should be dispersed throughout the site, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this chapter.
16. Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where it is advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then the Borough of Speers shall permit it on a case-by-case basis.
17. Applicants are encouraged to use low-impact development practices to comply with the requirements of this chapter and the state water quality requirements.
18. When stormwater management facilities are proposed within 1,000 feet of a downstream municipality, the developer shall notify the Borough of Speers and supply a copy of the SWM plan, if requested, for review and comment.

§ 23-302. Exemptions/Modifications. [Ord. 425, 7/6/2011]

1. Under no circumstance shall the applicant be exempt from implementing such measures as necessary to:
 - A. Meet state water quality standards and requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law.
 - B. Protect health, safety, and property.
 - C. Meet special requirements for high-quality (HQ) and exceptional-value (EV) watersheds.
2. The applicant must utilize the following BMPs to the maximum extent practicable to receive consideration for the exemptions:
 - A. Design around and limit disturbance of floodplains, wetlands, natural slopes over 15%, existing native vegetation, and other sensitive and special-value features.
 - B. Maintain riparian and forested buffers.
 - C. Limit grading and maintain nonerosive flow conditions in natural flow paths.
 - D. Maintain existing tree canopies near impervious areas.
 - E. Minimize soil disturbance and reclaim disturbed areas with topsoil and vegetation.
 - F. Direct runoff to pervious areas.

3. The applicant's proposed development/additional impervious area may not adversely impact the following:
 - A. Capacities of existing drainageways and storm sewer systems.
 - B. Velocities and erosion.
 - C. Quality of runoff if direct discharge is proposed.
 - D. Existing known problem areas.
 - E. Safe conveyance of the additional runoff.
 - F. Downstream property owners.

4. Single-family residential activities are exempt from these requirements, provided the construction:
 - A. Complies with § 23-301, Subsection 7, and § 23-302, Subsections 1, 2 and 3;
 - B. Has building setback 75 feet from downstream property lines; and
 - C. Driveways:
 - (1) Runoff must discharge onto pervious surface with a gravel strip or other spreading device.
 - (2) No more than 1,000 square feet of paved surface may discharge to any one point.
 - (3) The length of flow on the pervious must exceed the length of the paved surface flow.
 - D. The Borough of Speers can require more information or require mitigation of certain impacts through installation of stormwater management BMP's if there is a threat to property, health, or safety.

5. An applicant proposing regulated activities, after demonstrating compliance with § 23-302, Subsections 1, 2 and 3, may be exempted from various requirements of this chapter according to the following table:

New Impervious Area^{1,2}

(square footage)	Applicant Must Provide
0 - 2,500	No submission
2,500 - 5,000	Documentation of impervious surfaces (small project SWM application) ³
> 5,000	Rate controls, volume controls and SWM site plan

NOTES:

- ¹ New impervious area since the date of adoption of this chapter.
 - ² Gravel in existing condition shall be considered pervious, and gravel in proposed condition shall be considered impervious.
 - ³ The first page of the small project stormwater management application included in Appendix E may be used to document new impervious surfaces.¹¹⁴
6. An applicant proposing regulated activities, after demonstrating compliance with § 23-302, Subsections 1,2 and 3, may be exempted from various requirements of this chapter if documentation can be provided that a downstream man-made water body (i.e., reservoir, lake, or man-made wetlands) has been designed or modified to address the potential stormwater flooding impacts of the proposed development.
 - A. The volume control requirements specified in § 23-304 may be considered satisfied for a regulated activity if facilities associated with the activity were already planned, approved and permitted as part of another project such as a subdivision.
 - B. The rate control requirements specified in § 23-305 may be considered satisfied for a regulated activity if facilities associated with the activity were already planned, approved and permitted as part of another project such as a subdivision.
 7. The purpose this section is to ensure consistency of stormwater management planning between local ordinances and NPDES permitting (when required) and to ensure that the applicant has a single and clear set of stormwater management standards to which the applicant is subject. The Borough of Speers may accept alternative stormwater management controls under this section, provided that:
 - A. The Borough of Speers, in consultation with the PADEP, determines that meeting the volume control requirements (see § 23-304) is not possible or places an undue hardship on the applicant.
 - B. The alternative controls are documented to be acceptable to PADEP, for NPDES requirements pertaining to post-construction stormwater management requirements.
 - C. The alternative controls are in compliance with all other sections of this chapter, including but not limited to § 23-301, Subsection 4, and § 23-302, Subsections 1, 2 and 3.
 8. Agricultural activity is exempt from the rate control and SWM site plan preparation requirements of this chapter, provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.

114Editor's Note: Appendix E is included as an attachment to this chapter.

9. Forest management and timber operations are exempt from the rate and volume control requirements and SWM site plan preparation requirements of this chapter, provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102. It should be noted that temporary roadways are not exempt.
 - A. All temporary and permanent haul roads that are not to receive an asphalt wearing course shall be designed and constructed consistent with recommendations of the Center for Dirt and Gravel Road Studies and the Pennsylvania State Conservation Commission's Dirt and Gravel Road Maintenance Program.

§ 23-303. Waivers. [Ord. 425, 7/6/2011]

1. The provisions of this chapter are the minimum standards for the protection of the public welfare.
2. All waiver requests must meet the provisions of § 23-303, Subsections 7 and 8. Waivers shall not be issued from implementing such measures as necessary to:
 - A. Meet state water quality standards and requirements.
 - B. Protect health, safety, and property.
 - C. Meet special requirements for high-quality (HQ) and exceptional-value (EV) watersheds as defined by Pennsylvania Title 25, Chapter 93, Water Quality Standards. Municipalities will then consider waivers in accordance with § 23-301, Subsection 4, which states that the Borough of Speers may, after consultation with the PADEP, approve measures for meeting the state water quality requirements other than those in this chapter, provided that they meet the minimum requirements of, and do not conflict with, state law, including, but not limited to, the Clean Streams Law.
3. If an applicant demonstrates to the satisfaction of the governing body of the Borough of Speers that any mandatory provision of this chapter is unreasonable or causes unique or undue unreasonableness or hardship as it applies to the proposed project, or that an alternate design may result in a superior result within the context of §§ 23-102 and 23-103 of this chapter, the governing body of the Borough of Speers, upon obtaining the comments and recommendations of the Municipal Engineer, may grant a waiver or relief so that substantial justice may be done and the public interest be secured, provided that such waiver will not have the effect of nullifying the intent and purpose of this chapter.
4. The applicant shall submit all requests for waivers in writing and shall include such requests as a part of the plan review and approval process. The applicant shall state in full the facts of unreasonableness or hardship on which the request is based, the provision or provisions of his chapter that are involved, and the minimum waiver or relief that is necessary. The applicant shall state how the requested waiver and how

the applicant's proposal shall result in an equal or better means of complying with the intent or purpose and general principles of this chapter.

5. The Borough of Speers shall keep a written record of all actions on waiver requests.
6. The Borough of Speers may charge a fee for each waiver request, which shall be used to offset the administrative costs of reviewing the waiver request. The applicant shall also agree to reimburse the Borough of Speers for reasonable and necessary fees that may be incurred by the Municipal Engineer in any review of a waiver request.
7. In granting waivers, the Borough of Speers may impose reasonable conditions that will, in its judgment, secure substantially the objectives of the standards or requirements that are to be modified.
8. The Borough of Speers may grant applications for waivers when the following findings are made, as relevant:
 - A. That the waiver shall result in an equal or better means of complying with the intent of this chapter.
 - (1) The waiver is the minimum necessary to provide relief.
 - (2) The applicant is not requesting a waiver based on cost considerations.
 - (3) Existing downgradient stormwater problems will not be exacerbated.
 - (4) Runoff is not being diverted to a different drainage area.
 - (5) Increased flooding or ponding on off-site properties or roadways will not occur.
 - (6) Potential icing conditions will not occur.
 - (7) Increase of peak flow or volume from the site will not occur.
 - (8) Erosive conditions due to increased peak flows or volume will not occur.
 - (9) Adverse impact to water quality will not result.
 - (10) Increased one-hundred-year floodplain levels will not result.
 - (11) Infiltration of runoff throughout the proposed site has been provided where practicable and predevelopment groundwater recharge protected.
 - (12) Peak flow attenuation of runoff has been provided.
 - (13) Long-term operation and maintenance activities are established.

- (14) The receiving streams and/or water bodies will not be adversely impacted in flood-carrying capacity, aquatic habitat channel stability and erosion and sedimentation.

§ 23-304. Volume Controls. [Ord. 425, 7/6/2011]

1. The low-impact development practices provided in the BMP Manual and in Appendix B of this chapter¹¹⁵ shall be utilized for all regulated activities to the maximum extent practicable.
2. The small project stormwater management application included in Appendix E¹¹⁶ may be used for projects under 5,000 square feet of new impervious surface and single-family home construction. The small project SWM application allows documentation of new impervious surface, credits through disconnection of impervious surfaces and tree planting, and sizing of volume control BMPs that may be required.
3. Stormwater runoff volume controls shall be implemented using the Design Storm Method or the Simplified Method as defined below. For regulated activity areas equal or less than one acre that do not require hydrologic routing to design the stormwater facilities, this chapter establishes no preference for either method; therefore, the applicant may select either method on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.
 - A. The Design Storm Method (CG-1 in the BMP Manual) is applicable to any sized regulated activity. This method requires detailed modeling based on site conditions.
 - (1) Do not increase the post-development total runoff volume when compared to the predevelopment total runoff volume for the two-year/twenty-four-hour storm event.
 - (2) For hydrologic modeling purposes:
 - (a) Existing nonforested pervious areas must be considered meadow (good condition) for predevelopment hydrologic calculations.
 - (b) Twenty percent of existing impervious area, when present within the proposed project site, shall be considered meadow (good condition) for predevelopment hydrologic calculations for redevelopment.
 - B. The Simplified Method (CG-2 in the BMP Manual) is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities

115Editor's Note: Appendix B is included as an attachment to this chapter.

116Editor's Note: Appendix E is included as an attachment to this chapter.

greater than one acre or for projects that require detailed design of stormwater storage facilities. For new impervious surfaces:

- (1) Stormwater facilities shall capture at least the first two inches of runoff from all new impervious surfaces.
 - (2) At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into surface waters of the commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
 - (3) Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.
 - (4) Actual field infiltration tests at the location of the proposed elevation of the stormwater BMPs are required. Infiltration tests shall be conducted in accordance with the BMP Manual. Notification of the Borough of Speers shall be provided to allow witnessing of the testing.
- C. In cases where it is not possible or desirable to use infiltration-based best management practices to partially fulfill the requirements in either § 23-304, Subsection 3A or B, the following procedure shall be used:
- (1) At a minimum, the following documentation shall be provided to justify the decision to not use infiltration BMPs:
 - (a) Description of and justification for field infiltration/permeability testing with respect to the type of test and test locations.
 - (b) An interpretive narrative describing existing site soils and their structure as these relate to the interaction between soils and water occurring on the site. In addition to providing soil and soil profile descriptions, this narrative shall identify depth to seasonal high-water tables and depth to bedrock and provide a description of all subsurface elements (fragipans and other restrictive layers, geology, etc.) that influence the direction and rate of subsurface water movement.
 - (c) A qualitative assessment of the site's contribution to annual aquifer recharge shall be made, along with identification of any restrictions or limitations associated with the use of engineered infiltration facilities.
 - (d) The provided documentation must be signed and sealed by a professional engineer or geologist.

- (2) The following water quality pollutant load reductions will be required for all disturbed areas within the proposed development:

Pollutant Load	Units	Required Reduction (percent)
Total suspended solids (TSS)	Pounds	85%
Total phosphorous (TP)	Pounds	85%
Total nitrate (NO3)	Pounds	50%

- (3) The performance criteria for water quality best management practices shall be determined from the Pennsylvania Stormwater Best Management Practices Manual, most current version.
4. The applicable worksheets from the BMP Manual must be used in calculations to establish volume control.

§ 23-305. Rate Controls. [Ord. 425, 7/6/2011]

1. Lands contained within Washington County that have not had release rates established under an approved Act 167 Stormwater Management Plan:
 - A. Post-development discharge rates shall not exceed the predevelopment discharge rates for the one-, two-, ten-, twenty-five-, fifty-, and one-hundred-year storms.
2. Lands contained within Washington County that have had release rates established under an approved Act 167 Stormwater Management Plan:
 - A. Chartiers Creek Watershed: The post-development peak discharge rates shall be in accordance with the approved release rate map for the individual watershed. Release rates include 50%, 70% and 100% for the ten-, twenty-five-, fifty-, and one-hundred-year storms.

Part 4
E&S STANDARDS

§ 23-401. (Reserved) [Ord. 425, 7/6/2011]

Part 5
PROTECTED WATERSHED STANDARDS

§ 23-501. (Reserved) [Ord. 425, 7/6/2011]

Part 6
RIPARIAN BUFFER STANDARDS

§ 23-601. Riparian Buffer Requirements. [Ord. 425, 7/6/2011]

Where a riparian buffer is required for a regulated activity, the riparian buffer shall be established as follows:

- A. The buffer shall be measured perpendicularly from the top of the stream bank landward.
 - (1) All watersheds: a minimum of 50 feet; or
 - (2) As required by state or federal regulations; or
 - (3) As determined by a stream corridor study approved by the PADEP and the Borough of Speers.
- B. The riparian buffer shall be located on both sides of all perennial and intermittent streams. The perennial and intermittent streams and the riparian buffer boundaries shall be shown on all applications for building permits, subdivision, or land development. Existing uses within the buffer are permitted to continue but not be expanded. Placement of new structures or roadways within the riparian buffer shall be prohibited. Where a wetland exists within the buffer area, the buffer shall be extended landward to provide a minimum buffer of 25 feet, as measured perpendicularly from the wetland boundary.
- C. The buffer shall be undisturbed forest consisting of appropriate native species.
- D. Where wetlands are located partially or entirely within a buffer, the buffer shall be extended to encompass the wetland and shall be widened by a distance sufficient to provide a twenty-five-foot forested buffer measured perpendicularly from the wetland boundary.
- E. The following uses shall be permitted in the buffer:
 - (1) Footpaths, trails and bike paths, provided that:
 - (a) Width is limited to five feet;
 - (b) Width may be increased, provided a corresponding increase in the buffer is provided;
 - (c) Construction shall have minimal impact to the buffer.
 - (2) Stream crossings, provided the crossing is designed and constructed in such a manner as to minimize the impact to the buffer. The riparian buffer shall be restored to its original condition, to the maximum extent practical, upon completion of construction.

- (3) Utility lines, provided that the crossing is designed and constructed in such a manner as to minimize the impact to the inner buffer, and provided that there is no practical alternative to locating the utility line within the buffer. The riparian buffer shall be restored to its original condition, to the maximum extent practical, upon completion of construction.
 - (4) Maintenance and restoration of the riparian buffer.
 - (5) Projects conducted with the objective of improvement, stabilization, restoration, or enhancement of the stream bank, stream channel, floodplain, watershed hydrology, riparian buffers, or aquatic habitat and maintenance activities associated with such projects. These projects include, but are not limited to, agricultural and stormwater management best management practices. Such projects must receive appropriate permits and approvals from the PADEP prior to starting the project.
 - (6) Minor private recreational uses for the property owner. Such uses include benches, fire rings, and similar uses. Such uses do not include structures such as cabins, sheds, pavilions, garages, dwellings or similar structures.
- F. Disturbance of the riparian buffer shall be limited to the area necessary to perform an allowable use.
- G. Where possible and practical, disturbances shall be phased, with each phase restored prior to beginning the next phase.
- H. Allowable activities shall not cause stormwater flow to concentrate.
- I. Any vegetation removed for an allowable activity shall be replaced immediately upon completion of the activity. Where mature trees are removed, such trees shall be replaced with the largest practical tree of acceptable native species.
- J. Erosion and sediment pollution control shall be installed and maintained during construction. Evidence of an approved erosion and sediment control plan and/or NPDES permit, if required, shall be submitted prior to issuance of local permits.
- K. If a permit from the PADEP is required for the activity, evidence of an approved permit shall be submitted prior to issuance of local permits.
- L. Proper maintenance of riparian buffers is the responsibility of the landowner consistent with sound forest management practices. In the absence of a site-specific management plan, the following maintenance guidelines apply:
- (1) Buffers shall be inspected periodically by the landowner for evidence of excessive sediment deposition, erosion or concentrated flow channels. Prompt action shall be taken to correct these problems and prevent future occurrence.

- (2) Trees presenting an unusual hazard of creating downstream obstructions shall be removed. Such material shall be removed from the floodplain or the riparian buffer (whichever is widest) or cut into sections small enough so as to prevent the possibility of creating obstructions downstream. Wherever possible, large stable debris should be conserved.
- (3) Vegetation should be inspected periodically to ensure diverse vegetative cover and vigorous plant growth consistent with buffering objectives.
- (4) Excessive use of fertilizers, pesticides, herbicides, and other chemicals shall be avoided. These products should be used only when absolutely necessary to maintain buffer vegetation.

§ 23-602. Riparian Buffer Easements. [Ord. 425, 7/6/2011]

For all required riparian buffers, an easement shall be provided to allow the Borough of Speers to take enforcement actions against an applicant for failure to satisfy the requirements of the riparian buffer requirements.

- A. Easements shall be in accordance with § 23-901 and recorded in accordance with § 23-1403 of this chapter.

Part 7
DESIGN CRITERIA

§ 23-701. Design Criteria for Stormwater Management and Drainage Facilities. [Ord. 425, 7/6/2011]

1. General Design Guidelines.
 - A. Stormwater shall not be transferred from one watershed to another, unless:
 - (1) The watersheds are subwatersheds of a common watershed which join together within the perimeter of the property;
 - (2) The effect of the transfer does not alter the peak rate discharge onto adjacent lands; or
 - (3) Easements from the affected landowner(s) are provided.
 - B. Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a predevelopment flow type condition.
 - C. Stormwater BMPs and recharge facilities are encouraged (e.g., rooftop storage, drywells, cisterns, recreation area ponding, diversion structures, porous pavements, holding tanks, infiltration systems, in-line storage in storm sewers, and grading patterns). They shall be located, designed, and constructed in accordance with the latest technical guidance published by the PADEP, provided they are accompanied by detailed engineering plans and performance capabilities and supporting site-specific soils, geology, runoff and groundwater and infiltration rate data to verify proposed designs. Additional guidance from other sources may be accepted at the discretion of the Municipal Engineer (a preapplication meeting is suggested).
 - D. All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the appropriate regulatory agency.
 - E. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Borough of Speers shall reserve the right to disapprove any design that would result in the continuation or exacerbation of a documented adverse hydrologic or hydraulic condition within the watershed, as identified in the plan.
 - F. The design and construction of multiple-use stormwater detention facilities are strongly encouraged. In addition to stormwater

management, facilities should, where appropriate, allow for recreational uses, including ballfields, play areas, picnic grounds, etc. Consultation with the Borough of Speers and prior approval are required before design. Provision for permanent wet ponds with stormwater management capabilities may also be appropriate.

- (1) Multiple-use basins should be constructed so that potentially dangerous conditions are not created.
- (2) Water quality basins or recharge basins that are designed for a slow release of water or other extended detention ponds are not permitted for recreational uses, unless the ponded areas are clearly separated and secure.

G. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.

§ 23-702. Calculation Methodology. [Ord. 425, 7/6/2011]

- 1. All calculations shall be consistent with the guidelines set forth in the BMP Manual, as amended herein.
- 2. Stormwater runoff from all development sites shall be calculated using either the Rational Method or the NRCS Rainfall-Runoff Methodology. Methods shall be selected by the design professional based on the individual limitations and suitability of each method for a particular site.
- 3. Rainfall Values.
 - A. Rational Method. The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves, Publication 584, Chapter 7A, latest edition, shall be used in conjunction with the appropriate time of concentration and return period.
 - B. NRCS Rainfall-Runoff Method. The Soil Conservation Service Type II, twenty-four-hour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14 or be consistent with the following table:

Return Interval	24-Hour Rainfall Total
(years)	(inches)
1	1.99
2	2.38
10	3.35
25	3.96
50	4.46

Return Interval	24-Hour Rainfall Total
(years)	(inches)
100	4.99

4. Runoff Volume.

- A. Rational Method: not to be used to calculate runoff volume.
- B. NRCS Rainfall-Runoff Method. This method shall be used to estimate the change in volume due to regulated activities. Combining curve numbers for land areas proposed for development with curve numbers for areas unaffected by the proposed development into a single weighted curve number is NOT acceptable.

5. Peak Flow Rates.

- A. Rational Method. This method may be used for design of conveyance facilities only. Extreme caution should be used by the design professional if the watershed has more than one main drainage channel, if the watershed is divided so that hydrologic properties are significantly different in one versus the other, if the time of concentration exceeds 60 minutes, or if stormwater runoff volume is an important factor. The combination of Rational Method hydrographs based on timing shall be prohibited.
- B. NRCS Rainfall-Runoff Method.
 - (1) This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration. The following provide guidance on the model applicability:
 - (a) NRCS' TR-55: limited to 100 acres in size.
 - (b) NRCS' TR-20 or HEC-HMS: no size limitations.
 - (c) Other models as preapproved by the Municipal Engineer.
 - (2) The NRCS Antecedent Runoff Condition II (ARC II, previously AMC II) must be used for all simulations. The use of continuous simulation models that vary the ARC are not permitted for stormwater management purposes.
- C. For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).

6. Runoff Coefficients.

- A. Rational Method: Use Table C-1 (Appendix C).¹¹⁷

117 Editor's Note: Appendix C is included as an attachment to this chapter.

- B. NRCS Rainfall-Runoff Method: Use Table C-2 (Appendix C). Curve numbers (CN) should be rounded to tenths for use in hydrologic models as they are a design tool with statistical variability. For large sites, CNs should realistically be rounded to the nearest whole number.
 - C. For the purposes of predevelopment peak flow rate and volume determination, existing nonforested pervious area conditions shall be considered as meadow (good condition).
 - D. For the purposes of predevelopment peak flow rate and volume determination, 20% of existing impervious area, when present, shall be considered meadow (good condition).
7. Twenty-Four-Hour Design Storm.
- A. All stormwater management facilities shall be verified by routing the proposed one-year, two-year, ten-year, twenty-five-year, fifty-year, and one-hundred-year hydrographs through the facility using the Storage Indication Method or Modified PULS Method. The twenty-four-hour design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.
 - B. The stormwater management and drainage system shall be designed to safely convey the post-development one-hundred-year storm event to stormwater detention facilities, for the purpose of meeting peak rate control.
 - C. All structures (culverts or bridges) proposed to convey runoff under a municipal road shall be designed to pass the fifty-year design storm with a minimum one foot of freeboard measured below the lowest point along the top of the roadway.
8. Time of Concentration.
- A. The time of concentration is to represent the average condition that best reflects the hydrologic response of the area. The following time of concentration (Tc) computational methodologies shall be used unless another method is preapproved by the Municipal Engineer:

(1) Predevelopment: NRCS' Lag Equation:

Time of Concentration = Tc = [(Tlag/.6) * 60] (minutes)

$$T_{lag} = L^{0.8} \frac{(S + 1)^{0.7}}{1900\sqrt{Y}}$$

Where:

- Tlag = Lag time (hours).
L = Hydraulic length of watershed (feet).
Y = Average overland slope of watershed (percent).
S = Maximum retention in watershed as defined by: $S = [(1,000/CN) - 10]$.
CN = NRCS Curve Number for watershed.

- (2) Post-development; commercial, industrial, or other areas with large impervious areas (>20% impervious area): NRCS Segmental Method. The length of sheet flow shall be limited to 100 feet. Tc for channel and pipe flow shall be computed using Manning's Equation.
 - (3) Post-development; residential, cluster, or other low-impact designs less than or equal to 20% impervious area: NRCS Lag Equation or NRCS Segmental Method.
- B. Additionally, the following provisions shall apply to calculations for time of concentration:
- (1) The post-development Tc shall never be greater than the predevelopment Tc for any watershed or subwatershed. This includes when the designer has specifically used swales to reduce flow velocities. In the event that the designer believes that the post-development Tc is greater, it will still be set by default equal to the predevelopment Tc for modeling purposes.
 - (2) The minimum Tc for any watershed shall be five minutes.
 - (3) The designer may choose to assume a five-minute Tc for any post-development watershed or subwatershed without providing any computations.
 - (4) The designer must provide computations for all predevelopment Tc paths. A five-minute Tc cannot be assumed for predevelopment.
 - (5) Undetained fringe areas (areas that are not tributary to a stormwater facility but where a reasonable effort has been made to convey runoff from all new impervious coverage to best management practices) may be assumed to represent the predevelopment conditions for purposes of Tc calculation.
9. Drainage areas tributary to sinkholes or closed depressions in areas underlain by limestone or carbonate geologic features shall be excluded from the modeled point of analysis defining predevelopment flows. If left undisturbed during construction activities, areas draining to closed depressions may also be used to reduce peak runoff rates in the post-

development analysis. New, additional contributing runoff should not be directed to existing sinkholes or closed depressions.

10. Where uniform flow is anticipated, Manning's Equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. Manning's Equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values shall be obtained from the PennDOT Drainage Manual, Publication 584. Inlet control shall be checked at all inlet boxes to ensure the headwater depth during the ten-year design event is contained below the top of grate for each inlet box.
11. The Borough of Speers may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
12. The Borough of Speers has the authority to require that computed existing runoff rates be reconciled with field observations, conditions and site history. If the designer can substantiate, through actual physical calibration, that more-appropriate runoff and time-of-concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendation of the Borough of Speers.

Part 8
SWM SITE PLAN AND REPORT REQUIREMENTS

§ 23-801. General Requirements. [Ord. 425, 7/6/2011]

For any of the activities regulated by this chapter and not eligible for the exemptions provided in § 23-302, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity may not proceed until the applicant has received written approval of an SWM site plan from the Borough of Speers.

§ 23-802. SWM Site Plan and Report Contents. [Ord. 425, 7/6/2011]

1. The SWM site plan and SWM site report shall consist of all applicable calculations, maps, and plans. All SWM site plan materials shall be submitted to the Borough of Speers in a format that is clear, concise, legible, neat and well-organized; otherwise, the SWM site plan shall be rejected.
2. Appropriate sections from the Municipal Subdivision and Land Development Ordinance,¹¹⁸ and other applicable local ordinances, shall be followed in preparing the SWM site plan.
 - A. The SWM site plan shall include, but not be limited to:
 - (1) Plans shall be of one size and in a form that meets the requirements for recording in the office of the Recorder of Deeds of Washington County.
 - (a) Plans for tracts of less than 20 acres shall be drawn at a scale of one inch equals no more than 50 feet.
 - (b) Plans for tracts of 20 acres or more shall be drawn at a scale of one inch equals no more than 100 feet.
 - (c) All lettering shall be drawn to a size to be legible if the plans are reduced to half size.
 - (2) The name of the development; name and location address of the property site; name, address, and telephone number of the applicant/owner of the property; and name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site plan.
 - (3) The date of submission and dates of all revisions.
 - (4) A graphical and written scale on all drawings and maps.
 - (5) A North arrow on all drawings and maps.

118Editor's Note: See Ch. 22, Subdivision and Land Development.

- (6) A location map at a minimum scale of one inch equals 1,000 feet which illustrates the project relative to highways, municipalities or other identifiable landmarks.
- (7) A metes and bounds description of the entire tract perimeter.
- (8) Existing and final contours at intervals:
 - (a) Slopes less than 5%: no greater than one foot.
 - (b) Slopes between 5% and 15%: no greater than two feet.
 - (c) Steep slopes (greater than 15%): five-foot contour intervals may be used.
- (9) Perimeters of existing water bodies within the project area, including stream banks, lakes, ponds, springs, field-delineated wetlands or other bodies of water, sinkholes, flood hazard boundaries (FEMA-delineated floodplains and floodways), areas of natural vegetation to be preserved, the total extent of the upstream area draining through the site, and overland drainage paths. In addition, any areas necessary to determine downstream impacts, where required for proposed stormwater management facilities, must be shown.
- (10) The location of all existing and proposed utilities, on-lot wastewater facilities, water supply wells, sanitary sewers, and water lines on and within 50 feet of property lines, including inlets, manholes, valves, meters, poles, chambers, junction boxes, and other utility system components.
- (11) A key map showing all existing man-made features beyond the property boundary that may be affected by the project.
- (12) Soil names and boundaries with identification of the hydraulic soil group classification, including rock outcroppings.
- (13) Proposed impervious surfaces (structures, roads, paved areas, and buildings), including plans and profiles of roads and paved areas and floor elevations of buildings.
- (14) Existing and proposed land use(s).
- (15) Horizontal alignment, vertical profiles, and cross sections of all open channels, pipes, swales and other BMPs.
- (16) The location and clear identification of the nature of permanent stormwater BMPs.
- (17) The location of all erosion and sedimentation control facilities, shown separate from the SWM site plan (typically an E&S plan).

- (18) The minimum twenty-foot-wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Borough of Speers or its designees access to all easements via the nearest public right-of-way.
- (19) Construction details for all drainage and stormwater BMPs.
- (20) Identification of short-term and long-term ownership, operation, and maintenance responsibilities.
- (21) Notes and Statements:
- (a) A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without prior approval by the Borough of Speers.
 - (b) A statement referencing the operation and maintenance (O&M) agreement and stating that the O&M agreement is part of the SWM site plan.
 - (c) A note indicating that record drawings will be provided for all stormwater facilities prior to occupancy, or the release of the surety bond.
 - (d) The following signature block for the registered professional preparing the stormwater management plan:
"I, _____, hereby certify that the stormwater management plan meets all design standards and criteria of the Borough of Speers Stormwater Management Ordinance."
 - (e) The following signature block for the Municipal Engineer reviewing the stormwater management plan:
"I, _____, have reviewed this stormwater management plan in accordance with the design standards and criteria of the Borough of Speers Stormwater Management Ordinance."

B. The SWM site report shall include (but not be limited to):

- (1) General data, including:
- (a) Project name.
 - (b) Project location - address of the property site.
 - (c) Name, address, and telephone number of the applicant/owner of the property.

- (d) Name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site report.
- (e) Date of submission and revisions.
- (2) Project description narrative that clearly discusses the project and provides the following information:
 - (a) Narrative:
 - [1] Statement of the regulated activity, describing what is being proposed; overall stormwater management concept with description of permanent stormwater management techniques, including construction specifications and materials to be used for stormwater management facilities.
 - [2] Expected project schedule.
 - [3] Location map showing the project site and its location relative to release rate districts.
 - [4] Detailed description of the existing site conditions, including a site evaluation completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas such as brownfields.
 - [5] Total site area - pre and post - which must be equal or have an explanation as to why it is not.
 - [6] Total site impervious area.
 - [7] Total off-site areas.
 - [8] Number and description of stormwater management facilities.
 - [9] Type of development.
 - [10] Predevelopment land use.
 - [11] Whether site is a stormwater hotspot.
 - [12] Whether site is in a defined sensitive area.
 - [13] Types of water quality and recharge systems used, if applicable.
 - [14] Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.

[15] A written maintenance plan for all stormwater features, including detention facilities and other stormwater management elements.

[16] Identification of ownership and maintenance responsibility for all permanent stormwater management facilities.

[17] Other pertinent information, as required.

(b) Summary Tables:

[1] Existing conditions runoff volume and peak rate of runoff.

[2] Post-development runoff volume and peak rate of runoff.

[3] Land use for each subarea.

[4] Hydrologic soil group (HSG) assumptions, curve numbers (CN).

[5] Time of concentration computed for each subarea.

[6] Post-development peak rate of runoff routed to ponds and out.

[7] Pond maximum return period design data, including: maximum water surface elevation, berm elevation, and emergency spillway elevation.

[8] Water quality depth and volume requirements.

(c) Calculations:

[1] Complete hydrologic, hydraulic and structural computations, calculations, assumptions, and criteria for the design of all stormwater BMPs.

[2] Details of the berm embankment and outlet structure indicating the embankment's top elevation, embankment side slopes, top width of embankment, emergency spillway elevation, perforated riser dimensions, pipe barrel dimensions and dimensions and spacing of antiseep collars.

[3] Design computations for the control structures (pipe barrel and riser, etc.).

[4] A plot or table of the stage-storage (volume vs. elevation) and all supporting computations.

[5] Routing computations.

(d) Drawings:

- [1] Drainage area maps for all watersheds and inlets, depicting the time-of-concentration path for both existing conditions and post-developed conditions.
- [2] All stormwater management facilities must be located on a plan and described in detail, including easements and buffer boundaries.

- (3) Reports that do not clearly indicate the above information may be rejected for review by the Borough of Speers and will be returned to the applicant.
- (4) Description of, justification, and actual field results for infiltration testing with respect to the type of test and test location for the design of infiltration BMPs.
- (5) The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing municipal stormwater collection system that may receive runoff from the project site.
- (6) Description of the proposed changes to the land surface and vegetative cover, including the type and amount of impervious area to be added.
- (7) Identification of short-term and long-term ownership, operation, and maintenance responsibilities as well as schedules and costs for inspection and maintenance activities for each permanent stormwater or drainage BMP, including provisions for permanent access or maintenance easements.

C. Supplemental information to be provided prior to recording of the SWM site plan, as applicable:

- (1) Signed and executed operations and maintenance agreement (Appendix A).¹¹⁹
- (2) Signed and executed easements, as required for all on-site and off-site work.
- (3) An erosion and sedimentation control plan and approval letter from the Washington County Conservation District.
- (4) An NPDES permit.
- (5) Permits from PADEP and ACOE.
- (6) Geologic assessment.

119Editor's Note: Appendix A is included as an attachment to this chapter.

- (7) Soils investigation report, including boring logs, compaction requirements, and recommendations for construction of detention basins.
- (8) A highway occupancy permit from PennDOT when utilization of a PennDOT storm drainage system is proposed or when proposed facilities would encroach onto a PennDOT right-of-way.

