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CHAPTER 1

ADMINISTRATION AND GOVERNMENT

PART 1

CITY SEAL

§1-101. City Seal Adopted.

The seal of the City of Connellsville is hereby adopted as the official seal of the City of Connellsville.

(Ord. 9, 12/26/1913, §1; as amended by Ord. 1184, 6/4/1979, §1)

§1-102. Imprint of Seal.

An imprint of the seal as above described as follows:

The seal of the City of Connellsville shall consist of two crescents, the upper crescent containing the words CONNELLSVILLE PENNSYLVANIA and between these two words the drawing or design of a coke oven, representing the past of the City and directly below the design of a coke oven appears the words INC. MAY 12, 1911; the lower crescent containing the words OUR CITY'S ROOTS - THE PEOPLE; and in the center space between the two crescents a drawing of the City Municipal Building; then on each side of the Municipal Building there is a drawing or design of a tree, the roots symbolizing the people; there is also a man and woman entering the Municipal Building on a carpet of welcome.

(Ord. 9, 12/26/1913, §1; as amended by Ord. 1184, 6/4/1979, §1)

PART 2

CITY COUNCIL

§1-201. Days of Regular Meetings of Council.

The Council of the City of Connellsville shall hold stated or regular meetings for the conduct of City business on the third Tuesday of each month or such other day or days each month as may be determined by City Council.

(Ord.791, 2/10/1958, §1; as amended by Ord. 1199, 5/27/1990, §1; A.O.)

§1-202. Time and Place of Regular Meetings of Council.

The said meetings shall be held in the Council Chambers at City Hall at 6:00 p.m., Eastern Standard Time, or such other time as may be determined by City Council; provided, however, that when Daylight Savings Time is in effect the same shall be held at 6:00 p.m., Daylight Savings Time, or such other time as may be determined by City Council.

(Ord.791, 2/10/1958, §2; as amended by Ord. 1199, 5/27/1990, §2; A.O.)

PART 3

AUTHORITIES

A. Connellsville Municipal Authority.

§1-301. Intention and Desire to Organize Authority.

The City Council, being the municipal authorities of the City of Connellsville, hereby signify its intention and desire to organize an authority under the provisions of the Municipality Authority Act of 1945, as amended.

(Ord. 660, 12/6/1949, §1)

§1-302. Execution of Articles of Incorporation Authorized.

The Mayor and City Clerk are hereby authorized and directed to execute in behalf of the City of Connellsville Articles of Incorporation for said Authority providing, among other things:

- A. That the name of the authority shall be the Connellsville Municipal Authority.
- B. That the authority is formed under the Act of May 2, 1945, P.L. 382, as amended, known as the Municipality Authorities Act of 1945.
- C. That no other authority has been organized under said Act or under the Act of June 28, 1935, P.L. 463, and is in existence in or for the incorporating municipality.
- D. That the name of the incorporating municipality is the City of Connellsville, Fayette County, Pennsylvania; and the names and addresses of the municipal officers constituting the municipal authorities of said municipality. [Here followed the names and addresses of the municipal officers.]
- E. That the names, addresses and terms of office of the first members of the Board of the Authority. [Here followed the names, addresses and terms of office of the first members of the Board of the Authority.]

(Ord. 660, 12/6/1949, §2)

§1-303. Sewer Project First to be Undertaken by Authority.

The project which shall first be undertaken by the Authority is to acquire the sewage collection system of the City of Connellsville; to construct a sewage treatment plant or plants, interceptor sewers and extensions and additions to said existing sewage collection systems and to maintain

and operate or to lease the same for operation as may be determined for the benefit of the inhabitants of the City of Connellsville.

(Ord. 660, 12/6/1949, §5)

§1-304. Increase the Term of Existence of Authority.

The proposed amendment to the Articles of Incorporation of Connellsville Municipal Authority, as proposed by said Authority, which amendment adds the following Paragraph 5(a) to the said Articles of Incorporation:

- A. 5(a). The term of existence of said Authority is hereby increased to the date 50 years from the date of the approval by the Secretary of the Commonwealth of Pennsylvania of the Articles of Amendment proposing such increase in the term of existence of said Authority.

(Ord. 660, 12/6/1949; as added by Ord. 917, 1/27/1961, §1)

B. Connellsville School Authority.

§1-311. Intention and Desire to Organize Authority.

The City Council, being the municipal authorities of the City of Connellsville, hereby signify their intention and desire to organize an Authority under the provisions of the Municipality Authorities Act of 1945, as amended.

(Ord. 663, 1/2/1950, §1)

§1-312. Execution of Articles of Incorporation.

The Mayor and the City Clerk are hereby authorized and directed to execute on behalf of the City of Connellsville Articles of Incorporation for said Authority providing, among other things:

- A. That the name of the authority shall be Connellsville School Authority.
- B. That the authority is formed under the Act of May 2, 1945, P.L.382, as amended, known as the Municipality Authorities Act of 1945.
- C. That no other authority has been organized under said Act or under the Act of June 28, 1935, P.L. 463, and is in existence in or for the incorporating municipality, excepting Connellsville Municipal Authority.
- D. That the name of the incorporating municipality is the City of Connellsville, Fayette County, Pennsylvania; and setting forth the names and addresses of the municipal officers, constituting the municipal authorities of said municipality, to wit: the Mayor, City Clerk and City Councilmen of the City of Connellsville.
- E. That the names, addresses and terms of office of the first members of the Board of the Authority. [Here followed the names, addresses and terms of office of the first members of the Board of the Authority.

(Ord. 663, 1/2/1950, §2)

§1-313. Projects to be Undertaken by Authority.

The projects which shall be undertaken by the Authority shall be to construct and equip a new school building for the school district of the City of Connellsville; from time to time construct and equip other school buildings and additions, extensions and improvements to school buildings; to lease such projects to said school district; and to purchase or acquire all such lands and sites, together with buildings and improvements, if any, thereon, as may be required for any such projects.

(Ord. 663, 1/2/1950, §5)

C. Connellsville Parking Authority.

§1-321. Intention and Desire to Organize Parking Authority.

The City Council of the City of Connellsville hereby signify their intention and desire to organize an authority under the Parking Authority Law, approved June 5, 1947, P.L. 458, as amended and supplemented, for the purpose of exercising any and all powers conferred by said law.

(Ord. 710, 5/19/1952, §1)

§1-322. Name of Authority.

The name of the proposed authority is Connellsville Parking Authority.

(Ord. 710, 5/19/1952, §2)

§1-323. Proposed Articles of Incorporation.

The proposed Articles of Incorporation of the proposed authority are as follows:

Parking Authority

Articles of Incorporation

To the Secretary of the Commonwealth of Pennsylvania:

In compliance with the Parking Authority Law, approved June 5, 1947, P.L. 458, as amended and supplemented, the City of Connellsville, a city of the Third Class of the Commonwealth of Pennsylvania, situated in Fayette County, pursuant to an ordinance duly adopted by the City Council of said City signifying their intention to form an authority, hereby certifies:

- A. The name of the authority shall be Connellsville Parking Authority.
- B. The Authority is formed under the Parking Authority Law, approved June 5, 1947, P.L. 458, as amended and supplemented.
- C. The name of the incorporating city is the City of Connellsville and the names and addresses of its Council members. [Here followed the names and address of City Council.]
- D. The names, addresses, and terms of office of the first members of the Board of the Authority. [Here followed the name, address and terms of office of the first Board members.]

(Ord. 710, 5/19/1952, §3)

§1-324. Designation of First Members of Board.

The persons designated as the first members of the Board of the Authority in the Articles of Incorporation set forth in §1-323 of this subpart, all of whom are residents of the City of Connellsville and County of Fayette, are the persons appointed as such by the Mayor of the City of Connellsville in accordance with the provisions of the Parking Authority Law, approved June 5, 1947, P.L. 458, as amended and supplemented.

(Ord. 710, 5/19/1952, §3)

§1-325. Necessity for Enactment.

The adoption of this subpart is deemed necessary to promote the public safety, convenience and welfare of the inhabitants of the City of Connellsville.

(Ord. 710, 5/19/1952, §6)

D. Redevelopment Authority.

§1-331. Declaration.

The Council of the City of Connellsville finds and declares that there is need for a redevelopment authority to function within the territorial limits of the City of Connellsville.

(Ord. 1154B, 8/22/1977, §1)

§1-332. Filing.

The City Clerk is hereby directed to file a certified copy of this ordinance with the Department of State of the Commonwealth of Pennsylvania, and a duplicate thereof with the Department of Community and Economic Development of the said Commonwealth.

(Ord. 1154B 8/22/1977, §2)

§1-333. Required Acts.

The appropriate officers of the City of Connellsville are hereby authorized and directed to do all other acts and things necessary or desirable in connection with the incorporation of the Redevelopment Authority of the City of Connellsville.

(Ord. 1154B, 8/22/1977, §3)

EXHIBIT A

BY-LAWS OF THE REDEVELOPMENT AUTHORITY

ARTICLE I

NAME

§1-101. Name.

The name of the Authority shall be "Redevelopment Authority of the City of Connellsville."

(Ord. 1154B, 8/22/1977, Exhibit A, §101)

§1-102. Seal of the Authority.

The Seal of the Authority shall be at circular in form and shall bear the words "Redevelopment Authority of the City of Connellsville," as hereto attached.

(Ord. 1154B, 8/22/1977, Exhibit A, §102)

§1-103. Offices of the Authority.

The offices of the Authority shall be at City Hall, Connellsville, Pennsylvania, but the Authority may have offices at such other place or places as the Authority may from time to time designate by resolution.

(Ord. 1154B, 8/22/1977, Exhibit A, §103)

ARTICLE II

OFFICERS

§1-201. Officers.

The officers of the Authority shall be a Chairman, Vice-Chairman, a Secretary and a Treasurer. One member may hold both the office of Secretary and Treasurer.

(Ord. 1154B, 8/22/1977, Exhibit A, §201)

ARTICLE III

DUTIES

§1-301. Chairman.

The Chairman, as chief executing officer, shall supervise the Authority's affairs and activities. He shall preside at all meetings of the Authority and shall submit such recommendations and information as he may consider proper or which he was directed by the Authority to obtain, concerning the business affairs and policies of the Authority. The Chairman and one other member of the Authority shall sign all contracts, deeds and other instruments to be made by the Authority, except as otherwise determined by a resolution of the Authority.

(Ord. 1154B, 8/22/1977, Exhibit A, §301)

§1-302. Vice-Chairman.

The Vice-Chairman shall perform the duties of the Chairman in the absence or the incapacity of the Chairman. Upon the resignation or death of the Chairman, the Vice-Chairman shall perform all the duties of the Chairman until such time as the Authority shall elect a new chairman.

(Ord. 1154B, 8/22/1977, Exhibit A, §302)

§1-303. Secretary.

The Secretary shall be the custodian of all official records and documents as well as of the seal belonging to the Authority. He shall be required to give notice of all annual, regular and special meetings of the Authority as provided by these by-laws.

(Ord. 1154B, 8/22/1977, Exhibit A, §303)

§1-304. Treasurer.

The Treasurer shall have the custody of all monies of the Authority and shall deposit the same in the name of the Authority and in such banks as the Authority shall direct. He shall sign all orders, vouchers, and checks for the payment of money and shall pay out and disburse such monies only at the direction of the Authority. The Treasurer shall keep regular books of account showing receipts and expenditures and shall render to the Authority at such regular meeting, or as otherwise directed by the Authority, an account of his transactions and also of the financial condition of the Authority. He shall give a corporate bond for the faithful performance of his duties in an amount as the Authority may determine.

(Ord. 1154B, 8/22/1977, Exhibit A, §304)

ARTICLE V

§1-503. Signing of Documents.

By resolution, the Authority shall indicate who shall sign and countersign all vouchers, checks, contracts, reports and documents of the Authority; who shall be authorized to sign in the absence or incapacity of those so first authorized; in what bank or banks shall be kept the funds of the Authority; the duties of all officers and employees.

(Ord. 1154B, 8/22/1977, Exhibit A, §503)

§1-504. Reports.

The Authority shall make a report in writing at least once each year to the Department of Community and Economic Development, as to the activities of the Authority for the preceding year and shall furnish copies of said report to the Mayor and the Council of the City of Connellsville. In addition, copies of all by-laws and rules and regulations and amendments thereto adopted by the Authority and of all redevelopment proposals and contracts as well as changes thereto shall be forwarded to said Department. Additional reports shall be made as required by the Department of Community and Economic Development.

(Ord. 1154B, 8/22/1977, Exhibit A, §504)

§1-505. Notice.

The Secretary shall give 2 days notice in writing of the intention to increase the indebtedness of the Authority to all members of the Authority. However, if all members are present at any meeting, notice may be given of the intention to increase the indebtedness at the next meeting as determined by the Authority.

(Ord. 1154B, 8/22/1977, Exhibit A, §505)

ARTICLE VI
MEETINGS

§1-601. Annual Meetings.

Annual meetings of the Authority shall be held on the second Tuesday of May of each year at the regular meeting place of the Authority. The Secretary shall give 2 weeks notice of annual meetings.

(Ord. 1154B, 8/22/1977, Exhibit A, §601)

§1-602. Regular Meetings.

Regular meetings shall be held at such times and places as the Authority shall determine by resolution. The Secretary shall give at least 2 days notice of all regular meetings.

(Ord. 1154B, 8/22/1977, Exhibit A, §602)

§1-603. Special Meetings.

The Chairman of the Authority may, when he deems it necessary or expedient, and shall upon written request of two members of the Authority, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting shall be delivered to each member of the Authority at least 2 full days prior to the meetings. At such special meeting, no business shall be considered other than is designated in the call, except that if all members are present and all consent all business may be transacted at such meeting.

(Ord. 1154B, 8/22/1977, Exhibit A, §603)

§1-604. Quorum.

At all meetings of the Authority, three members shall constitute a quorum for the purpose of elections and transacting all other business. However, a smaller number may meet and adjourn until another time or until a quorum is present.

(Ord. 1154B, 8/22/1977, Exhibit A, §604)

§1-605. Order of Business.

At all meetings except special meetings, the following shall be the order of business:

- A. Roll call.
- B. Reading and approval of minutes of previous meeting.
- C. Bills and communications.
- D. Reports of officers and executive director.
- E. Reports of committees.
- F. Unfinished business.
- G. New business.
- H. Elections, if these are to be held.
- I. Adjournment.

All resolutions shall be in writing and shall be copied in journal of the proceedings of the Authority.

(Ord. 1154B, 8/22/1977, Exhibit A, §605)

ARTICLE VII
AMENDMENTS

§1-701. Amendments.

The by-laws of the Authority shall be amended only upon written notice of intention to so amend the by-laws given 7 days prior to the meeting at which the by-laws are to be amended. A quorum shall be sufficient to amend the by-laws.

(Ord. 1154B, 8/22/1977, Exhibit A, §701)

E. Connellsville Downtown Business District Authority.

§1-341. Intention.

It is the desire of the Council of the City of Connellsville, Fayette County, Pennsylvania, and the said Council hereby signifies its intention to organize a Connellsville Downtown Business District under the Municipality Authorities Act of May 2, 1945, P.L. 382, as amended.

(Ord. 1220, 3/8/1983, §1)

§1-342. Creation of Authority.

Council of the City of Connellsville hereby finds and determines that improvement of the business district by the creation of the Connellsville Downtown Business District Authority is desirable for the entire City of Connellsville and hereby defines said business district for the purposes contemplated by this subpart, as the area within the City of Connellsville which is bounded by Peach Street, Carnegie Avenue, Fairview Street and Arch Street and which are presently zoned commercial and/or certain generally commercial uses. It is specified that City Council retains the right existing under the Act to approve any plan of the Authority.

(Ord. 1220, 3/8/1983, §2; as amended by Ord. 1227, 2/28/1983, §1)

§1-343. Name of Authority.

The name of the proposed authority shall be "Connellsville Downtown Business District Authority."

(Ord. 1220, 3/8/1983, §3)

§1-344. Membership.

- A. The Board of Connellsville Downtown Business District Authority shall consist of nine members.
- B. The following persons are hereby appointed members of the Board of the Connellsville Downtown Business District Authority for the terms of office indicated.

(Ord. 1220, 3/8/1983, §4)

§1-345. Articles of Incorporation.

Pursuant to said desire and intention of the Council of the City of Connellsville and in

conformance with the terms and provisions of said Municipality Authorities Act of 1945 and its amendments, the proposed Articles of Incorporation are hereby set forth in full, as follows:

ARTICLES OF INCORPORATION

CONNELLSVILLE DOWNTOWN BUSINESS DISTRICT AUTHORITY

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA
Harrisburg, Pennsylvania

In compliance with the requirement of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended, and pursuant to an ordinance adopted by the Municipal Authority of the City of Connellsville in the County of Fayette and Commonwealth of Pennsylvania, that a municipal authority be established under the provisions of the aforementioned law, the Council of the City of Connellsville desiring that a municipal authority be established and that a certificate of incorporation be issued to said authority, does hereby certify:

- A. The name of the authority shall be: "Connellsville Downtown Business District Authority."
- B. The authority is formed under the Act of May 2, 1945, P.L. 382, as amended, known as the Municipal Authorities Act of 1945.
- C. The only other authorities organized under the provisions of the Act or the Act approved June 28, 1935, P.L. 463 and still in existence within the said City of Connellsville are the Municipal Authority of the City of Connellsville and the Connellsville School Authority.
- D. The name of in the incorporating municipality is: City of Connellsville, in the County of Fayette, and Commonwealth of Pennsylvania and its authorities are: [Here followed the names and addresses of City Council.]
- E. The purpose or purposes for which the Authority is organized and the powers relating thereto are as provided for in subsection (E) of the Municipal Authorities Act of 1945 P.L. 382, §4, as amended, which provides that:

An authority may be established to make business improvements or provide administrative services in districts designed herein by the municipality or municipalities acting jointly and zoned commercial or used for general commercial purposes or in contiguous areas, provided the inclusion of a contiguous area is directly related to the improvements and services proposed by such authority.

provided, however, that City Council of the City of Connellsville retains the right to approve any plan of the authority for purposes of making business improvements or provided administrative services.

- F. The names and addresses and terms of office for the first members of the Board of said Authority are as follows all of whom are either taxpayers in, maintain a business in or are citizens of the City of Connellsville, Fayette County, Pennsylvania. [Here followed the names, addresses and terms of office of the first members of the Board.]

(Ord. 1220, 3/8/1983, §5)

PART 4

BOARD AND COMMISSIONS

A. Planning Commission.

§1-401. Planning Commission Established.

A City Planning Commission, composed of five members, is hereby created for the City of Connellsville. The said Commission shall be appointed in the manner provided by law, and shall perform all duties and may exercise all the powers conferred by law on city planning agencies. Provided, the City Planning Commission in existence at the time of enactment of this subpart shall constitute the Planning Commission hereby created and nothing herein shall affect the tenure of any member thereof, but all vacancies in the said Commission, regardless of the cause thereof, hereafter occurring, shall be filled in the manner and for the term prescribed by the law governing city planning commissions in force at the time of the happening of such vacancy.

(Ord. 1118, 11/12/1974, §1)

B. Recreation Board.

§1-411. Recreation Board Created.

An executive department of the government of the City of Connellsville be and hereby is created, to be called Recreation Board, to have all the rights and exercise the powers and perform the duties conferred upon such board by §3704 of Act of Assembly of June 23, 1931, P.L. 932, 53 P.S. §38704, and as are now and may hereafter be conferred and provided by law.

(Ord. 547, 11/9/1936, §1)

§1-412. Membership; Tenure; Vacancies.

Said Recreation Board conformable to the said Act of Assembly shall consist of five persons, and the terms of the members first to be appointed under this subpart shall continue from and be computed from November 1, 1936. Successors to the said Board to be from time to time appointed, and vacancies on such Board to be filled, as provided by Act of Assembly in such case made and provided.

(Ord. 547, 11/9/1936, §2)

C. Police Officer's Civil Service Commission

§1-421. Creation of Board.

There is hereby created a board for the examination of applicants for positions in the Police Department and promotions therein to be known as the Police Officer's Civil Service Board.

(Ord. 1402, 7/10/2000, Art. I; amended by Ord. 1417, 2/26/2002, §1)

§1-422. Qualifications of Members.

The said Board shall consist of three citizens of the City who shall have resided therein not less than 1 year prior to their appointment. One member shall be an educator, one shall be a physician, if possible, and the third shall not have less than a high school education.

(Ord. 1402, 7/10/2000, Art II; amended by Ord. 1417, 2/26/2002, §2)

§1-423. Terms of Office.

The newly appointed Board shall have a member for a two year term, one for a three year term and one for a four year term. Henceforth, the term of office of the appointed members of the Board shall expire 4 years after the date of their appointment. Upon the expiration of the term of each of the members of the Board, City Council shall by appropriate resolution elect or appoint a person to serve for a term of 4 years.

(Ord. 1402, 7/10/2000, Art III; amended by Ord. 1417, 2/26/2002, §3)

§1-424. Vacancies in Office.

Any vacancy in the office of a present or future member of the Board shall be filled by Council for the unexpired term.

(Ord. 1402, 7/10/2000, Art IV; amended by Ord. 1417, 2/26/2002, §4)

§1-425. Oath of Office.

Before entering upon the duties of office each of the said members shall take and subscribe to the oath of office prescribed by law and file the same, fully certified by the office administering it, with the Controller of the City.

(Ord. 1402, 7/10/2000, Art V; amended by Ord. 1417, 2/26/2002, §5)

§1-426. Compensation.

No salary or other compensation shall be paid to any member of said Board.

(Ord. 1402, 7/10/2000, Art VI; amended by Ord. 1417, 2/26/2002, §6)

§1-427. Transaction of Business.

Two members of the Board shall constitute a quorum necessary for the transaction of all business, and as new appointments to said Board are from time to time made, said Board shall organize and shall elect a president from among their number.

(Ord. 1402, 7/10/2000, Art VII; amended by Ord. 1417, 2/26/2002, §7)

§1-428. Appointment of Secretary.

The said Board may appoint a secretary for the Board. The Board shall have power to change the duties of the secretary. The secretary shall serve without compensation.

(Ord. 1402, 7/10/2000, Art VIII; amended by Ord. 1417, 2/26/2002, §8)

§1-429. Duties of the Board.

The board shall prepare and adopt such rules and regulations to cover the selection and appointment of all persons to any position in the Police Department as in the judgment of said board shall be best adapted to securing the best service for the public. Such rules and regulations shall provide for ascertaining and determining so far as possible, the physical qualifications, standing, experience and education of all applicants for any such position, and they shall provide for examinations upon any and all subjects deemed proper or necessary by said board for the purpose of determining their qualifications for the position sought and applied for. All rules so prepared may, from time to time be added to, amended and rescinded. All rules must be approved by the Mayor and City Council before they go into effect, and when so approved shall not be annulled or changed except by the Board with the approval of the Mayor and City Council. If the Mayor or City Council takes no action on the rules or amendment submitted to them within a period of 20 days from the date of its submission, then the rule or amendment shall become effective as though approved by the Mayor and City Council.

(Ord. 1402, 7/10/2000, Art IX; amended by Ord. 1417, 2/26/2002, §9)

§1-430. Compliance with Laws.

In the performance of its duties the said board shall comply with all laws of the Commonwealth pertaining to Civil Service.

(Ord. 1402, 7/10/2000, Art X; amended by Ord. 1417, 2/26/2002, §10)

D. Firefighter's Service Commission

§1-441. Creation of Board.

There is hereby created a commission for the examination of applicants for positions in the Fire Department and promotions therein to be known as the Firefighter's Civil Service Commission.

(Ord. 1418, 2/26/2002, §1)

§1-442. Qualification of Members.

The said Commission shall consist of three citizens of the City who shall have resided therein not less than 1 year prior to their appointment. One member shall be an educator, one shall be a physician, if possible, and the third shall not have less than a high school education.

(Ord. 1418, 2/26/2002, §2)

§1-443. Term of Office.

The newly appointed Commission shall have a member for a two year term, one for a three year term and one for a four year term. Henceforth, the term of office of the appointed members of the Commission shall expire 4 years after the date of their appointment. Upon the expiration of the terms of each of the members of the Commission, City Council shall by appropriate resolution elect or appoint a person to serve for a term of 4 years.

(Ord. 1418, 2/26/2002, §3)

§1-444. Vacancies in Office.

Any vacancy in the office of a present or future member of the Commission shall be filled by Council for the unexpired term.

(Ord. 1418, 2/26/2002, §4)

§1-445. Oath of Office.

Before entering upon the duties of office each of the said members shall take and subscribe to the oath of office prescribed by law and file the same, fully certified by the office administering it, with the Controller of the City.

(Ord. 1418, 2/26/2002, §5)

§1-446. Compensation.

No salary or other compensation shall be paid to any member of said Commission.

(Ord. 1418, 2/26/2002, §6)

§1-447. Transaction of Business.

Two members of the Commission shall constitute a quorum necessary for the transaction of all business, and as new appointments to said Commission are from time to time made, said Commission shall organize and shall elect a president from among their number.

(Ord. 1418, 2/26/2002, §7)

§1-448. Appointment of Secretary.

The said Commission may appoint a secretary and prescribe the duties of secretary. The secretary shall be subject to removal at any time by the Commission and the Commission shall have power to change the duties of secretary. The secretary shall serve without compensation.

(Ord. 1418, 2/26/2002, §8)

§1-449. Duties of the Commission.

The Commission shall prescribe, amend and enforce rules for carrying into effect the provision of the Act of May 31, 1933, P.L. 1108, and its amendments. All rules so prepared may, from time to time be added to amended and rescinded. All rules must be approved by the Mayor and City Council before they go into effect, and when so approved shall not be annulled or changed except by the Commission with the approval of the Mayor and City Council. If the Mayor or City Council takes no action on the rules or amendment submitted to them within a period of 20 days from the state of its submission, then the rule or amendment shall become effective as though approved by the Mayor and City Council.

(Ord. 1418, 2/26/2002, §9)

§1-450. Compliance with Laws.

In the performance of its duties, the said Commission shall comply with the Act of May 31, 1933, P.L. 1108 and its amendments, and any other law pertaining to Firefighter's Civil Service.

(Ord. 1418, 2/26/2002, §10)

E. Shade Tree Commission.

§1-461. Shade Tree Commission Created.

A Shade Tree Commission is hereby created in and for the City of Connellsville. The said Commission shall be constituted as provided by law and shall perform all the duties and may exercise all the powers vested by law upon shade tree commissions of cities of the third class. Provided; the Shade Tree Commission of the City of Connellsville in existence on the effective date of this subpart shall constitute the Shade Tree Commission hereby created and nothing herein shall affect the tenure of any member of the existing Shade Tree Commission.

(Ord. 1131, 11 /12/1974, §1)

§1-462. Assessment of Penalties by Shade Tree Commission.

The Shade Tree Commission may assess penalties of not less than \$50 nor more than \$1,000 for each and every violation of any regulation of said Commission or of any provision of the Third Class City Code so far as it relates to shade trees.

(Ord. 1131, 11 /12/1974, §2)

§1-463. Members.

The number of members of the Shade Tree Commission created in accordance with the provisions of the Third Class City Code shall be set at five members and these members shall be residents of the City of Connellsville.

(Ord. 1131, 11/12/1974, §3; as added by Ord. 1280, 9/12/1988, §1)

F. Board of Health.

§1-471. Board of Health Established.

A Board of Health is hereby created for the City of Connellsville. The said Board shall be constituted as provided in the Third Class City Code, and shall perform all duties and may exercise all powers vested by law or City ordinances in such Boards. Provided, the Board of Health now serving as such in the City shall constitute the Board of Health hereby created, and nothing herein shall affect the tenure of any member of the said present Board of Health.

(Ord. 1126, 11/12/1974, §1)

§1-472. Rules and Regulations.

A. All rules and regulations now in force or as hereafter adopted by the Board of Health of the City of Connellsville shall be incorporated in this subpart as if the same were set forth in full herein including without limitation all penalties prescribed for the violation of said rules and regulations.

B. Fees.

1. There shall be an annual license fee for all eating and drinking places in an amount as established from time to time by resolution of City Council and there shall also be an inspection fee in an additional amount as established from time to time by resolution of City Council per year covering four quarterly inspections each year as hereafter set forth, which shall be due and payable beginning on January 1, 1976 and not later than February 15, 1976. Thereafter each successive calendar year, license fee shall become due and payable on the first day of the month of each year and, if said date occurs on a holiday, on the next succeeding and said license and inspection fee shall be payable not later than the fifteenth of the month following. [A.O.]
2. There shall be an annual license fee and inspection in an amount as established from time to time by resolution of City Council for each eating and drinking establishment that does not serve liquor or any other alcoholic beverages. This license and inspection fee shall be due and payable beginning January 1, 1976, and not later than February 15, 1976, and thereafter shall be due and payable on the first day of each succeeding calendar year thereafter and not later than the fifteenth day of the next succeeding month or on February 15 of each succeeding calendar year. [A.O.]
3. In the event any person required under these regulations to procure such a license does not do so, the license then in effect shall be automatically suspended and a penalty in an amount as established from time to time by resolution of City Council is hereby fixed for the reinstatement of any such licenses. This provision

shall in no wise effect the provisions of §151.3 entitled "License Requirements".
[A.O.]

(Ord. 1126, 11/12/1974, §2; as amended by Ord. 1253A, 12/30/1985, §1; and by A.O.)

PART 5

ETHICS CODE

A. Adoption.

§1-501. Adoption.

- A. **Ethics Code.** Ensuring public confidence and trust in City government by providing rules setting forth the ethical conduct required of all City officials and employees.
- B. **Adoption.** There is hereby adopted by the City of Connellsville that certain code known as the "Ethics Code of the City of Connellsville." Said Code is set forth and copies of such Code are on file with the City Clerk for public inspection. The Ethics Code is hereby adopted and incorporated herein.

(Ord. 1300, 5/14/1990, §100)

B. General Provisions.

§1-511. Title.

This Code shall be known as the "Ethics Code of the City of Connellsville" and shall be hereinafter referred to as "the Code."

(Ord. 1300, 5/14/1990, §101)

§1-512. Findings.

- A. The City Council does hereby find that the public confidence and trust in City government depends on the integrity, impartiality and commitment to ethics of public officials and public employees.
- B. The reputation and efficiency of, and public confidence and faith in, City government suffer whenever the public trust is violated by an official or employee who commits an act of misconduct, attempts to realize personal financial gain or does not avoid conflicts of interest or the appearances of impropriety.
- C. There is a need to insure that the citizens of the City of Connellsville have complete confidence in their City officials and employees.
- D. It is essential that there exists legislation to ensure that the highest standards of conduct in the City government will be enforced regardless of any change in the Mayor.
- E. The City Council determines that every public official and public employee should:
 - 1. Put loyalty to the City and to the highest moral principles above all private interests.
 - 2. Uphold the United States and Pennsylvania Constitutions, all laws, statutes and regulations of the United States and all governments therein and all ordinances and regulations of the City of Connellsville, and neither condone nor be a party to their evasion.
 - 3. Give a full day's work for a full day's pay.
 - 4. Avoid conflicts of interest and strive to avoid the appearance of conflicts of interest, not only being above reproach, but appearing above reproach.
 - 5. Never use for personal benefit, confidential information obtained in the course of one's duties.
 - 6. Never give special favor or special privilege to anyone in return for any personal

benefit.

7. Never accept favors, gifts or benefits for self or member of one's family except in situations specified in this Code.
 8. Make no use of City employment or resources for private gain or political benefit for any individual or entity or for other than official government purposes.
 9. Attempt to remedy or eliminate public corruption, waste and inefficiency wherever and whenever discovered.
 10. Demonstrate the highest standards of personal integrity, truthfulness and fortitude in all public places.
 11. Strive for personal professional excellence and encourage the professional development of all public officials and public employees.
 12. Exercise whatever discretionary authority held to promote the public interest.
 13. Serve the public with respect, concern, courtesy and responsiveness and administer the public's business with professional competence, fairness, impartiality, efficiency and effectiveness, recognizing that service to the public is beyond service to oneself.
 14. Uphold these ethical principles, ever aware that public service and public employment are public trusts.
- F. It is the desire of the City Council to earn and maintain for the government of the City of Connellsville, the reputation as a no-nonsense, honest municipality and, to that end, this Ethics Code shall be liberally construed and strictly enforced.

(Ord. 1300, 5/14/1990, §102)

§1-513. Purpose.

- A. It is the intent of City Council, that, as contemplated by the legislature, this Code supplements the Public Official and Employee Ethics Law 65 P.S. §401et seq., as amended, and, as such, is more restrictive than that Act.
- B. Because public confidence and trust in City government can best be sustained by assuring the people of Connellsville of the integrity and impartiality of all public officials and public employees, it is the specific intent of City Council to remedy and eliminate public corruption, patronage, nepotism, special privileges, gifts and, as anticipated by the City's Charter, involuntary political contributing.

(Ord. 1300, 5/14/1990, §103)

§1-514. Definitions.

The following words and phrases when used in this Code shall have, unless the context clearly states otherwise, the meanings given to them in this Section:

APPOINTED OFFICE - any position or office, with the exception of that of an elected official, held by an employee required to file an annual statement of financial interest with the City Clerk, and any position on the boards, commissions and authorities of the City.

APPOINTED OFFICIAL - a City employee, with the exception of an elected official, required to file an annual statement of financial interest with the City Clerk, and all members of boards, commissions and authorities of the City.

AUTHORITY- the Redevelopment Authority, the Municipal Authority, the Housing Authority, the Parking Authority, the School Authority or any other authority created by the City and receiving funds from the City directly or indirectly.

CANDIDATE - any individual who seeks nomination or election of public office by vote of the electorate, other than a judge of elections, inspection of elections, member of a community advisory board or official of a political party, whether or not such individual is nominated or elected. An individual shall be deemed to be seeking nomination or election to such office if he has:

- (1) Received a contribution or made an expenditure or given his consent for any other person or committee to receive a contribution or make an expenditure for the purpose of influencing his nomination or election to such office whether or not the individual has announced the specific office for which he will seek nomination or election at the time the contribution is received or the expenditure is made.
- (2) Taken the action necessary under the laws of this Commonwealth to qualify himself for nomination or election to such office.
- (3) The term shall include individuals nominated or elected as write-in candidates unless they resign such nomination or elected office within 30 days of having been nominated or elected.

CITY - the City of Connellsville.

ELECTED OFFICE - the office of Mayor, member of Council, Controller and Treasurer.

ELECTED OFFICIAL - the Mayor, members of Council, Controller and Treasurer.

FAMILY MEMBER - any spouse, child, grandchild, parent, grandparent, sibling, in-law, aunt,

uncle, niece, nephew, ex-spouse, step-parent, stepchild, half-brother, half-sister or the spouse of any such relative or person.

GIFT - anything which is received without consideration of equal or greater value. Gift shall not include a political contribution otherwise reported as required by law, or a commercially reasonable loan made in the ordinary course of business. Gift shall include, but not be limited to, any payment, favor, gratuity, thing of value, service, service or services, promise, discount, admission, performance of any act or series of acts, entertainment, reward, loan which is not commercially reasonable and made in the ordinary course of business or promise of any of the preceding.

IMMEDIATE FAMILY MEMBER - any spouse, child, parent or sibling, regardless of where he or she resides.

INCOME - any money or thing of value received or to be received as a claim on future services whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other form of recompense.

PERSON - any individual, union, association, committee, club or other organization or group of persons. Person shall also include any board, commission, authority union or club or any member, employee or representative thereof.

POLITICAL CONTRIBUTION - any advance, conveyance, deposit or distribution, transfer of funds, loan payment, pledge, purchase of a ticket, testimonial or similar fund-raising affair or subscription of money or anything of value, except volunteer services, in connection with a political campaign and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a political contribution.

POLITICAL OFFICE - a position in a political party.

PRIVILEGE - any exemption, consideration, special treatment or advantage.

PUBLIC EMPLOYEE - any individual employed by the City of Connellsville, with the exception of public officials.

PUBLIC OFFICE - any elected or appointed office or position of the City of Connellsville.

PUBLIC OFFICIAL - any elected or appointed official of the City.

(Ord. 1300, 5/14/1990, §104)

C. Restricted Activities.

§1-521. Gifts.

- A. No public official or public employee of a public official or public employee of the City shall accept a gift as defined in the definitions of this Part.
- B. **Exceptions.** The prohibitions imposed by subsection (1) shall not apply to the following:
1. Acceptance of a gift when circumstances make it clear that the motivation for the gift is due to family relationship, close personal relationship or traditional practices among close friends such as exchange of birthday and holiday gifts.
 2. Acceptance of an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, civic or similar organization.
 3. Acceptance of a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance.
 4. Acceptance of small tokens or favors given to everyone attending a function or celebrating an occasion.
 5. Acceptance of a legal political contribution made to and reported by a duly registered campaign committee. However, there shall not have been an understanding that the contribution was for the purpose of influencing a vote, action or judgment of the public official or public employee.
 6. Acceptance of unsolicited advertising or promotional material such as pens, calendars and other such items of nominal value.
 7. Acceptance of food and refreshment of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting.

(Ord. 1300, 5/14/1990, §201)

§1-522. Preferential Treatment in Employment.

- A. No public official or public employee, with the exception of the Mayor and members of Council, shall exert his or her influence to gain or attempt to gain preferential treatment on behalf of an applicant for employment with the City or with any authority with the exception of his or her personal staff unless such activity occurs publicly to an open meeting as provided for in the State Sunshine Act, 65 P.S. §271 et seq., as amended.
- B. The City Controller or the City Treasurer shall not exert his or her influence to gain or

attempt to gain preferential treatment on behalf of an applicant for employment with the City or with any authority, board or commission.

(Ord. 1300, 5/14/1990, §202)

§1-523. Communications.

No elected official, with the exception of the Mayor, shall directly or indirectly, communicate in any way, other than in writing, or in public to an open meeting as provided for in the State Sunshine Act, with any member, director or employee of any board, authority or commission of the City as to any adjudicative, contractual or financial matter which is, or which may reasonably be, expected to be pending before such board, authority or commission for the purpose of influencing said member, director or employee of such board, authority or commission.

(Ord. 1300, 5/14/1990, §203)

§1-524. Political Activity.

- A. No public official or public employee shall require any public employee to engage in any campaign activities related to the election of any candidate or candidates.
- B. No public official or public employee shall solicit any contributions, assessments, services, tickets or raffle sales or funds on behalf of any political party, political committee, candidate or candidates, from any public employee.
- C. No public official or public employee shall make, provide or solicit any contributions, assessments, tickets or raffle sales or funds to or on behalf of any candidate or candidates for Mayor, City Council, City Controller or City Treasurer with an election or affecting the results thereof.
- D. No public official or public employee shall use any public property, material or resources on behalf of any political party, political committee, candidate or candidates, or use his or her official authority for the purpose of interfering with an election or affecting the results thereof.
- E. No appointed official or public employee shall engage in any type of partisan political activity while at work, or while the employee should be at work. This prohibition specifically does not include casual conversation which does not attempt to influence the outcome of an election.
- F. An appointed official or public employee who desires to undertake any partisan political activity restricted by this Section may take leave of absence from City employment without pay, thereby temporarily leaving the City payroll.

(Ord. 1300, 5/14/1990, §204)

§1-525. Nepotism.

After the effective date of this Part, no family member of an elected official shall be permitted to obtain noncivil service employment with the City or any municipal authority, board or commission. There shall be three exceptions to this rule:

- A. In the event the family member is employed by the City prior to the elected official obtaining office.
- B. In the event an individual who is employed by the City becomes a family member of an elected official.
- C. For good cause shown. Good cause shall be found to be a showing that the City would suffer a hardship as a result of the prohibition or similar set of circumstances.

(Ord. 1300, 5/14/1990, §205)

D. Violations and Penalties.

§1-531. Violations.

- A. Any appointed official or public employee who violates the Code shall be subject to disciplinary action. In the case of public employees and appointed officials, such disciplinary action shall be administered by the department director or the equivalent, of the effected person. They include the imposition of the following sanctions:
1. Private formal reprimand.
 2. Written reprimand.
 3. Suspension without pay for up to 5 days.
 4. Dismissal.
 5. Other types of penalties authorized by collective bargaining agreements or statutes.
- B. Upon dismissal, and when warranted, appropriate information will be volunteered by the City to the proper local, State or Federal authorities for further action.
- C. Any disciplinary action taken by the City shall be conducted in accordance with pertinent provisions of relevant labor agreements, with applicable procedures as established by the City Council for City officers and employees, and with applicable notions for procedural due process of law.
- D. In addition, any public official or public employee who violates the code shall be, upon conviction thereof, sentenced to a fine of not more than \$500 for the first violation and of not more of \$1,000 for each additional violation plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. [A.O.]
- E. When appropriate, the City may take the necessary legal steps pursuant to a breach of contract with a third party, agent, subrecipient, contractor or consultant. Such steps may include, but not be limited to:
1. Terminate the agreement with no further transfer of funds.
 2. Recover appropriate liquidated damages.
- F. Any person who realizes financial gain by way of a violation of any provision of this Code, in addition to any other penalty provided by law or this Code, shall pay into the treasury of the City, a sum of money equal to double the financial gain resulting from

such violation. The Treasurer shall determine the amount of financial gain realized.

- G. Any person, corporation, company or other entity found to have benefitted as a result of a violation of this Code shall be debarred from participating in business dealings with the City for 10 years, unless the City would suffer a hardship as a result of the debarring, in addition to being subject to any other penalty provided by law or this Code.

(Ord. 1300, 5/14/1990, §301; as amended by A.O.)

PART 6

ADMINISTRATIVE DEPARTMENTS

§1-601. Distribution of Powers and Functions Among Departments.

The executive and administrative powers and functions of the City, be and they are hereby distributed amongst and assigned to the various departments created by Act of Assembly approved Act of 1931, P.L. 932, as revised by the Act of 1951, P.L. 662, as amended as hereinafter set forth, and not otherwise.

(Ord. 1, 12/5/1913, §1; as amended by A.O.)

§1-602. Department of Public Affairs.

The Mayor shall have and exercise all powers and authorities and perform all duties provided by said Act of Assembly. He shall sign all contracts made on behalf of the City in reference to matters belonging to his department, and shall have charge of and cause to be prepared and published all statements, reports and notices required by law, ordinance or resolution of Council, where not otherwise provided by law or ordinance. The City Solicitor's Department, the City Clerk and his assistants, if any, the Chief of Police and Police Department, the Sealer of Weights and Measures and all other subordinate officers and employees of the City, not specifically assigned by ordinance to some other departments, are hereby assigned to the Department of Public Affairs. This Department shall have control and supervision of any public buildings, or such parts thereof, as are used by the police or Police Department, or for the confinement and detention of persons charged with violation of any law or ordinance.

(Ord. 1, 12/5/1913, §2)

§1-603. Department of Accounts and Finance.

The Superintendent of the Department of Accounts and Finance shall perform the duties provided and enjoined by said Act of Assembly, and the City Treasurer, and his assistants, if any, the City Assessor, and his assistants, if any, and all other officers and employees of the City, engaged in the collection of revenue, are hereby assigned to the Department of Accounts and Finance. All contracts in behalf of the City relating to matters belonging to his Department shall be signed by the Superintendent of Accounts and Finance.

(Ord. 1, 12/5/1913, §3)

§1-604. Department of Public Safety.

The Superintendent for the Department of Public Safety shall have supervision of the Fire and Health Departments, and also of the collection and removal of garbage, the inspection of milk, meat, buildings, plumbing, poles and wires, boilers, City Electrician, if any, and of the fire and police alarm system of the City, of street lighting, the location and setting of poles and stringing wires, the placing and inspection of electric signs and billboards, and all subordinate officers and employees of the City performing duties in connection with any of the said matters are hereby assigned to the Department of Public Safety, and all contracts made by the City in relation to any of the said matters shall be by the Superintendent of Public Safety. This Department shall have control and supervision of any public buildings or parts thereof used by the firemen or in connection with their work, and all fire apparatus and equipment and water plugs.

(Ord. 1, 12/5/1913, §4)

§1-605. Departments of Streets and Public Improvements.

The Superintendent of the Department of Streets and Public Improvements shall have supervision and control of streets, highways, bridges and sewers within the City, and all repairs and improvements thereto, or any part thereof, and also of all streets markers and the City Engineer and his assistants, and all subordinate officers and employees of the City performing work in connection with the matters specified in this Section, are hereby assigned to the said Department, and all contracts made by the City relating to matters specified in this Section shall be signed by the Superintendent of Streets and Public Improvements.

(Ord. 1, 12/5/1913, §5)

§1-606. Department of Parks and Public Property.

The Superintendent of the Department of Parks and Public Property shall have supervision and control of all public buildings not hereinbefore assigned to the Department of Public Affairs and the Department of Public Safety, and of all parks, markets, public library or libraries, and all contracts made by the City in reference to any of the matters specified in this Section shall be signed by the Superintendent of the Department of Parks and Public Property, and all subordinate officers and employees of the City performing work in connection with the matters specified in this Section are hereby assigned to this Department; provided, however, that subordinate officers or employees properly belonging to any of the other departments may for the time being exercise duties and functions and perform work belonging to this Department, and while so doing shall be under control and direction of this Department.

(Ord. 1, 12/5/1913, §6)

PART 7

OFFICIALS AND EMPLOYEES

A. City Treasurer.

§1-701. Amount of Treasurer Bond.

The Treasurer of the City of Connellsville shall give lawful fidelity bond to the Commonwealth, with a surety company authorized by law to act as surety, to be approved by the City Council, in the sum of \$250,000, or such other greater amount as established from time to time by resolution of City Council, conditioned for the accounting for and pay over all moneys received by him in his capacity as City Treasurer and the safe keeping and payment over of all public moneys entrusted to his care and that as Tax Collector of city, county, institution district and school taxes, he shall account for and pay over all moneys received by him as taxes, penalties and interest.

(Ord. 730, 12/28/1953, §1; A.O.)

§1-702. Treasurer to Furnish Certain Insurance Protection.

The City Treasurer of the City shall immediately after the enactment of this Part furnish adequate insurance protection against any and all losses of funds or moneys received by him in his capacity as City Treasurer, and as Tax Collector of the city, county, institution, district and school district through or by reason of fire, burglary, larceny, theft, robbery or forgery.

(Ord. 730, 12/28/1953, §2)

§1-703. Amount of Insurance; Beneficiaries Thereof.

The insurance shall be furnished by a company lawfully authorized to issue the same, shall be approved by the City Council, shall be in the sum of \$5,000, or such other greater amount as established from time to time by resolution of City Council, and shall be for the use of the City and the respective taxing districts.

(Ord. 730, 12/28/1953, §3; A.O.)

§1-704. Responsibility for Payment of Insurance Premium.

The premium for said insurance shall be paid by the City and the other taxing districts according to their respective tax interest.

(Ord. 730, 12/28/1953, §4)

B. Engineer.

§1-711. Engineer May be Retained.

The City Council, from time to time, may retain a person, being a registered engineer in civil engineering, to do such engineering work as the City may require from time to time.

(Ord. 958, 5/11/1964, §1; as amended by Ord. 1104, 11/12/1974, §1)

§1-712. Engineer's Fees.

The said Engineer shall be paid a just and reasonable fee for each item of work performed by him.

(Ord. 958, 5/11/1964, §2)

§1-713. Engineer's Bond.

Before entering upon said duties said Engineer shall give lawful bond to the City, with a surety or other company authorized by law to act as surety, to be approved by Council, in the sum of \$2,500, or such other greater amount as established from time to time by resolution of City Council, conditioned for the faithful performance of his official duties.

(Ord. 958, 5/11/1964, §3; A.O.)

§1-714. Right of Council to Terminate Engineer's Employment.

Council shall have the right to terminate said employment at any time, upon 30 days written notice to said Engineer.

(Ord. 958, 5/11/1964, §4)

C. Bureau of City Licensure; City License Officer.

§1-721. Bureau of City Licensure Created.

There is hereby created in the office of the City Treasurer shall be the Bureau of City Licensure and the City Treasurer and his staff shall serve as the City License Officer.

(Ord. 645, 11/8/1948, §1; A.O.)

§1-722. Composition of Bureau.

Said Bureau shall consist of one City License Officer and such other employees as Council may from time to time appoint to assist the License Officer, all of whom shall hold their positions at the pleasure of Council, and shall receive such compensation as Council shall fix.

(Ord. 645, 11/8/1948, §2)

§1-723. City License Officer in Charge; Designation of Deputy.

The City License Officer shall have charge of the Bureau and the employees thereof, and shall have the right to designate one of the employees as his deputy, subject to the general supervision of the Director of the Department of Accounts and Finance.

(Ord. 645, 11/8/1948, §3)

§1-724. Rules and Regulations Authorized.

The City License Officer shall have the power to make, adopt and publish reasonable rules and regulations for the efficient operation of the Bureau.

(Ord. 645, 11/8/1948, §4)

§1-725. Issuance of Certain License and Permits.

The City License Officer shall issue all licenses and permits, except dance hall and dance permits and bicycle licenses, and such permits or licenses as are required to be issued by other officials or employees of the City by laws of the Commonwealth of Pennsylvania.

(Ord. 645, 11/8/1948, §5)

§1-726. Assessment of Certain License Fees and License Taxes.

The City License Officer is hereby authorized and empowered to assess the amount of all license fees and license taxes payable to the City by any person, firm or corporation under the provisions of any ordinance of the City, except City scale fees, bicycle license fees and fees for dance hall and dance permits, and such fees as are assessable by other officials or employees of the City by the laws of the Commonwealth of Pennsylvania.

(Ord. 645, 11/8/1948, §6)

§1-727. Collection of License Fees, License Taxes, Service Fees and Charges.

The City License Officer is empowered to demand and shall collect all license fees, license taxes, service fees and charges payable to the City, except fees for dance hall and dance permits, City scale fees and bicycle license fees, and such fees and taxes as are payable to other officials or employees of the City by laws of the Commonwealth of Pennsylvania.

(Ord. 645, 11/8/1948, §7)

§1-728. Amounts Collected with Statement, Turned Over Daily to Treasurer.

The Bureau shall turn over to the City Treasurer, before 1:00 p.m., each business day, all monies collected on the previous day, together with a statement in writing showing the amount received in payment of each fee, tax or charge.

(Ord. 645, 11/8/1948, §8)

§1-729. Bond of City License Officer and Other Employees.

The City License Officer and other employees of the Bureau shall give bond with corporate surety to be approved by Council, which bond shall be conditioned for the faithful performance of the duties of their office or employment, and that they will faithfully account for and deliver all monies, property or effects of the City, collected or received by them or in their possession to the person lawfully entitled to demand and receive the same in behalf of the City. The amount of said bond shall from time to time be fixed by resolution of the City Council and premiums on said bond shall be paid by the City.

(Ord. 645, 11/8/1948, §9)

§1-730. Disclosure of Information Restricted.

It shall be unlawful for the City License Officer or any other employee of the Bureau to ever disclose to any person, not an employee of the Bureau, except the Mayor, members of Council,

the City Treasurer and City Clerk and their clerks and assistants, and the City Solicitor and his assistants, any information concerning the business or affairs of any person, firm corporation, which shall have been obtained from any return or report made by any taxpaying person, firm or corporation under the provisions of any ordinance of the City, or as a result of any investigation authorized by an ordinance. It shall be unlawful for the City License Officer or any other employee of the Bureau to willfully suffer or permit any person, excepting the persons hereinbefore mentioned to secure such information gained by the License Officer or other employee as aforesaid.

(Ord. 645, 11/8/1948, §10)

§1-731. Penalty for Unlawful Disclosure of Information.

Any person violating any provision of §1-730 of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$600 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

(Ord. 645, 11/8/1948, §11; as amended by Ord. 1094, 11/12/1974, §1; and by A.O.)

D. Weighmaster.

§1-741. Position of Weighmaster Established.

There is hereby created the position of Weighmaster, the first election hereunder to be for the remainder of the year 1940, and thereafter annually as of the January 1 of each year.