§ 23-803. SWM Site Plan and Report Submission. [Ord. 425, 7/6/2011]

1. The applicant shall submit the SWM site plan and report for the regulated activity.
2. Five copies of the SWM site plan and report shall be submitted and be distributed as follows:
 - A. Two copies to the Borough of Speers, accompanied by the requisite executed review fee reimbursement agreement, as specified in this chapter.
 - B. One copy to the Municipal Engineer.
 - C. One copy to the Washington County Conservation District.
3. Additional copies shall be submitted as requested by the Borough of Speers or PADEP.

§ 23-804. SWM Site Plan and Report Review. [Ord. 425, 7/6/2011]

1. The Borough of Speers shall require receipt of a complete SWM site plan and report as specified in this chapter. The Borough of Speers shall review the SWM site plan and report for consistency with the purposes, requirements, and intent of this chapter.
2. The Borough of Speers shall not approve any SWM site plan and report that is deficient in meeting the requirements of this chapter. At its sole discretion and in accordance with this article, when an SWM site plan and report is found to be deficient, the Borough of Speers may disapprove the submission and require a resubmission; or in the case of minor deficiencies, the Borough of Speers may accept submission of modifications.
3. The Borough of Speers shall notify the applicant in writing within 45 calendar days whether the SWM site plan and report is approved or disapproved if the SWM site plan and report is not part of a subdivision or land development plan. If the SWM site plan and report involves a subdivision or land development plan, the timing shall follow the subdivision and land development process according to the Municipalities Planning Code.

4. The Municipal Building Permit Office shall not issue a building permit for any regulated activity if the SWM site plan and report has been found to be inconsistent with this chapter, as determined by the Borough of Speers. All required permits from PADEP must be obtained prior to issuance of a building permit.

§ 23-805. Modification of Plans. [Ord. 425, 7/6/2011]

1. A modification to a submitted SWM site plan and report for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the SWM site plan as determined by the Borough of Speers, shall require a resubmission of the modified SWM site plan in accordance with this chapter.

§ 23-806. Resubmission of Disapproved SWM Site Plan and Report. [Ord. 425, 7/6/2011]

1. A disapproved SWM site plan and report may be resubmitted, with the revisions addressing the Borough of Speers' concerns documented in writing, to the Borough of Speers in accordance with this chapter. The applicable municipal review fee must accompany a resubmission of a disapproved SWM site plan and report.

§ 23-807. Authorization to Construct and Term of Validity. [Ord. 425, 7/6/2011]

1. The Borough of Speers' approval of an SWM site plan and report authorizes the regulated activities contained in the SWM site plan for a maximum term of validity of five years following the date of approval. The Borough of Speers may specify a term of validity shorter than five years in the approval for any specific SWM site plan. Terms of validity shall commence on the date the Borough of Speers signs the approval for an SWM site plan. If stormwater management facilities included in the approved SWM site plan have not been constructed, or if a record drawing of these facilities has not been approved within this time, then the Borough of Speers may consider the SWM site plan disapproved and may revoke any and all permits or approvals.

§ 23-808. Record Drawings, Completion Certificate and Final Inspection. [Ord. 425, 7/6/2011]

1. The applicant shall be responsible for providing record drawings of all stormwater BMPs included in the approved SWM site plan. The Record drawing and an explanation of any discrepancies with the approved SWM site plan shall be submitted to the Borough of Speers as a prerequisite for the release of the guaranty or issuance of an occupancy permit.

2. The record drawing shall include a certification of completion signed by a qualified professional verifying that all permanent stormwater BMPs have been constructed according to the approved SWM site plan and report.
 - A. Drawings shall show all approved revisions and elevations and inverts to all manholes, inlets, pipes, and stormwater control facilities.
3. After receipt of the record drawing and certification of completion by the Borough of Speers, the Borough of Speers may conduct a final inspection.

Part 9
EASEMENTS

§ 23-901. Easements. [Ord. 425, 7/6/2011]

1. Easements shall be established to accommodate the existence of drainageways.
2. Where a tract is traversed by a watercourse, drainageway, channel or stream, there shall be provided an easement paralleling the line of such watercourse, drainageway, channel or stream with a width adequate to preserve the unimpeded flow of natural drainage in the one-hundred-year floodplain.
3. Easements shall be established for all on-site stormwater management or drainage facilities (except where the single-family residential exemption applies), including but not limited to: detention facilities (above or below ground), infiltration facilities, all stormwater BMPs, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.).
4. Easements are required for all areas used for off-site stormwater control.
5. All easements shall be a minimum of 20 feet wide and shall encompass the one-hundred-year surface elevation of the proposed stormwater facility.
6. Easements shall provide ingress to, and egress from, a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Borough of Speers or its designees access to all easements via the nearest public right-of-way able for vehicle ingress and egress on grades of less than 10% for carrying out inspection or maintenance activities.
7. Where possible, easements shall be centered on side and/or rear lot lines.
8. Nothing shall be planted or placed within the easement which would adversely affect the function of the easement or conflict with any conditions associated with such easement.
9. All easements shall be shown on the subdivision plan, as applicable. Applicable subdivision plans shall be recorded prior to any land development occurring.
10. All easement agreements shall be recorded with a reference to the recorded easement indicated on the site plan. The format and content of the easement agreement shall be reviewed and approved by the Municipal Engineer and Solicitor.

Part 10
MAINTENANCE RESPONSIBILITIES

§ 23-1001. Financial Guaranty. [Ord. 425, 7/6/2011]

1. The applicant shall provide a financial guaranty to the Borough of Speers for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this chapter, equal to 110% of the full construction cost of the required controls in accordance with the Municipalities Planning Code.
2. At the completion of the project and as a prerequisite for the release of the financial guaranty, the applicant shall:
 - A. Provide a certification of completion from an engineer, architect, surveyor or other qualified person, verifying that all permanent facilities have been constructed according to the SWM site plan and report and approved revisions thereto.
 - B. Provide a set of record drawings.
 - C. Request a final inspection from the Borough of Speers to certify compliance with this chapter, after receipt of the certification of completion and record drawings by the Borough of Speers.

§ 23-1002. Maintenance Responsibilities. [Ord. 425, 7/6/2011]

1. The SWM site plan and report for the project site shall describe the future operation and maintenance responsibilities. The operation and maintenance description shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the stormwater control facilities.
2. The SWM site plan and report for the project site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principles:
 - A. If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Borough of Speers, stormwater control facilities/BMPs may also be dedicated to and maintained by the Borough of Speers.
 - B. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities/BMPs shall be the responsibility of the owner or private management entity.

- C. Facilities, areas, or structures used as stormwater BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or easements that run with the land.
 - D. The SWM site plan and report shall be recorded as a restrictive deed covenant that runs with the land.
 - E. The Borough of Speers may take enforcement actions against an applicant for failure to satisfy any provision of this chapter.
3. The Borough of Speers, upon recommendation of the Municipal Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM site plan and report. The Borough of Speers may require a dedication of such facilities as part of the requirements for approval of the SWM site plan. Such a requirement is not an indication that the Borough of Speers will accept the facilities. The Borough of Speers reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
 4. If the Borough of Speers accepts ownership of stormwater BMPs, the Borough of Speers may, at its discretion, require a fee from the applicant to the Borough of Speers to offset the future cost of inspections, operations, and maintenance.
 5. It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved SWM site plan, or to allow the property to remain in a condition which does not conform to an approved SWM site plan, unless the Borough of Speers grants an exception in writing.

§ 23-1003. Maintenance Agreement for Privately Owned Stormwater Facilities. [Ord. 425, 7/6/2011]

1. Prior to final approval of the SWM site plan and report, the applicant shall sign the operation and maintenance (O&M) agreement (Appendix A)¹²⁰ covering all stormwater control facilities that are to be privately owned. The operation and maintenance (O&M) agreement shall be recorded with the SWM site plan and made a part thereto.
 - A. Municipalities are exempt from the requirement to sign and record an operation and maintenance (O&M) agreement.
2. Other items may be included in the operation and maintenance (O&M) agreement where determined necessary to guarantee the satisfactory operation and maintenance of all BMP facilities. The operation and maintenance (O&M) agreement shall be subject to the review and approval of the Borough of Speers and the Municipal Solicitor.
3. The owner is responsible for operation and maintenance of the stormwater BMPs. If the owner fails to adhere to the operation and

120Editor's Note: Appendix A is included as an attachment to this chapter.

maintenance (O&M) agreement, the Borough of Speers may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

Part 11
INSPECTIONS

§ 23-1101. Schedule of Inspections. [Ord. 425, 7/6/2011]

1. The PADEP or its designees normally ensure compliance with any permits issued, including those for stormwater management. In addition to PADEP compliance programs, the Borough of Speers or its municipal assignee may inspect all phases of the installation of temporary or permanent stormwater management facilities.
2. During any stage of earth disturbance activities, if the Borough of Speers determines that the stormwater management facilities are not being installed in accordance with the approved SWM site plan, the Borough of Speers shall revoke any permits or approvals until a revised SWM site plan is submitted and approved as specified in this chapter.
3. Stormwater BMPs shall be inspected by the landowner, or the landowner's designee, according to the inspection schedule described on the SWM site plan for each BMP.
 - A. The Borough of Speers may require copies of the inspection reports, in a form as stipulated by the Borough of Speers.
 - B. If such inspections are not conducted or inspection reports not submitted as scheduled, the Borough of Speers, or its designee, may conduct such inspections and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.
 - (1) Prior to conducting such inspections, the Borough of Speers shall inform the owner of its intent to conduct such inspections. The owner shall be given 30 days to conduct required inspections and submit the required inspection reports to the Borough of Speers.

§ 23-1102. Right of Entry. [Ord. 425, 7/6/2011]

1. Upon presentation of proper credentials, duly authorized representatives of the Borough of Speers may enter at reasonable times upon any property within the Borough of Speers to inspect the implementation, condition, or operation and maintenance of the stormwater BMPs in regard to any aspect governed by this chapter.
2. Stormwater BMP owners and operators shall allow persons working on behalf of the Borough of Speers ready access to all parts of the premises for the purposes of determining compliance with this chapter.
3. Persons working on behalf of the Borough of Speers shall have the right to temporarily locate on any stormwater BMP in the Borough of Speers such devices as are necessary to conduct monitoring and/or sampling of the discharges from such stormwater BMP.

4. Unreasonable delay in allowing the Borough of Speers access to a stormwater BMP is a violation of this chapter.

Part 12
ENFORCEMENT AND PENALTIES

§ 23-1201. Notification. [Ord. 425, 7/6/2011]

1. In the event that a person fails to comply with the requirements of this chapter or an approved SWM site plan, or fails to conform to the requirements of any permit or approval issued hereunder, the Borough of Speers shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s).
2. Failure to comply within the time specified shall subject such person to the penalties provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the Borough of Speers from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred to comply with the terms and conditions of this chapter.

§ 23-1202. Enforcement. [Ord. 425, 7/6/2011]

1. The municipal governing body is hereby authorized and directed to enforce all of the provisions of this chapter. The approved SWM site plan shall be on file at the project site throughout the duration of the construction activity. The Borough of Speers or its designee may make periodic inspections during construction.
2. Adherence to Approved SWM Site Plan.
 - A. It shall be unlawful for any person, firm, or corporation to undertake any regulated activity on any property except as provided for by an approved SWM site plan and pursuant to the requirements of this chapter.
 - B. It shall be unlawful to alter or remove any control structure required by the SWM site plan pursuant to this chapter.
 - C. It shall be unlawful to allow a property to remain in a condition that does not conform to an approved SWM site plan.

§ 23-1203. Public Nuisance. [Ord. 425, 7/6/2011]

1. A violation of any provision of this chapter is hereby deemed a public nuisance.
2. Each day that a violation continues shall constitute a separate violation.

§ 23-1204. Suspension and Revocation. [Ord. 425, 7/6/2011]

1. Any approval or permit issued by the Borough of Speers may be suspended or revoked for:

- A. Noncompliance with or failure to implement any provision of the approved SWM site plan or operation and maintenance (O&M) agreement.
 - B. A violation of any provision of this chapter or any other applicable law, ordinance, rule or regulation relating to the regulated activity.
 - C. The creation of any condition or the commission of any act, during the regulated activity, which constitutes or creates a hazard or nuisance, pollution, or which endangers the life or property of others.
2. A suspended approval or permit may be reinstated by the Borough of Speers when:
 - A. The Borough of Speers or its designee has inspected and approved the corrections to the violation(s) that caused the suspension.
 - B. The Borough of Speers is satisfied that the violation(s) has (have) been corrected.
 3. An approval that has been revoked by the Borough of Speers cannot be reinstated. The applicant may apply for a new approval under the provisions of this chapter.

§ 23-1205. Violations and Penalties. [Ord. 425, 7/6/2011]

1. Anyone violating the provisions of this chapter shall be guilty of a summary offense and, upon conviction, shall be subject to a fine of not more than \$500 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense, and penalties shall be cumulative.
2. In addition, the Borough of Speers, through its Solicitor, may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

§ 23-1206. Appeals. [Ord. 425, 7/6/2011]

1. Any person aggrieved by any action of the Borough of Speers or its designee, relevant to the provisions of this chapter, may appeal to the Borough of Speers within 30 days of that action.
2. Any person aggrieved by any decision of the Borough of Speers, relevant to the provisions of this chapter, may appeal to the Washington County Court of Common Pleas within 30 days of the Borough of Speers' decision.

Part 13
PROHIBITIONS

§ 23-1301. Prohibited Discharges and Connections. [Ord. 425, 7/6/2011]

1. Any drain or conveyance, whether on the surface or underground, that allows any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the Borough of Speers' separate storm sewer system or waters of the commonwealth is prohibited.
2. Any drain or conveyance connected from a commercial or industrial land use to the Borough of Speers' separate storm sewer system, which has not been documented in plans, maps, or equivalent records, and approved by the Borough of Speers, is prohibited.
3. No person shall allow, or cause to allow, discharges into the Borough of Speers' separate storm sewer system, or into surface waters of the commonwealth, which are not composed entirely of stormwater, except those in Subsection 4 below and discharges allowed under a state or federal permit.
4. The following discharges are authorized unless they are determined to be significant contributors to pollution of the waters of the commonwealth:
 - A. Potable water sources, including dechlorinated water line and fire hydrant flushings.
 - B. Irrigation drainage.
 - C. Air-conditioning condensate.
 - D. Springs.
 - E. Water from crawl space pumps.
 - F. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
 - G. Discharges from firefighting activities.
 - H. Flows from riparian habitats and wetlands.
 - I. Uncontaminated water from foundations or from footing drains.
 - J. Lawn watering.
 - K. Dechlorinated swimming pool discharges.
 - L. Uncontaminated groundwater.
 - M. Water from individual residential car washing.

- N. Routine external building washdown (which does not use detergents or other compounds).
5. In the event that the Borough of Speers or the PADEP determines that any of the discharges identified in Subsection 4 is a significant contributor to pollution to the waters of the commonwealth, the responsible person(s) shall be notified to cease the discharge. Upon notice provided by the Borough of Speers or PADEP, the discharger will have a reasonable time, as determined by the Borough of Speers or PADEP, to cease the discharge, consistent with the degree of pollution caused by the discharge.
 6. Nothing in this section shall affect a discharger's responsibilities under commonwealth law.

§ 23-1302. Roof Drains and Sump Pumps. [Ord. 425, 7/6/2011]

1. Roof drains and sump pumps shall discharge to infiltration areas, vegetative BMPs, or pervious areas to the maximum extent practicable.

§ 23-1303. Alteration of BMPs. [Ord. 425, 7/6/2011]

1. No person shall modify, remove, fill, landscape, or alter any existing stormwater BMPs, facilities, areas, or structures, unless it is part of an approved maintenance program, without the written approval of the Borough of Speers.
2. No person shall place any structure, fill, landscaping, or vegetation into stormwater BMPs, facilities, areas, structures, or within a drainage easement which would limit or alter the functioning of the BMP without the written approval of the Borough of Speers.

Part 14
FEES AND EXPENSES

§ 23-1401. Municipal Review Fee. [Ord. 425, 7/6/2011]

The fee required by this chapter is the municipal review fee. The municipal review fee shall be established by the Borough of Speers to defray review costs incurred by the Borough of Speers and the Municipal Engineer. The applicant shall pay all fees.

§ 23-1402. Expenses Covered by Fees. [Ord. 425, 7/6/2011]

The fees required by this chapter shall, at a minimum, cover:

- A. Administrative and clerical costs.
- B. Review of the SWM site plan and report by the Borough of Speers.
- C. Preconstruction meetings.
- D. Inspection of stormwater management facilities/BMPs and drainage improvements during construction.
- E. Final inspection upon completion of the stormwater management facilities/BMPs and drainage improvements presented in the SWM site plan.
- F. Any additional work required to enforce any permit provisions regulated by this chapter, correct violations, and assure proper completion of stipulated remedial actions.

§ 23-1403. Recording of Approved SWM Site Plan and Related Agreements. [Ord. 425, 7/6/2011]

1. The owner of any land upon which permanent BMPs will be placed, constructed, or implemented, as described in the SWM site plan, shall record the following documents in the office of the Recorder of Deeds of Washington County within ____ days of approval of the SWM site plan by the Borough of Speers:
 - A. The SWM site plan.
 - B. Operations and maintenance (O&M) agreement (Appendix A).
 - C. Easements under § 23-901.
 - D. Riparian buffers under § 23-602.
2. The Borough of Speers may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.

Chapter 24
TAXATION, SPECIAL

Part 1
AMUSEMENT DEVICE TAX

§ 24-1. Levy of Tax; Definitions. [Ord. 152, 1/5/1948, § 1; as amended by Ord. 263, 1/5/1972, § 1; and by Ord. 340, 7/7/1982, § 1]

1. There is hereby imposed upon each and every amusement device located in the Borough of Speers a tax as set forth in § 24-6.
2. The term "amusement device" shall include any device, machine or apparatus whatsoever for the playing of games and amusement, said devices being commonly known as "pinball machines" or other mechanical, electrical, videocassette or any apparatus utilizing electrical impulses upon which any game or form of amusement is played, such as baseball, football, skeeball, pool tables, shuffleboard or other games or playing devices which are played through the insertion thereof of money, currency or any coin or other metal disc, slug or token whatsoever, and shall include jukeboxes.

§ 24-2. Tax Year; When Tax Due; Installation of Device After July 1; Substitution of Device. [Ord. 152, 1/5/1948, § 2; as last reenacted by Ord. 263, 1/5/1972, § 1]

The tax year shall be from January 1 to January 1, and the tax due as aforesaid shall be paid to the Borough Secretary on or before the 15th day of February 1948, and on or before the 15th day of January of each and every year thereafter or until otherwise provided. However, should any amusement and/or musical device as herein taxed be installed on any premises within the Borough of Speers subsequent to July 1 of any year, then, in such event, the tax shall be \$12.50 for each machine or device for the remainder of the year. In the event a machine has to be replaced for a portion of the tax year for which the tax has been paid, or in the event there is a substitution of a similar machine for a period of time during which the tax has been paid, there shall be no additional tax imposed in accordance with the schedule of taxation hereinabove set forth, but there shall be imposed a transfer fee, to be paid to the Secretary of the Borough, in the amount of \$1, for which a new certificate or tag shall be issued by the Borough Secretary therefor.

§ 24-3. Issuance of Certificate or Tag. [Ord. 152, 1/5/1948, § 3; as last reenacted by Ord. 263, 1/5/1972, § 1]

Upon receipt of said tax, the Borough Secretary shall issue a certificate or tag, setting forth the number and year thereof; the name and address of the taxpayer; and the name, model and serial number of the machine or device, if any, for which said tax was paid. A separate certificate or tag shall be issued for each machine or device taxed by this Part 1.

§ 24-4. Payment of Tax not to Authorize Unlawful Use of Machine. [Ord. 152, 1/5/1948, § 4; as last reenacted by Ord. 263, 1/5/1972, § 1]

The payment of the tax herein imposed shall in nowise authorize or be construed to authorize the use of said machine or device in violation of the law.

§ 24-5. Penalty for Violation. [Ord. 152, 1/5/1948, § 5; as last reenacted by Ord. 263, 1/5/1972, § 1; and as amended by Ord. 271, 12/5/1973, § 1]

Any person, firm, corporation or association, possessing any untaxed amusement and/or musical machine or device taxable hereunder shall, for each and every offense, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$25 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 10 days; provided that each and every day that the tax due on any machine or device taxable hereunder shall remain unpaid shall constitute a separate and distinct offense under this Part 1 and shall be subject to a separate and distinct penalty therefor; provided, further, that the existence of any untaxed machines or devices, as herein taxed, on any premises, shall be prima facie evidence of the violation of this Part 1 by the person or persons in possession of such premises; provided, further, that the penal provisions of this Part 1 shall include and apply to the officers of corporations and associations.

§ 24-6. Annual License Fee. [Ord. 152, 1/5/1948, § 1; as amended by Ord. 340, 7/7/1982, § 2]

The annual license fee of such amusement devices shall be:

- A. Electronic, videocassette or apparatus utilizing electrical or electronic impulses: \$100 for each device.
- B. All other amusement devices: \$50 for each device.

Part 2
REALTY TRANSFER TAX

§ 24-21. Imposition of Tax. [Res. 3-2007, 11/7/2007]

The Borough of Speers adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that article, subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1%.

§ 24-22. Administration. [Res. 3-2007, 11/7/2007]

The tax imposed under § 24-21 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511, as amended, known as the "Local Tax Enabling Act"), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Borough of Speers, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 24-23. Interest. [Res. 3-2007, 11/7/2007]

1. If the political subdivision chooses to impose interest on delinquent tax, the Department suggests that the interest rate should be the equivalent of the interest rate imposed by the commonwealth. The following provision is suggested:
 - A. Any tax imposed under § 24-21 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153) (53 P.S. § 7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

§ 24-24. Repealer; Continuation. [Res. 3-2007, 11/7/2007]

1. Any parts of prior ordinances or resolutions which are inconsistent herewith are hereby repealed.
2. The repealed ordinances or parts thereof enumerated in Subsection 1 remain effective for documents that became subject to tax prior to the effective date of this Part 2.

§ 24-25. Effective Date. [Res. 3-2007, 11/7/2007]

The provisions of this Part 2 shall become effective on and be applicable to any document made, executed, delivered, accepted or presented for recording on or after October 3, 2007.

Part 3
EARNED INCOME AND NET PROFITS TAX

§ 24-31. Definitions. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

All terms defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

BUSINESS — An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit, whether by a person, partnership, association or any other entity.

COLLECTOR — The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the tax.

COMBINED TAX RATE APPLICABLE TO RESIDENTS — The total rate applicable to residents of the taxing authority, including the tax imposed by the school district and by the municipality in which the individual resides, is 1%.

DOMICILE — The place where a person lives and has a permanent home and to which the person has the intention of returning whenever absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the voluntarily fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce the person to adopt some other permanent home. In the case of a business, domicile is that place considered to be the center of business affairs and the place where its functions are discharged.

EARNED INCOME — The compensation required to be reported to as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 1971, as amended,¹²¹ and rules and regulations promulgated thereunder. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

EFFECTIVE DATE — January 1, 2012.

EMPLOYER — A person, business entity or other entity, employing one or more persons for a salary, wage commission or other compensation. The term includes the commonwealth, a political subdivision and an instrumentality or public authority of either. For purpose of penalties under this Part 3, the term includes a corporate officer.

121Editor's Note: See 72 P.S. § 7303.

GOVERNING BODY — The Council of the Borough of Speers, Washington County, Pennsylvania.

LOCAL TAX ENABLING ACT — The Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., and any amendments thereto.

MUNICIPAL TAX RATE APPLICABLE TO NONRESIDENTS — The total rate applicable to nonresidents working within the taxing authority based on the municipal nonresident tax rate is 1%.

NET PROFITS — The net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 1971, as amended, and rules and regulations promulgated thereunder. The term does not include income under any of the following subsections:

A. Income which:

- (1) Is not paid for services provided; and
- (2) Is in the nature of earnings from an investment.

B. Income which represents:

- (1) Any gain on the sale of farm machinery;
- (2) Any gain on the sale of livestock held for 12 months or more for draft, breeding or dairy purposes; or
- (3) Any gain on the sale of other capital assets of a farm.

NONRESIDENT — A person or business domicile outside the taxing authority.

PERSON — A natural person.

RESIDENT — A person or business domiciled in the Borough.

TAX — The tax imposed by this Part 3.

TAXING AUTHORITY — The Borough of Speers, Washington County, Pennsylvania.

TAXPAYER — A person or business required under this Part 3 and the Local Tax Enabling Act to file a return of the earned income and net profits tax or to pay the earned income and net profits tax.

TAX RETURN — A form prescribed by the collector for reporting the amount of tax or other amount owed or required to be withheld, remitted, or reported under this Part 3 or the Local Tax Enabling Act.

TAX YEAR — The period from January 1 to December 31.

TCC — The Washington County Tax Collection Committee, which has been established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

TCD — Any tax collection district to which the taxing authority or any part of the taxing authority is assigned under the Local Tax Enabling Act.

§ 24-32. Exemptions. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

(Reserved)

§ 24-33. Imposition of tax. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

1. General Purpose Resident Tax. The taxing authority hereby imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits of residents of the taxing authority.
2. General Purpose Nonresident Tax. The taxing authority also imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits derived by an individual who is not a resident of the taxing authority, from any work, business, profession, or activity of any kind engaged in within the boundaries of the taxing authority.
3. Ongoing Tax. The tax shall continue at the above rates during the current tax year and each tax year thereafter, without annual reenactment, until this Part 3 is repealed or the rate is changed.
4. Local Tax Enabling Act Applicable. The tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this Part 3. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this Part 3 upon the effective date of such amendment, without the need for formal amendment of this Part 3, to the maximum extent allowed by 1 Pa. C.S.A. § 1937.
5. Applicable Laws, Regulations, Policies, and Procedures. The tax shall be collected and administered in accordance with: all applicable laws and regulations; and policies and procedures adopted by the TCC or by the collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa. C.S.A. § 1937.

§ 24-34. Individual Tax Returns and Payments. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

Every resident receiving earned income or earning net profits in any tax year shall file tax returns and pay tax in accordance with the Local Tax Enabling Act and this Part 3.

§ 24-35. Employer Withholding, Remittance, and Tax Returns. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

Every employer shall register, withhold, and remit tax and file tax returns in accordance with the Local Tax Enabling Act and this Part 3.

§ 24-36. Tax Collector. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

The tax will be collected from residents and employers by the collector.

§ 24-37. Interest, Penalties, Costs, and Fines. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

Residents and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs imposed by the collector in accordance with authorization by the TCC having jurisdiction.

§ 24-38. Severability. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

The provisions of this Part 3 are severable, and if any of its provisions are ruled by a court invalid or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this Part 3. It is declared to be the intention of the Borough that this Part 3 would have been adopted if such invalid or unconstitutional provision had not been included.

§ 24-39. Purpose; Effect on Prior Provisions. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

1. The primary purpose of this Part 3 is to conform the earned income and net profits tax currently imposed by the taxing authority to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32.
2. Any prior ordinance imposing a tax on earned income or net profits of individuals is amended and restated in its entirety to read as stated in this Part 3. Any other prior ordinance or part of any prior ordinance conflicting with the provisions of this Part 3 is rescinded insofar as the conflict exists. To the extent that this Part 3 is the same as any ordinance in force immediately prior to adoption of this Part 3, the provisions of this Part 3 are intended as a continuation of such prior ordinance and not as a new ordinance. If this Part 3 is declared invalid, any prior ordinance levying a similar tax shall remain in full force and effect and shall not be affected by adoption of this Part 3. If any part of this Part 3 is declared invalid, the similar part of any prior ordinance levying a similar tax shall remain in effect and shall not be affected by adoption of this Part 3. The provisions of this Part 3 shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or

to punish any offense under the authority of any ordinance in force prior to adoption of this Part 3. Subject to the foregoing provisions of this section, this Part 3 shall amend and restate on the effective date any ordinance levying a tax on earned income or net profits in force immediately prior to the effective date.

§ 24-40. Effective date. [Ord. 239, 12/21/1996, as amended by Ord. 426, 10/5/2011]

The provisions of this Part 3 shall become effective on January 1, 2012.

Part 4
LOCAL SERVICES TAX

§ 24-81. Short Title. [Ord. 419, 11/7/2007]

This Part 4 shall be known and may be cited as the "Borough of Speers Local Services Tax Ordinance."

§ 24-82. Definitions. [Ord. 419, 11/7/2007]

The following words and phrases, when used in this Part 4, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

BOROUGH OF SPEERS or BOROUGH — The area within the corporate limits of the Borough of Speers.

COLLECTOR — The person, public employee or private agency designated by the Borough of Speers to collect and administer the tax herein imposed.

DCED — The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME — Compensation as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, Section 13, as amended, 53 P.S. § 6913, as amended.

EMPLOYER — An individual, partnership, association, limited liability company, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM — Indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL — Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the Borough of Speers.

NET PROFITS — The net income from the operation of a business, profession, or other activity, as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, Section 13, as amended, 53 P.S. § 6913, as amended.

OCCUPATION — Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the corporate limits of the Borough of Speers, for which compensation is charged or received, whether by means of salary, wages, commission or fees for services rendered.

TAX — The local services tax at the rate fixed in § 24-83 of this Part 4.

TAX YEAR — The period from January 1 until December 31 in any year; a calendar year.

§ 24-83. Levy of Tax. [Ord. 419, 11/7/2007]

1. For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008, upon the privilege of engaging in an occupation with a primary place of employment within the Borough of Speers during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52, assessed on a pro-rata basis, in accordance with the provisions of this Part 4.
2. This tax may be used solely for the following purposes, as the same may be allocated by the Borough Council from time to time:
 - A. Emergency services, which shall include emergency medical services, police services and/or fire services;
 - B. Road construction and/or maintenance;
 - C. Reduction of property taxes; or
 - D. Property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa. C.S.A. Chapter 85, Subchapter F (relating to homestead property exclusion).
3. The Borough shall use no less than 25% of the funds derived from the tax for emergency services.
4. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Borough of Speers.
5. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

§ 24-84. Exemption and Refunds. [Ord. 419, 11/7/2007]

1. Exemption. Any person whose total earned income and net profits from all sources within the Borough is less than \$12,000 for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:
 - A. Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total 100% disability.
 - B. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subsection, "reserve

component of the armed forces" shall mean the United States Army Reserve, the United States Navy Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

2. Procedure to Claim Exemption.

- A. A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the Borough and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the Borough of Speers of less than \$12,000 in the calendar year for which the exemption certificate is filed. In the event the Borough utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all of the employee's last pay stubs or W-2 forms from employment within the Borough for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the Borough or except as required by Subsection 2B, the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the Borough.
- B. With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the Borough that the person has received earned income and net profits from all sources within the Borough equal to or in excess of \$12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the Borough in an amount equal to or in excess of \$12,000 in that calendar year, an employer shall withhold the local services tax from the person under Subsection 2C.
- C. If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under Subsection 2B, the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under Subsection 2B, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per-payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other

employees. In the event the employment of a person subject to withholding of the tax under this subsection is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the Borough may pursue collection under this Part 4.

- D. Except as provided in Subsection 2B, it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.
3. Refunds. The Borough Manager, in consultation with the collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments.¹²² Refunds made within 75 days of a refund request or 75 days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed \$1. The Borough Manager or the collector shall determine eligibility for exemption and provide refunds to exempt persons.

§ 24-85. Duty of Employers to Collect. [Ord. 419, 11/7/2007]

1. Each employer within the Borough of Speers, as well as those employers situated outside the Borough of Speers but who engage in business within the Borough of Speers, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the Borough of Speers and making a return and payment thereof to the collector. Further, each employer is hereby authorized to deduct this tax from each employee in his or her employ, whether said employee is paid by salary, wage or commission, and whether or not all such services are performed within the Borough of Speers.
2. A person subject to the tax shall be assessed by the employer a pro-rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro-rata share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro-rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll-period basis for each payroll period in which the person is engaging in an occupation, except as provided in Subsection 4 of this section. For

¹²²Note: With respect to refunds, see 53 Pa.C.S.A. § 8425; with respect to interest, see Pa.C.S.A. § 8426.

purposes of this subsection, "combined rate" shall mean the aggregate annual rate of the tax levied by the school district and the Borough.

3. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.
4. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.
5. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The Borough shall provide a taxpayer a receipt of payment upon request by the taxpayer.
6. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the Borough if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of § 24-85, Subsection 2, of this Part 4 and this section and remits the amount so withheld in accordance with this Part 4.
7. Employers shall be required to remit the local services taxes 30 days after the end of each quarter of a calendar year.

§ 24-86. Returns. [Ord. 419, 11/7/2007]

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this Part 4, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

§ 24-87. Dates for Determining Tax Liability and Payment. [Ord. 419, 11/7/2007]

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted

and paid over to the collector on or before the 30th day following the end of each calendar quarter of each such tax year.

§ 24-88. Self-Employed Individuals. [Ord. 419, 11/7/2007]

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession with a primary place of employment within the Borough of Speers shall be required to comply with this Part 4 and pay the pro-rata portion of the tax due to the collector on or before the 30th day following the end of each quarter.

§ 24-89. Individuals Engaged in More Than One Occupation or Employed in More Than One Political Subdivision. [Ord. 419, 11/7/2007]

1. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:
 - A. First, the political subdivision in which a person maintains his or her principal office or is principally employed;
 - B. Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;
 - C. Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.
2. In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

§ 24-90. Nonresidents Subject to Tax. [Ord. 419, 11/7/2007]

All employers and self-employed individuals residing or having their places of business outside of the Borough of Speers but who perform services of any type or kind or engage in any occupation or profession within the Borough of Speers do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part 4 with the same force and effect as though they were residents of the Borough of Speers. Further, any individual engaged in an occupation within the Borough of Speers and an employee of a nonresidential employer may, for the purpose of this Part 4, be considered a self-employed person; and in the event his or her tax is not paid, the Borough shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

§ 24-91. Administration of Tax. [Ord. 419, 11/7/2007]

1. The collector shall be appointed by resolution of the Borough Council. It shall be the duty of the collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.
2. The collector is hereby charged with the administration and enforcement of this Part 4 and is hereby charged and empowered, subject to Borough Council approval, to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part 4, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the collector shall have the right to appeal to the Court of Common Pleas of Washington County as in other cases provided.
3. The collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the collector the means, facilities and opportunity for such examination.

§ 24-92. Suits for Collection. [Ord. 419, 11/7/2007]

1. In the event that any tax under this Part 4 remains due or unpaid 30 days after the due dates above set forth, the collector may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty.
2. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated, beginning with the due date of the tax, and a penalty of 5% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

§ 24-93. Violations and Penalties. [Ord. 419, 11/7/2007]

Whoever makes any false or untrue statement on any return required by this Part 4, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this Part 4 shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such

fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this Part 4.

§ 24-94. Interpretation. [Ord. 419, 11/7/2007]

1. Nothing contained in this Part 4 shall be construed to empower the Borough of Speers to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Borough under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.
2. If the tax hereby imposed under the provisions of this Part 4 shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

§ 24-95. Repealer; Continuation. [Ord. 419, 11/7/2007]

Except as set forth hereafter, all ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing herein shall be construed to repeal the imposition and collection of an occupation privilege tax, plus applicable penalties and interest, for calendar year 2006 and all prior calendar years, or of an emergency and municipal services tax for calendar year 2007, as the same existed prior to this amendment.

§ 24-96. Effective Date.

The tax imposed by this Part 4 shall be effective on January 1, 2008, and all calendar years thereafter unless repealed or modified by ordinance of the Borough Council.

**Part 5
PER CAPITA TAX**

§ 24-111. Definitions. [Ord. 153, 3/17/1948, § 1]

1. Unless otherwise expressly stated, the following words or terms shall have, for the purpose of this Part 5, the meanings herein indicated:

INDIVIDUAL — Any person occupying premises in the Borough of Speers, Washington County, Pennsylvania.

LOCAL TAX COLLECTION LAW — Act No. 394 of the General Assembly of the Commonwealth of Pennsylvania, approved the 25th day of May 1945, P.L. 1050, as amended or to be amended.

PERSON — Any natural person.

RESIDENT — Any person domiciled within the Borough of Speers, Washington County, Pennsylvania.

TAX COLLECTOR — Includes every person duly elected or appointed to collect all taxes levied by any political subdivision in the Borough of Speers, Washington County, Pennsylvania.

TAXPAYER — Includes any person or individual over the age of 21 years [18 years]¹²³ herein required to pay a per capita or personal tax.

2. The singular shall include the plural, and the masculine, the feminine.¹²⁴

§ 24-112. Taxing Year. [Ord. 153, 3/17/1948, § 2]

The taxing year under this Part 5 shall be from April 1 to March 31, beginning April 1, 1948.

§ 24-113. Tax Rate. [Ord. 153, 3/17/1948, § 3; as amended by Ord. 272, 12/5/1973, § 1]

There is hereby imposed and levied an annual tax, for general Borough purposes, in the sum of \$5¹²⁵ upon each and every individual, person or resident in the Borough of Speers, Washington County, Pennsylvania, who shall have attained the age of 18 years on or before the first day of April of each year for which the tax is levied.

¹²³Editor's Note: See Sections 113 and 114 of this chapter.

¹²⁴Editor's Note: Section 13 of this ordinance repealed all conflicting ordinances and parts of ordinances, insofar as they affected this ordinance; Section 14 provided that the ordinance go into effect April 17, 1948.

¹²⁵Editor's Note: As enacted, Ordinance 153 levied a \$3 per capita tax. This remained in effect until 1952, when the Borough tax ordinance fixed the rate at \$4. Thereafter the per capita tax was annually set in the tax ordinance, remaining at \$4 until 1956, when the rate was increased to \$5, remaining at \$5 to date.

§ 24-114. List of Persons Subject to Tax; Exemptions. [Ord. 153, 3/17/1948, § 3; as amended by Ord. 272, 12/5/1973, § 2; Ord. 365, 8/5/1987]

1. It shall be the duty of the Borough Assessor to prepare and deliver to the Tax Collector a list or register of all persons subject to the tax herein imposed, on or before the first day of May of each year for which the tax herein provided is levied. In case the Tax Collector shall at any time find within the Borough any person, individual or resident who attained the age of 18 years on or before the first day of April of the current tax year, and whose name does not appear on the list furnished by the Assessor, he shall have the right and authority to add such name to the list or register furnished him by the Borough Assessor, and he shall proceed to collect the tax assessed against such person as herein provided.
2. Exemptions. Any person whose total income from all sources is less than \$5,000 per annum is exempted from the per capita or similar head tax.

§ 24-115. Notice to Taxpayers. [Ord. 153, 3/17/1948, § 5]

It shall be the duty of the Tax Collector, on or before the first day of June of each tax year, to notify each and every person subject to the payment of the within tax of the amount thereof and the time and place for the payment thereof, provided that the failure or omission of the Tax Collector to send, or of any taxpayer to receive, such notice shall not relieve said taxpayer from the payment of said tax, and said taxpayer shall be charged with said tax as though he had received notice thereof.

§ 24-116. Payment of Tax; Receipt Therefor. [Ord. 153, 3/17/1948, § 6]

Each and every taxpayer shall pay to the Tax Collector the tax herein imposed on or before the first day of July of each and every year for which said tax is levied. The Tax Collector shall furnish each person, on the payment of his tax, a numbered receipt as prescribed by the Local Tax Collection Law.

§ 24-117. Discounts and Penalties. [Ord. 153, 3/17/1948, § 7]

All taxpayers subject to the payment of the tax herein provided shall be entitled to a discount of 2% from the face amount of such tax upon making payment of the whole amount thereof within two months after the date of the tax notice. All taxpayers who shall fail to pay said tax for four months after the date of the tax notice shall be charged a penalty of 10%, which penalty shall be added to the tax by the Tax Collector and be collected by him.

§ 24-118. Collection by Distress and Sale of Goods and Chattels. [Ord. 153, 3/17/1948, § 8]

Every Tax Collector shall have power, in case of neglect or refusal of any individual, person or resident to make payment of the amount of tax due by him after two months from the date of the tax notice, to levy the amount of such tax, any penalty due thereon and costs, not exceeding costs and charges allowed constables for similar services, by distress and sale of goods and chattels of such delinquent, wherever situate or found, upon giving at least 10 days' public notice of such sale, by posting 10 written or printed notices, and by one advertisement in a newspaper of general circulation published in the county, no stay of execution or benefit of any exemption law being allowed whatsoever.

§ 24-119. Recovery of Taxes and Penalties. [Ord. 153, 3/17/1948, § 9]

All taxes levied by this Part 5, together with all penalties, shall be recoverable as prescribed and set forth in the Local Tax Collection Law. Husbands shall also be liable for their wives' taxes as therein provided.

§ 24-120. Tax Collector's Accounts; Monthly Payment to Borough Treasurer; Statement. [Ord. 153, 3/17/1948, § 10]

The Tax Collector shall keep a correct account of moneys collected by him under the authority of this Part 5 and shall, on or before the tenth day of each month, pay over to the Borough Treasurer all moneys so collected during the previous month and take his receipt for the same. He shall also give to the Borough Secretary a true and verified statement, in writing, of the names of the taxables, the amount collected from each and the total.

§ 24-121. Applicability of Local Tax Collection Law. [Ord. 153, 3/17/1948, § 11]

The Tax Collector shall be subject to all the applicable rights, duties and liabilities as imposed by the Local Tax Collection Law, except as herein otherwise specifically provided.

§ 24-122. Severability. [Ord. 153, 3/17/1948, § 12]

If any section, clause or sentence or part of this Part 5 is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections or parts of this Part 5. It is hereby declared as the intent of the Borough Council that this Part 5 would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Part 6
TAX EXEMPTIONS FOR ECONOMIC INVESTMENT PROPERTIES

§ 24-131. Definitions. [Ord. 402, 7/7/1999, § 1]

As used in this Part 6, the following terms shall have the meanings indicated:

DETERIORATED AREA(S) — The following area(s) within Speers Borough as determined by the Borough Council to be eligible for tax exemption under Act 76 of 1977 (the Local Economic Revitalization Tax Assistance Act):

A. That certain real estate located in the Borough of Speers and specifically identified on the official Zoning District Map of the Borough, as adopted as part of the Zoning Ordinance [Chapter 27] and the revision to zoning districts in the following zoning classifications:

- (1) C - Commercial.
- (2) M-1 - Planned Light and Industrial.
- (3) M-2 - Heavy Industrial.

DETERIORATED PROPERTY — Any industrial, commercial or other business property owned by an individual, association or corporation and located in deteriorating areas, as hereinafter provided, or on any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.

IMPROVEMENT — Repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property, either commercial or residential, so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

LOCAL TAXING AUTHORITY — The County of Washington, the school districts, the municipal governing bodies or any other governing bodies or any other governmental entity having the authority to levy real property taxes within Washington County.

§ 24-132. Exemption Amount. [Ord. 402, 7/7/1999, § 2]

1. The amount to be exempted shall be limited to that portion of the additional assessment attributable to the actual cost of improvements.
2. The exemption shall be limited to that improvement for which an exemption has been requested in the manner set forth below and for which a separate assessment has been made by the assessment agency.

No tax exemption shall be granted if the property owner does not secure the necessary and proper permits for improving the property.

- 3. In any case, after the effective date of this Part, where deteriorated property is damaged, destroyed or demolished, by any cause or for any reason, and the assessed valuation of the property affected has been reduced as a result of the said damage, destruction or demolition, the exemption from real property taxation authorized by this Part shall be limited to that portion of new assessment attributable to the actual cost of improvements or construction that is in excess of the original assessment that existed prior to damage, destruction or demolition to the property.

§ 24-133. Exemption Schedule. [Ord. 402, 7/7/1999, § 3]

- 1. The schedule of real property taxes to be exempted shall be in accordance with the below portion of improvements to be exempted each year:

Length	Portion
First Year	100%
Second Year	100%
Third Year	100%
Fourth Year	100%
Fifth Year	100%

- 2. After the fifth year, the exemption shall terminate.
- 3. The exemption from taxes granted under this Part 6 shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

§ 24-134. Procedure for Obtaining Exemption. [Ord. 402, 7/7/1999, § 4]

- 1. Any person desiring tax exemption pursuant to this Part 6 should apply to the Borough of Speers at the time a building permit is secured for construction of the improvement. The application must be in writing upon forms specified by the Borough setting forth the following information:
 - A. The date the building permit was issued for said improvement.
 - B. The location of the property to be improved.
 - C. The cost of the improvement.
 - D. Has property been condemned by any governmental body for noncompliance with laws or ordinances.

- E. The property has been inspected and verified by the Building Inspector and any such additional information as the Borough may require.
2. A copy of each completed exemption request shall be forwarded to the assessment agency by the local taxing authority.
3. Upon completion of the improvement, the taxpayer shall notify the local taxing authority and the assessment agency. The assessment agency shall then separate the improvement for the purpose of calculating the amount of assessment eligible for tax exemption in accordance with the limits established by this Part 6 and shall notify the taxpayers and the local taxing authorities of the reassessment and amounts of the assessment eligible for exemption. The Treasurer is authorized to make refunds, if applicable, only after the assessment agency has notified the Treasurer of its separate assessment upon the improvement for which an exemption is requested.
4. The cost of improvements to be exempted and the schedule of taxes exempted existing at the time of the initial request for tax exemption shall be applicable to that exemption request, and subsequent amendments to this Part, if any, shall not apply to requests initiated prior to the adoption of such amendments.
5. Appeals from the reassessment and from the amount found to be eligible for the exemption may be taken by the local taxing authorities or by the taxpayer as provided by law.

§ 24-135. Amendments. [Ord. 402, 7/7/1999, § 5]

No amendment to this Part shall be effective unless consented to by resolution or ordinance of each local taxing authority which has consented to be bound by the terms of this Part 6.

§ 24-136. Termination. [Ord. 402, 7/7/1999, § 6]

1. Unless sooner repealed by the Borough of Speers of Washington County, this Part 6 shall automatically expire and terminate 10 years following the effective date hereof; provided, however, that any taxpayer who has received or applied for the exemption granted by this Part 6 prior to the expiration date herein provided shall, if said exception is granted, be entitled to the full exemption authorized herein.
2. Nothing contained herein shall act to prohibit the Borough of Speers from enacting a similar ordinance after the expiration of this Part 6.

Part 7
LOCAL TAXPAYER BILL OF RIGHTS

§ 24-141. Definitions. [Res. 3/2/1999, 3/3/1999, § 1]

The following definitions apply to the Local Taxpayer Bill of Rights as well as all exhibits attached hereto:

ASSESSMENT — The determination by a local taxing authority of the amount of underpayment by a taxpayer.

ELIGIBLE TAXES — Includes all taxes levied under the Local Tax Enabling Act (Act 511), as well as any per capita, occupation, occupation assessment, occupational privilege, income, gross receipts, privilege, amusement, admissions, earned income or net profits tax. This policy does not apply to real property taxes.

OVERPAYMENT — Any payment of eligible tax which is determined in the manner provided by law not to be legally due.

TAXING AUTHORITY — The Borough, as well as any other officer, agent, agency, clerk, income tax officer, collector, employee or other person whom the Borough has assigned responsibility for the audit, assessment, determination or administration of an eligible tax.

TAXPAYER — An individual, corporation, partnership, or any other entity subject to or claiming exemption from any eligible tax.

UNDERPAYMENT — The amount or portion of any eligible tax determined to be legally due in the manner provided by law for which payment or remittance has not been made.

§ 24-142. Local Taxpayer Bill of Rights. [Res. 3/2/1999, 3/3/1999, § 2]

1. Local Taxpayer Bill of Rights Disclosure Statement. The District hereby adopts the Disclosure Statement attached here to Exhibit A.¹²⁶ Any taxpayer contacted regarding an assessment, audit, determination, review or collection of an eligible tax receiving an assessment notice for an eligible tax shall simultaneously receive a Notice of Availability of Local Taxpayer Bill of Rights. The requisite Notice of Availability is attached hereto as Exhibit B.¹²⁷ If a taxpayer requests the Local Taxpayer Bill of Rights Disclosure Statement, a copy shall be mailed to the taxpayer at District expense.
2. Confidentiality of Information. Any information obtained by the District as a result of an audit, return, report, investigation, hearing or verification shall be confidential, except as otherwise provided by law or for official purposes. If an officer, employee or agent of the District divulges in any manner confidential information gained as a result of

~~126~~Editor's Note: Exhibit A is included at the end of this chapter.

~~127~~Editor's Note: Exhibit B is included at the end of this chapter.

the foregoing, s/he shall be subject to dismissal from office or discharge from employment.

3. Time Limits for Response to Information Requests. A taxpayer shall have at least 30 days to respond to a request for information from the District. When the District requests information from a taxpayer, it shall simultaneously provide the taxpayer with an Information Time Extension Procedure Notice. The form for such notice is attached hereto as Exhibit C.¹²⁸ If the taxpayer requests a reasonable extension of time to respond to an information request, and states good cause, the request will be granted. The District will not take any action against a taxpayer for the tax year in question until the expiration of the applicable response period, including extensions.
4. Tax Appeals. Act 50 requires the District to adopt regulations concerning the form and content of petitions, as well as practice and procedure for tax appeal petitions. The required regulations as adopted by the District are attached hereto as Exhibit D.¹²⁹
5. In order to make the determinations on petitions from taxpayers relating to an assessment or refund of an eligible tax, the District adopts the following administrative process:

Review and decision by the Borough Council in executive session.

128Editor's Note: Exhibit C is included at the end of this chapter.

129Editor's Note: Exhibit D is included at the end of this chapter.

Part 8
COMPENSATION FOR TAX COLLECTOR SERVICES

§ 24-151. Cost of Services. [Ord. No. 443, 6/6/2018]

1. The costs and the rate of compensation of the Speers Tax Collector for duplicate bills, data on disk or copies of other information requested from commercial entities are as follows:
 - A. Duplicate bills: \$10.
 - B. Data on disk: \$25 per disk.
 - C. Copies of other information: \$0.50 per page.

Chapter 25

TREES

§ 25-1. Definition and Interpretation. [Ordinance 299, December 5, 1973, Section 1]

The word "person," as used in this ordinance,¹³⁰ shall mean and include any natural person, partnership, association, firm or corporation. In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

§ 25-2. Property Owners to Keep Trees Trimmed to Required Clearance Above Streets and Sidewalks. [Ordinance 299, December 5, 1973, Section 2]

It shall be the duty of every owner of property fronting upon or alongside any street or alley in the Borough of Speers to trim and keep trimmed all trees planted or growing upon such property or upon the sidewalk area adjacent thereto so that no part of any such tree, or the branches or foliage thereof, shall be closer than 15 feet above the surface of the cartway of the street or nine feet above the surface of the sidewalk.

§ 25-3. Property Owners to Remove Trees Causing Damage to Sidewalks. [Ordinance 299, December 5, 1973, Section 3]

It shall be the duty of every owner of property in the Borough of Speers to remove any tree, growing upon such property or upon the sidewalk area adjacent thereto, upon notice from the Borough Council, when the roots of such tree shall cause any part of the sidewalk to heave up, be cracked or otherwise disturbed, and thereafter to repair or reconstruct the sidewalk, as required by the Borough Council, to place the same in proper condition.

§ 25-4. Penalty for Violation. [Ordinance 299, December 5, 1973, Section 4]

Any person who shall violate any provision of this ordinance¹³¹ or who shall fail to fulfill his duty, as required by this ordinance, shall be guilty of an offense, and for every such offense, upon conviction thereof, shall be sentenced to pay a fine of not more than \$50 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 10 days. Provided: each day's violation or failure of fulfillment of duty shall constitute a separate offense. All fines payable to the Borough of Speers.

Chapter 26

~~130~~Sections 1 to 4 of this chapter.

~~131~~Sections 1 to 4 of this chapter.

WATER

Chapter 27

ZONING

Part 1
SHORT TITLE; VALIDITY; INTERPRETATION

§ 27-1. Short Title.¹³² [Ord. 260, 9/1/1971, Art. I, § 101]

This chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of Speers." The map showing the divisions of the Borough into the designated zoning districts shall be known as the "Zoning District Map." The said map shall be an integral part of this chapter.¹³³

§ 27-2. Validity. [Ord. 260, 9/1/1971, Art. I, § 102]

Should the courts declare any portion of this chapter to be invalid, such declaration shall not affect the validity of the chapter as a whole or of any part thereof, other than the specific portion declared to be invalid.

§ 27-3. Interpretation and Intent. [Ord. 260, 9/1/1971, Art. I, § 103]

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare of the Borough of Speers. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Borough.

It is fundamental to the purpose of this chapter to recognize that many existing lots throughout the Borough are less adequate than others because of their location or size or odd shape or difficult topography, or any combination of these limitations. A claim of hardship under this chapter, therefore, shall not be allowed on behalf of any lot because the physical characteristics of the lot prevent it from being built upon exactly as in another lot abutting or close to it or in the same zoning district. The regulations herein permit most such lots to be satisfactorily built upon. There can be some alleviation for other lots through minor concessions granted by the Zoning Hearing Board when special physical conditions make literal enforcement of the regulations either unsatisfactory in the interest of the people at large or actually impossible. It is not this chapter but the physical conditions that prevent a lot from accommodating a type or area or bulk of structure unsuited to it. For a typical example, it is not intended that each lot in a One-Family Residence District automatically become the prospective site for all structures and uses permitted in the district. If a lot in such a district, after provision of the yards and other open spaces prescribed for its own and adjacent property protection, has a buildable area too small in extent or dimensions for some of these uses, then the lot may be used under its district regulations for a one-family dwelling.

132Editor's Note: This heading and the headings of §§ 27-2 to 27-160 of this chapter (except §§ 27-24 to 27-28, 27-41, 27-51, 27-61, 27-71, and 27-81) are part of this chapter as enacted.

133Editor's Note: Section 104 of Ord. 260 repealed all conflicting ordinances and parts of ordinances, particularly Ord. 149 and Ord. 159; Section 105 of Ord. 260 stated that the ordinance was to become effective 30 days after passage and approval.

§ 27-4. Zoning Ordinance on File for Public Record. [Ord. 260, 9/1/1971, Art. I, § 106]

This chapter, including the Zoning District Map, together with any succeeding amendments thereto, shall be on file and may be viewed by any interested person, in the office of the Zoning Officer.

Part 2
DEFINITIONS

§ 27-5. Rules. [Ord. 260, 9/1/1971, Art. II, § 201]

For the purpose of use in this chapter, the following terms and words are herein defined.¹³⁴ Words used in the present tense include the future tense; the singular number includes the plural and vice versa; the words "used for" or "used by" include the meaning "designed or redesigned for."

§ 27-6. Definitions. [Ord. 260, 9/1/1971, Art. II, § 202]

1. Accessory Use or Structure: a use or structure customarily and clearly incident and subordinate to a principal use or structure located upon the same parcel of land, such as the following:
 - (1) In any district:
 - a. Loading space.
 - b. Minor garage or minor parking area.
 - c. Screening wall or fence, as regulated under § 27-103, Subsection 6.
 - d. Signs, as prescribed in Part 12¹³⁵
 - (2) In the "S" District:
 - a. Greenhouse, hothouse, barn, shed, and the like, in connection with agricultural uses.
 - (3) In "R" Districts:
 - a. Greenhouse, accessory to a dwelling and used exclusively by occupants of the premises to cultivate plants as an avocation.
 - b. Home occupation, carried on within the dwelling structure, by the resident thereof, as a customary secondary use in connection with which there is no person employed, no display, no sign other than a nameplate, no mechanical equipment other than normal domestic or household equipment, and no selling of a commodity on the premises, provided such use does not occupy more than 25% of the total floor area of one floor, and does not require internal or external structural alterations or involve construction features not customary in dwellings.
 - c. Home office of a doctor of medicine, a lawyer or minister of religion, situated in a dwelling unit which is the home of the practitioner, provided that not more than one assistant is

134Editor's Note: In § 27-6 of this chapter.

135Editor's Note: See §§ 27-121 to 27-124 of this chapter.

employed, no colleagues or associates use such office, and no sign is used other than a nameplate.

- d. Swimming pool, which shall be maintained in a clean and sanitary condition and in good repair, and as defined in Part 5, "R" One- and Two-Family Residence District, § 27-52, Use. **[Ord. 439, 11/2/2016, § 2]**
 - e. Storage buildings, which shall be maintained in a clean and sanitary condition and in good repair, and as defined in Part 5, "R" One- and Two-Family Residence District, § 27-52. **[Ord. 440, 6/7/2017, § 2]**
2. Basement: a story partly below ground and not having 1/2 or more of its height above the average level of the adjoining ground.
 3. Basic Grade: the average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established the actual existing grade of the traveled roadway shall apply.
 4. Building: a structure having a roof supported by columns or walls used for the housing or enclosure of persons, animals, or chattels.
 - (1) Main: the building housing the principal use of the parcel of land on which it is located.
 - (2) Unit Group: two or more main buildings grouped upon a single zoning lot, such as shopping center, school, church, hospital, institutional or industrial plants.
 - (3) Garage: a building or portion thereof, used for the storage and/or service of motor vehicles.
 - a. Minor: a detached accessory building, or portion of a main building, for the parking or temporary storage of automobiles belonging to occupants of the premises.
 - b. Community: one garage, or a group of detached garages arranged in a row or surrounding a common means of access, one story in height, and used exclusively for the parking of automobiles by residents, customers, or persons engaged in conduct of establishments in the immediate vicinity of its location.
 - c. Major: any garage not included within the definition of "minor" or "community" garage.
 - (4) Height of Building: the vertical distance and the number of stories measured from the basic grade to:

- a. The highest point of the roof adjacent to the front wall, for flat roofs.
 - b. The deck line of mansard roofs.
 - c. The mean height between eaves and ridge, for gabled, hipped, or gambrel roofs.
5. Dwelling: any building or portion thereof, which is used for residence except club, dormitory, or motor hotel.
- a. One-Family Dwelling: a building designed for and used exclusively for occupancy by one family, with or without servants and permitted lodgers.
 - b. Two-Family Dwelling: a building designed for and used exclusively for occupancy by two families, with or without servants and permitted lodgers.
 - c. Multiple-Family Dwelling: a building designed for and used exclusively for occupancy by three or more families, with or without servants.
 - d. Row Dwelling: a multiple-family dwelling consisting of one-family dwelling units attached side by side.
6. Family: either an individual, or two or more persons related by blood or marriage or adoption, or a group of not more than five persons not so related (not counting servants), living together as a single household.
7. Floor Area:
- a. For offices, merchandising, or service types of uses - the gross floor area used or intended to be used for service to the people as customers, patrons, clients, or patients, or as tenants of merchandise; but not including floors or parts of floors used principally for non-public purposes, such as the storage, incidental repair, processing or packaging of merchandise, for show windows or for offices incidental to the management or maintenance of stores or buildings, when these are in separate rooms from the main use of the building. Floors or parts of floors used principally for toilet or rest rooms or for utilities or fitting rooms, dressing rooms, and alteration rooms shall also be excluded.
 - b. For other than offices, merchandising, or service types of uses - the gross floor area of the structure, including basement and attic.
8. Lot, Corner: a lot situated at and abutting the intersection of two streets, having an interior angle of intersection not greater than 135°.
9. Lot, Interior: a lot other than a corner lot.
10. Lot, Substandard, of Record: See "Substandard Lot of Record."

11. Lot, Through: a lot, the front and rear lines of which abut streets.
12. Lot, Zoning: a parcel of land, fronting on a street, which is or may be occupied by a main structure or a unit group of buildings with accessory uses and structures and the open spaces required under this chapter.
 - a. Buildable Area: that portion of a zoning lot bounded by the required front, side, and rear yards; when a yard is not required, the boundary is the lot line.
 - b. Lot Area: the total space within the boundary lines of a zoning lot, not including any part of a street or alley.
 - c. Lot Width: the distance between the side lines of the zoning lot measured at the shortest distance at or between the front and rear building lines as determined by the prescribed front and rear requirements.
13. Major Excavating, Grading, or Filling: any operation (other than in connection with a foundation for a structure), involving:
 - a. Strip or other mining of coal or other minerals, excavating of sand or rock and the crushing of rock, sanitary and other fills, drilling for gas or oil, recovery of metal or natural resources, and similar operations; or
 - b. Material alteration of the ground surface so as to affect streets and recreation sites and other public facilities, or physically affect private property within 1,000 feet of the operation; or
 - c. A volume of earth movement exceeding 16,000 cubic yards;
 - d. A change in ground elevation exceeding 20 feet.
14. Mobile Home: any vehicle or portable structure equipped for and used as sleeping or living quarters for one or more persons, which is, or by its original design may be, mounted upon wheels and used as a conveyance on highways or streets, and drawn by its own or other motive power.
15. Mobile Homes Court: any parcel or tract of land, designed, maintained, or intended for the purpose of supplying a location or accommodation for two or more mobile homes, and upon which two or more mobile homes are parked, and including all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the mobile homes court and its facilities. Mobile homes court shall not include sales lots on which unoccupied mobile homes are parked for the purpose of inspection or sale.
16. Motor Hotel: a building or a group of two or more buildings designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals, including auto courts, motels,

- motor lodges, tourist courts, and the like, in which building or group of buildings:
- a. More than 50% of the living or sleeping units have direct exterior access.
 - b. All of the floor area devoted to residential use is in living or sleeping units, each with a private bathroom and none with cooking facilities, except for quarters for resident manager or proprietor.
 - c. The major portion of the floor area is devoted to living quarters, but incidental business may be conducted.
 - d. There may be meeting rooms; common dining facilities; swimming pools; tennis courts, and similar recreational uses, as accessory uses and structures incident to the motor hotel operation.
17. Nonconforming Sign: a sign lawfully existing on the effective date of this chapter¹³⁶ or at the time of application of this chapter to its location by subsequent amendment or annexation, which does not completely conform to the sign regulations applicable to its location.
18. Nonconforming Structure: a structure or portion thereof, other than a sign, lawfully existing on the effective date of this chapter, or at the time of application of this chapter to the location by reason of amendment or annexation, which structure does not completely comply with all the regulations applicable to its location.
19. Nonconforming Use: a use of a structure or land, other than a sign, lawfully existing on the effective date of this chapter, or at the time of application of this chapter to the location by reason of amendment or annexation, which use does not completely conform to all the regulations applicable to its location.
20. Parking Area: an open space other than a street or alley used exclusively for the parking of automobiles.
- a. Minor: a parking area which is an accessory use on the same zoning lot.
 - b. Community: a parking area used exclusively by the residents, customers, or persons engaged in conduct of establishments in the immediate vicinity of its location.
21. Sign: any surface, fabric, device, or structure bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view.
22. Street: a strip of land, at least 25 feet wide, over which the owners of abutting property have the right of light, air and access.

136Editor's Note: Ordinance 260 provided that this chapter would become effective 30 days after its passage and approval.

23. Structure: any thing built, constructed, or erected, which requires location on the ground or attachment to something on the ground.
- a. Accessory: See "Accessory Use or Structure."
 - b. Height of (other than building): the vertical distance measured from the basic grade to the highest point of the structure.
24. Substandard Lot of Record: a lot in an "S" or "R" District which:
- a. Fronts upon a street.
 - b. Is insufficient in size to meet the requirements for a one-family dwelling.
 - c. By documentary evidence acceptable to the Zoning Officer, is shown to be, prior to and continuously since the effective date of this chapter, in separate and distinct ownership from all abutting land.
25. Yard: an open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky except as otherwise provided, and not including any portion of a street or alley.
- a. Front: a yard extending across the full width of the lot and abutting the front lot line, the required depth of which yard is a prescribed minimum distance between the front lot line and a line parallel thereto on the lot.
 - b. Rear: a yard extending across the full width of the lot and abutting the rear lot line, the required depth of which yard is a prescribed minimum distance between the rear lot line and a line parallel thereto on the lot.
 - c. Side: a yard abutting a side lot line, extending from the front yard to the rear yard, the required width of which yard is a prescribed minimum distance between the side lot line and a line parallel thereto on the lot.

**Part 3
CLASSIFICATION OF DISTRICTS**

§ 27-21. Classes of District. [Ord. 260, 9/1/1971, Art. III, § 301]

Borough of Speers is hereby divided into four types of district and five zoning district classifications, for the purpose of applying the provisions of this chapter. These districts are:

Type		Full Name	Short Name
"S"	"S"	Conservancy District	"S" District
"R"	"R"	One- and Two-Family Residence District	"R" District
"C"	"C-1"	Commercial District	"C-1" District
"M"	"M-1"	Planned Light Industrial District	"M-1" District
	"M-2"	Heavy Industrial District	"M-2" District

The term "M" District, whenever used herein, is deemed to mean a type of district including both "M-1" and "M-2" classifications.

Among the four types of district - "S," "R," "C" and "M," each type is recognized herein as "most protected" within itself and is subject to lessening of such protection if uses of any of the other three types are introduced therein. Among the districts of any one of these types, a district designated by a lower number is recognized as more protected than a district designated by a higher number.

§ 27-22. Zoning District Map. [Ord. 260, 9/1/1971, Art. III, § 302]

The boundaries of the districts listed above are designated on the Zoning District Map, which, together with all the information recorded thereon, is hereby made a part of this chapter.

§ 27-23. Boundaries of Districts. [Ord. 260, 9/1/1971, Art. III, § 303]

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning District Map, the following rules shall apply:

1. Where the indicated boundaries on the Zoning District Map are approximately lot lines or property lines, said lines shall be construed to be the boundaries of such district, unless otherwise indicated.
2. Where the indicated boundaries on the Zoning District Map are approximately public rights of way, the center lines of said public rights of way shall be construed to be the boundaries.
3. Where the indicated boundaries are dimensioned on the Zoning District Map, said dimensions shall determine the boundaries.

4. Where the indicated boundaries are not approximately lot or property lines or public rights of way, and where said boundaries are not dimensioned, the boundaries shall be determined by scaling on the Zoning District Map.

§ 27-24. Territory Added to "S" Conservancy District.

(Reserved to accommodate future ordinances)

§ 27-25. Territory Added to "R" One- and Two-Family Residence District. [Ord. 309, 12/4/1974, § 1; Ord. 392, 11/6/1996, § 3]

1. The Zoning District hereinafter described is hereby changed from conservancy district to residential district:

Lots 3 through 11 inclusive and parts of Lots 12 through 18 inclusive in the amended Speers View Plan of Lots, said plan being of record in the Recorder's Office in and for Washington County, Pennsylvania in Plan Book 9, page 76. Said lots being on the northeastern side of Phillips Street.¹³⁷

2. The area at the southeastern corner of the Borough of Speers being bordered as follows, to be changed from M-2 Heavy Industrial District to R One-and-Two Family Residence District:

On the south by Borough of Dunlevy; on the west by the Pennsylvania Railroad; on the north by a line bearing north 32°, 16 minutes, 54 seconds east from the eastern side of the railroad right-of-way, said line being north 57°, 43 minutes, 06 seconds west, a distance of 749.67 feet; and, on the east by the Monongahela River.