(Ord. 577, 3/11/1940, §1)

§1-742. Duties of Weighmaster; Working Hours; Supervision.

The person elected to Council to fill such position shall be in charge of the City scales and perform the duties imposed upon such employee by the provisions of Ord. 493, 1/4/1932, he shall be on duty during such hours of the day as Council shall from time to time designate, and shall perform his duties under the direction and supervision of the Director of the Department of Parks and Public Property.

(Ord. 577, 3/11/1940, §2)

§1-743. Compensation of Weighmaster.

The salary or compensation of the Weighmaster shall be fixed by ordinance from time to time.

(Ord. 577, 3/11/1940, §3)

E. Director of Parks and Recreation.

§1-751. Position of Director of Parks and Recreation Established.

The position of Director of Parks and Recreation of the City of Connellsville is hereby established. The Director of Parks and Recreation shall be an employee of the Department of Parks and Public Property under the supervision of the Director of the Department of Parks and Public Property of the City of Connellsville; said Director shall perform all duties necessary and required for the obtaining of grants and aids from appropriate governmental agencies, State, Federal and local; the implementing of all projects funded by such grants; the control and supervision of all recreation programs of the City and the performance of all other services as required by the Director of Parks and Public Property of the City.

(Ord. 1249, 12/30/1985, §1)

PART 8

PURCHASING

§1-801. Director of Accounts and Finance Designated Purchasing Agent.

The Superintendent of the Department of Accounts and Finance is hereby designated as Purchasing Agent, to act as such, as is hereinafter prescribed, for and during his term of service as said Superintendent.

(Ord. 3, 12/5/1913, §1)

§1-802. Monthly Submission of Departmental Requisitions.

The Department Superintendent by whom requisitions are prepared or to whom they may be submitted by the subordinates of his department, shall satisfy himself that the requisitions are in proper form; that the materials or supplies enumerated are required by, but not in excess of the actual needs of the department, division or bureau for and during the period named, and that the same are to be applied to the use and benefit of the City, and for no other purpose. After certification of the facts as aforesaid superintendent of the department shall transmit the original copy of said requisition to the Purchasing Agent and retain the duplicate among the records of his department.

(Ord. 3, 12/5/1913, §2)

§1-803. Duties of Department Heads as to Requisitions.

The department superintendent by whom requisitions are prepared or to whom they may be submitted by the subordinate of his department, shall satisfy himself that the requisitions are in proper form; that the materials or supplies enumerated are required by, but not in excess of the actual needs of the department, division or bureau for and during the period named, and that the same are to be applied to the use and benefit of the city, and for no other purpose. After certification of the facts as aforesaid, the superintendent of the department shall transmit the original copy of said requisition to the Purchasing Agent, and retain the duplicate among the records of his department.

(Ord. 3, 12/5/1913, §3)

§1-804. Proposals and Bids.

Upon receipt of requisitions, the Purchasing Agent shall invite proposals, by suitable advertisement, letter or both, for furnishing the materials or supplies as specified, and, after

tabulation of the bids received thereon, he shall submit same to Council.

(Ord. 3, 12/5/1913, §4)

§1-805. Acceptance or Rejection of Bids.

If the bids received are adjudged to be fair and not in excess of prevailing prices or values of the materials or supplies proposed to be furnished, the Purchasing Agent shall be authorized to place order for the delivery of the same by the lowest responsible bidder. If the prices or bids are adjudged by Council to be excessive, or the bidders are without established or known responsibility, Council shall direct the Purchasing Agent to reject all bids and secure others in the manner prescribed.

(Ord. 3, 12/5/1913, §5)

§1-806. Effect of Deviation from Procedure; Emergency Purchases.

The purchase or contract or agreement to purchase materials or supplies by any head of department, appointee or employee of the City thereunder, by any method other than herein prescribed, shall render the person making or authorizing such purchase, or contract or agreement to purchase, personally liable for the debt that may be incurred thereby, except and provided as follows:

A. Upon emergency, or grave public necessity, the superintendent of a department may authorize the Purchasing Agent, and in the latter's absence, may himself receive bids and make purchase of materials or supplies as urgency may demand, but not exceed \$100 in value, and making prompt report in writing to Council of facts thereof. Upon approval of the action of the superintendent by Council, the Purchasing Agent shall make notation thereof upon the records of the transaction when the same shall reach his office.

(Ord. 3, 12/5/1913, §6)

PART 9

ACCOUNTS PAYABLE

§1-901. City Clerk's Responsibility.

The City Clerk's office is hereby designated as the department responsible for:

- A. The processing and payment of all invoices and vouchers for all accounts payable incurred by the City.
- B. The preparation and payment of the payroll for all employees of the City.

(Ord. 1304, 7/27/1990, §1)

PART 10

DEPOSIT OF MONEY

§1-1001. Deposit of Money.

The Tax Collector of the City is hereby required to daily pay over to the Treasurer of the City all monies collected as taxes each day. The City Treasurer shall then, on a daily basis, deposit all monies collected as taxes into the accounts of the general fund, recreational fund, the library fund and the sinking fund of the City. Immediately upon the deposit of these taxes monies, duplicate copies of the deposit ticket evidencing proof of deposit of the tax monies into the general fund, recreation fund, library fund and sinking fund shall be given to the Director of Accounts and Finance.

(Ord. 1303, 7/27/1990, §1)

PART 11

EMPLOYEE BENEFITS

A. Vacation and Sick Leave.

§1-1101. Vacation, Sick Leave and Legal Holidays for Street Department Employees.

The vacation, sick leave and legal holidays to which employees of the Street Department shall be entitled shall be as set forth in that certain agreement entered into between the City and department 50, United Mine Workers of America, on behalf of Local Union No. 14639, and dated January 22, 1960, and agreed upon from time to time.

(Ord. 905, 4/11/1960, §1)

§1-1102. Legal Holidays and Vacation for All Other Employees.

A. **Holidays.** New Year's Day, Good Friday, Decoration Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day shall be observed as legal holidays without diminution in salary or compensation; provided, however, that this Section shall not apply to policemen or firemen.

B. Vacation.

1. All employees except those covered by union negotiated contracts, who have worked for the City continuously for the following listed periods shall be entitled to vacations as listed without diminution in salary or compensation:
 - (a) After 1 year of service - 1 calendar week.
 - (b) After 2 years of service - 2 calendar weeks.
 - (c) After 10 years of continuous service - 3 calendar weeks.
 - (d) After 15 years of continuous service - 4 calendar weeks.
2. If an employee does not take his vacation during the year in which he is entitled thereto, the same shall not be cumulative, and no employee shall receive pay in lieu of vacation time. Any employee desiring a vacation shall make application therefor to the director or head of his department who shall designate when such employee shall take his vacation and said director shall immediately notify the City Clerk.

C. **Sick Leave.** Sick leave to which employees shall be entitled will be determined by another ordinance.

(Ord. 905, 4/11/1960, §1; as amended by Ord. 1038, 3/9/1970, §1; and by Ord. 1048, 5/24/1971, §1)

§1-1103. Employee Entitled to Stipulated Sick Leave; Accumulation of Sick Leave.

Every City employee shall be entitled to 1 ¼ days sick leave for each month of service within the City, but not to exceed 15 days sick leave year, and shall have the right to accumulate six leave for periods of 3 years each.

(Ord. 971, 2/8/1965, §1; as amended by Ord. 1047, 5/24/1971, §1)

§1-1104. Maximum Sick Leave Permitted in any Calendar Year.

No employee shall be entitled to more than 30 days sick leave in any calendar year.

(Ord. 971, 2/8/1965, §2)

§1-1105. Physician's Statement Required Under Certain Conditions.

No employee shall be entitled to sick leave in excess of 3 consecutive days, unless on the fourth day, he furnishes to the head of his or her department a statement from a physician stating the nature of his or her illness and, if required by the head of the department, shall furnish such statement every 7 days during such leave.

(Ord. 971, 2/8/1965, §5)

§1-1106. Sick Leave with Pay.

Every employee shall be entitled to sick leave without diminution in salary, pay or compensation.

(Ord. 971, 2/8/1965, §6)

B. Nonuniformed Pension.

§1-1111. Member of the Pennsylvania Municipal Retirement System.

City of Connellsville (the City), being a member municipality of the Pennsylvania Municipal Retirement System (the System), hereby elects to amend its Municipal Pension Plan administered by the System in accordance with Article IV of the Pennsylvania Municipal Retirement Law, 53 P.S. - 881.101 et seq. (Retirement Law), and does hereby agree to be bound by all the requirements and provisions of the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. 895.101 et seq., and to assume all obligations, financial and otherwise, placed upon member municipalities.

(Ord. 1293, 2/12/1990, §1; amended by Ord. 1490, 5/16/2012, §1)

§1-1112. Administration.

As part of this Part, the City agrees that the System shall administer and provide the benefits set forth in the amended Municipal Pension Plan entered into between the Pennsylvania Municipal Retirement Board and the City effective January 1, 2012 (the Contract).

(Ord. 1293, 2/12/1990, §2; amended by Ord. 1490, 5/16/2012, §2)

§1-1113. Acceptance and Agreement.

The passage and adoption of this Ordinance by the City is an official acceptance of the Contract and the financial obligations resulting from the administration of the Contract.

(Ord. 1293, 2/12/1990, §3; amended by Ord. 1490, 5/16/2012, §3)

§1-1114. Payment Obligation.

Payment for any obligation established by the adoption of this Ordinance and the Contract shall be made by the City in accordance with the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act. The City hereby assumes all liability for any unfundedness created due to the benefit structure set forth in the Contract.

(Ord. 1293, 2/12/1990, §4; amended by Ord. 1490, 5/16/2012, §4)

§1-1115. Authorization.

The City intends this Ordinance to be the complete authorization of the Contract and it shall become effective and specifically repeal Ordinance Number 1293 either immediately or on

January 1, 2012, which is the effective date of the Contract, whichever is later.

(Ord. 1293, 2/12/1990, §7; amended by Ord. 1490, 5/16/2012, §5)

§1-1118. Certified Copy.

A duly certified copy of this Part and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania.

(Ord. 1293, 2/12/1990, §8; amended by Ord. 1490, 5/16/2012, §6)

EXHIBIT A

**CONNELLSVILLE CITY MUNICIPAL EMPLOYEE PENSION PLAN
AGREEMENT**

IN AGREEMENT, dated this 12th day of February, 1990, by and between the Connellsville City and the Pennsylvania Municipal Retirement Board (the Board);

WHEREAS, Article IV, §401, of the Act of February 1, 1974, No. 15, states:

“401. This article shall provide for the enrollment of those municipalities in the Pennsylvania Municipal Retirement System which want to offer retirement benefits to their employees. . .” and;

“413. Procedure for Amending Contracts. Any municipality which joined the System under Article IV may, with the approval of the Board, amend the contract to increase any of the benefits enumerated in Article IV to its members. . .”;

WHEREAS, the City of Connellsville has enrolled their municipal employees in the Pennsylvania Municipal Retirement System and desires to amend its pension plan for the municipal employees:

NOW THEREFORE, the Pennsylvania Municipal Retirement Board and the City hereby agrees to the following retirement pension plan for the municipal employees:

- A. **Coverage.** This plan shall cover all permanent municipal employees hereinafter referred to as “member” of the City. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited as is membership for individuals paid only on a fee basis. Individual membership shall be effective as of the date the City entered into the Pennsylvania Municipal Retirement System or upon the expiration of the individuals 6 month probationary status, whichever is most recent.

Credited service shall accrue from the member’s date of hire so long as there is continuous, uninterrupted employment to the municipality. Credited service time e3arned prior to the enrollment of the City into the System shall be known as prior service.

No credited service shall be granted for time employed in a status other than an active employee of the municipality excluding credit for purchased military service, reinstatement of previous service or service earned and credited under the portability section of this agreement (Section 11).

- B. **Superannuation Retirement Age.** Eligibility for a superannuation retirement shall occur upon the member’s attainment of 60 years of age or older.

- C. **Basic Benefit.** The basic annual benefit shall be equal to 1.5% of the member's final salary multiplied by all years of credited service.
- D. **Final Salary.** The member's final salary shall be the average annual compensation of the member during his final 5 years of employment, or if not so long employed, then the average annual compensation earned and paid during the whole period of such employment.
- E. **Early Retirement.** A member who has been involuntarily terminated after 8 years of credited service or who has separated voluntarily after 20 years of credited service may retire early. Benefits will be actuarially reduced for each year or partial year thereof prior to age 60 that early retirement takes place.
- F. **Permanent Disability Benefits.** A member who has 10 or more years of credited service may, upon application or on application of one acting in the member's behalf, or upon application of a responsible official of the municipality, be retired by the Board on a disability allowance (1) if the member is under superannuation retirement age, or on a superannuation age, and (2) if the physician designated by the Board, after medical examination of the member shall certify to the Board the individual is unable to engage in any gainful employment and that said member ought to be retired. When the disability of a member is determined to be service connected as defined in Act 15 of 1974, no minimum period of service shall be required for eligibility.

A disability annuity payable from the total disability reserve account which, together with the municipal annuity and the member's annuity, if any, shall be sufficient to produce a retirement allowance of 30% of the member's final salary. Where the disability of the member is determined to be service connected, the disability allowance shall equal 50% of the member's final salary. The disability annuity shall be reduced by the amount of any payments for which the member shall be eligible under the Act of June 2, 1915 (P.L. 736, No. 338), known as the "Pennsylvania Workmen's Compensation Act" or the Act of June 21, 1939 (P.L. 566, No. 284), known as the "Pennsylvania Occupational Disease Act."

Any member with 8 or more years of credited service entitled to retire for disability may, in lieu of such retirement, elect to retire not voluntarily under the provisions of Section 5.

Should a disability annuitant die before the total disability retirement allowance received equals the amount of the member's accumulated deductions at the time of disability retirement, the Board shall pay to the named beneficiary (if living, or if the named beneficiary predeceased the annuitant, or no beneficiary was named, then to the annuitant's estate) an amount equal to the difference between such total retirement allowance received and the annuitant's accumulated deductions. If such difference is less than \$100 and no letters have been taken out on the estate within 6 months after death, such difference may be paid to the undertaker or to any person or municipality who or which shall have paid the claim of the undertaker.

- G. **Death Benefit.** A member who is entitled to a superannuation retirement allowance

(because of reaching superannuation retirement age) or a member who is entitled to a voluntary early retirement allowance (because of completing 20 years 1-78 of credited service) may file a written application for retirement requesting that such retirement become effective at the time of death. The application must be filed with the Pennsylvania Municipal Retirement Board on PMRB-8.

When applying for retirement, the member may elect on of the options provided in Section 12 and nominate a beneficiary. The application shall be held by the Board (1) until the member files a later application (PMRB-8) for a retirement allowance or (2) until the death of the member while in municipal service.

If a member entitled to a retirement allowance dies while in municipal service, benefits become effective as if the member has retired on the day immediately preceding death. The beneficiary receives the annuity option elected before the member's death. If an option was not filed with the Board, it shall be considered that the member elected Option 1 as provided in Section 12 of this agreement. In such event, payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form (PMRB-2) on file with the Board.

- H. **Military Service.** Any member employed by the City who has been a regularly appointed employee for at least 6 months and is inducted into the military service of the United States, shall have all of the time spent in such military service credited to his employment record for pension or retirement benefits if the person returns or has heretofore returned to employment within 6 months after separation from the service.

An active member may also purchase credit for other than intervening military service performed for the United States in times of war, armed conflict or national emergency, so proclaimed by the President of the United States, for a period not to exceed 5 years, provided the member has completed 5 years of service to the City subsequent to such military service. An active member may file an application with the Board for permission to purchase credit for nonintervening military service upon completion of 5 years of subsequent service to the City.

The amount due from the member shall be certified by the Board in accordance with methods approved by the actuary. It may be paid in a lump sum within 30 days or it may be amortized with additional interest through salary deductions in amounts agreed upon by the member and the Board.

The rate of interest to be charged to a member on purchase of credit for intervening or nonintervening military service shall be the rate being credited by the System to members' accounts in effect on the date of the member's application, compounded annually.

A member may purchase credit for intervening or nonintervening military service only if discharge or separation from the service was granted under other than dishonorable conditions.

A member may not purchase military credit for any service that is covered by another retirement System administered and wholly or partially paid for by any other government agency or private employer.

- I. **Contribution by Members.** Members in 1990, shall contribute 4% of their total compensation in a manner consistent with Board established policy. If a member terminates prior to becoming eligible for any benefit, he shall be entitled to his accumulated contributions, interest and any excess investment monies allocated to his member account.

Members in 1991 shall contribute 4 ½% of their total compensation in a manner consistent with Board established policy. If a member terminates prior to becoming eligible for any benefit, he shall be entitled to his accumulated contributions, interest and any excess investment monies allocated his member accounts.

Members in 1992 shall contribute 5% of their total compensation in a manner consistent with Board established policy. If a member terminates prior to becoming eligible for any benefit, he shall be entitled to his accumulated contributions, interest and any excess investment monies allocated to his member account.

- J. **Vesting.** After 8 years of credited service, a member may vest by filing an application with the Board within 90 days of separation from employment. Upon attainment of superannuation age, a benefit will be calculated in accordance with Section 3 of this agreement.

- K. **Portability.** When a member leaves the employ of the City and enters into the employ within 1 year of separation of another municipality that has joined the system, the member's service credits shall remain unimpaired. Should a member from the employ of another municipality that has joined the System separate from service and within 1 year of separation join the pension plan, the member's service credits will remain unimpaired. In such cases, any unpaid municipal liability for prior service shall be prorated by the System between the municipalities on an equitable basis.

- L. **Options on Superannuation, Early Retirement or Vesting.** At the time a member elects to receive a retirement benefit allowance, the benefit may be payable throughout the member's life, in which case the benefit is known as single life annuity. The member may alternatively elect at the time of retirement to receive the equivalent actuarial value in a lesser allowance, payable throughout life with provisions that:

1. Option 1. If the member dies before receiving in payments the present value of the retirement allowance as it was at the time of retirement, the balance, if less than \$5,000, shall be paid in a lump sum to the designated beneficiary if living, or if the named beneficiary predeceased the member or if no beneficiary was named, then to the member's estate. If the balance is \$5,000 or more, the beneficiary may elect, by application duly acknowledged and filed with the Board to receive

payment of such balance according to any one of the following provisions:

- (a) In a lump sum payment.
 - (b) In an annuity having a present value equal to the balance payable.
 - (c) In a lump sum payment and annuity. Such annuity shall be of equivalent actuarial value to the balance payable less the amount of the lump sum payment specified by the beneficiary.
2. Option 2. Upon the annuitant's death, the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.
 3. Option 3. Upon annuitant's death, $\frac{1}{2}$ if the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.
 4. Option 4. A member may elect to receive, in one payment at the time of retirement the full amount of the member's accumulated deductions (not to include excess investment monies) standing to his credit in the member's account. In so electing this option, the member forfeits the portion of the annuity paid for from the accumulated contributions, but shall continue to be entitled to an annuity comprised of the municipal contribution and any excess investment monies so credited to the account. Any member electing this option shall be entitled to receive his remaining annuity calculated in accordance with any of the other option provided for in this Section.

Should a member who has elected a single life annuity die before receiving in annuity payments the full amount of the total accumulated deductions standing to their credit in the member account on the effective date of retirement, the balance shall be paid to the designated beneficiary.

- M. **Social Security Offset.** There shall be no offset for Social Security retirement benefits received by a member.
- N. **Determination of Municipal Liability.** The Board will determine, from time to time, (1) the amount of unfunded liability associated with the plan, based on the granting of service and the actuarial experience of the plan, (2) the amount which shall be contributed by the municipality for service subsequent to enrollment in the System, and (3) the amount which shall be contributed annually toward reserve account disability allowances payable to a qualifying member.

The amounts so determined shall be computed in accordance with the requirements of Act 205 of 1984, the Municipal Pension Plan Fund Standard and Recovery Act, and Act 15 of 1974, the Pennsylvania Municipal Retirement Law, and subsequent amendments.

- O. **Procedure.** Matters or procedure not covered in this agreement shall be as set forth in Act 15 of 1974 and as found in Act 205 of 1984, as they shall, from time to time, be amended.

Should any change or mistake in records result in any member, beneficiary or survivor annuitant receiving from the System more or less than they would have been entitled to receive had the records been correct, then regardless of the intentional or unintentional nature of the error and upon the discovery of such error, the Board will correct the error and so far as practicable will adjust the payments which may be made for and to such person in such a manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid.

- P. **Unfunded Liability.** Any unfunded liability incurred by the creation of benefits under this agreement shall be borne by the City of Connellsville.
- Q. **Effective Date.** This agreement shall be effective the January 1, 1990, with the acceptance of the same by the City of Connellsville and the Pennsylvania Municipal Retirement Board. Termination of this agreement shall be in accordance with Section 412 of Act 15 of 1974.

(Ord. 1293, 2/12/1990, Agreement)

C. Mandatory Retirement Age.

§1-1121. Mandatory Retirement of Certain Employees at Age 65.

Each fireman, policeman, Street Department employee and Sewage Department employee must retire when he reaches the age of 65 years.

(Ord. 1049, 5/24/1971, §1)

PART 12

POLICE DEPARTMENT

A. Number and Grades of Police Force.

§1-1201. Number and Grades of Members of Police Force.

The Police Force of the City of Connellsville shall consist of a Chief of Police, a Captain of Operations, a Detective Lieutenant, three (3) Sergeants, three (3) Corporals and six (6) Patrol Officers. All Police Officers appointed or presently serving in the positions above named shall receive the same compensation as set forth in the current annual salary set by contract and all such persons shall be appointed in accordance with the civil service provisions of the Third Class City Code.

(Ord. 1119, 11/12/1974, §1; as amended by Ord. 1143, 6/21/1976, §1; and Ord. 1462, §1)

§1-1202. School Crossing Guards and Dispatchers.

In addition to the above cited members of the police force, school crossing guards and one or more dispatchers, the number and compensation of whom shall be set in annual salary ordinance, shall be appointed.

(Ord. 1119, 11/12/1974, §2)

B. Police Promotions.

§1-1211. Promotions.

This Part shall govern the promotions within the police force of the City of Connellsville, with the exception of the promotion to the position of Chief of Police.

(Ord. 1148, 12/20/1976, §1)

§1-1212. Definition.

SERVICE - as used in this Part, shall be defined to mean as continuous service, except in case of military service or other leave specifically authorized by Council.

(Ord. 1148, 12/20/1976, §2)

§1-1213. Qualifications for Rank.

This Section shall govern the minimum qualifications for the promotion to the ranks hereinafter stated:

- A. **Corporal.** Shall be a sworn member of the police force for a minimum of 3 years and shall have passed the prescribed written examination, which he or she shall be only eligible to take after completion of 3 years of service. [Ord.1165]
- B. **Sergeant.** Shall be a sworn member of the police force and shall hold the rank of corporal or have 5 years continuous experience in the police force and shall have passed a written examination for the position of sergeant. [Ord.1165]
- C. **Captain.** Shall be or hold the position of rank of corporal or sergeant and must be a member of the police force for at least 8 years and must have been a corporal or sergeant an accumulated period of 2 years, and shall have passed a written examination for the position of captain.
- D. **Lieutenant Detective.** Shall be sworn member of the City of Connellsville Police Force for a period of not less than 3 years and shall have passed the prescribed written examination, which he or she shall only be eligible to take after completion of 3 years of service. [Ord. 1183]

(Ord. 1148, 12/20/1976, §3; as amended by Ord. 1165, 2/6/1978, §1; and by Ord. 1183, 3/26/1979, §1)

§1-1214. Examination and Eligibility for Promotion.

- A. There shall be administered by the Civil Service Commission a written examination on practical police skills and knowledge, which shall constitute 65% of the score. A suitability evaluation shall be made of each candidate who passes the written examination by an evaluation committee. This suitability evaluation shall constitute 25% of the score towards promotion. In conformity with the Third Class City Code, §4405, as amended, 53 P.S. §39405, if any person taking said examination was engaged in the military service of the United States during any military engagement in which the United States participated and has an honorable discharge therefrom and shall take the above examination, and his examination shall be marked or graded in the same manner as provided for all other examinations, and if such person obtains a passing grade in said examination, then such grading or percentage shall be increased by 15% and such total mark or grade shall represent the final grade or classification of such person and shall determine his or her standing on the eligible list.
- B. In case of tie scores, then preference shall be given according to seniority.
- C. The evaluation committee shall consist of three members of the Civil Service Commission.

(Ord. 1148, 12/20/1976, §4)

§1-1215. Promotion.

- A. The three persons who receive the highest scores on the accumulation of the written examination, evaluation and addition of seniority points shall be certified to City Council on a list of eligibles. The Mayor shall nominate one person from said list for promotion. Council shall then vote on the nomination.
- B. All such promotions shall be on a probationary status for a period of 1 year and if such person obtains a satisfactory rating as hereinafter set forth, then that person shall be placed in a permanent status as to such promotion.

(Ord. 1148, 12/20/1976, §5)

§1-1216. Rating.

All persons promoted in accordance with the provisions of this Part shall be rated either satisfactory or unsatisfactory by the Mayor and Chief of Police every 3 months during the period of the probationary status and such rating shall be placed in a permanent file to be established by the Chief of Police. Said file shall be reviewed by the Mayor and Chief of Police each 3 months, and if and when any of said persons receives an unsatisfactory rating, a hearing may be scheduled by the Mayor and City Council concerning their status, and prior to said hearing, such

persons shall be advised in writing that a permanent appointment may be denied due to said unsatisfactory rating, and at said hearing the person involved may attend either with or without counsel and present any evidence he may desire in defense of his right to promotion, provided that if said person received a final rating which is unsatisfactory, a hearing must be scheduled by the Mayor and City Council, at which hearing before the Mayor and Council, his appointment to permanent status may be denied, and prior to said hearing, such persons shall be advised in writing that a permanent appointment may be denied due to said unsatisfactory rating, and at said hearing the person involved may attend either with or without counsel and present any evidence he may desire in defense of his right to promotion.

(Ord. 1148, 12/20/1976, §6)

§1-1217. Written Examinations.

The written examinations referred to shall be given annually during the first week of June, except that if vacancies shall occur and no persons shall be qualified for promotion under this Section, then an examination may be given at the earliest practicable date for that vacancy, said test and the list derived therefrom to be good until the first week in the following June.

(Ord. 1148, 12/20/1976, §7)

§1-1218. Civil Service.

The Corporals, Sergeants and captains now occupying the above mentioned ranks are hereby declared to be placed under civil service by reason of their proven qualifications and experience in handling their respective positions.

(Ord. 1148, 12/20/1976, §8)

§1-1219. Dog Handler.

Any police officer appointed to and undertaking the duties of dog handler shall, if properly qualified by reason of longevity and successful passage of all the necessary examinations for the position of corporal be immediately certified to such rank with all the privileges thereof. If City Council terminates the use of police dogs or the police officers appointed to and undertaking such duty shall elect to stop working in said capacity, and did not score in the highest three at the time said test was taken, then in such event, such officers shall revert to the rank held by them prior to the assumption of the duty held by them prior to the assumption of the duty of dog handler, but shall in no wise be disqualified for subsequent promotion.

(Ord. 1148, 12/20/1976, §10; as added by Ord. 1189, 12/10/1979, §1)

C. Police Pensions.

§1-1221. Connellsville Police Pension Plan.

The City adopts the Pension Plan set forth in Exhibit A of this subpart as the Connellsville Police Pension Plan.

(Ord. 617, 10/8/1945; as amended by Ord. 630, 3/10/1947; by Ord. 907, 5/9/1960; by Ord. 987, 5/9/1966; by Ord. 1014, 2/26/1968; Ord. 1076, 8/12/1974; by Ord. 1092, 11/12/1974; by Ord. 1171, 3/13/1978; by Ord. 1198, 2/25/1980; by Ord. 1319, 11/25/1991; by Ord. 1328, 9/14/1992; by Ord. 1380, 9/14/1998; by Ord. 1385, 10/12/1998; by Ord. 1397, 12/13/1999; by Ord. 1412, 1/22/2002; by Ord. 1468, 12/16/2008; by Ord. 1489, 2/15/2012; by Ord. 1496, 1/16/2013, §1)

EXHIBIT A

CONNELLSVILLE POLICE PENSION PLAN

**ARTICLE I
DEFINITIONS**

The following words and phrases as used in this Plan shall have the meaning set forth in this Article, unless a different meaning is otherwise clearly required by the context:

1.01 "Accrued Benefit" shall mean, as of any given date, the Participant's monthly benefit determined under Section 4.02, which amount shall be based upon the Participant's Average Compensation determined as of such date and multiplied by a fraction, the numerator of which shall be the Participant's completed Years of Credited Service as of such determination date and the denominator of which shall be twenty (20), Notwithstanding anything contained herein to the contrary, in no event shall the fraction exceed one (1.0) The Accrued Benefit shall include any Service Increment Benefit to which the Participant is entitled but shall not exceed the maximum limitation, determined as of the date of computation, provided under Section 4.08. All Accrued Benefits are subject to all applicable limitations, reductions, offsets and actuarial adjustments provided by the Plan prior to the actual payment thereof and no Accrued Benefits shall be paid unless the Participant satisfies all requirements hereunder for entitlement to receive such benefit.

1.02 "Accumulated Contributions" shall mean the total amount contributed by any Participant to this Plan or its predecessor by way of payroll deduction or otherwise.

1.03 "Act" shall mean the Municipal Pension Plan Funding Standard and Recovery Act (enacted as Act 205 of 1984), as amended, 53 P.S. § 895.101 et seq.

1.04 "Actuarial Equivalent" shall mean two forms of payment of equal actuarial present value on a specified date, The factors to be used in determining Actuarial Equivalents shall be seven percent (7%) interest, and UP-1984 Mortality Table rates.

1.05 "Actuary" shall mean the person, partnership, association or corporation, which at any given time is serving as Actuary; provided that such Actuary must be an "Approved Actuary" as defined in the Act.

1.06 "Authorized Leave of Absence" shall mean any leave of absence granted in writing by the Employer for reasons including, but not limited to, accident, sickness, pregnancy or temporary disability, education, training, jury duty or such other reasons as may necessitate authorized leave from active employment.

1.07 "Average Compensation" shall mean the average of the monthly Compensation of the Participant during any five (5) continuous Years of Credited Service prior to termination of Employment which provide the highest average, or the monthly rate of pay at the time of termination from Employment, whichever produces the highest rate of monthly Compensation.

1.08 "Beneficiary" shall mean the person or legal entity designated by the Participant to receive any applicable benefits under the Plan payable upon the occurrence of the death of the Participant. In the event that a Participant does not designate a Beneficiary or the Beneficiary does not survive the Participant, the Beneficiary shall be the surviving spouse, or if there is no surviving spouse, the issue, per stirpes, or if there is no surviving issue, the estate; but if no personal representative has been appointed, to those persons who would be entitled to the estate under the intestacy laws of the Commonwealth of Pennsylvania if the Participant had died intestate and a resident of Pennsylvania.

1.09 "Break In Service" shall mean any period of time after Employment has commenced during which an Employee fails to maintain a continuous period of Employment; however, notwithstanding the foregoing, an Authorized Leave of Absence shall not be considered a Break in Service.

1.10 "Chief Administrative Officer" shall mean the person designated by the Employer who has primary responsibility for the execution of the administrative affairs of the Plan.

1.11 "Code" shall mean the Internal Revenue Code of 1986, as amended.

1.12 "Commonwealth" shall mean the Commonwealth of Pennsylvania.

1.13 "Compensation" shall mean the total remuneration of the Employee, whether salary or hourly wages including overtime pay, holiday pay, longevity pay and any other form of compensation excluding expense reimbursements paid by the Employer with respect to personal services rendered as an Employee. Amounts paid as lump sums for back-pay damage awards or settlements other than to the extent that such amounts are credited to periods of time when they would otherwise have accrued or been earned shall be excluded such that no amounts are credited in a manner which would result in duplication of remuneration for any particular period of time.

Compensation shall be limited on an annual basis for purposes of this Plan to the amount specified in accordance with Code Section 401(a)(17) for government plans, as adjusted under Code Section 415(d).

1.14 "Contract" or "Policy" shall mean any insurance or annuity contract issued by an insurance company in accordance with the requirements of the Plan.

1.15 "Council" shall mean the City Council of the City of Connellsville, Pennsylvania.

1.16 "Disability Retirement Date" shall mean the first day of the month coincident with or next following the date when a Participant terminates Employment due to a Total and Permanent Disability.

1.17 "Employee" shall mean any person who is employed on a regular full-time basis as a police officer by the Employer, and who is not otherwise participating in a pension plan or retirement

program sponsored by the Employer which recognizes credit for the same period of service to the Employer.

1.18 "Employer" shall mean the City of Connellsville, Fayette County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania.

1.19 "Employment" shall mean the period of time for which an Employee is directly or indirectly compensated or entitled to Compensation by the Employer for the performance of duties as an Employee.

Employment shall include any period of voluntary or involuntary military service with the armed forces of the United States of America, provided that the Participant has been employed as a regular, full-time member of the Employer's police force for a period of at least six (6) months immediately prior to the period of military service and the Participant returns to Employment within six (6) months following discharge from military service or within such longer period during which employment rights are guaranteed by applicable law or under the terms of a collective bargaining agreement with the Employer.

Employment may include, for the purpose of determining Years of Credited Service, an Authorized Leave of Absence to the extent it is specifically granted in writing by the Council and permitted pursuant to applicable law.

Employment shall also include, with the approval of Council, any period of voluntary or involuntary military service with the armed forces of the United States of America subsequent to September 1, 1940, not to exceed a total of five (5) years which occurred prior to the date on which a Participant first became employed as an Employee of the Employer, provided that the Participant shall purchase such credit with a payment to the police pension fund of an amount equal to that which would have been paid had the officer been a Participant during the period for which he desires credit, and his payment to such fund of an additional amount as the equivalent of the contributions of the city on account of such military service.

1.20 "Insurer" or "Insurance Company" shall mean any legal reserve life insurance company licensed to do business in one or more States of the United States.

1.21 "Minimum Municipal Obligation" shall mean the minimum annual obligation of the municipality as certified by the Chief Administrative Officer pursuant to the provisions of the Act.

1.22 "Normal Retirement Age" shall mean the date on which the Participant completes twenty (20) Years of Credited Service.

1.23 "Normal Retirement Date" shall mean the first day of the month coincident with or next following the date when an Employee attains Normal Retirement Age.

1.24 "Notice" or "Election" shall mean a written document prepared in the form specified by the Plan Administrator and delivered as follows: if such Notice or Election is to be provided by the

Employer or Plan Administrator, it shall be mailed in a properly addressed envelope, postage prepaid, to the last known address of the person entitled thereto, on or before the last day of the specified Notice or Election period; or, if such Notice or Election is to be provided to the Employer or the Plan Administrator, it must be received by the recipient on or before the last day of the specified Notice or Election period.

1.25 "Participant" shall mean any Employee who has commenced participation in this Plan in accordance with Article II, and has not for any reason ceased to participate hereunder.

1.26 "Pension Fund" shall mean the assets of the Plan, which shall be accounted for separately from the assets of any other plans maintained by the Employer and which shall be administered under the supervision of the Employer in accordance with the terms of the Plan.

1.27 "Pension Plan Board" shall mean the board appointed pursuant to the provisions of applicable law to administer the Plan as more fully described herein under Article IX.

1.28 "Plan" shall mean the City of Connellsville Police Pension Plan.

1.29 "Plan Administrator" or "Administrator" shall mean the Pension Plan Board. In the event no such Pension Plan Board is appointed, the Plan Administrator shall be the Council.

1.30 "Plan Year" shall mean the 12-month period beginning on January 1 and ending on December 31.

1.31 "Restatement Date" shall mean January 1, 2001, the effective date of this amended and restated Plan.

1.32 "Service Increment" shall mean the amount determined under Section 4.03 on behalf of a Participant who accumulates completed Years of Credited Service in excess of the number of Years of Credited Service which are required for attainment of Normal Retirement Age.

1.33 "Total and Permanent Disability" shall mean a condition of physical or mental impairment due to which a Participant is unable to perform the usual and customary duties of Employment with the Employer and which condition is expected to continue to be permanent for the remainder of the Participant's lifetime. For purposes of this Section 1.33, a condition shall be treated as a Total and Permanent Disability whether or not the injury occurred in the line of duty. However, Total and Permanent Disability shall not include any injury caused by an act of a third party intended to injure an officer because of reasons personal to him and not because of his employment nor shall an officer receive a pension on account of any disability resulting from an intentionally self-inflicted injury.

1.34 "Year of Credited Service" shall refer to any consecutive twelve (12) month period during which a Participant is continuously employed in Employment and contributes to the Plan.

Each Year of Credited Service shall be determined from the date on which participation in the Plan shall commence and annual anniversaries thereof and/or in the case of a Break in Service,

the date that reemployment of a Participant shall commence and anniversaries thereof, provided that the Employee has authorized the payment of Employee contributions to the Plan.

Year of Credited Service shall include any period of qualified military service as determined under the requirements of Chapter 43 of Title 38, United States Code, provided that the Participant returns to Employment following such period of qualified military service, and the Participant makes payment to the Plan in an amount equal to the Participant Contributions that would otherwise have been paid to the Plan during such period of qualified military service. The amount of Participant Contributions shall be based upon an estimate of the Compensation that would have been paid to the Participant during such period of qualified military service as determined by the average Compensation paid to the Participant during the twelve (12) months immediately preceding the period of qualified military service. The amount of Participant Contributions so calculated must be paid into the Plan before the end of the period that begins on the date of re-employment and ends on the earlier of the date that ends the period that has a duration of three (3) times the period of qualified military service, or the date that is five (5) years after the date of re-employment.

ARTICLE II

PARTICIPATION IN THE PLAN

2.01 Eligibility for Participation - Each Employee shall be eligible to participate in the Plan as of the first day of Employment provided that all administrative prerequisites such as authorizing the payment of Employee contributions via payroll deduction have been fulfilled. Each Employee who was a Participant in the Plan on the day prior to the Restatement Date shall continue to be a Participant on and after the Restatement Date subject to the terms and conditions of the Plan as set forth herein.

2.02 Participation Requirements - Each Participant hereunder shall be required to make contributions to the Plan, as provided in Section 3.01 hereof, and shall execute and complete any enrollment or application forms as required by the Plan Administrator.

2.03 Re-employment - Each Employee who had previously been employed by the Employer and incurred a Break in Service shall, upon reemployment, have prior Years of Credited Service re-credited for all purposes under the Plan upon repayment to the Plan of any amount of Accumulated Contributions which had been distributed pursuant to Section 8.02.

2.04 Change in Status - A Participant who remains in the service of the Employer but ceases to be an Employee eligible for participation hereunder, or ceases or fails to make any contributions which are required as a condition of participation hereunder, shall have no further benefit accruals occur until the individual again qualifies as a Participant hereunder eligible to resume such accrual of benefits.

2.05 Leave of Absence - During any leave of absence that is not an Authorized Leave of Absence, a Participant shall be deemed an inactive Participant and shall not be given credit for Years of Credited Service nor continue to accrue any benefits hereunder. If the Employee does not return to Employment by the expiration of such leave of absence, participation in the Plan shall cease on the date on which such leave of absence commenced. During any Authorized Leave of Absence, a Participant shall continue to receive credit for Years of Credited Service to the extent such credit is specifically granted in writing by the Employer and is permitted pursuant to applicable law.

2.06 Recordkeeping - The Employer shall furnish the Administrator with such information as will aid the Administrator in the administration of the Plan. Such information shall include all pertinent data on Employees for purposes of determining their eligibility to participate in this Plan.

ARTICLE III
CONTRIBUTIONS

3.01 Employee Contributions - As a condition of participation hereunder, each Participant shall be required to have contributions deducted from the Participant's Compensation and contributed to the Plan. Such deduction and contribution shall be in accordance with any employment agreement, collective bargaining agreement, or such other agreement with or covering the Participant; provided, however, that no deduction or contribution shall exceed four percent (4%) of the Participant's annual pay if the Participant has no spouse or child who may be eligible to receive any Survivor Benefit under Section 6.02 of the Plan, or five percent (5%) of the Participant's annual pay if the Participant has a spouse or child who may be eligible to receive any Survivor Benefit under Section 6.02 of the Plan. In the event that no employment agreement, collective bargaining agreement, or such other agreement with or covering the Participant specifies or defines the deduction and contribution to the Plan by the Participant, such deduction or contribution shall be four percent (4%) of the Participant's annual pay if the Participant has no spouse or child who may be eligible to receive any Survivor Benefit under Section 6.02 of the Plan, or five percent (5%) of the Participant's annual pay if the Participant has a spouse or child who may be eligible to receive any Survivor Benefit under Section 6.02 of the Plan. In addition, each Participant shall pay twelve dollars (\$12.00) per year for the Service Increment, which amount shall be deducted on a pro-rata basis from the Participant's Compensation as paid until the Participant attains age sixty-five or terminates Employment, whichever shall first occur.

3.02 Employer Contributions - The Actuary, in accordance with the Act, shall annually determine the Minimum Municipal Obligation of the Employer. The Employer shall pay into the Pension Fund, by annual appropriations or otherwise, the contributions necessary to satisfy the Minimum Municipal Obligation. Notwithstanding the foregoing, nothing contained herein shall preclude the Employer from contributing an amount in excess of the Minimum Municipal Obligation.

3.03 State Aid - General municipal pension system State Aid, or any other amount of State Aid received by the Employer in accordance with the Act from the Commonwealth may be deposited into the Pension Fund governed by this Plan and shall be used to reduce the amount of the Minimum Municipal Obligation of the Employer.

3.04 Gifts - The Council is authorized to take by gift, grant, devise or otherwise any money or property, real or personal, for the benefit of the Plan and cause the same to be held as a part of the Pension Fund. The care, management, investment and disposal of such amounts shall be vested in the Council or its delegate, the Plan Administrator, subject to the direction of the donor and not inconsistent with applicable laws and the terms of the Plan.

3.05 No Reversion to the Employer - At no time shall it be possible for the Plan assets to be used for, or diverted to, any purpose other than for the exclusive benefit of the Participants and their Beneficiaries, except that contributions made by the Employer may be returned to the Employer

if the contribution was made due to a mistake of fact and the contribution is returned within one (1) year of the mistaken payment of the contribution or the Plan is terminated, as provided in Article XI.

ARTICLE IV

RETIREMENT BENEFITS

4.01 Normal Retirement - Each Participant shall be entitled to a Normal Retirement Benefit after retirement on or after attainment of Normal Retirement Age.

4.02 Normal Retirement Benefit - Each Participant who shall become entitled to a benefit pursuant to Section 4.01 hereof shall receive a benefit commencing on the Participant's Normal Retirement Date and paid in the Normal Form as provided in Section 7.01 hereof. The monthly amount of the Normal Retirement Benefit shall be equal to fifty percent (50%) of the Participant's Average Compensation.

4.03 Service Increment Benefit - Notwithstanding anything contained herein to the contrary, a Participant who shall retire after completion of more than twenty (20) Years of Credited Service may be entitled to receive a monthly Service Increment Benefit provided, however, that the Participant shall have accrued sufficient service credit pursuant to this Section 4.03. Such Service Increment shall only be available to a Participant who shall retire and be eligible to receive a retirement benefit determined under Section 4.02, and whose Years of Credited Service for purposes of this Section 4.03 shall only include periods of time when the Participant actively renders service in Employment or is on an Authorized Leave of Absence and pays all required contributions to the Plan. No service credit shall be recognized for this purpose after a Participant has attained age sixty-five (65).

The Service Increment Benefit shall be a monthly amount equal to one fortieth (1/40) of the benefit determined under Section 4.02 multiplied by the total number of completed Years of Credited Service in excess of twenty (20) years. Notwithstanding the foregoing, in no event shall the monthly amount of Service Increment Benefit exceed one hundred dollars (\$100.00). The Service Increment Benefit shall be paid monthly in addition to the benefit determined under Section 4.02 for each month that such benefit under Section 4.02 shall be paid.

4.04 Cost of Living Allowance - Each Participant who shall have been retired for at least thirteen (13) years shall receive a one-time cost of living allowance in the amount of one hundred dollars (\$100) per month. If the retired Participant were to die prior to thirteen (13) years after retirement, that retiree's surviving spouse would receive a fifty dollars (\$50) per month cost of living allowance, beginning with the month after the retiree's thirteenth (13th) anniversary date of retirement.

4.05 Application for Benefit - A Participant must complete and execute an application for benefit on a form and in the manner prescribed by the Plan Administrator and deliver the application to the Plan Administrator at least thirty (30) days prior to the date on which benefit payments are to commence. Notwithstanding anything contained herein to the contrary, no retirement benefit payments or any other benefit payments shall be due or payable on or before the first day of the month coincident with or next following the date that is thirty (30) days after the date the Plan Administrator receives the application for benefit.

4.06 Limitation of Liability - Nothing contained herein shall obligate the Employer, the Plan Administrator, any fiduciary or any agent or representative of any of the foregoing, to provide any retirement or other benefit to any Participant or Beneficiary which cannot be provided from the assets available in the Pension Fund, whether such benefits are in pay status or otherwise payable under the terms of the Plan. The Council retains the right to amend or terminate this Plan consistent with applicable law at any time, with or without cause and whether or not such action directly or indirectly results in the suspension, reduction or termination of any benefit payable under the Plan or in pay status, and without liability to any person for any such action.

4.07 Special Provision for Restated Plans - The benefit amount of any Participant who may have retired prior to the Restatement Date shall not be in any way altered by the provisions of this Plan, except where otherwise expressly indicated herein, and shall continue to be determined on the basis of the terms of the Plan in effect on the day preceding the Restatement Date.

4.08 Maximum Benefit Limitations - Notwithstanding any provision of this Plan to the contrary, no benefit provided under this Plan attributable to contributions of the Employer shall exceed, as an annual amount, the amount specified in Code Section 415(b)(1)(A) as adjusted pursuant to Code Section 415(d), assuming the form of benefit shall be a straight life annuity (with no ancillary benefits). The limitations described in this Section 4.08 shall be governed by the following conditions and definitions:

(a) Benefits paid or payable in a form other than a straight life annuity (with no ancillary benefits) or where the Employee contributes to the Plan or makes rollover contributions shall be adjusted on an actuarially equivalent basis to determine the limitation contained herein; (b) in the case of a benefit which commences prior to the attainment of age sixty-two (62) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined pursuant to this Section commencing at age sixty-two (62); however, the reduction shall not reduce the limitation below seventy-five thousand dollars (\$75,000.00) for a benefit commencing at or after age fifty-five (55), or if the benefit commences prior to attainment of age fifty-five (55) the amount which is actuarially equivalent to a benefit of seventy-five thousand dollars (\$75,000.00) commencing at age fifty-five (55); however, in the case of a qualified Participant (a Participant with respect to whom a period of at least fifteen (15) years of service, including applicable military service, as a full-time employee of a police or fire department is taken into account in determining the amount of benefit), the limitation contained herein shall not reduce the limitation to an amount less than the amount specified pursuant to Code Section 415(b)(2)(G) and such amount shall be adjusted pursuant to Code Section 415(d); (c) in the case of a benefit which commences after attainment of age sixty-five (65) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined commencing at age sixty-five (65); (d) benefits paid to a Participant which total less than ten thousand dollars (\$10,000.00) from all defined benefit plans maintained by the Employer expressed as an annual benefit shall be deemed not to exceed the limitation of this Section provided that the Employer has not at any time maintained a defined contribution plan in which the Participant has participated; however, in the case of a Participant who is not receiving a Disability Retirement Benefit pursuant to Section 5.02, with fewer than ten (10) years of participation the limitation expressed in this Subsection (d) shall be reduced by one-tenth (1/10)

for each year of participation less than ten (10) but in no event shall this limitation be less than one thousand dollars (\$1,000.00); (e) the limitations expressed herein shall be based upon Plan Years for calculation purposes, shall be applied to all defined benefit plans maintained by the Employer as one (1) defined benefit plan and to all defined contribution plans maintained by the Employer as one (1) defined contribution plan, and shall be applied and interpreted consistent with Code Section 415 and regulations thereunder as applicable to government plans in general and this Plan in particular; and (f) in the case of a Survivor Benefit under Section 6.02 or a Disability Retirement Benefit under Section 5.02, the adjustment under Subsection (b) hereof shall not apply and the applicable limitation shall be the limitation contained herein without regard to the age of the benefit recipient.

4.09 Limited Vested Benefit

(a) -- Should a Participant, before completing the minimum age and minimum period of continuous service requirements, but after having completed twelve (12) years of full-time service, the Participant shall be entitled to vest his or her retirement benefits subject to the following conditions:

1. The Participant must file with the management board of the police pension fund a written notice of his or her intention to vest;
2. The Participant must include in the notice, the date the Participant intends to terminate his or her service as full-time police officer;
3. The termination date shall be at least 30 days later than the date of notice to vest;
4. The Participant must be in good standing with the police department on the date of notice to vest;
5. The board shall indicate on the notice to vest the rate of the monthly pay of the Participant as of the date of said notice to vest of the highest average annual salary which the Participant received during any five years of service preceding said date, whichever is the higher.

(b) Upon reaching the date which would have been the Participant's retirement date had the Participant continued his or her full-time employment with the police department, the Participant shall notify the board, in writing, that the member desires to collect his or her pension. The amount of retirement benefits the Participant is entitled to receive under this section shall be computed as follows:

1. The initial determination of the Participant's base retirement benefits shall be computed on the salary indicated on the notice to vest; and
2. the portion of the base retirement benefits due the Participant shall be determined by applying to the base amount the percentage that his or her years of service actually rendered bears to the years of service which would have been rendered had the Participant continued to be employed by the department until his or her minimum retirement date.

ARTICLE V

DISABILITY RETIREMENT

5.01 Disability Retirement - A Participant who shall incur a Total and Permanent Disability shall be entitled to a Disability Retirement Benefit as of the Disability Date pursuant to this Article V.

5.02 Disability Retirement Benefit -A Participant who shall become entitled to a Disability Retirement Benefit due to injuries sustained in the line of duty or who has completed at least ten (10) years of service shall be entitled to receive a Disability Retirement Benefit in an amount equal to his Normal Retirement Benefit under Section 4.02 offset by worker's compensation and any other disability type benefit funded or sponsored in whole or in part by the City of Connellsville.

A Participant who shall become totally disabled with less than ten (10) years of service due to injuries sustained not in the line of duty shall be entitled to a Disability Retirement Benefit in an amount equal to twenty-five percent (25%) of annual compensation paid in the Normal Form as provided in Section 7.01 hereof, offset by worker's compensation and any other disability type benefit funded or sponsored in whole or in part by the City of Connellsville.

5.03 Payment of Disability Benefit - Payment of a Disability Retirement Benefit shall be made in the Normal Form under Section 7.01 commencing on the Participant's Disability Retirement Date and ending on the earlier of the date of death of the Participant, without eligibility for payment of a Survivor Benefit under Section 6.02, the date that the Participant's Total and Permanent Disability shall cease, or the date that the Participant would attain Normal Retirement Age if the Participant had continued to accrue Years of Credited Service to such date (such a Participant shall thereafter receive a retirement benefit equal to the amount of the Disability Retirement Benefit), If the Participant's Total and Permanent Disability shall cease prior to the attainment of the Participant's Normal Retirement Age, the Participant shall be deemed to have terminated Employment as of the Disability Retirement Date for purposes of this Plan unless the Participant shall resume active Employment within three (3) months following the date on which such Total and Permanent Disability ceased. A Participant who fails to resume active Employment after Total and Permanent Disability ceases shall not be entitled to any distribution of Accumulated Contributions pursuant to Section 8.02 to the extent that the total amount of Disability Retirement Benefits paid exceeds the value of the Participant's Accumulated Contributions as of the Disability Retirement Date, and shall not be entitled to any other benefits under the Plan as a result of the accumulation of any Years of Credited Service as of the Disability Retirement Date.