§ 27-26. Territory Added to "C-1" Commercial District. [Ord. 319, 5/24/1977, § 2]

1. To be changed from M-1 Planned Light Industrial to C-1 Commercial, the area at the southeast intersection of Arentzen Avenue and Guttman Boulevard being bordered as follows:

On the south by Interstate 70;

On the east by property now or formerly of Mapco, Inc.;

On the north by Arentzen Boulevard; and

On the west by Legislative Route 62141.

§ 27-27. Territory Added to "M-1" Planned Light Industrial District. [Ord. 319, 5/24/1977, § 1]

¹³⁷Editor's Note: Section 2 of Ord. 309 provided that this change was pursuant to at least 30 days' notice to the Borough Planning Commission and Washington County Planning Commission and hearing on December 4, 1974, according to law.

1. The following areas shall be changed in zoning district classification to M-1 Industrial:
 - (a) The area zoned "R" lying to the south of the Maplevue Plan of Lots, not including any lots in said Maplevue Plan and extending southwardly to the area now zoned M-1 Planned Light Industrial and having as its general westerly border L. R. 62141, known as Twilight Hollow Road and as its easterly border State Route 88.
 - (b) The area lying to the east of South Maple Creek, now zoned "S" and the area to the west of Route 88, now zoned "S".

§ 27-28. Territory Added to "M-2" Heavy Industrial District. [Ord. 435, 1/7/2015]

1. The Zoning Map of the Borough of Speers is hereby amended to rezone as "M-2" Heavy Industrial the portion of property within the Borough at Tax Map Parcel No. 610-015-00-00-001-00. A copy of the revised Zoning Map approved by this amendment is attached hereto as Exhibit "A."¹³⁸

138Editor's Note: Exhibit "A" is on file in the Borough offices.

Part 4
"S" CONSERVANCY DISTRICT

§ 27-41. Purpose. [Ord. 260, 9/1/1971, Art. IV, Introductory Section]

The "S" Conservancy District is intended to encourage the conservation of steep hillside land within the Borough, where the economics of the building and supplying public services and facilities argue against the more usual type of building development; and where only huge expenditures for grading the land to make it more buildable, will permit a change of zone, and encourage building development; to prohibit commercial and industrial uses of land, and also residential use, except under special conditions relating to public service; and to discourage any use because its character or location within the district would create requirements and costs for public service, such as police and fire protection, water supply, and sewerage, substantially in excess of such requirements and costs in areas of less steep topography.

§ 27-42. Use. [Ord. 260, 9/1/1971, Art. IV, § 401]

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only:

1. Agricultural uses, including field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards, aviaries and apiaries (not including roadside displays or commercial signs).
2. Recreation area, when operated by a non-profit organization.
3. Reforestation and public reservation, not involving sales, or advertising, on the premises.
4. Conditional Uses - It is not the intention that the "S" District is contemplated for the following uses, but with a realization that certain parts of such district may be developed to meet health and safety requirements without interfering with any other features of zoning, the following "conditional uses," as prescribed in Part 13,¹³⁹ may be accepted under circumstances prescribed thereunder:
 - a. Cemetery including crematorium (see § 27-131, Subsection 1).
 - b. Government use or structure or unit group building thereof (see § 27-131, Subsection 5).
 - c. Major excavating, grading, or filling (see § 27-131, Subsection 7).
 - d. One-family dwelling (see § 27-131, Subsection 12).
 - e. Public utility corporation buildings, structures, facilities, and installations (see § 27-131, Subsection 13).

139Editor's Note: See §§ 27-131 and 27-132 of this chapter.

5. Special exceptions permitted by the Zoning Hearing Board, as prescribed in Part 14.¹⁴⁰ including:
 - a. Gas regulator station; electric substation; greenhouse, horticultural nursery; or community garage or community parking area, on a substandard lot of record (see § 27-144, Subsection 2b).
 - b. Temporary structure or use in connection with an authorized use (see § 27-144, Subsection 2a).
6. Accessory use or structure (see definition).¹⁴¹
7. Signs, as prescribed in Part 12.¹⁴²
8. Required automobile parking space and loading space, as prescribed in §§ 27-104 and 17-105.

(See "General Use Provisions and Exceptions," § 27-1001.)

§ 27-43. Height. [Ord. 260, 9/1/1971, Art. IV, § 402]

The maximum heights of structures, except as otherwise provided, in this district shall be:

1. Thirty feet (not exceeding two stories) for a one-family dwelling.
2. Forty-five feet (not exceeding two stories) for other main structure.

(See "General Height Provisions and Exceptions," § 27-102.)

§ 27-44. Area. [Ord. 260, 9/1/1971, Art. IV, § 403]

Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

1. Front yard depth: 75 feet, or 100 feet from the center line of the street, whichever results in the greater dimension (see § 27-103, Subsection 2).
2. Side yard width: 50 feet on each side. A side yard abutting a street need not be more but shall not be less in width, than the depth of front yard required on the adjoining lot on that street.
3. Rear yard depth: 75 feet, except that for a through lot, the required rear yard depth shall be the same as the required front yard depth.
4. Lot area per family: two acres.
5. Lot width:
 - a. Interior lot: 200 feet.

140Editor's Note: See §§27-141 to 27-144 of this chapter.

141Editor's Note: See § 27-6, Subsection 1, of this chapter.

142Editor's Note: See §§ 27-121 to 27-124 of this chapter.

- b. Corner lot: 275 feet.

(See "General Area Provisions and Exceptions," § 27-103.)

Part 5
"R" ONE- AND TWO-FAMILY RESIDENCE DISTRICT

§ 27-51. Purpose. [Ord. 260, 9/1/1971, Art. V, Introductory Section]

The "R" One- [and Two-] Family Residence District is composed of certain quiet, low-density residential areas of the Borough, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial nature except home offices of doctors or ministers and certain home occupations, controlled by specific limitations governing the size and extent of such nonresidential activities. To these ends, development is limited to a relatively low concentration, and permitted uses are limited basically to single-family dwellings, providing homes for the residents, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the district. However, large-scale two-family and multiple-family housing developments, with prescribed standards for compatible density and open space, may be accepted in their district under special conditions.

§ 27-52. Use. [Ord. 260, 9/1/1971, Art. V, § 501]

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only:

1. One- and two-family dwellings.
2. General gardening, and growing of trees and nursery stock; not including roadside displays or commercial signs.
3. Publicly owned recreation area.
4. Public library.
5. Conditional uses, as prescribed in Part 13,¹⁴³ including:
 - a. Educational, philanthropic, or religious institution, or unit group building thereof (see § 27-131, Subsection 3).
 - b. Government use or structure or unit group building thereof (see § 27-131, Subsection 5).
 - c. Large-scale housing development, or unit group building thereof (see § 27-131, Subsection 6).
 - d. Major excavating, grading, or filling, except for strip or other mining of coal or other minerals, excavating of sand or rock and the crushing of rock, sanitary and other fill, drilling for gas or oil,

143Editor's Note: See §§ 27-131 and 27-132 of this chapter.

- recovery of metal or natural resources, and similar operations (see § 27-131, Subsection 7).
- e. Mobile homes court (see § 27-131, Subsection 9).
 - f. Nonprofit recreation area (see § 27-131, Subsection 11).
 - g. Public utility corporation buildings, structures, facilities, and installations (see § 27-131, Subsection 13).
6. Special exceptions permitted by the Zoning Hearing Board, as prescribed in Part 14,¹⁴⁴ including:
- a. Community garage or community parking area [see § 27-144, Subsection 2c(1)].
 - b. One-family dwelling without the required parking space [see § 27-144, Subsection 2c(2)].
 - c. Temporary structure or use in connection with an authorized use (see § 27-144. Subsection 2a).
7. Accessory use or structure (see definition),¹⁴⁵ provided a minor garage or minor parking area is used exclusively for the parking of noncommercial automobiles. Setback requirements for accessory structures shall be five feet from either side of the property boundary and five feet from the rear property boundary. **[Ord. 440, 6/7/2017, § 1]**
8. Signs, as prescribed in Part 12.¹⁴⁶
9. Required automobile parking space and loading space, as prescribed in §§ 27-104 and 27-105.
- (See "General Use Provisions and Exceptions," § 27-103.)
10. Swimming pools. **[Ord. 439, 11/2/2016, § 1]**
- a. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
 - b. Enclosures. Private swimming pools, hot tubs and spas containing water more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1,219mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors and such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1,372mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such

144Editor's Note: See §§ 27-141 to 27-144 of this chapter.

145Editor's Note: See § 27-6, Subsection 1, of this chapter.

146Editor's Note: See §§ 27-121 to 27-124 of this chapter.

that the gate shall positively close and latch when released from an open position of six inches (152mm) from the gate post. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

§ 27-53. Height. [Ord. 260, 9/1/1971, Art. V, § 502]

Same as in the "S" District, § 27-43.

§ 27-54. Area. [Ord. 260, 9/1/1971, Art. V, § 503]

Each lot in this district shall comply with the following minimum requirements, except as otherwise provided.

1. Front yard depth: 30 feet, or in line with existing dwellings (see § 27-103, Subsection 2).
2. Side yard width: five feet on one side; 10 feet total both sides; except that a side yard abutting a street shall be not less in width than 10 feet or the depth of front yard required on the adjoining lots on that street.
3. Rear yard depth: 30 feet, except that for a through lot, the required rear yard depth shall be the same as the required front yard depth.
4. Lot area per family: 5,000 square feet.
5. Lot width:
 - a. Single-family.
 - (1) Interior lot: 60 feet.
 - (2) Corner lot: 80 feet.
 - b. Duplex - minimum one-hundred-foot frontage.

§ 27-55. Area Exceptions (for Substandard Lots of Record). [Ord. 260, 9/1/1971, Art. V, § 504]

1. Lot area requirements shall not be held to prohibit the erection of a one-family dwelling on a substandard lot of record, in which instance the following shall be applicable:
 - a. The side and rear yard provisions of § 27-54 are adhered to.

Part 6
"C-1" COMMERCIAL DISTRICT

§ 27-61. Purpose. [Ord. 260, 9/1/1971, Art. VI, Introductory Section]

The "C" Commercial District is designed to encourage the construction of new shopping and business facilities and continued use of land for neighborhood commercial service purposes; to prohibit exclusive single residential, heavy commercial, and industrial use of land; to prohibit any other use which would substantially interfere with the development of continuation of the commercial uses and structures in the district; and to discourage any use which because of its character and size would interfere with the use of land in the district as a shopping and service center for the surrounding residence districts.

This district classification is intended to be applied to areas largely surrounded by residential classification. Because the locations of the "C" Districts and the arrangement of the uses within them are expected to have a close relationship to the overall plan and protection to residential districts, it is deemed that the exercise of planning judgment on location and site plan is essential.

§ 27-62. Use. [Ord. 260, 9/1/1971, Art. VI, § 601]

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for limited commercial uses listed hereunder (including in each instance unit group building development). Each enterprise shall:

- a. Be conducted entirely within an enclosed building unless otherwise specifically stated.
- b. Be not objectionable because of odor, smoke, dust, noise, vibration, glaring light, or similar causes.
- c. Not exceed a floor area of 10,000 square feet.

In any "C" District, the uses shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this chapter, be in accordance with a site plan or plans approved by the Borough Council. The site [plan] shall show, as proposed, the location of main and accessory structures on the site and in relation to one another; traffic circulation features, within the site; the location of vehicular access onto the site; the height and bulk of structures; the provision of automobile parking space; the provision of other open space on the site; the landscaping, paving, fences, and walls on the site, and the display of signs.

In approving site plans, the Borough Council may act on site plans submitted to it or may act on its own initiative in proposing and approving a site plan.

In considering any site plan hereunder, the Borough Council shall endeavor to assure safety and convenience of traffic movement both within the site covered and in relation to access streets, harmonious and beneficial relationship of structures and uses of the site as well as contiguous properties. To this end, the Borough Council may limit vehicular access by plan.

Permitted uses are:

1. Shop for the sale of any of the following commodities; beverages; books; confections; drugs; electrical appliances, including but not limited to radios, television, and phonographs; flowers; foodstuffs; hardware; notions; novelties; periodicals; shoes; sundry household articles; tobacco and wearing apparel; provided that there be no manufacturing or processing except that which is incidental and essential to an enterprise in which merchandise is sold at retail primarily on the premises.
2. Amusement enterprise as follows: billiard or pool hall, bowling alley, dance hall, boxing area, games of skill and science [chance], shooting gallery, and the like, provided that any portion of the use within 300 feet of property in a "R" District shall be conducted entirely within a completely enclosed building.
3. Automobile service station (not including the making of major repairs), provided:
 - a. Only such activities as car washing and waxing and polishing or greasing need be conducted entirely within an enclosed building.
 - b. No stand, rack, or other paraphernalia other than, or in direct connection with, merchandise offered for sale, is manifest outside a completely enclosed building.
 - c. The use is located on a corner lot or a lot abutting property in a different zoning district classification within the same frontage.
4. Automobile and trailer sales and supply business, with incidental service, provided that any sales area is located and developed as required in § 27-104, Subsection 13 (see § 27-101, Subsection 5).
5. Barber shop or beauty parlor.
6. Beverages, retail or wholesale distribution of.
7. Clothes pressing and repair.
8. Club.
9. Financial institution.
10. Laundry agency, or hand laundry, or laundry operated by customers.
11. Office for recognized profession.

12. Real estate and provisional office.
13. Restaurant and bar, with or without, not providing live entertainment or dancing.
14. Shoe repair shop.
15. Tailor shop.
16. Conditional uses, as prescribed in Part 13,¹⁴⁷ including:
 - a. Government use or structure or unit group building thereof (see § 27-131, Subsection 5) need not be within an enclosed building.
 - b. Major excavating, grading or filling, except for strip or other mining of coal or other minerals, excavating of sand or rock and the crushing of rock, sanitary and other fills, drilling for gas or oil, recovery of metal or natural resources, and similar operations (see § 27-131, Subsection 7) not within an enclosed building.
 - c. Motor hotel.
 - d. Public utility corporation buildings, structures, facilities, and installations (see § 27-131, Subsection 13) need not be within an enclosed building.
 - e. Retail store, as otherwise permitted in this district, exceeding a floor area of 10,000 square feet (see § 27-131, Subsection 14).
 - f. Multiple-family dwellings, as set forth in § 27-131, Subsection 6.
 - g. Drive-in theater.
17. Special exceptions permitted by the Zoning Hearing Board, as prescribed in Part 14,¹⁴⁸ including:
 - a. Temporary structure or use in connection with an authorized use (see § 27-144, Subsection 2a) need not be within an enclosed building.
18. Accessory use or structure (see definition)¹⁴⁹ need not be within an enclosed building.
19. Signs, as prescribed in Part 12,¹⁵⁰ need not be within an enclosed building.
20. Community garage or community parking area (see § 27-101, Subsection 5) need not be within an enclosed building.

147Editor's Note: See §§ 27-131 and 27-132 of this chapter.

148Editor's Note: See §§ 27-141 to 27-144 of this chapter.

149Editor's Note: See § 27-6, Subsection 1, of this chapter.

150Editor's Note: See §§ 27-121 to 27-124 of this chapter.

21. Required automobile parking space and loading space, as prescribed in §§ 27-104 and 27-105 need not be within an enclosed building.
22. Dwelling apartments in structures above permitted.
23. Drive-in establishment as follows: financial institution, food dispensary where food is consumed on the premises, refreshment stand, vending machine outlet, and the like; but not including drive-in theater (see § 27-101, Subsection 5).
24. Feed store.
25. Food market.
26. Fruit and vegetable stand.
27. Funeral home or mortuary.
28. General store for the sale of books, beverages, confections, drugs, flowers, gifts, periodicals, radios, and the like, stationery, or tobacco.
29. Hardware store, including the sale and display of farm machinery and equipment.
30. Hospital for small animals (dogs, cats, and the like), including kennel, provided yards are enclosed.
31. Ice, sale of; storage not more than five tons.
32. Nursery, flower or plant; provided that all the incidental equipment and supplies, including fertilizer and supply cans are kept within an enclosed building.

(See "General Use Provisions and Exceptions," § 27-101.)

§ 27-63. Height. [Ord. 260, 9/1/1971, Art. VI, § 602]

The maximum heights of structures, except as otherwise provided, in this district shall be:

1. Thirty feet (not exceeding two stories) for a main structure.
2. Fifteen feet (not exceeding one story) for accessory structure.

(See "General Height Provisions and Exceptions," § 27-102.)

§ 27-64. Area. [Ord. 260, 9/1/1971, Art. VI, § 603]

Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

1. Front yard depth: 20 feet (see § 27-103, Subsection 2).
2. Side yard width: none required except in the following instances:

- a. When a side lot line abuts an "R" District, 15 feet.
 - b. A side yard abutting a street, not less in width than the depth of front yard required on the adjoining lot on that street.
3. Rear yard depth: 15 feet, when rear lot line abuts an "R" District; otherwise, none required. For a through lot, the required rear yard depth shall be the same as the required front yard depth.
 4. All required yards shall be maintained in lawns and planting and shall not be used for automobile parking.
 5. No main structure shall be closer than 35 feet to a street or property in another zoning district.
 6. Lot area: one acre, of which, after development, not more than 20% shall have a gradient exceeding 5%.
 7. When a planned development exceeds an area of 10 acres, the depth of front and rear yards and the width of side yards, when abutting streets, shall be increased at the ratio of six inches per acre or portion thereof; provided no such yard need exceed a depth or width of 30 feet.

(See "General Area Provisions and Exceptions," § 27-103.)

Part 7
"M-1" PLANNED LIGHT INDUSTRIAL DISTRICT

§ 27-71. Purpose. [Ord. 260, 9/1/1971, Art. VII, Introductory Section]

The "M-1" Planned Light Industrial District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Borough, contribute to the soundness of the economic base of the Borough, provide opportunities for local employment close to residential areas, thus reducing travel to and from work, and otherwise further the purposes set forth in the initial paragraphs of this chapter. The limitations on use, height, and lot coverage are intended to provide for modern light industrial development in a suburban landscaped setting. Residential and the more general commercial uses are considered not compatible and are prohibited, as well as any use which would substantially interfere with the development or continuation of the industrial uses and structures in the district.

Because the nature of the uses, the locations of the "M-1" Districts, and the arrangement of the uses within them are expected to have a close relationship to the overall plan, it is deemed that the exercise of planning judgment on location and site plan is essential.

§ 27-72. Use. [Ord. 260, 9/1/1971, Art. VII, § 701]

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for limited light industrial uses listed hereunder (including in each instance unit group building development), when conducted within an enclosed building, unless otherwise specifically stated, provided:

- a. No explosive materials or processes are involved.
- b. No smoke, fumes, odor, dust, noise, vibration, or glaring light is noticeable from outside any lot in this district.
- c. The use is not offensive by reason of emission of refuse matter or water-carried waste.

In an "M-1" District, the uses shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this chapter, be in accordance with a site plan or plans approved by the Borough Council. The site plan shall show, as proposed, the location of main and accessory structures on the site and in relation to one another; traffic circulation features within the site; the location of vehicular access onto the site; the height and bulk of structures; the provision of automobile parking space; the provision of other open space on the site; the landscaping, paving, fences, and walls on the site, and the display of signs.

In approving site plans, the Borough Council may act on site plans submitted to it or may act on its own initiative in proposing and approving a site plan.

In considering any site plan hereunder, the Borough Council shall endeavor to assure safety and convenience of traffic movement both within the site covered and in relation to access streets, harmonious and beneficial relationship of structures and uses on the site as well as contiguous properties. To this end, the Borough Council may control vehicular access by plan limitations.

Permitted uses are:

1. Assembly of small electrical appliances.
2. Automobile service, including: automobile sales; station for sale and service of fuel, lubricating oil, and accessories; major repair; painting; upholstering; tire retreading or recapping; battery manufacture, and the like, provided:
 - a. Sale and service of fuel and lubricating oil need not be within an enclosed building.
 - b. No stand, rack or other paraphernalia, other than, or in direct connection with, merchandise offered for sale, is manifest outside a completely enclosed building.
3. Boat-building, of only small boats.
4. Building materials sales establishment.
5. Distribution plant, including parcel delivery, ice and cold storage plant, bottling plant, and food commissary or catering establishment (see § 27-101, Subsection 5).
6. Laboratory - experimental, photo, or motion picture, film or testing.
7. Machinery, sales and display.
8. Manufacturing, fabricating, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane; clay; cloth; cork; feathers; felt; fiber; fur; glass; hair; horn; leather; paint, not employing a boiling process; paper; plastics; precious or semiprecious metals or stones; shell; straw; textiles; tobacco; wood, but not including heavy woodworking shop; and yarns.
9. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity.
10. Manufacture, fabrication, and maintenance of electric and neon signs, billboards, commercial advertising structures, metal products of a light nature including heating and ventilating ducts and equipment -

cornices, eaves, and the like, and also including plumbing, heating, or electrical contracting business.

11. Manufacture of musical and small precision instruments, watches and clocks, toys, novelties, rubber and metal hand stamps.
12. Manufacture, processing, canning, packaging, or treatment of such products as beverages, cosmetics, drugs, perfumed toilet soap, perfumes, pharmaceuticals, and food products not including fish smoking, curing, or canning, rendering of fats and oils, or the slaughter of animals.
13. Office, professional or business.
14. Printing, lithographing, type composition, ruling and binding establishment.
15. Storage, other than:
 - a. Celluloid.
 - b. Coal and coke.
 - c. Garbage, offal, dead animals, or refuse.
 - d. Gas (in its various forms) in excess of 10,000 cubic feet.
 - e. Gasoline in excess of an amount necessary for use on the premises or to supply retail trade at service station.
 - f. Gunpowder, fireworks, or other explosives.
 - g. Junk, scrap, metal, paper or rags.
 - h. Petroleum and petroleum by-products in excess of an amount necessary for use on the premises.
 - i. Raw hides or skins.
 - j. Terminal warehousing or transfer depot.
16. Conditional uses as prescribed in Part 13,¹⁵¹ including:
 - a. Government use or structure or unit group building thereof (see § 27-131, Subsection 5) need not be within an enclosed building.
 - b. Major excavating, grading, or filling, except for strip or other mining of coal or other minerals, excavating of sand or rocks and the crushing of rock, sanitary and other fills, drilling for gas or oil, recovery of metal or natural resources, and similar operations (see § 27-131, Subsection 7) not within an enclosed building.

151Editor's Note: See §§ 27-131 and 27-132 of this chapter.

- c. Public utility corporation buildings, structures, facilities, and installation (see § 27-131, Subsection 13) need not be within an enclosed building.
17. Special exceptions permitted by the Zoning Hearing Board, as prescribed in Part 14,¹⁵² including:
 - a. Temporary structure or use in connection with an authorized use (see § 27-144, Subsection 2a) need not be within an enclosed building.
 - b. Temporary use of vacant land for sale of nursery plants or for commercial recreation purposes (see § 27-144, Subsection 2d) need not be within an enclosed building.
 18. Accessory use or structure (see definition)¹⁵³ need not be within an enclosed building.
 19. Signs, as prescribed in Part 12,¹⁵⁴ need not be within an enclosed building.
 20. Required automobile parking space and loading space, as prescribed in §§ 27-104 and 27-105, need not be within an enclosed building.

(See "General Use Provisions and Exceptions," § 27-101.)

§ 27-73. Height. [Ord. 260, 9/1/1971, Art. VII, § 702]

The maximum heights of structures, except as otherwise provided, in this district shall be:

1. Thirty feet (not exceeding two stories for a main structure).
2. Fifteen feet (not exceeding one story) for accessory structures.

(See "General Height Provisions and Exceptions," § 27-102.)

§ 27-74. Area. [Ord. 260, 9/1/1971, Art. VII, § 703]

Each lot in this district shall comply with the following requirements, except as otherwise provided:

1. Front yard depth: 35 feet (see § 27-103, Subsection 2).
2. Side yard width: none required except in the following instances:
 - a. When side lot line abuts an "R" District, 15 feet.
 - b. A side yard abutting a street, not less in width than the depth of front yard required on the adjoining lot on that street.

¹⁵²Editor's Note: See §§ 27-141 to 27-144 of this chapter.

¹⁵³Editor's Note: See § 27-6, Subsection 1, of this chapter.

¹⁵⁴Editor's Note: See §§ 27-121 to 27-124 of this chapter.

3. Rear yard depth: 15 feet, when rear lot line abuts an "R" District; otherwise none required; a through lot, the required rear yard depth shall be the same as the required front yard depth.
4. All required yards shall be landscaped and maintained.
5. Lot width: 200 feet.
6. Lot coverage - buildings shall not cover more than 30% of the lot area.
(See "General Area Provisions and Exceptions," § 27-103.)

Part 8
"M-2" HEAVY INDUSTRIAL DISTRICT

§ 27-81. Purpose. [Ord. 260, 9/1/1971, Art. VIII, Introductory Section]

The "M-2" Heavy Industrial District is established as a district in which the principal use of land is for heavy industrial establishments, which may create some nuisance, and which are not properly associated nor compatible with residential, institutional, commercial, and service establishments. This district is intended to provide for the kinds of industrial uses suited to the physical and geographical advantages of this region, therefore contributing to the economic base of the community and providing opportunities for industrial employment. Residential and, in general, commercial uses are prohibited, as well as any use which would substantially interfere with the development and continuation of the industrial uses and structures in the district.

§ 27-82. Use. [Ord. 260, 9/1/1971, Art. VIII, § 801]

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only, but include the retail sale of products when such sale is clearly incidental to the permitted industrial use:

1. Any use permitted in the "M-1" District, § 27-72, other than business or professional office.
2. Airplane factory or hangar.
3. Alcohol manufacture and distillation.
4. Automobile service, including: automobile sales; station for sale and service of fuel and lubricating oil, and accessories; major repair; painting; upholstering; tire retreading or recapping; battery manufacture, and the like (see § 27-101, Subsection 5).
5. Blacksmith shop or horse-shoeing establishment.
6. Boat-building.
7. Boiler works.
8. Box factory.
9. Brewery.
10. Brick, tile, or terra cotta manufacture.
11. Cleaning and dyeing establishment, using nonflammable cleaning fluids.

12. Community garage or major garage, or community parking area (see § 27-101, Subsection 5).
13. Contractor's establishment, including storage of equipment.
14. Cooperage works.
15. Cotton gin or oil mill.
16. Drop forge industry manufacturing forgings with power hammers.
17. Feed and fuel sales establishment.
18. Feed-mixing plant.
19. Hospital, only with emergency facilities incident to an industry.
20. Iron or steel or other metal manufacture or treatment, foundry or fabrication plant, and heavy-weight casting (not including metal salvage or junk yards).
21. Landscape gardener's sales area or business.
22. Laundry.
23. Lumber storage, millwork, and sales.
24. Machine shop.
25. Machinery - repairing, sales and display.
26. Manufacture of: appliances - electrical or mechanical; instruments - electronic, musical, precision, or the like; machines - electric or mechanical - for home or office, and the like; and phonographs, radios, telephones, or other instruments or machines for receiving, reproducing, or transmitting sound.
27. Office, in conjunction with, and on the same zoning lot with, an industrial plant development, provided the gross floor area does not exceed 50% of the area of the zoning lot.
28. Oilcloth or linoleum manufacture.
29. Petroleum products manufacture or wholesale storage of petroleum.
30. Planing mill.
31. Public utility corporation buildings, structures, facilities, and installations (see § 27-101, Subsection 3).
32. Repair shop, including railroad repair shop, distribution and classification yards, and supporting facilities.
33. Rolling mills.
34. Rubber or gutta-percha manufacture or treatment.

35. Salt works.
36. School, industrial trade.
37. Selling of poultry, rabbits, and fish, including the dressing; and the temporary keeping of live poultry on the premises.
38. Stable.
39. Stone or monument works.
40. Storage, not including explosives or inflammables; garbage, offal, or dead animals; and junk, scrap, metal, paper, or rags.
41. Structure or equipment for landing, mooring, or other like purposes, and the use of the same for land or water transportation interchange.
42. Terminal warehousing or transfer depot (see § 27-131, Subsection 4).
43. Tool manufacture.
44. Wool pulling or scouring.
45. Ancillary commercial uses, as follows, when serving or intending to serve only the personal needs of those employed or doing business in this district:
 - a. Barber shop.
 - b. Beauty shop.
 - c. Beverages, retail or wholesale distribution of.
 - d. Club (nonresidence).
 - e. Restaurant, in connection with which there is no dancing, floor show, or other live entertainment.
46. Conditional uses, as prescribed in Part 13,¹⁵⁵ including:
 - a. Garbage or refuse disposal plant (see § 27-131, Subsection 4).
 - b. Metal salvage or junk yard (see § 27-131, Subsection 8).
47. Special exceptions permitted by the Zoning Hearing Board, as prescribed in Part 14,¹⁵⁶ including:
 - a. Erection, alteration, enlargement, or use of a building or land for any of the following uses: ammonia, bleaching powder, and chlorine manufacture; asphalt manufacture or refining; automobile wrecking; blast furnace or coke oven; building mover or wrecker's establishment; chemical manufacture; concrete or cement products manufacture; lampblack manufacture; ore reduction;

155Editor's Note: See §§ 27-131 and 27-132 of this chapter.

156Editor's Note: See §§ 27-141 to 27-144 of this chapter.

paint; oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture; paper and pulp manufacture; potash works; quarry or stone mill; rock, sand, or gravel distribution; soap manufacture; sodium compound manufacture; stove or shoe polish manufacture; tar distillation or tar products manufacture (see § 27-144, Subsection 2e).

(See "General Use Provisions and Exceptions," § 27-101.)

§ 27-83. Height. [Ord. 260, 9/1/1971, Art. VIII, § 802]

The maximum height of structures, except as otherwise provided, in this district shall be:

1. Eighty-five feet for any structure.

(See "General Height Provisions and Exceptions," § 27-102.)

§ 27-84. Area. [Ord. 260, 9/1/1971, Art. VIII, § 803]

Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

1. Front yard depth: same as prescribed for any "R" District within 100 feet, in the same block, and on the same side of the street; also sufficient to place the buildable area of the lot at least 30 feet from the center line of the street (see § 27-103, Subsection 2).
2. Side yard width: none required, except in the following instances:
 - a. When side lot line abuts an "R" District, 15 feet.
 - b. A side yard abutting a street, not less in width than the depth of front yard required on the adjoining lot on that street.
3. Rear yard depth: 15 feet, when rear lot line abuts an "R" District; otherwise, none required. For a through lot, the required rear yard depth shall be the same as the required front yard depth.

(See "General Area Provisions and Exceptions," § 27-103.)

Part 9**STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES****§ 27-91. Statement of Community Development Objectives. [Ord. 260, 9/1/1971, Art. IX, § 901]**

The objectives of the passage of this chapter by the Council of the Borough of Speers shall be to fulfill the designs as set forth in the Community Comprehensive Plan as proposed by the Washington County and Borough Planning Commissions. The Comprehensive Plan has already been adopted by the Council of the Borough for the proper development of a suburban community.

§ 27-92. Conformity with "Pennsylvania Municipalities Planning Code." [Ord. 260, 9/1/1971, Art. IX, § 902]

It is the intent of the Borough to have this chapter, its interpretation and enforcement conform in all respects to the Pennsylvania Municipalities Planning Code, Act 247 of 1968. Any conflict between this chapter and the aforesaid Act shall not invalidate any other provisions of this chapter.

Part 10
GENERAL PROVISIONS AND EXCEPTIONS

§ 27-101. General Use Provisions and Exceptions. [Ord. 260, 9/1/1971, Art. X, § 1001]

1. Except where otherwise provided herein, after the effective date of this chapter,¹⁵⁷ every use of land and every structure shall be on a zoning lot as herein defined,¹⁵⁸ and not more than one main structure shall occupy such zoning lot unless a part of a permitted unit group development.
2. All land annexed to the Borough after the effective date of this chapter shall be classified automatically as "S" Conservancy District. The Planning Commission shall recommend to the Borough Council appropriate zoning for the annexed area within not more than six months after the effective date of annexation; and until the Borough Council has adopted a zoning plan, the provisions of §§ 27-111 and 27-112 relative to nonconformity termination, shall not apply to such annexed area.
3. The regulations of this chapter shall not apply to any existing or proposed structure or use or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Public Utility Commission shall, after a public hearing decide that the present or proposed situation of the structure in question is reasonably necessary for the welfare of the public.
4. No structure shall be used or occupied as a dwelling, or as a boarding house or rooming house, if such structure is in need of major structural repairs or is unsafe or unsanitary, or if the premises do not have connection with the Borough sewer system or alternative sanitary sewage facilities approved by the public health authorities.
5. Any use involving as a principal part of the conduct of business, the use or servicing of motor vehicles, such as an automobile service station or sales area, community or major garage or parking area, distribution plant, or freighting or trucking terminal, shall be so located that no vehicular entrance or exit shall be closer than 300 feet to an entrance or exit of any elementary or secondary or vocational school, playground, church, or public library located on the same side of a street or way, and not separated therefrom by an intervening street or way. Similarly, no entrance or exit to any elementary or secondary or vocational school, playground, church, or public library shall be located closer than 300 feet to a vehicular entrance or exit of such use as above noted.

157Editor's Note: Ordinance 260 provided that this chapter would become effective 30 days after its passage and approval.

158Editor's Note: In § 27-6, Subsection 12 of this chapter.

6. Where one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification; and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership.
7. Wherever in this chapter there is a requirement for the notification of property owners, the provisions shall apply irrespective of boundary lines of the political subdivision.

§ 27-102. General Height Provisions and Exceptions. [Ord. 260, 9/1/1971, Art. X, § 1002]

1. The permitted heights of structures shall be measured from the basic grade as herein defined.¹⁵⁹ On a corner lot the basic grade shall be the mean of the basic grades of both frontages. On a through lot, the basic grades of each frontage shall control the permitted height of the structure to 1/2 the depth of the zoning lot.
2. The following structures or portions thereof may extend above the height limit of the district in which the same is located, provided every portion of such structure above the height limit is at least as many feet distant from bordering or opposite properties as that portion of the structure is in height.
 - a. Church towers and spires.
 - b. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.
 - c. Fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, or similar structures.

§ 27-103. General Area Provisions and Exceptions. [Ord. 260, 9/1/1971, Art. X, § 1003]

1. Any portion of a lot once used as a yard, or as lot area in compliance with the area requirements of the district regulations of this chapter, shall not be counted again as required yard or lot area for another structure.
2. Where a zoning lot:
 - a. Abuts the side lot line of only one lot occupied by a main building less than 25 feet from the abutting side lot line, the front yard requirement of such zoning lot may be the average depth of the front yards of the abutting occupied lots.

¹⁵⁹Editor's Note: In § 27-6, Subsection 3, of this chapter.

3. Minor utility fixtures and articles of decoration around a main building may be located in any required yard.
4. An unenclosed porch no more than one story or 15 feet in height and 12 feet in depth may be erected in the front or rear yard, provided that no portion of said porch shall be closer to a side lot line than the required width of side yard.
5. A buttress, chimney, cornice, pier, or pilaster, projecting no more than 18 inches from the wall of the building, may project into a required yard.
6. A screening wall or fence, no more than 6-1/2 feet in height, may be erected in any required side or rear yard or within the buildable area. A fence not exceeding 10 feet in height may be built in any required yard for schools, playgrounds, or parks; or in any required side or rear yard in commercial or industrial districts.
7. Public service lines for the transportation and distribution control of water, electricity, gas, oil, steam, telegraph and telephone communications, or railroad trackage, and supporting members other than buildings, shall not be required to be located on an individual zoning lot nor be held to reduce the required yard dimensions for other structures on a zoning lot.
8. Landscape features, such as trees, shrubs, or flowers, soil cultivation, plants, and plantings, shall be permitted in any required yard provided that when in a front yard they do not constitute a hedge effect more than 3-1/2 feet in height above the ground level adjacent thereto.
9. In a "C" or "M" District, when a side or rear yard abuts property in an "R" District:
 - a. It shall be screened by the property owner of such "C" or "M" District lot from such "R" District by a masonry wall or solid fence, 6-1/2 feet high extending along the property line adjoining the abutting "R" District but not closer to a street than the buildable area of the lot; or
 - b. The said abutting side or rear yard shall be planted and maintained with shrubbery by the property owner of such "C" or "M" District lot, so as to provide a visual screen approximately 6-1/2 feet high, between the concerned "C" or "M" District and the abutting property.

§ 27-104. Automobile Parking Space. [Ord. 260, 9/1/1971, Art. X, § 1004]

In any district, at the time of the erection of any main structure, or at the time any main structure is enlarged, increased in capacity, or changed to a use with a greater parking requirement, there shall be provided on the same zoning lot with the main structure (except as provided in § 27-104,

Subsection 12) the following off-street parking space, including the required number of parking stalls, each not less than 10 feet wide and 20 feet long, plus not less than 25% in total area for adequate provision for ingress and egress:

1. Dwelling - two stalls for each dwelling unit.
2. Bowling alley - six stalls for each lane.
3. Church sanctuary, high school auditorium, elementary school auditorium, or meeting room, general auditorium, stadium, theater, or other similar place of assembly - one stall for every eight seats.
4. Dormitory, fraternity or sorority - one stall for every two sleeping rooms or suites for the first 20 and one stall for every four sleeping rooms or suites in excess of 20; or one stall for every 100 square feet of ground floor area, whichever results in the greater requirement; where a sleeping room is occupied by more than two beds, every two beds shall be counted as a single sleeping room.
5. Funeral home - four stalls for each reposing room, but no fewer than 12 stalls.
6. Philanthropic institution, educational institution (excluding elementary and high school, and dormitory) - one stall for each 800 square feet of floor area.
7. Restaurant and/or bar - one stall for every 100 square feet of floor area.
8. Retail store, primarily for the sale of food, with over 10,000 square feet of floor area, and self-service facilities and more than four checkout booths - one stall for every 100 square feet of floor area.
9. Commercial building (including offices) - other than above described retail store, bowling alley, restaurant and/or bar, and funeral home - one stall for every 200 square feet of ground floor area.
10. Industrial buildings (including laboratories) - one stall for every three employees engaged during the peak hours of operation; or one stall for every 600 square feet of total floor area, whichever results in the greater requirement.
11. On a lot occupied by only one one-family dwelling, a minor garage or minor parking area may be established in the rear yard, provided that the garage or parking area shall be no closer than 50 feet to any street.
12. In lieu of parking space on the same zoning lot, required parking space may be provided for:
 - a. Multiple-family dwellings, in a community parking area or community garage within 300 feet of the structure; and
 - b. Places of assembly, as prescribed in Subsection 3 above, in a garage or parking area within 500 feet of the structure provided

that certification is made to the officer issuing the building permit that the required number of spaces is available for the structure during the normal hours of its use.

13. Every parcel of land hereafter used as a parking area for five or more automobiles or as an automobile sales area, shall be paved and maintained with all-weather, cohesive, dust-free surface sufficient to carry the imposed load; shall have appropriate bumper guards where needed, and shall be properly enclosed with an ornamental fence or wall or compact evergreen hedge having a height not less than two feet and not more than 6-1/2 feet, erected within the buildable area of the lot. Required yards shall be landscaped and properly maintained.

§ 27-105. Loading Space. [Ord. 260, 9/1/1971, Art. X, § 1005]

Every structure or part thereof, hereafter established, erected, enlarged, or occupied for uses involving the receipt and distribution of material and merchandise shall have permanently maintained loading spaces within or on the same zoning lot with the structure, at the rate of one space (each not less than 10 feet wide and 50 feet long) for every 20,000 square feet or fraction thereof of aggregate gross floor area intended or designed for such use, provided that no loading space need be provided for a use with a gross floor area not exceeding 2,400 square feet.

Part 11
NONCONFORMING SIGNS, USES, AND STRUCTURES

§ 27-111. Nonconforming Signs. [Ord. 260, 9/1/1971, Art. XI, § 1101]

A nonconforming sign may be continued but not enlarged, moved, or replaced, until removed or made to conform, which shall occur within five years of the effective date of this chapter¹⁶⁰ if such sign is initially nonconforming, or within such time from the date any sign later becomes nonconforming.

§ 27-112. Nonconforming Uses and Structures Subject to Special Regulation. [Ord. 260, 9/1/1971, Art. XI, § 1102]

1. The nonconforming use of land (where such use is the principal use of the property and no main structure is involved) may be continued for a period of not more than three years from the effective date of this chapter,¹⁶¹ if such use is initially nonconforming, or within such time from the date such use later becomes nonconforming provided there shall be no expansion or extension of such use; and if any such use is discontinued, the future use of said land shall be in conformity with the provisions of this chapter.
2. Except as otherwise provided in this section, a nonconforming use of a structure may be continued, but shall not thereafter be changed to a use initially permitted in a less protected district.
3. A nonconforming use of a structure, designed to conform to the use regulations applicable in the district in which it is located, may be continued for a period of not more than three years from the effective date of this chapter, if such use is initially nonconforming, or within such time from the date such use later becomes nonconforming, provided such use shall not be expanded or extended into any other portion of the structure or property. Whenever discontinued, partially or entirely, for a period of at least one year or changed to a conforming use, that portion of the nonconforming use that has been discontinued or changed shall not thereafter be re-established, and the future use shall be in conformity with the provisions of this chapter.
4. A nonconforming structure, designed to conform to use regulations applicable in the district in which it is located, may be continued, and may be enlarged, expanded, or extended, provided all other applicable regulations of this chapter are complied with for the new or enlarged portion of the structure. (The structure may be restored if damaged, only in compliance with Subsection 7 of this section); as provided in

160Editor's Note: Ordinance 260 provided that this chapter would become effective 30 days after its passage and approval.

161Editor's Note: Ordinance 260 provided that this chapter would become effective 30 days after its passage and approval.

Subsection 3, any nonconforming use thereof may not be expanded or extended.

5. A nonconforming structure not designed to conform to the use regulations applicable in the district in which it is located, and the use thereof, may be continued, but the structure and any nonconforming use thereof shall not be enlarged, expanded, or extended. No structural alterations shall be made other than ordered by an authorized public officer to assure the safety of the structure. (The structure may be restored if damaged, only in compliance with Subsection 7.)
6. A nonconforming structure shall not be moved in whole or in part to any other location on its lot unless every portion of such structure is made to conform to all the regulations applicable in the district.
7. Subject to the other provisions of this section, a nonconforming sign, or a nonconforming structure, which is damaged or partially destroyed by fire, or other casualty or act of God, to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 50% of the cost of restoration of the entire structure new, shall not be restored. In the event such damage or destruction is 50% or less than the cost of restoration of the entire structure new, such structure may be restored and its previous occupancy or use resumed, provided such restoration is started within one year of the occurrence of the damage and diligently prosecuted to completion.

§ 27-113. Nonconforming Uses and Structures not Subject to Special Regulation. [Ord. 260, 9/1/1971, Art. XI, § 1103]

1. A nonconforming use, or a nonconforming structure designed for a use, which is listed as permitted in the district of its location under certain qualifying conditions contained in the use regulations of such district, such as a "conditional use" permitted by the Borough Council, a "special exception" permitted by the Zoning Hearing Board, a use requiring site plan approval by the Planning Commission, etc., and which is nonconforming only because of failure to comply with these conditions; or a nonconforming use which is non-conforming only because of failure to provide required automobile parking space and loading space - shall have all, but no more than, the rights and privileges of continuance, maintenance, enlargement, expansion, movement, or restoration permitted for a conforming use or structure in the district in which such nonconforming use or nonconforming structure is located. This provision, however, shall not be deemed to remove the obligation to provide required automobile parking space and loading space, nor the obligation to comply with all other applicable regulations of this chapter for any enlarged, changed, or restored portion of the use or structure at the time of such enlargement, change, or restoration.

(See § 27-154 for certificates of nonconformance, required for all non-conforming signs, uses, and structures.)

§ 27-114. Identification and Registration of Nonconforming Uses and Nonconforming Structures. [Ord. 260, 9/1/1971, Art. XI, § 1104, as amended by Ord. 282, 12/5/1973, § 1]

The Zoning Officer shall establish, maintain and at all times keep current a record identifying and registering all nonconforming uses and nonconforming structures in the Borough.

Part 12
SIGNS

§ 27-121. "S" and "R" Districts. [Ord. 260, 9/1/1971, Art. XII, § 1201]

In the "S" Conservancy District and "R-1" One-Family Residence District, only the following exterior signs shall be permitted:

1. Signs permitted under General Sign Provisions, § 27-124.
2. A sign not exceeding 1-1/2 square feet in area, used to display and identify only the name of the individual, profession, organization, or institution occupying the premises.
3. A bulletin board for each street frontage not exceeding 30 square feet in area, indicating the services of a church or institution name, if desired.
4. A sign not exceeding 12 square feet in area, unlighted, appertaining only to the rental, lease, or sale of property on which it is displayed.
5. A sign, in connection with a main use other than a one-family or two-family dwelling, used to identify only the name of the structure, not exceeding 12 square feet in area, attached to and parallel with a street wall of the building.

§ 27-122. "C-1" and "M-1" Districts. [Ord. 260, 9/1/1971, Art. XII, § 1202]

In the "C" Commercial District and the "M-1" Planned Light Industrial District, only the following exterior signs shall be permitted:

1. Signs permitted in "S" and "R" Districts.
2. A sign which directs attention to a business, commodity, service, or entertainment, conducted, sold, or offered upon the premises.
 - a. Attached to main wall of a main building, projecting not more than 12 inches therefrom, and with no portion less than 10 feet above the basic grade. If not projecting more than three inches from a wall of a building, the sign need not conform to the ten-foot height limit. The sign (or if more than one, the total) shall not exceed 15% of the area of the front of the structure or the front of a nonconforming structure.
 - b. Not attached to a building, but within the buildable area of the lot (except that it may be in the front yard or a side yard abutting a street), erected with no portion less than one foot or more than 20 feet above the ground. The sign (or if more than one, the total) shall not exceed 100 square feet in area.

§ 27-123. "M-2" Districts. [Ord. 260, 9/1/1971, Art. XII, § 1203]

In the "M-2" Heavy Industrial District, only the following exterior signs shall be permitted:

1. Signs permitted in the other districts.
2. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises where the sign is displayed provided such sign shall:
 - a. Be on a zoning lot not abutting, or on a zoning lot not opposite, a frontage in an "R" District, unless the advertising surface is not visible from the "R" District.
 - b. Be no nearer than 300 feet to any public park of 1/4 acre or more, or any cultural and/or recreational center owned and operated by a public authority if the face of the sign is visible therefrom.
 - c. Not exceed an area for the lettered, pictorial, or sculptured matter designed to convey information, of 375 square feet and a total vertical measurement for said matter designed to convey information, of 22 feet.

§ 27-124. General Sign Provisions (for Exterior Signs). [Ord. 260, 9/1/1971, Art. XII, § 1204]

1. An occupancy permit shall be secured for the establishment, major alteration, or moving of any sign (except real estate signs) 1-1/2 square feet or more in area.
2. No sign established before the effective date of this chapter¹⁶² shall be (except when ordered by an authorized public officer as a safety measure) altered in any major respect, or moved, unless it be made to conform with the provisions of this chapter.
3. In any district, signs used to indicate the location or direction of real estate development, limited to a maximum of 50 square feet in area, and not more than one such sign on each 500 feet of street frontage, may be erected for a period of six months upon the approval of the Zoning Officer.
4. All signs erected after the effective date of this chapter shall be non-flashing, non-animated, and non-glaring.
5. Signs of mechanics, painters, and other artisans, not exceeding 12 square feet in area, may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, but shall be removed promptly upon completion of the work.

162Editor's Note: Ordinance 260 provided that this chapter would become effective 30 days after its passage and approval.

6. The requirements of this Part shall not be held to prohibit the erection of a marquee or canopy, provided it bears no sign other than an identification sign which does not project above or below the marquee or canopy, or project more than four inches horizontally from the surface of said marquee or canopy.
7. Where a sign is permitted by any provision of this Part, it shall be construed to permit a double-face sign. Each face of a double-face sign may equal the maximum size for the particular type of sign permitted in this Part.
8. No sign in an "S" or "R" District shall be on the roof of a building, and no sign attached to the wall of a building shall extend above the roof line, or project horizontally more than 12 inches therefrom.

Part 13
CONDITIONAL USES

§ 27-131. Uses, Location, and Requirements. [Ord. 260, 9/1/1971, Art. XIII, § 1301]

The uses named in this section and the establishment or enlargement thereof shall be considered conditional uses which cannot be adjusted to their environments with a maximum of mutual protection by a rigid application of the district regulations of this chapter, which apply uniformly and in detail to the great majority of properties within any particular district. They may be permitted in the districts herein designated by the Borough Council after a public hearing, and report by the Planning Commission, subject to:

- (1) Approval of site plan and location.
- (2) The conditions herein prescribed, without variance.
- (3) All other applicable provisions of this chapter unless otherwise prescribed or excepted, without variance.
- (4) Such conditions and safeguards the Planning Commission may recommend and the Borough Council may impose to protect the best interests of the surrounding property or neighborhood.
 1. Cemetery, including crematorium, in the "S" District, provided yard and open space requirements shall be as approved by the Borough Council to prevent injury to, and afford future protection to adjacent properties and interests as these may be affected.
 2. Drive-in theater, provided:
 - a. Automobile storage facilities shall be provided between ticket gates and highway at the rate of 35% of theater capacity; no other automobile parking facilities under the provisions of § 27-104 shall be required.
 - b. There shall be no structure other than an enclosure fence within 50 feet of any site boundary line, and the theater screen shall be located not less than 100 feet from any national or State highway or property in an "R" District and not facing such highway or property unless the face of the screen is not visible because of natural or artificial barriers.
 - c. The height of the theater screen may be, but shall not exceed, a height of 100 feet.
 - d. There must be individual car sound speakers, but lot volume horns may supply sound to refreshment stands and other service areas.

- e. There may be accessory uses and structures incident to the theater operation (including refreshment stands and toilet facilities), provided they serve only the patrons within the theater enclosure.
(See § 27-101, Subsection 5.)
3. Educational, philanthropic, or religious institutions, or unit group building thereof, in "R" Districts, provided:
 - a. The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.
 - b. The minimum distance between main buildings in unit group on the zoning lot shall be as follows:
 - (1) Front-to-front, or front-to-rear, or rear-to-rear, two times the height of the buildings, or if they be of different heights, two times the height of the taller building, but not less than 80 feet.
 - (2) End-to-end, equal to the height of the buildings, or if they be different heights, equal to the height of the taller building, but not less than 20 feet.
 - (3) Front-to-end, or rear-to-end, 1-1/2 times the height of the buildings, or if they be of different heights, 1-1/2 times the height of the taller building, but not less than 50 feet.
 - c. If housing in connection therewith is provided, including dormitory facilities for students and teachers, there shall be provided a lot area of not less than 8,000 square feet plus 300 square feet for each sleeping room in excess of four; where a sleeping room is occupied by more than two beds every two therein shall be counted as a single sleeping room.
 - d. The location of automobile parking facilities on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
 - e. Minimum front and rear yards shall be 10 feet greater in depth, and minimum side yards shall be 10 feet greater in width, than the minimum required for any other main structure in the district in which such use is located.
(See § 27-101, Subsection 5.)
 4. Garbage or refuse disposal plant, in the "M-2" District, provided the proposed location is such as to offer a reasonable protection to the neighborhood against possible detrimental effects of such use, taking into consideration the physical relationship to surrounding properties and access to the site, including any nearby residential streets that must be traversed in bringing the material to the site.

5. Government use or structure or unit group building thereof, (federal, state or local) or uses or structures not owned or operated by government, but performing a needed governmental function, not for profit, such as a volunteer fire company, in any district, provided:
 - a. When in an "S" District, it is demonstrated that the use cannot reasonably serve the community from a location in another district classification.
 - b. Safeguards are established to provide proper separation from and protection for abutting residential properties.
 - c. Adequate provision for off-street parking is provided, as determined according to the type of use and its planned service area.
 - d. Where possible, the time of operation and the intensity of the use shall be regulated so as to be not disturbing to adjacent residential uses.
6. Large-scale housing development or unit group building thereof, in "R" or "C" District provided:
 - a. The development shall be on a tract of not less than two acres in extent, and may include one-family, two-family or multiple-family dwellings.
 - b. No main or accessory building shall be located within 50 feet and parking area within 30 feet of any boundary line of the development.
 - c. The lot area per dwelling unit shall be not less than the following:
 - (1) One-family dwelling - 7,500 square feet.
 - (2) Two-family dwelling - 5,000 square feet.
 - (3) Multiple-family dwelling - the lot area per dwelling unit shall be on the scale below according to the number of bedrooms per dwelling unit: four or more bedrooms - 4,200 square feet;
three bedrooms - 3,000 square feet;
two bedrooms - 2,520 square feet;
one bedroom - 2,280 square feet.
 - d. The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.
 - e. The minimum distance between main buildings shall be the same as specified in Subsection 3b, above.

- f. Buildings shall cover not more than 25% of the lot area.
7. Major excavating, grading or filling, in any district, provided:
- a. Evidence shall be submitted as to control of the operation in such a manner as to offer reasonable protection to the neighborhood against possible detrimental effects, taking into consideration the physical relationship to surrounding properties, and access to the site, including any nearby residential streets that must be traversed in conveying material to or from the site.
 - b. Upon completion of the operation, any exposed surface of the land shall be topsoiled, planted and seeded.
 - c. Strip or other mining of coal or other minerals, excavating of sand or rock and the crushing of rock, sanitary and other fills, drilling for gas or oil, recovery of metal or natural resources, and similar operations may be carried on in an "S" District only.
8. Metal salvage or junk yard, in the "M-2" District, provided:
- a. The proposed location is such as to offer a reasonable protection to the neighborhood against possible detrimental effects of such use, taking into consideration the physical relationship to surrounding properties and access to the site, including any nearby residential streets that must be traversed in bringing the material to the site.
 - b. Shall be on a lot not less than one acre in area.
 - c. The use shall be completely surrounded by a masonry wall or solid fence, not less than 6-1/2 feet nor more than 10 feet in height, or a combination of such fence or wall and building; the height of materials stored, when not within a building, shall be not greater than one foot less than the height of the fence or wall.
 - d. The use shall be limited to the storing of materials for salvage purposes, not including unbaled paper or rags or any other materials which would be of a nuisance nature because of dust, odor, or fire hazard.
 - e. Dumping of garbage or refuse, or the burning of materials, shall not be permitted.
 - f. The site shall not be located closer than 300 feet to any property in an "R" District with a higher ground elevation.
9. Mobile homes court, in "R" Districts, provided:
- a. The site shall be located on a main traffic artery, (designated on the Borough's Master Plan as a cross connector, cross-connector link, or local main street) and direct access shall be provided by means of an abutting improved public street or improved and permanently

maintained private street which is protected by a permanent easement.

- b. Each mobile homes court shall be large enough to accommodate at least 40 mobile homes and shall provide facilities for not less than 10 mobile homes.
- c. The use shall be for occupancy by families for extended tenure 60 days or longer and shall not include facilities designed for transient occupancy.
- d. Each mobile home shall be on a section of ground of not less than 4,500 square feet in area, designated on the plan as the location for only one automobile and one mobile home.
- e. In addition to the requirement of Subsection d above, there shall be an overall site requirement of 1,000 square feet per mobile home, for community facilities, including play space, utility rooms, parking, and access roads.
- f. For purposes of practical placement and removal, and retention of the mobile home on its section of ground, in a stable condition and in a satisfactory relationship to its surroundings, each location for a mobile home shall provide a stand not less than 10 feet by 50 feet with a gradient not more than 5%, longitudinal and with adequate crown or cross gradient for surface drainage. Such stand shall be at an elevation, distance, and angle in relation to the access street and driveway that placement and removal of the mobile home are practical by means of car, conveyor truck, or other customary moving equipment.
- g. Each mobile home stand shall be located not less than 30 feet from any other mobile home stand or from a service building.
- h. Each location for a mobile home shall provide for a continuing supply of safe and palatable water, sanitary facilities, and a safe method of sewage disposal; and electricity for artificial lighting and to serve electrical equipment used in the mobile home. Wherever feasible, connections shall be made to a public water supply and to a public sewerage system; where not feasible, connections shall be made to a community water system or community sewerage system acceptable to the State and local health authorities.
- i. Each mobile homes court shall have at least one service building devoted wholly or in part to housing sanitary facilities for said court. Such service building shall provide laundry facilities equipped with washing machines and dryers and at least one lavatory and one water closet for each sex, in a distinctly-marked room with sound-resistant walls and a vestibule or screen wall which prevents direct inside view when the door is open. Finish material of toilet rooms and laundry shall be moisture-resistant and capable of withstanding frequent washing and cleaning.

- j. Facilities for garbage and trash disposal shall be provided in appropriate locations, in a safe manner without creating a nuisance or unsanitary conditions. Whenever reasonable, collections and disposal shall be by means of a public system; where not reasonable, arrangements for disposal shall be as approved by the State and local health authorities.
 - k. Each mobile homes court shall be provided with an office in which shall be kept all records pertaining to the management and supervision of the court, including a register of all occupants.
 - l. The site, including mobile home stands, patios, building, and all site improvements, shall be harmoniously and efficiently organized in relation to topography, the shape of plot, and the shape, size and position of buildings, and with full regard to use and appearance; site planning shall provide for safe, comfortable, efficient, and sanitary use by the occupants, under all weather conditions, and services appropriate to the needs of the occupants; full advantage shall be taken of favorable views, existing trees, and other desirable site features; adequate protection shall be provided against any undesirable off-site views or any adverse influence from adjoining streets or areas.
10. Motor hotel with accessory uses and structures incident thereto, in the "C" District, provided:
- a. The site shall be located on a main traffic artery, (designated on the Borough's Master Plan as a cross connector, cross connector link, or local main street).
 - b. Each building containing living quarters shall be on a section of ground of not less than 1,000 square feet in area for each living or sleeping unit in a one story building and of not less than 750 square feet in area for each living or sleeping unit in a two story building, designated on the plan as a building area; provided that in no instance shall there be less than 500 square feet of ground area per living or sleeping room.
 - c. The minimum distance between the main buildings within the site area (tract) shall be as specified in Subsection 3b.
 - d. In addition to complying with other building setback requirements of the "C" District, no main structure shall be closer than 150 feet to the center line of the type of highway described in sub-item "a" above, nor closer than 30 feet to any lot line which is not a street line.
 - e. Each room shall have at least 300 square feet of floor area (including bath), and no living or sleeping unit shall contain more than two bedrooms.

- f. The operator shall not permit any guest to occupy such accommodations of any motor hotel for a consecutive period of more than one month.
11. Nonprofit recreation area, in "R" Districts, provided:
 - a. It is determined that such use is reasonably necessary and essential for the public convenience or welfare, and is not seriously detrimental to the character of the neighborhood.
 - b. The permit shall be issued for a period no longer than three years, and shall be renewable at the discretion of the Borough Council.
 - c. Safeguards are established with respect to sanitation and general safety.
 - d. If required by the Borough Council, fences and enclosures shall be erected, in conformity with the provisions of § 27-103, Subsection 6, or other treatment of the lot shall be provided.
 12. One-family dwelling, in the "S" District provided:
 - a. Connection with a public sewer is feasible, and the cost of off-site connections to such sewer is borne by the developer, or it is demonstrated that sewage disposal facilities in conformity with Borough requirements can and will be installed.
 - b. The site is located on a street improved to Borough standards.
 - c. The average in slope of the site shall not exceed a gradient of 40%.
 - d. It is determined that otherwise the provisions of this chapter would be confiscatory.
 13. Public utility corporation building, structures, facilities, and installations, in any district except "M-2," provided:
 - a. The height requirements of the district wherein the use is located may be exceeded when the necessity has been demonstrated, if every portion of the structure or installation above the height limit is at least as many feet distant from bordering or opposite properties as that portion of the structure or installation is in height.
 - b. When in an "S" District, the use does not involve company offices.
 - c. When in an "R" District, the use does not involve company offices or storage areas or structures requiring major trucking or traffic movements, and it is demonstrated that the use cannot reasonably serve the district from a location in an "S," "C," or "M" District.
 - d. When in a "C" District, the use does not involve storage areas or structures requiring major traffic movements.

(See § 27-101, Subsection 3.)

14. Retail store, as permitted in the "C-1" District, § 27-62, exceeding a floor area of 10,000 square feet, provided:
 - a. There shall be submitted with the application a market analysis of the potential service area, prepared by an individual or an organization indicated by documentary evidence as qualified to make such an analysis. The analysis shall include data on population, income, and buying habits of the people.
 - b. The use shall be an integral part of the planned neighborhood shopping center development, and the floor area of the proposed store shall not be in excess of 30% of the total floor area of the prospective ultimate development of said shopping center.
 - c. The Planning Commission shall determine that the proposed use is related to its potential service area and is in keeping with principles of the Commission's adopted master plan.

§ 27-132. Procedure. [Ord. 260, 9/1/1971, Art. XIII, § 1302]

1. Written applications for the approval of the uses referred to in this Part shall be filed in the public office of the Borough Zoning Officer upon forms prescribed for that purpose. Upon the filing of such application, the matter shall be set for public hearing before the Planning Commission. Notice of the time, place, and purpose of such hearing shall be given not less than seven days prior to the date thereof by the following methods:
 - a. By at least three times advertisement in a newspaper of general circulation in the Borough.
 - b. By mailing a notice thereof to each member of the Borough Council.
2. The Borough Planning Commission may request a report and recommendation from the Monongahela Valley Regional Planning Commission. If such a report and recommendation is requested but is not received from the said Regional Planning Commission within 30 days from the date of such request, favorable recommendation shall be presumed.
3. The Borough Planning Commission shall make its findings and recommendations within 40 days from the date of filing of an application and forthwith shall transmit a copy thereof to the Borough Council, and to the applicant.
4. Within not more than 30 days after a report and recommendation upon a conditional use application have been received by the Borough Council from the Commission, the Council may approve the proposed conditional use, provided that if the Commission has recommended

against the granting of said use, such approval by the Council shall require an affirmative vote of at least 2/3 of all the members of the Borough Council.

5. A fee of \$100 shall be paid upon the filing of each application for a conditional use to defray the cost of processing.
6. Any modification of a conditional use, either by change in the site plan or by division of the site on the basis of ownership, shall be under the same procedure as above described.

Part 14
ZONING HEARING BOARD

§ 27-141. Creation; Membership. [Ord. 260, 9/1/1971, Art. XIV, § 1401]

A Zoning Hearing Board is hereby established. The word "Board" when used in this chapter shall be construed to mean the Zoning Hearing Board. The Board shall consist of three members to be appointed by the Borough Council, one of whom shall be a member of the Borough Planning Commission. One member shall be designated to serve until the 1st day of January, 1972; one until the 1st day of January, 1973, and one until the 1st day of January, 1974. Their successors shall be appointed on the expiration of their respective terms to serve three years. Any vacancy shall be filled for the unexpired term only. A Board member shall be removable for cause by the appointing authority upon written charges, 15 days' notice to the member affected, and after public hearing. A hearing shall be held in connection with the vote if the member shall request it in writing. The Board shall organize and conduct hearings in accordance with the Municipalities Planning Code.

§ 27-142. Meetings. [Ord. 260, 9/1/1971, Art. XIV, § 1402]

Meetings of the Board shall be held within 30 days from the date of any application to the Board, and at such other times as the Board may determine. All meetings other than executive sessions shall be open to the public. The chairman or in his absence the acting chairman may administer oaths, compel the attendance of witnesses and compel the production of any documents or papers from any person or governmental agency involved. Quarters for the Board (office space with light and heat, necessary supplies, clerical and other services as required) shall be provided by the Borough Council. The Board may appoint a secretary who shall keep its records. No expense shall be incurred by the Board unless previously authorized by the Borough Council. The Board shall adopt its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All conduct of the Board shall be in accordance with Article IX of the Municipalities Planning Code.

§ 27-143. Appeal. [Ord. 260, 9/1/1971, Art. XIV, § 1403]

Any order, requirement, decision, or determination made by the Zoning Officer in the administration or enforcement of the provisions of the Zoning Ordinance may be appealed to the Board by any person aggrieved, or by any Borough officer or agency affected by any decision of the Zoning Officer. Such appeal shall be taken within 30 days as provided for in the Planning Code by filing, with the Zoning Officer and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith

transmit to the Board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board, or by a court of record, on application and due cause shown, and after notice is given to the Zoning Officer. Upon receipt of the record, the Board shall set the matter for public hearing within a reasonable time thereafter. When any proceeding to reverse or limit approval of an application for development is filed by other than the applicant, the applicant may petition the court to order such persons to post bond as a condition to continue proceedings before the Board. The notice of the time and place of the public hearing shall also state the location and general nature of the question involved, and shall be given not less than seven days prior to the date of such hearing by the following methods:

- a. By publishing a notice thereof in a newspaper of general circulation in the Borough, three separate times, and giving personal or certified mail notice to the applicant, County and Borough planning agencies, Borough Council and Zoning Officer.

§ 27-144. Powers. [Ord. 260, 9/1/1971, Art. XIV, § 1404]

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Officer in the administration of this chapter, and serve as a fact finding board in a challenge to the validity of this chapter and/or Zoning Map.
2. To hear and decide the following special exception to the terms of this chapter and to authorize a permit for the following, in conformity with the provisions prescribed hereunder and all other applicable provisions of this chapter unless otherwise excepted hereunder, provided no variances from any of the provisions are allowed:
 - a. In any district, for a temporary structure and use in connection with an authorized use, provided:
 - (1) The structure shall be complete in itself and not a part of a future building, without basement, and intended only for temporary storage of materials and/or tools, or as a temporary construction or sales office and not for use as a dwelling or garage.
 - (2) The use shall be purely incidental to the authorized use.
 - (3) It shall be demonstrated to the Board that such structure and use are reasonably necessary and that safeguards are established to preserve the amenities of surrounding properties.

- (4) The permit shall be issued for a period not exceeding one year, but the period may be extended under like conditions.
- b. In the "S" District, for the erection, alteration, enlargement, or use of a structure or land, on a substandard lot of record for:
- (1) Gas regulator station or electric substation without rotary motors; if there shall be provided an enclosing fence or wall at least six feet high, and adequate to obstruct view, noise, and passage of persons or material; the requirement for approval of these public utility uses as conditional uses under § 27-131, Subsection 13, may be waived, if the Board secures a favorable written report thereon from the Planning Commission;
 - (2) Greenhouse (without sales or advertising on the premises);
 - (3) Horticultural nursery (without sales or advertising of sales on the premises);
 - (4) Community garage or use of land for a community parking area for parking of noncommercial vehicles by residents of the neighborhood, on a lot having a buildable area of not less than 350 square feet for each vehicle stored, provided the Board determines that such use is reasonably necessary in the particular neighborhood to facilitate the provision of automobile parking space as required by this chapter;¹⁶³

provided:

- (a) The maximum height of structures shall be 15 feet (not exceeding one story).
- (b) On a lot less than 180 feet in depth, front and rear yard may be reduced to not less than 25 feet in depth provided each depth is not less than 42% of the lot depth.
- (c) On a corner lot less than 150 feet in width, the side yard abutting the street may be reduced to not less than 25 feet in width, provided it is at least 50% of the lot width and the side yard not abutting the street may be reduced to not less than eight feet in width, provided it is at least 33% of the lot width.
- (d) On an interior lot less 125 feet in width, side yard widths may be reduced to not less than eight feet, provided each is at least 40% of the lot width.
- (e) The Board determines that circumstances are such that combinations of such lot with other adjacent property to form one or more zoning lots cannot reasonably be

163Editor's Note: See § 27-104 of this chapter.

expected and that otherwise the provisions of this chapter would be confiscatory.