5.04 Verification of Disability - The Plan Administrator shall determine whether a Participant shall have incurred a Total and Permanent Disability. Proof of Total and Permanent Disability shall consist of the sworn statement of three (3) practicing physicians, designated by the Plan Administrator, that the Participant has incurred a Total and Permanent Disability. If the Plan Administrator shall determine that a Participant who is Totally and Permanently Disabled has recovered sufficiently to resume active Employment or if a Participant refuses to undergo a

medical examination as directed by the Plan Administrator (such a medical examination may not be required more frequently than once in any given twelve (12) month period), the payment of Disability Retirement Benefits shall cease.

5.05 Cessation of Disability - A Participant who is receiving payment of Disability Retirement Benefits under this Plan must notify the Plan Administrator of any change in condition which may cause the Participant's entitlement to receipt of such benefits to cease. If a Participant fails to provide immediate Notice to the Plan Administrator of any such change in status and thereby continues to receive payment of benefits hereunder to which the Participant is not entitled, the Plan Administrator may take whatever action is necessary and permitted under applicable law to recover any amount of improper payments, including offsetting such amounts against any future payment of retirement or other benefits under the Plan or legal action. The Plan Administrator may also recover the costs of any such action.

5.06 Subrogation - In the case of any Participant who shall incur a Total and Permanent Disability hereunder and who shall as a result thereof receive payment of a Disability Retirement Benefit under Section 5.02 hereof, the Plan shall be subrogated to the right of such Participant to receive any payment under the Commonwealth's Worker's Compensation Act, Enforcement Officers Disability Benefits Law, or similar laws on account of such Total and Permanent Disability.

ARTICLE VI
DEATH BENEFITS

6.01 Death of Participant - Upon the occurrence of the death of a Participant, there shall be benefits payable in accord with the following Sections of this Article VI.

6.02 Survivor Benefit - If a Participant who is receiving a benefit under Sections 4.02 or 5.02, or is eligible to receive a benefit under Section 4.02 shall die and be survived by a spouse or any children under the age of eighteen (18), there shall be a Survivor Benefit payable monthly hereunder. The Survivor Benefit payable hereunder shall be in an amount equal to fifty percent (50%) of the monthly benefit payable to the Participant as of the date of death. The Survivor Benefit shall be paid to the surviving spouse until the date of death of the surviving spouse. Upon the death of the surviving spouse or upon the death of the Participant with no surviving spouse but with any surviving children under age eighteen (18), the Survivor Benefit shall be paid in equal shares to the surviving dependent children of the deceased Participant. Dependent children shall include the children of the deceased Participant who have not attained eighteen (18) years of age. The shares payable to the surviving dependent children shall be adjusted as each child ceases to be eligible to receive a share of the benefit hereunder.

6.03 Death Before Retirement - If a Participant shall die prior to the commencement of the payment of any retirement or other benefits under this Plan, and without eligibility for payment of a Survivor Benefit under Section 6.02, the Beneficiary shall be entitled to receive a distribution of the Participant's Accumulated Contributions determined as of the date of death of the Participant. If the Participant has received Disability Retirement Benefits hereunder, the amount of distribution of Accumulated Contributions shall be reduced by the amount of Disability Retirement Benefits which have been paid hereunder.

6.04 Death After Retirement - If a Participant shall die after commencement of a benefit under Sections 4.02 or 5.02 and without eligibility for payment of a Survivor Benefit under Section 6.02, and the total amount of benefits paid to the Participant does not at least equal or exceed the Participant's Accumulated Contributions as of the date of death, there shall be paid to the Beneficiary an amount equal to the difference between the amount of benefits paid and the amount of the Participant's Accumulated Contributions. If the benefits paid equals or exceeds the amount of the Participant's Accumulated Contributions, there shall be no additional amounts due or payable hereunder.

ARTICLE VII

PAYMENT OF BENEFITS

7.01 Normal Form. – The normal form for payment of retirement benefits shall be a monthly annuity for the life of the participant.

7.02 Commencement of Benefits - A Participant may make an Election to commence receiving distribution of retirement benefits as of the Participant's Normal Retirement Date or Late Retirement Date, whichever is applicable, or may defer such payments to a date not later than the required date for commencement of benefits determined under Section 7.03.

7.03 Required Distributions (a) Notwithstanding any other provision of this Plan, the entire benefit of any Participant who becomes entitled to benefits prior to death shall be distributed either:

(1) not later than the Required Beginning Date, or (2) over a period beginning not later than the Required Beginning Date and extending over the life of such Participant or over the lives of such Participant and a designated Beneficiary (or over a period not extending beyond the life expectancy of such Participant, or the joint life expectancies of such Participant and a designated Beneficiary).

If a Participant who is entitled to benefits under this Plan dies prior to the date when the entire interest has been distributed after distribution of benefits has begun in accordance with paragraph (2) above, the remaining portion of such benefit shall be distributed at least as rapidly as under the method of distribution being used under paragraph (2) as of the date of death.

(b) If a Participant who is entitled to benefits under this Plan dies before distribution of the benefit has begun, the entire interest of such Employee shall be distributed within five (5) years of the death of such Employee, unless the following sentence is applicable. If any portion of the Employee's interest is payable to (or for the benefit of) a designated Beneficiary, such portion shall be distributed over the life of such designated Beneficiary (or over a period not extending beyond the life expectancy of such Beneficiary), and such distributions begin not later than one (1) year after the date of the Employee's death or such later date as provided by regulations issued by the Secretary of the Treasury, then for purposes of the five-year rule set forth in the preceding sentence, the benefit payable to the Beneficiary shall be treated as distributed on the date on which such distributions begin. Provided, however, that notwithstanding the preceding sentence, if the designated Beneficiary is the surviving spouse of the Participant, then the date on which distributions are required to begin shall not be earlier than the date upon which the employee would have attained age seventy and one-half (70½) and, further provided, if the surviving spouse dies before the distributions to such spouse begin, this sub-paragraph shall be applied as if the surviving spouse were the Employee.

(c) For purposes of this Section, the following definitions and procedures shall apply:

(1) "Required Beginning Date" shall mean April 1 of the calendar year following the later of the calendar year in which the Employee attains age seventy and one-half (70½), or the calendar year in which the Employee retires.

(2) The phrase "designated Beneficiary" shall mean any individual designated by the Employee under this Plan according to its rules.

(3) Any amount paid to a child shall be treated as if it had been paid to the surviving spouse if such amount will become payable to the surviving spouse upon such child's reaching majority (or other designated event permitted under regulations issued by the Secretary of the Treasury).

(4) For purposes of this Section, the life expectancy of an Employee and/or the Employee's spouse (other than in the case of a life annuity) may be redetermined but not more frequently than annually.

7.04 Small Amounts - If the Plan Administrator determines that the value of a Participant's Accrued Benefit is so small as to make pension payments in the Normal Form administratively impractical, the Plan Administrator may cause such payments to be made at such other periodic intervals as are administratively practical, but no less frequently than annually, or may make a single lump sum payment equal to the commuted value of such Accrued Benefit to the extent permitted under applicable law.

7.05 Non-duplication of Benefit - To avoid any duplication of benefits, a Participant who is receiving a retirement benefit under this Plan and who shall resume Employment shall have benefit payments suspended until the first day of the month coincident with or next following the date such Employment shall cease. Upon resumption of benefit payments, such Participant shall receive the greater of the amount of the suspended benefit or the amount of benefit based upon Average Compensation and Years of Credited Service as of the date that such period of resumed Employment shall cease, 7.06 Personal Right of Participant - The right to receive any benefits under this Plan is a personal right of the Participant and shall expire upon the death of the Participant. No heir, legatee, devisee, Beneficiary, assignee or other person claiming by or through a Participant shall have any interest in any benefits hereunder unless clearly and expressly so provided by the terms of this Plan. A Participant's Election, failure to make an Election or revocation of an Election hereunder shall be final and binding on all persons.

ARTICLE VIII

TERMINATION OF EMPLOYMENT

8.01 Rights of Terminated Employees - A Participant who shall cease to be an Employee except as otherwise hereinbefore provided shall have all interest and rights under this Plan limited to those contained in the following Sections of this Article.

8.02 Distribution of Accumulated Contributions - A Participant whose Employment with the Employer shall terminate for any reason other than death or Total and Permanent Disability prior to attainment of Normal Retirement Age shall be entitled to receive a distribution of Accumulated Contributions. Upon receipt of such Accumulated Contributions, said Participant and Beneficiary shall not be entitled to any further payments from the Plan.

ARTICLE IX

ADMINISTRATION

9.01 Plan Administrator - The Pension Plan Board shall be the Plan Administrator and shall have the power and authority to do all acts and to execute, acknowledge and deliver all instruments necessary to implement and effectuate the purpose of this Plan. The Plan Administrator may delegate authority to act on its behalf to any persons it deems appropriate. If a Plan Administrator is not appointed, the Council shall be the Plan Administrator.

9.02 Pension Plan Board - The Pension Plan Board shall consist of three (3) members who shall include the Director of Accounts and Finance and the City Clerk. Each member of the Pension Plan Board shall serve in that capacity until the earliest of death, resignation or removal. Any vacancy on the Pension Plan Board shall be filled in accord with the provisions governing initial appointment as a member of the Pension Plan Board.

The Pension Plan Board, may organize itself in any manner deemed appropriate to effectuate its purposes hereunder provided that it shall act by a majority of its members at the time in office either by vote at a meeting or in writing without a meeting, it shall appoint a Chairman, a Secretary who may, but need not be a Pension Plan Board member and such other agents as it may deem advisable, it may authorize any one or more of its members to execute any document or documents including any application, request, certificate, notice, consent, waiver or direction and shall notify the Council, in writing, of each such member so authorized; however, if no such member is so authorized, the Chairman shall be deemed to be so authorized, it shall meet at least one time in each Plan Year, and it shall maintain and keep such records as are necessary for the efficient operation of the Plan and preservation of the Pension Fund or as may be required by any applicable law, regulation or ruling, and shall provide for the preparation and filing of such forms, reports or documents as may be required to be filed with any governmental agency or department and with the Participants and/or other persons entitled to benefits under the Plan.

9.03 Authority and Duties of the Plan Administrator - The Plan Administrator shall have full power and authority to do whatever shall, in its judgment, be reasonably necessary for the proper administration and operation of the Plan. The interpretation or construction placed upon any term or provision of the Plan by the Plan Administrator or any action of the Plan Administrator taken in good faith shall be final and conclusive upon all parties hereto, whether Employees, Participants or other persons concerned. By way of specification and not limitation and except as specifically limited hereafter, the Plan Administrator is authorized:

(a) to construe this Plan; (b) to determine all questions affecting the eligibility of any Employee to participate herein; (c) to compute the amount and source of any benefit payable hereunder to any Participant or Beneficiary; (d) to authorize any and all disbursements; (e) to prescribe any procedure to be followed by any Participant and/or other person in filing any application or election; (f) to prepare and distribute, in such manner as may be required by law or as the Plan Administrator deems appropriate, information explaining the Plan; (g) to require from the Employer or any Participant such information as shall be necessary for the proper administration

of the Plan; and (h) to appoint and retain any individual to assist in the administration of the Plan, including such legal, clerical, accounting, actuarial and investment services as may be required by any applicable law or laws.

The Plan Administrator, in its capacity as Plan Administrator, shall have no power to add to, subtract from, or modify the terms of the Plan or change or add to any benefits provided by the Plan, or to waive or fail to apply any requirements of eligibility for benefits under the Plan. Further, the Plan Administrator shall have no power to adopt, amend, or terminate the Plan, or to determine or require any contributions to the Plan, which powers are exclusively reserved to the Council, in its capacity as the governing body of the Employer.

9.04 Plan Administration Expense - All reasonable expenses incident to the functioning of the Plan Administrator, including, but not limited to, fees of accountants, counsel, actuaries and other specialists and other costs of administering the Plan, may be paid from the Pension Fund upon approval by the Plan Administrator to the extent permitted under applicable law and not otherwise paid by the Employer.

9.05 Hold Harmless - No member of the Council nor the Plan Administrator nor the Actuary nor any other person involved in the administration of the Plan shall be liable to any person on account of any act or failure to act which is taken or omitted to be taken in good faith in performing their respective duties under the terms of this Plan. To the extent permitted by law, the Employer shall, and hereby does agree to, indemnify and hold harmless the Plan Administrator and each successor and each of any such individual's heirs, executors and administrators, and the Plan Administrator's delegates and appointees (other than any person, bank, firm or corporation which is independent of the Employer and which renders services to the Plan for a fee) from any and all liability and expenses, including counsel fees, reasonably incurred in any action, suit or proceeding to which he is or may be made a party by reason of being or having been the Plan Administrator or a delegate or appointee of the Plan Administrator except in matters involving criminal liability, intentional or willful misconduct. If the Employer purchases insurance to cover claims of a nature described above, then there shall be no right of indemnification except to the extent of any deductible amount under the insurance coverage or to the extent of the amount the claims exceed the insured amount.

9.06 Approval of Benefits - The Plan Administrator shall review and approve or deny any application for retirement benefits within thirty (30) days following receipt thereof or within such longer time as may be necessary under the circumstances. Any denial of an application for retirement benefits shall be in writing and shall specify the reason for such denial.

9.07 Appeal Procedure - Any person whose application for retirement benefits is denied, who questions the amount of benefit paid, who believes a benefit should have commenced which did not so commence or who has some other claim arising under the Plan ("Claimant"), shall first seek a resolution of such claim under the procedure hereinafter set forth.

(a) Any Claimant shall file a Notice of the claim with the Plan Administrator which shall fully describe the nature of the claim. The Plan Administrator shall review the claim and make an initial determination approving or denying the claim.

(b) If the claim is denied in whole or in part, the Plan Administrator shall, within ninety (90) days (or such other period as may be established by applicable law) from the time the application is received, mail Notice of such denial to the Claimant. Such ninety (90) day period may be extended by the Plan Administrator if special circumstances so require for up to ninety (90) additional days by the Plan Administrator's delivering Notice of such extension to the Claimant within the first ninety (90) day period. Any Notice hereunder shall be written in a manner calculated to be understood by the Claimant and, if a Notice of denial, shall set forth (i) the specific Plan provisions on which the denial is based, (ii) an explanation of additional material or information, if any necessary to perfect such claim and a statement of why such material or information is necessary, and (iii) an explanation of the review procedure.

(c) Upon receipt of Notice denying the claim, the Claimant shall have the right to request a full and fair review by the Council of the initial determination. Such request for review must be made by Notice to the Council within sixty (60) days of receipt of such Notice of denial. During such review, the Claimant or a duly authorized representative shall have the right to review any pertinent documents and to submit any issues or comments in writing. The Council shall, within sixty (60) days after receipt of the Notice requesting such review, (or in special circumstances, such as where the Council in its sole discretion holds a hearing, within one hundred and twenty (120) days of receipt of such Notice), submit its decision in writing to the person or persons whose claim has been denied. The decision shall be final, conclusive and binding on all parties, shall be written in a manner calculated to be understood by the Claimant and shall contain specific references to the pertinent Plan provisions on which the decision is based.

(d) Any Notice of a claim questioning the amount of a benefit in pay status shall be filed within ninety (90) days following the date of the first payment which would be adjusted if the claim is granted unless the Plan Administrator allows a later filing for good cause shown.

(e) A Claimant who does not submit a Notice of a claim or a Notice requesting a review of a denial of a claim within the time limitations specified above shall be deemed to have waived such claim or right to review.

(f) Nothing contained herein is intended to abridge any right of a Claimant to appeal any final decision hereunder to a court of competent jurisdiction under 2 Pa C.S.A. Section 752. No decision hereunder is a final decision from which such an appeal may be taken until the entire appeal procedure of this Section 9.07 of the Plan has been exhausted.

ARTICLE X

THE PENSION FUND

10.01 Operation of the Pension Fund - The Council of the City of Connellsville is hereby authorized to hold and supervise the investment of the assets of the Pension Fund, subject to the provisions of the laws of the Commonwealth of Pennsylvania and of this Plan and any amendment thereto.

The Pension Fund shall be used to pay benefits as provided in the Plan and, to the extent not paid directly by the Employer, to pay the expenses of administering the Plan pursuant to authorization by the Employer.

The Employer intends the Plan to be permanent and for the exclusive benefit of its Employees. It expects to make the contributions to the Pension Fund required under the Plan. The Employer shall not be liable in any manner for any insufficiency in the Pension Fund; benefits are payable only from the Pension Fund, and only to the extent that there are monies available therein.

The Pension Fund will consist of all funds held by the Employer under the Plan, including contributions made pursuant to the provisions hereof and the investments, reinvestments and proceeds thereof. The Pension Fund shall be held, managed, and administered pursuant to the terms of the Plan. Except as otherwise expressly provided in the Plan, the Employer has exclusive authority and discretion to manage and control the Pension Fund assets. The Employer may, however, appoint a trustee, custodian and/or investment manager, at its sole discretion.

10.02 Powers and Duties of Employer - With respect to the Pension Fund, the Employer shall have the following powers, rights and duties, in addition to those vested in it elsewhere in the Plan or by law, unless such duties are delegated, (a) To retain in cash so much of the Pension Fund as it deems advisable and to deposit any cash so retained in any bank or similar financial institution (including any such institution which may be appointed to serve as trustee hereunder), without liability for interest thereon.

(b) To invest and reinvest the principal and income of the fund and keep said fund invested, without distinction between principal and income, in securities which are at the time legal investments for fiduciaries under the Pennsylvania Fiduciaries Investment Act, or as the same may be subsequently modified or amended.

(c) To sell property held in the fund at either public or private sale for cash or on credit at such times as it may deem appropriate; to exchange such property; to grant options for the purchase or exchange thereof (d) To consent to and participate in any plan of reorganization, consolidation, merger, extension or other similar plan affecting property held in the fund; to consent to any contract, lease, mortgage, purchase, sale or other action by any corporation pursuant to any such plan.

(e) To exercise all conversion and subscription rights pertaining to property held in the fund.

(f) To exercise all voting rights with respect to property held in the fund and in connection therewith to grant proxies, discretionary or otherwise.

(g) To place money at any time in a deposit bank deemed to be appropriate for the purposes of this Plan no matter where situated, including in those cases where a bank has been appointed to serve as trustee hereunder, the savings department of its own commercial bank.

(h) In addition to the foregoing powers, the Employer shall also have all of the powers, rights, and privileges conferred upon trustees by the Pennsylvania Fiduciaries Investment Act, or as the same may be subsequently modified or amended, and the power to do all acts, take all proceedings and execute all rights and privileges, although not specifically mentioned herein, as the Employer may deem necessary to administer the Pension Fund.

(i) To maintain and invest the assets of this Plan on a collective and commingled basis with the assets of other pension plans maintained by the Employer, provided that the assets of each respective plan shall be accounted for and administered separately.

(j) To invest the assets of the Pension Fund in any collective commingled trust fund maintained by a bank or trust company, including any bank or trust company which may act as a trustee hereunder. In this connection, the commingling of the assets of this Plan with assets of other eligible, participating plans through such a medium is hereby specifically authorized. Any assets of the Plan which may be so added to such collective trusts shall be subject to all of the provisions of the applicable declaration of trust, as amended from time to time, which declaration, if required by its terms or by applicable law, is hereby adopted as part of the Plan, to the extent of the participation in such collective or commingled trust fund by the Plan.

(k) To make any payment or distribution required or advisable to carry out the provisions of the Plan, provided that if a trustee is appointed by the Employer, such trustee shall make such distribution only at the direction of the Employer.

(l) To compromise, contest, arbitrate, enforce or abandon claims and demands with respect to the Plan.

(m) To retain any funds or property subject to any dispute without liability for the payment of interest thereon, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.

(n) To pay, and to deduct from and charge against the Pension Fund, any taxes which may be imposed thereon, whether with respect to the income, property or transfer thereof, or upon or with respect to the interest of any person therein, which the Fund is required to pay; to contest, in its discretion, the validity or amount of any tax, assessment, claim or demand which may be levied or made against or in respect of the Pension Fund, the income, property or transfer thereof, or in any matter or thing connected therewith, (o) To appoint any persons or firms (including but not limited to, accountants, investment advisors, counsel, actuaries, physicians, appraisers, consultants, professional plan administrators and other specialists), or otherwise act to

secure specialized advice or assistance, as it deems necessary or desirable in connection with the management of the Fund; to the extent not prohibited by applicable law, the Employer shall be entitled to rely conclusively upon and shall be fully protected in any action or omission taken by it in good faith reliance upon, the advice or opinion of such persons or firms, provided such persons or firms were prudently chosen by the Employer, taking into account the interests of the Participants and Beneficiaries and with due regard to the ability of the persons or firms to perform their assigned functions.

(p) To retain the services of one or more persons or firms for the management of (including the power to acquire and dispose of) all or any part of the Fund assets, provided that each of such persons or firms is registered as an investment advisor under the Investment Advisors Act of 1940, is a bank (as defined in that act), or is an insurance company qualified to manage, acquire or dispose of pension trust assets under the laws of more than one state; in such event, the Employer shall follow the directions of such Investment Manager or Managers with respect to the acquisition and disposition of fund assets, but shall not be liable for the acts or omissions of such Investment Manager or Managers, nor shall it be under any obligation to review or otherwise manage any Fund assets which are subject to the management of such Investment Manager or Managers. If the Employer appoints a trustee, the trustee shall not be permitted to retain such an Investment Manager except with the express written consent of the Employer.

10.03 Common Investments - The Employer shall not be required to make separate investments for individual Participants or to maintain separate investments for each Participant's account, but may invest contributions and any profits or gains therefrom in common investments.

10.04 Compensation and Expenses of Appointed Trustee - If a trustee is appointed, the trustee shall be entitled to such reasonable compensation as shall from time to time be agreed upon by the Employer and the trustee, unless such compensation is prohibited by law, Such compensation, and all expenses reasonably incurred by the trustee in carrying out his functions, shall constitute a charge upon the Employer or the Pension Fund, which may be executed at any time after thirty (30) days written Notice to the Employer. The Employer shall be under no obligation to pay such costs and expenses, and, in the event of its failure to do so, the trustee shall be entitled to pay the same, or to reimburse themselves for the payment thereof, from the Pension Fund.

10.05 Periodic Accounting - If a trustee is appointed, the Pension Fund shall be evaluated annually, or at more frequent intervals, by the trustee and a written accounting rendered as of each fiscal year end of the Fund, and as of the effective date of any removal or resignation of the trustee, and such additional dates as requested by the Employer, showing the condition of the Fund and all receipts, disbursements and other transactions effected by the trustee during the period covered by the accounting, based on fair market values prevailing as of such date.

10.06 Value of the Pension Fund - All determinations as to the value of the assets of the Pension Fund, and as to the amount of the liabilities thereof, shall be made by the Employer or its appointed trustee, whose decisions shall be final and conclusive and binding on all parties hereto, the Participants and Beneficiaries and their estates. In making any such determination, the Employer or trustee shall be entitled to seek and rely upon the opinion of or any information

furnished by brokers, appraisers and other experts, and shall also be entitled to rely upon reports as to sales and quotations, both on security exchanges and otherwise as contained in newspapers and in financial publications.

ARTICLE XI

AMENDMENT AND TERMINATION OF PENSION PLAN OR PENSION FUND

11.01 Amendment of the Plan - The Employer may amend this Plan at any time or from time to time by an instrument in writing executed in the name of the Employer under its municipal seal by officers duly authorized to execute such instrument and delivered to the Council provided, however:

(a) that no amendment shall deprive any Participant or any Beneficiary of a deceased Participant of any of the benefits to which each is entitled under this Plan with respect to contributions previously made; (b) that no amendment shall provide for the use of funds or assets held under this Plan other than for the benefit of Employees and no funds contributed to this Plan or assets of this Plan shall, except as provided in Section 11.05, ever revert to or be used or enjoyed by the Employer; and (c) that no amendment to the Plan which provides for a benefit modification shall be made unless the cost estimate described in Section 12.03 has been prepared and presented to the Council in accordance with the Act.

11.02 Termination of the Plan - The Employer shall have the power to terminate this Plan in its entirety at any time by an instrument in writing executed in the name of the Employer.

11.03 Automatic Termination of Contributions - Subject to the provisions of the Act governing financially distressed municipalities, the liability of the Employer to make contributions to the Pension Fund shall automatically terminate upon liquidation or dissolution of the Employer, upon its adjudication as a bankrupt or upon the making of a general assignment for the benefit of its creditors.

11.04 Distribution Upon Termination - In the event of the termination of the Plan, all amounts of vested benefits accrued by the affected Participants as of the date of such termination, to the extent funded on such date, shall be nonforfeitable hereunder. In the event of termination of the Plan, the Employer shall direct either that the Plan Administrator continue to hold the vested Accrued Benefits of Participants in the Pension Fund in accordance with the provisions of the Plan (other than those provisions related to forfeitures) without regard to such termination until all funds have been distributed in accordance with the provisions, or that the Plan Administrator immediately distribute to each Participant an amount equal to the vested Accrued Benefit to the date.

If there are insufficient assets in the Pension Fund to provide for all vested Accrued Benefits as of the date of Plan termination, priority shall first be given to the distribution of any amounts attributable to mandatory or voluntary Employee contributions before assets are applied to the distribution of any vested benefits attributable to other sources hereunder.

All other assets attributable to the terminated Plan shall be distributed and disposed of in accordance with the provisions of applicable law and the terms of any instrument adopted by the Employer which effects such termination.

11.05 Residual Assets - If all liabilities to vested Participants and any others entitled to receive a benefit under the terms of the Plan have been satisfied and there remain any residual assets in the Pension Fund, such residual assets remaining shall be returned to the Employer insofar as such return does not contravene any provision of law, and any remaining balance, in excess of Employer contributions, shall be returned to the Commonwealth.

11.06 Exclusive Benefit Rule - In the event of the discontinuance and termination of the Plan as provided herein, the Employer shall dispose of the Pension Fund in accordance with the terms of the Plan and applicable law; at no time prior to the satisfaction of all liabilities under the Plan shall any part of the corpus or income of the Pension Fund, after deducting any administrative or other expenses properly chargeable to the Pension Fund, be used for or diverted to purposes other than for the exclusive benefit of the Participants in the Plan, their Beneficiaries or their estates.

ARTICLE XII

PROVISIONS TO COMPLY WITH THE MUNICIPAL PENSION PLAN FUNDING
STANDARD AND RECOVERY ACT OF 1984

12.01 Actuarial Valuations - The Plan's Actuary shall perform an actuarial valuation at least biennially unless the Employer is applying or has applied for supplemental state assistance pursuant to Section 603 of the Act, whereupon actuarial valuation reports shall be made annually.

Such biennial actuarial valuation report shall be made as of the beginning of each Plan Year occurring in an odd-numbered calendar year, beginning with the year 1985.

Such actuarial valuation shall be prepared and certified by an Approved Actuary, as such term is defined in the Act.

The expenses attributable to the preparation of any actuarial valuation report or experience investigation required by the Act or any other expense which is permissible under the terms of the Act and which are directly associated with administering the Plan shall be an allowable administrative expense payable from the assets of the Pension Fund.

Such allowable expenses shall include but not be limited to the following:

(a) investment costs associated with obtaining authorized investments and investment management fees;

(b) accounting expenses; (c) premiums for insurance coverage on fund assets; (d) reasonable and necessary counsel fees incurred for advice or to defend the fund; and (e) legitimate travel and education expense for pension plan officials; provided, however, that the municipal officials of the Employer, in their fiduciary role, shall monitor the services provided to the Plan to ensure that the expenses are necessary, reasonable and benefit the pension plan and, further provided, that the Plan Administrator shall document all such expenses item by item, and where necessary, hour by hour.

12.02 Duties of Chief Administrative Officer - Such actuarial reports shall be prepared and filed under the supervision of the Chief Administrative Officer.

The Chief Administrative Officer of the Plan shall determine the financial requirements of the Plan on the basis of the most recent actuarial report and shall determine the Minimum Municipal Obligation of the Employer with respect to funding the Plan for any given Plan Year. The Chief Administrative Officer shall submit the financial requirements of the Plan and the Minimum Municipal Obligation of the Employer to the Council annually and shall certify the accuracy of such calculations and their conformance with the Act.

12.03 Benefit Modifications - Prior to the adoption of any benefit plan modification by the

Employer, the Chief Administrative Officer of the Plan shall provide to the Council a cost estimate of the proposed benefit plan modification. Such estimate shall be prepared by an approved Actuary, which estimate shall disclose to the Council the impact of the proposed benefit plan modification on the future financial requirements of the Plan and the future Minimum Municipal Obligation of the Employer with respect to the Plan.

ARTICLE XIII

MISCELLANEOUS PROVISIONS

13.01 Employment Rights - Participation in this Plan shall not give any right to any Employee to be retained in the employ of the Employer nor shall it interfere with the right of the Employer to discharge any Employee and to deal with such Employee without regard to the effect that such treatment might have upon participation in this Plan.

13.02 Meaning of Certain Words - As used herein the masculine gender shall include the feminine gender and the singular shall include the plural in all cases where such meaning would be appropriate. Headings of Articles and Sections are inserted only for convenience of reference and are not to be considered in the construction of the Plan.

13.03 Information to be Furnished by the Employer - The Employer shall furnish to the Plan Administrator (and where applicable, the trustee) information in the Employer's possession as the Plan Administrator and the trustee shall require from time to time to perform their duties under the Plan.

13.04 Severability of Provisions - Should any provisions of this Plan be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of this Plan, and the Plan shall be construed and enforced as if said illegal and invalid provisions had never been inserted herein.

13.05 Incapacity of Participant - If any Participant shall be physically or mentally incapable of receiving or acknowledging receipt of any payment of pension benefits hereunder, the Plan Administrator, upon the receipt of satisfactory evidence that such Participant is so incapacitated and that another person or institution is maintaining the Participant and that no guardian or committee has been appointed for the Participant, may provide for such payment of pension benefits hereunder to such person or institution so maintaining the Participant, and any such payments so made shall be deemed for every purpose to have been made to such Participant.

13.06 Pension Fund for Sole Benefit of Participants - The income and principal of the Pension Fund are for the sole use and benefit of the Participants of this Plan, and, to the extent permitted by law, shall be free, clear and discharged from and are not to be in any way liable for debts, contracts or agreements, now contracted or which may hereafter be contracted, and from all claims and liabilities now or hereafter incurred by any Participant or Beneficiary, 13.07 Benefits for a Deceased Participant - If any benefit shall be payable under the Plan to or on behalf of a Participant who has died, if the Plan provides that the payment of such benefits shall be made to the Participant's estate, and if no administration of such Participant's estate is pending in the court of proper jurisdiction, then the Plan Administrator, at its sole option, may pay such benefits to the surviving spouse of such deceased Participant, or, if there be no such surviving spouse, to such Participant's then living issue, per stirpes; provided, however, that nothing contained herein shall prevent the Plan Administrator from insisting upon the commencement of estate administration proceedings and the delivery of any such benefits to a duly appointed executor or

administrator.

13.08 Assets in Pension Fund - Nothing contained herein shall be deemed to give any Participant or Beneficiary any interest in any specific property of the Pension Fund or any right except to receive such distributions as are expressly provided for under the Plan.

13.09 Personal Liability - Subject to the provisions of the Act and unless otherwise specifically required by other applicable laws, no past, present or future officer or agent of the Employer or Plan Administrator shall be personally liable to any Participant, Beneficiary or other person under any provision of the Plan.

ARTICLE XIV

DEFERRED RETIREMENT OPTION PLAN

14.01 Definitions:

PARTICIPANT - Any Employee who has commenced participation in the PLAN in accordance with Article II, and has not for any reason ceased to participate hereunder.

DROP - Deferred Retirement Option Plan

DROP ACCOUNT - A separate account created to accept a DROP participants' monthly pension check while a DROP participant.

14.02 Eligibility. Effective March 1, 2012, Participant who has not retired prior to the implementation of the DROP program, may enter into the DROP on the first day of any month following completion of 20 years of accredited service.

14.03 Written Election. A Participant, electing to participate in the DROP, must complete and execute a "DROP election form" prepared by the City, which shall evidence the member's participation in the DROP. The form must be signed by the Participant and notarized and submitted to the City at least thirty (30) days prior to the date on which the Participant wishes the DROP option to be effective (the "effective date"). The DROP option notice shall include a notice to the City, by the Participant, that Participant shall resign from employment with the City effective on a specific date (the "resignation date"). The resignation date shall be sixty (60) months from the effective date of the DROP option form. Participant shall cease to work as an employee on said resignation date, unless the City terminates or honorably discharges the employee prior to the resignation date.

14.04 Limitation of Pension Accrual: After the effective date of the DROP option, Participant shall no longer earn or accrue additional years of continuous service for pension purposes.

14.05 Benefit Calculation. For all retirement fund purposes, continuous service of a member participating in the DROP shall remain as it existed on the effective date of commencement of participation in the DROP. Service thereafter shall not be recognized or used for calculation or determination of any benefits payable by the Plan. The average applicable compensation of the member for pension calculation purposes shall remain as it existed on the effective date of commencement of participation in the DROP. Earnings or increases in earnings thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Pension Fund. The pension benefit payable to a member shall remain unchanged even if the pension plan improvements occur after the election of the DROP option but prior to the employee's termination of employment.

14.06 Payments to the DROP Account. The monthly retirement benefits shall be paid directly from the Plan Fund and not by the City.

14.07 DROP Account Earnings. Interest credited to a DROP participant account shall be equal to actual interest, but not less than 0% or more than 4.5% annually.

14.08 Accrual of Non-Pension Benefits. After an employee elects to participate in the DROP program, all other contractual benefits shall continue to accrue with the exception of those provisions relating to the Plan.

14.09 Payout. Upon the resignation date set forth in the Participant's DROP option election form notice or such date as the City separates the member from employment, the retirement benefits payable to the member or member's beneficiary, if applicable, shall be paid to the member or beneficiary and shall no longer be paid to the member's deferred retirement option trust account. Within forty-five (45) days following termination of a member's employment pursuant to his/her participating in the DROP program, the balance in the member's DROP account shall be paid to the member in a single lump sum payment or at the member's option, in any fashion permitted by law.

14.10 Disability During DROP. If a member becomes incapacitated during his or her participation in DROP, that member shall continue to participate in the DROP program as if fully employed. However, notwithstanding any other provision in this paragraph, if a member is disabled and has not returned to work as of his or her required resignation date, then such resignation shall take precedence and said employee shall be required to resign. Nothing contained in this Plan shall be construed as conferring any legal rights upon any employee or other person to a continuation of employment nor shall participation in the DROP program supersede or limit in any way the right of the City to sever an employee's employment based upon an inability to perform his or her full duties. If such a person is terminated while participating in the DROP program, he/she shall, upon termination, receive the DROP payments that had accrued to the date of his or her termination of the employment.

14.11 Death. If a DROP member dies before the DROP account balances are paid, the participant member's legal beneficiary shall have the same rights as the member to withdraw the account balance as of the date of death.

14.12 Forfeiture of Benefits. Notwithstanding an employee's participation in the DROP plan, an employee who is convicted or pleads guilty to engaging in criminal misconduct which constitutes a "crime related to public office or public employment", as that phrase is defined in Pennsylvania's Pension Forfeiture Act 1978-140, shall forfeit his/her rights to receive a pension, including any amounts currently deposited in the DROP account. In such a case, the member shall only be entitled to receive the contributions, if any, made the member to the fund, without interest.

14.13 Account Manager. The City shall select an investment manager to administer the DROP accounts. The City shall not be responsible for investment losses incurred in the plan or for the failure of an investment to earn a specific or expected return or to earn as much as any other opportunity, whether or not such other investment opportunity was offered or available to participants in the plan.

14.14 Cost of Management for DROP Program. The City agrees that all costs or fees associated with the management of the DROP accounts shall be paid directly from the Plan and not by the City.

14.15 Amendment. Any amendments to the DROP Ordinance shall be consistent with the provisions covering deferred retirement option plans and shall be binding upon all future DROP participants and upon all DROP participants who have balances in their deferred retirement option accounts. The DROP Plan may only be amended by a written instrument.

14.16 Construal of Provisions. An employee's election to participate in the DROP program shall in no way be construed as a limitation on the City's right to suspend or terminate the employee for just cause or to sever the employee's employment because of a physical or mental inability to perform his or her duties.

PART 13

FIRE DEPARTMENT

A. Fire Protection.

§1-1301. Constitution of Department.

The fire department of the City of Connellsville shall be comprised of the unpaid, volunteer fire department known as New Haven Hose Company. The City shall, to the extent of its ability and in accordance with all applicable laws, ordinances, and regulations, contribute financially to the maintenance of the same. It shall be the duty of the fire department to abide by all applicable laws, ordinances, and regulations; respond to all fires, motor vehicles accidents, natural and man-made disasters, and other emergencies within the City of Connellsville; to extinguish fires; stop the spread of fires; protect public and private property; assist with the rescue and extrication of persons; protect against potential fire and other hazards; stabilize buildings and vehicles; provide traffic control; assist in the clean-up of debris; assist emergency medical personnel with patient care and loading; and such other duties and responsibilities as may be assigned by law or City Council.

(Ord. 13, 1/2/1914, §1; amended by Ord. 1516, 3/17/2015, §1)

§1-1302. Organization of New Haven Hose Company.

New Haven Hose Company shall consist of such members as its directors and officers deem necessary to maintain the same, each of whom shall not be less than eighteen (18) years of age and shall be persons of sober and industrious habits and good reputation and character and governed by the bylaws, rules, and regulations of New Haven Hose Company. New Haven Hose Company shall elect such officers and adopt such rules and regulations for its government as its bylaws, adopted by its members, shall provide. New Haven Hose Company shall provide certified copies of any such bylaws, rules, and regulations to City Council upon demand by City Council.

(Ord. 13, 1/2/1914, §15; as amended by Ord. 783, 11/29/1957, §2; Ord. 1463, 5/15/2008, §3; Ord. 1516, 3/17/2015, §2)

§1-1303. Fire Chief and Assistant Fire Chief.

- A. Except as may otherwise be provided in accordance with 53 P.S. § 37101.1, the Fire Chief shall be such person as is properly appointed to and holds such position in New Haven Hose Company in accordance with the bylaws, rules, and regulations of New Haven Hose Company.

- B. Except as may otherwise be provided in accordance with 53 P.S. § 37101.1, the Assistant Fire Chief shall be such person as is properly appointed to and holds such position in New Haven Hose Company in accordance with the bylaws, rules, and regulations of New Haven Hose Company.

(Ord. 13, 1/2/1914, §18; as amended by Ord. 783, 11/29//1957, §5; Ord. 1463, 5/15/2008, §6; Ord. 1516, 3/17/2015, §3)

§1-1304. Oath and Bond of Paid Firemen.

Before entering upon their duties, the Fire Chief and Assistant Fire Chief shall take an oath prescribed by the City of Connellsville before the Mayor or other persons authorized to administer oaths. If required by City Council, the Fire Chief and the Assistant Fire Chief shall give bond in the amount required by City Council conditioned for the faithful performance of their duties and the delivery to the City of Connellsville all its property that may come into their hands or possession.

(Ord. 13, 1/2/1914, §4; as amended by Ord. 1086, 11/12/1974, §3; Ord. 1516, 3/17/2015, §4)

§1-1305. Control and Discipline.

The fire department of the City of Connellsville shall be under the general control and supervision of the Director of Public Safety.

(Ord. 13, 1/2/1914, §6; as amended by Ord. 1086, 11/12/1974, §4; Ord. 1516, 3/17/2015, §5)

§1-1306. Duties of the Fire Chief.

The Fire Chief shall be in direct and immediate control of all members of the fire department. And shall maintain a strict control and discipline over them. The Fire Chief shall become thoroughly acquainted and familiar with all places within the City of Connellsville and the most convenient way of reaching the same, and of the character and construction of the buildings within the City of Connellsville, the means and location of entrance thereto and exit therefrom, and to instruct members of the fire department in regard to such matters and to see that all members of the fire department become as familiar as possible with all such matters. The Fire Chief shall examine the condition of all the fire apparatus of the fire department and the buildings used by the fire department as frequently as necessary to keep the same in good condition, and it shall be his especial duty to see that all the apparatus is at all times in good working order and condition. The Fire Chief shall report to City Council at the stated meeting each month and at such other times as the Fire Chief may desire and whenever requested by City Council. The Fire Chief or next in command shall be present at all fires and shall have sole control thereat over all members of the fire department and all other persons assisting in the extinguishment of the fire or to prevent the spread of the conflagration. The individual in control of any fire shall be the “incident commander.” As soon as a fire is extinguished it shall be the

duty of the Fire Chief to make, or cause to be made, an investigation as to the cause of the fire, and the Fire Chief shall, as soon as possible thereafter, report in writing to the Director of Public Safety the time, location, and duration of the fire, the cause thereof, and the nature and extent of the investigation made to determine the cause, the amount of the loss, and the owners of the property, and the manner in which the fire department conducted itself. The original of every record or report required by this or any other law, ordinance, or regulation to be made or filed by the Fire Chief or the fire department shall upon demand by City Council be produced and delivered without alteration, amendment, modification, revision, erasure, or substitution. The Fire Chief shall annually examine, inspect, and test, or to cause the examination, inspection, and testing, of all fire hydrants in the City of Connellsville to determine whether all are in fit condition for use in case of fire, and to take all measures necessary to require the persons, firms, and entities responsible for any unfit fire hydrant to put the same into proper condition.

(Ord. 13, 1/2/1914, §9; as amended by Ord. 1086, 11/12/1974, §1; Ord. 1463, 5/15/2008, §1; Ord. 1516, 3/17/2015, §6)

§1-1307. Duties of Assistant Fire Chief.

The Assistant Fire Chief shall perform the duties of the Fire Chief during the absence or inability of the Fire Chief to act.

(Ord. 13, 1/2/1914, §10; Ord. 1516, 3/17/2015, §7)

§1-1308. Duties of Firemen.

Each fireman shall perform such duties as shall be assigned to him by the Fire Chief, or the Assistant Fire Chief, and as provided under the bylaws, rules, and regulations of New Haven Hose Company. At all fires and motor vehicle accidents, each fireman shall be under the control, direction, and supervision, and shall be obedient to the order of, the Fire Chief or, if applicable, the Assistant Fire Chief or such other person acting in such capacity.

(Ord. 13, 1/2/1914, §11; as amended by Ord. 1086, 11/12/1974, §5; Ord. 1516, 3/17/2015, §8)

B. Firemen's Pension.

§1-1331. Connellsville Firefighters Pension Plan.

The City adopts the Pension Plan set forth in Exhibit A of this subpart as the Connellsville Firefighters Pension Plan.

(Ord. 1040, 5/11/1970, §1; as amended by Ord. 1318, 11/25/1991; Ord. 1333, 1/11/1993; Ord. 1350, 5/17/1994; Ord. 1384, 10/12/1998; Ord. 1396, 12/13/1999; Ord. 1413, 1/22/2002; Ord. 1464, 10/16/2008; and Ord. 1517, 3/17/2015)

EXHIBIT A

CONNELLSVILLE FIREFIGHTERS PENSION PLAN

ARTICLE I

DEFINITIONS

The following words and phrases as used in this Plan shall have the meaning set forth in this Article, unless a different meaning is otherwise clearly required by the context:

ACCRUED BENEFIT - shall mean, as of any given date, the Participant's benefit determined under Section 4.02, calculated on the basis of the Participant's Average Compensation determined as of such date and multiplied by a fraction, the numerator of which shall be the Participant's completed Years of Credited Service as of such determination date and the denominator of which shall be the number of Years of Credited Service which are required to be completed by the Participant to attain Normal Retirement Age under the Plan. Notwithstanding anything contained herein to the contrary, in no event shall the fraction exceed one (1.0).

The Accrued Benefit shall include any Service Increment Benefit to which the Participant is entitled but shall not exceed the maximum limitation, determined as of the date of computation, provided under Section 4.07. All Accrued Benefits are Subject to all applicable limitations, reductions, offsets and actuarial adjustments provided by the Plan prior to the actual payment thereof and no Accrued Benefits shall be paid unless the Participant satisfies all requirements hereunder for entitlement to receive such benefit.

ACCUMULATED CONTRIBUTIONS - shall mean the total amount contributed by any Participant to this Plan or its predecessor by way of payroll deduction or otherwise. There shall be no interest credited to this amount, 1.03 "Act" shall mean the Municipal Pension Plan Funding Standard and Recovery Act (enacted as Act 205 of 1984), as amended, 53 P.S. § 895.101 et seq.

ACTUARIAL EQUIVALENT - shall mean two forms of payment of equal actuarial present value on a specified date. The factors to be used in determining Actuarial Equivalents shall be seven percent (7%) interest, and UP-1984 Mortality Table rates.

ACTUARY - shall mean the person, partnership, association or corporation which at any given time is serving as Actuary; provided that such Actuary must be an "Approved Actuary" as defined in the Act.

AUTHORIZED LEAVE OF ABSENCE - shall mean any leave of absence granted in writing by the Employer for reasons including, but not limited to, accident, sickness, pregnancy or temporary disability, education, training, jury duty or such other reasons as may necessitate authorized leave from active employment.

AVERAGE MONTHLY COMPENSATION - shall mean the greater of :

- A. the average of the highest monthly Compensation of the Participant during any five (5) Years of Credited Service prior to termination of Employment; or
- B. the monthly rate of pay at the time of termination from Employment.

BENEFICIARY - shall mean the person or legal entity designated by the Participant to receive any applicable benefits under the Plan payable upon the occurrence of the death of the Participant. In the event that a Participant does not designate a Beneficiary or the Beneficiary does not survive the Participant, the Beneficiary shall be the surviving spouse, or if there is no surviving spouse, the issue, per stirpes, or if there is no surviving issue, the estate; but if no personal representative has been appointed, to those persons who would be entitled to the estate under the intestacy laws of the Commonwealth of Pennsylvania if the Participant had died intestate and a resident of Pennsylvania.

BREAK IN SERVICE - shall mean any period of time after Employment has commenced during which an Employee fails to maintain a continuous period of Employment.

CHIEF ADMINISTRATIVE OFFICER - shall mean the person designated by the Employer who has primary responsibility for the execution of the administrative affairs of the Plan.

CODE - shall mean the Internal Revenue Code of 1986, as amended.

COMMONWEALTH - shall mean the Commonwealth of Pennsylvania.

COMPENSATION - shall mean the rate of remuneration paid to an Employee by the Employer with respect to personal services rendered as an Employee and shall exclude overtime and expense reimbursements. Amounts paid as lump sums for back-pay damage awards or settlements other than to the extent that such amounts are credited to periods of time when they would otherwise have accrued or been earned shall be excluded such that no amounts are credited in a manner which would result in duplication of remuneration for any particular period of time.

Compensation shall be limited on an annual basis for purposes of this Plan to the amount specified in accordance with Code Section 401(a)(17) for government plans, as adjusted under Code Section 415(d).

CONTRACT or **POLICY** - shall mean any insurance or annuity contract issued by an insurance company in accordance with the requirements of the Plan.

COUNCIL - shall mean the City Council of the City of Connellsville, Pennsylvania,

DISABILITY RETIREMENT DATE - shall mean the first day of the month coincident with or next following the date when a Participant terminates Employment due to a Total and

Permanent Disability.

EMPLOYEE - shall mean any person who is employed on a full-time basis as a firefighter by the Employer, excluding any temporary or volunteer firefighters.

EMPLOYER - shall mean the City of Connellsville, Fayette County, Pennsylvania, a political Subdivision of the Commonwealth.

EMPLOYMENT - shall mean the period of time for which an Employee is directly or indirectly compensated or entitled to Compensation by the Employer for the performance of duties as an Employee. Employment may include, for the purpose of determining Years of Credited Service, an Authorized Leave of Absence to the extent it is specifically granted in writing by the Council and permitted pursuant to applicable law,

INSURER or **INSURANCE COMPANY** - shall mean any legal reserve life insurance company licensed to do business in one or more States of the United States.

MINIMUM MUNICIPAL OBLIGATION - shall mean the minimum annual obligation of the municipality as determined by the Actuary and certified by the Chief Administrative Officer pursuant to the provisions of the Act.

NORMAL RETIREMENT AGE - shall mean the date at which a Participant completes twenty (20) years of service,

NORMAL RETIREMENT DATE - shall mean the first day of the month coincident with or next following the date when an Employee attains Normal Retirement Age.

NOTICE or **ELECTION** - shall mean a written document prepared in the form specified by the Plan Administrator and delivered as follows: if such Notice or Election is to be provided by the Employer or Plan Administrator, it shall be mailed in a properly addressed envelope, postage prepaid, to the last known address of the person entitled thereto, on or before the last day of the specified Notice or Election period; or, if such Notice or Election is to be provided to the Employer or the Plan Administrator, it must be received by the recipient on or before the last day of the specified Notice or Election period.

PARTICIPANT - shall mean any Employee who has commenced participation in this Plan in accordance with Article II, and has not for any reason ceased to participate hereunder.

PENSION FUND - shall mean the assets of the Plan, which shall be accounted for separately from the assets of any other plans maintained by the Employer and which shall be administered under the supervision of the Employer in accordance with the terms of the Plan.

PENSION PLAN BOARD - shall mean the board appointed pursuant to the provisions of applicable law to administer the Plan as more fully described herein under Article IX.

PLAN - shall mean the City of Connellsville Firefighters' Pension Plan.

1.29 "Plan Administrator" or "Administrator - shall mean the Pension Plan Board. In the event no such Board is appointed, the Plan Administrator shall be the Council.

1.30 "Plan Year - shall mean the 12-month period beginning on January 1 and ending on December 3

"Restatement Date - shall mean January 1, 2001, the effective date of this amended and restated Plan.

1.32 "Service Increment - shall mean the amount determined under Section 4.03 on behalf of a Participant for each completed Years of Credited Service in excess of twenty (20) Years of Credited Service which are required for attainment of Normal Retirement Age.

1.33 "Total and Permanent Disability - shall mean a condition of physical or mental impairment resulting from injury or sickness, due to which a Participant is unable to perform any duties of Employment with the Employer. The Plan Administrator shall rely upon the results of an examination by three (3) physicians to determine whether a Participant has incurred a Total and Permanent Disability.

1.34 "Year of Credited Service - shall refer to any consecutive twelve (12) month period during which a Participant is continuously employed in Employment. Each Year of Credited Service shall be determined from the date of hire and annual anniversaries thereof and/or the date that re-employment of a Participant shall commence and anniversaries thereof, provided that the Employee has authorized the payment of Employee contributions to the Plan.

Year of Credited Service shall also include any period of qualified military service as determined under the requirements of Chapter 43 of Title 38, United States Code, provided that the Participant returns to Employment following such period of qualified military service, and the Participant makes payment to the Plan in an amount equal to the Participant Contributions that would otherwise have been paid to the Plan during such period of qualified military service. The amount of Participant Contributions shall be based upon an estimate of the Compensation that would have been paid to the Participant during such period of qualified military service as determined by the average Compensation paid to the Participant during the twelve (12) months immediately preceding the period of qualified military service. The amount of Participant Contributions so calculated must be paid into the Plan before the end of the period that begins on the date of re-employment and ends on the earlier of the date that ends the period that has a duration of three (3) times the period of qualified military service, or the date that is five (5) years after the date of re-employment.

ARTICLE II

PARTICIPATION IN THE PLAN

2.01 Eligibility for Participation - Each Employee shall be eligible to participate in the Plan as of the first day of Employment provided that all administrative prerequisites such as authorizing the payment of Employee contributions via payroll deduction have been fulfilled. Each Employee who was a Participant in the Plan on the day prior to the Restatement Date shall continue to be a Participant on and after the Restatement Date subject to the terms and conditions of the Plan as set forth herein.

2.02 Participation Requirements - Each Participant hereunder shall be required to make contributions to the Plan, as provided in Section 3.01 hereof, and shall execute and complete any enrollment or application forms as required by the Plan Administrator.

2.03 Re-employment - Each Employee who had previously been employed by the Employer and incurred a Break in Service shall, upon reemployment, have prior Years of Credited Service re-credited for all purposes under the Plan upon repayment to the Plan of any amount of Accumulated Contributions which had been distributed pursuant to Section 8.02.

2.04 Change in Status - A Participant who remains in the service of the Employer but ceases to be an Employee eligible for participation hereunder, or ceases or fails to make any contributions which are required as a condition of participation hereunder, shall have no further benefit accruals occur until the individual again qualifies as a Participant hereunder eligible to resume such accrual of benefits.

2.05 Leave of Absence - During any leave of absence that is not an Authorized Leave of Absence, a Participant shall be deemed an inactive Participant and shall not be given credit for Years of Credited Service nor continue to accrue any benefits hereunder. If the Employee is not re-employed by the expiration of such leave of absence, participation in the Plan shall cease on the date on which such leave of absence commenced. During any Authorized Leave of Absence, a Participant shall continue to receive credit for Years of Credited Service to the extent such credit is specifically granted in writing by Council and is permitted pursuant to applicable law provided that all required contributions are paid to the Plan.

2.06 Recordkeeping - The Employer shall furnish the Plan Administrator with such information as will aid the Plan Administrator in the administration of the Plan. Such information shall include all pertinent data on Employees for purposes of determining their eligibility to participate in this Plan.

ARTICLE III
CONTRIBUTIONS

3.01 Employee Contributions - As a condition of participation hereunder, each Participant shall be required to have contributions deducted from the Participant's Compensation and contributed to the Plan at a rate of five percent (5%) of the Participant's Compensation.

Each Participant shall also contribute twelve dollars (\$12.00) per year for the Service Increment which will be deducted on a pro-rata basis from the Participant's Compensation as paid until the Participant attains age sixty-five (65) or terminates Employment whichever shall first occur.

3.02 Employer Contributions - The Actuary, in accordance with the Act, shall annually determine the Minimum Municipal Obligation of the Employer. The Employer shall pay into the Pension Fund, by annual appropriations or otherwise, the contributions necessary to satisfy the Minimum Municipal Obligation. Notwithstanding the foregoing, nothing contained herein shall preclude the Employer from contributing an amount in excess of the Minimum Municipal Obligation.

3.03 State Aid - General municipal pension system State Aid, or any other amount of State Aid received by the Employer in accordance with the Act from the Commonwealth may be deposited into the Pension Fund governed by this Plan and shall be used to reduce the amount of the Minimum Municipal Obligation of the Employer.

3.04 Gifts - The Council is authorized to take by gift, grant, devise or otherwise any money or property, real or personal, for the benefit of the Plan and cause the same to be held as a part of the Pension Fund. The care, management, investment and disposal of such amounts shall be vested in the Council or its delegate, the Plan Administrator, Subject to the direction of the donor and not inconsistent with applicable laws and the terms of the Plan.

3.05 No Reversion to the Employer - At no time shall it be possible for the Plan assets to be used for, or diverted to, any purpose other than for the exclusive benefit of the Participants and their Beneficiaries, except that contributions made by the Employer may be returned to the Employer if the contribution was made due to a mistake of fact and the contribution is returned within one year of the mistaken payment of the contribution or the Plan is terminated, as provided in Article XI.

ARTICLE IV

RETIREMENT BENEFITS

4.01 Normal Retirement - Each Participant shall be entitled to a Normal Retirement Benefit after retirement on or after attainment of Normal Retirement Age.

4.02 Normal Retirement Benefit - Each Participant who shall become entitled to a benefit pursuant to Section 4.01 hereof shall receive a benefit commencing on the Participant's Normal Retirement Date and paid in the Normal Form as provided in Section 7.01 hereof.

The monthly amount of the Normal Retirement Benefit shall be equal to fifty percent (50%) of the Participant's Average Monthly Compensation.

4.03 Service Increment Benefit - Notwithstanding anything contained herein to the contrary, a Participant who shall retire upon completion of Years of Credited Service in excess of the minimum years of service required for Normal Retirement may be entitled to receive a monthly Service Increment Benefit provided, however, that the Participant shall have accrued sufficient service credit pursuant to this Section 4.03. Such Service Increment Benefit shall only be available to a Participant who shall retire and be eligible to receive a Normal Retirement Benefit determined under Section 4.02 and whose Years of Credited Service for purposes of this Section 4.03 shall only include periods of time when the Participant actively renders service in Employment or is on an Authorized Leave of Absence and pays all required contributions to the Plan.

The Service Increment Benefit shall be a monthly amount equal to one fortieth (1/40) of the benefit determined under Section 4.02 multiplied by the total number of completed Years of Credited Service in excess of the twenty (20) Years of Credited Service required to be completed by the Participant for attainment of Normal Retirement Age.

Notwithstanding the foregoing, in no event shall the monthly amount of Service Increment Benefit exceed one hundred dollars (\$100.00). The Service Increment Benefit shall be paid monthly in addition to the benefit determined under Section 4.02 for each month that such benefit under Section 4.02 shall be paid.

4.04 Application for Benefit - A Participant must complete and execute an application for benefit on a form and in the manner prescribed by the Plan Administrator and deliver the application to the Plan Administrator at least thirty (30) days prior to the date on which benefit payments are to commence. Notwithstanding anything contained herein to the contrary, no retirement benefit payments or any other benefit payments shall be due or payable on or before the first day of the month coincident with or next following the date that is thirty (30) days after the date the Plan Administrator receives the application for benefit.

4.05 Limitation of Liability - Nothing contained herein shall obligate the Employer, the Plan Administrator, any fiduciary or any agent or representative of any of the foregoing, to provide

any retirement or other benefit to any Participant or Beneficiary which cannot be provided from the assets available in the Pension Fund, whether such benefits are in pay status or otherwise payable under the terms of the Plan. The Council retains the right to amend or terminate this Plan consistent with applicable law at any time, with or without cause and whether or not such action directly or indirectly results in the suspension, reduction or termination of any benefit payable under the Plan or in pay status, and without liability to any person for any such action.

4.06 Special Provision for Restated Plans - The benefit amount of any Participant who may have retired prior to the Restatement Date shall not be in any way altered by the provisions of this Plan, except where otherwise expressly indicated herein, and shall continue to be determined on the basis of the terms of the Plan in effect on the day preceding the Restatement Date.

4.07 Maximum Benefit Limitations - Notwithstanding any provision of this Plan to the contrary, no benefit provided under this Plan attributable to contributions of the Employer shall exceed, as an annual amount, the amount specified in Code Section 415(b)(1)(A) as adjusted pursuant to Code Section 415(d), assuming the form of benefit shall be a straight life annuity (with no ancillary benefits). The limitations described in this Section 4.07 shall be governed by the following conditions and definitions:

(a) benefits paid or payable in a form other than a straight life annuity (with no ancillary benefits) or where the Employee contributes to the Plan or makes rollover contributions shall be adjusted on an actuarially equivalent basis to determine the limitation contained herein; (b) in the case of a benefit which commences prior to the attainment of age sixty-two (62) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined pursuant to this Section commencing at age sixty-two (62); however, the reduction shall not reduce the limitation below seventy-five thousand dollars (\$75,000.00) for a benefit commencing at or after age fifty-five (55), or if the benefit commences prior to attainment of age fifty-five (55) the amount which is actuarially equivalent to a benefit of seventy-five thousand dollars (\$75,000.00) commencing at age fifty-five (55); however, in the case of a qualified Participant (a Participant with respect to whom a period of at least fifteen (15) years of service, including applicable military service, as a full-time employee of a police or fire department is taken into account in determining the amount of benefit), the limitation contained herein shall not reduce the limitation to an amount less than the amount specified pursuant to Code Section 415(b)(2)(G) and such amount shall be adjusted pursuant to Code Section 415(d); (c) in the case of a benefit which commences after attainment of age sixty-five (65) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined commencing at age sixty-five (65); (d) benefits paid to a Participant which total less than ten thousand dollars (\$10,000.00) from all defined benefit plans maintained by the Employer expressed as an annual benefit shall be deemed not to exceed the limitation of this Section provided that the Employer has not at any time maintained a defined contribution plan in which the Participant has participated; however, in the case of a Participant who is not receiving a Disability Retirement Benefit pursuant to Section 5.02, with fewer than ten (10) years of participation the limitation expressed in this Sub-section (d) shall be reduced by one-tenth (1/10) for each year of participation less than ten (10) but in no event shall this limitation be less than one thousand dollars (\$1,000.00); (e) the limitations expressed herein shall be based upon Plan Years for calculation purposes, shall be applied to all defined benefit plans maintained by the

Employer as one (1) defined benefit plan and to all defined contribution plans maintained by the Employer as one (1) defined contribution plan, and shall be applied and interpreted consistent with Code Section 415 and regulations thereunder as applicable to government plans in general and this Plan in particular; and (f) in the case of a Disability Retirement Benefit under Section 5.02 and a Survivor Benefit under Section 6.02, the adjustment under Sub-section (b) hereof shall not apply and the applicable limitation shall be the limitation contained herein without regard to the age of the benefit recipient.

4.08 Window Retirement Benefit - An active Participant who terminates Employment with the Employer between December 17, 2014 and January 1, 2015, regardless of their age or Years of Credited Service, shall be entitled to receive a benefit commencing the first day of the month following such Participant's attainment of age fifty-five (55). Upon commencement, the benefit shall be considered a Normal Retirement Benefit pursuant to Section 4.02 and shall be equal to fifty percent (50%) of the Participant's 2014 base monthly salary payable in the Normal Form as provided in Section 7.01 hereof.

ARTICLE V

DISABILITY RETIREMENT

5.01 Disability Retirement - A Participant who incurs a Total and Permanent Disability shall be entitled to a Disability Retirement Benefit as of the Disability Retirement Date.

5.02 Disability Retirement Benefit - A Participant who shall be entitled to Disability Retirement Benefit under Section 5.01 shall receive a benefit commencing on the Participant's Disability Retirement Date which shall be paid in equal monthly installments. A Participant who incurs a Total and Permanent Disability as the result of injury shall receive a Disability Retirement Benefit in a monthly amount equal to fifty percent (50%) of the Participant's Average Monthly Compensation. A Participant who incurs a Total and Permanent Disability as the result of a sickness shall receive a Disability Retirement Benefit in a monthly amount equal to twenty-five percent (25%) of the Participant's Average Monthly Compensation. These disability benefits shall be offset by any other disability type benefit funded or sponsored in whole or in part by the City of Connellsville but shall not be offset and shall not take into consideration the amount and duration of Workers' Compensation allowed by law.

5.03 Payment of Disability Benefit - Payment of a Disability Retirement Benefit shall be made monthly commencing on the date following the Participant's Disability Retirement Date and ending on the earlier of the date of death of the Participant, the date that the Participant's Total and Permanent Disability shall cease, or the date that the Participant would attain Normal Retirement Age if the Participant had continued to accrue Years of Credited Service to such date (such a Participant shall thereafter receive a retirement benefit equal to the amount of the Disability Retirement Benefit which will be deemed to be the Normal Retirement Benefit). If the Participant's Total and Permanent Disability shall cease prior to the attainment of the Participant's Normal Retirement Age, the Participant shall be deemed to have terminated Employment as of the Disability Retirement Date for purposes of this Plan unless the Participant shall resume active Employment within three (3) months following the date on which such Total and Permanent Disability ceased. A Participant who fails to resume active Employment after Total and Permanent Disability ceases shall not be entitled to a distribution of Accumulated Contributions pursuant to Section 8.02 to the extent that the total amount of Disability Retirement Benefits paid exceeds the value of the Participant's Accumulated Contributions as of the Disability Retirement Date, and shall not be entitled to any other benefits under the Plan as a result of the accumulation of any Years of Credited Service as of the Disability Retirement Date.

5.04 Verification of Disability - The Plan Administrator shall rely on the opinion of three (3) practicing physicians to determine whether a Participant shall have incurred a Total and Permanent Disability. Proof of Total and Permanent Disability shall consist of the sworn statement of three (3) practicing physicians, one of which shall be selected by the Plan Administrator and one selected by the Participant with these two physicians selecting the third physician. The sworn statement of two concurring physicians shall determine whether the Participant has incurred a Total and Permanent Disability. If the Plan Administrator shall determine that a Participant who is Totally and Permanently Disabled has recovered sufficiently

to resume active Employment or if a Participant refuses to undergo a medical examination as directed by the Plan Administrator (such a medical examination may not be required more frequently than once in any given twelve (12) month period), the payment of Disability Retirement Benefits shall cease.

5.05 Cessation of Disability - A Participant who is receiving payment of Disability Retirement Benefits under this Plan must notify the Plan Administrator of any change in condition which may cause the Participant's entitlement to receipt of such benefits to cease. If a Participant fails to provide immediate Notice to the Plan Administrator of any such change in status and thereby continues to receive payment of benefits hereunder to which the Participant is not entitled, the Plan Administrator may take whatever action is necessary and permitted under applicable law to recover any amount of improper payments, including offsetting such amounts against any future payment of retirement or other benefits under the Plan or legal action. The Plan Administrator may also recover the costs of any such action.

ARTICLE VI
DEATH BENEFITS

6.01 Death of Participant - Upon the occurrence of the death of a Participant, there shall be benefits payable in accord with the following Sections of this Article VI.

6.02 Survivor Benefit - If a Participant hereunder who is receiving a benefit under Sections 4.02 or is eligible to receive a benefit under Section 4.02 shall die, and be survived by a spouse, there shall be a Survivor Benefit payable hereunder. The Survivor Benefit payable shall be in an amount equal to one hundred percent (100%) of the amount of monthly benefit the Participant was receiving or was entitled to receive under Section 4.02, plus the Service Increment Benefit, if applicable. Upon the death of a Participant who retires on Pension or is killed in service, payments shall be made to the Participant's surviving spouse during the life of the spouse. The Survivor Benefit commences as of the first day of the month coincident with or immediately following the date of death of the Participant.

6.03 Killed in Service Survivor Benefit - If a Participant shall be killed in the line of duty of Employment or die as a result of injury or illness incurred in service, a Survivor Benefit shall be paid monthly to the surviving spouse, if any, of the Participant in an amount equal to one hundred percent (100%) of the amount of monthly benefit the participant was entitled to receive under Section 4.02, until the death or remarriage of the surviving spouse. Upon the death or remarriage of the surviving spouse or if there is no surviving spouse, the Survivor Benefit shall be paid monthly in equal shares to the surviving dependent children of the deceased Participant until attainment of age eighteen (18).

The Survivor Benefit commences as of the first day of the month coincident with or immediately following the date of death of the Participant.

6.04 Death Prior to Retirement - If a Participant shall die prior to the commencement of the payment of any retirement or other benefits under this Plan, and without eligibility for payment of a Survivor Benefit under Section 6.02 or 6.03, the Beneficiary shall be entitled to receive a distribution of the Participant's Accumulated Contributions determined as of the date of death of the Participant. If the Participant has received Disability Retirement Benefits hereunder, the amount of distribution of Accumulated Contributions shall be reduced by the amount of Disability Retirement Benefits, which have been paid hereunder.

6.05 Death of Participant - If a Participant shall die after commencement of a benefit or eligibility to receive a benefit under Section 4.02 and without eligibility for payment of a Survivor Benefit under Section 6.02 or 6.03, the Beneficiary shall be eligible to receive a distribution in an amount equal to the Accumulated Contributions of the Participant as of the date of death of the Participant. If the Participant has received Disability Retirement Benefits hereunder, the amount of distribution of Accumulated Contributions shall be reduced by the amount of Disability Retirement Benefits, which have been paid hereunder.

ARTICLE VII

PAYMENT OF BENEFITS

7.01 Normal Form - The Normal Form for payment of retirement benefits shall be paid in equal monthly installments for the life of the Participant.

7.02 Commencement of Benefits - A Participant may make an Election to commence receiving distribution of retirement benefits as of the Participant's Normal Retirement Date or may defer such payments to a date not later than the required date for commencement of benefits determined under Section 7.03.

7.03 Required Distributions - (a) Notwithstanding any other provision of this Plan, the entire benefit of any Participant who becomes entitled to benefits prior to death shall be distributed either:

(1) not later than the Required Beginning Date, or (2) over a period beginning not later than the Required Beginning Date and extending over the life of such Participant or over the lives of such Participant and a designated Beneficiary (or over a period not extending beyond the life expectancy of such Participant, or the joint life expectancies of such Participant and a designated Beneficiary).

If a Participant who is entitled to benefits under this Plan dies prior to the date when the entire interest has been distributed after distribution of benefits has begun in accordance with paragraph (2) above, the remaining portion of such benefit shall be distributed at least as rapidly as under the method of distribution being used under paragraph (2) as of the date of death.

(b) If a Participant who is entitled to benefits under this Plan dies before distribution of his benefit has begun, the entire interest of such Employee shall be distributed within five (5) years of the death of such employee, unless the following sentence is applicable. If any portion of the Employee's interest is payable to (or for the benefit of) a designated Beneficiary, such portion shall be distributed over the life of such designated Beneficiary (or over a period not extending beyond the life expectancy of such Beneficiary), and such distributions begin not later than one (1) year after the date of the Employee's death or such later date as provided by regulations issued by the Secretary of the Treasury, then for purposes of the five-year rule set forth in the preceding sentence, the benefit payable to the Beneficiary shall be treated as distributed on the date on which such distributions begin. Provided, however, that notwithstanding the preceding sentence, if the designated Beneficiary is the surviving spouse of the Participant, then the date on which distributions are required to begin shall not be earlier than the date upon which the employee would have attained age seventy and one-half (70½) and, further provided, if the surviving spouse dies before the distributions to such spouse begin, this sub-paragraph shall be applied as if the surviving spouse were the Employee.

(c) For purposes of this Section, the following definitions and procedures shall apply:

(1) "Required Beginning Date - shall mean April 1 of the calendar year following the later of the calendar year in which the Employee attains age seventy and one-half (70½), or the calendar year in which the employee retires.

(2) The phrase "designated Beneficiary - shall mean any individual designated by the employee under this Plan according to its rules.

(3) Any amount paid to a child shall be treated as if it had been paid to the surviving spouse if such amount will become payable to the surviving spouse upon such child's reaching majority (or other designated event permitted under regulations issued by the Secretary of the Treasury).

(4) For purposes of this Section, the life expectancy of an employee and/or the employee's spouse (other than in the case of a life annuity) may be redetermined but not more frequently than annually.

7.04 Small Amounts - If the Plan Administrator determines that the value of a Participant's Accrued Benefit is so small as to make pension payments in the Normal Form administratively impractical, the Plan Administrator may cause such payments to be made at such other periodic intervals as are administratively practical, but no less frequently than annually, or may make a single lump sum payment equal to the commuted value of such Accrued Benefit to the extent permitted under applicable law.

7.05 Non-duplication of Benefit - To avoid any duplication of benefits, a Participant who is receiving a retirement benefit under this Plan and who shall resume Employment shall have benefit payments suspended until the first day of the month coincident with or next following the date such Employment shall cease. Upon resumption of benefit payments, such Participant shall receive the greater of the amount of the suspended benefit or the amount of benefit based upon Average Compensation and Years of Credited Service as of the date that such period of resumed Employment shall cease.

7.06 Assignment - The pension benefit payments prescribed herein shall not be Subject to attachment, execution, levy, garnishment or other legal process and shall be payable only to the Participant or designated Beneficiary and shall not be Subject to assignment or transfer.

7.07 Personal Right of Participant - The right to receive any benefits under this Plan is a personal right of the Participant and shall expire upon the death of the Participant. No heir, legatee, devisee, Beneficiary, assignee or other person claiming by or through a Participant shall have any interest in any benefits hereunder unless clearly and expressly so provided by the terms of this Plan. A Participant's election, failure to make an election or revocation of an election hereunder shall be final and binding on all persons.

ARTICLE VIII

TERMINATION OF EMPLOYMENT

8.01 Rights of Terminated Employees - A Participant who shall cease to be an Employee except as otherwise hereinbefore provided shall have all interest and rights under this Plan limited to those contained in the following Sections of this Article.

8.02 Distribution of Accumulated Contributions - A Participant whose Employment with the Employer shall terminate for any reason other than death or Total and Permanent Disability prior to attainment of Normal Retirement Age shall be entitled to receive a distribution of Accumulated Contributions. Upon receipt of such Accumulated Contributions, said Participant and Beneficiary shall not be entitled to any further payments from the Plan.

ARTICLE IX

ADMINISTRATION

9.01 Plan Administrator - The Pension Plan Board shall be the Plan Administrator and shall have the power and authority to do all acts and to execute, acknowledge and deliver all instruments necessary to implement and effectuate the purpose of this Plan. The Plan Administrator may delegate authority to act on its behalf to any persons it deems appropriate, If a Plan Administrator is not appointed, the Council shall be the Plan Administrator.

9.02 Pension Plan Board - The Pension Plan Board, if one is appointed, shall consist of from one to five members appointed by the Council. Each member shall serve in that capacity until the earliest of resignation, death, removal or otherwise. Each member may be removed at any time, with or without cause, by the Council. Each member may resign by delivering written notice to the Council and other members of the Pension Plan Board thirty days prior to the date of resignation. Vacancies on the Pension Plan Board shall be filled by the Council, provided, however that the remaining members of the Pension Plan Board shall have full power to act pending the filling of such vacancies.

9.03 Authority and Duties of the Plan Administrator - The Plan Administrator shall have full power and authority to do whatever shall, in its judgment, be reasonably necessary for the proper administration and operation of the Plan. The interpretation or construction placed upon any term or provision of the Plan by the Plan Administrator or any action of the Plan Administrator taken in good faith shall be final and conclusive upon all parties hereto, whether Employees, Participants or other persons concerned. By way of specification and not limitation and except as specifically limited hereafter, the Plan Administrator is authorized:

(a) to construe this Plan; (b) to determine all questions affecting the eligibility of any Employee to participate herein; (c) to compute the amount and source of any benefit payable hereunder to any Participant or Beneficiary; (d) to authorize any and all disbursements; (e) to prescribe any procedure to be followed by any Participant and/or other person in filing any application or election; (f) to prepare and distribute, in such manner as may be required by law or as the Plan Administrator deems appropriate, information explaining the Plan; (g) to require from the Employer or any Participant such information as shall be necessary for the proper administration of the Plan; and (h) to appoint and retain any individual to assist in the administration of the Plan, including such legal, clerical, accounting, actuarial and investment services as may be required by any applicable law or laws.

The Plan Administrator, in its capacity as Plan Administrator, shall have no power to add to, Subtract from, or modify the terms of the Plan or change or add to any benefits provided by the Plan, or to waive or fail to apply any requirements of eligibility for benefits under the Plan. Further, the Plan Administrator shall have no power to adopt, amend, or terminate the Plan, or to determine or require any contributions to the Plan, which powers are exclusively reserved to the Council, in its capacity as the governing body of the Employer.

9.04 Plan Administration Expense - All reasonable expenses incident to the functioning of the Plan Administrator, including, but not limited to, fees of accountants, counsel, actuaries and other specialists and other costs of administering the Plan, may be paid from the Pension Fund upon approval by the Council to the extent permitted under applicable law and not otherwise paid by the Employer.

9.05 Hold Harmless - No member of the Council nor the Plan Administrator nor the Actuary nor any other person involved in the administration of the Plan shall be liable to any person on account of any act or failure to act which is taken or omitted to be taken in good faith in performing their respective duties under the terms of this Plan. To the extent permitted by law, the Employer shall, and hereby does agree to, indemnify and hold harmless the Plan Administrator and each successor and each of any such individual's heirs, executors and administrators, and the Plan Administrator's delegates and appointees (other than any person, bank, firm or corporation which is independent of the Employer and which renders services to the Plan for a fee) from any and all liability and expenses, including counsel fees, reasonably incurred in any action, suit or proceeding to which he is or may be made a party by reason of being or having been the Plan Administrator or a delegate or appointee of the Plan Administrator except in matters involving criminal liability, intentional or willful misconduct. If the Employer purchases insurance to cover claims of a nature described above, then there shall be no right of indemnification except to the extent of any deductible amount under the insurance coverage or to the extent of the amount the claims exceed the insured amount.

9.06 Approval of Benefits - The Plan Administrator shall review and approve or deny any application for retirement benefits within thirty (30) days following receipt thereof or within such longer time as may be necessary under the circumstances. Any denial of an application for retirement benefits shall be in writing and shall specify the reason for such denial.

9.07 Appeal Procedure - Any person whose application for retirement benefits is denied, who questions the amount of benefit paid, who believes a benefit should have commenced which did not so commence or who has some other claim arising under the Plan ("Claimant"), shall first seek a resolution of such claim under the procedure hereinafter set forth.

(a) Any Claimant shall file a Notice of the claim with the Plan Administrator which shall fully describe the nature of the claim. The Plan Administrator shall review the claim and make an initial determination approving or denying the claim.

(b) If the claim is denied in whole or in part, the Plan Administrator shall, within ninety (90) days (or such other period as may be established by applicable law) from the time the application is received, mail Notice of such denial to the Claimant. Such ninety (90) day period may be extended by the Plan Administrator if special circumstances so require for up to ninety (90) additional days by the Plan Administrator's delivering Notice of such extension to the Claimant within the first ninety (90) day period. Any Notice hereunder shall be written in a manner calculated to be understood by the Claimant and, if a Notice of denial, shall set forth (i) the specific Plan provisions on which the denial is based, (ii) an explanation of additional material or information, if any necessary to perfect such claim and a statement of why such material or information is necessary, and (iii) an explanation of the review procedure.

(c) Upon receipt of Notice denying the claim, the Claimant shall have the right to request a full and fair review by the Council of the initial determination. Such request for review must be made by Notice to the Council within sixty (60) days of receipt of such Notice of denial. During such review, the Claimant or a duly authorized representative shall have the right to review any pertinent documents and to submit any issues or comments in writing. The Council shall, within sixty (60) days after receipt of the Notice requesting such review, (or in special circumstances, such as where the Council in its sole discretion holds a hearing, within one hundred and twenty (120) days of receipt of such Notice), Submit its decision in writing to the person or persons whose claim has been denied. The decision shall be final, conclusive and binding on all parties, shall be written in a manner calculated to be understood by the Claimant and shall contain specific references to the pertinent Plan provisions on which the decision is based.

(d) Any Notice of a claim questioning the amount of a benefit in pay status shall be filed within ninety (90) days following the date of the first payment which would be adjusted if the claim is granted unless the Plan Administrator allows a later filing for good cause shown.

(e) A Claimant who does not submit a Notice of a claim or a Notice requesting a review of a denial of a claim within the time limitations specified above shall be deemed to have waived such claim or right to review.

ARTICLE X

THE PENSION FUND

10.01 Operation of the Pension Fund - The Council of the City of Connellsville is hereby authorized to hold and supervise the investment of the assets of the Pension Fund, subject to the provisions of the laws of the Commonwealth of Pennsylvania and of this Plan and any amendment thereto.

The Pension Fund shall be used to pay benefits as provided in the Plan and, to the extent not paid directly by the Employer, to pay the expenses of administering the Plan pursuant to authorization by the Employer, The Employer intends the Plan to be permanent and for the exclusive benefit of its Employees, It expects to make the contributions to the Pension Fund required under the Plan. The Employer shall not be liable in any manner for any insufficiency in the Pension Fund; benefits are payable only from the Pension Fund, and only to the extent that there are monies available therein.

The Pension Fund will consist of all funds held by the Employer under the Plan, including contributions made pursuant to the provisions hereof and the investments, reinvestments and proceeds thereof The Pension Fund shall be held, managed, and administered pursuant to the terms of the Plan. Except as otherwise expressly provided in the Plan, the Employer has exclusive authority and discretion to manage and control the Pension Fund assets. The Employer may, however, appoint a trustee, custodian and/or investment manager, at its sole discretion.

10.02 Powers and Duties of Employer - With respect to the Pension Fund, the Employer shall have the following powers, rights and duties, in addition to those vested in it elsewhere in the Plan or by law, unless such duties are delegated.

(a) To retain in cash so much of the Pension Fund as it deems advisable and to deposit any cash so retained in any bank or similar financial institution (including any such institution which may be appointed to serve as trustee hereunder), without liability for interest thereon.

(b) To invest and reinvest the principal and income of the fund and keep said fund invested, without distinction between principal and income, in securities which are at the time legal investments for fiduciaries under the Pennsylvania Fiduciaries Investment Act, or as the same may be Subsequently modified or amended.

(c) To sell property held in the fund at either public or private sale for cash or on credit at such times as it may deem appropriate; to exchange such property; to grant options for the purchase or exchange thereof.

(d) To consent to and participate in any plan of reorganization, consolidation, merger, extension or other similar plan affecting property held in the fund; to consent to any contract, lease, mortgage, purchase, sale or other action by any corporation pursuant to any such plan.

(e) To exercise all conversion and Subscription rights pertaining to property held in the fund.

(f) To exercise all voting rights with respect to property held in the fund and in connection therewith to grant proxies, discretionary or otherwise.

(g) To place money at any time in a deposit bank deemed to be appropriate for the purposes of this Plan no matter where situated, including in those cases where a bank has been appointed to serve as trustee hereunder, the savings department of its own commercial bank.

(h) In addition to the foregoing powers, the Employer shall also have all of the powers, rights, and privileges conferred upon trustees by the Pennsylvania Fiduciaries Investment Act, or as the same may be Subsequently modified or amended, and the power to do all acts, take all proceedings and execute all rights and privileges, although not specifically mentioned herein, as the Employer may deem necessary to administer the Pension Fund.

(i) To maintain and invest the assets of this Plan on a collective and commingled basis with the assets of other pension plans maintained by the Employer, provided that the assets of each respective plan shall be accounted for and administered separately.

(j) To invest the assets of the Pension Fund in any collective commingled trust fund maintained by a bank or trust company, including any bank or trust company which may act as a trustee hereunder. In this connection, the commingling of the assets of this Plan with assets of other eligible, participating plans through such a medium is hereby specifically authorized. Any assets of the Plan which may be so added to such collective trusts shall be Subject to all of the provisions of the applicable declaration of trust, as amended from time to time, which declaration, if required by its terms or by applicable law, is hereby adopted as part of the Plan, to the extent of the participation in such collective or commingled trust fund by the Plan.

(k) To make any payment or distribution required or advisable to carry out the provisions of the Plan, provided that if a trustee is appointed by the Employer, such trustee shall make such distribution only at the direction of the Employer.

(l) To compromise, contest, arbitrate, enforce or abandon claims and demands with respect to the Plan.

(m) To retain any funds or property Subject to any dispute without liability for the payment of interest thereon, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.

(n) To pay, and to deduct from and charge against the Pension Fund, any taxes which may be imposed thereon, whether with respect to the income, property or transfer thereof, or upon or with respect to the interest of any person therein, which the Fund is required to pay; to contest, in its discretion, the validity or amount of any tax, assessment, claim or demand which may be levied or made against or in respect of the Pension Fund, the income, property or transfer thereof, or in any matter or thing connected therewith.

(o) To appoint any persons or firms (including but not limited to, accountants, investment advisors, counsel, actuaries, physicians, appraisers, consultants, professional plan administrators and other specialists), or otherwise act to secure specialized advice or assistance, as it deems necessary or desirable in connection with the management of the Fund; to the extent not prohibited by applicable law, the Employer shall be entitled to rely conclusively upon and shall be fully protected in any action or omission taken by it in good faith reliance upon, the advice or opinion of such persons or firms, provided such persons or firms were prudently chosen by the Employer, taking into account the interests of the Participants and Beneficiaries and with due regard to the ability of the persons or firms to perform their assigned functions.

(p) To retain the services of one or more persons or firms for the management of (including the power to acquire and dispose of) all or any part of the Fund assets, provided that each of such persons or firms is registered as an investment advisor under the Investment Advisors Act of 1940, is a bank (as defined in that act), or is an insurance company qualified to manage, acquire or dispose of pension trust assets under the laws of more than one state; in such event, the Employer shall follow the directions of such Investment Manager or Managers with respect to the acquisition and disposition of fund assets, but shall not be liable for the acts or omissions of such Investment Manager or Managers, nor shall it be under any obligation to review or otherwise manage any Fund assets which are Subject to the management of such Investment Manager or Managers. If the Employer appoints a trustee, the trustee shall not be permitted to retain such an Investment Manager except with the express written consent of the Employer.

10.03 Common Investments - The Employer shall not be required to make separate investments for individual Participants or to maintain separate investments for each Participant's account, but may invest contributions and any profits or gains therefrom in common investments.

10.04 Compensation and Expenses of Appointed Trustee - If a trustee is appointed, the trustee shall be entitled to such reasonable compensation as shall from time to time be agreed upon by the Employer and the trustee, unless such compensation is prohibited by law.

Such compensation, and all expenses reasonably incurred by the trustee in carrying out his functions, shall constitute a charge upon the Employer or the Pension Fund, which may be executed at any time after thirty (30) days written Notice to the Employer, The Employer shall be under no obligation to pay such costs and expenses, and, in the event of its failure to do so, the trustee shall be entitled to pay the same, or to reimburse themselves for the payment thereof, from the Pension Fund.

10.05 Periodic Accounting - If a trustee is appointed, the Pension Fund shall be evaluated annually, or at more frequent intervals, by the trustee and a written accounting rendered as of each fiscal year end of the Fund, and as of the effective date of any removal or resignation of the trustee, and such additional dates as requested by the Employer, showing the condition of the Fund and all receipts, disbursements and other transactions effected by the trustee during the period covered by the accounting, based on fair market values prevailing as of such date.

10.06 Value of the Pension Fund - All determinations as to the value of the assets of the Pension Fund, and as to the amount of the liabilities thereof, shall be made by the Employer or its

appointed trustee, whose decisions shall be final and conclusive and binding on all parties hereto, the Participants and Beneficiaries and their estates. In making any such determination, the Employer or trustee shall be entitled to seek and rely upon the opinion of or any information furnished by brokers, appraisers and other experts, and shall also be entitled to rely upon reports as to sales and quotations, both on security exchanges and otherwise as contained in newspapers and in financial publications.

ARTICLE XI

AMENDMENT AND TERMINATION OF PENSION PLAN OR PENSION FUND

11.01 Amendment of the Plan - The Employer may amend this Plan at any time or from time to time by an instrument in writing executed in the name of the Employer under its municipal seal by officers duly authorized to execute such instrument and delivered to the Council provided, however:

(a) that no amendment shall deprive any Participant or any Beneficiary of a deceased Participant of any of the benefits to which each is entitled under this Plan with respect to contributions previously made; (b) that no amendment shall provide for the use of funds or assets held under this Plan other than for the benefit of employees and no funds contributed to this Plan or assets of this Plan shall, except as provided in Section 11.05, ever revert to or be used or enjoyed by the Employer; and (c) that no amendment to the Plan which provides for a benefit modification shall be made unless the cost estimate described in Section 12.03 has been prepared and presented to the Council in accordance with the Act.

11.02 Termination of the Plan - The Employer shall have the power to terminate this Plan in its entirety at any time by an instrument in writing executed in the name of the Employer.

11.03 Automatic Termination of Contributions - Subject to the provisions of the Act governing financially distressed municipalities, the liability of the Employer to make contributions to the Pension Fund shall automatically terminate upon liquidation or dissolution of the Employer, upon its adjudication as a bankrupt or upon the making of a general assignment for the benefit of its creditors.

11.04 Distribution Upon Termination - In the event of the termination of the Plan, all amounts of vested benefits accrued by the affected Participants as of the date of such termination, to the extent funded on such date, shall be nonforfeitable hereunder. In the event of termination of the Plan, the Employer shall direct either (a) that the Plan Administrator continue to hold the vested Accrued Benefits of Participants in the Pension Fund in accordance with the provisions of the Plan (other than those provisions related to forfeitures) without regard to such termination until all funds have been distributed in accordance with the provisions; or (b) that the Plan Administrator immediately distribute to each Participant an amount equal to the vested Accrued Benefit to the date.

If there are insufficient assets in the Pension Fund to provide for all vested Accrued Benefits as of the date of Plan termination, priority shall first be given to the distribution of any amounts attributable to mandatory or voluntary Employee contributions before assets are applied to the distribution of any vested benefits attributable to other sources hereunder.

All other assets attributable to the terminated Plan shall be distributed and disposed of in accordance with the provisions of applicable law and the terms of any instrument adopted by the Employer which effects such termination.

11.05 Residual Assets - If all liabilities to vested Participants and any others entitled to receive a benefit under the terms of the Plan have been satisfied and there remain any residual assets in the Pension Fund, such residual assets remaining shall be returned to the Employer insofar as such return does not contravene any provision of law, and any remaining balance, in excess of Employer contributions, shall be returned to the Commonwealth.

11.06 Exclusive Benefit Rule - In the event of the discontinuance and termination of the Plan as provided herein, the Employer shall dispose of the Pension Fund in accordance with the terms of the Plan and applicable law; at no time prior to the satisfaction of all liabilities under the Plan shall any part of the corpus or income of the Pension Fund, after deducting any administrative or other expenses properly chargeable to the Pension Fund, be used for or diverted to purposes other than for the exclusive benefit of the Participants in the Plan, their Beneficiaries or their estates.

ARTICLE XII

PROVISIONS TO COMPLY WITH THE MUNICIPAL PENSION PLAN FUNDING
STANDARD AND RECOVERY ACT OF 1984

12.01 Actuarial Valuations - The Plan's Actuary shall perform an actuarial valuation at least biennially unless the Employer is applying or has applied for supplemental state assistance pursuant to Section 603 of the Act, whereupon actuarial valuation reports shall be made annually.

Such biennial actuarial valuation report shall be made as of the beginning of each Plan Year occurring in an odd-numbered calendar year, beginning with the year 1985.

Such actuarial valuation shall be prepared and certified by an Approved Actuary, as such term is defined in the Act.

The expenses attributable to the preparation of any actuarial valuation report or experience investigation required by the Act or any other expense which is permissible under the terms of the Act and which are directly associated with administering the Plan shall be an allowable administrative expense payable from the assets of the Pension Fund.

Such allowable expenses shall include but not be limited to the following:

(a) investment costs associated with obtaining authorized investments and investment management fees;

(b) accounting expenses; (c) premiums for insurance coverage on fund assets; (d) reasonable and necessary counsel fees incurred for advice or to defend the fund; and (e) legitimate travel and education expense for pension plan officials; provided, however, that the municipal officials of the Employer, in their fiduciary role, shall monitor the services provided to the Plan to ensure that the expenses are necessary, reasonable and benefit the pension plan and, further provided, that the Plan Administrator shall document all such expenses item by item, and where necessary, hour by hour.

12.02 Duties of Chief Administrative Officer - Such actuarial reports shall be prepared and filed under the supervision of the Chief Administrative Officer.

The Chief Administrative Officer of the Plan shall determine the financial requirements of the Plan on the basis of the most recent actuarial report and shall determine the Minimum Municipal Obligation of the Employer with respect to funding the Plan for any given Plan Year. The Chief Administrative Officer shall Submit the financial requirements of the Plan and the Minimum Municipal Obligation of the Employer to the Council annually and shall certify the accuracy of such calculations and their conformance with the Act.

12.03 Benefit Modifications - Prior to the adoption of any benefit plan modification by the

Employer, the Chief Administrative Officer of the Plan shall provide to the Council a cost estimate of the proposed benefit plan modification. Such estimate shall be prepared by an approved Actuary, which estimate shall disclose to the Council the impact of the proposed benefit plan modification on the future financial requirements of the Plan and the future Minimum Municipal Obligation of the Employer with respect to the Plan.

ARTICLE XIII

MISCELLANEOUS PROVISIONS

13.01 Employment Rights - Participation in this Plan shall not give any right to any employee to be retained in the employ of the Employer nor shall it interfere with the right of the Employer to discharge any employee and to deal with such Employee without regard to the effect that such treatment might have upon participation in this Plan.

13.02 Meaning of Certain Words - As used herein the masculine gender shall include the feminine gender and the singular shall include the plural in all cases where such meaning would be appropriate. Headings of Articles and Sections are inserted only for convenience of reference and are not to be considered in the construction of the Plan.

13.03 Information to be Furnished by the Employer - The Employer shall furnish to the Plan Administrator (and where applicable, the trustee) information in the Employer's possession as the Plan Administrator and the trustee shall require from time to time to perform their duties under the Plan.

13.04 Severability of Provisions - Should any provisions of this Plan be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of this Plan, and the Plan shall be construed and enforced as if said illegal and invalid provisions had never been inserted herein.

13.05 Incapacity of Participant - If any Participant shall be physically or mentally incapable of receiving or acknowledging receipt of any payment of pension benefits hereunder, the Plan Administrator, upon the receipt of satisfactory evidence that such Participant is so incapacitated and that another person or institution is maintaining the Participant and that no guardian or committee has been appointed for the Participant, may provide for such payment of pension benefits hereunder to such person or institution so maintaining the Participant, and any such payments so made shall be deemed for every purpose to have been made to such Participant.

13.06 Pension Fund for Sole Benefit of Participants - The income and principal of the Pension Fund are for the sole use and benefit of the Participants of this Plan, and, to the extent permitted by law, shall be free, clear and discharged from and are not to be in any way liable for debts, contracts or agreements, now contracted or which may hereafter be contracted, and from all claims and liabilities now or hereafter incurred by any Participant or Beneficiary.

13.07 Benefits for a Deceased Participant - If any benefit shall be payable under the Plan to or on behalf of a Participant who has died, if the Plan provides that the payment of such benefits shall be made to the Participant's estate, and if no administration of such Participant's estate is pending in the court of proper jurisdiction, then the Plan Administrator, at its sole option, may pay such benefits to the surviving spouse of such deceased Participant, or, if there be no such surviving spouse, to such Participant's then living issue, per stirpes; provided, however, that nothing contained herein shall prevent the Plan Administrator from insisting upon the commencement of

estate administration proceedings and the delivery of any such benefits to a duly appointed executor or administrator.

13.08 Assets in Pension Fund - Nothing contained herein shall be deemed to give any Participant or Beneficiary any interest in any specific property of the Pension Fund or any right except to receive such distributions as are expressly provided for under the Plan.

13.09 Personal Liability - Subject to the provisions of the Act and unless otherwise specifically required by other applicable laws, no past, present or future officer or agent of the Employer or Plan Administrator shall be personally liable to any Participant, Beneficiary or other person under any provision of the Plan.

PART 14

FIRE INSURANCE PROCEEDS

A. Fire Insurance Proceeds Delinquent Taxes Procedures.

§1-1401. Municipal Officer Designated; Definitions.

1. The City Clerk or such official's designee (hereinafter, the "municipal officer") is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein.
2. A fire loss or claim for fire damage is defined as any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including any endorsements or riders to the policy.

(Ord. 1357, 2/13/1995, §1)

§1-1402. Payment of Claims.

1. No insurance company, association or exchange (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Connellsville (hereinafter "municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer and the named insured comply with the provisions of applicable law and the provisions of this Part and the City's related ordinance establishing a fire insurance escrow [Part 14B].
2. The municipal officer shall, upon the written request of the named insured specifying the tax description of the property, name and address of the insurer and the date agreed upon by the insurer and the named insured as the date of the receipt of a loss report of the claim, furnish the insurer either of the following within 14 working days of the request:
 - A. A certificate or at the discretion of the City, a verbal notification which shall be confirmed in writing by the insurer to the effect that as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that , as of the date of the municipal officer's certificate or verbal notification, the City has not certified any amount as total costs incurred by the City for the removal, repair or securing of a building or other structure on the property.
 - B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and use charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing,

as of the date of the municipal officer's certificate, the amount of the total costs, if any, certified to the municipal officer that have been incurred by the City for the removal, repair or securing of a building or other structure on municipal officer the total amount, if any, of such costs, if available, or the amount of costs known to the City at the time of the municipal officer's certificate.

- C. A tax assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the City under applicable law.
3. Upon the receipt of a certificate pursuant so subsection (2)(A) of this Section, the insurer shall pay the claim of the named insured in accordance with the policy terms, and shall comply with the terms of the City's related ordinance establishing a fire insurance escrow (Part 14B].
 4. Upon the receipt of a certificate and bill pursuant to subsection (2)(B) of this Section, the insurer shall return the bill to the municipal officer and transfer to the municipal officer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill or the full amount of the insurance proceeds, whichever is the lesser amount. The City shall receive the amount and apply or credit the payment of the items shown in the bill.
 5. Nothing in this Section shall be construed to limit ability of the City to recover any deficiency.

(Ord. 1357, 2/13/1995, §2)

§1-1403. Transfer of Proceeds.

1. The transfer of proceeds to the municipal officer shall be on a pro-rata basis by all insurers with applicable policies of insurance providing protection for fire loss.
2. The City of Connellsville may, by resolution, adopt additional procedures and regulations to implement applicable law and this Part and may, by resolution, fix reasonable fees to be charged for municipal activities or services provided pursuant to applicable law and this Part, including but not limited to, issuance of certificates and bills.

(Ord. 1357, 2/13/1995, §3)

§1-1404. Penalties.

Any owner of property, a named insured or any insurer who violates any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a

term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

(Ord. 1357, 2/13/1995, §4; as amended by A.O.)

B. Fire Insurance Escrow Procedures.

§1-1411. Municipal Officer Designated; Definitions.

- A. The City Clerk or such official's designee (hereinafter, the "municipal officer") is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City of Connellsville.
- B. A "fire loss" or "claim for fire damage" is defined as any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including any endorsements or riders to the policy.

(Ord. 1358, 2/13/1995, §1)

§1-1412. Payment of Claims.

- A. No insurance company, association or exchange (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Connellsville where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the municipal officer with a municipal certificate pursuant to applicable law and unless there is compliance with applicable law and the provisions of this Part.
- B. After full compliance with the requirements applicable law and related ordinances, the insurer shall pay the claim of the named insured, provided, however, that if the loss is agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building structure, the following procedures shall be followed:
 - 1. The insurer shall transfer from the insurance proceeds to the municipal officer the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim, provided (1) that this Section is to be applied such that if the claim is \$15,000 or less, the amount transferred to the City shall be \$2,000; (2) that, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the City from the insurance proceeds the amount based upon the estimate.
 - 2. The transfer proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with policy terms.
- C. After the transfer, the named insured may submit a contractor's signed estimate of the

costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the City in excess of the estimate to the named insured, if the City has not commenced to remove, repair or secure the building or other structure.

- D. Upon receipt of proceeds under this Section, the City shall do the following:
1. The municipal 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 City. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the City in connection with such removal, repair or securing of the building or any proceedings related thereto.
 2. It is the obligation of the insurer when transferring the proceeds to provide the City 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 municipal officer shall contact the named insured, certify that the proceeds have been received by the City 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 City and the required proof of such completion received by the municipal officer, and if the City has not incurred any 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 City shall transfer the remaining funds to the named insured.
 4. To the extent that interest is earned on proceeds held by the City pursuant to this Section, and retained by it, such interest shall belong to the City. 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.
- E. Nothing in this Section shall be construed to limit liability of the City to recover any deficiency. Furthermore, nothing in this Part shall be construed to prohibit the City and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

(Ord. 1358, 2/13/1995, §2)

§1-1413. Penalties.

Any owner of property, any named insured or any insurer who shall violate any provision of this

Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

(Ord. 1358, 2/13/1995, §3; as amended by A.O.)

PART 15

MUNICIPAL CLAIMS, LIENS, AND DELINQUENT ACCOUNTS

§1-1501. Applicability.

This ordinance shall apply to all municipal claims, liens, writs of scire facias, judgments, and executions allowed and authorized by the law of the Commonwealth to be assessed, enforced, or prosecuted by the City, including, but not limited to, claims and liens for taxes, for municipal improvements, for the removal of nuisances, for water, sewage, lighting, power, electricity, and waste disposal rents or rates, for amounts owed or collectible under the Act, and for other amounts owed to the City, to the fullest extent authorized by the law of the Commonwealth (hereinafter, in the plural, “delinquent accounts,” “unpaid claims,” or “municipal claims” and, in the singular, “delinquent account,” “unpaid claim,” or “municipal claim”), whether heretofore of hereafter assessed, accrued, or filed.

(Ord. 1505, 12/18/2013, §1)

§1-1502. Assessment of Penalty.

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

(Ord. 1505, 12/18/2013, §2)

§1-1503. Addition of Interest.

In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this ordinance, interest equal to ten percent (10%) per annum shall be imposed, added, assessed, and accrued 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, sewer rates, power or electricity rates, or other amounts owed to the City, from the date of the filing of the lien therefor; provided, however, that if a municipal claim is filed arising out a municipal project which required the City to issue bonds to finance the project, interest shall accrue and be collectible on such claim at the rate of the interest of the bond issue or at the rate of twelve percent (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.

(Ord. 1505, 12/18/2013, §3)

§1-1504. Addition of Costs, Fees, and Expenses.

- A. The costs, fees, and expenses on Schedule A, attached hereto and incorporated herein, are hereby approved and adopted by the City and shall be imposed, added, assessed, and accrued on each delinquent account or unpaid claim. The costs, fees, and expenses on Schedule A shall be subject to amendment from time to time as needed hereafter by resolution of the City Council. This costs, fees, and expenses on Schedule A constitute approved values found to be reasonable for the services rendered or performed.
- B. In addition to the foregoing costs, fees, and expenses, the reasonable and necessary out-of-pocket charges, commissions, costs, fees, and expenses incurred in servicing or collection, such as, but not limited to, postage, title searches and bringdowns, advertising, costs for the investigating the whereabouts of interested parties, service fees, and prothonotary and sheriff fees, are hereby approved and adopted by the City and shall be imposed, added, assessed, and accrued on delinquent accounts and unpaid claims.
- C. Servicing or collection of a delinquent account, unpaid claim, or municipal claim may result in voluntary payment without the initiation of enforcement legal proceedings. It is the intent of this section to make the City whole on all delinquent accounts and unpaid claims collected by passing the cost of servicing and collection on to the person, entity, or property as part of each delinquent account, unpaid claim, or municipal claim. The recovery of any costs, fees, or expenses imposed, added, assessed, or accrued on any delinquent account or unpaid claim under this section shall not be contingent upon the initiation of enforcement legal proceedings, and such costs, fees, or expenses shall be due and owing even where enforcement proceedings are initiated.

(Ord. 1505, 12/18/2013, §4)

§1-1505. Addition of Attorney Fees.

The attorney fees on Schedule B, attached hereto and incorporated herein, are hereby approved and adopted by the City and shall be imposed, added, assessed, and accrued on each delinquent account, unpaid claim, and municipal claim at the time of the filing of the municipal claim or lien by or for the City, or as soon thereafter as may be convenient or proper. The attorney fees on Schedule B shall be subject to amendment from time to time as needed hereafter by resolution of the City Council. The attorney fees on Schedule B constitute approved values found to be reasonable for the services rendered or performed.

(Ord. 1505, 12/18/2013, §5)

§1-1506. Notice and Collection Procedures.

The following collection procedures are hereby established in accordance with the Act:

- A. The amount of penalties, interest, costs, fees, expenses, and attorney fees determined as set forth above shall be added to and become part of the delinquent account, unpaid claim, or municipal claim in each proceeding as provided by the Act and as provided in this ordinance. Costs, fees, expenses, and attorney fees accrued as a result of enforced collection or other enforcement action shall be certified by duly appointed counsel for the City's agents or assigns and, if not collected in due course with the delinquent account, unpaid claim, or municipal claim by voluntary payment, shall be included in any claim or lien filed on behalf of the City or by its agents or assign in the course of enforcement.
- B. At least thirty (30) days prior to the assessment or imposition of attorney fees in connection with the collection of a delinquent account, the City or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the delinquent account (the "Property Owner").
- C. If the certified mail notice is undelivered or undeliverable, then, at least ten (10) days prior to the assessment or imposition of attorney fees in connection with the collection of a delinquent account, the City or its designee shall mail or cause to be mailed, by first class mail, a second notice of such intention to the Property Owner.
- D. Each notice required by this ordinance shall be mailed to the Property Owner's last known post office address as recorded in the records or other information of the City or such other address as the City may be able to obtain from the Fayette County Assessment Office.
- E. Each notice required by this ordinance shall include the following:
 - 1. The type of tax or other charge, the date it became due, and the amount owed, including penalty and interest;
 - 2. A statement of the City's intent to impose or assess attorney fees within thirty (30) days after the mailing of the first notice or within ten (10) days after the mailing of the second notice;
 - 3. The manner in which the imposition or assessment of attorney fees may be avoided by payment of the delinquent account, unpaid claim, or municipal claim; and
 - 4. The place of payment for accounts and the name and telephone number of the City's representative designated as responsible for collection matters.