- (f) Other reasonable conditions are established to protect the amenities of surrounding properties as determined in each instance by the Board.
- c. In "R" Districts, for the erection, alteration, enlargement, or use of a building or land for
- (1) A community garage or the use of land for a community parking area, for parking of noncommercial vehicles to serve uses permitted in the district in which such garage or parking area is located; on a lot having a buildable area of not less than 350 square feet for each vehicle stored, provided the prescribed yard, lot width, and height requirements for a one-family dwelling in that district are met; and provided further that the Board determines that such use is reasonably necessary in the particular neighborhood to facilitate the provision of automobile parking space as required by this chapter, and that reasonable safety provisions are established.
 - (2) A one-family dwelling on a zoning lot without the required lot size or automobile parking space, when the Board is satisfied that physical conditions make it impossible to provide parking space in said zoning lot.
- d. In "M" Districts, for temporary use of vacant land for the sale of nursery plants, or for commercial recreation purposes (such as miniature golf, or golf driving or archery ranges, pony riding rings, shuffle-board courts, outdoor bowling alleys, and the like), provided:
- (1) The use shall be subject to such yard requirements and other safeguards that the Board may impose.
 - (2) Prior to the granting of such permit, the Board shall ask for and consider a report from the Planning Commission as to harmonization of such use with other permanent uses within, or planned for such district, and desirable control of vehicular access onto the site in accord with the Commission's overall scheme for site development.
 - (3) The permit shall be issued for a period of no longer than four years, revocable should conditions imposed by the Board be not complied with, and renewable for periods of two years or less under like conditions, at the discretion of the Board.
- e. In the "M-2" District, for the erection, alteration, enlargement, or use of a building or land for any of the following uses, provided the Board determines in each instance: such use is essential to the general welfare of the community; and the proposed location, and

controls over emissions of smoke and fumes as demonstrated by competent technical experts, is such as to offer a reasonable protection to the neighborhood against possible detrimental effects of such use:

- (1) Ammonia, bleaching powder, and chlorine manufacture.
 - (2) Asphalt manufacture or refining.
 - (3) Automobile wrecking.
 - (4) Blast furnace or coke oven.
 - (5) Building-mover and wrecker's establishment.
 - (6) Chemical manufacture.
 - (7) Concrete or cement products manufacture.
 - (8) Lampblack manufacture.
 - (9) Ore reduction.
 - (10) Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture.
 - (11) Paper and pulp manufacture.
 - (12) Potash works.
 - (13) Quarry or stone mill.
 - (14) Rock, sand, or gravel distribution.
 - (15) Soap manufacture.
 - (16) Sodium compounds manufacture.
 - (17) Stove or shoe polish manufacture.
 - (18) Tar distillation or tar products manufacture.
3. To vary or adjust the strict application of the requirements of this chapter for only a use permitted in the district where the lot is located, in the case of an exceptionally irregular, narrow, shallow, or steep lot or other exceptional physical condition not provided for in the district regulations or as a "special exception," as a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or structures involved, but in no other case. No variance in this strict application of any provisions of this chapter shall be granted by the Board unless it finds:
- a. That there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or structure for which the variance is sought, which circumstances or conditions

are peculiar to such land or structures and do not apply generally to land or structures in the neighborhood, and have not resulted from any act of the appellant or his predecessors in title subsequent to the adoption of this chapter, whether or not in violation of the provisions hereof.

- b. That for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that strict application of the provisions of this chapter would deprive the appellant of the reasonable use of such land or structure. Further, that such variance, if granted, will be consistent with the spirit of this chapter and is necessary for the reasonable use of the land to avoid its confiscation. When such a variance is granted, it shall be at a minimum deviation from the requirements of this chapter in order to accomplish the purpose.
 - c. That the granting of the variance will be (1) in harmony with the general purposes and intent of this chapter; (2) in accordance with the general or specific rules herein contained, and (3) not injurious to the neighborhood, or otherwise detrimental to the public welfare. In granting any variance, the Board shall prescribe any conditions or safeguards applying thereto that it may deem to be necessary or desirable, provided such conditions shall not be construed as modifying or qualifying any of the conditions to be found before a variance may be granted, as set forth above.
4. The powers of the Board shall be interpreted and construed so that the spirit of this chapter is not violated. Every decision of the Board shall be based on stated findings of fact, and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance, and the conditions for the granting of a special exception, shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this chapter.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this Part reverse or affirm, wholly or partly, or may modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made. Notice of such decision shall forthwith be given to the applicant or all parties of interest having filed their names and addresses with the Board. If, after a permit has been authorized by the Zoning Hearing Board, the improvement so authorized has not been started within six months from the date, the said authorization shall be null and void.

5. A fee as determined by the Borough Council shall be paid upon the filing of each appeal or application before the Board for the purpose of

defraying the costs of the proceedings prescribed herein, payable to the Zoning Officer or secretary of the Board.

6. Appeal to Court. Any party before the Board, any person aggrieved by any decision of the Zoning Hearing Board or any municipal officer or agency of Speers Borough may appeal within 30 days after issuance of notice of decision or report of the Board, to the Court of Common Pleas of Washington County.
7. Requests for a variance or for a special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner in accordance with the foregoing procedures for appeal and the provisions of the "Pennsylvania Municipalities Planning Code."

Part 15
ADMINISTRATION; ENFORCEMENT; AMENDMENT

§ 27-151. Zoning Officer. [Ord. 260, 9/1/1971, Art. XV, § 1501]

The duty of administering and enforcing the provisions of this chapter is hereby laid upon a Zoning Officer, who shall have the authority to establish, from time to time, such rules and regulations as may be deemed necessary properly to exercise the authority and the powers conferred upon the said Zoning Officer under the provisions of this chapter, with the approval of Borough Council. The duties of the Zoning Officer may be performed by the Building Inspector or any other person specifically assigned to such service by the Borough Council.

§ 27-152. Building Permits. [Ord. 260, 9/1/1971, Art. XV, § 1502]

No structure shall hereafter be erected or structurally altered until a building permit shall have been issued by the Building Inspector. A building permit shall state that the proposed structure or proposed alteration will comply with all laws of the Borough relating thereto and shall be approved for zoning compliance by the Zoning Officer, based upon representations made in the permit application.

§ 27-153. Occupancy Certificates. [Ord. 260, 9/1/1971, Art. XV, § 1503]

No use of land other than agricultural and forestry use shall be made, and no structure hereafter erected or structurally altered shall be occupied or used, until a certificate of use, occupancy, and compliance shall have been issued by the Zoning Officer. A similar certificate of occupancy and compliance shall be applied for and shall issue before an existing use of a structure or land shall be changed.

A certificate of occupancy shall state that the proposed use of a structure or land complies with the regulations of this chapter, and all other laws of the Borough. It shall be applied for coincident with the application for a building permit and shall issue upon examination of the completed structure and certification by the Zoning Officer, within 10 days after the erection or structural alteration of such structure or part thereof shall have been completed, if in conformity with the provisions of this chapter and all other laws of the Borough. However, such certificate shall be void if not exercised within six months of the date of issue or renewal.

In the case of a certificate of occupancy in connection with the restoration of a structure containing a nonconforming use, or a nonconforming sign structure, or a nonconforming structure which is damaged or partially destroyed by fire, flood, wind, or other calamity or act of God, the form shall show the estimated cost of such restoration to the condition it was before the occurrence, as well as the estimated cost of restoration of the entire structure new, sustained by appraisal or contractor's estimate.

§ 27-154. Certificates of Nonconformance. [Ord. 260, 9/1/1971, Art. XV, § 1504]

No rights or privileges of maintenance, continuance, enlargement, or alteration of any nonconforming use of land or structure or sign subject to special regulation under § 27-112 shall be allowed under the provisions of this chapter, unless there is issued a certificate of nonconformance for each such nonconforming structure, or nonconforming use, or nonconforming sign, subject to said special regulation under §27-112.

A certificate of nonconformance shall state in what specific respects the structure, or use of a structure or land, or sign, does not comply with the provisions of this chapter. It shall be applied for not less than 180 days after the effective date of this chapter,¹⁶⁴ or in the case of nonconformity due to reclassification, not less than 30 days after the effective date of the reclassifying ordinance and shall issue after verifications of such nonconformity by the Zoning Officer within thirty 30 days after application. Failure of the Zoning Officer to note and give notice of nonconformity shall not free the owner of such property from the obligation to conform to these provisions.

§ 27-155. Record of Permits and Certificates; Fees. [Ord. 260, 9/1/1971, Art. XV, § 1505]

A record of all permits and certificates shall be kept on file in the office of the Zoning Officer, and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the structure or land affected.

A fee of \$5 shall be charged for the filing of each application for occupancy certificate or copy thereof, and for each copy thereof furnished. The amount of said fee shall be as fixed by the Borough Council. No fee shall be charged for a certificate of nonconformance.

§ 27-156. Application Forms. [Ord. 260, 9/1/1971, Art. XV, § 1506]

All applications for building permits, occupancy certificates, or certificates of nonconformance shall be made on printed forms as approved by the Borough Council, and shall contain accurate information as to the size and location of the lot; the size and location of the structure on the lot; the dimensions of all yards and open spaces, and such other information as may be necessary to provide for the enforcement of this chapter. A file of such applications shall be kept in the office of the Zoning Officer; and, in the case of a building permit, a duplicate copy shall be kept at the structure at all times during construction.

§ 27-157. Permits - Previously Issued; Deferred. [Ord. 260, 9/1/1971, Art. XV, § 1507]

¹⁶⁴Editor's Note: Ordinance 260 provided that this chapter would become effective 30 days after its passage and approval.

1. Any structure for which a permit has been obtained and the construction of which has started, or for which a contract has been let pursuant to a permit issued prior to the passage of this chapter, may be completed and used in accordance with the plans on which said permit was granted.
2. Application for Permits not Accepted During Consideration of Zone Change. During a period of 60 days from the date of introduction in the Borough Council of any ordinance which proposes change in the regulations, district boundaries, or classifications of property, unless the Council shall have disapproved the ordinance within said sixty-day period, the Zoning Officer shall accept no application for permits or certificates within the area involved in said change for any use or structure which would be forbidden under the proposed ordinance.

§ 27-158. Changes and Amendments. [Ord. 260, 9/1/1971, Art. XV, § 1508]

1. Procedure: Whenever the public necessity, convenience, or general welfare indicates, the Borough Council may, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property as the same are established by this chapter (or may hereafter be made a part thereof). Such ordinance for amendment, supplement, reclassification, or change may be initiated by request of one or more members of the Borough Council, either upon its own initiative, or in response to petition from the owners of a majority of the property according to frontage in the district, or reasonable portion thereof, the classification of which is proposed to be changed, or at the request of the Planning Commission.
2. Requests - Form and Content. Requests for any change of regulations, districts, district boundaries, or reclassification of property as shown on the Zoning District Map, shall be filed with the Borough Secretary in the public office of said Secretary upon forms, and accompanied by such data and information as may be prescribed for that purpose by the Borough Council so as to assure the fullest practical presentation of facts for the permanent record.
3. Planning Commission Report: Prior to the introduction in the Borough Council of any proposed amendment, supplement, or change in regulations, district boundaries, or classification of properties, whether in response to petition or otherwise, the Borough Council shall refer the matter to the Borough Planning Commission at least 30 days prior to any public hearing, for its recommendation, and report.

The Borough Planning Commission shall make its report and recommendation on each proposed amendment, supplement or change, within 30 days from the date of referral of the proposal by the Borough Council to the Borough Planning Commission, setting forth in detail reasons wherein public necessity, convenience, general welfare, and the objectives of the overall Comprehensive Plan do not justify the

proposal, and shall forward its findings and recommendations to the Borough Council.

4. Council shall fix a time for public hearing. Notice of the time and place of the public hearing for consideration of the proposed amendment, supplement, or change, stating when and where copies thereof will be available for public inspection, and briefly describing the change proposed, shall be given not less than 15 days prior to the date of such hearing by the following methods:
 - a. By publishing a notice thereof in a newspaper of general circulation in the Borough.
 - b. In the case of a proposed amendment or supplement to the text of the chapter or Zoning District Map, by at least two printed or typewritten handbills posted in conspicuous places in the Borough.
5. Fees. A fee shall be paid upon the filing of each petition and for the introduction of each ordinance for amendment, supplement, reclassification, or change of the regulations, district boundaries, or classification of property for the purpose of defraying the costs of proceedings prescribed herein. The amount of said fee shall be as fixed by the Borough Council.
6. Notice of Change or Amendment: Promptly after the effective date of any amendment changing the district boundaries or classification of property as originally established by this chapter, or by later amendment hereto, the amending ordinance shall be published in accordance with the statutory provisions relating to publication of ordinances.
7. Time Limit on Repeated Requests for Change of the Zoning District Map: For a period of one year following any request by a property owner for a change of the Zoning District Map which is not favorably considered by the Borough Council, no subsequent request by a property owner shall be accepted which involves the same property or any part thereof, either for change to the zoning classification originally requested or to any other zoning classification.

§ 27-159. Remedies. [Ord. 260, 9/1/1971, Art. XV, § 1509]

In case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any structure or land is used in violation of this chapter or of any ordinance or other regulation made supplementing this chapter, the proper authorities of the Borough, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

§ 27-160. Violation; Penalty. [Ord. 260, 9/1/1971, Art. XV, § 1510, as amended by Ord. 282, 12/5/1973, § 2]

Any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction, be fined not more than \$500, for any one offense, recoverable with costs, judgment or imprisonment, not exceeding 60 days, if the amount of said judgment and costs shall not be paid. Each day that a violation is permitted to exist shall constitute a separate offense. Proceedings against violators shall be instituted by the Zoning Officer or Building Inspector. It shall be the duty of the latter to investigate any complaint, filed in writing by a citizen or any public or private agency or corporation touching violations of this chapter, and to act thereon if the facts so warrant. All fines payable to the Borough of Speers.

Appendix

Appendix A

AGREEMENTS AND CONTRACTS

§ A-101. Agreements and Contracts.

Ord. or Res.	Date	Description
Ord. 35	5/19/1914	Authorizing and directing the proper officers of the Borough of Speers to enter into a contract with the Pittsburgh and Charleroi Street Railway Company, providing for the location, opening and grading of a certain street from the Borough of Charleroi to State Street, which forms a part of state highway routes designated in the Act of Assembly approved the 31st day of May, 1911, P.L. 468, as Numbers 247 and 248, and conferring certain rights upon the Pittsburgh and Charleroi Street Railway Company in the Borough, and defining the rights and duties of the Railway Company incident thereto. (The new street, Pennsylvania Avenue, was to be laid out for 450 feet along the property of the Company. The Company agreed to move its track along this stretch in return for a new right-of-way alongside the street.)

Ord. or Res.	Date	Description
Ord. 37	7/31/1914	<p>Authorizing and directing the proper officers of the Borough of Speers to enter into a contract with the Pennsylvania Railroad Company, Pittsburgh and Charleroi Street Railway Company, United Traction Company of Pittsburgh, providing for the vacation of certain streets or roads crossing the railroad of the Pennsylvania Railroad Company at grade and for the conveyance and exchange of certain tracts of land in order to facilitate the construction of the new street or road from State Street to the Borough of Charleroi. (The street running between State Street and the Charleroi Borough line was crossed at grade by the Pennsylvania Railroad. The street, known as Pennsylvania Avenue, was to be relocated so that it would be wholly on the north side of the Pennsylvania Railroad right-of-way. The new location would cross property of the Railroad Company and of the Pittsburgh and Charleroi Street Railway Company. The Railroad Company agreed to deed some property to the Borough and some to the Street Railway Company in consideration of the abandonment and elimination of the grade crossing. The Charleroi Street Railway Company agreed to convey other property to the Borough as soon as it received other property for its right-of-way. The Union Traction Company and the Pittsburgh Railways Company were interested in the agreement as lessee and operating company, respectively, of the Pittsburgh and Charleroi Street Railway Company.)</p>
Res. 85	11/20/ 1928	<p>Approving the execution of agreement with Walter S. Pfile, et ux. (Walter S. Pfile et ux. sold to the Borough for \$500 all unmined coal under Belle Vernon-Bentleyville Road and a pillar of coal between the room necks already driven or thereafter to be driven on the north or Morgan side of the road. The agreement also regulated the mining of the coal by Pfile.)</p>

Ord. or Res.	Date	Description
Ord. 87	5/7/1929	Authorizing and directing the proper officers of the Borough of Speers, Washington County, Pennsylvania, to make, execute and deliver in the name of and for the said Borough a contract with the Pittsburgh Railways Company, providing for the reorganization of the Pittsburgh Railways Company, formation of a Traction Conference Board, payments in lieu of paving and license charges, and defining the respective rights, duties and liabilities by the parties to the contract.
Ord. 108	10/3/1933	Authorizing and directing the President of the Council of the Borough of Speers to make and execute and deliver, in the name of and for the Borough of Speers, a contract with the Pittsburgh Railways Company renewing and extending the contract between the same parties dated May 7, 1929, so as to continue the same in full force and effect until February 1, 1936.
Res.	6/1/1936	Approving agreement with Pennsylvania Railroad Company covering a twelve-inch sewer crossing under the tracks of the Company at a point approximately 350 feet south of the Belle Vernon Station.
Ord. 261	12/8/1971	Authorizing the execution and delivery of the garbage and refuse contract. (A contract was authorized with Jonas Trucking Service.)
Ord. 321	11/2/1979	Authorizing the execution and delivery of the garbage and refuse contract. (A contract was authorized with Jonas Trucking Service.)
Ord. 327	12/5/1979	Authorizing the execution and delivery of the garbage and refuse contract. (A contract was authorized with Jonas Trucking Service.)
Agreement	11/21/ 1983	Authorizing the execution and delivery of the garbage and refuse contract. (A contract was authorized with Jonas Trucking Service.)
Agreement	11/7/1984	Authorizing the execution and delivery of the garbage and refuse contract. (A contract was authorized with Jonas Trucking Service.)

Appendix B**ANNEXATION OF TERRITORY****Appendix C****BOND ISSUES AND LOANS****§ C-101. Bond Issues and Loans.**

Ord. or Res.	Date	Description
Res.	5/2/1922	Authorizing a \$3,000 bond issue for street and road improvement purposes.
Res. 59	9/15/1923	Signifying the desire of the corporate authorities of the Borough of Speers, in the County of Washington, and State of Pennsylvania, to increase the indebtedness of the said Borough by an amount not exceeding \$12,500, by an issue and sale of bonds, the proceeds thereof to be used for the purpose of grading, paving and otherwise improving the streets, lanes and alleys of said Borough, and providing for an election to obtain the assent of the electors of said Borough to said increase of indebtedness, fixing the time and place of said election, and directing the proper officers to give the notice of same required by law.
Ord. 70	9/1/1925	Increasing the indebtedness of the Borough of Speers, County of Washington and State of Pennsylvania, in the sum of \$12,500, for the purpose of grading, paving and otherwise improving the streets, lanes and alleys of the said Borough of Speers; authorizing the execution, negotiation, sale and delivery of coupon bonds therefor free of state tax; fixing the dates, denominations, and form thereof; and of the coupons to be attached thereto, rate of interest thereon, and the date, time and maturity thereof; assessing and levying a tax for the payment of the interest and state tax thereon, and the redemption of the said bonds at maturity; and authorizing and directing the preparation and filing of the statement required by law and the doing of whatever else may be lawful and necessary in the premises.

Ord. or Res.	Date	Description
Res. 72	8/4/1926	Signifying the desire of the corporate authorities of the Borough of Speers, in the County of Washington, and State of Pennsylvania, to increase the indebtedness of the said Borough by an amount not exceeding \$5,500 by the issue and sale of bonds, the proceeds thereof to be used for the purpose of paying for the grading, paving and otherwise improving of the streets, lanes and alleys of said Borough, and providing for an election to obtain the assent of the electors of said Borough to said increase of indebtedness, fixing the time and place of said election, and directing the proper officers to give the notice of same required by law.
Ord. 74	12/8/1926	Increasing the indebtedness of the Borough of Speers, County of Washington, and State of Pennsylvania, in the sum of \$5,500, for the purpose of providing funds necessary to pay for grading, paving and otherwise improving certain of the streets, lanes and alleys of the said Borough of Speers; authorizing the execution, negotiation, sale and delivery of coupon bonds therefor free of state tax; fixing the dates, denominations, and form thereof and of the coupons attached thereto, rate of interest thereon, and the date, time and maturity thereof; assessing and levying a tax for the payment of the interest and state tax thereon, and the redemption of the said bonds at maturity, and authorizing and directing the preparation and filing of the statement required by law and the doing of whatever else may be lawful and necessary in the premises.

Ord. or Res.	Date	Description
Ord. 80	2/8/1928	Increasing the indebtedness of the Borough of Speers, [Washington] County, and State of Pennsylvania in the sum of \$4,500, for the purpose of providing funds necessary to pay for grading, paving and otherwise improving certain of the streets, lanes and alleys of the said Borough of Speers; authorizing the execution, negotiation, sale and delivery of coupon bonds therefor free of state tax; fixing the dates, denominations, and form thereof, and of the coupons to be attached thereto, rate of interest thereon, and the date, time and maturity thereof, and the redemption of the said bonds at maturity; authorizing and directing the preparation and filing of the statement required by law, the certifying and reporting to the proper authorities of the Commonwealth of Pennsylvania of the proceedings and statements now required by law for appropriate action by said authorities, and the doing of whatever else may be lawful and necessary on the premises. (The minutes of Council for September 6, 1927, state that a resolution was adopted on that date providing for an election on a proposed bond issue for \$4, 500, but no copy of the resolution was found among the records of the Borough.)
Ord. 92	9/18/1929	Signifying and expressing the desire of the corporate authorities of the Borough of Speers, in the County of Washington, Commonwealth of Pennsylvania, to increase the bonded indebtedness of said Borough of Speers by the amount of \$8,500 for the purpose of validating, ratifying and refunding floating indebtedness in the sum of \$8,500 heretofore incurred by the Town Council of the Borough of Speers for the purpose of making municipal improvements in said Borough consisting of the grading, paving and curbing, and the regrading, repaving and recurbing, of its public streets and alleys, a portion of said indebtedness being in excess of 2% of the last assessed valuation of all taxable property in said Borough at the time that the said debt was incurred, but less than 7% of said assessed valuation, without the assent of the electors being first had and obtained.

Ord. or Res.	Date	Description
Ord. 93	10/1/1929	Authorizing an election on the question of increasing the bonded indebtedness of the Borough of Speers by the amount of \$8,500 for the purpose of validating, ratifying and refunding floating indebtedness in the sum of \$8,500 heretofore incurred by the Town Council of the said Borough of Speers for the purpose of making municipal improvements in said Borough consisting of the grading, paving and curbing, and regrading, repaving and recurbing, of its public streets and alleys, a portion of said indebtedness being in excess of 2% of the last assessed valuation of all taxable property in the said Borough at the time the said debt was incurred, but less than 7% of said assessed valuation, without the assent of the electors being first had and obtained.
Ord. 95	12/3/1929	Increasing the bonded indebtedness of the Borough of Speers, County of Washington, Commonwealth of Pennsylvania, for the purpose of validating, ratifying and refunding floating indebtedness in the sum of \$8,500 heretofore incurred by the Town Council of the Borough of Speers for the purpose of making municipal improvements in said Borough consisting of the grading, paving and curbing, and the regrading, repaving and recurbing, of its public streets and alleys, a portion of said indebtedness being in excess of 2% of the last assessed valuation of all taxable property in the said Borough at the time the said debt was incurred, but less than 7% of said assessed valuation, without the assent of the electors first had and obtained, by an issue of bonds to the amount of \$8,500 with semiannual coupons attached; fixing the form, number, date, interest, maturity, etc., thereof; authorizing the sale thereof; levying a tax for the payment thereof; making appropriation pending the collection of said tax; and rescinding conflicting ordinances.

Ord. or Res.	Date	Description
Ord. 107	10/3/1933	Increasing the bonded indebtedness of the Borough of Speers, Washington County, Pennsylvania, for the purpose of funding floating indebtedness of the Borough in the sum of \$6,500 by an issue of bonds to the amount of \$6,500 with semiannual coupons attached; fixing the form, number, date, interest, maturity, etc., thereof, authorizing the sale thereof, levying a tax for the payment thereof, making appropriation pending the collection of said tax; and rescinding conflicting ordinances.
Ord. 123	2/1/1938	Signifying and expressing the desire of the corporate authorities of the Borough of Speers, County of Washington, Commonwealth of Pennsylvania, to increase the indebtedness of said Borough by the amount of \$16,000 for the purpose of paying part of the costs of building and constructing a public water system to and along the streets, alleys and granted rights-of-way of Speers Borough, so as to furnish water to the residents of said Borough, providing for the holding of an election therefor, and authorizing and directing the corporate authorities to make the necessary announcements of said election and do all other acts and things incident thereto.
Ord. 124	12/6/1938	Increasing the bonded indebtedness of the Borough of Speers, Washington County, Pennsylvania, for the purpose of paying part of the cost of building and constructing a public water system to and along the streets, alleys and granted rights-of-way of said Borough so as to furnish water to the residents of said Borough, in the sum of \$16,000, with semiannual coupons attached; fixing the form, number, date, interest, maturity, etc., thereof; authorizing the sale thereof; levying a tax for the payment thereof; making appropriation pending the collection of said tax and all matters relating thereto; and rescinding conflicting ordinances.

Ord. or Res.	Date	Description
Ord. 167	9/17/1953	Expressing the desire of the corporate authorities of the Borough of Speers, County of Washington, Pennsylvania, to increase the indebtedness of said Borough by the amount of \$40,000 for the purpose of opening, grading, paving, repaving, widening, extending, curbing, draining and otherwise permanently improving streets, roads and alleys in the Borough, and authorizing a public election and the giving of notice thereof.
Ord. 181	1/7/1957	Expressing the desire of the corporate authorities of the Borough of Speers, County of Washington, Pennsylvania, to increase the indebtedness of said Borough by the amount of \$60,000, for the purpose of opening, grading, paving, repaving, widening, extending, curbing, draining and otherwise permanently improving streets, roads and alleys in the Borough, and authorizing a public election and the giving of notice thereof.
Ord. 183	7/12/1957	Increasing the bonded indebtedness of the Borough of Speers, Washington County, Pennsylvania, by an issue of coupon bonds in the amount of \$30,000 for the purpose of opening, grading, paving, repaving, widening, extending, curbing, draining and otherwise permanently improving streets, roads and alleys in the Borough; fixing the form, number, date, interest and maturity thereof; and making an appropriation.
Ord. 224	6/5/1964	Increasing the bonded indebtedness of the Borough of Speers, Washington County, Pennsylvania, by an issue of coupon bonds in the amount of \$15,000 for the purpose of opening, grading, paving, repaving, widening, extending, curbing, draining and otherwise permanently improving streets, roads and alleys in the Borough; fixing the form, number, date, interest and maturity thereof; and making an appropriation.

Ord. or Res.	Date	Description
Ord. 264	9/20/1972	Authorizing the incurring of debt, the sale and delivery of a general obligation note and prescribing the manner of sale; describing the project as a street paving project; fixing the principal amount and the type of debt; authorizing and directing the specified officers and their successors to prepare, certify and file a debt limitation statement required by law; providing the substantial form of note; affixing the schedule of stated principal maturity amounts and dates; providing for the sale of the notes at private negotiated sale; and authorizing the proper Borough officials to take any and all action necessary to complete this transaction according to the Local Government Unit Debt Act, Act No. 185 of 1972. (The amount of the note was \$13,000.)
Ord. 265	10/20/1972	Authorizing the sale and delivery of a general obligation note and prescribing the manner of sale; describing the project as a street paving project; fixing the principal amount and the type of debt; authorizing and directing the specified officers and their successors to prepare, certify and file a debt limitation statement required by law; authorizing the execution and delivery of notes and such other action as may be necessary; providing the substantial form of note; fixing the schedule of stated principal maturity amounts and dates, the rate of interest and interest payment dates, places of payment; establishing a sinking fund; providing for the sale of the notes at private negotiated sale; and authorizing proper Borough officials to contract for the services of a bank to act as trustee, fiscal agent or sinking fund depository and paying agent. (The amount of the note was \$13,000.)

Ord. or Res.	Date	Description
Ord. 268	6/6/1973	Authorizing the sale and delivery of a general obligation note and prescribing the manner of sale; describing the project as a sanitary sewer project; fixing the principal amount and the type of debt; authorizing and directing the specified officers and their successors to prepare, certify and file a debt limitation statement required by law; authorizing the execution and delivery of notes and such other action as may be necessary; providing the substantial form of note; fixing the schedule of stated principal maturity amounts and dates, the rate of interest and interest payment dates, places of payment; establishing a sinking fund; providing for the sale of the notes at private negotiated sale; and authorizing proper Borough officials to contract for the services of a bank to act as trustee, fiscal agent or sinking fund depository and paying agent; and authorizing the proper Borough officials to take any and all action necessary to complete this transaction according to the Local Government Unit Debt Act No. 185 of 1972, as amended by Act 214 of 1972, and by other amendments. (The amount of the note was \$50,000.)

Ord. or Res.	Date	Description
Ord. 313	8/6/1975	Authorizing the sale and delivery of a general obligation note and prescribing the manner of sale; describing the project as a street construction project; fixing the principal amount and the type of debt; authorizing and directing the specified officers and their successors to prepare, certify and file a debt limitation statement required by law; authorizing the execution and delivery of notes and such other action as may be necessary; providing the substantial form of note; fixing the schedule of stated principal maturity amounts and dates, the rate of interest and interest payment dates, places of payment; establishing a sinking fund; providing for the sale of the notes at private negotiated sale; and authorizing proper Borough officials to contract for the services of a bank to act as trustee, fiscal agent or sinking fund depository and paying agent; and authorizing the proper Borough officials to take any and all action necessary to complete the transaction according to the Local Government Unit Debt Act No. 185 of 1972, as amended, by Act 214 of 1972, and by other amendments. (The amount of the note was \$50,000 for improvement of Crest Street)
Ord. 383	8/24/1994	Authorizing the incurring of a nonelctoral debt in the amount of \$100,000 for the purpose of financing the cost of street repaving.

Appendix D

ELECTRICITY

§ D-101. Electricity.

Introductory Note: In addition to the following ordinances authorizing contracts or agreements for electric service, the minutes of Council for November 12, 1912, state that an ordinance and agreement between the Borough and the West Penn Electric Company were passed finally by Council and were properly signed by officials of the Borough and the Company. The text of this ordinance does not appear among the records of the Borough, however.

Ord. or Res.	Date	Description
Ord. 45	12/24/ 1917	Authorizing and directing the Borough of Speers, Washington County, Pennsylvania, to enter into and execute an agreement with the West Penn Power Company for lighting the streets and alleys of said Borough of Speers with electric lights. (This authorized a five-year contract.)
Ord. 60	9/10/1923	Authorizing and directing the Borough of Speers, Washington County, Pennsylvania, to enter into and execute an agreement with the West Penn Power Company for lighting the streets, alleys, highways and public places of the said Borough with electric lights. (This authorized a five-year contract.)
Ord. 97	2/18/1930	Authorizing and directing the Borough of Speers, Washington County, Pennsylvania, to enter into and execute an agreement with the West Penn Power Company for lighting the streets, alleys, highways and public places of the said Borough of Speers with electric light. (This authorized a five-year contract.)
Ord. 100	6/4/1930	Authorizing and directing the Borough of Speers, Washington County, Pennsylvania, to enter into and execute an agreement with the West Penn Power Company for lighting the streets, alleys, highways and public places of the said Borough of Speers with electric light. (This authorized a five-year contract, calling for increased voltages in some instances and certain rate changes.)
Ord. 114	8/8/1935	Authorizing and directing the Borough of Speers, Washington County, Pennsylvania, to enter into and execute an agreement with the West Penn Power Company for lighting the streets, alleys, highways and public places of the said Borough of Speers with electric lights. (This authorized a five-year contract.)
Ord. 127	6/17/1939	Authorizing and directing the Borough of Speers, Washington County, Pennsylvania, to enter into and execute an agreement with the West Penn Power Company for lighting the streets, alleys, highways and public places of the said Borough of Speers with electric light. (This authorized a five-year contract.)

Ord. or Res.	Date	Description
Ord. 141	6/13/1944	Authorizing and directing the proper officials of the Borough of Speers, Washington County, to enter into and execute an agreement with the West Penn Power Company for lighting the streets, alleys and public places of said Borough with electric light and authorizing the proper officials to enter into agreements with the Company for other types of electric light and power service when needed. (This authorized a five-year contract.)
Ord. 194	4/3/1959	Authorizing and directing the proper officials of the Borough of Speers, Washington County, Pennsylvania, to enter into and execute an agreement with the West Penn Power Company for lighting the streets, alleys and public places of the said Borough with electric light and authorizing the proper officials to enter into agreements with the Company for other types of electric light and power service when needed. (This authorized a five-year contract.)
Ord. 222	3/4/1964	Authorizing and directing the proper officials of the Borough of Speers, Washington County, Pennsylvania, to enter into and execute an agreement with the West Penn Power Company for lighting the streets, alleys and public places of the said Borough of Speers with electric light and authorizing the proper officials to enter into agreements with the Company for other types of electric and power service when needed. (This authorized a five-year contract, which might continue beyond the five-year term until either party gave 90 days' notice of intention to terminate.)
Ord. 350	9/7/1983	Authorizing and directing the proper officials of the Borough of Speers, Washington County, Pennsylvania, to enter into and execute an agreement with West Penn Power Company for lighting the streets, alleys and public place of the said Borough with electric light and authorizing the proper officials to enter into agreements with the Company for other types of electric light and power when needed.