(Ord. 1505, 12/18/2013, §6)

§1-1507. Related Action.

The proper officials and employees of the City are hereby authorized and empowered to take such additional action as they deem necessary or appropriate to implement this ordinance.

(Ord. 1505, 12/18/2013, §7)

§1-1508. Assignment.

The City assigns the provisions of this ordinance to any assignee of its delinquent accounts, unpaid claims, or municipal claims unless the assignment limits the assignee's ability to collect such amounts. The City and its duly authorized agents and their counsel shall retain all rights to charge reasonable attorney fees, costs, fees, and expenses in accordance with the provisions of this ordinance in actions commenced under the Act and for servicing any delinquent accounts, unpaid claims, and municipal claims retained by the City.

(Ord. 1505, 12/18/2013, §8)

SCHEDULE A
COSTS, FEES, AND EXPENSES

Notice servicing expense:	\$50.00
Handling fee for returned check:	\$35.00
Handling fee to issue refund check:	\$15.00
Bookkeeping fee for payment plan of three (3) months or less:	\$30.00
Bookkeeping fee for payment plan of more than three (3) months:	\$60.00
Guaranteed payoff fee:	\$25.00

Assignment servicing fee:	\$10.00
Filing tax lien servicing fee:	\$10.00
Filing tax lien revival servicing fee:	\$15.00
Filing municipal claim servicing fee:	\$20.00
Filing municipal claim revival servicing fee:	\$25.00
Filing satisfaction servicing fee:	\$10.00

SCHEDULE B
ATTORNEY FEES

Create file; initial review; and send first demand and notice letter by claim amount:	Attorney fees based on the claim amount:
Under \$1,000.00	\$200.00
\$1,000.00 to \$2,500.00	\$450.00
\$2,500.01 to \$5,000.00	\$1,000.00
\$5,000.01 to \$7,500.00	\$1,500.00
\$7,500.01 to \$10,000.00	\$2,000.00
\$10,000.01 to \$25,000.00	\$2,500.00
Over \$25,000.00	10% of the claim amount

Additional review and send second demand letter:	\$100.00
Prepare and file lien:	\$150.00
Notification and service of federal government for federal tax lien, federal judgment, or federal mortgage (including related motions):	\$250.00
Prepare and file satisfaction:	\$75.00
Prepare and file writ of scire facias, complaint in assumpsit, and sheriff's service form:	\$350.00
Obtain reissued writ or scire facias:	\$50.00
Prepare and mail letter pursuant to Pa.R.C.P. 237.1:	\$50.00
Prepare, file, and present motion for alternate service:	\$350.00
Prepare, file, and present motion for summary judgment:	\$350.00
Prepare and file default judgment:	\$250.00
Prepare and file writ of execution:	\$850.00
Preparation of installment payment agreement:	\$250.00
Attendance at sale; review schedule of distribution; and resolve distribution issues:	\$500.00

Prepare, file, and present motion to continue sheriff sale; approval of defendant's continuance request:	\$75.00
Prepare, file, and present motion to motion to reassess damages, motion to amend caption, and motion to continue sheriff sale	\$250.00
Prepare and file petition to assess damages:	\$350.00
Prepare and file petition for free and clear sale:	\$500.00
Prepare and file bankruptcy proof of claim:	\$150.00
Services not covered above:	At an hourly rate between \$100.00 and \$250.00 per hour

CHAPTER 2

ANIMALS

PART 1

PROHIBITING DOGS AND CATS RUNNING AT LARGE

- §2-101. Prohibiting Running at Large.
- §2-102. Excessive Noise.
- §2-103. Annoying People.
- §2-104. Defecation.
- §2-105. Laws of the Commonwealth.
- §2-106. Penalties.

PART 2

KEEPING OF PIGS AND HOGS; MAINTENANCE OF PIG PENS UNLAWFUL

- §2-201. Keeping of Pigs and Hogs; Maintenance of Pig Pens Unlawful.

PART 1

PROHIBITING DOGS AND CATS RUNNING AT LARGE

§2-101. Prohibiting Running at Large.

It shall be unlawful of any owner or owners/keepers of dogs or cats to permit the same to run at large within the City.

(Ord. 1366, -/-/, §1)

§2-102. Excessive Noise.

It shall be unlawful for any owner or owners/keepers of dogs or cats to permit the same to make excessive noise to the disturbance, annoyance or fright of persons in the vicinity or passerby.

(Ord. 1366, -/-/, §2)

§2-103. Annoying People.

It shall be unlawful for any owner or owners/keepers of dogs or cats to keep the same when the animal exhibits a habit of making excessive noise to the disturbance, annoyance or fright of persons in the vicinity or passerby.

(Ord. 1366, -/-/, §3)

§2-104. Defecation.

It shall be unlawful for any person having possession, custody or control of any dog or cat which commits a nuisance in the form of defecation, in any area other than the private property of the owner/keeper of such dog or cat, to fail immediately to remove such feces from such area. Such person must also:

- A. Carry a device or devices, such as a scoop, rubber gloves, plastic wrappers, newspaper, paper bag and/or the like, for the purpose of removing such feces. Such device or devices must be displayed upon the request of any police officer, constable or animal control officer.
- B. Carry such feces away for disposal in a toilet or place such feces in a nonleaking, rat proof, fly-tight container for deposit in a trash or litter receptacle.

(Ord. 1366, -/-/, §4)

§2-105. Laws of the Commonwealth.

This Part incorporates herein all of the provisions of any and all laws of the Commonwealth of Pennsylvania dealing with dogs and human interaction with them, whether such laws are in existence at the time of the enactment of this Part or which laws may hereafter be enacted.

(Ord. 1366, -/-/, §5)

§2-106. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

(Ord. 1366, -/-/, §7; as amended by A.O.)

PART 2

**KEEPING OF PIGS AND HOGS; MAINTENANCE OF PIG PENS
UNLAWFUL**

§2-201. Keeping of Pigs and Hogs; Maintenance of Pig Pens Unlawful.

No person, firm or corporation shall keep any pig or hog at any place within the City of Connellsville, nor shall any person, firm or corporation maintain any pig pen or hog pen therein, under penalty, for each and every violation of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 1120, 11/12/1974; as amended by A.O.)

CHAPTER 3

BICYCLES

PART 1

BICYCLE REGULATIONS

- §3-101. License Required.
- §3-102. Application; Issuance of License.
- §3-103. License Plate to be Attached to Bicycle.
- §3-104. Bicycle Dealers.
- §3-105. Transfer of Ownership or Sale.
- §3-106. Unlawful to Tamper with Frame Number, License, Seal or Card.
- §3-107. License Fee.
- §3-108. Inspections.
- §3-109. Riding on Sidewalk; Unlawful Acts.
- §3-110. Authority for Police Department to Prohibit Riding on Certain Streets.
- §3-111. Penalty for Violation.

PART 1

BICYCLE REGULATIONS

§3-101. License Required.

On and after April 1, 1950, it shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys or public highways of the City of Connellsville, without first obtaining from the Police Department a license therefor as hereinafter provided.

(Ord. 669, 4/10/1950, §1)

§3-102. Application; Issuance of License.

The Police Department is hereby authorized and directed to issue upon such written application, as the Department may prescribe, bicycle licenses, which shall be effective from April 1, 1950, to and including March 31, 1951, and from the April 1 to and including the March 31 of each and every year thereafter. Said licenses, when issued, shall entitle the licensee to operate such bicycle for which said license has been issued upon all the streets, alleys and public highways, exclusive of the sidewalks thereof, and such streets as may be designated by the Police Department under §3-110 hereof.

(Ord. 669, 4/10/1950, §2)

§3-103. License Plate to be Attached to Bicycle.

The City shall provide each year metallic license plates and seals, together with registration cards and isinglass holders therefor, said metallic license plates and registration cards having numbers stamped thereon in numerical order, beginning with number 1 and indicating the year for which the same are issued, and the name "Connellsville or "C'vill" stamped thereon; such metallic plates shall be suitable for attachment upon the frames of the bicycle, and it shall be the duty of the Police Department to attach one such metallic license plate to the frame of each bicycle and to issue a corresponding registration card to the licensee upon the payment of the license herein provided for. Such metallic license plates shall remain attached during the existence of such license. The Police Department shall also keep a record of the date of issue of each license, to whom issued and the number thereof.

(Ord. 669, 4/10/1950, §3)

§3-104. Bicycle Dealers.

All persons engaged in the business of buying second-hand bicycles are hereby required to make a daily report to the Police Department giving the name and address of the person to whom sold, the kind of bicycle sold, together with a description and fame number thereof, and the number of the metallic license plate attached thereto, if any.

(Ord. 669, 4/10/1950, §4)

§3-105. Transfer of Ownership or Sale.

It shall be the duty of every person who sells or transfers ownership of any bicycle, to report such sale or transfer by returning to the Police Department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom said bicycle was sold or transferred, and such report shall be made within 5 days of the date of said sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefor within 5 days of said sale or transfer.

(Ord. 669, 4/10/1950, §5)

§3-106. Unlawful to Tamper with Frame Number, License, Seal or Card.

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this Part. It shall also be unlawful for any person to remove, destroy or mutilate or alter any license plate, seal or registration card during the time in which such license plate, seal or registration card is operative. Provided; however, that nothing in this Part shall prohibit the Police Department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.

(Ord. 669, 4/10/1950, §6)

§3-107. License Fee.

The annual license fee to be paid for each bicycle shall be in an amount as established from time to time by resolution of City Council and shall be paid in advance; and pursuant to §3-105 of this Part said license may be transferred when the ownership of said bicycle is transferred, and a fee in an amount as established from time to time by resolution of City Council shall be paid for the registration of such transfer. All fees collected under this Part shall be paid to the Connellsville Police Officers Association for the purpose of administering the funds and in the event that the Association is dissolved, any money remaining therein after proper expenditures shall be paid into the general fund of the City.

(Ord. 669, 4/10/1950, §7; as amended by Ord. 1063, 10/8/1973, §1; and by A.O.)

§3-108. Inspections.

On and after May 1, and until and including July 31, and on and after November 1 and until and including January 31, every owner of every bicycle being used or operated in the City shall submit such bicycle to such inspection of its mechanism and equipment as may be designated by the Police Department. If the mechanism and equipment of such bicycle is approved by the Department, the latter shall issue a sticker to be affixed to such bicycle as evidence of its approval. If the same is not approved, the owner thereof shall make such adjustments or repairs or add such mechanism and equipment as may be required by the Department and this Part. It shall be unlawful for any person to use or operate any bicycle without having affixed thereto the proper sticker.

(Ord. 669, 4/10/1950, §8)

§3-109. Riding on Sidewalk; Unlawful Acts.

It shall be unlawful for any person to ride or operate or walk with a bicycle on any sidewalk of the City except in cases where the same cannot be ridden or operated on any street, alley or public highway and when any bicycle is used or operated on any sidewalk, the same shall be kept to the curbside of any sidewalk. It shall be unlawful for the rider removed from the pedals or to carry or ride any other person on the same or to practice any fancy trick or zigzag riding or to remove both hands from the handlebars or to cling or hang onto any other moving vehicle.

(Ord. 669, 4/10/1950, §11)

§3-110. Authority for Police Department to Prohibit Riding on Certain Streets.

The Police Department, with the approval of the Mayor, may prohibit the riding or operating of bicycles on certain streets, alleys or public highways of the City or parts thereof.

(Ord. 669, 4/10/1950, §12)

§3-111. Penalty for Violation.

Any person, firm or corporation, who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days., and, if such convicted person shall have had issued to him a bicycle registration, the hearing officer shall also have authority to suspend such registration for a period of not more than 30 days.

Provided; if any violation of this Part shall also constitute a violation of any specific provision of any of the laws of Pennsylvania or of an ordinance of the City pertaining to traffic and/or parking, prosecution shall be under such law or ordinance, as the case may be, and not under this Part.

(Ord. 669, 4/10/1950, §13; as amended by Ord. 1095, 11/12/1974, §1; and by A.O.)

CHAPTER 4

BUILDINGS

PART 1

VACANT AND ABANDONED REAL PROPERTY REGISTRATION

- §4-101. Findings; Intent and Purpose.
- §4-102. Definitions.
- §4-103. Applicability.
- §4-104. Registration of Abandoned Real Property.
- §4-105. Registration of Vacant Buildings and Structures.
- §4-106. Local Agent Requirement.
- §4-107. Posting Requirement.
- §4-108. Registration Fees; Exceptions; Use of Fees.
- §4-109. Delinquent Fees as a Collectable Debt or Lien.
- §4-110. Maintenance and Security.
- §4-111. Inspections.
- §4-112. Administration and Enforcement.
- §4-113. Notice.
- §4-114. Determination of Dangerous Public Nuisance.
- §4-115. Violations.
- §4-116. Nonexclusive Remedies.
- §4-117. Appeals.
- §4-118. Compliance with Other Ordinances and Codes.

PART 1

VACANT AND ABANDONED REAL PROPERTY REGISTRATION

§4-101. Findings; Intent and Purpose.

- A. The foregoing “whereas” clauses are hereby ratified and confirmed as being the findings of the City of Connellsville and, therefore, the basis and rationale for enacting this Part.
- B. This Part is adopted to (1) assist the City of Connellsville in protecting the public health, safety, and welfare; (2) protect the safety of emergency services personnel; (3) monitor the number of abandoned real properties and vacant buildings and structures in the City of Connellsville; (4) assess the effects of the conditions of those buildings on nearby businesses, buildings, structures, properties, and the neighborhoods in which they are located, particularly in light of the fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers; (5) address the deterioration and blight of City neighborhoods caused by abandoned real properties and vacant buildings and structures located within the City of Connellsville, and to identify, regulate, limit, and reduce the number of abandoned real properties and vacant buildings and structures located within the City of Connellsville; (6) require the owners, interest holders, or local agents of such abandoned real properties and vacant buildings and structures to register and pay related fees; (7) establish a registration process as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned real properties and vacant buildings and structures; (8) promote substantial efforts to rehabilitate such abandoned real properties and vacant buildings and structures; and (9) offset the cost and expense associated with addressing and remediating the public nuisance resulting from abandoned real property and vacant buildings and structures. The provisions of this Part are in addition to and not in lieu of any and all other applicable provisions of the ordinances of the City of Connellsville and all relevant policies, procedures and/or regulations adopted pursuant thereto.

(Ord. 1508, 9/16/2014, §1)

§4-102. Definitions.

ABANDONED REAL PROPERTY shall mean any real property, including but not limited to one or more vacant buildings or structures, without respect to occupancy or vacancy, but excluding unimproved real property, that is subject to a mortgage and is either (i) in default on such mortgage for which a mortgagee has obtained a judgment in foreclosure; (ii) in default on such mortgage and subject to an application or proceedings for a tax deed or pending tax claim bureau or tax assessor sale for unpaid property taxes; (iii) in default on such mortgage and subject to an application or proceedings for a sheriff sale for unpaid claims, debts, or obligations; or (iv) in default on such mortgage and has been transferred to a mortgagee by a deed in lieu of foreclosure, or any similar document. The designation of real property as “abandoned real

property” shall continue and remain in place until such time as the real property is sold or transferred to a new owner, the foreclosure action is dismissed, or any default on the mortgage has been cured.

ACTIVELY MARKED PROPERTY shall mean property that has been offered for sale or rent by the owner or interest holder, excluding any mortgagee, with (i) the placement of a “for sale” or “for lease” sign on the property with accurate contact information, a copy of which is also provided to the code enforcement officer, and (ii) at least one of the following:

- A. Engagement of a licensed real estate agent whose name, address, telephone number, and email address, if applicable, is provided to the code enforcement officer with a copy of the listing or other agreement for the sale or rent by the owner or interest holder, for the sale or rental of the property;
- B. Listing of the property in a recognized, regional multiple listing service(MLS), evidence of which is provided to the code enforcement officer; or
- C. Distribution of printed or electronic advertisements offering the property for sale or rent in a publication of general circulation or on a website or online service with a national scope and presence that provides for the sale of real property (including eBay and Craigslist), a proof of publication and copy of which is provided to the code enforcement officer.

BOARD OF HEALTH shall mean the Board of Health of the City.

CITY shall mean the City of Connellsville, Fayette County, Pennsylvania.

CITY COUNCIL shall mean the City Council of the City.

CODE ENFORCEMENT OFFICER shall mean the code enforcement officer of the City, or such other duly appointed official, employee, representative, or agent of the City and authorized to enforce this ordinance.

DANGEROUS PUBLIC NUISANCE shall mean abandoned real property or a vacant building or structure in a condition that is detrimental to the public health and presents a clear, immediate, and substantial danger to public health or safety or to the health or safety of any person occupying or in the immediate vicinity of such abandoned real property or vacant building or structure.

DEFAULT shall mean the condition, status, or event where a mortgagee has initiated a foreclosure action or proceeding against a mortgagor.

DWELLING shall mean a building, or such portion thereof, which is designed for and/or occupied in whole or in part as a residence for one (1) or more dwelling units, not including hotels, motels, bed and breakfasts, hostels, boarding houses, group homes or residences, or facilities for the elderly.

DWELLING UNIT shall mean one (1) or more rooms for living purposes, together with separate cooking and sanitary facilities, which are accessible from the outdoors, either directly or by an access shared with other dwelling units, which is used, or intended to be used, by one (1) family or person.

FAMILY shall mean one (1) or more persons related by blood, marriage or adoption or no more than five (5) unrelated individuals occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, club, fraternity, or hotel.

FORECLOSURE shall mean the legal process by which a mortgagee attempts to enforce the terms of a mortgage or document related thereto against a mortgagor and which legal process is commenced by the filing of a complaint in foreclosure, forbearance, or any similar action in a court of competent jurisdiction.

MORTGAGE shall mean a pledge of real property or a recorded lien or interest in real property to secure payment on a loan, debt, or other obligation.

MORTGAGEE shall mean the person holding a mortgage on real property and thereby a legal or equitable interest in such real property, without regard to whether such person has filed a complaint in foreclosure in any court of competent jurisdiction seeking enforcement of the terms of such mortgage or document related thereto.

MORTGAGOR shall mean the person granting a mortgage on real property to a mortgagee.

MULTI-FAMILY DWELLING shall mean a dwelling that is designed and constructed solely for the use of three (3) or more families or persons.

OCCUPIED shall mean such condition where one or more persons actually conducts a lawful business that complies with all applicable laws and ordinances or resides in all or any part of the building or structure as the legal business-occupant or as the legal or equitable owner-occupant or tenant on a permanent, non-transient basis, or any combination of the same. For purposes of this ordinance, evidence offered to prove that a building or structure is occupied may include, but shall not be limited to, the regular receipt or delivery of regular mail through the United States Postal Service; proof of residence in an assisted living, domiciliary care, personal care, or skilled nursing care home or facility with the intent to return; proof of continual telephone, electric, gas, heating, water, sewer, and trash collection services; valid City, Fayette County, or Commonwealth business and other licenses; the most recent federal or state income tax statements or City gross receipts or mercantile tax statements indicating that the subject property is the official business or residence address of the person claiming current occupancy; or current written leases indicating current occupancy, with receipts of payment of rent thereon.

One- or Two-Family Dwelling shall mean a dwelling that is designed and constructed solely for the use of one (1) or two (2) families or persons.

OWNER shall mean any person having a legal or equitable interest in property; any person identified and noted in documents recorded in the official records of the Commonwealth, Fayette County, or City as holding title or a mortgage to property; or any person having possession and control of property, including a mortgagee, receiver, the guardian of the estate of any such person, and the executor, administrator, or personal representative of any such person, if ordered, directed, or required to take possession or control of real property by a court of competent jurisdiction or applicable governing documents.

PERSON shall mean any natural person, individual, estate, trust, incorporated or unincorporated association, company, cooperative, corporation, firm, limited liability company, partnership, or other legal entity.

VACANT shall mean not occupied or unoccupied.

VACANT BUILDING or STRUCTURE shall mean a building or structure that is vacant.

(Ord. 1508, 9/16/2014, §2)

§4-103. Applicability.

- A. This ordinance shall be applicable to all abandoned real property and every vacant building and structure located within the geographical confines of the City of Connellsville, Fayette County, Pennsylvania, and to each owner, interest holder, or local agent of any such abandoned real property or vacant building or structure, without regard to whether such owner, interest holder, or local agent is a public, private, governmental, commercial, industrial, residential, institutional, non-profit, or for-profit person.
- B. Notwithstanding the foregoing, this ordinance shall not be applicable to any land bank which is the owner, possessor, receiver, conservator, or interest holder of any abandoned real property or vacant building or structure located within the geographical confines of the City of Connellsville, Fayette County, Pennsylvania, and in which the City belongs or participates, if such non-applicability is an express condition of such affiliation or participation or is otherwise agreed to, in writing, by the City.

(Ord. 1508, 9/16/2014, §3)

§4-104. Registration of Abandoned Real Property.

- A. Abandoned real property shall be registered with the City on an annual basis, for each calendar year, by a mortgagee of such abandoned real property in accordance with this Part. Each mortgagee and each mortgagee's respective local agent shall be jointly and severally responsible for compliance with the registration and other requirements of this Part.

- B. Abandoned real property shall be registered with the City within one hundred and eighty (180) days of the date such property becomes abandoned real property, and annually thereafter by March 15, for each subsequent calendar year, if such property continues to be abandoned real property during each such subsequent calendar year, until such time as such property ceases to be abandoned real property.
- C. Any registration of abandoned real property required under this Part shall include the following information:
 - 1. The name of the registering person, along with the names of any other owners, interest holders, or local agents known by the registering person;
 - 2. The direct mailing address and, if applicable, the email address of the registering person and, if applicable, the respective local agent;
 - 3. A direct contact name and twenty-four (24) hour telephone number for the registering person and, if applicable, the respective local agent;
 - 4. The address and parcel identification or tax map number of the abandoned real property; and
 - 5. Sworn verification that all information provided in the registration is accurate and that the registering person or the respective local agent has posted the abandoned real property in compliance with Part 7 of this ordinance.
- D. If the information contained in or provided with any registration required under this Part changes during the course of any calendar year, the registering person shall be responsible for amending and revising such registration within thirty (30) days of the date of such change.
- E. The mortgagee of abandoned real property shall pay the registration fee provided in Part 8 of this ordinance with any registration required under this Part.

(Ord. 1508, 9/16/2014, §4)

§4-105. Registration of Vacant Buildings and Structures.

- A. Each vacant building or structure shall be registered with the City on an annual basis, for each calendar year, by an owner, interest holder, or local agent of such vacant building or structure in accordance with this Part. Each owner and interest holder and each respective local agent shall be jointly and severally responsible for compliance with the registration and other requirements of this Part.
- B. Each vacant building or structure shall be registered with the City within one hundred and eighty (180) days of the date such building or structure becomes a vacant building or

structure, and annually thereafter by March 15, for each subsequent calendar year, if such building or structure continues to be a vacant building or structure during each such subsequent calendar year, until such time as such building or structure ceases to be a vacant building or structure.

- C. Any registration of a vacant building or structure required under this Part shall include the following information:
1. The name of the registering person, along with the names of any other owners, interest holders, or local agents known by the registering person;
 2. The direct mailing address and, if applicable, the email address of the registering person and, if applicable, the respective local agent;
 3. A direct contact name and twenty-four (24) hour telephone number for the registering person and, if applicable, the respective local agent; and
 4. The address and parcel identification or tax map number of the vacant building or structure; and
 5. Sworn verification of the registering person that all information provided in the registration is accurate and that the registering person or the respective local agent has posted the vacant building or structure in compliance with this Part.
- D. If the information contained in or provided with any registration required under this Part changes during the course of any calendar year, the registering party shall be responsible for amending and revising such registration within thirty (30) days of the date of such change.
- E. The owner, interest holder, or local agent of a vacant building or structure shall pay the registration fee provided in this Part with any registration required under this Part.

(Ord. 1508, 9/16/2014, §5)

§4-106. Local Agent Requirement.

- A. Each owner or interest holder of abandoned real property or any vacant building or structure not providing a residence, office, or business location with an address within the geographical confines of Fayette County, Pennsylvania, shall designate a local agent and shall provide the complete name, address, telephone number, and email address (if applicable) of such local agent on the registration form filed with the City. Such owner or interest holder shall also provide a statement signed by the local agent whereby the local agent accepts the designation as local agent of such owner or interest holder, which signed statement shall be an acknowledgement of the local agent of the requirements, responsibilities, and obligations under this ordinance.

- B. With such designation, a local agent shall be authorized by such owner or interest holder to accept service of process, notices, statements, invoices, and other communications resulting from or related to this ordinance on behalf of such owner or interest holder. With such designation, a local agent shall be responsible for providing the City and the code enforcement officer with access to the abandoned property or vacant building or structure for the purposes of making inspections, maintaining and securing the abandoned property or vacant building or structure, and responding to any emergency associated with the abandoned property or vacant building or structure affecting the public health, safety, or welfare.
- C. Each owner and interest holder and each respective local agent shall be jointly and severally responsible for compliance with the ordinances of the City and the laws of the Commonwealth of Pennsylvania as applied to the abandoned property or vacant building or structure.

(Ord. 1508, 9/16/2014, §6)

§4-107. Posting Requirement.

- A. Abandoned real property that includes a vacant building or structure and each vacant building or structure shall be posted by an owner, interest holder, or local agent of such abandoned real property or vacant building or structure within fifteen (15) days of such abandoned real property or vacant building or structure having become abandoned or vacant in accordance with this Part. Each owner and interest holder and each respective local agent shall be jointly and severally responsible for compliance with the posting and other requirements of this Part.
- B. An owner, interest holder, or local agent of abandoned real property that includes a vacant building or structure or a vacant building or structure shall place and affix a weatherproof or weather-resistant posting that is no less than eighteen (18) inches by twenty-four (24) inches in size and contains the following information in no less than either (i) thirty-six (36) point Times New Roman font or (ii) another font having a size and type that is legible from a safety zone that is forty-five (45) feet from the closest point of such building or structure:
 - 1. The words “THIS PROPERTY IS OWNED, MANAGED, OR MAINTAINED BY” followed by the name of the owner, interest holder, or local agent making or arranging for such posting.
 - 2. The words “TO REPORT PROBLEMS OR CONCERNS, CALL” followed by the twenty-four (24) hour contact telephone number of the owner, interest holder, or local agent making or arranging for such posting.

- C. If abandoned real property that includes a vacant building or structure or a vacant building or structure is determined by the code enforcement officer to be so unsafe or dangerous, in accordance with all applicable ordinances, codes, and laws, as to jeopardize the health or safety of any emergency responders who might enter such abandoned real property or vacant building or structure, the code enforcement officer may cause to be placed and affixed a posting containing the words “UNSAFE AND DANGEROUS PROPERTY” and the words “ANY INTERNAL OPERATIONS SHALL BE CONDUCTED WITH EXTREME CAUTION.”
- D. A posting required under this Part shall be posted on the interior of a window facing a public street or right of way at the front of the property, building, or structure so as to be clearly visible from such public street or right of way or, if no such area exists, then on the side of the building or structure or on a stake of sufficient size to support the posting at the front of the property, building, or structure so as to be clearly visible from such public street or right of way but not readily accessible to vandals.

(Ord. 1508, 9/16/2014, §7)

§4-108. Registration Fees; Exceptions; Use of Fees.

- A. An owner, interest holder, or local agent of abandoned real property or a vacant building or structure shall pay annual registration fees with the registration of abandoned real property or a vacant building or structure each calendar year under this Part in accordance with the following:
 - 1. For any abandoned real property or any vacant building or structure that has not been determined to be a dangerous public nuisance, as defined under this ordinance, by the Board of Health following a hearing held in accordance with the procedures provided in this Part, such owner, interest holder, or local agent shall pay an annual registration fee as set forth below:
 - a. \$30.00 for abandoned real property or a vacant building or structure that constitutes a one- or two-family dwelling for any registration by such owner, interest holder, or local agent;
 - b. \$50.00 for abandoned real property or a vacant building or structure that constitutes a multi-family dwelling for the first registration by such owner, interest holder, or local agent;
 - c. \$75.00 for abandoned real property or a vacant building or structure that constitutes a multi-family dwelling for the second registration by such owner, interest holder, or local agent;

- d. \$150.00 for abandoned real property or a vacant building or structure that constitutes a multi-family dwelling for the third or any subsequent registration by such owner, interest holder, or local agent;
 - e. \$100.00 for abandoned real property or a vacant building or structure any part or portion of which does not constitute a one-, two-, or multi-family dwelling for the first registration by such owner, interest holder, or local agent;
 - f. \$150.00 for abandoned real property or a vacant building or structure any part or portion of which does not constitute a one-, two-, or multi-family dwelling for the second registration by such owner, interest holder, or local agent;
 - g. \$200.00 for abandoned real property or a vacant building or structure any part or portion of which does not constitute a one-, two-, or multi-family dwelling for the third registration by such owner, interest holder, or local agent;
 - h. \$250.00 for abandoned real property or a vacant building or structure any part or portion of which does not constitute a one-, two-, or multi-family dwelling for the fourth or any subsequent registration by such owner, interest holder, or local agent.
2. For any abandoned real property or any vacant building or structure that has been determined to be a dangerous public nuisance, as defined under this ordinance, by the Board of Health following a hearing held in accordance with the procedures provided in this Part, such owner, interest holder, or local agent shall pay an annual registration fee as set forth below, in lieu of and not in addition to any other registration fee required under this Part:
- a. \$500.00 for abandoned real property or a vacant building or structure that constitutes a one-, two-, or multi-family dwelling for the first or second registration by such owner, interest holder, or local agent;
 - b. \$1,000.00 for abandoned real property or a vacant building or structure that constitutes a one-, two-, or multi-family dwelling for the third or fourth registration by such owner, interest holder, or local agent;
 - c. \$2,000.00 for abandoned real property or a vacant building or structure that constitutes a one-, two-, or multi-family dwelling for the fifth or any subsequent registration by such owner, interest holder, or local agent;
 - d. \$1,000.00 for abandoned real property or a vacant building or structure any part or portion of which does not constitute a one-, two-, or multi-

- family dwelling for the first or second registration by such owner, interest holder, or local agent;
- e. \$2,000.00 for abandoned real property or a vacant building or structure any part or portion of which does not constitute a one-, two-, or multi-family dwelling for the third or fourth registration by such owner, interest holder, or local agent;
 - f. \$4,000.00 for abandoned real property or a vacant building or structure any part or portion of which does not constitute a one-, two-, or multi-family dwelling for the fifth or any subsequent registration by such owner, interest holder, or local agent.
3. The annual registration fees set forth in this Part shall be as set, whether changed, modified, increased, or decreased, by ordinance or resolution of the City Council.
- B. An owner, interest holder, or local agent of abandoned real property or a vacant building or structure that is an actively marketed property, as defined under this ordinance, and for which a waiver is granted, shall not be required to pay any annual registration fee otherwise required by this Part with a registration under this ordinance.
1. An owner, interest holder, or local agent of abandoned real property or a vacant building or structure that constitutes actively marketed property, as demonstrated by such owner, interest holder, or local agent may request a one-time waiver from any annual registration fee otherwise required by this Part from the code enforcement officer. Satisfactory proof that such abandoned real property or vacant building or structure is being actively marketed, in a form acceptable to the code enforcement officer, shall accompany and be submitted with the registration forms for such abandoned real property or vacant building or structure.
 2. After obtaining a one-time waiver from the code enforcement officer, an owner, interest holder, or local agent of abandoned real property or a vacant building or structure that constitutes actively marketed property, as demonstrated by such owner, interest holder, or local agent, may request, by written petition to the Board of Health, an additional one-time waiver from any annual registration fee otherwise required by this Part from the Board of Health. Satisfactory proof that such abandoned real property or vacant building or structure is being actively marketed shall accompany and be submitted with the petition for such additional one-time waiver, which shall accompany and be submitted with the registration forms for such abandoned real property or vacant building or structure. The Board of Health shall grant or deny such petition in writing within forty-five (45) days following the date such petition and satisfactory proof is submitted to the Board of Health.
- C. An owner, interest holder, or local agent of abandoned real property or a vacant building or structure for which a valid architectural and renovation plan, based on both City and

Fayette County permit and planning application procedures and requirements, has been submitted respectively to the City and Fayette County, and for which a waiver has been granted, that has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure shall not be required to pay any annual registration fee otherwise required by this Part with a registration under this ordinance.

1. An owner, interest holder, or local agent of abandoned real property or a vacant building or structure for which a valid architectural and renovation plan, based on both City and Fayette County permit and planning application procedures and requirements, has been submitted respectively to the City and Fayette County, that has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure, as demonstrated by such owner, interest holder, or local agent, may request a one-time waiver from any annual registration fee otherwise required by this Part from the code enforcement officer. Satisfactory proof that a valid architectural and renovation plan, based on both City and Fayette County permit and planning application procedures and requirements, has been submitted respectively to the City and Fayette County for such abandoned real property or vacant building or structure and that such owner, interest holder, or local agent has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure, in a form acceptable to the code enforcement officer, shall accompany and be submitted with the registration forms for such abandoned real property or vacant building or structure.
2. After obtaining a one-time waiver from the code enforcement officer, an owner, interest holder, or local agent of abandoned real property or a vacant building or structure for which a valid architectural and renovation plan, based on both City and Fayette County permit and planning application procedures and requirements, has been submitted respectively to the City and Fayette County, that has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure, as demonstrated by such owner, interest holder, or local agent, may request, by written petition to the Board of Health, an additional one-time waiver from any annual registration fee otherwise required by this Part from the Board of Health. Satisfactory proof that a valid architectural and renovation plan, based on both City and Fayette County permit and planning application procedures and requirements, has been submitted respectively to the City and Fayette County for such abandoned real property or vacant building or structure and that such owner, interest holder, or local agent has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure shall accompany and be submitted with the petition for such additional one-time waiver, which shall accompany and be submitted with the registration forms for such abandoned real property or vacant building or structure. The Board of Health shall grant or deny such petition in

writing within forty-five (45) days following the date such petition and satisfactory proof is submitted to the Board of Health.

- D. An owner, interest holder, or local agent of abandoned real property or a vacant building or structure that purchased or otherwise acquired such abandoned real property or vacant building or structure within ninety (90) days of the date that registration of such abandoned real property or vacant property is required under this ordinance and that has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure shall not be required to pay any annual registration fee otherwise required by this Part with a registration under this ordinance.
1. An owner, interest holder, or local agent of abandoned real property or a vacant building or structure that purchased or otherwise acquired such abandoned real property or vacant building or structure within ninety (90) days of the date that registration of such abandoned real property or vacant property is required under this ordinance and that has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure may request a one-time waiver from any annual registration fee otherwise required by this Part from the code enforcement officer. Satisfactory proof that such owner, interest holder, or local agent has purchased or otherwise acquired such abandoned real property or vacant building or structure within ninety (90) days of the date that registration of such abandoned real property or vacant building or structure is required under this ordinance and has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure, in a form acceptable to the code enforcement officer, shall accompany and be submitted with the registration forms for such abandoned real property or vacant building or structure.
 2. After obtaining a one-time waiver from the code enforcement officer, an owner, interest holder, or local agent of abandoned real property or a vacant building or structure that purchased or otherwise acquired such abandoned real property or vacant building or structure within ninety (90) days of the date that registration of such abandoned real property or vacant property is required under this ordinance and that has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure may request, by written petition to the Board of Health, an additional one-time waiver from any annual registration fee otherwise required by this Part from the Board of Health. Satisfactory proof that such owner, interest holder, or local agent has purchased or otherwise acquired such abandoned real property or vacant building or structure within ninety (90) days of the date that registration of such abandoned real property or vacant building or structure is required under this ordinance and has otherwise shown good faith efforts to efficiently rehabilitate, demolish, or substantially repair or improve such abandoned real property or vacant building or structure, in a form acceptable to

the code enforcement officer, shall accompany and be submitted with the registration forms for such abandoned real property or vacant building or structure. The Board of Health shall grant or deny such petition in writing within forty-five (45) days following the date such petition and satisfactory proof is submitted to the Board of Health.

- E. All annual registration fees collected under this ordinance shall be allocated to and accounted under a separate line item, the allocation, disbursement, and use of which shall be limited only to the rehabilitation, demolition, repair, or improvement of abandoned real property or vacant buildings or structures by the City or any land bank in which the City belongs or participates.

(Ord. 1508, 9/16/2014, §8)

§4-109. Delinquent Fees as a Collectable Debt or Lien.

Except for those owners, interest holders, or local agents that have properly submitted an appeal as set forth herein, and only during the pendency of such appeal, the failure to pay any amount due under this ordinance shall create, result in, and constitute a debt due and owing to the City equal to the amount due under this ordinance. With respect to such debt, the City may either (i) enter or file a lien against the applicable abandoned property or vacant building or structure in an amount equal to the debt or (ii) seek collection of an amount equal to the debt in accordance with the ordinances of the City and other applicable law.

(Ord. 1508, 9/16/2014, §9)

§4-110. Maintenance and Security.

Maintenance of abandoned real property and vacant buildings or structures shall conform to the standards set forth in any City property maintenance code, including but not limited to the International Property Maintenance Code, if adopted by the City, and any City fire code, including but not limited to the International Fire Code, if adopted by the City. In addition, abandoned real property and vacant buildings or structures shall be maintained as follows:

- A. All unoccupied buildings or structures on abandoned real property and all vacant buildings and structures must be secured from unauthorized entry. All doors, windows, and other entry points shall respectively be secured with plywood, functional doors, windows, steel security panels, or some other designed or finished method that is consistent with the adjacent walls. All such plywood, functional doors, windows, steel security panels, or other designed or finished methods that are consistent with the adjacent walls shall conform to the Uniform Construction Code. Any doors, windows, and other entry points secured with plywood shall be secured with plywood for a single maximum period of ninety (90) consecutive days.

- B. All exterior surfaces and sidewalks must be cleaned on a sufficient schedule as to prevent the accumulation of debris, dirt, garbage, refuse, and rubbish.

(Ord. 1508, 9/16/2014, §10)

§4-111. Inspections.

- A. The owner, interest holder, or local agent of abandoned real property or a vacant building or structure shall inspect, or cause to be inspected, such abandoned real property or vacant building or structure with such frequency as to ensure compliance with all Parts of this ordinance, any City property maintenance code, including but not limited to the International Property Maintenance Code, if adopted by the City, and any City fire code, including but not limited to the International Fire Code, if adopted by the City. In addition, the code enforcement officer shall inspect, or cause to be inspected, real property, abandoned real property, and vacant buildings and structures with such frequency as to ensure compliance with all Parts of this ordinance.
- B. Annual inspections of all abandoned real property and every vacant building or structure shall be as follows:
 - 1. An external inspection of each abandoned real property and vacant building or structure shall be performed by the code enforcement officer within ninety (90) days of the date of registration of abandoned real property or a vacant building or structure, as required under this Part, and each year thereafter, to determine compliance with the City property maintenance code, including but not limited to the International Property Maintenance Code, if adopted by the City.
 - 2. An internal inspection of each abandoned real property and vacant building or structure shall be performed by the code enforcement officer within ninety (90) days of the date of registration of abandoned real property or a vacant building or structure, as required under this Part, and each year thereafter, to determine compliance with such section dealing with “Unsafe Structures and Equipment” of any City property maintenance code, including but not limited to the International Property Maintenance Code, if adopted by the City.
 - 3. An external inspection of each abandoned real property and vacant building or structure shall be performed by the code enforcement officer within ninety (90) days of the date of registration of abandoned real property or a vacant building or structure, as required under this Part, and each year thereafter, to determine compliance with any City fire code, including but not limited to the International Fire Code, if adopted by the City.
 - 4. An internal inspection of each abandoned real property and vacant building or structure shall be performed by the code enforcement officer within ninety (90) days of the date of registration of abandoned real property or a vacant building or

structure, as required under this Part, and each year thereafter, to determine compliance with any section dealing with “General Precautions Against Fire” of any City fire code, including but not limited to the International Fire Code, if adopted by the City.

- C. Nothing in this ordinance shall preclude the code enforcement officer from performing an inspection of abandoned real property or any vacant building or structure upon receipt of a complaint alleging or indicating a violation of any City ordinance.
- D. The code enforcement officer shall be authorized to make inspections in accordance with this ordinance at any reasonable hour to determine compliance with this ordinance and all ordinances or codes referenced in this ordinance. The code enforcement officer shall request access to abandoned real property or a vacant building or structure from an owner, interest holder, or local agent of such abandoned real property or vacant building or structure prior to entering such abandoned real property or vacant building or structure. Every owner, interest holder, or local agent of abandoned real property or any vacant building or structure should allow the code enforcement officer unrestricted access.
- E. If any owner, interest holder, or local agent of abandoned real property or a vacant building or structure refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and access to every part of such abandoned real property or vacant building or structure during an inspection under this ordinance, the code enforcement officer may apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is reasonable or probable cause to conduct the requested inspection.
- F. If the owner, interest holder, or local agent cannot be available at the date and time for the inspection proposed by the code enforcement officer, such owner, interest holder, or local agent shall provide no less than twenty-four (24) hours advance written notice to the code enforcement officer. Upon failure to give such advance written notice or to be present for such inspection so as to enable entry and full access to the code enforcement officer, an administrative fee of \$25.00 may be assessed against the owner, interest holder, or local agent. For each rescheduling beyond the second rescheduling, an administrative fee of \$50.00 may be assessed. Such administrative fees shall be paid within thirty (30) days of the date of such administrative fee notice. The failure to pay any administrative fee assessed and due under this ordinance shall create, result in, and constitute a debt due and owing to the City equal to the administrative fee due under this ordinance. With respect to such debt, the City may either (i) enter or file a lien against the applicable abandoned property or vacant building or structure in an amount equal to the debt or (ii) seek collection of an amount equal to the debt in accordance with the ordinances of the City and other applicable law.
- G. If the owner, interest holder, local agent, purchaser, or any interested party requests a special inspection of a property regulated by this ordinance, or a certification that a property is in compliance with this ordinance or any other applicable City ordinance pertaining to structural condition, in connection with the sale, conveyance, transfer,

financing, or refinancing of such property, the requestor shall pay a fee of \$75.00 to the City to help defray the expenses of making such inspection.

- H. All administrative fees and inspections fees set forth in this Part shall be as set, whether changed, modified, increased, or decreased, by ordinance or resolution of the City Council.

(Ord. 1508, 9/16/2014, §11)

§4-112. Administration and Enforcement.

This ordinance shall be administered and enforced by the code enforcement officer, law enforcement officers, and other persons so designated by the City Council. The City retains the right to engage the services of a third-party to administer any or all of the provisions of this ordinance.

(Ord. 1508, 9/16/2014, §12)

§4-113. Notice.

All notices or other documents required or delivered under this ordinance shall conform and be served and given to the respective owner, interest holder, or local agent as follows:

- A. Notices or other documents shall:

1. Be in writing;
2. Include a description of the property sufficient for identification;
3. Include a statement of the violation or violations and the reason for which the notice is being issued;
4. Include a corrective order allowing a reasonable time of no less than thirty (30) days, unless exigent circumstances related to health or safety require a lesser period, to make the repairs and improvements required to bring the structure into compliance with the provisions of this ordinance; and
5. Inform the owner, interest holder, or local agent of the right to appeal.

- B. Notices or other documents shall:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last-known address of the owner, interest holder, or local agent; or
3. Be posted conspicuously on or about the abandoned real property or the vacant building or structure about which the notice is concerned, if a notice is returned showing that it was not delivered or was undeliverable.

(Ord. 1508, 9/16/2014, §13)

§4-114. Determination of Dangerous Public Nuisance.

- A. If the code enforcement officer determines that abandoned real property or a vacant building or structure constitutes a dangerous public nuisance under this ordinance, then the code enforcement officer may prepare a written request to have such abandoned real property or vacant building or structure deemed and determined to be a dangerous public nuisance. The code enforcement officer shall collect and prepare all evidence demonstrating or supporting such determination and, after obtaining the advice of the City Solicitor, shall request a hearing before the Board of Health concerning such abandoned real property or vacant building or structure.
- B. Notice of such hearing, if granted by the Board of Health, shall be served and given to the respective owner, interest holder, or local agent in accordance with this Part at least thirty (30) days in advance of the date of such hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- C. The Board of Health shall conduct hearings and make decisions in accordance with the following requirements:
 1. The parties to the hearing shall be any owner, interest holder, and any local agent of the abandoned real property or vacant building or structure; any person affected by the abandoned real property or vacant building or structure who has made timely appearance of record before the Board of Health; the City; and any other person including civic or community organizations permitted to appear by the Board of Health. The Board of Health shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.
 2. The chairman or acting chairman of the Board of Health presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

3. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 4. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 5. The Board of Health shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be paid by the Board of Health. The cost of a transcript, whether an original or a copy, shall be paid by the person requesting such transcript.
 6. The Board of Health shall render a written decision within forty-five (45) days after the hearing. Conclusions based on any provisions of this ordinance or any other law, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. The failure of the Board of Health to render a written decision within forty-five (45) days after the hearing shall be deemed to be a decision rendered in favor of the owner, interest holder, or local agent that the abandoned real property or vacant building or structure is not a dangerous public nuisance, unless such owner, interest holder, or local agent has agreed in writing or on the record to an extension of time.
 7. A copy of the final decision or, where no decision is called for, of the findings shall be served and given to the owner, interest holder, or local agent in accordance with this Part not later than the day following its date. A copy of the final decision, or where no decision is called for, of the findings shall be provided to the City not later than the day following its date.
- D. A finding or determination of the Board of Health that abandoned real property or a vacant building or structure is a dangerous public nuisance shall be applicable to Part and for all City purposes. The procedures provided in this Part for determining or deeming abandoned real property or a vacant building structure a dangerous public nuisance shall not constitute or be the only, exhaustive, or exclusive means of determining or deeming any property to be a public nuisance or dangerous public nuisance.

(Ord. 1508, 9/16/2014, §14)

§4-115. Violations.

- A. It shall be unlawful for any person to violate any provision of this Part, including but not limited to the failure or refusal to register abandoned real property or a vacant building or structure, to pay any fees assessed or due under this Part.

- B. If any person violates any provision of this Part, then the code enforcement officer shall serve a notice of violation or order in accordance with this Part.
- C. If any person does not comply with such notice of violation or order, then the code enforcement officer shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or of the order of direction made pursuant thereto.
- D. Any person who shall violate any of the provisions of this Part shall, upon conviction in a summary proceeding brought in the name of the City of Connellsville, before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$300.00 and not more than \$1,000.00, plus the costs of prosecution, and in default of payment, to imprisonment for a term not to exceed ninety (90) days, provided that each day's violation of any of the provisions of this Part shall constitute a separate offense.
- E. The imposition of any penalties herein prescribed shall not preclude the code enforcement officer or the City from instituting appropriate action to restrain, correct, or abate a violation, or to stop a public nuisance or an illegal act, conduct, business, or utilization of abandoned real property or a vacant building or structure.

(Ord. 1508, 9/16/2014, §15)

§4-116. Nonexclusive Remedies.

The penalty, collection, and lien provisions of this Part shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the City as may be deemed appropriate for carrying out and accomplishing the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other ordinance of the City, without regard to whether such other ordinance is referenced in this ordinance or whether an ongoing violation of such other ordinance is cited as the underlying ground for finding a violation of this ordinance.

(Ord. 1508, 9/16/2014, §16)

§4-117. Appeals.

- A. Any owner, interest holder, or local agent directly affected by a decision of the code enforcement officer, or any notice or order therefrom issued under this Part, shall have the right to appeal to the Board of Health, provided that a written application for appeal is filed within twenty (20) days after the date of any such decision, notice, or order was served and given in accordance with this Part.

- B. The fee for filing an appeal to the Board of Health shall be \$100.00, which shall be paid to the City and may be changed, modified, increased, or decreased, by ordinance or resolution of the City Council. In addition to such filing fee, costs for said hearings, including but not limited to notice and advertisement costs and necessary administrative overhead connected with the hearing, may be collected by with City with and in addition to such filing fee. Such costs, however, shall not include legal expenses of the Board of Health, expenses for engineering, architectural or other technical consultants or expert witness costs.

(Ord. 1508, 9/16/2014, §17)

§4-118. Compliance with Other Ordinances and Codes.

In no instance shall the compliance of an owner, interest holder, or local agent with the requirements of this Part exonerate or satisfy the responsibilities, obligations, and liabilities of such owner, interest holder, or local agent under any other ordinance or code of the City or any other applicable law.

(Ord. 1508, 9/16/2014, §18)

CHAPTER 5

CODE ENFORCEMENT

PART 1

BUILDING CODE

A. Uniform Construction Code.

- §5-101. Adoption of Uniform Construction Code.
- §5-102. Amendments and Enforcement.
- §5-103. Appeals.
- §5-104. Fees.

B. Floodplains.

Reserved.

C. Removal and Demolition of Buildings.

- §5-121. Definitions.
- §5-122. Permit Required to Remove or Demolish Building.
- §5-123. Permit Fee.
- §5-124. Demolition Bond Required.
- §5-125. Penalty for Violation.
- §5-126. Penalty for Violation.
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PART 2

BOCA NATIONAL PLUMBING CODE

- §5-201. Adoption of Plumbing Code.
- §5-202. Amendments Made to Plumbing Code.
- §5-203. State Law and Regulations.
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PART 3

BOCA FIRE PREVENTION CODE

- §5-301. Adoption of Fire Prevention Code.
- §5-302. Affecting Suits.
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PART 4

ELECTRICAL CODE

- §5-401. Adoption of National Electrical Code.
- §5-402. Enforcement.
- §5-403. Prohibition Without Permit.
- §5-404. Inspection of Work Under Permit.
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- §5-406. Hearing.
- §5-407. Approved Materials.
- §5-408. Requirements.
- §5-409. Modifications on Appliances.
- §5-410. Records.
- §5-411. Exemption.
- §5-412. Fees.
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PART 5

BOCA NATIONAL PROPERTY MAINTENANCE CODE

- §5-501. Adoption of Property Maintenance Code.
- §5-502. Amendments Made in Property Maintenance Code.
- §5-503. State Law and Regulations.
- §5-504. Provisions to be Continuation of Existing Regulations.

PART 6

BOCA NATIONAL MECHANICAL CODE

- §5-601. Adoption of Mechanical Code.
- §5-602. Amendments to Mechanical Code.
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PART 1

BUILDING CODE

A. Uniform Construction Code.

§5-101. Adoption of Uniform Construction Code.

- A. This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. 7210.101-7210.1103, as amended from time to time, and its regulations.
- B. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401- 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of the Municipality.

(Ord. 1437, 7/14/2004, §§1-2)

§5-102. Administration and Enforcement.

Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by resolution:

- A. By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
- B. By the retention of one or more construction code officials or third- party agencies to act on behalf of the Municipality;
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- D. By entering into a contract with Fayette County for the administration and enforcement of this Act on behalf of this Municipality;
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 1437, 7/14/2004, §3)

§5-103. Board of Appeals.

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

(Ord. 1437, 7/14/2004, §4)

§5-104. Fees.

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

(Ord. 1437, 7/14/2004, §6)

B. Floodplains.

Reserved.

C. Removal and Demolition of Buildings.

§5-121. Definitions.

For the purposes of this ordinance, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies. The following terms shall have the meanings respectively ascribed to them as follows:

CITY - shall mean the City of Connellsville, Fayette County, Pennsylvania.

CITY COUNCIL - shall mean the Council of the City of Connellsville, as now or hereafter constituted, and its duly authorized agent or representative.

PERSON - shall include natural persons, partnerships, associations, corporations, companies, firms, and other entities.

(Ord. 996, 2/27/1967, §1; amended by Ord. 1518, 4/21/2015, §1)

§5-122. Permit Required to Remove or Demolish Buildings.

- A. **Permit Applications.** It shall be unlawful for any person or persons to remove or demolish any buildings or structures, or portions thereof, with an area equal to or greater than one hundred (100) square feet within the boundaries of the City of Connellsville without first filing with the City Clerk of the City of Connellsville a written demolition permit application which shall describe said building and the location thereof, and obtaining from the City Clerk a formal, written demolition permit granting permission to remove or demolish said building or structure, or any portions thereof. Any demolition permit granting such permission may be subject to such conditions as are deemed adequate or necessary to protect the health and safety of the residents of the City of Connellsville and property located within the City of Connellsville.
- B. **Service Connections.** Before a structure is demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.
- C. **Notice to Adjoining Owners.** Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities of which the temporary removal is necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.
- D. **Lot Regulation.** Whenever a structure is demolished or removed, the premises shall be

maintained free from all unsafe or hazardous conditions by proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of the Pennsylvania Construction Code Act.

(Ord. 996, 2/27/1967, §2; as amended by Ord. 1211, 4/13/1981, §1; and by Ord. 1381, 9/28/1998, §1; Ord. 1507, 4/15/2014, §1; and Ord. 1518, 4/21/2015, §2)

§5-123. Permit Fee.

A filing fee of One Hundred Dollars (\$100.00), or such other amount as is determined by ordinance or resolution of the City Council of the City of Connellsville, shall accompany any demolition permit application. The final approval of such demolition permit application and the issuance of such demolition permit shall be conditioned upon the payment of such filing fee.

(Ord. 996, 2/27/1967, §3; as amended by Ord. 1381, 9/28/1998, §1; Ord. 1507, 4/15/2014, §3; and Ord. 1518, 4/21/2015, §3)

§5-124. Demolition Bond Required.

Before final approval of any demolition permit application and the issuance of any demolition permit, there shall be filed with the City Clerk a performance bond with corporate surety licensed and authorized to provide such surety in the Commonwealth of Pennsylvania or a cash deposit or obligation of the United States of America accepted to the City in the following value:

- A. Five Thousand Dollars (\$5,000.00) for demolition permit applications for the demolition or removal of all or any part of a one or two family dwelling;
- B. Fifty Thousand Dollars (\$50,000.00) for demolition permit applications for the demolition or removal of all or any part of any structure that is not a one or two family dwelling and has up to forty thousand (40,000) square feet of floor space and other usable surface areas;
- C. An amount to be set by the City Engineer and City Clerk, such amount to be an estimate of the actual cost the City of Connellsville would incur for such demolition or removal, for any structure that is not a one or two family dwelling and has in excess of forty thousand (40,000) square feet of floor space and other useable surface areas.

(Ord. 996, 2/27/1967, §4; as amended by Ord. 1211, 4/13/1981, §1; and by Ord. 1381, 9/28/1998, §1; Ord. 1507, 4/15/2014, §3; and Ord. 1518, 4/21/2015, §4)

§5-125. Demolition and Removal Requirements.

It shall be unlawful for any person or persons to remove or demolish any buildings or structures

for which a demolition permit is required without conforming to the following demolition and removal requirements:

A. Prior to demolition or removal:

1. Obtain all necessary permits, licenses, certifications, and registrations in accordance with applicable law;
2. Remove all asbestos as required in accordance with applicable law, including, but not limited to, to removal by a licensed, qualified abatement contractor of all building materials testing positive for asbestos;
3. Remove all lead-based paint as required in accordance with applicable law;
4. Perform all rodent and pest extermination to prevent the migration of rodents and other pests;
5. Take protective measures to ensure that adjacent properties and natural features of the area remain unchanged; and
6. Disconnect, cap, and seal all utilities, including, but not limited to, sanitary sewers and storm sewers, in accordance with applicable law and the rules and regulations of the utility or entity involved and notify the utility or entity involved to verify such disconnection, capping, or sealing; no demolition or removal shall commence until all utilities are properly disconnected. All active utility mains traversing the subject property shall be preserved.

B. During demolition or removal:

1. Perform such demolition or removal between the hours of 7 AM to 10 PM and in conformity with the noise and sound provisions of the City's zoning ordinance;
2. Provide adequate notice and protection to persons and property, including, but not limited to, (i) the furnishing, erection, and maintaining of danger, warning, and "KEEP OUT" signs at on the boundaries of the subject property, and (ii) the furnishing, erection, or maintaining of sufficient fences or barricades around the perimeter of the disturbed area;
3. Perform such demolition or removal in such a manner to avoid (i) hazards to persons and property on adjacent property, (ii) settlements, subsidence, or cave-ins on adjacent property, (iii) interference with the free use of adjacent property, and (iv) interruption of free passage, access, ingress, and egress to and from adjacent property;
4. Perform such demolition or removal in such a manner to avoid closing, obstructing, or damaging any streets, roads, sidewalks, alleys, or passageways,

unless specifically authorized in writing by the City of Connellsville and/or the Pennsylvania Department of Transportation;

5. Take dust control measures in accordance with applicable law, including, but not limited to, the wetting down of material, to ensure the containment of dust and airborne particles;
6. Take erosion and sedimentation control measures in accordance with applicable law to ensure the minimization of soil and ground erosion and sedimentation;
7. Demolish and remove the building or structure to a level a minimum of twelve (12) inches below adjacent, existing ground surfaces;
8. Demolish and remove all interior basement structures, including, but not limited to, walls, partitions, steps, posts, columns, and piers, to the basement floor elevation;
9. Break up existing, private sidewalks on the subject property; no existing, public sidewalk shall be disturbed, broken up, demolished, or removed;
10. Break up basement floors into pieces having a maximum size of six (6) inches in any dimension such that surface and ground water shall be able to infiltrate down through the slab and prevent saturation of the backfilled basement area; and
11. Refrain from the use of explosives without the prior written consent of the City Engineer and after obtaining all permits, licenses, certifications, and registrations in accordance with applicable law.

C. After demolition or removal:

1. Backfill in accordance with the following requirements:
 - a. Backfilling shall not begin until the City Engineer or the City code enforcement officer has approved the breaking up of any existing basement floor;
 - a. Backfilling shall be completed in accordance with applicable law in layers not to exceed sixteen (16) inches;
 - b. Backfilling shall be completed with dirt, soil, clean-earth borrow, granulated stone or non-expansive slag (containing no iron pyrite and having no cementing characteristics), and rubble, including, but not limited to, broken pieces of concrete, masonry, and stones, thoroughly compacted and graded in such a manner as to provide adequate drainage;
 - d. Backfilling shall not be completed with decomposable organic material,

wood, glass, plaster, paper, piping, metal, vinyl siding, metal siding, roofing material, unstable or combustible material, and materials found to be environmentally hazardous; and

- e. The backfilled area shall be covered with a six (6) inch bed of clean topsoil and seeded with perennial grass to bring the backfilled area to the same grade as the surrounding area.
2. Restore the subject property to original grades and conditions;
3. Remove all equipment, refuse, and debris from demolition or removal activities and dispose of all refuse, debris, and other waste materials at an approved waste disposal site in accordance with applicable law, leaving the subject property in a clean and neat condition; and
4. Refrain from burning on the subject property except in accordance with applicable law.

(Ord. 1518, 4/21/2015, §5)

§5-126. Penalty for Violation.

Any person who shall violate any of the provisions of this Part shall, upon conviction in a summary proceeding brought in the name of the City of Connellsville, before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$50.00 and not more than \$1,000.00, plus the costs of prosecution, and in default of payment, to imprisonment for a term of not to exceed ninety (90) days, provided that each day's violation of any of the provisions of this Part shall constitute a separate offense. No penalty herein shall prevent the City of Connellsville from enforcing this Part by equitable, injunctive, and other remedies.

(Ord. 996, 2/27/1967, §5; as amended by Ord. 1109, 11/12/1974, §1; and Ord. 1518, 4/21/2015, §6)

§5-127. City Costs and Expenses.

Any costs and expenses of the City of Connellsville in abating or correcting any violation of this Part for the purpose of public safety or the protection of property shall be reimbursed and paid in full to the City of Connellsville by the permit holder, or his bonding company, within fifteen (15) days of receipt of notice of such costs and expenses. Such unreimbursed or unpaid costs and expenses shall serve as a lien against the subject property and the City of Connellsville may take all appropriate action to file, perfect, defend, revive, and execute such lien.

(Ord. 1518, 4/21/2015, §7)

§5-128. Enforcement.

The City Council appoints and authorizes the City Police Department and the City Code Enforcement Officer to enforce the provisions of this Part.

(Ord. 1518, 4/21/2015, §8)

§5-129. Municipal Liability.

The City Council and its agents, officials, and representatives, shall not under any circumstances be liable or responsible for damages caused to any person or property by reason of the conduct of any demolition or removal activity in compliance or noncompliance with the terms and provisions of this Part. The person or persons responsible for any such demolition or removal activity shall bear sole liability for any damages caused as a result thereof.

(Ord. 1518, 4/21/2015, §9)

PART 2

BOCA NATIONAL PLUMBING CODE

NOTE: The Commonwealth's and City's adoption of the Uniform Construction Code modified the implementation of the BOCA National Plumbing Code. The BOCA National Plumbing Code is enforceable only to the extent its requirements are not preempted or superseded by the Uniform Construction Code.

§5-201. Adoption of Plumbing Code.

The City of Connellsville hereby adopts, for the purpose of establishing rules and regulations for the design and installation of plumbing systems, including administration, plumbing permits and penalties, the plumbing code known as the "BOCA National Plumbing Code, 1993, Ninth Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Part shall take effect, the provisions thereof shall be controlling in the design and installation of plumbing systems within the corporate limits of the City of Connellsville.

(Ord. 1339, 9/13/1999, §1)

§5-202. Amendments Made in Plumbing Code.

The code hereby adopted is amended as follows:

A. The City of Connellsville shall be inserted wherever the words "Name of Jurisdiction" appear in brackets therein. Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the City Solicitor.

B. Section P-104.1 is hereby amended to read as follows:

§P-104.1. Continuation. The legal use and occupancy of any structure existing on , 1992, or for which it had been heretofore approved, may be continued without change except as may be specifically covered in this code or deemed necessary by the plumbing official for the general safety and welfare of the occupants and the public.

C. Section 114.2 is hereby amended to read as follows:

§P-114.2. Fee Schedule. For approving plans and issuing a permit therefor, to include inspection of the work during its progress and for final inspection and

supervision of the rest of the work to be made by the plumber on plumbing installations, the administrative authority shall be entitled to receive the fees established pursuant to a resolution of the City Council of the City of Connellsville.

D. Section 117.4 is hereby amended to read as follows:

§P-117.4. Penalties. Any person, firm or corporation who shall violation of this code shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Each day that a violation of this code continues shall constitute a separate offense. [A.O.]

E. Section 118.2 is hereby amended to read as follows:

§P-118.2. Unlawful Continuance. Any person who shall continue any plumbing work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine not exceeding \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. [A.O.]

F. Section P-201.0 is hereby amended to read as follows:

§P-201.0. Administrative Authority. The person appointed by the City Council to the position of Code Enforcement Officer with authority to administer and enforce the provisions of this code.

G. Section P-303.2 is hereby amended to read as follows:

§P-303.2. Public Systems Available. A public water supply system or public sewer system shall be deemed available to premises used to human occupancy if such premises are within 150 feet, measured along a street, alley or easement, of the public water supply or sewer system and a connection conforming with the standards set forth in this code may be made thereto.

H. Section P-308.3 is hereby amended to read as follows:

§P-308.3. Freezing. Water service piping and sewers shall be installed below recorded frost penetration but not less than 3 feet below grade for water piping. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

I. Section P-308.4 is amended to read as follows:

§P-308.4. Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 3 feet below finished grade at the point of the septic tank connection. Building sewers shall be a minimum of 3 feet below grade.

A. Section 402.1 is hereby amended to read as follows:

§P-402.1. Water Quality. Water service pipe and water distribution pipe shall be lead-free and resistant to corrosive action and degrading action from the potable water supplied by the water purveyor or individual water supply system.

(Ord. 1339, 9/13/1999, §2; as amended by A.O.)

§5-203. State Law and Regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations or other ordinances of the City, as the case may be, shall control where the requirements thereof are the same as or limited of the provisions of this Part. This code shall control in all cases where the State requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

(Ord. 1339, 9/13/1999, §3)

§5-204. Provisions to be Continuation of Existing Regulations.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall the affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense of any of the repealed ordinances.

(Ord. 1339, 9/13/1999, §4)

PART 3

BOCA FIRE PREVENTION CODE

NOTE: The Commonwealth's and City's adoption of the Uniform Construction Code modified the implementation of the BOCA Fire Prevention Code. The BOCA Fire Prevention Code is enforceable only to the extent its requirements are not preempted or superseded by the Uniform Construction Code.

§5-301. Adoption of Fire Prevention Code.

That a certain document, three copies of which are on file in the office of the City Clerk of the City of Connellsville being marked and designated as the "Basic Fire Prevention Code" as published by the Building Officials and Code Administrators (BOCA) International, Inc., be and is hereby incorporated into the fire prevention code of the City of Connellsville for the prevention of fires as herein provided; and each and all of the regulations of the Basic Fire Prevention Code are hereby referred to, adopted and made a part thereof, as if fully set out in this Part.

(Ord. 1391, 2/8/1999, §1)

§5-302. Affecting Suits.

Nothing in this Part or in Basic Fire Prevention Code hereby incorporated shall be construed to affect any suit or proceeding impending in any court or any rights acquitted or liability incurred, or any cause of action acquired or existing, under any act or ordinance presently in existence; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 1391, 2/8/1999, §II)

§5-303. General Requirements.

- A. Residential buildings intended for occupancy between November 1 and May 1 of the following year shall be provided with heating equipment designed to maintain a temperature of not less than 70° Fahrenheit at a distance of 3 feet and more from exterior walls and at a level of 5 feet above the floor in habitable spaces, kitchenettes, bathrooms and toilet rooms. The capability of the heating equipment to maintain such indoor temperature shall be based on the average of the recorded annual minimum outside temperatures for the locality.
- B. In multiple dwellings, adequate heat shall be provided to maintain the indoor temperature

in habitable spaces, kitchenettes, bathrooms and toilet rooms at 70° Fahrenheit from 6:00 a.m. - 11:00 p.m. when the outside temperature falls below 55° Fahrenheit. The City of Connellsville prohibits the use of all portable fuel burning heaters in all multiple dwellings, either side by side or storied.

(Ord. 1391, 2/8/1999, §III)

PART 4

ELECTRICAL CODE

NOTE: The Commonwealth's and City's adoption of the Uniform Construction Code modified the implementation of the National Electric Code. The National Electric Code is enforceable only to the extent its requirements are not preempted or superseded by the Uniform Construction Code.

§5-401. Adoption of National Electrical Code.

There is hereby adopted by the City of Council of the City of Connellsville for the purpose of establishing rules and regulations for the installation, renewal, extension and reception of electric wiring and electric apparatus in existing buildings, structures or outdoor electrical displays or signs, or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, that certain code known as the "National Electrical Code," as recommended by the National Fire Protection Association, being particularly the 1968 edition thereof and the whole thereof, hereinafter referred to as the "National Electrical Code," of which not less than three copies have been and now are filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set forth at length herein and from the date on which this Part shall take effect, the provisions thereof shall be controlling for all existing and future electrical wiring and apparatus in buildings, structures or outdoor electrical displays or signs within the City.

(Ord. 964, 7/27/1964, §1; as amended by Ord. 1016, 3/11/1968, §1; and by Ord. 1107, 11/12/1974, §1)

§5-402. Enforcement.

The National Electrical Code, adopted in §5-401 hereof, shall be enforced by the office of the Building Official of the City of Connellsville, heretofore created by Ord. 942 of the City, and the executive official in charge shall be known as the Building Official. The Building Official shall, upon the installation, renewal, extension and reception of any electrical wiring and electric apparatus pursuant to this Part, cause an inspection or inspections to be made by himself or his duly authorized agents, to determine that the electrical work conforms with the National Electrical Code and this Part and the provisions of the ordinances of this City and the laws of the Commonwealth of Pennsylvania.

(Ord. 964, 7/27/1964, §2)

§5-403. Prohibition Without Permit.

No person, co-partnership, firm, association, corporation or other legal entity shall hereafter install, receive, renew or extend electrical wire or conductors to be used for the transmission of electric current for electric light, heat or power purposes in existing buildings, structures or outdoor electrical displays or signs or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, without first applying for and obtaining a permit to do so pursuant to the provisions of this Part.

- A. All such applications for a permit shall be made to the Building Official in writing on forms supplied by said Building Official.
- B. Any person making any false answers to any of the questions or items set forth in such application form shall forthwith forfeit and surrender any permit issued pursuant thereto.
- C. Such application form shall contain questions designed to elicit information to determine whether or not the said proposed electric wiring and electric apparatus complies with the National Electrical Code and any other ordinance of the City or laws of the Commonwealth of Pennsylvania.
- D. Each such application form shall be accompanied by a fee prescribed by this Part.
- E. Each applicant for a permit shall furnish to the Building Official proof in writing that an application for inspection of the proposed electric wiring and electric apparatus has been made to Middle Department Association of Underwriters, a nonprofit corporation, hereinafter referred to as "underwriters" or a similar organization that specializes in such inspections, to determine that the electrical work conforms with the provisions of the National Electrical Code and this Part. The payment of all inspection fees and charges of the underwriters or a similar organization shall be borne by the applicant.
- F. Each applicant for a permit shall cause the premises covered by the application to be open for inspection or inspections to the Building Official and his agents and the representative or representatives of the underwriters or similar organizations at all reasonable times.
- G. Upon the Building Official's determination that the proposed electric wiring and electric apparatus comply with the National Electrical Code and the provisions of the ordinance and the provisions of the ordinances of the City and the laws of the Commonwealth of Pennsylvania, a permit shall issue forthwith.
- H. All permits shall expire at expiration of 1 year from the date of issuance by the Building Official.

(Ord. 964, 7/27/1964, §3)

§5-404. Inspection of Work Under Permit.

- A. All inspections shall be made to insure that the proposed electrical work complies with the provisions of the National Electrical Code. No electric wiring shall be concealed unless inspected and approved by the Building Official and his agents and the representative or representatives of the underwriters or similar organizations, but such inspection or re-inspection shall be made within a reasonable time after notice of the completion of the electrical work sought to be inspected for approval. A duplicate record of each written approval made by the underwriters or similar organizations shall be filed with the Building Official.
- B. All decisions made to determine whether or not the proposed electrical work complies with the provisions of the National Electrical Code shall be made by the Building Official.
- C. The Building Official shall have the power to stop electrical work and order the removal thereof when he determines that such work is being installed not in conformity with the National Electrical Code and this Part and the provisions of ordinances of this City and the laws of the Commonwealth of Pennsylvania.
- D. The Building Official may waive his inspection of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the underwriters or similar organizations that it complies with the provisions of the National Electrical Code and this Part. Notice of the waiver of inspection shall be served on the applicant so that the approved work can be concealed.

(Ord. 964, 7/27/1964, §4)

§5-405. Inspection of Existing Electrical Wiring and Apparatus.

- A. In order to safeguard persons and property against the hazards and perils incident to defective electric wiring and apparatus that are or may now be in existence within the corporate limits of the City, the Building Official is hereby given the duty to inspect with his agents and the representative or representatives of the underwriters or similar organizations when requested by proper authority, or when public interest so requires, any premises within the City at reasonable times to insure that the existing wiring system and apparatus is not defective and safe.
- B. All decisions that the existing electric wiring system and apparatus is defective shall be made by the Building Official in writing on notice to the owner of the premises served forthwith personally or by regular mail addressed to the address as shown on the latest tax records, with reasons for the decision.
- C. Upon the Building Official's decision that the existing electric wiring system is defective

and unsafe, aforesaid, the system or portions of the system which are defective and unsafe shall be discontinued until it is corrected and made to comply with the provisions of the National Electrical Code.

(Ord. 964, 7/27/1964, §5)

§5-406. Hearing.

- A. Every applicant and owner of the premises and other parties in interest shall have the right to demand in writing a hearing before the Building Official to contest any decision or orders are contested and his, her or their interest in the premises.
- B. The Building Official shall fix a time and place for the hearing not less than 10 days nor more than 30 days after receiving such demand for a hearing and cause a notice of the hearing to be served personally or by regular mail on the contestant, owner of the premises and other parties in interest.
- C. The Building Official, within a reasonable time after such hearing shall make his decision in writing with a finding of the facts and the reasons for his decision, and serve a copy of his decision personally or by regular mail on the contestant, owner of the premises and other parties in interest.

(Ord. 964, 7/27/1964, §6)

§5-407. Approved Materials.

Only the materials, fittings and devices enumerated in the "List of Inspected Appliances" of Underwriters Laboratories, Inc., as revised from time to time, shall be used in electrical work regulated by the National Electrical Code and this Part.

(Ord. 964, 7/27/1964, §7)

§5-408. Requirements.

- A. The National Electrical Code herein adopted is supplemented by adding thereto the following which is made a part thereof.
- B. Whenever a permit is required under the terms of this Part for electrical wiring and apparatus to be done in connection with a gas or oil burner installation in any existing building or structure or in the construction, reconstruction, alteration or repair of buildings or structures, there shall be installed an emergency shut-off switch, with a red plate thereon marked "oil burner" or "gas burner" as the case may be, at the entrance to the basement or heating room.

(Ord. 964, 7/27/1964, §8)

§5-409. Modification on Appliances.

The Building Official shall have the power to modify any of the provisions of this Part, upon application in writing by the owner of a premises or his agent, when there are practical difficulties in the way of carrying out the strict letter of this Part; provided that the spirit of this Part shall be observed, public safety secured and substantial justice done.

(Ord. 964, 7/27/1964, §9)

§5-410. Records.

All records of the Building Official pursuant to this Part shall be open to public inspection for good and sufficient reasons during office hours, but shall not be removed from the office of the Building Official without his written consent.

(Ord. 964, 7/27/1964, §10)

§5-411. Exemption.

No permit shall be required under this Part for the following electrical work:

- A. Minor repair work such as the replacement of lamps and fuses.
- B. The connection of portable electrical appliances to suitable permanently installed appliances.
- C. Equipment installed or work performed by a railway utility in the exercise of its function as a utility and located in or on its right-of-way.
- D. Equipment used in connection with commercial radio and television transmission.
- E. Repair, manufacturing and maintenance work on premises occupied by a firm or corporation and installation work on existing buildings occupied by a firm or corporation and performed by a regular employee who is qualified journeyman electrician.

(Ord. 964, 7/27/1964, §11)

§5-412. Fees.

Fees for permits or renewals thereof required by this Part shall be in an amount as established from time to time by resolution of City Council.

(Ord. 964, 7/27/1964, §11; as amended by A.O.)

§5-413. Penalties.

Any person, firm or corporation who shall violate any of the provision of this Part or of the National Electrical Code hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall do or cause to be done any fail to comply with any order made thereunder, or who shall do or cause to be done any electrical work in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Official within the time fixed therein, shall, severally for each and every such violation and noncompliance, respectively, shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. The imposition of the penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. Provided, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 964, 7/27/1964, §13; as amended by Ord. 1107, 11/12/1974 §2; and by A.O.)

PART 5

INTERNATIONAL PROPERTY MAINTENANCE CODE

§5-501. Adoption of Property Maintenance Code.

The *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Connellsville, in the state of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings 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 condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the City of Connellsville 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 §5-502.

(Ord. 1342, 9/13/1993, §1; amended by Ord. 1407, 8/13/2001, Art. 1; Ord. 1483, 1/1/2012, §1; and Ord. 1511, 12/16/2014, §1)

§5-502. Amendments Made in Property Maintenance Code.

The property maintenance code hereby adopted is amended as follows:

Section 101.1. Title: These regulations shall be known as the *International Property Maintenance Code* of the City of Connellsville, hereinafter referred to as “this code.”

Section 103.5. Fees: The fees for activities and services performed by the department by carrying out its responsibilities under this code shall be as indicated in the following schedule, which may be amended by resolution of City Council:

1. Vegetation Cutting: \$300 per incident under five man (5) hours.
2. Rubbish Removal: \$300 per incident under five man (5) hours.
3. Road Clearing or Special Treatment: \$300 per incident under two (2) hours.
4. Any service provided by The City's employees in addition to, or over the hours of the above mentioned, will be billed at \$200 per hour plus material charges and a 10% service fee.
5. Contracted Services: Cost to the City plus 10% service charge.

Section 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Upon Conviction thereof, The City of Connellsville sets this fine of not more than One Thousand Dollars (\$1,000) per offense, and in default of payment, to imprisonment for not more than thirty (30) days per offense.

Section 107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the structure affected by such notice.

Section 112.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than Fifty (\$50) dollars or more than One Thousand (\$1,000) dollars.

Section 302.4. Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees and shrubs; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

Section 304.14. Insect screens: During the period from April 1 to October 1, every door, window, and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Section 602.3. Heat Supply: Every *owner* and *operator* of any building who rents, leases, or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 1 to May 1 to maintain a minimum temperature of 68° F (20° C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality should be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30° F (-1° C) a minimum temperature of 65° F (18° C) shall be maintained.

Section 602.4. Occupiable work spaces: Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a minimum temperature of 65° F (18° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. 1342, 9/13/1993, §2; amended by Ord. 1407, 8/13/2001, Art. 2; Ord. 1483, 1/1/2012, §2; and Ord. 1511, 12/16/2014, §2)

§5-504. Provisions to be Continuation of Existing Regulations.

Nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed 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 this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 1342, 9/13/1993, §4; amended by Ord. 1407, 8/13/2001, Art. IV; Ord. 1483, 1/1/2012, §5; and Ord. 1511, 12/16/2014, §5)

PART 6

BOCA NATIONAL MECHANICAL CODE

NOTE: The Commonwealth's and City's adoption of the Uniform Construction Code modified the implementation of the BOCA National Mechanical Code. The BOCA National Mechanical Code is enforceable only to the extent its requirements are not preempted or superseded by the Uniform Construction Code.

§5-601. Adoption of Mechanical Code.

The City of Connellsville hereby adopts, for the purpose of prescribing regulations governing the safe installation and maintenance of all mechanical equipment, the mechanical code know as "BOCA National Mechanical Code, 1993, Eighth Edition," save and except such portions as are hereinafter deleted, modified or amended of which three copies have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Connellsville.

(Ord. 1337, 9/13/1993, §1)

§5-602. Amendments to Mechanical Code.

The mechanical code hereby adopted is amended as followed:

- A. The City of Connellsville shall be inserted wherever the words "Name of Jurisdiction" appear in brackets therein.
- B. Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the City Solicitor.
- C. Section M-114.2 is amended to include the following:

§M-114.2. Periodic Inspections. The fees for all mechanical work shall be fixed pursuant to a resolution of the City Council of the City of Connellsville.
- D. Section M-114.3 is amended to include the following:

§M-114.3. Fee Schedule. The fees for all mechanical work shall be fixed pursuant to a resolution of the City Council of the City of Connellsville.
- E. Section M-117.4 is hereby amended to read as follows:

§M-117.4. Penalty for Violation.

1. Any person, firm or corporation who shall violate any provision of this code shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Each day that a violation of this code continues shall constitute a separate offense. [A.O.]
2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

F. Section M-118.2 is amended to read as follows:

§M-118.2. Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Each day's continuance of the violation shall constitute a separate offense. [A.O.]

(Ord. 1337, 9/13/1993, §2; as amended by A.O.)

§5-603. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 1337, 9/13/1993, §3)

§5-604. Provisions to be Continuation of Existing Regulations.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not effect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense of any of the repealed ordinances.

(Ord. 1337, 9/13/1993, §4)

PART 7

PRIVATE SEWAGE DISPOSAL CODE

NOTE: The Commonwealth's and City's adoption of the Uniform Construction Code modified the implementation of the BOCA National Private Sewage Disposal Code. The BOCA National Private Sewage Disposal Code is enforceable only to the extent its requirements are not preempted or superseded by the Uniform Construction Code.

§5-701. Adoption of Private Sewage Disposal Code.

A certain document, three copies of which are on file in the Office of the City Clerk of the City of Connellsville being marked and designated as the "BOCA National Private Sewage Disposal Code, Third Edition, 1993" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Private Sewage Disposal Code of the City of Connellsville of the City of Connellsville in the State of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Private Sewage Disposal Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes if any prescribed in §5-702 of this Part.

(Ord. 1340, 9/13/1993, §1)

§5-702. Additions, Insertions and Changes.

The following sections are hereby revised as follows:

- A. Section PS-100.1: City of Connellsville
- B. Section PS-104.1. Insert.
- C. Section PS-114.2. Insert.
- D. Section PS-117.4. Insert.
- E. Section PS-118.2. Insert.
- F. Section PS-404.2.5. Insert G. Section PS-404.2.6. Insert.

(Ord. 1340, 9/13/1993, §3)

§5-703. Saving Clause.

Nothing in this Part or in the Private Sewage Disposal Code hereby adopted shall be construed 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 by this Part nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 1340, 9/13/1993, §4)

PART 8

ENERGY CONSERVATION CODE

NOTE: The Commonwealth's and City's adoption of the Uniform Construction Code modified the implementation of the BOCA National Energy Conservation Code. The BOCA National Energy Conservation Code is enforceable only to the extent its requirements are not preempted or superseded by the Uniform Construction Code.

§5-801. Adoption of Energy Conservation Code.

A certain document, three copies of which are on file in the Office of the City Clerk of the City of Connellsville being marked and designated as the "BOCA National Energy Conservation Code, Seventh Edition, 1993," as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Energy Conservation Code of the City of Connellsville in the State of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Energy Conservation Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-802 of this Part.

(Ord. 1341, 9/13/1993, §1)

§5-802. Additions, Insertions and Changes. The following sections are hereby revised as follows:

None of the sections of the BOCA National Energy Conservation Code, Seventh Edition (1993) are revised, deleted or changed by this Part.

(Ord. 1341, 9/13/1993, §3)

§5-803. Saving Clause.

Nothing in this Part or in the Energy Conservation Code hereby adopted shall be construed 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 by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 1341, 9/13/1993, §4)

PART 9

OPEN FIRES AND BURNING

§5-900. Intent and Policy.

It is against public policy to permit uncontrolled and unrestricted outdoor burning. The purpose of this Part is to prevent needless public damage to life and property because of public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained. It is hereby declared to be the policy of the City of Connellsville to safeguard the residents of the City of Connellsville from such air pollution, damage, and injury.

(Ord. 1510, 12/16/2014, §1)

§5-901. Definitions.

The following terms, words, and phrases, whenever used in this Part, shall be construed and defined as follows:

- A. “Contained Fire” shall mean any fire contained in an incinerator, furnace, fireplace, or other contained enclosure designed for outdoor cooking, or a non-combustible container with a flue or wire screen of 1/2 inch or smaller mesh.
- B. “Furnace” shall mean any enclosed device specifically designed for burning any material for the production of heat.
- C. “Garbage” shall mean all putrescible animal and vegetable matter resulting from the handling, preparation, cooking, and consumption of food.
- D. “Incinerator/Non-Combustible Container” shall mean any device specifically designed for the destruction by burning of refuse, sewage sludge, or any combustible material.
- E. “Open Fire” shall mean any fire not included in the meaning of “contained fire.”
- F. “Person” shall mean any individual, partnership, association, corporation, company, department, bureau, agency, or legal entity.
- G. “Refuse” shall mean garbage, rubbish, and trade waste.
- H. “Responsible Adult” shall mean an individual eighteen (18) years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.
- I. “Rubbish” shall mean household and domestic solids not considered to be highly

flammable or explosive, including but not limited to, rags, old clothes, leather, rubber, carpets, excelsior, ashes, furniture, tin cans, glass, crockery, masonry, plastics, recyclable items, and other similar items.

- J. “Salvage Operations” shall mean 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.
- K. “Trade Waste” shall mean 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, that “trade waste” shall not include any coal refuse associated with mining or preparation of coal.

(Ord. 1510, 12/16/2014, §2)

§5-902. Permitted Open Fires.

The following regulations shall apply to all open fires set, used, or burning within the City of Connellsville:

- A. Permitted Times. Except as provided in subsection (b) for certain recreational fires, open fires shall be permitted only during the following times:

Monday through Friday	1:00 p.m. to 9:00 p.m.
Saturday	8:00 a.m. to 9:00 p.m.
Sundays	Prohibited
- B. Permitted Recreational Fires Exception. Recreational fires using natural, untreated wood and containing a fuel source of no more than eight (8) cubic feet are permitted at any time so long as they comply with all other provisions of this Part and all other ordinances of the City of Connellsville.
- C. Permitted Open Fires. No person may permit open fires on his, her, or its property with the exception of the following:
 - 1. Open fires set and used for the burning of waste generated by clearing and grubbing prior to construction;
 - 2. Open fires set and used for burning of that amount of yard waste generated from the premises of a structure occupied solely as a dwelling by two families or less (except where composting is mandatory), when the fire is on the premises of said structure;

3. Open fires set and used in conjunction with the production of agricultural commodities in their un-manufactured state on the premises of the farm operation;
4. Open fires set and used solely for recreational or ceremonial purposes, or set and used only for cooking;
5. Open fires set and used to prevent or abate a fire hazard, when approved by Pennsylvania Department of Environmental Protection and set by or under the supervision of a public officer;
6. Open fires set and used for the purpose of instructing personnel in fire fighting;
7. Open fires set and used for the prevention and control of disease or pests;
8. Open fires for the conservation and management of unique and natural areas and/or for the reduction of fuel loads; or
9. Open fires used as a management technique for preventing wildfires, scientific research, or vegetation management.

(Ord. 1510, 12/16/2014, §3)

§5-903. General Limitations on All Contained Fires and Open Fires.

The following regulations shall apply to all contained fires and open fires set, used, or burning within the City of Connellsville:

- A. **Public Property.** No person shall set start, feed, permit to burn, or maintain any fire upon any of the streets, sidewalks, alleys, or public grounds in the City of Connellsville, except with the approval of the City Council or the Chief of Police or where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.
- B. **Safe Distances.**
 1. It shall be unlawful to allow any fire, including cooking, within an unsafe distance from any building or property line.
 2. No fire shall be set, started, fed, permitted to burn, or maintained where such fire may endanger any building, structure, or property, except where such building, structure, or property is used by a fire department for training purposes.
 3. Outdoor fires shall be permitted only upon private property and shall take place at least twenty (20) feet from any building, structure, property line, or road line.

4. Nothing contained herein shall be deemed to prohibit indoor cooking activities providing that reasonable safeguards are maintained.
5. Cooking grills may be less than twenty (20) feet from a building providing that reasonable safeguards are maintained.

C. Control of Burning and Unattended Fires.

1. No fire shall be permitted to burn in a manner that causes or enables smoke, smoke odors, ash, sparks, or embers to cross onto other properties or streets, sidewalks, alleys, or public grounds either in the immediate vicinity of or within twenty (20) feet of any building, structure, tree, or vegetation.
2. No fire shall be permitted to burn unattended without a responsible adult being present at all times and without a readily-available fire-extinguishing apparatus.
3. No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The City Council may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
4. No fire shall be set that results or is likely to result in uncontrolled burning of vegetation.
5. Outdoor fires shall be confined in a non-combustible container, covered with a wire screen of one-half or smaller mesh, or in other suitable non-combustible container, except for fires of grass and/or natural, untreated wood which need not be confined to or covered by a non-combustible container
6. Open fires must be extinguished thoroughly with no smoldering.

D. Unlawful Substances.

1. Burning of construction debris, plastics, aerosol cans, byproducts of manufacturing and processing operations, and wastes from commercial operations is strictly prohibited.
2. Nothing contained herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance; nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or the United States of America or any other competent body.
3. No refuse, garbage, offal, recyclables, or trade waste may be burned at any time

either indoors or outdoors.

4. Fires shall be used only to burn readily combustible materials.
5. Special Circumstances. In the event that it is necessary to have an uncontrolled fire of any size, special permission must be obtained in advance from any official or person designated by ordinance or resolution of the City Council.

(Ord. 1510, 12/16/2014, §4)

§5-904. Compliance with Part.

- A. It shall be unlawful to burn, ignite, incinerate, maintain, or permit to burn any materials whatsoever, of whatever nature, without complying with this Part.
- B. Nothing contained herein shall be construed to prevent fire-fighting training by City-designated firefighting organizations.
- C. Any fire in violation of this Part may be extinguished by an official of a City-designated firefighting organization, the City Code Enforcement Officer, or an officer of the City Police Department.

(Ord. 1510, 12/16/2014, §5)

§5-905. Emergency Fire Ban.

- A. The City Council may declare a fire ban emergency in the City of Connellsville with or without consultation with the fire chiefs or other personnel of the fire companies operating within the City of Connellsville during period of drought, or other periods of high fire risk to woodlands or property within the City of Connellsville.
- B. Upon the City Council's declaring a fire ban emergency, all outdoor burning or fires shall be prohibited until the ban is lifted by the City Council.
- C. The City of Connellsville shall publish a notice of the fire ban emergency at least once in a local newspaper of general circulation. In addition, the City of Connellsville may issue news releases to all communication media, including radio, television, and newspapers.

(Ord. 1510, 12/16/2014, §6)

§5-906. Enforcement.

- A. The City Council appoints and authorizes the City Police Department and the City Code

Enforcement Officer to enforce the provisions of this Part.

- B. The City of Connellsville may issue such orders as are necessary to aid in the enforcement of the provisions of this Part. These orders shall include, but shall not be limited to: orders requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provision of this ordinance; orders to take corrective action or to abate a public nuisance; orders requiring the testing, sampling, or monitoring of any open burning; or orders requiring production of information. Such an order may be issued if the City of Connellsville finds that any condition existing in or on the facility or source involved is causing or contributing to open burning or if the City of Connellsville finds that any person is in violation of any provision of this Part.
- C. Whenever the enforcement officer finds that a contained fire or an open fire not in compliance with this Part is occurring in the City of Connellsville, the enforcement officer may order the owner or operator of the property on which such fire is burning to take corrective action in a manner satisfactory to the City of Connellsville, or the enforcement officer may order the owner or operator to allow access to such property by the enforcement officer or a third party to take such action.

(Ord. 1510, 12/16/2014, §7)

§5-907. Penalties.

- A. It shall be unlawful to burn, ignite, incinerate, maintain, or otherwise permit the burning of any materials whatsoever without complying with the requirements of this Part. Nothing contained herein shall be construed to prevent fire-fighting training by City-designated fire-fighting organizations.
- B. Any person who shall violate any of the provisions of this Part shall, upon conviction in a summary proceeding brought in the name of the City of Connellsville, before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$50.00 and not more than \$1,000.00, plus the costs of prosecution, and in default of payment, to imprisonment for a term of not to exceed ninety (90) days, provided that each day's violation of any of the provisions of this Part shall constitute a separate offense.
- C. No penalty herein shall prevent the City of Connellsville from enforcing this Part by equitable, injunctive, and other remedies.

(Ord. 1510, 12/16/2014, §8; A.O.)

§5-908. Reimbursement of Costs.

- A. In the case of a fire requiring fire fighters and/or equipment and upon conviction of any violation of this Part, the violator shall also pay charges in order to cover the fire fighting costs. Charges shall be assessed for use of the following firefighting equipment:
1. Pumpers and tankers.
 2. Brush busters. Brush busters are all-wheel-drive vehicles equipped for off-road or wooded area use with a water tank of at least five hundred (500) gallons capacity and an appropriate size pump.
 3. Chain saws and demolition equipment.
- B. Additional labor charges shall be assessed under this Part based upon an hourly rate for all paid firemen engaged in the firefighting activities.
- C. The City Council shall determine by resolution a reasonable schedule of costs based upon mileage, operating costs, and firefighting equipment and man hours rate. These charges shall be in addition to and not in lieu of any criminal or other penalties provided elsewhere in this Part.

(Ord. 1510, 12/16/2014, §9)

§5-909. Public Nuisance and Abatement.

A violation of this Part or of any order issued by the City of Connellsville under this Part shall constitute a public nuisance. The City of Connellsville shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, the City of Connellsville may recover the expenses of abatement. Whenever the nuisance is maintained or continued contrary to this Part or any order issued pursuant to this Part, the nuisance may be abatable in the manner provided by this Part. Any person who causes the public nuisance shall be liable for the cost of abatement.

(Ord. 1510, 12/16/2014, §10)

§5-910. Municipal Liability.

The City Council and its agents, officials, and representatives, shall not under any circumstances be liable or responsible for damages caused to any person or property by reason of the conduct of any burning activity in compliance or noncompliance with the terms and provisions hereof. The person or persons responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

(Ord. 1510, 12/16/2014, §11)

PART 10

MUNICIPAL LIENS FOR CODE VIOLATIONS

§5-1001. Placement of Liens.

Whenever any department of the City of Connellsville, pursuant to any law, statute or ordinance shall cause funds to be expended by the city to remove or abate any nuisance or dilapidated structure or hazardous condition or any property situate within the City of Connellsville, the City Clerk and the City Solicitor shall take all appropriate action to file against the property on which said abatement or removal has taken place at the expense of the City, a lien for the amount of said expenditure, the costs of placing and prosecuting said lien as authorized by Chapter 25 of The General Municipal Law, 53 P.S. Section 7101 et seq., as from time said law shall be amended, and attorney fees as allowed by law.

(Ord. 1426, ____/____/2003, §1)

§5-1002. Source of Funds.

The action to be taken pursuant to §1001 of this Part to file the allowed lien shall be taken by the City Clerk and the Solicitor whether the funds expended to abate or remove the subject residence, dilapidated structure or dangerous condition shall be filed shall come from the City's General Fund, Community Development Block Grants designated by the City Council for such use, or other funds, provided that all funds recouped from enforcement of the liens will be repaid to the funds from which each such expenditure was originally made.

(Ord. 1426, ____/____/2003, §2)

§5-1003. Recoupment.

When payment is to be made by the property owner to obtain a release of the subject property from the lien, the City Clerk and the City Solicitor are directed to collect a sum equal to all sums permitted to be collected pursuant to the General Municipal Law, including but not limited to a sum equal to the amount expended by the City to abate or remove the condition on the subject property, all allowable interest accrued on said amount from the date of the expenditure until the date of payment, and all reasonable costs and attorney fees in connection with such collection. No compromise of the amount due to be repaid shall be effective unless said compromise is first presented to and approved by a majority vote of City Council.

(Ord. 1426, ____/____/2003, §3)

PART 11

NEIGHBORHOOD BLIGHT RECLAMATION AND REVITALIZATION - PERMIT DENIAL AND ASSET ATTACHMENT.

§5-1101. Title.

This Part shall be known as the City of Connellsville's Blight Reclamation and Revitalization Ordinance.

(Ord. 1534, 6/28/2018, §1)

§5-1102. Purpose.

The City of Connellsville finds it to be the best interest of the residents of the City of Connellsville to provide for certain protections and safeguards in order to address deteriorated properties, public nuisances and properties in serious violation of State law and/or municipal codes. Such protections and safeguards include denial of permits, and actions at law and in equity to address deteriorated properties, which impact upon crime, quality of life of our residents and require expenditure of public funds to correct and/or abate nuisances, violations and delinquent municipal service accounts.

(Ord. 1534, 6/28/2018, §2)

§5-1103. Definitions.

The following words and phrases when used in this Part shall have the meanings given to them in this section unless the context clearly indicates otherwise.

BOARD - shall mean and refer to the Planning Commission, the Board of Health, or the Zoning Hearing Board, or such other body granted jurisdiction to render decisions in accordance with the Municipalities Planning Code, the State Municipal Planning Code, any Code of the City of Connellsville, or any board authorized to act in a similar manner by law.

THE CITY - shall refer to the City of Connellsville, County of Fayette, Commonwealth of Pennsylvania.

BUILDING - shall mean and refer to a residential, commercial or industrial building or structure and the land appurtenant to it.

CODE - shall mean and refer to a building, housing, property maintenance, fire, health or other public safety ordinance enacted by the City. The term does not include a subdivision and land development ordinance or a zoning ordinance enacted by a municipality.

COURT - shall mean and refer to the appropriate court of common pleas or magisterial district judge court.

MORTGAGE LENDER - shall mean and refer to a business association defined as a "banking institution" or "mortgage lender" under 7 Pa.C.S. Ch. 61 (relating to mortgage loan industry licensing and consumer protection) that is in possession of or holds title to real property pursuant to, in enforcement of or to protect rights arising under a mortgage, mortgage note, deed of trust or other transaction that created a security interest in the real property.

MUNICIPALITY - shall mean and refer to the City of Connellsville, Fayette County, Pennsylvania, or any city, borough, township, incorporated town, township or home rule, optional plan or optional charter municipality or municipal authority in this Commonwealth and any entity formed pursuant to Subchapter A of Chapter 23 (relating to intergovernmental cooperation).

MUNICIPAL PERMITS - shall mean and refer too privileges relating to real property granted by a municipality, including, but not limited to, building permits, exceptions to zoning ordinances and occupancy permits. The term includes approvals pursuant to land use ordinances other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment.

MUNICIPAL SERVICES - shall mean and refer to services provided at a cost by the City of Connellsville or other municipal entity, including water service, sanitary sewer service, and refuse collection service, which benefit individual properties and also serve to benefit the overall welfare, safety and health of all residents of the City of Connellsville.

OWNER - shall mean and refer to a holder of the title to residential, commercial or industrial real estate, other than a mortgage lender, who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record.

PUBLIC NUISANCE - shall mean and refer to property which, because of its physical condition or use, is regarded as a public nuisance at common law or has been declared by the appropriate official a public nuisance in accordance with a municipal code.

SERIOUS VIOLATION - shall mean and refer to a violation of a State law or a code that poses an imminent threat to the health and safety of a dwelling occupant, occupants in surrounding structures or passersby. A serious violation may include a violation of any City property maintenance code including, without limitation, provisions relating to Unsafe Structures and Equipment (108 of the 2015 IPMC), an Exterior Unsafe Condition (304.1.1 of the 2015 IPMC), or a Component Serviceability Unsafe Condition (306.1.1 of the 2015 IPMC). An imminent threat shall be interpreted to include, without limitation, an imminent danger as such term may be defined in accordance with any city property maintenance code.

STATE LAW - shall mean and refer to a statute of the Commonwealth or a regulation of an agency charged with the administration and enforcement of Commonwealth law.

SUBSTANTIAL STEP - shall mean and refer to an affirmative action as determined by a property code official or officer of the court on the part of a property owner or managing agent to remedy a serious violation of a State law or municipal code, including, but not limited to, physical improvements or repairs to the property, which affirmative action is subject to appeal in accordance with applicable law.

TAX DELINQUENT PROPERTY - shall mean and refer to tax delinquent real property as defined under the act of July 7, 1947 (P.L. 1368, No. 542), known as the Real Estate Tax Sale Law; the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law; or the act of October 11, 1984 (P.L. 876, No. 171) known as the Second-Class City Treasurer's Sale and Collection Act, located in any municipality in this Commonwealth.

(Ord. 1534, 6/28/2018, §3)

§5-1104. Actions.

In addition to any other remedy available at law or in equity, the City of Connellsville, may institute the following actions against the owner of any real property that is in serious violation of a code or for failure to correct a condition which causes the property to be regarded as a public nuisance:

- A. An in personam action may be initiated for a continuing violation for which the owner takes no substantial step to correct within six months following receipt of an order to correct the violation, unless the order is subject to a pending appeal before the administrative agency or court. Notwithstanding any law limiting the form of action for the recovery of penalties by a municipality for the violation of a code, the City of Connellsville may recover, in a single action under this section, an amount equal to any penalties imposed against the owner and any costs of remediation lawfully incurred by or on behalf of the City of Connellsville to remedy any code violation.

- B. A proceeding in equity.
- C. A lien may be placed against the assets of an owner of real property that is in serious violation of a code or is regarded as a public nuisance after a judgment, decree or order is entered by a court of competent jurisdiction against the owner of the property for an adjudication under section 6111 (relating to actions). Nothing in this section shall be construed to authorize, in the case of an owner that is an association or trust, a lien on the individual assets of the general partner or trustee, except as otherwise allowed by law, limited partner, shareholder, member or beneficiary of the association or trust.

(Ord. 1534, 6/28/2018, §4)

§5-1105 Out-Of-State Owners; Service of Process Upon Association And Trusts.

- A. A person who lives or has a principal place of residence outside this Commonwealth, who owns property in this Commonwealth against which code violations have been cited and the person is charged under 18 Pa.C.S. (relating to crimes and offenses), and who has been properly notified of the violations may be extradited to this Commonwealth to face criminal prosecution to the full extent allowed and in the manner authorized by 42 Pa.C.S. Ch. 91 (relating to detainers and extradition).
- B. Where, after reasonable efforts, service of process for a notice or citation for any code violation for any real property owned by an association or trust cannot be accomplished by handing a copy of the notice or citation to an executive officer, partner or trustee of the association or trust or to the manager, trustee or clerk in charge of the property, the delivery of the notice or citation may occur by registered, certified or United States Express mail, accompanied by a delivery confirmation to the registered office of the association or citation trust. Where the association or trust does not have a registered office, notice may occur by registered, certified or United States Express Mail, to the mailing address used for real estate tax collection purposes, if accompanied by the posting of a conspicuous notice to the property and by handing a copy of the notice or citation to the person in charge of the property at that time.

(Ord. 1534, 6/28/2018, §5)

§5-1106. Municipal Permit Denials.

- A. The City of Connellsville or a board may deny issuing an applicant a Municipal Permit if the applicant owns real property in any municipality for which there exists on the real property:

1. Tax and/or Municipal Services delinquencies on account of the actions of the owner; or
 2. A Serious Violation and the Owner has taken no Substantial Step to correct the Serious Violation within six months following notification of the violation and for which fines or other penalties or a judgment to abate or correct were imposed by a magisterial district judge or municipal court, or a judgment at law or in equity was imposed by a court of common pleas. However, no denial shall be permitted on the basis of a property for which the judgment, order or decree is subject to a stay or superseded by an order of a court of competent jurisdiction or automatically allowed by statute or rule of court until the stay or supersedes is lifted by the court or a higher court or the stay or supersedes expires as otherwise provided by law. Where a stay or supersedes is in effect, the property owner shall so advise the City of Connellsville or board seeking to deny a municipal permit. The City of Connellsville or board shall not deny a Municipal Permit to an applicant if the municipal permit is necessary to correct a violation of State law or a code.
- B. The Municipal Permit denial shall not apply to an applicant's delinquency on taxes, water, sewer, or refuse collection charges that are under appeal or otherwise contested through a court or administrative process.
- C. In issuing a denial of a Municipal Permit based on an applicant's delinquency in real property taxes or municipal charges or for failure to abate a serious violation of State law or a code on real property that the applicant owns in this Commonwealth, the City of Connellsville or board shall indicate the street address, municipal corporation and county in which the property is located and the court and docket number for each parcel cited as a basis for the denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate State agency, municipality or school district, in a form specified by such entity as provided in this section.
- D. All Municipal Permits denied in accordance with this subsection may be withheld until an applicant obtains a letter from the appropriate State agency, municipality or school district indicating the following:
1. the property in question has no final and unappealable tax, water, sewer or refuse delinquencies;
 2. the property in question is now in State law and code compliance; or
 3. the owner of the property has presented and the appropriate State agency or municipality has accepted a plan to begin remediation of a serious violation of State law or a code. Acceptance of the plan may be contingent on:

- (a) beginning the remediation plan within no fewer than 30 days following acceptance of the plan or sooner, if mutually agreeable to both the property owner and the municipality.
 - (b) completing the remediation plan within no fewer than 90 days following commencement of the plan or sooner, if mutually agreeable to both the property owner and the municipality.
- E. In the event that the appropriate State agency, municipality or school district fails to issue a letter indicating tax, water, sewer, refuse, State law or code compliance or noncompliance, as the case may be, within 45 days of the request, the property in question shall be deemed to be in compliance for the purpose of this section. The appropriate State agency, municipality or school district shall specify the form in which the request for a compliance letter shall be made. Letters required under this section shall be verified by the appropriate municipal officials before issuing to the applicant a Municipal Permit.
- F. Boards, including, without limitation, the City of Connellsville's Planning Commission, Board of Health, and Zoning Hearing Board, may deny approval of Municipal Permits - which includes special exception approval and variance relief - if warranted as set forth above to the extent that approval of such a Municipal Permit is within the jurisdiction of the board.
- G. In any proceeding before a board other than the governing body of the City of Connellsville, the City of Connellsville may appear to present evidence that the applicant is subject to a denial by the board in accordance with this section.
- H. For purposes of this subsection, a Municipal Permit may only be denied to an applicant other than an Owner if the applicant is acting under the direction or with the permission of an Owner; and the Owner owns real property that is subject to denial as set forth above.
- I. A denial of a Municipal Permit shall be subject to the provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action) or the Pennsylvania Municipalities Planning Code, for denials subject to the act.