Appendix E

GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

§ E-101. Governmental and Intergovernmental Affairs.

Ord. or Res.	Date	Description
Ord. 119	1/6/1936	Providing for a new ordinance book into which shall be transcribed all of the valid ordinances of the Borough of Speers, Washington County, Pennsylvania, and providing further that the Borough Secretary advertise same as required by law.
Res.	10/16/ 1950	Providing for the purchase of police pension annuity policies.
Ord. 258	7/7/1971	Authorizing the execution and delivery of an intermunicipal police cooperation agreement by and among the several municipalities in the Mid-Monongahela Valley. (The agreement provided a procedure for transferring police officers of one municipality to another municipality for the latter's assistance.)
Ord. 259	9/1/1971	Authorizing the execution of a cooperative purchasing agreement by and among the several municipalities in the Mid-Monongahela Valley. (The agreement provided for joint purchasing of equipment, materials and supplies.)
Res.	4/3/1974	Expressing a positive interest in securing flood insurance coverage under the National Flood Insurance Program because of the recurring flooding and threat of flooding of the Monongahela River, resulting in vast damage to property within the Borough.
Ord. 308	7/3/1974	Providing for the purchase of annuity contracts for the purpose of paying pension or annuities to George Dubnansky and Terry Lee Viviani; providing to pay all the premiums or charges for carrying such contracts; appropriating monies from the Borough treasury for such purpose; and authorizing the execution and delivery by the appropriate Borough officials of such contract. (The annuity contracts, to be owned by the Borough of Speers, were in lieu of establishing a pension fund for street employees.)
Ord. 325	1/30/1979	Providing for the adoption of a one-year agreement for Charleroi Borough, through its Police Department, to provide police protection for the Borough of Speers at a cost of \$24,000 for a one-year period commencing February 1, 1979, and providing for renewal thereof.

Ord. or Res.	Date	Description
Ord. 335	7/1/1981	Authorizing the Borough of Speers to join with other local government units as a settlor of the Pennsylvania Local Government Investment Trust for the purposes of purchasing shares in the Trust.
Ord. 339	5/5/1982	Providing for adoption of a two-year agreement for Charleroi Borough, through its Police Department, to provide police protection for the Borough of Speers at a cost of \$36,496.44 per month for the first year, with adjustments the second year from actual expenses during the first year, the contract commencing February 1, 1982, and providing for renewal thereafter.
Ord. 345	1/5/1983	Providing for the adoption of a two-year agreement with Charleroi Borough, through its Police Department, to Provide police protection for the Borough of Speers at an annual cost of \$42,000 for the year commencing February 1, 1983, and \$46,200 for the annual period commencing February 1, 1984.
Ord. 355	1/2/1985	Adoption of a one-year agreement with the Borough of Charleroi to provide police protection for the Borough of Speers, commencing 2/1/1985.
Ord. 359	11/13/1985	Adoption of a two-year agreement for police protection from Charleroi Borough at a cost of \$49,000 per annum.
Ord. 366	2/3/1988	Adoption of a two-year agreement for police protection from Charleroi Borough at a cost of \$54,000 per annum.
Ord. 378	2/3/1994	Specifying that advanced life support will be the minimum standard of prehospital emergency care provided to the residents of the Borough.
Ord. 384	11/2/1994	Authorizing the Borough to join with other local government units as a member of the Pennsylvania Intergovernmental Risk Management Association.
Ord. 403	12/1/1999	Authorizing the Borough to enter into an agreement with the Borough of North Charleroi and the Borough of Charleroi for the joint purchase of a wood chipper.
Res. 2-2007	10/3/2007	Adopting the Washington County All Hazard Mitigation Plan.

Ord. or Res.	Date	Description
Res. 1-2009	1/7/2009	Providing for the adoption of a one-year agreement for police protection from Charleroi Borough at a cost of \$127,000 for 2009.
Res. 2-2011	12/1/2010	Providing for the adoption of a one-year agreement for police protection from Charleroi Borough at a cost of \$133,900 for 2011.
Ord. 428	5/2/2012	Authorizing the Borough to enter into an intergovernmental cooperation agreement and establish membership in the Mid Mon Valley Intergovernmental Cooperative.

Appendix F

PLAN APPROVAL

§ F-101. Plan Approval.

Introductory Note: In addition to the action taken by ordinance, as indicated below, the following less-formal actions of Council are of interest:

- a. The Speers View Plan of Lots, as laid out by Anna Markel and Violet L. Carson, was approved, for the purpose of recording only, with the understanding that this action was not for the purpose of accepting the plan and making it part of the Borough plan. **[9/16/1941]**
- b. Morgan No. 2 Plan was approved for recording only. **[2/8/1950]**
- c. Morgan Plan No. 3 was approved for recording only. **[10/16/1950]**

Ord. or Res.	Date	Description
Ord. 73	8/27/1926	Approving the Maple View Plan of Lots in the Borough of Speers, Washington County, Pennsylvania, and accepting the dedication of the streets and alleys as shown thereon, for public use for highway purposes, opening and naming the same and establishing grades thereon.
Ord. 76	4/5/1927	Approving, accepting and adopting the plan of lots, streets and alleys entitled "Addition to Sandy Heights," recorded in the Recorder's Office of Washington County, Pennsylvania, in Plan Book No. 6 at page 13.

Ord. or Res.	Date	Description
Res. 2-2009	3/3/2009	Conditionally approving the Rapsack subdivision, subject to the notation on the subdivision plan that no more than two gas or oil wells will be permitted.

Appendix G

PUBLIC PROPERTY

§ G-101. Public Property.

Ord. or Res.	Date	Description
Ord. 67	12/4/1924	Authorizing and approving an exchange of conveyances of real estate between the Borough of Speers, Washington County, Pennsylvania, and John D. Berryman in connection with the relocation and widening of the Borough street extending southwardly through said Borough from the Borough of Charleroi. (This refers to property on Pennsylvania Avenue near Maple Creek. Mr. Berryman was to get the unused part of the ground conveyed to the Borough by deed of Karl Boltze, dated February 16, 1897, and recorded in Deed Book Vol. 407, p. 560; the Borough, in exchange, received land needed for the fifty-foot street. The conveyances were subject to existing rights-of-way.)
Ord. 145	6/22/1945	Authorizing the purchase for Borough purposes of Lot No. 25 in a plan of the subdivision of the Noah Speers Farm, in the Borough of Speers. (The lot, 50 feet wide and 100 feet deep, was purchased from Ethel A. Furlong as a site for a Municipal Building.)

Ord. or Res.	Date	Description
Ord. 241	1/5/1967	Acquiring, by eminent domain proceedings, title in fee simple to 1.3640 acres in the Borough of Speers, Washington County, Pennsylvania, pursuant to the powers conferred upon it by the Borough Code, Act of July 10, 1947, P.L. 1621, Section 1401 et seq., as amended; authorizing, empowering and directing the proper officials to execute on behalf of the Borough such pleadings, documents and other papers as shall be necessary or advisable to fully effectuate such condemnation; employing solicitors of this Borough and other legal counsel, if deemed advisable, to conduct such legal proceedings and to incur such other costs and expenses as shall be reasonably necessary to effectuate such condemnation; and pledging the power of taxation of the Borough as security for the payment of damages for such condemnation. (This tract was needed to provide access to a tract being developed as a municipal park.)
Ord. 317	8/4/1976	Providing for bridge construction at the northerly terminus of Arentzen Boulevard crossing the railroad tracks of the Norfolk and Western Railroad Company; conditioning said construction upon completing the design of said bridge; acquisition of land rights; acquisition of such Public Utility Commission permits and Railroad Company easements across railroad tracks; acquiring such grant-in-aid commitments and other financing as are necessary to complete the construction of the bridge and for entering into construction for the bridge pursuant to public bidding, provided the aforesaid conditions have been met. (The bridge was needed for industrial park expansion. See also Ord. 320 below.)
Ord. 320	10/5/1977	Amending Ordinance No. 317 providing for bridge construction at the northerly terminus of Arentzen Boulevard crossing the railroad tracks . . . , and agreement to maintain said bridge. (See also Ord. 317 above.)

Appendix H

SEWERS

§ H-101. Sewers.

Ord. or Res.	Date	Description
Ord. 120	3/2/1936	<p>Providing for the laying out, establishing, construction and maintenance of sanitary sewers in a sanitary sewer district known as State Street Sanitary Sewer District in and upon the various streets hereinafter named in the body of this ordinance in the Borough of Speers, Washington County, Pennsylvania, and assessing part of the costs thereof upon the abutting property owners. (Sewers were to be constructed:</p> <ol style="list-style-type: none"> 1. Along Speer Street, from Alley No. 1 eastwardly for approximately 460 feet to a proposed manhole at Alley No. 3. 2. Along Alley No. 3, from River Avenue westwardly under the right-of-way of the Pennsylvania Railroad and the Pittsburgh Railways Company and Pennsylvania Route 88, and across a private right of way for approximately 537 feet to a point on the west side of State Street. 3. Along State Street from a point near the intersection of Route 88 extending southwardly and westwardly along the west side of State Street for approximately 2,400 feet to a point opposite or near the Kittle line. 4. Along Lewis Avenue from a manhole in the west side of State Street northwardly for approximately 450 feet to the center of an unnamed street. 5. Along Speers Avenue from a manhole in the west side of State Street northwardly for approximately 485 feet to the center line of an unnamed street. 6. Along Charles Street from a manhole in the west side of State Street northwardly for approximately 500 feet to a manhole. 7. Along Elizabeth Street from a manhole in the west side of State Street northwardly for approximately 180 feet to an alley. 8. Along Phillips Street from a manhole in the west side of State Street for approximately 780 feet to a manhole at or near the center line of Rebecca Street.

**Ord. or
Res.****Date****Description**

9. Along Rebecca Street from a manhole near the center line of Phillips Street westwardly approximately 150 feet to a manhole at or near the center line of Elizabeth Street.
10. Along Elizabeth Street from a manhole at or near the center line of Rebecca Street northwardly for approximately 546 feet to the center line of Oak Street.
11. Along Oak Street from a point at or near the center line of Elizabeth Street westwardly approximately 271 feet to a manhole at or near the center line of Charles Street.
12. Along Charles Street from a point at or near the center line of Oak Street southwardly for approximately 400 feet.
13. Along Route 88 from a manhole on the west side thereof, southwardly for approximately 800 feet.
14. Along River Avenue from a manhole at or near the center line of Alley No. 3, southwardly approximately 492 feet to a manhole at or near the center line of Solomon Street.
15. Along Charles Street, from a manhole at or near the center line of Solomon Street southwardly for approximately 220 feet.
16. Along Speer Street, from a manhole at or near the center line of Solomon Street southwardly approximately 100 feet.
17. Along Solomon Street, from a manhole at or near the center line of Speer Street westwardly for approximately 100 feet.
18. Along State Street, beginning at a manhole at or near the center line of Speers Avenue and the west side of State Street, thence southwardly across State Street for approximately 30 feet, thence eastwardly approximately 450 feet, also from the manhole in the east side of State Street eastwardly approximately 170 feet.

Ord. or Res.	Date	Description
		<p>19. From a manhole at or near the intersection of the center line of Elizabeth Street and the west side of State Street, thence southwardly across State Street approximately 30 feet, thence eastwardly for approximately 100 feet.</p> <p>20. Beginning at a manhole approximately 120 feet east of the manhole at the center line of Phillips Street, southwardly across State Street for approximately 30 feet.</p> <p>The sewers were to be constructed with laterals to permit connection with them. The property owners were to pay \$0.30 per foot front for their share of the cost. The balance of the cost, less labor furnished by Works Progress Administration, was to be paid by the Borough.)</p>
Ord. 122	2/2/1938	<p>Providing for the laying out, establishing, construction and maintenance of sanitary sewers in a sanitary sewer district known as the State Street Sanitary Sewer District in and upon the various streets hereinafter named in the body of this ordinance in the Borough of Speers, Washington County, Pennsylvania, and assessing part of the costs thereof upon the abutting property owners. (Sewers were to be constructed:</p> <ol style="list-style-type: none"> 1. Along Charles Street, from a manhole approximately 600 feet north of State Street northwardly approximately 315 feet to a manhole. 2. Along State Street from a manhole on the south side thereof, westwardly approximately 600 feet. 3. Along Oak Street from a manhole on Charles Street westwardly approximately 150 feet. 4. Along Carson Street, from a manhole at Alley No. 3 northwardly approximately 125 feet. 5. Along Speer Street, from Alley No. 3 northwardly approximately 125 feet.

Ord. or Res.	Date	Description
Ord. 129	4/3/1940	<p data-bbox="597 277 1339 483">6. Beginning at the State Street sewer and extending approximately 120 feet westwardly along a right-of-way provided for in an agreement between Van L. Speers, Margaret T. Speers and the Borough, approved by Council and dated August 18, 1937.</p> <p data-bbox="652 493 1339 735">The sewers were to be constructed with laterals to permit connection with them. The property owners were to pay \$0.30 per foot front for their share of construction and the balance, less labor furnished by Works Progress Administration, was to be paid by the Borough.)</p> <p data-bbox="597 745 1339 1060">Providing for the laying out, establishing, construction and maintenance of sanitary sewers in a sanitary sewer district known as State Street Sanitary Sewer District in and upon the various streets hereinafter named in the body of this ordinance in the Borough of Speers, Washington County, Pennsylvania, and assessing part of the costs thereof upon the abutting property owners. (Sewers were to be constructed:</p> <ol data-bbox="597 1071 1339 1703" style="list-style-type: none"> 1. Along State Street from a manhole opposite the center line of Phillips Street southwardly to a manhole opposite Charles Street. 2. Along Oak Street from a manhole at Charles Street southwardly to Speers Avenue. 3. Along Speers Avenue from a manhole at the intersection of Oak Street for approximately 800 feet. 4. Along Lillian Avenue from a manhole at or near the property of John Ross, westwardly for 900 feet. 5. Along Elizabeth Street, from a manhole near the center of Rebecca Street eastwardly approximately 200 feet; from a point approximately 200 feet west of the center line of State Street westward for approximately 100 feet.

Ord. or Res.	Date	Description
Ord. 238	9/2/1966	The sewers were to be constructed with laterals to permit connection with them. Property owners were to pay \$0.30 per foot front toward the cost of the sewers. The Borough was to pay the balance, less the cost of labor furnished by the Works Progress Administration.)
Ord. 247	9/19/1968	Approving the service agreement with the Authority of the Borough of Charleroi, and the Boroughs of Speers, Charleroi and North Charleroi, and directing the proper officers of the Borough to enter into and consummate on behalf of the Borough said service agreement. (The agreement was for sewage treatment and disposal.) Authorizing the execution and delivery of a service agreement between Authority of the Borough of Charleroi, the Borough of Speers, Charleroi, North Charleroi and Dunlevy for sewage treatment service.
Ord. 267	5/2/1973	Authorizing the construction of a sanitary sewer on Phillips Street, Crest Street, Scott Street and an unnamed right-of-way, providing for assessment of the costs thereof in part by the benefits method and in part by the foot-front method of assessment, and providing for installment payment thereof. (This refers to: 1. Short Street, east from the Crest Street-Phillips Street intersection, 300 feet, then east to Route 88, 159 feet. 2. Phillips Street, 1,030 feet north from Short Street. 3. Crest Street, 670 feet north from Short Street.)

Ord. or Res.	Date	Description
Ord. 387	6/7/1995	Those certain sanitary sewers in and underlying Howard Street and Short Street as located in the Charter Oak Plan of Lots as recorded in the Recorder's Office in and for Washington County, Pennsylvania, in Plan Book 22, page 357, as dedicated by the owners of the development, and the street having been duly constructed according to Borough specifications and the sanitary sewers having been duly accepted as constructed to Borough specifications, are hereby accepted as public sewers.

Appendix I

SIDEWALKS

§ I-101. Sidewalks.

Ord. or Res.	Date	Description
Ord. 211	5/18/1962	Authorizing and directing the grading and improving of Elizabeth Street, on the northerly line of State Street and extending northwesterly a distance of 1,107 feet, more or less, to the southerly line of Oak Street in the Borough of Speers, Washington County, Pennsylvania, and providing for the payment thereof by the Borough and abutting property owners as provided by law. (The abutting property owners on each side of the street were to build sidewalks, five feet wide, at their own expense.)
Ord. 215	3/6/1963	Authorizing and directing the grading and improving of Lewis Avenue from the northerly line of State Street and extending northwesterly a distance of 1,041 feet more or less to the southerly line of Oak Street in the Borough of Speers, Washington County, Pennsylvania, providing for the payment thereof by the Borough and abutting property owners as provided by law. (The abutting property owners on each side of the street were to build sidewalks, five feet wide, at their own expense.)

Appendix J

STREET ACCEPTANCE, ADOPTION AND OPENING

§ J-101. Street Acceptance, Adoption and Opening.

Introductory Note: In addition to action taken by ordinance as indicated below, the following less-formal actions of Council are of interest:

- a. Acceptance of Rebecca Street from Phillips Street eastwardly to Lillian Street, the action not to be deemed as an acceptance by the Borough of any other street in the Sandy Heights Plan. **[6/6/1940]**
- b. Acceptance of Lewis Avenue, from Collins Avenue to Rebecca Street, in Morgan Plan No. 2. **[10/16/1950]**

Ord. or Res.	Date	Description
Ord. 23	8/2/1897	Opening and adopting an avenue to be called Boltz Avenue in the Borough of Speers to extend from the northern Borough line near the right-of-way of the P.V. & C.R.R. southwardly to Speer Street in said Borough. (The width was fixed at 33 feet.)
Ord. 29	12/12/1933	Providing for the laying out and opening of State Street. (State Street was to begin at a point opposite the intersection of a twenty-foot alley, leading from the P.V. & C. Railroad, thence extending at right angles in a straight line for 157 feet to the low-water mark in the Monongahela River at Speers' Wharf.)
Ord. 30	8/7/1905	Establishing a public street to be known as Maple Avenue and authorizing the opening of the same. (The street, 20 feet wide, was to extend from the Borough line near the Hubert property south and southeastwardly to the line between the Boroughs of Speers and Twilight.)
Ord. 36	6/25/1914	Opening Pennsylvania Avenue, from the county bridge across Maple Creek on the dividing line between the Borough of Charleroi and the Borough of Speers as laid out and located in Ordinance No. 25.

Ord. or Res.	Date	Description
Ord. 73	8/27/ 1926	Approving the Maple View Plan of Lots in the Borough of Speers, Washington County, Pennsylvania, and accepting the dedication of the streets and alleys as shown thereon, for public use for highway purposes, opening and naming the same and establishing grades thereon. (The following streets and alleys were accepted: Pennsylvania Avenue, Grandview Way, Schafer Avenue, Hillcrest Avenue, Arlington Avenue, Maple Terrace, Linden Avenue, Ridge Alley, Sphar Alley and Maple Alley.)
Ord. 76	4/5/1927	Approving, accepting and adopting the plot of lots, streets and alleys entitled "Addition to Sandy Heights," recorded in the Recorder's Office of Washington County, Pennsylvania, in Plan Book No. 6, at page 13. (The following streets and alleys were accepted:
		1. An unnamed street, from State Street to Rebecca Street to Oak Street.
		2. Elizabeth Street, from State Street to Oak Street.
		3. Rebecca Street, from Phillips Street to Speers Avenue.
		4. Oak Street, from Phillips Street to Speers Avenue.)
Ord. 171	4/5/1954	Consenting to and approving the vacation of the eastern end of Crest Street, the relocation of the eastern end of Crest Street, and the extension of the southern end of Short Street, all in the Speers View Plan of Lots in the Borough of Speers, Washington County, Pennsylvania, so that the presently recorded map of the said plan of lots may be accordingly amended and recorded. (Short Street, previously unnamed, now in its entirety was to extend from the north side of Phillips Street for a distance of 342.35 feet to the south side of Crest Street.)

Ord. or Res.	Date	Description
Ord. 208	1/3/1962	Laying out, opening and adopting a public street in the Borough of Speers to be designated as Speer Street and fixing and regulating the width and grades thereof. (The street, extending from State Street to Solomon Street, was to have a central roadway 40 feet wide.)
Ord. 370	10/10/1988	Accepting as public streets the following:
		1. State Street from Phillips Street in a southerly direction to the intersection of Elizabeth Street to the intersection of Jane Avenue.
		2. State Street from S.R. 88 to the intersection of River Avenue, having a total distance of 475.2 feet.
		3. Hosner Street from State Street in a southerly direction to a turnaround.
		4. Charles Street from Scott Street in a southeasterly direction to a turnaround at Speers Borough Park gates.
		5. Arzentzen Boulevard from S.R. 2027 in a northerly direction to Guttman Avenue to a turnaround, having a total distance of 3,748.8 feet.
		6. Guttman Avenue from S.R. 2027 in a northwesterly direction to the intersection of Arentzen Boulevard, for a total distance of 1,584.8 feet.
		7. Davidson Drive from State Street to the intersection of Melenyzer Court to the intersection of Valley Circle to the intersection of Summit Circle then northerly to a cul-de-sac, having a total distance of 2,372.0 feet.
		8. Summit Circle from Davidson Drive in a southerly direction to a cul-de-sac.
		9. Valley Circle from Davidson Drive in a westerly direction 316.8 feet to a cul-de-sac.

Ord. or Res.	Date	Description
		10. Ann Avenue from S.R. 2027 in northwesterly direction 580.8 feet to a turnaround.
Ord. 386	1/4/1995	Accepting as public streets Howard Street and Short Street in the Charter Oak Plan of Lots as well as storm sewers and common open space utilities-stormwater management area.
Ord. 410	2/5/2003	Accepting as public streets the following:
		1. Charles Street beginning at Scott Street to Speers Borough Park entrance, fifty-foot right-of-way and a cartway of 21 feet extending a length of 1,190 feet or 0.225 mile.
		2. Howard Street from Scott Street to Short Street, having a forty-foot right-of-way and a twenty-foot cartway, a distance of 1,035.942 feet or 0.196 mile.
		3. Short Street from Howard Street to Crest Street, having a forty-foot right-of-way and a twenty-six-foot cartway, a distance of 325.00 feet or 0.062 mile.
Ord. 445	11/7/2018	Establishing River Avenue as a twenty-foot right-of-way.

Appendix K

STREET GRADES AND LINES

§ K-101. Street Grades and Lines.

(For street grades and lines adopted in connection with acceptance of opening of streets, see Appendix J, Street Acceptance, Adoption and Opening; for street grades and lines adopted in connection with street improvements, see Appendix L Street Improvement.)

Ord. or Res.	Date	Description
Ord. 32	12/14/ 1909	Establishing the grade on Carson Street from the north curblineline of State Street to the south line of an unnamed alley. (The unnamed alley was 446 feet north of the north curblineline of State Street.)
Ord. 33	5/18/1914	Locating Pennsylvania Avenue from the center of the county bridge across Maple Creek, on the dividing line between the Borough of Charleroi and the Borough of Speers, to State Street in the Borough of Speers.
Ord. 34	5/18/1914	Establishing the grade on Pennsylvania Avenue from the center of the county bridge across Maple Creek, on the dividing line between the Borough of Charleroi and the Borough of Speers, to State Street in the Borough of Speers.
Ord. 38	9/28/1914	Establishing the grade on State Street from the east curblineline of Speers Street to a point five feet east of the center line of the track of the Pittsburgh & Charleroi Street Railway on its new location.
Ord. 49	6/3/1919	Fixing the width and center line of State Street from the northern property line of the Monongahela Division of the Pennsylvania Railroad to the Borough line and the grade of said State Street from the southern end of the present brick pavement to the Borough line. (For ordinance partially repealing this ordinance, see Ord. 64 below.)
Ord. 64	7/1/1924	Changing the grade of that part of State Street in the Borough of Speers, Washington County, Pennsylvania, which lies between State Highway Route Number 268 and a point 1,000 feet southwestwardly from said state highway from the grade established between said points by the ordinance of the said Borough of Speers approved the third day of June, 1919; establishing the new grade for said part of said street; and repealing all conflicting ordinances and parts of ordinances and particularly so much of the said ordinance approved the third day of June, 1919 as conflicts with the provisions of this ordinance. (For the ordinance of 6/3/1919, see Ord. 49 above.)

Ord. or Res.	Date	Description
Ord. 77	4/5/1927	Establishing the grade or grades of the several streets in the Sandy Heights Plan of Lots, in the Borough of Speers, Washington County, Pennsylvania. (This refers to: <ol style="list-style-type: none"> 1. An unnamed street, from State Street to Rebecca Street to Oak Street. 2. Elizabeth Street, from State Street to Oak Street. 3. Rebecca Street, from Phillips Street to Speers Avenue. 4. Oak Street, from Phillips Street to Speers Avenue.)
Ord. 82	4/3/1928	Fixing the width and center line of State Street from the northern property line of the Monongahela Division of the Pennsylvania Railroad to the Borough line, and the grade of said street from the southern edge of concrete pavement of State Highway Route No. 268. (The width to the Borough line was fixed at 40 feet; from that point the Twilight-Speers Borough line ran along the center line of the street.)
Ord. 84	9/4/1928	Straightening, relocating and vacating a part of the east end of Phillips Street, in the Borough of Speers. (A triangular lot at the intersection with State Street was vacated and another triangular lot at the intersection with State Street was opened as part of Phillips Street.)
Ord. 136	11/4/1942	Establishing or reestablishing the grade or grades of Charles Street from State Street to Oak Street; Lewis Avenue from State Street to Rebecca Street; and Rebecca Street from Lewis Avenue to Speers Avenue, all in the Borough of Speers, Washington County, Pennsylvania.
Ord. 142	12/29/ 1944	Establishing or reestablishing the grade or grades of Ridge Alley in the Borough of Speers, Washington County. (The alley began at the east curb of Grandview Way.)

Ord. or Res.	Date	Description
Ord. 158	12/18/1950	Establishing or reestablishing the grade or grades of Speers Avenue from State Street northwardly to the southern required right-of-way line of Pennsylvania Highway Traffic Route No. 31.
Ord. 166	8/3/1953	Establishing or reestablishing the grade or grades of Charles Street from the northern line of State Street to the southern line of Oak Street as relocated by the Pennsylvania Department of Highways and situate in the Borough of Speers, Washington County, Pennsylvania.
Ord. 171	4/5/1954	Consenting to and approving the vacation of the eastern end of Crest Street, the relocation of the eastern end of Crest Street and the extension of the southern end of Short Street, all in the Speers View Plan of Lots in the Borough of Speers, Washington County, Pennsylvania, so that the presently recorded map of the said plan of lots may be accordingly amended and recorded.

Appendix L

STREET IMPROVEMENT

§ L-101. Street Improvement.

Introductory Note: In addition to the following ordinances pertaining to street improvement, as indicated below, the following less-formal action of Council is of interest:

- a. Speers Avenue, from State Street to Rebecca Street, and Rebecca Street, from Phillips Street to Lillian Avenue, were to be graded and covered with slag.

Ord. or Res.	Date	Description
Ord. 39	9/28/1914	Authorizing and directing the grading, paving and curbing of the roadway of that portion of State Street in the Borough of Speers between the east curblineline of Speers Street to a point five feet east of the center line of the track of the Pittsburgh & Charleroi Street Railway in its new location; and authorizing and directing the assessment and collection of 2/3 of the total cost thereof from the owners of real estate bounding or abutting thereon, in accordance with the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania of 5/2/1911, P.L. 288.
Ord. 50	8/5/1919	Providing for the grading, curbing and paving with vitrified brick of that part of State Street in the Borough of Speers which lies between the southern property line of the Speers Methodist Episcopal Church and the southwestern line of the K. H. Kittle property, a distance of 2,098 feet, more or less, and the assessment and collection of 2/3 of the cost thereof from the owners of real estate abutting on the improvement by an equal assessment on front foot.
Ord. 54	4/12/1921	Adopting the grade, alignment, location and drainage of the street to be constructed as a portion of State Highway Route Number 268 according to the State Highway Department plans. (This refers to Pennsylvania Avenue.)
Ord. 57	2/14/1922	Approving the lines, grades, drainage structures and all other structures appearing on plans showing proposed reconstruction work in said Borough. (This refers to Route 268, Pennsylvania Avenue, from Station 1348+37 to Station 1386+70, a distance of 3,833 feet.)
Ord. 65	7/1/1924	Providing for the paving of that part of State Street, within the Borough of Speers, Washington County, Pennsylvania, which lies between State Highway Route Number 268 and a point 1,000 feet, more or less, southwestwardly from said state highway, authorizing the preparation of plans and specifications thereof, the taking of bids, and the letting of the contract.

Ord. or Res.	Date	Description
Ord. 83	4/23/1928	Authorizing and directing the grading, paving and otherwise improving of certain parts of that section of State Street in the Borough of Speers, County of Washington, State of Pennsylvania, which section begins at the end of the section of said State Street heretofore improved with a paved roadway 20 feet in width, at a point more particularly designated as Station 9+88; extending therefrom in a westerly direction a distance of 2,066 1/10 feet to a point where the line of Twilight Borough first intersects said State Street, said point being more particularly designated as Station 30+542, and authorizing and directing the assessment and collection of the cost of such construction and improvement from the owners of the real estate abutting on the improvement by an equal assessment on the foot front.
Res. 88	4/30/1929	Requesting authority from the State Department of Highways, about to improve State Route 118 (Pennsylvania Avenue) for a distance of 4,580 feet, from Station 1347+80 to the Charleroi-Speers Borough line at Station 1390+60, to a width of 18 feet, for authority for improvement of an additional width at Borough expense, from Station 1388+50 to Station 1393+15 at the end of the Maple Creek Bridge
Res. 89	6/4/1929	Agreeing to pay the County Commissioners of Washington County \$1,500 in 1930 and \$1,500 in 1931, to reimburse the county for money advanced to pay for the paving of the extra width of Pennsylvania Avenue.
Res.	6/18/1929	Approving and establishing the lines, grades, drainage structures and all other structures appearing on the plans of the Department of Highways of the Commonwealth of Pennsylvania, showing proposed improvements on Pennsylvania Avenue, in the Borough of Speers, Pennsylvania.

Ord. or Res.	Date	Description
Res.	7/9/1929	Approving and establishing the lines, grades, and drainage structures appearing on the plans of the Department of Highways of the Commonwealth of Pennsylvania, showing proposed improvement on Pennsylvania Avenue in the Borough of Speers. (The improvement was to extend for a distance of 4,574.26 feet, from Station B 47+81 to Station 1393-55.26.)
Ord. 91	7/26/1929	Requesting the improvement of Pennsylvania Avenue and agreeing to contribute to the cost thereof.
Ord. 162	9/2/1952	Authorizing and directing the grading and improving of Carson Street from the northern line of State Street and extending northwardly a distance of 450 feet, more or less, in the Borough of Speers, Washington County, Pennsylvania, and providing for the payment thereof by the Borough and abutting property owners, as provided by law.
Ord. 175	4/21/1955	Authorizing and directing the grading and improving of Charles Street from the northerly line of State Street and extending northwardly a distance of 1,100 feet, more or less, to the southerly line of Oak Street, in the Borough of Speers, Washington County, Pennsylvania, and providing for the payment thereof by the Borough and abutting property owners, as provided by law.
Ord. 184	7/12/1957	Authorizing and directing the grading and improving of Speers Avenue from the northerly line of State Street and extending northwardly a distance of 1,080.75 feet, more or less, to the southerly line of Oak Street in the Borough of Speers, Washington County, Pennsylvania, and providing for the payment thereof by the Borough and abutting property owners, as provided by law. (The width of the bituminous surface was fixed at 30 feet.)

Ord. or Res.	Date	Description
Ord. 185	7/12/1957	Authorizing and directing the grading and improving of Phillips Street, from the northerly line of State Street and extending northwardly a distance of 939.40 feet, more or less, to the southerly line of Oak Street in the Borough of Speers, Washington County, Pennsylvania, and providing for the payment thereof by the Borough and abutting property owners, as provided by law. (The width of the bituminous surface was fixed at 24 feet.)
Ord. 191	8/4/1958	Authorizing the grading, paving and improving of Arlington Avenue from its intersection with Grandview Way southwardly for a distance of 1,199.7 feet, more or less, to the intersection of Arlington Avenue and Linden Avenue in the Maplevue Plan of Lots in the Borough of Speers, Washington County, Pennsylvania.
Ord. 195	5/6/1959	Authorizing and directing the grading and improving of Ann Avenue from the northerly line of State Street and extending northwesterly a distance of 500 feet, more or less, to the southerly line of Oak Street in the Borough of Speers, Washington County, Pennsylvania, and providing for the payment thereof by the Borough and abutting property owners, as provided by law. (The width of the bituminous surface was fixed at 24 feet.)
Ord. 196	5/6/1959	Authorizing and directing the grading and improving of Jane Avenue, on the northerly line of State Street and extending northwesterly a distance of 1,015 feet, more or less, to the southerly line of Oak Street in the Borough of Speers, Washington County, Pennsylvania, and providing for the payment thereof by the Borough and abutting property owners as provided by law. (The width of the bituminous surface was fixed at 30 feet.)

Ord. or Res.	Date	Description
Ord. 204	6/6/1960	Approving and establishing the lines, grades, drainage structures, and all other structures appearing on the plan of the Department of Highways of the Commonwealth of Pennsylvania, showing proposed improvement on Route 88 in the Borough of Speers, Pennsylvania; adopting said plan as the official Borough plan for said street; and approving and opening as a public highway the relocation of the said state highway route and providing for the removal of structures. (This relates to Pennsylvania Avenue, from Station 1094+03 to Station 1117+91.5, a distance of 2,388.5 feet.)
Ord. 211	5/18/1962	Authorizing and directing the grading and improving of Elizabeth Street, on the northerly line of State Street and extending northwesterly a distance of 1,107 feet, more or less, to the southerly line of Oak Street in the Borough of Speers, Washington County, Pennsylvania, and providing for the payment thereof by the Borough and abutting property owners as provided by law. (The width of the paved cartway was fixed at 24 feet.)
Ord. 215	3/6/1963	Authorizing and directing the grading and improving of Lewis Avenue from the northerly line of State Street and extending northwesterly a distance of 1,041 feet, more or less, to the southerly line of Oak Street in the Borough of Speers, Washington County, Pennsylvania, providing for the payment thereof by the Borough and abutting property owners as provided by law. (The width of the paved cartway was fixed at 24 feet.)