(Ord. 1534, 6/28/2018, §6)

§5-1107. Conflict With Other Law.

In the event of a conflict between the requirements of this Part and Federal requirements applicable to demolition, disposition or redevelopment of buildings, structures or land owned by

or held in trust for the Government of the United States and regulated pursuant to the United States Housing Act of 1937 and the regulations promulgated thereunder, the Federal requirements shall prevail.

(Ord. 1534, 6/28/2018, §7)

§5-1108. Relief for Inherited Property.

Where property is inherited by will or intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable terms to correct code violations or to enter into a remediation agreement under section 6131(b)(1)(iii) (relating to municipal permit denial) with a municipality to avoid subjecting the devisee's or heir's other properties to asset attachment or denial of permits and approvals on other properties owned by the devisee or heir.

(Ord. 1534, 6/28/2018, §8)

§5-1109. Construction.

Nothing in this Part shall be construed to abridge or alter the remedies now existing at common law or by statute, but the provisions of this Part are in addition to such remedies.

(Ord. 1534, 6/28/2018, §9)

§5-1110. Authorized Officials.

The City of Connellsville's Clerk, Code Enforcement Department and City of Connellsville's Solicitor, and all others employed or appointed by the City of Connellsville, are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

(Ord. 1534, 6/28/2018, §10)

§5-1111. Conflict With Other Ordinances.

Any and all ordinances and/or resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

(Ord. 1534, 6/28/2018, §11)

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PART 1

CURFEW

§6-101. Policy and Intent.

- A. Violence in our community committed by and against minors is a cause of great concern for the immediate health, safety, and general welfare of our citizens. The City of Connellsville highly values the health, safety, and general welfare of our minors, and has a vested interest in preserving and nurturing them as a valuable asset and investment in Connellsville's future. Persons under the age of eighteen (18) are vulnerable to be pressured to participate in violent unlawful activities and to be victims of perpetrators of violent crimes due to their general lack of maturity and experience. Minors who are present in public places during the late night and early morning hours and during school hours are particularly vulnerable to being victimized and abused. The City of Connellsville needs effective tools available to protect minors from the dangers that exist in the late night and early morning hours and during school hours at public places.
- B. The City Council of the City of Connellsville, recognizing the problem of crimes committed by and committed against minors during the late night and early morning hours and during school hours and believing that it can be dealt with more effectively by regulating the hours during which minors may remain in public places and certain establishments without adult supervision, and by defining more clearly certain duties and responsibilities upon those who have custody and responsibility for the care of such minors, hereby enacts this ordinance with the intent of promoting the general welfare and protecting the general public through the reduction of juvenile violence and crime within the City of Connellsville, promoting the safety and welfare of the City's minors whose youth and inexperience renders them particularly vulnerable to becoming participants in criminal activity and victims of perpetrators of crime, and fostering and strengthening parental responsibility for children.

(Ord. 1125, 11/12/1974, §1; as amended by Ord. 1506, 4/15/2014, §2)

§6-102. Definitions.

The following terms, words, and phrases, whenever used in this ordinance, shall be construed and defined as follows:

AFTER HOURS - shall mean the period between the hours of 10:00 p.m. and 6:00 a.m. on Sunday through Thursday nights during the school year and between the hours of 11:00 p.m. and 6:00 a.m. on Friday and Saturday nights during the school year for the Connellsville Area School District and on all nights during the period of summer vacation from school for the Connellsville Area School District.

DURING SCHOOL HOURS - shall mean the period between the hours of 9:00 a.m. and 2:30 p.m. during any school day except any school day on which a school cancellation, vacation, or holiday is officially observed by the school attended by such minor.

ESTABLISHMENT - shall mean any privately owned place of business operated for profit, including any place of amusement or entertainment, to which the public is invited.

EMERGENCY - shall refer to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb, or property. The term includes but is not limited to fires, natural disaster, automobile accidents, or similar circumstances.

KNOWINGLY - shall mean knows or has reason to know.

MINOR - shall mean any person less than eighteen (18) years of age and does not include any person who is married or who is emancipated. For the purpose of this ordinance any person shall be deemed to be eighteen (18) years of age on the date of his or her 18th birthday and not before such date.

OPERATOR - shall mean any individual, firm, association, partnership, or corporation owning, operating, managing, or conducting any establishment. Whenever used in any provision prescribing a penalty, the word "operator" shall include the members, partners, officers, and managers of any firm, association, partnership, or corporation.

PARENT - shall mean the biological or adoptive parent of a minor; a legal guardian; or an adult person twenty-one (21) years of age or older and who is authorized by a minor's parent or legal guardian to be responsible, either temporarily or permanently, for the custody or care of any minor or for the control of such minor.

PUBLIC PLACE - shall mean any public street, highway, road, alley, park, playground, or parking lot, or any private building, structure or area to which the public is invited or in which the public is allowed to remain.

REMAIN - shall mean to be at or stay at a place.

(Ord. 1125, 11/12/1974, §2; as amended by Ord. 1506, 4/15/2014, §3)

§6-103. Unlawful Conduct of Minors.

It shall be unlawful for a minor to remain in or upon any public place or to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon an establishment within the boundaries of the City of Connellsville after hours or during school hours, except as follows:

- A. The minor is accompanied by a parent;
- B. The minor is involved in an emergency;

- C. The minor is engaged in an activity related to his or her employment, or is going to or returning home from such activity, without detour or stop;
- D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent, or the minor is on the property or the sidewalk of an adult next-door neighbor with that neighbor's permission;
- E. The minor is attending an activity sponsored by a school, religious or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such activity without detour or stop;
- F. The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand. No minor or parent shall falsify the document described above;
- G. The minor is involved in interstate travel through or beginning or terminating in the City of Connellsville;
- H. The minor is exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly;
- I. The minor is a homeless juvenile who uses the public place as his or her usual abode;
- J. The minor is absent from school during school hours with permission to be absent from school and the minor has in his or her possession a writing signed by the parent or an authorized school official containing the following information: the name, signature, address and telephone number of the parent authorizing the absence, the telephone number where the parent may be reached during the absence, the name of the minor. No minor or parent shall falsify the document described above;
- K. The minor is absent from school during school hours and the minor is on a vacation scheduled by such minor's parent; or
- L. The minor is at a public place or establishment for an activity or event not otherwise covered by this Part where City Council has provided authorization.

(Ord. 1125, 11/12/1974, §3; as amended by Ord. 1506, 4/15/2014, §4)

§6-104. Unlawful Conduct of Parents.

No parent shall knowingly permit any minor to remain in or upon any public place or establishment after hours or during school hours unless the minor is engaged in an activity permitted under §104 of this Part.

(Ord. 1125, 11/12/1974, §4; as amended by Ord. 1506, 4/15/2014, §5)

§6-105. Unlawful Conduct of Operators of Establishments.

No operator of an establishment shall knowingly permit any minor to remain upon the premises of such establishment after hours or during school hours.

(Ord. 1125, 11/12/1974, §5; as amended Ord. 1170, 2/27/1978 and by Ord. 1506, 4/15/2014, §6)

§6-106. Rules and Regulations.

The Chief of Police, is hereby authorized, from time to time, to promulgate such rules and regulations, including the extension of hours for special occasions, as in his opinion shall be necessary or useful in the enforcement of this Part. Such rules and regulations shall, however, be subject to the approval of the City Council of the City of Connellsville.

(Ord. 1125, 11/12/1974, §6; as amended by Ord. 1506, 4/15/2014, §7)

§6-107. Enforcement.

Before taking any enforcement action under this Part, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception set forth in §103 of this Part applies. The officer may issue a citation against the minor and/or the parent.

(Ord. 1506, 4/15/2014, §8)

§6-108. Report to Council.

If requested by the City Council of the City of Connellsville, one (1) year following the effective date of this Part, the Chief of Police, or his designee, shall prepare and present a report to the City Council of the City of Connellsville concerning the effectiveness of and continuing need for this Part. The report shall include, but not be limited to, the following information:

- A. The practicality of enforcing this Part and any problems with enforcement identified by the Police Department and the City of Connellsville;

- B. The impact of this Part and support programs on juvenile crime statistics;
- C. The number of juveniles detained for curfew violations; and
- D. The number of official citizen complaints filed regarding the enforcement of this Part.

(Ord. 1506, 4/15/2014, §9)

§6-109. Penalties.

- A. Any minor or parent who violates the provisions of this Part may be issued a non-traffic summary citation. The minor may be taken into temporary custody, in which case his or her parents or other appropriate person shall be notified and the minor shall be released into the custody of the appropriate parent or parents of the minor or to a brother or sister eighteen (18) years of age or older. If no such person is available after reasonable efforts have been made to locate such person, then the minor shall be released to such agencies or institutions as are established for juvenile welfare. A referral to supportive services shall be made where appropriate.
- B. Any minor or parent who violates any provision of this Part is guilty of a summary offense and, upon conviction thereof, shall be subject to fine or imprisonment as follows:
 - 1. First offense: Fifty dollars (\$50.00) with referral to supportive services where appropriate.
 - 2. Second offense: one hundred dollars (\$100.00) to one hundred fifty dollars (\$150.00) with referral to supportive services where appropriate.
 - 3. Third offense: one hundred fifty (\$150.00) to two hundred dollars (\$200.00) with referral to supportive services where appropriate.
 - 4. Fourth offense: Two hundred dollars (\$200.00) to three hundred dollars (\$300.00). Parents are subject to imprisonment for up to ninety (90) days and minors to referral to the juvenile court system. The Court may also refer the offender(s) to supportive services where appropriate.
 - 5. Fifth and subsequent offenses: Three hundred dollars (\$300.00) to five hundred dollars (\$500.00). Parents are subject to imprisonment for up to ninety (90) days and minors to referral to the juvenile court system. The Court may also refer the offender(s) to supportive services where appropriate.
- C. Any operator convicted of violating the provisions of this Part for the first time shall be fined fifty dollars (\$50.00) and shall be subject to imprisonment for a term not to exceed ninety (90) days. Any operator convicted of violating the provisions of this Part for the

second or subsequent time shall be fined three hundred (\$300.00) and shall be subject to imprisonment for a term not to exceed ninety (90) days.

D. Each violation of the provisions of this Part shall constitute a separate offense.

(Ord. 1506, 4/15/2014, §11)

PART 2

LITTERING

§6-201. Short Title.

This Part shall be known and may be cited as the City of Connellsville Antilitter Ordinance.

(Ord. 1234A, 9/10/1984, §1)

§6-202. Definitions.

For the purposes of this Part, 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 used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

AIRCRAFT - any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter than air dirigibles and balloons.

AUTHORIZED PRIVATE RECEPTACLE - a litter storage and collection receptacles as used by citizens of the City to convey litter to trash haulers for collection.

CITY - the City of Connellsville, Fayette County, Pennsylvania.

COMMERCIAL HANDBILL - any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- A. Which advertises for sale any merchandise, produce, commodity or thing.
- B. Which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales.
- C. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit, but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace,

safety and good order. Provided, that nothing contained in this subsection shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this State or under any ordinance of this City.

- D. Which, while containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

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

LITTER - garbage, refuse and rubbish, as defined herein and all other waste material, which, if thrown or deposited herein prohibited, tends to create a danger to public health, safety and welfare.

NEWSPAPER - any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

NONCOMMERCIAL HANDBILL - any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

PARK - a park, playground, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

PERSON - any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES - any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE - any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

REFUSE - all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH - nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper wrappings, cigarettes, tin cans, yard clippings, leaves, wood, glass, bedding , crockery and similar materials.

VEHICLE - every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Ord. 1234A, 9/10/1984, §2)

§6-203. Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or in authorized private receptacles for collection.

(Ord. 1234A, 9/10/1984, §3)

§6-204. Placement of Litter in Receptacles so as to Prevent Scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ord. 1234A, 9/10/1984, §4)

§6-205. Sweeping Litter into Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep any sidewalk in front of their premises free of litter.

(Ord. 1234A, 9/10/1984, §5)

§6-206. Merchants' Duty to Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep any sidewalk in front of their business premises free of litter.

(Ord. 1234A, 9/10/1984, §6)

§6-207. Litter Thrown by Persons in Vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.

(Ord. 1234A, 9/10/1984, §7)

§6-208. Truck Loads Causing Litter.

No person shall drive or move any truck or other vehicle within the City unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky, substances, litter or foreign matter of any kind.

(Ord. 1234A, 9/10/1984, §8)

§6-209. Litter in Parks.

No person shall throw or deposit litter in any park within the City except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(Ord. 1234A, 9/10/1984, §9)

§6-210. Litter in Lakes and Fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the City.

(Ord. 1234A, 9/10/1984, §10)

§6-211. Throwing or Distributing Commercial Handbills in Public Places.

No person shall throw or deposit any commercial or noncommercial handbills in or upon any sidewalk, street or other public within the City. Nor shall any person hand or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street or any other public place within the City for any person to hand out or

distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(Ord. 1234A, 9/10/1984, §11)

§6-212. Placing Commercial and Noncommercial Handbills on Vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(Ord. 1234A, 9/10/1984, §12)

§6-213. Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are uninhabited or vacant.

(Ord. 1234A, 9/10/1984, §13)

§6-214. Prohibiting Distribution of Handbills Where Properly Posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone not to do so, of if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words, "No Trespassing," "No Peddlers or Agents," "No Advertisement," or similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbill left upon such premises.

(Ord. 1234A, 9/10/1984, §14)

§6-215. Distributing Commercial and Noncommercial Handbills at Inhabited Private Premises.

- A. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises, which are inhabited, except by handling or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this Part, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited

private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

- B. Exemption for Mail and Newspapers. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers as defined herein.

(Ord. 1234A, 9/10/1984, §15)

§6-216. Dropping Litter from Aircraft.

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object.

(Ord. 1234A, 9/10/1984, §16)

§6-217. Posting Notices Prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

(Ord. 1234A, 9/10/1984, §17)

§6-218. Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(Ord. 1234A, 9/10/1984, §18)

§6-219. Owner to Maintain Premises Free of Litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Ord. 1234A, 9/10/1984, §19)

§6-220. Litter on Vacant Lots.

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

(Ord. 1234A, 9/10/1984, §20)

§6-221. Clearing of Litter from Open Private Property by City.

- A. **Notice to Remove.** The City Clerk is hereby authorized and empowered to notify the owner of any open or vacant private property within the City or the agent of such property to dispose properly of litter located on such owner's property which is dangerous to the public health, safety or welfare. Such notice shall be registered mail, addressed to said owner at his last known address.
- B. **Action Upon Noncompliance.** Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety or welfare within 10 days after receipt of written notice provided for in subsection (1) above, or within 10 days after the date of such notice in the event the same is returned to the City Clerk's office because of its inability to make delivery thereof, of such owner, or agent, the City Clerk, is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City.
- C. **Charge for Removal.** When the City has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property and forwarded to said owner at his last known address by registered mail.
- D. **Recorded Statement Constitutes Lien.** Where the full amount due the City is not paid by such owner within 10 days after the disposal of such litter, as provided for in subsections (1) and (2) above, then, and in that case, the City Clerk shall cause to be recorded in the office of the Prothonotary of Fayette County, Uniontown, Pennsylvania, a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest plus costs of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with all provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice of every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

(Ord. 1234A, 9/10/1984, §21)

§6-222. Penalties.

In addition to any other remedies provided herein, any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, be sentenced to an amount not exceed \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 1234A, 9/10/1984, §22; as amended by A.O.)

PART 3

DISORDERLY CONDUCT

§6-301. Disorderly Conduct Prohibited.

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

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

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

(Ord. 1121, 11/12/1974; as revised by A.O.)

§6-302. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

(Ord. 1121, 11/12/1974, §2; as revised by A.O.)

PART 4

LOITERING

§6-401. Loafing, Loitering and Similar Acts Prohibited.

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

- A. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
- B. Commit in or upon any public street, public highway public sidewalk or any public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

(Ord. 1056, 6/12/1972, §1)

§6-402. Authority of Law Enforcement Officer to Order Persons to Move on or to Disperse.

When any person causes or commits any of the conditions enumerated in §6-401 hereof, a police office or any law enforcement officer shall order such person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Part.

(Ord. 1056, 6/12/1972, §2; as amended by Ord. 1116, 11/12/1974, §1)

§6-403. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

(Ord. 1056, 6/12/1972, §3; as amended by Ord. 1116, 11/12/1974, §2; and by A.O.)

PART 5

PROHIBITING THE DISCHARGE OF FIREARMS

§6-501. Discharge of Firearms Prohibited.

Except in necessary defense of person and property and except as provided in §6-503 of this Part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the City.

(Ord. 1122, 11/12/1974; as revised by A.O.)

§6-502. Use of Air Rifles, Bow and Arrows or Similar Devices Restricted.

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the City, except as provided in §6-503 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

(Ord. 1122, 11/12/1974; as revised by A.O.)

§6-503. Exceptions.

This Part shall not apply to:

- A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.
- B. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization.
- C. Any law enforcement officers when used in the discharge of their official duties.

(Ord. 1122, 11/12/1974; as revised by A.O.)

§6-504. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 1122, 11/12/1974; as revised by A.O.)

PART 6

PROHIBITION OF THROWING OBJECTS IN STREETS

§6-601. Ball Playing, Snowballing and Throwing of Missiles Upon or Onto Street, Alley or Sidewalk Prohibited.

Ball playing, including the throwing, kicking or knocking of any ball, and the throwing of any stone or other missile of any kind upon or onto any of the public streets, alleys or sidewalks in the City, is hereby prohibited. Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

(Ord. 1123, 11/12/1974)

PART 7

REGULATIONS FOR PROTECTION OF PUBLIC PROPERTY

§6-701. Unlawful to Injure or Tamper with Public Property or Property in Public Places.

No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface any public property of the City or of any Authority created by the City, or any grass, shrub, tree, walk, lamp, ornamental work, building, street light, fire hydrant or water or gas stop box on any street, alley, park or other public ground in the City. Provided, "defacement" shall include, but not be limited to, the making of graffiti or other markings upon any of the property herein referred to or upon the surface of any street, alley, sidewalk or curb in the City.

(Ord. 1124, 11/12/1974, §1)

§6-702. Unlawful to Tamper with Stakes or Monuments.

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 City, made, placed or set, or caused to be done, by the authorities of the City in any survey of or in any street, alley or public ground in the City, to evidence the elevation, line, grade, location, corner or angle of any public street, alley, sidewalk, curb, gutter, sewer or other public work, matter or thing.

(Ord. 1124, 11/12/1974, §2)

§7-703. Unlawful to Tamper with Warning Lamps, Signs or Barricades.

No person or persons shall willfully or maliciously remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the City or by any person, firm or corporation doing work by permission of the authorities of the City, or under contract with such authorities, upon any street, alley, sidewalk or bridge in the City, as a warning of danger.

(Ord. 1124, 11/12/1974, §3)

§7-704. Unlawful to Take Material from Street, Alley or Public Ground.

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

(Ord. 1124, 11/12/1974, §4)

§6-705. Certain Acts not Unlawful.

This Part shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon and therein, or to incidental results of work therein or thereon upon permit from or by authority of the City.

(Ord. 1124, 11/12/1974, §5)

§6-706. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

Provided, the fact that a violator has been penalized, after hearing, as herein provided, shall preclude the City or other injured party from taking proper legal action to recover damages resulting from such violation.

(Ord. 1124, 11/12/1974, §6; as amended by A.O.)

PART 8

ALCOHOLIC BEVERAGES

§6-801. Definitions.

ALCOHOLIC BEVERAGES - liquor or malt or brewed beverages as defined herein or both of them.

LIQUOR - spirituous, vinous, fermented or other alcoholic beverages or combination of liquors and mixed liquors, a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures, and reused, recovered or redistilled denatured alcohol usable for beverage purposes, which contain than ½ of 1% of alcohol by volume.

MALT or BREWED BEVERAGES - any beer, lager beer, ale, porter or similar fermented male beverages containing ½ of 1% or more of alcohol by volume.

(Ord. 1279, 9/12/1988, §1)

§6-802. Consumption of Alcoholic Beverages in or on Public Areas.

It shall be unlawful for any person to consume any alcoholic beverages while in or upon any public street, public sidewalk, public alley, public park or public parking lot within the City.

(Ord. 1279, 9/12/1988, §2)

§6-803. Possession of Open Containers of Alcoholic Beverages on Public Thoroughfares or in Public Parks.

It shall be unlawful for any person to possess any glass, can or open container of alcoholic beverage on any public street, public sidewalk, public alley, public park or public parking lot within the City, except for persons within a motor vehicle.

(Ord. 1279, 9/12/1988, §3)

§6-804. Possession or Transportation of Open Containers of Alcoholic Beverages in Public Parking Areas.

It shall be unlawful for any person to possess any glass, can or open container of alcoholic beverage on or in any public parking lot within the City whether such person is on foot or is in or on a vehicle and whether such vehicle is moving or is stationary.

(Ord. 1279, 9/12/1988, §4)

§6-805. Licensee to Prohibit Removal of Open Containers of Alcoholic Beverages.

No person, firm or corporation licensed to sell alcoholic beverages, or the employees or agents of any such person shall permit any person to remove from such premises any alcoholic beverage in any open container.

(Ord. 1279, 9/12/1988, §5)

§6-806. Exclusion of Authorized Street Festivals.

The provisions of this Part shall not apply to fairs, festivals or carnivals conducted on public streets or in public parks where such have been authorized by the Council of the City of Connellsville.

(Ord. 1279, 9/12/1988, §6)

§6-807. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

(Ord. 1279, 9/12/1988, §7; as amended by A.O.)

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

PART 1

REGULATING SMOKING IN PUBLIC PLACES

- §7-101. Definitions.
- §7-102. No Smoking Permitted.
- §7-103. Exemption.
- §7-104. Posting.
- §7-105. Penalties.

PART 2

GAS APPLIANCES

- §7-201. Unventable and Unvented Gas Appliances not to be Sold, Rented or Installed, Leased or Used.
- §7-202. Only Approved Gas Appliances to be Sold, Delivered, Installed, Rented or Leased.
- §7-203. Monthly Reports from Dealers.
- §7-204. Records Kept by Dealers; Access Thereto.
- §7-205. Venting of Certain Gas Appliances; Automatic Safety Pilot Required on Certain Room Heaters.
- §7-206. Specific Regulations.
- §7-207. Exceptions for "Dynavent" Heater.
- §7-208. Prohibited Acts by Gas Company Employees, Servicemen and Plumbers.
- §7-209. Rules and Regulations Authorized.
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PART 3

KNOX BOXES FOR COMMERCIAL BUILDINGS

- §7-301. Definition.
- §7-302. Knox Box Requirements.
- §7-303. Violation Notice; Enforcement.
- §7-304. Penalties.

§7-305. Appeals.

PART 1

REGULATING SMOKING IN PUBLIC PLACES

§7-101. Definitions.

As used in this Section, the following words and phrases shall have the meanings given to them herein:

PUBLIC MEETING - all meetings open to the public pursuant to the act of July 3, 1986, P.L. 388, No. 84, known as the "Sunshine Act."

PUBLIC PLACE - an enclosed, indoor area owned or operated by a State or local governmental agency and used by the general public or serving as a place of work for public employees or a meeting place for a public body, including an office, educational facility, health facility, auditorium, arena, meeting room or public conveyance.

SMOKING - the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

WORKPLACE - an enclosed, indoor area serving as a place of employment, occupation, business, trade, craft or profession.

(Ord. 1307, 10/22/1990, §1)

§7-102. No Smoking Permitted.

No person shall smoke in any public place or public meeting designated nonsmoking by the City Council of the City of Connellsville, except for those designated locations and at the designated times as set forth by the Fire Marshall for the City of Connellsville with the written approval of the City Council of the City of Connellsville.

(Ord. 1307, 10/22/1990, §2; as amended by Ord. 1311, 1/14/1991, §1)

§7-103. Exemption.

The following places shall be exempt from this Part:

- A. Areas in public places commonly referred to as lobbies or hallways.

(Ord. 1307, 10/22/1990, §3)

§7-104. Posting.

Except as otherwise provided, the City Council of the City of Connellsville shall develop, post and implement a policy to regulate smoking in the workplace, provided that nothing in this Section or any local law, rule or regulation shall be construed as to impair or diminish or otherwise affect any contractual agreement, collective bargaining procedures.

The City Council of the City of Connellsville shall provide a copy of this policy to all employees.

(Ord. 1307, 10/22/1990, §4)

§7-105. Penalties.

In addition to any other remedies provided herein, any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, be sentenced to an amount not exceed \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 1307, 10/22/1990, §5; A.O.)

PART 2

GAS APPLIANCES

§7-201. Unventable and Unvented Gas Appliances not to be Sold, Rented or Installed, Leased or Used.

On and after April 1, 1961, it shall be unlawful to sell at retail, offer or expose for sale at retail, deliver, install, rent, lease, possess or use, either directly or indirectly any unventable gas room or space heater, water heater, steam or hot water boiler, warm-air furnace, floor furnace, unit heater, duct furnace, recessed heater, circulating heater or burner in coal furnaces or boilers, within the City of Connellsville. It shall also be unlawful to install or use any such unvented gas appliance.

(Ord. 918, 2/27/1961, §1)

§7-202. Only Approved Gas Appliances to be Sold, Delivered, Installed, Rented or Leased.

It shall be unlawful to sell at retail, offer or expose for sale at retail, deliver, install, rent or lease within the City any gas appliance unless it has the approval of the American Gas Association Laboratories or is listed by the American Gas Association Laboratories.

(Ord. 918, 2/27/1961, §2)

§7-203. Monthly Reports from Dealers.

On or before the tenth day of each month, all persons, firms, associations or corporations selling at retail, installing, renting or leasing any such gas appliance within the City shall file with the Department of Public Safety, a statement listing all sales at retail of such appliances during the preceding calendar month. Such statement shall specify the type of appliance sold, the date of delivery, the name and address of the buyer or user, the address to which the appliance was delivered or where and when installed, and if rented or leased, the time, place and person or persons to whom rented or leased.

(Ord. 918, 2/27/1961, §3)

§7-204. Records Kept by Dealers; Access Thereto.

All persons, firms, associations or corporations selling at retail, installing, renting or leasing such appliances within the City shall keep accurate records of the facts required for the filing as provided in §7-203 of this Part. Any duly authorized officer or employee of the Department of

Public Safety upon proper identification, shall have the power to inspect and examine such records in order to verify the accuracy of such statement, or to determine whether or not the statement should have filed.

(Ord. 918, 2/27/1961, §4)

§7-205. Venting of Certain Gas Appliances; Automatic Safety Pilot Required on Certain Room Heaters.

All gas appliances enumerated in §7-201 hereof, must be vented to a bona fide chimney flue of brick, tile, transite or metal. Room heaters installed in sleeping quarters for use of transients as in hotels, motels or auto courts must be equipped with an automatic safety pilot.

(Ord. 918, 2/27/1961, §5)

§7-206. Specific Regulations.

The following additional regulations are hereby established, to wit:

- A. Flues must extend at least 2 feet above the highest point of the rood and must not open into attics, under porches or similar spaces.
- B. Flues must be constructed or installed in such a way as not to become a fire hazard. Where flues or vent connectors pass through partitions of combustible construction, ventilated thimbles must be used. Horizontal runs must be supported at intervals of not over 6 feet.
- C. No gas appliance shall be vented to a fireplace flue unless the fireplace and other openings in the flue above are effectively sealed.
- D. No manually operated damper shall be placed in any flue or vent connector. Fixed baffles ahead of draft hoods are not classified as dampers.
- E. The flue or vent connector shall not be smaller than the size of the flue collar or the size of the outlet of the draft hood supplied by the manufacturer of a gas designed appliance.
- F. Two or more gas appliances may be vented through a common flue or vent connector when necessary, if joined by Y fittings as close as practical to the flue or vent and provided the size of the common flue or vent is sufficient to accommodate the total volume of flue gases.
- G. An automatic gas appliance vented into the same chimney flue or vent pipe with a furnace burning a solid or liquid fuel must have an automatic safety pilot.

- H. If any gas appliance with an automatic pilot is lighted, the operation of the pilot safety must be checked.
- I. No gas appliance shall be connected by a rubber hose, soldered or sweated connections.
- J. A.G.A. listed flexible metal connections, semi-rigid metal connectors and semi-rigid metal tubings and fittings may be used in connecting all gas-burning equipment.
- K. All service lines installed must be vented in a proper manner.

(Ord. 918, 2/27/1961, §6)

§7-207. Exceptions for "Dynavent" Heater.

The room or space heater sold under the trade name of "Dynavent" and manufactured by Suburban Appliance Company of Whippany, New Jersey, shall not be required to be vented in the manner provided in this Part so long as it continues to be approved by the American Gas Association.

(Ord. 918, 2/27/1961, §7)

§1-208. Prohibited Acts by Gas Company Employees, Servicemen and Plumbers.

It shall be unlawful for any gas company employee, or any serviceman or any plumber to light or adjust any gas appliance which is being maintained or used in violation of any of the provisions of this Part.

(Ord. 918, 2/27/1961, §9)

§7-209. Rules and Regulations Authorized.

The Director of the Department of Public Safety is hereby charged with the enforcement of this Part and is authorized and empowered to adopt rules and regulations relating to any matter pertaining to the administration and enforcement of this Part.

(Ord. 918, 2/27/1961, §10)

§7-210. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs plus costs, and after a

finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 918, 2/27/1961, §11; as amended by Ord. 1101, 11/12/1974, §1)

PART 3

KNOX BOXES FOR COMMERCIAL BUILDINGS

§7-301. Definition.

KNOX BOX - a secure rapid entry system that is designed to be used by Emergency Personnel in the event of an emergency to gain entry into a structure by using the enclosed owner provided key(s). This box is usually mounted on the exterior of the building in a location that is specified by the local Fire Official. All boxes shall be UL (Underwriters Laboratories) certified and approved by the City Fire Official.

CITY FIRE OFFICIAL - the Fire Chief of the City or such other entity or person designated and authorized to serve and act as such official.

COMMERCIAL BUILDING - any non-residential building.

(Ord. 1535, 8/21/2018, §1)

§7-302. Knox Box Requirements.

- A. Required for New Commercial Buildings with a Monitored Alarm System. All new commercial buildings with a monitored alarm system shall have installed a Knox Box, of a UL type and size approved by the City Fire Official, in a location specified by the City Fire Official prior to the issuance of the permit of occupancy.
- B. Knox Box Required for Existing Commercial Buildings with a Monitored Alarm System. All existing commercial buildings equipped with automatic fire detection and/or suppression system shall have installed a Knox Box, of a UL type and size approved by the City Fire Official, in a location specified by the City Fire Official within six (6) months of the effective date of this Part.
- C. All Knox Boxes shall contain labeled keys, easily identified in the field, to provide access into the property and/or building, and to any locked areas within the said building as the City Fire Official may direct.

For purposes of this Part, the definition of new commercial buildings and existing commercial buildings shall be defined in conformity with the Uniform Construction Code.

(Ord. 1535, 8/21/2018, §2)

§7-303. Violation Notice; Enforcement.

If it appears to the City that a violation of any requirement under this Part has occurred, the City shall send a violation notice to the owner of record of the property, which shall direct such owner to take action within thirty (30) days of the date of such violation notice. The violation notice shall contain the following information:

1. The name of the owner of record and any other person against whom the City intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Board of Health within thirty (30) days of receipt of the violation notice.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Health, constitutes a violation, with possible sanctions clearly described.

Following the expiration of such thirty (30) day violation notice period, the City shall further enforcement proceedings by issuance of a citation, for which purpose the City Fire Official and code enforcement officer shall each be authorized to issue such citations.

The City code enforcement officer, police officers, and fire marshal, and such other persons as are specifically designated by the City, shall have the power and authority to enforce this Part.

(Ord. 1535, 8/21/2018, §3)

§7-304. Penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not less than fifty dollars (\$50) and no more than one thousand dollars (\$1000), plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor appeals the judgment in a timely manner, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the magisterial district judge, determining that there has been a violation, further determines that there was a good faith basis for the person,

partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the magisterial district judge, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the City.

(Ord. 1535, 8/21/2018, §4)

§7-305. Appeals.

- A. Any person aggrieved by any action of the municipality or its designee, relevant to the provisions of this Part, may appeal to the City of Connellsville Board of Health within thirty (30) days of that action.
- B. Any person aggrieved by any decision of the municipality, relevant to the provisions of this Part, may appeal to the County Court of Common Pleas in the county where the activity has taken place within thirty (30) days of the municipality's decision.

(Ord. 1535, 8/21/2018, §5)

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ARTICLE I

STATUTORY AUTHORIZATION

§8-101. Authorization.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, 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 City Council of the City of Connellsville does hereby order as follows.

(Ord. 1528, 6/20/2017, Art. I)

ARTICLE II

GENERAL PROVISIONS

§8-201. Intent.

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.

(Ord. 1528, 6/20/2017, §2.01)

§8-202. Applicability.

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 City of Connellsville unless a Permit has been obtained from the Floodplain Administrator.

(Ord. 1528, 6/20/2017, §2.02)

§8-203. Abrogation and Greater Restrictions.

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.

(Ord. 1528, 6/20/2017, §2.03)

§8-204. Severability.

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.

(Ord. 1528, 6/20/2017, §2.04)

§8-205. Warning and Disclaimer of Liability.

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.

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

(Ord. 1528, 6/20/2017, §2.05)

ARTICLE III

ADMINISTRATION

§8-301. Designation of the Floodplain Administrator.

The Floodplain Administrator shall be appointed by the Mayor, and approved by Council, at their regularly scheduled reorganization meeting. The Mayor shall have the ability to remove and appoint the Floodplain Administrator at any time between reorganization meetings. The Floodplain Administrator shall be appointed from the following: Building Code Official, Code Enforcement Official, Zoning Officer, City Engineer, Councilman, Contract Employee/Firm or City Resident. 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 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Mayor.

(Ord. 1528, 6/20/2017, §3.01)

§8-302. Permits Required.

A Permit shall be required before any construction or development is undertaken within any area of the City of Connellsville.

(Ord. 1528, 6/20/2017, §3.02)

§8-303. Duties and Responsibilities of the Floodplain Administrator.

- A. 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 and all other applicable codes and ordinances.
- B. 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); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act

(Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- D. 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.
- E. 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.
- F. 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 City Council for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this Part including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- H. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
- I. 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.
- J. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

(Ord. 1528, 6/20/2017, §3.03)

§8-304. Application Procedures and Requirements.

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the City of Connellsville. Such application shall contain the following:
1. Name and address of applicant.
 2. Name and address of owner of land on which proposed construction is to occur.
 3. Name and address of contractor.
 4. Site location including address.
 5. Listing of other permits required.
 6. 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.
 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located 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:
1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 3. adequate drainage is provided so as to reduce exposure to flood hazards;
 4. structures will be anchored to prevent floatation, collapse, or lateral movement;
 6. building materials are flood-resistant;
 6. appropriate practices that minimize flood damage have been used; and
 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

- C. 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:
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. 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.
 3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;
 - c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
 4. The following data and documentation:
 - a. Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - b. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - c. Documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway

Area (See section 402 A of this Part) will not increase the base flood elevation at any point.

- d. 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 Section 402 B of this Part) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
- e. 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 flood proofing measures which have been incorporated into the design of the structure and/or the development.

- f. detailed information needed to determine compliance with Section 503 F of this Part, Storage, and Section 504 of this Part, Development Which May Endanger Human Life, including:
 - i. The amount, location and purpose of any materials or substances referred to in Sections 503 F and 504 of this Part which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. 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 Section 504 of this Part during a base flood.
- g. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- h. 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.

- D. 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.

(Ord. 1528, 6/20/2017, §3.04)

§8-305. Review of Application by Others.

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

(Ord. 1528, 6/20/2017, §305)

§8-306. Changes.

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 Floodplain Administrator for consideration.

(Ord. 1528, 6/20/2017, §3.06)

§8-307. Placards.

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

(Ord. 1528, 6/20/2017, §3.07)

§8-308. Start of Construction.

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 twelve (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.

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.

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 & FIRM/FIS in effect at the time the extension is granted.

(Ord. 1528, 6/20/2017, §3.08)

§8-309. Enforcement.

A. 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:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
5. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Part.

B. 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 of 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 City of Connellsville, of not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars

(\$1000.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ninety (90) 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. 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 City Council to be a public nuisance and abatable as such.

(Ord. 1528, 6/20/2017, §3.09)

§8-310. Appeals.

- A. 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 thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.
- C. 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.

(Ord. 1528, 6/20/2017, §3.10)

ARTICLE IV

IDENTIFICATION OF FLOODPLAIN AREAS

§8-401. Identification.

The identified floodplain area shall be:

- A. Any areas of City of Connellsville, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 18, 2017 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.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by City of Connellsville and declared to be a part of this Part.

(Ord. 1528, 6/20/2017, §4.01)

§8-402. Description and Special Requirements of Identified Floodplain Areas.

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 (1) 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.
 - i. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.
 - ii. No new construction or development shall be located within the area measured fifty (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. 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.
- 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. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.
- 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 1-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.

(Ord. 1528, 6/20/2017, §4.02)

§8-403. Changes in Identification of Area.

The Identified Floodplain Area may be revised or modified by the City Council where studies or information provided by a qualified agency or person documents 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, as but not later than six (6) 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 Section 501 (B) of this Part for situations where FEMA notification is required.

(Ord. 1528, 6/20/2017, §4.03)

§8-404. Boundary Disputes.

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

(Ord. 1528, 6/20/2017, §4.04)

§8-405. Jurisdictional Boundary Changes.

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 CFR 44 60.3.

(Ord. 1528, 6/20/2017, §4.05)

ARTICLE V

TECHNICAL PROVISIONS

§8-501. General.

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
2. 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.
3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When City of Connellsville proposes to permit the following encroachments:

1. any development that causes a rise in the base flood elevations within the floodway; or
2. 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
3. alteration or relocation of a stream (including but not limited to installing culverts and bridges)

The applicant shall (as per 44 CFR Part 65.12):

- a. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
- b. Upon receipt of the FEMA 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, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- C. 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 Ordinance and any other applicable codes, ordinances and regulations.

(Ord. 1528, 6/20/2017, §5.01)

§8-502. Elevation and Floodproofing Requirements.

A. Residential Structures

1. 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.
2. 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 Section 4.02.C of this Part.
3. 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.
4. 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 latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential 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:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

2. In A Zones, where 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 Section 402 C of this Part.
3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
4. Any non-residential 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 U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.
5. Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
 - a. An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
 - i. Mechanical equipment such as sump pumps and generators,
 - ii. Flood shields and closures,
 - iii. Walls and wall penetrations, and
 - iv. Levees and berms (as applicable)
 - b. Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:

- i. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
- ii. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
- iii. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
- iv. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
- v. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
- vi. 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 latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. 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 flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a 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.

E. Accessory structures

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

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. Floor area shall not exceed 600 square feet.
3. The structure will have a low damage potential.
4. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. Power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.

8. The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
9. For accessory structures that are 200 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Article VIII. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
10. Prohibit the storage of Hazardous Materials in accessory structures.

(Ord. 1528, 6/20/2017, §5.02)

§8-503. Design and Construction Standards.

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

- A. Fill
 1. If fill is used, it shall:
 - a. extend laterally at least fifteen (15) feet beyond the building line from all points;
 - b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
 - c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

- d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- e. 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 storm water 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 flood waters.
- 2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- 3. No part of any on-site 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 #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 (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 504 of this Part, 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 flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

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 (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. 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 and shall be anchored to resist floatation, collapse, and lateral movement
2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

M. Fuel Supply Systems

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

N. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:

Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

(Ord. 1528, 6/20/2017, §5.03)

§8-504. Development Which May Endanger Human Life.

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

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 list of materials and substances are considered dangerous to human life:

Acetone
Ammonia
Benzene
Calcium carbide
Carbon disulfide
Celluloid
Chlorine
Hydrochloric acid
Hydrocyanic acid
Magnesium
Nitric acid and oxides of nitrogen
Petroleum products (gasoline, fuel oil, etc.)
Phosphorus
Potassium
Sodium
Sulphur and Sulphur products
Pesticides (including insecticides, fungicides, and rodenticides)
Radioactive substances, insofar as such substances are not otherwise regulated.

B. 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 Section 5.04 (A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections 501, 502 and 503 of this Part.

- C. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 504 (A) above, shall be built in accordance with Sections 501, 502 and 503 of this Part including:
1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) 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 (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

(Ord. 1528, 6/20/2017, §5.04)

§8-505. Special Requirements for Subdivisions and Development.

- A. All subdivision proposals and development proposals containing at least 50 lots or at least 5 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 (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. 1528, 6/20/2017, §5.05)

§8-506. Special Requirements for Manufactured Homes.

- A. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
1. placed on a permanent foundation;
 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;
 3. and anchored to resist flotation, collapse, or lateral movement.
- B. Equipment requirement:

1. 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 and shall be anchored to resist floatation, collapse, and lateral improvement.
 2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.
- C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- D. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

(Ord. 1528, 6/20/2017, §5.06)

§8-507. Special Requirements for Recreational Vehicles.

- A. Recreational vehicles in Zones A, A1-30, AH and AE must either:
1. be on the site for fewer than 180 consecutive days, and;
 2. be fully licensed and ready for highway use, or;
 3. meet the permit requirements for manufactured homes in Section 5.06.

(Ord. 1528, 6/20/2017, §5.07)

ARTICLE VI

PROHIBITED ACTIVITIES

§8-601. General.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - 1. Hospitals
 - 2. Nursing homes
 - 3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(Ord. 1528, 6/20/2017, §6.01)

ARTICLE VII

EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

§8-701. Existing Structures.

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 Section 702 of this Part shall apply.

(Ord. 1528, 6/20/2017, §7.01)

§8-702. Improvements.

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 AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this 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 or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
- E. Within any Floodway Area/District (See Section 402 A of this Part), 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 Section 402 B of this Part), no new construction or development shall be located within the area measured fifty (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 fifty (50) percent 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 “cumulative substantial damage” shall be undertaken only in full compliance with the provisions of this ordinance.

(Ord. 1528, 6/20/2017, §7.02)

ARTICLE VIII

VARIANCES

§8-801. General.

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

(Ord. 1528, 6/20/2017, §8.01)

§8-802. Variance Procedures and Conditions.

Requests for variances shall be considered by the City of Connellsville Zoning Hearing Board in accordance with the procedures contained in this Part, including Section 310 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 (1) foot at any point.
- C. No variances shall be granted for a proposed accessory structure that exceeds 600 square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
- D. 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 Development Which May Endanger Human Life (Section 504).
- E. No variance shall be granted for Prohibited Activities (Article VI).
- F. If granted, a variance shall involve only the least modification necessary to provide relief.
- G. In granting any variance, the City of Connellsville Zoning Hearing Board 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.
- H. Whenever a variance is granted, the City of Connellsville Zoning Hearing Board 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.
- I. In reviewing any request for a variance, the City of Connellsville Zoning Hearing Board shall consider, at a minimum, the following:
1. That there is good and sufficient cause.
 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- J. A complete record of all variance requests and related actions shall be maintained by the City of Connellsville Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

(Ord. 1528, 6/20/2017, §8.02)

ARTICLE IX

DEFINITIONS

§8-901. General.

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

(Ord. 1528, 6/20/2017, §9.01)

§8-902. Specific Definitions.

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

BASE FLOOD - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) 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, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-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.

DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

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 hazards 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 Sections 401 and 402 of this Part 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 non--elevation design requirements of this ordinance.

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

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

NEW CONSTRUCTION - structures for which the start of construction commenced on or after July 18, 2017 and includes any subsequent improvements to such structures. Any construction started after March 1, 1978 and before July 18, 2017 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 - is 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 March 1, 1978, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE - is 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 March 1, 1978, whichever is later, 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 one and one-half (1 ½) feet. The freeboard safety factor also applies to utilities and ductwork.

SPECIAL FLOOD HAZARD AREA (SFHA) - means an area in the floodplain subject to a 1 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.

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 twelve (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 manufacture 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 re-division 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 ten 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 exceeds fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" 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 - means 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.

(Ord. 1528, 6/20/2017, §9.02)

CHAPTER 9
GRADING AND EXCAVATING

CHAPTER 10
HEALTH AND SAFETY

PART 1

**MONETARY CHARGE FOR REPLACEMENT OF HAZMAT ABATEMENT
MATERIALS AND FIREFIGHTING FOAM**

- §10-101. Recovery of Costs.
- §10-102. Authority to Bill.
- §10-103. Fees.

PART 2

WEEDS

- §10-201. Definitions.
- §10-202. Prohibited Growth of Weeds.
- §10-203. Authority for City to Cut and Remove Weeds and Collect Cost Plus 10%.
- §10-204. Penalty for Violation.
- §10-205. Necessity for Enactment.

PART 3

ABANDONED VEHICLES

- §10-301. Definitions.
- §10-302. Abandonment of Vehicles.
- §10-303. Leaving of Wrecked, Nonoperating Vehicle on Street.
- §10-304. Disposition of Wrecked or Discarded Vehicles.
- §10-305. Impounding.
- §10-306. Penalties.

PART 4

AMBULANCE SERVICE

- §10-401. Purpose and Findings.
- §10-402. Authority.
- §10-403. Endorsed Service.
- §10-404. Violations.
- §10-405. Penalties.

PART 1

**MONETARY CHARGE FOR REPLACEMENT OF HAZ/MAT
ABATEMENT MATERIALS AND FIREFIGHTING FOAM**

§10-101. Recovery of Costs.

The City Council of the City of Connellsville hereby authorizes the City of Connellsville City Clerk to recover the costs of such firefighting foam and other hazardous materials abatement materials from any actor necessitating the dispensing thereof.

(Ord. 1378, 6/8/1998, §1)

§10-102. Authority to Bill.

- A. The City Clerk shall have the authority to bill either an individual, partnership, corporation (profit or nonprofit), municipality subdivision or State or Federal license fire department.
- B. The City Clerk shall have the authority to bill a neighboring municipality for utilizing of firefighting foam and/or hazardous materials (haz/mat) abatement material when dispensing thereof has been requested by that municipality, regardless of the cause of that dispensing.

(Ord. 1378, 6/8/1998, §§2, 3)

§10-103. Fees.

The City Council of the City of Connellsville may, from time to time, pass resolutions setting costs for firefighting equipment and manpower for use in hazardous materials (haz/mat) abatement activity.

(Ord. 1378, 6/8/1998, §4)

PART 2

WEEDS

§10-201. Definitions.

PERSON - a firm, corporation or association.

WEEDS - shall include all vegetable growth which exhale unpleasant and noxious odors, high and rank vegetable growth that may conceal filthy deposits and similar vegetation not edible or planted for some useful and ornamental purpose.

(Ord. 794, 6/9/1958, §1)

§10-202. Prohibited Growth of Weeds.

After the effective date of this Part, it shall be unlawful for any person owning, occupying, leasing or having control or jurisdiction of any lands in the City to permit, suffer or allow any weeds to grow on said lands or along the streets, lanes, alleys and sidewalks abutting said lands in excess of 1 foot in height.

(Ord. 794, 6/9/1958, §2)

§10-203. Authority for City to Cut and Remove Weeds and Collect Cost Plus 10%.

Upon written notice from the Director of the Department of Streets and Public Improvements, every such person shall cut such weeds within 10 days from the date of the mailing of said notice to him, and if any such person shall fail or neglect to cut such weeds, the said Director may cut and remove the same or cause the same to be cut and removed and the cost of doing such work together with a penalty of 10% shall be paid by any such person within 10 days after notice of the amount so due, and if not paid, the City shall file a lien therefor against said lands in the name of and for the use of the City, as provided by law for municipal claims in addition to other remedies available for collection of debts due the City.

(Ord. 794, 6/9/1958, §3)

§10-204. Penalty for Violation.

Any person, firm or corporation who fails or neglects to cut such weeds within 10 days from the date of the mailing of said notice to him requiring him to cut such weeds shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of

imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

Provided, such fine and costs, after conviction, may be imposed in addition to the cost of cutting and removal and the 10% penalty provided in §10-203.

(Ord. 794, 6/9/1958, §4; as amended by Ord. 1099, 11/12/1974, §1; and by A.O.)

§10-205. Necessity for Enactment.

This Part is deemed necessary to promote the health and general welfare of the residents of the City.

(Ord. 794, 6/9/1958, §5)

PART 3

ABANDONED VEHICLES

§10-301. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Part.

PERSON - any person, firm, partnership, associate, corporation, company or organization of any kind.

PROPERTY - any real property within the City which is not a street or highway.

STREET or HIGHWAY - the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel, and shall include the entire right-of-way width.

VEHICLE - a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and to transport person or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(Ord. 1371, 10/14/1991, §1)

§10-302. Abandonment of Vehicles.

- A. A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
1. The vehicle is physically inoperable and is left unattended on highway or other public property for more than 48 hours.
 2. The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.
 3. The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:
 - a. A valid registration plate.
 - b. A certificate of inspection.
 - c. An ascertainable vehicle identification number

- d. The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.
- B. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.
- C. No person shall abandon any vehicle within said City, and no person shall leave any vehicle at any place within said City for such time and under such circumstances as to cause such vehicle reasonably to have been considered abandoned.

(Ord. 1371, 10/14/1991, §2)

§10-303. Leaving of Wrecked, Nonoperating Vehicle on Street.

No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the City.

(Ord. 1371, 10/14/1991, §3)

§10-304. Disposition of Wrecked or Discarded Vehicles.

No person in charge or control of any property within said City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or abandoned vehicle to remain on such property longer than 48 hours; and no person shall leave any vehicle on any property within the said City for a longer period than 48 hours; except that this Part shall not apply with regard to a vehicle in an enclosed building or a vehicle on the premises of a business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

(Ord. 1371, 10/14/1991, §4)

§10-305. Impounding.

The Mayor or any member of his department deputized by him is hereby authorized to remove or have removed any vehicle left in any place within the City which reasonably appears to be in violation of this Part or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with law.

(Ord. 1371, 10/14/1991, §5)

§10-306. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

Each day that a violation continues shall constitute a separate offense.

(Ord. 1371, 10/14/1991, §6; as amended by A.O.)

PART 4

AMBULANCE SERVICE

§10-401. Purpose and Findings.