Ord. or Res.	Date	Description
Ord. 219	5/4/1964	Authorizing and directing the grading and improving of Scott Street, and that part of Charles Street traversing between Scott Street and State Street, and that portion of Phillips Street traversing between the intersection of Scott Street to State Street, in the Borough of Speers, Washington County, Pennsylvania, and providing for the payment thereof by the Borough and abutting property owners as provided by law. (Scott Street was to be improved from its intersection with Charles Street eastwardly for approximately 736.58 feet, to its intersection with Phillips Street. The width of the bituminous surface of Phillips Street was to be 30 feet, that of Charles Street 30 feet, and that of Scott Street 28 feet.)
Ord. 246	7/31/1968	Authorizing and directing the grading and improving of Speers Street from the southerly side of State Street and extending southwardly a distance of 600 feet to the southerly side of Solomon Street in the Borough of Speers, Washington County, Pennsylvania, and assessing the cost and expenses thereof against the property abutting thereon by the front-foot rule; and providing for the equitable adjustments for the nonassessable property and street intersections, as provided by law.
Ord. 305	2/12/1974	Authorizing and directing the grading and improving of Rebecca Street from the east side of Jane Avenue to the west side of Speers Avenue, 550 feet to the east side of Speers Avenue to the west side of Phillips Street 660 feet in the Borough of Speers, Washington County, Pennsylvania, and assessing the cost and expenses thereof against the property abutting thereon by the front-foot rule; and providing for equitable adjustments for the nonassessable property and street intersections, as provided by law.

Ord. or Res.	Date	Description
Ord. 312	7/2/1975	Authorizing and directing the grading and improving of Crest Street from the east side of Scott Street to the west side of Short Street, 958 feet, more or less, in the Borough of Speers, Washington County, Pennsylvania, and assessing the cost and expenses thereof against the property abutting thereon by the front-foot rule; and providing for equitable adjustments for the nonassessable property and street intersections, as provided by law.
Ord. 341	7/7/1982	Authorizing and directing the paving of Phillips Avenue in the Borough of Speers, from Scott Street southerly for a distance of 100 feet, and providing for the payment of costs thereof.

Appendix M

STREET VACATION

§ M-101. Street Vacation.

Introductory Note: In addition to action taken by ordinance, as indicated below, the following less formal action of Council is of interest:

- a. The street between Lyman Duvall and the Barras house, known as Blind Lane, was abandoned.

Ord. or Res.	Date	Description
Ord. 40	3/7/1916	Vacating a certain public, road, street or highway within the Borough of Speers, Washington County, Pennsylvania, beginning at a point on the south side of the appropriation of the Pennsylvania Railroad Company where said vacated street intersects a new highway recently laid out and extending to a point at Speers Street. (This vacated a grade crossing supplied by a new road which lay wholly on the south side of the Pennsylvania Railroad right-of-way. The vacated portion is that located northwest of where it crossed the appropriation of the Pennsylvania Railroad, and continuing across the appropriation to Speers Street, that point being 458 feet northwest of State Street.)
Ord. 61	2/5/1924	Vacating that portion of River Avenue in the Borough of Speers, County of Washington and State of Pennsylvania, which lies between the lane leading into Clipper Sand Works and the Beechwood Crossing over the tracks of the Pennsylvania Railroad.
Ord. 84	9/4/1928	Straightening, relocating and vacating a part of the east end of Phillips Street in the Borough of Speers. (A triangular lot at the intersection with State Street was vacated, and another triangular lot at the same intersection was opened as part of Phillips Street.)
Ord. 131	12/9/ 1942	Vacating an unnamed street, said unnamed street being an extension of Grandview Way adjacent to Lot Nos. 455, 456, 457, 458, 459, 460, 461, 462, 463, 464 and 339 in the Maple View Plan of Lots of Speers Borough, as laid out by the Charleroi Home Building Company. (The vacated portion extended westwardly from the end of the opened portion of Grandview Way to a point in front of Lot 455.)

Ord. or Res.	Date	Description
Ord. 171	4/5/1954	Consenting to and approving the vacation of the eastern end of Crest Street, the relocation of the eastern end of Crest Street, and the extension of the southern end of Short Street, all in the Speers View Plan of Lots in the Borough of Speers, Washington County, Pennsylvania, so that the presently recorded map of the said plan of lots may be accordingly amended and recorded.
Ord. 333	3/4/1981	Vacating an unnamed alley lying between Lot Nos. 24 and 25 in the Borough of Speers and bordered on the north by State Street and on the south by Alley No. 3.
Ord. 342	12/1/1982	Vacating Coronet Alley between Oak Street and State Street.
Ord. 343	12/1/1982	Vacating Rebecca Street between Jane Avenue and Anne Avenue.
Ord. 349	9/7/1983	Vacating an unnamed alley which runs north and south and lies between Lot Nos. 13, 14, and 15 on the east and along the Monongahela Division right-of-way of Conrail on the west, in the Speers Plan, in the Borough of Speers, Washington County, Pennsylvania.
Ord. 351	11/21/1983	Vacating an unnamed alley which runs north and south, which bisects Lot Nos. 8 and 9 and further lies between Lot Nos. 7 and 8 in the Speers Plan in the Borough of Speers, Washington County, Pennsylvania.
Ord. 354	8/1/1984	Vacating the easterly end of State Street at the Monongahela River in the Borough of Speers, Washington County, Pennsylvania.
Ord. 358	5/14/1985	Vacating an unnamed alley along the northwesterly side of Lot No. 1 in the Noah Speers Plan of Lots and a portion of an unopened alley 15 feet wide to the rear of the aforesaid Lot No. 1.
Ord. 369	10/5/1988	Vacating the southeasternmost portion of Speers Street; also vacating the southernmost portion of Solomon Street.

Ord. or Res.	Date	Description
Ord. 380	12/1/1993	Vacating a portion of Arentzen Boulevard beginning from the intersection of AEG Electric Power Systems, Inc., east to the place of beginning.
Ord. 445	11/7/2018	Vacating and abandoning portions of certain unnamed alleyways.

Appendix N

TAXATION

§ N-101. Taxation.

Note: In the following ordinance titles, prior to 1930, certain bond issue ordinances are referred to by number. These numbers are the "old" or original numbers assigned to the ordinances when enacted but changed in 1936 when the new ordinance book was prepared. In the Key to the Disposition of All Ordinances, following this Appendix, the "old" numbers appear in parentheses following the present official number, and the location of these cited ordinances can thus be found by consulting the Key.

Ord. or Res.	Date	Description
Ord. 43	2/6/1917	Fixing the rate or millage for taxes to be levied, assessed and collected for general Borough purposes in the Borough of Speers, Pennsylvania, for the fiscal year 1917.
Ord. 48	3/4/1919	Fixing the rate or millage of taxes to be levied, assessed and collected in the Borough of Speers, Pennsylvania, for the fiscal year 1918, for general Borough purposes and to provide a fund to assist in the improvement of highways.
Ord. 48	3/4/1919	Fixing the rate or millage to be levied, assessed and collected in the Borough of Speers, Pennsylvania, for the fiscal year of 1919, for general Borough purposes and to provide a fund to assist in the improvement of highways.
Ord. 51	4/7/1920	Fixing the rate or millage for taxes to be levied, assessed and collected in the Borough of Speers, Pennsylvania, for the fiscal year of 1920, for general Borough purposes and to provide a fund to be used to assist in the improvement of highways.

Ord. or Res.	Date	Description
Ord. 53	3/11/1921	Fixing the rate or millage of taxes to be levied, assessed and collected in the Borough of Speers, County of Washington, State of Pennsylvania, for the fiscal year of 1921, for general Borough purposes and to provide a fund to be used in the improvement of highways.
Ord. 56	3/7/1922	Fixing the rate or millage for taxes to be levied, assessed and collected in the Borough of Speers, Pennsylvania, for the fiscal year of 1922, for general Borough purposes and to provide a fund to be used to assist in the improvement of highways.
Ord. 58	3/2/1923	Fixing the rate or millage for taxes to be levied, assessed and collected in the Borough of Speers, Pennsylvania, for the fiscal year of 1923, for general Borough purposes and to provide for the tax for the year 1923 already heretofore levied by and under that certain bond ordinance adopted the second day of May, 1922, and approved the second day of May, 1922, for the payment of the interest on the bonds authorized by said ordinance and for their redemption at par as they shall fall due.
Ord. 62	4/8/1924	Fixing the rate or millage for taxes to be levied, assessed and collected in the Borough of Speers, Pennsylvania, for the fiscal year of 1924, for general Borough purposes and to provide for the tax for the year 1924 already heretofore levied by and under that certain bond ordinance adopted the second day of May, 1922, and approved the second day of May, 1922, for the payment of the interest on the bonds authorized by said ordinance and their redemption at par as they shall fall due.
Ord. 68	5/5/1925	Fixing the rate or millage for taxes to be levied, assessed and collected in the Borough of Speers, Pennsylvania, for the fiscal year 1925, for general Borough purposes and to provide for the tax for the year 1925 already heretofore levied by and under that certain bond ordinance adopted the second day of May, 1922, and approved the second day of May, 1922, for the payment of the interest on the bonds authorized by said ordinance and their redemption at par as they shall fall due.

Ord. or Res.	Date	Description
Ord. 71	4/6/1926	Fixing the rate or millage for taxes to be levied, assessed and collected in the Borough of Speers, County of Washington and State of Pennsylvania, for the fiscal year 1926, for general Borough purposes and to provide for the taxes for the year 1926 already heretofore levied by and under that certain bond ordinance Number 51 1/2 adopted the second day of May, 1922, and that other certain bond ordinance Number 63 adopted the first day of September, 1925, for the payment of the interest on the bonds authorized by said ordinance and their redemption at par as they shall fall due.
Ord. 78	4/5/1927	Fixing the rate or millage for taxes to be levied, assessed and collected in the Borough of Speers, County of Washington, State of Pennsylvania, for the fiscal year of 1927, for general Borough purposes and to provide for the taxes for the year 1927 already heretofore levied by and under that certain bond ordinance No. 52 enacted the fourth day of September, 1923, and approved the fourth day of September, 1923, and that other certain bond ordinance No. 63, enacted the first day of September, 1925, and that other certain bond ordinance No. 66 enacted the eighth day of December, 1926, and approved the eighth day of September, 1926, for the payment of interest on the bonds authorized by said ordinance and their redemption at par as they shall fall due.

Ord. or Res.	Date	Description
Ord. 81	3/6/1928	Fixing the rate or millage for taxes to be levied, assessed and collected in the Borough of Speers, County of Washington and State of Pennsylvania, for the fiscal year of 1928, for general Borough purposes and to provide for the taxes already heretofore levied by and under that certain bond ordinance No. 52 enacted the fourth day of September, 1923, and approved the fourth day of September, 1923, and that other certain bond ordinance No. 63, enacted the first day of September, 1925, and approved the first day of September, 1925, and that other certain bond ordinance No. 66 enacted the eighth day of December, 1926, and approved the eighth day of December, 1926, and that other certain bond ordinance No. 72 enacted the seventh day of February, 1928, and approved the eighth day of February, 1928, for the payment of the interest on the bonds authorized by said ordinances and their redemption at par as they shall fall due.
Ord. 86	3/16/1929	Fixing the rate or millage for taxes to be levied, assessed and collected in the Borough of Speers, County of Washington and State of Pennsylvania, for the fiscal year of 1929, for general Borough purposes and to provide for the taxes for the year 1929 already heretofore levied by and under that certain bond ordinance No. 52 enacted the fourth day of September, 1923, and approved the fourth day of September, 1923, and that other certain bond ordinance No. 63 enacted the first day of September, 1925, and that other certain bond ordinance No. 66 enacted the eighth day of December, 1926, and approved the eighth day of December, 1926, and that other certain bond ordinance No. 72 enacted the seventh day of February, 1928, and approved the eighth day of February, 1928, for payment of the interest on the bonds authorized by said ordinances and their redemption at par as they shall fall due.
Ord. 98	3/18/1930	Levying the annual taxes for the year 1930 in the Borough of Speers for general Borough purposes and sinking fund requirements.
Ord. 102	3/19/1931	Levying the annual taxes for the year 1931 in the Borough of Speers for general Borough purposes and sinking fund requirements.

Ord. or Res.	Date	Description
Ord. 104	3/10/1932	Levying the annual taxes for the year 1932 in the Borough of Speers for general purposes and sinking fund requirements.
Ord. 106	3/14/1933	Levying the annual taxes for the year 1933 in the Borough of Speers for general Borough purposes and sinking fund requirements.
Ord. 110	4/4/1934	Levying the annual taxes for the year 1934 in the Borough of Speers for general Borough purposes and sinking fund requirements.
Ord. 112	2/5/1935	Levying the annual taxes for the year 1935 in the Borough of Speers for general Borough purposes and sinking fund requirements.
Ord. 121	3/2/1936	Levying the annual taxes in the Borough of Speers for sinking fund purposes and general fund purposes for the year 1936.
Ord. 121	4/5/1937	Levying the annual taxes for the year 1937 at 16 mills on the dollar for general Borough purposes and at six mills on the dollar for sinking fund purposes.
Ord. 128	4/3/1940	Levying the annual taxes for the year 1940 in the Borough of Speers for the general Borough purposes and sinking fund requirements.
Ord. 133	3/4/1941	Levying the annual taxes for the year 1941 in the Borough of Speers for general Borough purposes and sinking fund requirements.
Ord. 134	3/3/1942	Levying the annual taxes for the year 1942 in the Borough of Speers for general Borough purposes and sinking fund requirements.
Ord. 137	3/2/1943	Levying the annual taxes for the year 1943 in the Borough of Speers for general Borough purposes and sinking fund requirements.
Ord. 140	3/14/1944	Levying the annual taxes for the year 1944 in the Borough of Speers for general Borough purposes and sinking fund requirements
Ord. 144	3/13/1945	Levying the annual taxes for the year 1945 in the Borough of Speers for general Borough purposes and sinking fund requirements.
Ord. 148	3/6/1946	Fixing the tax rate for the fiscal year 1946.
Ord. 150	3/5/1947	Fixing the tax rate for the fiscal year 1947.
Ord. 154	3/24/1948	Fixing the tax rate for the fiscal year 1948
Ord. 156	5/15/1950	Fixing the taxes for the fiscal year 1950.

Ord. or Res.	Date	Description
Ord. 161	4/14/1952	Fixing the taxes for the fiscal year 1952.
Ord. 165	3/16/1953	Fixing the taxes for the fiscal year 1953.
Ord. 168	3/1/1954	Fixing the taxes for the fiscal year 1954.
Ord. 172	1/3/1955	Fixing the taxes for the fiscal year 1955.
Ord. 176	1/9/1956	Fixing the taxes for the fiscal year 1956.
Ord. 182	1/8/1957	Fixing the taxes for the fiscal year 1957.
Ord. 187	1/6/1958	Fixing the taxes for the fiscal year 1958.
Ord. 192	1/9/1959	Fixing the taxes for the fiscal year 1959.
Ord. 202	1/4/1960	Fixing the taxes for the fiscal year 1960.
Ord. 206	1/4/1961	Fixing the taxes for the fiscal year 1961.
Ord. 209	1/3/1962	Fixing the taxes for the fiscal year 1962.
Ord. 214	2/6/1963	Fixing the tax rate for the fiscal year 1963.
Ord. 223	4/8/1964	Fixing the taxes for the fiscal year 1964.
Ord. 229	2/9/1965	Fixing the taxes for the fiscal year 1965.
Ord. 235	2/2/1966	Fixing the tax rate for the fiscal year 1966.
Ord. 242	3/1/1967	Fixing the taxes for the fiscal year 1967.
Ord. 245	1/3/1968	Fixing the taxes for the fiscal year 1968.
Ord. 249	1/8/1969	Fixing the taxes for the fiscal year 1969.
Ord. 250	1/10/1970	Fixing the taxes for the fiscal year 1970.
Ord. 255	1/6/1971	Fixing the taxes for the fiscal year 1971.
Ord. 262	1/5/1972	Fixing the taxes for the fiscal year 1972.
Ord. 266	1/3/1973	Fixing the taxes for the fiscal year 1973.
Ord. 304	2/6/1974	Fixing the taxes for the fiscal year 1974.
Ord. 310	12/4/1974	Fixing the taxes for the fiscal year 1975.
Ord. 315	1/7/1976	Fixing the tax rate for the fiscal year 1976.
Ord. 318	2/2/1977	Fixing the tax rate for the fiscal year 1977.
Ord. 323	1/4/1978	Fixing the tax rate for the fiscal year 1978.
Ord. 324	2/7/1979	Fixing the tax rate for the fiscal year 1979.
Ord. 329	1/23/1980	Fixing the tax rate for the fiscal year 1980.
Ord. 332	2/4/1981	Fixing the tax rate for the fiscal year 1981.
Ord. 338	1/6/1982	Fixing the tax rate for the fiscal year 1982.
Ord. 344	1/17/1983	Fixing the tax rate for the fiscal year 1983.
Ord. 352	12/7/1983	Fixing the tax rate for the fiscal year 1984.
Ord. 356	2/6/1985	Fixing the tax rate for the fiscal year 1985.
Ord. 360	2/5/1986	Fixing the tax rate for the fiscal year 1986.

Ord. or Res.	Date	Description
Ord. 362	1/14/1987	Fixing the tax rate for the fiscal year 1987.
Ord. 372	2/7/1990	Fixing the tax rate for the fiscal year 1990.
Ord. 374	1/2/1991	Fixing the tax rate for the fiscal year 1991.
Ord. 375	3/5/1992	Fixing the tax rate for the fiscal year 1992.
Ord. 377	2/3/1993	Fixing the tax rate for the fiscal year 1993.
Ord. 382	2/2/1994	Fixing the tax rate for the fiscal year 1994.
Ord. 385	1/4/1995	Fixing the tax rate for the fiscal year 1995.
Ord. 389	2/7/1996	Fixing the tax rate for the fiscal year 1996.
Ord. 393	12/30/ 1996	Fixing the tax rate for the fiscal year 1997.
Ord. 395	12/18/ 1998	Fixing the tax rate for the fiscal year 1998.
Ord. 401	2/3/1999	Fixing the tax rate for the fiscal year 1999.
Ord. 404	2/2/2000	Fixing the tax rate for the fiscal year 2000.
Ord. 407	2/7/2001	Fixing the tax rate for the fiscal year 2001.
Ord. 408	2/6/2002	Fixing the tax rate for the fiscal year 2002.
Ord. 409	2/5/2003	Fixing the tax rate for the fiscal year 2003.
Ord. 411	1/7/2004	Fixing the tax rate for the fiscal year 2004.
Ord. 413	2/2/2005	Fixing the tax rate for the fiscal year 2005.
Ord. 416	2/7/2007	Fixing the tax rate for the fiscal year 2007.
Ord. 429	3/5/2008	Fixing the tax rate for the fiscal year 2008.
Ord. 421	2/4/2009	Fixing the tax rate for the fiscal year 2009.
Ord. 427	1/4/2012	Fixing the tax rate for the fiscal year 2012.
Ord. 430	1/2/2013	Fixing the tax rate for the fiscal year 2013.
Ord. 433	2/5/2014	Fixing the tax rate for the fiscal year 2014.
Ord. 434	12/17/ 2014	Fixing the tax rate for the fiscal year 2015.
Ord. 438	2/3/2016	Fixing the tax rate for the fiscal year 2016.
Ord. 446	2/6/2019	Fixing the tax rate for the fiscal year 2019.

Appendix O

WATER

§ O-101. Water.

Ord. or Res.	Date	Description
Ord. 164	10/8/1952	Authorizing and directing extension of the water system of the Borough of Speers, Washington County, Pennsylvania, by construction and installation of connection piping and a two-inch water main to service a portion of the Speers View Plan of Lots in the said Borough and providing for the payment thereof by abutting property owners, as provided by law. (The connection piping and two-inch main joined the six-inch main at the corner of State and Charles Streets, thence extended southeastwardly along the extension of Charles Street to its intersection with Scott Street, thence along Scott Street to its intersection with Crest Street at a point opposite the dividing line between Lots 61 and 62.)

Key to the Disposition of All Ordinances

Chapter KO

KEY TO THE DISPOSITION OF ALL ORDINANCES

§ KO-101. KO-101. Key to the Disposition of all Ordinances.

- App. — Appendix
- Dup. — Duplicate of Ordinance Number
- No ord. — No ordinance of this number
- Ord. — Ordinance Number
- Regs. — Regulations
- Rep. — Repealed by Ordinance Number
- Res. — Resolution
- Supr. — Superseded by Ordinance Number

Ord. or Res.	Disposition
1	Rep. 116
2	Rep. 290
3	Rep. 270
4	Rep. 270
5	Rep. 116

Ord. or Res.	Disposition
6	Rep. 116
7	Rep. 270
8	Rep. 270
9	Rep. 270
10	Rep. 270
11	Rep. 270
12	Rep. 270
13	Rep. 270
14	Rep. 270
15	Rep. 270
16	Rep. 270
17	Rep. 270
18	Rep. 270
19	Rep. 270
20	Rep. 270
21	Ch. 9, § 1
22	Rep. 270
23	App. J
24	Rep. 270
25	No ord.
26	Rep. 270
27	Rep. 270
28	Rep. 270
29	App. J
30	App. J
31	Rep. 105
10/13/1908	Rep. 270
32	App. K
3/14/1911	Rep. 270
11/12/1912	App. D, intro note
33(25) ¹⁶⁵	App. K
34(26)	App. K
35(27)	App. A
36	App. J

165See introductory note to Appendix 14.

Ord. or Res.	Disposition
37	App. A
38(31)	App. K
39(32)	App. L
40	App. M
41	Rep. 270
42	Rep. 270
43	App. N
44	Rep. 270
45	App. D
46	App. N
47(40)	Rep. 294
48(41)	App. N
49(42)	App. K
50(43)	App. L
51(44)	App. N
52(45)	Rep. 270
53	App. N
54(45)	App. L
55(48)	Rep. 301
56(49)	App. N
57(50)	App. L
5/2/1922	Expired
5/2/1922 Res.	App. C
58	App. N
59 Res. (51 1/2)	App. C
60	App. D
61	App. M
62	App. N
63(56)	Rep. 270
64(57)	App. K
65(58)	App. L
66(59)	Rep. 69
67(60)	App. G
68(61)	App. N
69(62)	Repealer only
70(63)	App. C

Ord. or Res.	Disposition
71(64)	App. N
72 Res.(65)	App. C
73(66)	Apps. F and J
74(67)	App. C
75(68)	Rep. 270
76(69)	Apps. F and J
77(70)	App. K
78(71)	App. N
79	Rep. 270
9/6/1927 Res.(73)	App. C note
80(72)	App. C
81(75)	App. N
82(76)	App. K
83(77)	App. L
84	Apps. K and M
85 Res.	App. A
86(80)	App. N
87(82)	App. A
88 Res.	App. L
89 Res.	App. L
6/18/1929 Res.	App. L
7/2/1929 (81)	Rep. 270
90	Rep. 270
7/9/1929 Res.	App. L
91	App. L
92(85)	App. C
93(86)	App. C
94 (87)	No ord.
95 (88)	App. C
96 (89)	Rep. 283
97 (90)	App. D
2/18/1930 (91)	Ch. 9, § 91 note
98 (91)	App. N
99 (92)	Rep. 283
100	App. D
101 (94)	Rep. 270

Ord. or Res.	Disposition
102	App. N
103	Dup. 102
104	App. N
105 (98)	Ch. 9, §§ 21 to 29
106 (99)	App. N
107 (100)	App. C
108 (101)	App. A
11/7/1933 Res.	Ch. 1, § 31
109 (102)	Ch. 9, § 91
110 (103)	App. N
111	Rep. 288
112 (105)	App. N
113 (106)	Rep. 270
114 (107)	App. D
115 (108)	Rep. 293
116 (109)	Rep. 270
117 (110)	Rep. 270
118	Rep. 270
12/2/1935	Rep. 270
119	App. E
120	App. H
121 (3/3/1936)	App. N
6/1/1936 Res.	App. A
121 (4/5/1937)	App. N
121 (12/6/1937)	Rep. 270
122	App. H
123	App. C
124	App. C
125	Ch. 14, §§ 31 to 34
126	Rep. 270
127	App. D
128	App. N
129	App. H
130	Ch. 19, §§ 1 to 6
131	App. M
132	Rep. 294

Ord. or Res.	Disposition
133	App. N
134	App. N
135	Rep. 180
136	App. K
137	App. N
138	Rep. 270
139	Rep. 270
140	App. N
141	App. D
142	App. K
143	Rep. 270
144	App. N
145	App. G
146	Rep. 289
147	Rep. 270
148	App. N
149	Rep. 260
150	App. N
151	Rep. 291
152	Ch. 24, §§ 1 to 5
153	Ch. 24, §§ 111 to 122
154	App. N
155	Rep. 270
156	App. N
7/17/1950	Rep. 270
157	Rep. 295
10/16/1950 Res.	App. E
158	App. K
159	Rep. 260
160	Rep. 270
161	App. N
162	App. L
163	Rep. 270
164	App. O
165	App. N
166	App. K

Ord. or Res.	Disposition
167	App. C
168	App. N
169	Rep. 270
3/1/1954 Water Regs.	Rep. 270
170	No ord.
171	Apps. J, K and M
172	App. N
173	Rep. 300
174	Rep. 175
175	App. L
176	App. N
177	Ch. 20, §§ 1 to 14
178	Exp.
179	Ch. 20, § 1
180	Ch. 19, § 7
181	App. C
182	App. N
183	App. C
184	App. L
185	App. L
186	Rep. 284
187	App. N
188	Ch. 24, § 62 note
189	Ch. 22, §§ 1 to 11
190	Ch. 1, §§ 51 to 54
191	App. L
192	App. N
193	Ch. 24, § 62 note
194	App. D
195	App. L
196	App. L
197	Rep. 270
198	Rep. 294
199	Ch. 22, §§ 12, 13
200	Ch. 21, §§ 31 to 40
201	Rep. 295

Ord. or Res.	Disposition
202	App. N
203	Ch. 24, § 62 note
204	App. L
205	Ch. 24, § 62 note
206	App. N
207	Rep. 270
208	App. J
209	App. N
210	Ch. 24, § 62 note
211	Apps. I and L
212	Ch. 24, § 62 note
213	Ch. 24, § 1 note
214	App. N
215	Apps. I and L
216	Ch. 24, § 1 note
217	Ch. 24, § 62 note
218	Rep. 287
219	App. L
220	Rep. 414
221	Ch. 24, §§ 21 to 35
222	App. D
223	App. N
224	App. C
225	Ch. 24, § 62 note
226	Rep. 414
227	Ch. 24, § 21 note
228	Ch. 24, § 1 note
229	App. N
230	Ch. 7, §§ 1 to 3
231	Ch. 24, § 21 note
232	Ch. 24, § 1 note
233	Rep. 414
234	Ch. 24, § 62 note
235	App. N
236	Rep. 270
237	Rep. 414

Ord. or Res.	Disposition
238	App. H
239	Ch. 24, §§ 51 to 62
240	Ch. 24, § 1 note, § 21 note, § 81 note Rep. in part by 414
241	App. G
242	App. N
243	Ch. 24, § 1 note, § 21 note, § 81 note Rep. in part by 414
244	Ch. 22, § 7
245	App. N
246	App. L
247	App. H
248	Supr. 405
249	App. N
250	App. N
251	Ch. 9, §§ 51 to 67
252	Supr. 379
253	Rep. 288
254	Rep. 295
255	App. N
256	Supr. 390
257	Ch. 20, § 6
258	App. E
259	App. E
260	Ch. 27, §§ 1 to 160
261	App. A
262	App. N
263	Ch. 24, §§ 1 to 5, 21 to 35, 81 to 94 Rep. in part by 414
264	App. C
265	App. C
266	App. N
267	App. H
268	App. C
269	Ch. 11, §§ 11 to 15
270	Repealer only

Ord. or Res.	Disposition
271	Ch. 24, § 5
272	Ch. 24, §§ 113, 114
273	Ch. 20, § 13
274	Ch. 19, § 7
275	Ch. 22, §§ 1, 3, 6, 11
276	Ch. 22, § 13
277	Ch. 21, § 40
278	Rep. 414
279	Ch. 7, § 3
280	Ch. 2, § 6
281	Supr. 390
282	Ch. 27, §§ 114, 160
283	Supr. 405
284	Ch. 1, § 11
285	Ch. 1, §§ 41 to 43
286	Ch. 3, § 1
287	Rep. 347
288	Ch. 6, §§ 1 to 3
289	Ch. 6, § 4
290	Ch. 6, §§ 5 to 10
291	Ch. 11, §§ 1 to 5
292	Ch. 14, § 1
293	Ch. 14, §§ 11 to 18
294	Ch. 16, §§ 1 to 5, 11 to 20, 31 to 34, 41 to 43
295	Supr. 444
296	Rep. 348
297	Ch. 21, §§ 51 to 53
298	Ch. 20, § 61
299	Ch. 25, §§ 1 to 4
300	Rep. 399
301	Rep. 397
302	Ch. 12, §§ 1 to 3
303	Rep. 399
Res. 12/5/1973	Ch. 1, § 31
304	App. N

Ord. or Res.	Disposition
305	App. L
Res. 4/3/1974	App. E
306	Ch. 5, §§ 11 to 14
307	Ch. 5, §§ 21 to 32
308	App. E
309	Ch. 27, § 25
310	App. N
311	Supr. 390
312	App. L
313	App. C
314	Ch. 1, §§ 61, 62
315	App. N
316	Ch. 9, § 58
317	App. G
318	App. N
319	Ch. 27, §§ 26, 27
320	App. G
321	App. A
322	Supr. 390
323	App. N
324	App. N
325	App. E
326	Ch. 1, §§ 44, 45
327	App. A
328	Supr. 390
329	App. N
330	Not passed
331	Ch. 5, §§ 41 to 49
332	App. N
333	App. M
334	Supr. 388
335	App. E
336	Supr. 388
337	Ch. 6, §§ 21 to 24
338	App. N
339	App. E

Ord. or Res.	Disposition
340	Ch. 24, §§ 1, 6
341	App. L
342	App. M
343	App. M
344	App. N
345	App. E
346	Ch. 14, §§ 41 to 48
347	Ch. 3, §§ 11 to 14
348	Ch. 17, §§ 1 to 11
349	App. M
350	App. D
351	App. M
352	App. N
353	Ch. 9, §§ 51, 53 to 56, 59 to 66
354	App. M
355	App. E
356	App. N
357	Ch. 1, §§ 151 to 153
358	App. M
359	App. E
360	App. N
361	Supr. 402
362	App. N
363	Rep. by Res. 3-2007
364	Ch. 16, §§ 51 to 59
365	Ch. 24, § 114
366	App. E
367	Supr. 388
368	Supr. 444
369	App. M
370	App. J
371	Ch. 16, § 35
372	App. N
373	Supr. 390
Res. 2/7/1990	App. F
374	App. N

Ord. or Res.	Disposition
375	App. N
376	Ch. 1, §§ 161 to 165
377	App. N
378	App. E
379	Ch. 2, §§ 1 to 7
380	App. M
381	Ch. 5, §§ 191 to 194
382	App. N
383	App. C
384	App. E
385	App. N
386	App. J
387	App. H
388	Supr. 436
389	App. N
390	Ch. 10, §§ 1 to 19
391	Ch. 16, § 16
392	Ch. 27, § 25
393	App. N
394	Ch. 16, § 16
395	App. N
396	Ch. 1, §§ 171, 172
397	Ch. 7, §§ 1 to 4
398	Rep. 437
399	Ch. 5, §§ 1 to 3
400	Ch. 16, § 16
401	App. N
402	Ch. 24, §§ 131 to 136
Res. 3/2/1999	Ch. 24, §§ 137, 138
403	App. E
404	App. N
405	Ch. 1, §§ 1, 2
406	Ch. 19, §§ 201 to 209
407	App. N
408	App. N
409	App. N

Ord. or Res.	Disposition
410	App. J
411	App. N
412	Ch. 5, §§ 211 to 218
413	App. N
414	Supr. 419
415	No ord.
416	App. N
417	Ch. 8, Part 2
418	Ch. 16, Part 6
Res. 2-2007	App. E
419	Ch. 24, Part 4
Res. 3-2007	Ch. 24, Part 2
420	App. N
Res. 1-2009	App. E
421	App. N
Res. 2-2009	App. F
422	Ch. 12, Part 2
423	Ch. 27, Map only
424 (Res. 2-2011)	App. E
425	Ch. 23
426	Ch. 24, Part 3
427	App. N
428	App. E
429	Ch. 16, Part 6
430	App. N
431	Ch. 1, Part 10
432	Ch. 3, Part 3
433	App. N
434	App. N
435	Ch. 27, § 27-28
436	Ch. 5, Part 5
437	Ch. 5, Part 7
438	App. N
439	Ch. 27, §§ 27-6, 27-52
440	Ch. 27, §§ 27-6, 27-52
441	Ch. 12, Part 3

Ord. or Res.

Disposition

442

Ch. 5, Part 9

443

Ch. 24, Part 8

444

Ch. 21, Part 1

445

App. J; App. M

446

App. N