- A. The provision of emergency ambulance services is an important and necessary government function related to the health, safety, and welfare of the people of the City.
- B. The City recognizes the need to insure the availability of qualified emergency ambulance services at all times and without interruption to all people within the City.
- C. The City finds that it cannot provide, or insure the availability of, such qualified services to all people at all times unless it undertakes to maintain an ambulance service as a government function or contracts with another provider to maintain an ambulance service in the City.
- D. The Third Class City Code grants the power to operate and maintain an ambulance service or, in the alternative, to hire a private ambulance service.
- E. The City finds that it is imperative for the protection of the people of the City and to make certain the constant availability of qualified emergency ambulance service to contract with a private ambulance service.

(Ord. 1298, 4/23/1990, §1)

§10-402. Authority.

The City Council, upon approval of a majority of the members thereof, is hereby authorized to enter into an agreement with a private ambulance service for the purpose of providing emergency ambulance care in the City of Connellsville, and the Mayor is authorized to execute such an agreement. Any agreement previously approved by Council is hereby ratified.

(Ord. 1298, 4/23/1990, §2)

§10-403. Endorsed Service.

- A. The ambulance service designated by the City Council under §10-402 shall be the endorsed emergency ambulance service for the City and all calls or requests for emergency ambulance care received by the City's dispatch service, or a dispatch service acting on the City's behalf, shall be forwarded to the endorsed ambulance service.

- B. The ambulance service designated by the City and other ambulance service currently licensed and located within the territorial limits of the City of Connellsville as of the date of the passage of this Part shall be the only ambulance services authorized to offer subscription rates, or to solicit subscribers, for emergency ambulance service in the City.
- C. This Part, however, does not prevent any citizen or resident of the City of Connellsville from contacting directly any ambulance service of their preference when they determine ambulance service to be needed for them or a member of their family.

(Ord. 1298, 4/23/1990, §3)

§10-404. Violations.

- A. It shall be unlawful for any provider of emergency ambulance service to interface with the City's designated emergency service in the performance of its duties under the agreement entered into with the City, unless specifically requested to do so by the City or by its designated ambulance service.
- B. It shall be unlawful for any person, firm or corporation to otherwise violate the provisions of this Part.

(Ord. 1298, 4/23/1990, §4)

§10-405. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment for a term not to exceed 30 days.

(Ord. 1298, 4/23/1990, §5; as amended by A.O.)

CHAPTER 11

HOUSING

PART 1

LANDLORD OCCUPANCY REPORTS

- §11-101. Short Title.
- §11-102. General.
- §11-103. Definitions.
- §11-104. Owner's Duties.
- §11-105. Enforcement; Violations and Penalties.

PART 2

CERTIFICATION OF ZONING CLASSIFICATION

- §11-201. Certification of Zoning Classification.
- Exhibit A. Act 121.

PART 3

PERSONAL CARE BOARDING HOMES

[Reserved]

PART 4

REAL ESTATE REGISTRY

- §11-401. System for Registry of Titles Established.
- §11-402. Procurement of Necessary Supplies and Equipment.
- §11-403. Initial Registry of Titles.
- §11-404. Deposit and Return of Original Papers.
- §11-405. Penalty for Violation.
- §11-406. Continuing Registry of Titles; Penalty for Failure to Comply.

PART 1

LANDLORD OCCUPANCY REPORTS

§11-101. Short Title.

This Part shall be known and may be cited as the "City of Connellsville Landlord Registration and Occupancy Ordinance."

(Ord. 1236, 9/23/1984, §1; amended by Ord. 1469, 4/16/2009; and Ord. 1471, 11/12/2009, §141.1)

§11-102. General.

It is the purpose of this Part and the policy of the Council of the City of Connellsville, in order to protect and promote the public health, safety and welfare of its citizens, 1) to establish licensing and registration requirements for landlords in the City of Connellsville and 2) to establish and maintain a current record of all rental properties and tenants occupying such properties. As a general finding, the Connellsville postal workers deliver mail to approximately 8,500 units per day in the city. The Connellsville Post Master receives 6,000 requests for change of mailing address each year. As a result of this finding, the City of Connellsville, by enacting this Ordinance, provides a mechanism for monitoring those inhabiting the city. This Part shall be liberally construed and applied to promote its purposes and policies.

(Ord. 1236, 9/23/1984, §2; amended by Ord. 1469, 4/16/2009; and Ord. 1471, 11/12/2009, §141.2)

§11-103. Definitions.

CITY OF CONNELLSVILLE or **CITY** - The City of Connellsville, Fayette County, Pennsylvania.

LANDLORD - One or more persons, as defined by this section, jointly or severally, in whom all or part of the legal title to the premises is vested 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").

OCCUPANCY LICENSE - The license issued to the owner of residential rental units under this Part, 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.

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

RESIDENTIAL RENTAL UNIT - Any structure within the City of Connellsville occupied by someone other than the owner of the real estate as determined by the most current deed and for which the owner of the 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 a license.

TENANT - An individual who resides in a 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 (same as “occupant”).

(Ord. 1236, 9/23/1984, §3; amended by Ord. 1469, 4/16/2009; and Ord. 1471, 11/12/2009, §141.3)

§11-104. Owner’s Duties.

- A. General. It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable State laws and regulations and local ordinances and to keep such property in good and safe condition. The owner/landlord shall be responsible for regularly performing all maintenance, including lawn mowing and ice and snow removal, and for making any and all repairs in and around the premises.
- B. Registration. Every owner of a residential rental unit must register the unit with the Code Enforcement Officer in accordance with the following schedule:
 - 1. All owners of residential units must register the units with the Code Enforcement Officer by April 1st of each year.
 - 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 City upon the earliest occurrence of the following scenarios:
 - a. within (30) days of the completion of the conversion;
 - b. within (30) days of the time when any rent, including the exchange of other services for the unit or units is obtained;
 - c. within (30) days of the date which a tenant or tenants occupies the unit or units.
 - 3. It shall be the responsibility of the grantee and the grantee’s agent, to notify the Connellsville City Hall within seventy-two (72) hours of any purchase or transfer

of a rental unit.

4. The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within ten (10) days of any changes of the information set forth below.
5. Registration information shall be provided by all owners and shall include the following:
 1. Owner's name, address, telephone number.
 2. Property address and number of units.
 3. Maximum occupancy per unit.
 4. Emergency telephone number.
 5. Actual number of occupants.
 6. Names and addresses of current tenants.
6. Any owner of a residential rental unit shall notify the City of Connellsville at City Hall within ten (10) days of a new tenant occupying, renting or residing in the landlord's or owner's residential rental unit.

C. Licenses.

1. As a prerequisite to entering into a rental agreement or permitting the occupancy of any rental unit (except as provided in subsection (3) below), the owner of every such rental unit shall be required to apply for and obtain a license for each rental unit. The cost of a license shall be in an amount as established from time to time by resolution of City Council.
2. A license shall be required for all residential rental units.
3. The following categories of rental properties shall not require licenses, and thus, shall not, therefore, be subjected to section (B) of this Part:
 - a. Rental units that are not owned by a "person" as defined by §11-103 of this Part.
 - b. Owner-occupied dwelling units; provided, that not more than two (2) unrelated individuals, in addition to the immediate members of the owner's family, occupy the dwelling unit at any given time.
 - c. Hotels and motels.
 - d. Hospitals and nursing homes.
 - e. Bed and breakfast units as defined in the City's Zoning Ordinance.

- f. Multi-Housing complexes regulated by HUD or any other Federal agency.
- 4. The application for the license shall be in a form as determined by the City.
- 5. The owner shall maintain a current and accurate list of the occupants in each rental unit.

(Ord. 1236, 9/23/1984, §4; amended by Ord. 1469, 4/16/2009; Ord. 1471, 11/12/2009, §141.4; and A.O.)

§11-105. Enforcement; Violations and Penalties.

- A. This Part shall be enforced by the Code Enforcement Officers of the City of Connellsville.
- B. Basis for Violation. An owner that rents a residential rental unit, requiring a license, without a valid, current license, issued by the City of Connellsville authorizing such use, is in violation of this Part.
- C. Penalties.
 - 1. Any landlord or owner of a residential rental unit, which violates any provision of §11-104, together, with all of the subsections thereunder, shall, upon conviction thereof, be sentenced to pay a fine up to \$500.00 for each and every offense. Each day an owner operates a rental unit in violation of §11-105 shall be treated as a separate offense.
 - 2. Any landlord or owner of a residential rental unit who violates §11-104 of this Part shall, upon conviction, be sentenced to pay a fine up to One Thousand Dollars (\$1,000.00).
- D. Fines imposed through this Part shall be collected by any means allowable by law.
- E. Each day an owner of a residential rental unit violates any provision of this Part shall constitute a separate offense.
- F. This Part and the foregoing penalties shall not be construed to limit or deny the right of the City of Connellsville, its agents and representatives from seeking any other equitable or legal remedies that may otherwise exist under applicable law.
- G. In addition to the fines set forth herein, the City of Connellsville shall be entitled to reasonable attorney's fees and costs of collection incurred in enforcing this Part. Said fees shall be added to any penalties set forth above.

(Ord. 1236, 9/23/1984, §5; amended by Ord. 1469, 4/16/2009; and Ord. 1471, 11/12/2009, §141.5)

PART 2

CERTIFICATION OF ZONING CLASSIFICATION

§11-202. Certification of Zoning Classification.

The Act of General Assembly of the Commonwealth of Pennsylvania, Act No. 121, approved November 28, 1973, 21 P.S. §611, making it unlawful for owners of property to sell or agree to sell such property without first delivering a certification of the zoning classification and a certification disclosing any notice of code violations be and the same is hereby made applicable to the City, and a copy of said Act is attached hereto as Exhibit "A" and made part hereof.

(Ord. 1155, 9/20/1977, §1)

EXHIBIT A

ACT 121

Amending the act of July 27, 1955 (P.L. 288, No. 104) entitled as amended, "An act making it unlawful for owners of certain property in cities of the first class and cities of the second class to sell or agree to sell such property without first delivering to the purchaser a certification of the district classification and without first delivering a certification disclosing any notice of an uncorrected violation of any housing, building, safety or fire ordinance and requiring such owners to insert in any agreement of sale of such property a statement concerning zoning classification legality of the use of such property and, in addition thereto, a statement concerning uncorrected violations of housing, building, safety or fire ordinances; and providing penalties for violations making the act available to cities of the third class.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and the act of July 27, 1955 (P.L. 288, No. 104), entitled as amended, "An act making it unlawful for owners of certain property in cities of the first class and in cities of the second class to sell or agree to sell such property without first delivering to the purchaser a certification of the district classification and without first delivering a certification disclosing any notice of an uncorrected violation of any housing, building, safety or fire ordinance; and requiring such owners to insert in any agreement of sale of such property a statement concerning zoning classification, legality of the use of such property and, in addition thereto, a statement concerning uncorrected violations of housing, building, safety or fire ordinances and providing penalties for violations," reenacted May 11, 1939, (P.L. 303, No. 51) and the title and sections 1, 2, 3 and 3.1, amended September 20, 1961 (P.L. 1532, No. 632), are reenacted and amended to read:

AN ACT

Making it unlawful for owners of certain property in cities of the first class [and in] cities of the second class and in cities of the third class adopting provisions of this act, to sell or agree to sell such property without first delivering to the purchaser a certification of the district classification and without first delivering a certification disclosing any notice of an uncorrected violation of any housing, building, safety or fire ordinance; and requiring such owners to insert in any agreement of sale of such property a statement concerning zoning classification, legality of the use of such property and, in addition thereto, a statement concerning uncorrected violations of housing, building, safety or fire ordinances; and providing penalties for violations.

Section 1. Legislative Findings.

- (a) The General Assembly finds that in cities of the first class and in cities in the second class and in cities of the third class, many owners of properties are using such properties in violation of the zoning ordinances and regulations of such cities, and are maintaining such properties in violation of housing, building, safety and fire ordinances and

regulations, and are offering such properties for sale without revealing such illegal use or the receipt of notice of the existence of housing, building, safety and fire violations. Many innocent purchasers of such properties are not aware of the illegal use or the existence of the nature of violations until they have entered into agreements of sale or have consummated the purchase.

- (b) In order to prevent undue hardships and losses imposed on such innocent purchasers by owners who have failed to reveal the illegal use of the property being conveyed or who have made misrepresentations in that regard, the General Assembly finds and declares that in cities of the first class [and in] cities of the second class and in cities of the third class adopting provisions of this act, all sellers of property shall be required to advise the purchaser of the legal use of such property, and to deliver to the purchaser not later than at the settlement held for such property a use registration permit showing the legal use and zoning classification for such property.
- (c) In order to prevent undue hardship and losses imposed on an innocent purchaser by an owner who has failed to disclose to a prospective purchaser of property that a notice has been received that such property is in violation of housing, building, safety or fire ordinances or regulations, the General Assembly finds and declares that all sellers of property shall be required to advise purchasers of any notice received by the owners of any violation of any housing, building, safety or fire ordinance or regulation with respect to the property to be sold.
- (d) *The provisions of this act may apply to cities of the third class only if council so elects.*

Section 2. Definitions.

- (a) "Owner" means any person, co-partnership, association, corporation or fiduciary having legal or equitable title, or any interest in any real property. Whenever used in any clause, prescribing or imposing a penalty, the term "owner," as applied to co- partnerships and associations, shall mean the partners or members thereof, and as applied to corporations the officers thereof.
- (b) "Property" means any building or structure situate in any city of the first class or situate in any city of the second class or situate in any city of the third class electing to adopt the provisions of this act, except buildings or structures used, designed or intended to be used, exclusively, for single family or two-family occupancy, churches or other places of religious worship, except that for the purposes of certification or statements regarding notices of housing, building, safety or fire violations the word "property" shall include all buildings or structures.
- (c) "Agreement of Sale" means any agreement or written agreement which provides that title to any property shall thereafter be transferred from one owner to another owner, and shall include inter alia written leases which contain options to purchase the leased property and leases which provide that the lessee of the property shall acquire title thereto after the payment of a stipulated number of regular rent payments or after a stipulated period of

time.

Section 3. Certificates.

- (a) In any city of the first class [and in] any city of the second class or in a city of the third class which has adopted the provisions of this act it shall be unlawful for any owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certification of the district classification, issued by the appropriate city officer indicating the zoning classification and the legality of the existing use of the property to be sold.
- (b) It shall be unlawful for an owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certificate issued by the appropriate city official disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinance.

Section 3.1. Agreements of Sale.

- (a) Every owner shall insert in every agreement for the sale of property a provision showing the zoning classification of such property and stating whether the present use of the property is in compliance with or in violation of zoning laws and ordinances, and every owner shall insert in every agreement for the sale of property a provision disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinance.
- (b) If any owner fails to include any provision required by this act in an agreement for the sale of property, then in any action, at law or in equity, instituted by a purchaser against an owner, it shall be conclusively presumed that the owner at the time of the signing of such agreement, represented and warranted to the purchaser that such property was being used in compliance with the then existing zoning laws and ordinances, and that there was no uncorrected violation of the housing, building, safety or fire ordinances.

Section 4. Nonconforming Uses.

A certificate from the appropriate city officer certifying that the property has been approved or designated as a nonconforming use shall be deemed compliance with this act.

Section 5. Penalties.

Any owner who violates the provisions of Section 3 of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 or undergo imprisonment for not more than 1 year, or both.

Section 2. This act shall take effect immediately.

PART 3

PERSONAL CARE BOARDING HOMES

Reserved

(Ord. 1195, 12/27/1979; Ord. 1394, 3/8/1999)

PART 4

REAL ESTATE REGISTRY

§11-401. System for Registry of Titles Established.

The City Engineer, under the supervision and direction of the City Solicitor, shall prepare such forms for books, maps and plans, and provide such system for filing and indexing as may be best adapted for the registration of all titles within the City, and submit the same to Council for its approval.

(Ord. 12, 1/2/1914, §1)

§11-402. Procurement of Necessary Supplies and Equipment.

When Council shall have adopted such forms, system and method of filing and indexing for that purpose, the necessary books, blanks and equipment for the purpose shall be procured in the manner prescribed by Ord. 3, 12/15/1913, §§1-801 - 1-806.

(Ord. 12, 1/2/1914, §2)

§11-403. Initial Registry of Titles.

As soon as the necessary preparations have been made for the registration of titles, the City Engineer shall give notice by publication in two newspapers published within the City by two insertions therein each week for 2 weeks, that all owners of real estate within the said City shall, on or before a date to be specified in said notice, which shall be at least 30 days from the last publication thereof, furnish to the City Engineer at his office descriptions of their respective properties, upon blanks to be furnished by the City, and at the same time present their title papers to be properly stamped and marked by him.

(Ord. 12, 1/2/1914, §3)

§11-404. Deposit and Return of Original Papers.

When such papers in making the original registration are presented, the City Engineer, if he so desire, may require the same to be deposited with him to be returned by him to the proper parties as soon as the registration has been completed.

(Ord. 12, 1/2/1914, §4)

§11-405. Penalty for Violation.

Any person or persons, firms or corporation who shall fail to comply with the provisions of this Part by not furnishing the information required in the said notice and complying with the conditions thereof shall be, upon conviction thereof, sentenced to fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

(Ord. 12, 1/2/1914, §6; as amended by A.O.)

§11-406. Continuing Registry of Titles; Penalty for Failure to Comply.

- A. It shall be the duty of all persons who acquire by purchase or inheritance, any real estate within the City after the enactment of this Part, within 1 month from the date thereof, to furnish the City Engineer proper information on blanks to be provided for that purpose, for the registration thereof, and produce to him the deed or other conveyance by which the transfer is made, which shall be plainly marked or stamped by him as follows:

"Registered in the Office of the City Engineer of Connellsville, _____
(blank for date).

City Engineer

- B. The provisions of this Section shall apply to partitions. Where land has been devised by will, proper reference to the record of the will shall be given, but it shall not be required to be produced, and where the acquisition is by inheritance full information by affidavit, or such other verification as the City Engineer may require, shall be given, and any person, firm or corporation failing to comply with the requirements of this Section for the period of 1 month, shall be, upon conviction thereof sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. [A.O.]

(Ord. 12, 1/2/1914, §6; as amended by A.O.)

CHAPTER 12
LIBRARIES

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

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- §13-102. Definitions.
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PART 1

TRANSIENT RETAIL MERCHANTS

§13-101. License Required.

Every person, firm or corporation desiring to commence a transient retail or wholesale business within the City of Connellsville, including but not limited to in or on public land such as parks, sidewalks, buildings and other similar locations, as contemplated by Section 2620, as amended, of the Third Class City Code, 53 P.S. Section 37620, shall, before commencing any activities relative to such business, obtain from the City Clerk a license to conduct said business.

- A. The application for the license required by this Part shall require the applicant to state his or its legal name, his or its residence or registered office address, if any entity other than an individual, the name and address of the managing partners, president or chief executive officer, the location within the City of Connellsville at which said transient business is to be conducted, the duration of said business within the City and the type of business to be conducted.
- B. If the proposed transient business includes the sale of food and/or drink to be prepared at the location of the proposed transient business, applicant will also apply for the appropriate health license required for the sale of such items.

(Ord. 1287, 7/31/1989, §1; amended by Ord. 1429, 12/9/2003, Art. I)

§13-102. Definitions.

For the purpose of this Part a transient merchant, itinerant merchant or itinerant vendor is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said City, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction and who does not own said premises or is not the holder of a formal lease thereon for an 1 year or longer period; provided, that such definitions shall be construed to include any person,

firm, or corporation including, but not limited to, tailors and photographers who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this Part merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. Nor shall any local wholesale or retail business already established be relieved from compliance herewith when it opens a temporary branch to take advantage of seasonal demand such as the toy outlets which spring up prior to Christmas and close after the holiday season.

(Ord. 1287, 7/31/1989, §2)

§13-103. Application.

Applicants for license under this Part, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the City Treasurer, showing:

- A. The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the City of Connellsville; the local address of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act that is, whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated.
- B. At least three letters of recommendation from reliable property owners in the County of Fayette, State of Pennsylvania, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the Mayor the good character and business responsibility of such person or persons.
- C. The place or places in the City of Connellsville where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted.
- D. The place or places, other than the permanent place of business of the applicant where applicant within the 6 months preceding the date of said application conducted a transient business or other business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.
- E. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the City of Connellsville, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct

sale or by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

- F. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and copies of said advertising whether by handbills, circular, newspaper advertising, or otherwise shall be attached to said application as exhibits thereto.
- G. Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor.
- H. Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative.
- I. Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the City of Connellsville may deem proper to fulfill the purpose of this Part in the protection of the public good.

(Ord. 1287, 7/31/1989, §3)

§13-104. Duty of Owner of Facilities.

The owner, proprietor or manager of any hotel, motel, rooming house or other place of public accommodation or any of the buildings, structures or facilities enumerated in §13-102 above herein, shall report, within six hours after renting, to the Chief of Police, the name of any person who has rented a room or other space for the sale and display of merchandise of a transient merchant, giving the location of the room so rented.

(Ord. 1287, 7/31/1989, §4)

§13-105. Investigation and Issuance.

Upon receipt of such application, the Police Chief shall cause such investigation of such persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the Police Chief shall so certify in writing, and a license shall be issued by the City Treasurer. The City Treasurer shall keep a full record in his office of all licenses issued. Such license shall contain the number of the license, the date the same was issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said

business may be carried on under said license, and the name or names of the person or persons authorized to carry on the same. Copies of all licenses issued by the City Treasurer shall be given to the City Clerk.

(Ord. 1287, 7/31/1989, §5)

§13-106. Bond.

Before any license, as provided by this Part, shall be issued for engaging in a transient or itinerant business as defined in §13-102 of this Part in the City of Connellsville, such applicant shall file with the City treasurer a surety bond running to the City of Connellsville in the amount of \$5,000, with a surety company licensed to do business in the Commonwealth of Pennsylvania. Said bond shall be approved as to form and sufficiency by the City Solicitor before such license shall be issued. The condition of such bond shall be that said transient merchant will well and truly perform any and all contracts or sales made within the City; and more particularly, that if said merchant takes orders for merchandise to be delivered at a future date and accepts payment in part or in full therefor, he will deliver said merchandise in a satisfactory condition within a period of 3 months from the date of said contract; a copy of said contracts or sales order with full particulars is to be delivered to the purchaser at the time of sale. There shall be no forfeiture in respect to the 3 months limitation where there is proof that nondelivery was due to strikes or other extraordinary events beyond the control of said merchant; however, in such event the merchant shall demand prompt return in full of the purchaser's deposit; and if he fails so to do the surety will be required to make restitution under said bond.

Further conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of the City of Connellsville and the statutes of the Commonwealth of Pennsylvania, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever printed or circulated with reference to the goods, wares and merchandise sold or any part thereof and the license fee imposed hereby.

Action on the bond may be brought in the name of the city to the use of the aggrieved person.

(Ord. 1287, 7/31/1989, §6)

§13-107. Service of Process.

Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, as herein defined, in the City of Connellsville, such applicant shall file with the City

Treasurer an instrument nominating and appointing the City Treasurer or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by §13-105 of this Part, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the said license under this Part, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the City Treasurer, as herein provided, the City Treasurer shall send to the licensee at his last known address, by registered mail, a copy of said process.

(Ord. 1287, 7/31/1989, §7)

§13-108. Exhibition of License.

The license issued under this Part shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place within the City, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

(Ord. 1287, 7/31/1989, §8)

§13-109. Fees.

Licensees under this Part shall pay a fee in an amount as established from time to time by resolution of City Council.

(Ord. 1287, 7/31/1989, §9; as amended by A.O.)

§13-110. Transfer.

No license shall be transferred without written consent from the Mayor as evidenced by an endorsement on the face of the license issued by the City Treasurer showing to whom the license is transferred and the date of the transfer.

(Ord. 1287, 7/31/1989, §10)

§13-111. Loud Noises and Speaking Devices.

No licensee under this Part, nor anyone in his behalf shall shout, make any outcry, blow a horn, ring a bell or use any other sound device including any loud speaking radio or amplifying system upon any of the streets, alleys, parks or other public places of the said City or upon any private premises in the said City where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys or parks or other places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(Ord. 1287, 7/31/1989, §11)

§13-112. Duty of Police to Enforce.

It shall be the duty of the police officers of the City of Connellsville to examine all places of business and persons in their respective territories subject to the provisions of this Part, to determine if this Part has been complied with and to enforce the provisions of this Part against any person found to be violating the same.

(Ord. 1287, 7/31/1989, §12)

§13-113. Records.

The City Treasurer shall deposit the record of licensee, together with a license number, with the Chief of Police. The Chief of Police shall report to the City Clerk any complaints against any person licensed under the provisions of this ordinance and any conviction for violation of this Part. The City Clerk shall keep a record of all such licensees and of such complaints and violations.

(Ord. 1287, 7/31/1989, §13)

§13-114. Revocation of License.

- A. The permits and licenses issued pursuant to this Part may be revoked by the Mayor of the City of Connellsville, after notice and hearing, for any of the following causes:
1. Any fraud, misrepresentation or false statement contained in the application for the license.
 2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise.
 3. Any violation of this Part.
 4. Conviction of the licensee of any felony or of a misdemeanor involving moral

turpitude.

5. Conducting the business licensed under this ordinance in an unlawful manner or in such a manner as to institute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
4. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least 5 days prior to the date set for the hearing.

(Ord. 1287, 7/31/1989, §14)

§13-115. Appeal.

Any person aggrieved by the decision of the City Treasurer in regard to the denial of application for license as provided for in §13-104 of this Part or in connection with the revocation of a license as provided for in §13-114 of this Part, shall have the right to appeal to the City Council of the City of Connellsville. Such appeal shall be taken by filing with the City Council within 14 days after notice of the decision by the City Treasurer has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The City Council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in §13-114 of this Part for notice of hearing on revocation. The order of City Council on such appeal shall be final.

(Ord. 1287, 7/31/1989, §15)

§13-116. Expiration of License.

All licenses issued under the provisions of this Part shall expire 60 days after the date of issuance thereof unless a prior date is fixed therein.

(Ord. 1287, 7/31/1989, §16)

§13-117. Penalty.

Any person, firm or corporation, including the owners upon whom duties are imposed under §13-104 herein, who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine not more than \$600 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 1287, 7/31/1989, §17; as amended by A.O.)

§13-118. Exceptions.

No license fee shall be charged:

- 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.
- C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
- D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 et seq., as may be hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the license fee shall be required to register with the City Treasurer and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with 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 City Treasurer may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provisions of this ordinance shall be issued on an individual basis to any person or persons engaging 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, except that a representative of a charitable organization may obtain licenses for the applicants.

(Ord. 1287, 7/31/1989, §18; amended by Ord. 1429, 12/9/2003, Art. II; and A.O.)

§13-119. Commonwealth and City of Connellsville License Saved.

Nothing contained in this Section shall be construed to relieve any person, partnership, or corporation from the duty of taking out a license, or from the payment of any license tax imposed or authorized by any other statute of this Commonwealth.

(Ord. 1287, 7/31/1989, §19)

PART 2

PEDDLERS AND OTHER VENDORS

§13-201. Definitions and Interpretation.

The following words and terms, as used in this Part, shall have the meanings hereby respectively ascribed thereto:

PEDDLER - a person who shall engage in peddling as herein defined.

PEDDLING - engaging in selling or offering for sale of goods, wares or merchandise and/or taking orders therefor or distributing samples thereof, by traveling upon the streets in the City of Connellsville, and going from house to house therein, or by engaging in such activities within any park or other public ground in the City. No license fee shall be charged:

- (1) To farmers selling their own produce.
- (2) 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.
- (3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
- (4) To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- (5) To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- (6) To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 et seq., as may be hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- (7) For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the license fee shall be required to register with the City Treasurer and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with 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 City Treasurer may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of a nonprofit corporation.

Provided, further, every license issued under the provisions of this ordinance shall be issued on an individual basis to any person or persons engaging 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, except that a representative of a charitable organization may obtain licenses for the applicants. [A.O.]

PERSON - (unless the meaning shall clearly indicate otherwise) a natural person, partnership, association or corporation.

STREET - the cartway of any street or alley within the City of Connellsville, and any sidewalk, curb, gutter or portion thereof, adjacent or alongside thereof.

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

(Ord. 1127, 11/12/1974, §1; as amended by Ord. A.O.)

§13-202. License Required to Engage in Peddling; Fee.

It shall be unlawful for any person to engage in peddling within the City of Connellsville without first having obtained a license from the City Treasurer, which shall be in an amount as established from time to time by resolution of City Council. Provided, the City Treasurer may exempt from payment of the license fee, persons working without compensation and selling or taking orders for goods, wares or merchandise for the sole benefit of any nonprofit corporation, but persons so exempted shall register with the City Treasurer and indicate the days on which such activity shall take place.

(Ord. 1127, 11/12/1974, §2; as amended by Ord. 1144, 7/12/1976, §1; by Ord. 1355, 12/27/1994, §1; by Ord. 1454, 12/14/2006; and by A.O.)

§13-203. Application for License.

Every person desiring a license under this Part shall first make application to the City Treasurer.

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 State or County license. The applicant shall give the following information:

- A. His full name and local address, if any.

- B. His permanent address.
- C. Whether or not he has ever been convicted of any crime, and, if so, the nature of the crime, the place where he was convicted, and the penalty imposed.
- D. The name of the person, if any, by whom he is employed.
- E. The type of goods, wares or merchandise he wishes to deal with as a peddler in the City.
- F. The length of time for which such license is to be issued.
- G. The type and license number of the vehicle to be used by him while engaging in peddling in the City.

(Ord. 1127, 11/12/1974, §3)

§13-204. Issuance, Custody and Display of License.

Upon receipt of the application and the prescribed fee, the City Treasurer, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given under this Part. Every peddler shall carry such license upon his person while engaging in peddling in the City, and shall exhibit such license, upon request, to all police officers, City officials, and citizens or residents of the City.

(Ord. 1127, 11/12/1974, §4)

§13-205. Categories of Licenses.

Each license issued under this Part shall specify whether the same shall authorize house- to-house peddling or peddling in parks or public grounds, and no person granted such a license shall engage in other than the specific above-mentioned category of peddling that shall be specified in his license. Licenses for peddling in parks or public grounds may specify the time and/or location that such licenses shall be valid, and it shall be unlawful for any person to engage in peddling under any such license except as so specified.

(Ord. 1127, 11/12/1974, §5)

§13-206. Prohibited Acts by Peddlers.

No person engaging in peddling shall:

- A. Sell, distribute or solicit orders for any product or type of product not mentioned in his license application.

- B. Hawk or cry his wares on any street or public ground in the City.
- C. In selling from a vehicle, stop or park such vehicle upon any street in the City for longer than necessary to sell therefrom to persons residing, doing business from, or engaging in recreation in the immediate vicinity.
- D. Park such vehicle upon any street in the City 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 any stock or wares or foodstuffs which have become unsaleable through age, handling or otherwise.
- E. No person engaging in peddling shall engage in peddling on Saturdays, Sundays or any other day prior to 10:00 a.m. or after 4:00 p.m., in the case of persons operating from house to house.

(Ord. 1127, 11/12/1974, §6; as amended by Ord. 1144, 7/12/1976, §2)

§13-207. Suspension or Revocation of Licenses.

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

(Ord. 1127, 11/12/1974, §7)

§13-208. Display or Sale of Merchandise on Sidewalks Unlawful.

It shall be unlawful for any person to erect, construct or maintain any stand, shelf, or other structure on any sidewalk in the City of Connellsville, whereon is displayed or can be displayed any goods, wares or merchandise, and it shall also be unlawful for any person to display any goods, wares or merchandise on any sidewalk.

(Ord. 1127, 11/12/1974, §8)

§13-209. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of such fine and costs, to imprisonment for not more than 30 days.

Each day that a violation continues shall constitute a separate offense.

(Ord. 1127, 11/12/1974, §9; as amended by A.O.)

PART 3

AMUSEMENTS AND AMUSEMENT DEVICES

A. Juke Boxes and Similar Devices.

§13-301. License Required for Juke Boxes and Similar Devices.

No person or persons, firm or corporation shall at any time have in his or her or its possession, control or custody within the City of Connellsville any mechanical device, machine or apparatus whatsoever, for the playing of music which will operate by the insertion therein of a coin or metal disk, slug or token without first having procured a license therefor as hereinafter provided.

(Ord. 638, 1/21/1948, §1)

§13-302. Application for License.

Any person or persons, firm or corporation desiring to procure a license to have, possess, use or operate any such device, or machine described in §13-301 hereof, in the City of Connellsville, whether the same be designated as a "juke box," "music box," "photograph," or "nickelodeon" shall apply therefor to the City Treasurer on a form furnished by him. Said application shall contain the following information:

- A. Name of applicant.
- B. Residence of applicant.
- C. Place and date of applicant's birth.
- D. Place where machine is to be kept or operated including street and number of the premises.
- E. Name of manufacturer and kind of machine.

(Ord. 638, 1/21/1948, §2; amended by Ord. 1504, 12/18/2013, Art. B, §2)

§13-303. Age and Citizenship of Applicant.

Every applicant for such license shall be not less than 18 years of age and shall be a citizen of the United States.

((Ord. 638, 1/21/1948, §3; as amended by Ord. 1093, 11/12/1974, §1)

§13-304. Application to be Signed and Sworn to.

The application provided for in §13-302 hereof shall be signed and sworn to by the applicant or applicants.

(Ord. 638, 1/21/1948, §4)

§13-305. Waiting Period Following Application; Investigations.

No license shall be granted for a period of 7 days after the filing of the application provided for in §13-302 hereof during which time the City Treasurer shall investigate the truth of the information contained in said application.

(Ord. 638, 1/21/1948, §5; amended by Ord. 1504, 12/18/2013, Art. B, §2)

§13-306. License Fee.

No license shall be issued until an annual fee therefor shall have been paid to the City Treasurer of the City of Connellsville in the amount as established from time to time by resolution of City Council for each and every mechanical device, machine or apparatus whatsoever for the playing of music kept, possessed, installed, used or operated in the City of Connellsville under the terms of this Part. All licenses issued under the provisions of this subpart shall expire on December 31 of each year.

(Ord. 638, 1/21/1948, §6; as amended by Ord. 1202, 12/29/1980, §1; by Ord. 1504, 12/18/2013, Art. B, §1; and by A.O.)

§13-307. Issuance of Official Sticker.

When the applicant has complied with all the requirements of this subpart, the City Treasurer shall, if he is satisfied of the truthfulness of the information contained in said application, issue an official sticker which shall be numbered to correspond with the number of the application, and shall evidence the applicant's or licensee's right to have, possess, use or operate said device or machine for the period of time for which a fee has been paid.

(Ord. 638, 1/21/1948, §7; amended by Ord. 1504, 12/18/2013, Art. B, §2)

§13-308. Loud Playing of Device Unlawful.

No such mechanical device or machine shall be played so loudly as to be audible outside of the building or premises in or on which it is located.

(Ord. 638, 1/21/1948, §8)

§13-309. Device not to be Played Before 10:00 a.m. or After 1:00 a.m.

No such device or machine shall be played before 10:00 a.m. or after 1:00 a.m. on any day.

(Ord. 638, 1/21/1948, §9)

§13-310. Failure to Have Sticker Attached Constitutes Violation.

Any person or persons, firm or corporation being the owner or occupant of any room, house, building or premises in or on which is found any mechanical device or machine for playing music as described in §13-301 of this subpart that does not have attached thereto the official sticker provided for by §13-307 of this part shall be deemed to have violated the provisions of this subpart each day said unlicensed device or machine is left in premises under his, their or its control.

(Ord. 638, 1/21/1948, §10)

§13-311. Penalty for Violation.

Any person or operator violating any provision of this subpart shall, upon conviction, be fined not more than \$1,000.00 for each and every offense, and in default of payment thereof, shall be imprisoned for not more than ninety (90) days. Each device or machine operated and used in violation of the terms of this subpart, and every day that each device or machine shall be operated and used in violation of the terms of this subpart, shall constitute a separate and distinct offense under this subpart and shall be subject to a separate and distinct penalty thereunder.

(Ord. 638, 1/21/1948, §11; as amended by Ord. 1093, 11/ 12/1974, §2; by Ord. 1504, 12/18/2013, Art. B, §2; and A.O.)

B. Gaming Machines and Similar Devices.

§13-321. Definitions and Interpretation.

The following words and terms, when used in this subpart, shall have the following meanings, unless the context clearly indicates otherwise:

PERSON - The term “person” shall include any individual, firm, company, partnership, unincorporated association, limited liability company, or corporation, and the officers and managers of any firm, company, partnership, unincorporated association, limited liability company, or corporation.

MACHINE OR MECHANICAL DEVICE - The terms “machine” and “mechanical device” shall mean any mechanical amusement device.

MECHANICAL AMUSEMENT DEVICE - The term “mechanical amusement device” shall mean any manual, electrical, or electronic device, machine, computer, or apparatus whatsoever, other than a jukebox, which, upon the insertion or submission of any money (whether metal, paper, or electronic in nature), slug, token, card, promotional code, passcode, or other monetary substitute, may be operated for use as a game, entertainment, or amusement, whether or not a score is registered or a prize is offered.

OPERATOR - The term “operator” shall mean any person who at any time keeps, operates, has in his possession, or offers for use by the public or any private membership upon any premises or in any establishment or public place within the City of Connellsville any mechanical amusement device. In determining the operator of any mechanical amusement device, the owner of the premises, establishment, or public place upon which such mechanical amusement device is located may be deemed the operator of such mechanical amusement device.

In the interpretation of this subpart, as the context may require, the masculine gender shall include the feminine or neuter; the singular number shall include the plural; and the plural number shall include the singular.

(Ord. 725, 10/12/1953, §1; as amended by Ord. 1203, 12/29/1980, §1; by Ord. 1455, 12/14/2006; Ord. 1472, 12/15/2009, §1; by Ord. 1504, 12/18/2013, Art. A, §1; and by A.O.)

§13-322. License Required.

No person shall act as an operator of any mechanical amusement device without first having obtained an operator’s license therefore, as provided in this subpart.

(Ord. 725, 10/12/1953, §2; amended by Ord. 1472, 12/15/2009, §2; and by Ord. 1504, 12/18/2013, Art. A, §2)

§13-323. Operator Application Information.

Any person desiring to obtain an operator's license as an operator shall apply therefore in writing to the City Treasurer, or such other City officials, employees, or agents who are so designated by ordinance or resolution of City Council. The application shall set forth the name and address of the applicant, the present occupation or business of the applicant, the place of business of the applicant, the length of residence or use at such business address, the name of the owner of the premises upon which the aforesaid mechanical amusement device are to be installed, and, if the owner of the premises is not the applicant, the length of time for which the premises have been leased.

(Ord. 725, 10/12/1953, §3; as amended by Ord. 1472, 12/15/2009, §3; and by Ord. 1504, 12/18/2013, Art. A, §3)

§13-324. Signature of Applicant.

The application required in §13-323 shall be signed by the applicant under penalty of unsworn falsification to authorities.

(Ord. 725, 10/12/1953, §4; Ord. 1472, 12/15/2009, §4; and by Ord. 1504, 12/18/2013, Art. A, §4)

§13-325. Issuance of Operator's License.

The City Treasurer, and such other City officials, employees, or agents who are so designated by ordinance or resolution of City Council, may withhold the issuance of an operator's license for a period not to exceed seven (7) days from the date of the application, during which period the City Treasurer, the City code enforcement officer, or the City Police Department may, at their discretion, investigate the facts set forth in the application.

(Ord. 725, 10/12/1953, §5; as amended by Ord. 1096, 11/12/1974, §1; Ord. 1472, 12/15/2009, §5; and by Ord. 1504, 12/18/2013, Art. A, §5)

§13-326. Gambling Devices Prohibited.

Nothing in this subpart shall in any way be construed to authorize, license, or permit any gambling devices or any mechanical that has been judicially determined to be a gambling device or in any way contrary to law or that may be contrary in the future to any laws of the Commonwealth of Pennsylvania.

(Ord. 725, 10/12/1953, §6; amended by Ord. 1472, 12/15/2009, §6; and by Ord. 1504, 12/18/2013, Art. A, §6)

§13-327. Fee for Operator's License.

- A. No operator's license for any year or portion thereof shall be issued until the general mechanical amusement device license tax in an amount as established from time to time by resolution of City Council per mechanical amusement device, subject to the exceptions provided in this section, has been paid to the City Treasurer, or such other City officials, employees, or agents who are so designated by ordinance or resolution of City Council. Any operator's license shall expire on January 31 of the following year unless and until an annual general mechanical amusement device license tax in an amount as established from time to time by resolution of City Council per mechanical amusement device, subject to the exceptions provided in this section, has been paid to the City Treasurer, or such other City officials, employees, or agents who are so designated by ordinance or resolution of City Council.
- B. The initial and annual general mechanical device license tax shall be reduced for all applicants and operators who, after review and investigation by the City Treasurer, and such other City officials, employees, or agents who are so designated by ordinance or resolution of City Council, can establish, by providing sufficient documentation to the satisfaction of the City Treasurer, and such other City officials, employees, or agents who are so designated by ordinance or resolution of City Council, that he meets and satisfies the requirements for businesses provided in this section on the date of the initial application or the payment of the annual general mechanical device license tax.
1. All operators that 1) operate twenty (20) or more mechanical amusement devices on the same premises, establishment, or public place; 2) prohibit both the sale and consumption of alcohol on said premises, establishment, or public place; 3) operate a restaurant, snack bar, kitchen, or eating establishment on said premises, establishment, or public place from which prepared food is served, for which an eating and drinking license is required, and for which all other required registrations, licenses, and certifications have been obtained and remain valid; and 4) operate all such mechanical amusement devices on said premises, establishment, or public place the full and complete use of which is not restricted, either by law or by the policies of the operator, to persons eighteen years of age or older, shall be eligible to pay an initial and annual general mechanical amusement device license tax in an amount as established from time to time by resolution of City Council per mechanical amusement device.
 2. All operators that 1) operate twenty-five (25) or more mechanical amusement devices on the same premises, establishment, or public place; 2) prohibit both the sale and consumption of alcohol on said premises, establishment, or public place; and 3) operate all such mechanical amusement devices on said premises, establishment, or public place the full and complete use of which is not restricted, either by law or by the policies of the operator, to persons eighteen years of age or older, shall be eligible to pay an initial and annual general mechanical amusement device license tax in an amount as established from time to time by resolution of

City Council per mechanical amusement device.

3. All operators that 1) operate twenty-five (25) or more mechanical amusement devices on the same premises, establishment, or public place; 2) operate a restaurant, snack bar, kitchen, or eating establishment on said premises, establishment, or public place from which prepared food is served, for which an eating and drinking license is required, and for which all other required registrations, licenses, and certifications have been obtained and remain valid; and 3) operate all such mechanical amusement devices on said premises, establishment, or public place the full and complete use of which is not restricted, either by law or by the policies of the operator, to persons eighteen years of age or older, shall be eligible to pay an initial and annual general mechanical amusement device license tax in an amount as established from time to time by resolution of City Council per mechanical amusement device.
 4. All operators that 1) operate thirty (30) or more mechanical amusement devices on the same premises, establishment, or public place; 2) prohibit both the sale and consumption of alcohol on said premises, establishment, or public place; and 3) operate a restaurant, snack bar, kitchen, or eating establishment on said premises, establishment, or public place from which prepared food is served, for which an eating and drinking license is required, and for which all other required registrations, licenses, and certifications have been obtained and remain valid, shall be eligible to pay an initial and annual general mechanical amusement device license tax in an amount as established from time to time by resolution of City Council per mechanical amusement device.
 5. All operators that 1) operate fifty (50) or more mechanical amusement devices on the same premises, establishment, or public place; and 2) prohibit both the sale and consumption of alcohol on said premises, establishment, or public place, shall be eligible to pay an initial and annual general mechanical amusement device license tax in an amount as established from time to time by resolution of City Council per mechanical amusement device.
- C. The amount of the any initial or annual general mechanical amusement device license tax provided for in this subpart may be changed by a subsequent ordinance or resolution adopted by the City Council of the City of Connellsville.

(Ord. 725, 10/12/1953, §7; amended by Ord. 1472, 12/15/2009, §7; by Ord. 1504, 12/18/2013, Art. A, §7; and by A.O.)

§13-328. Transfer.

When the operation of any mechanical amusement device for which a license has been issued is transferred during the calendar year, the transferee shall be licensed to keep and maintain such mechanical amusement device for the remainder of the calendar year for which said mechanical

amusement device license tax is paid without payment of another mechanical amusement device license tax.

(Ord. 1504, 12/18/2013, Art. A, §8)

§13-329. Penalty for Violations.

Any person or operator violating any provision of this subpart shall, upon conviction, be fined not more than \$1,000.00 for each and every offense, and in default of payment thereof, shall be imprisoned for not more than ninety (90) days. Each mechanical amusement device operated and used in violation of the terms of this subpart, and every day that each mechanical amusement device shall be operated and used in violation of the terms of this subpart, shall constitute a separate and distinct offense under this subpart and shall be subject to a separate and distinct penalty thereunder.

(Ord. 1504, 12/18/2013, Art. A, §9)

§13-330. Enforcement.

- A. It shall be the duty of the City Treasurer to collect and receive the license taxes, fines, and penalties imposed by this subpart. It shall also be his duty to keep a record showing the amount received by him from each person paying the license tax and the date of such receipts.

- B. The City Treasurer, or such other City officials, employees, or agents who are so designated by ordinance or resolution of City Council, is hereby charged with the administration and enforcement of the provisions of this subpart, and is hereby empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this subpart. Any person aggrieved by the decision of the City Treasurer shall have the right to appeal to court as in other cases provided.

(Ord. 1504, 12/18/2013, Art. A, §10)

PART 4

ALARM SYSTEMS

§13-401. Purpose.

Although an alarm system is important as a deterrent to unlawful entry, the frequency of alarms and particularly malfunctioning or false alarms places upon the Police Department additional duties. Further, frequent response by the police for false alarms creates even additional duties and requires further expense. Based upon these considerations, the purpose of this Part is to impose certain requirements upon alarm subscribers and to require the payment of certain fees due to the additional duties required of the Police Department.

(Ord. 1260, 8/25/1986, §1)

§13-402. Scope.

This Part shall apply to all business, industrial and residential premises within the City of Connellsville having an alarm system as defined herein.

(Ord. 1260, 8/25/1986, §2)

§13-403. Definitions.

As used in this Part, unless the context otherwise requires:

ALARM SYSTEM - any device designed for the detection of an unauthorized entry on the premises, unlawful act or emergency that when actuated gives a signal, either visual, audible or both, or transmits or causes to be transmitted a signal, as a result of which the police department is alerted either by an alarm signal at the police station or by receipt of a telephone message.

FALSE ALARM - any alarm signal that alerts the Police Department which is not the result of an actual or threatened emergency requiring their immediate response.

False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon police, fire or emergency services in nonemergency situations and alarm signals for which the actual cause is not determined.

PERSON - any natural person, company, association, firm, partnership or corporation.

POLICE DEPARTMENT - the Connellsville Police Department and its officers.

(Ord. 1260, 8/25/1986, §3)

§13-404. Alarm User Permits.

- A. **Permit Required.** Any person using or desiring to use an alarm system shall, within 30 days of the effective date of this Part, file an application with the City Clerk for a numbered or coded alarm user permit for each system in use; and thereafter no person shall install or use an alarm system without having applied for and been issued a current and valid alarm user permit. A separate permit shall be required for each protected location. Should the subject premises of any alarm system change ownership, the new owners shall apply for a new permit.
- B. **Application.** The alarm user permit application shall contain the following information:
1. Applicant's name, address and telephone number.
 2. The address of the residence or business in or upon which the alarm system has been or shall be installed.
 3. Type of alarm system installed or to be installed and name of the primary manufacturer of the system or its major components.
 4. Date of installation of the alarm system.
 5. The name and address of the alarm business, seller, or installer which shall service or monitor the alarm system.
 6. The names, address and telephone numbers of at least two persons who are authorized to respond to an emergency and gain access to the premises where the alarm system is installed.
- C. **Permit Fee.** There is hereby established an annual permit fee in an amount as established from time to time by resolution of City Council. This fee shall be due and payable by February 1 of each year; except that in the case of installation of a new system the fee shall be due and payable within 30 days after the date of installation.
- Further, in the event application is made after July 1 of any year the fee shall be ½ of the established annual fee, but there shall be no other proration of the annual fee.[A.O.]
- D. **Expiration Date.** Alarm user permits shall automatically terminate and expire on December 31 next following issuance of the permit but shall be renewed upon payment of the permit fees.
- E. **Revocation.** Should any alarm system user fail to obtain an alarm user permit or should a permitted user fail to make payment of any false alarm penalty, then in addition to the

penalties prescribed in this Part, service shall be revoked and the police department will not respond to any alarm from such user.

(Ord. 1260, 8/25/1986, §4; as amended by A.O.)

§13-405. Direct Line Alarms.

Any person may have a direct line to the Connellsville Police Station and have a connection made to an alarm terminal provided by the City, however, the cost of making the connection or installation at the Connellsville Police Station will be the sole responsibility of the alarm system user or alarm installer and payment for the actual cost of installation shall be made to the City prior to such connection or installation. Alternatively, however, the alarm system user may simply have the Police Department notified of an alarm by telephone.

(Ord. 1260, 8/25/1986, §5)

§13-406. Alarm Company Reporting Requirements.

All persons in the business of installing, maintaining or operating alarm systems within the City of Connellsville shall within 30 days of the effective date of this Part provide to the City Clerk a complete list of all alarm system subscribers on a form provided by the City Clerk. The data to be included on such form shall include the name and address of the user, the location of the alarm, the type of system installed and the date of installation.

Thereafter, upon the installation of any alarm system each person installing such alarm shall provide the foregoing information to the City Clerk.

(Ord. 1260, 8/25/1986, §6)

§13-407. Repeated False Alarms.

No person, owning, using or possessing an alarm system shall cause or permit the giving of repeated false alarms, whether intentional, accidental or otherwise.

(Ord. 1260, 8/25/1986, §7)

§13-408. False Alarm Penalty.

For the third and all subsequent false alarms occurring from each alarm system during any calendar month the permit holder of that alarm system shall pay to the City of Connellsville, a penalty of in an amount as established from time to time by resolution of City Council for each such false alarm.

(Ord. 1260, 8/25/1986, §8; as amended by A.O.)

§13-409. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of and fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 1260, 8/25/1986, §9; as amended by A.O.)

PART 5

"BRING YOUR OWN BOTTLE" CLUBS

§13-501. Purpose.

The Council of the City of Connellsville hereby declares the purpose of this Part is to regulate the hours of operation of "bring your own bottle" ("B.Y.O.B.") clubs in order to preserve the residential character of neighborhoods and in order to protect the rights of its citizens to the quiet enjoyment of the same.

(Ord. 1387, 12/14/1998, §1)

§13-502. Definitions.

ALCOHOLIC BEVERAGES - any and all beverages, including malt beverage, which contain alcohol, liquor or such other intoxicating substances as are further defined in the Pennsylvania Liquor Code, 47 Pa.C.S.A. §1-101 et seq.

"BRING YOUR OWN BOTTLE" ("B.Y.O.B.") CLUB - any business facility such as a dance hall, club, or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons 21 years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which those patrons, individually or collectively, shall have carried onto the premises, provided that a facility which is rented for a limited period of time, not to exceed 12 hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a "bring your own bottle" ("B.Y.O.B.") club under the terms of this Part.

RESIDENCE - a building or structure wholly or partially used for living, sleeping, eating, cooking and sanitation by human occupants.

RESIDENCE ZONE - those classes of residential zones specified under the Zoning Ordinance of the City of Connellsville [Chapter 27].

(Ord. 1387, 12/14/1998, §2)

§13-503. Club Operation.

In any zone in which "bring your own bottle" ("B.Y.O.B.") clubs may otherwise be permitted, it shall be unlawful for any person or persons who own, operate, lease, manage, or control a "bring your own bottle" ("B.Y.O.B.") club to:

A. Remain open and/or to transact business between the hours of 2:00 a.m. and 8:00 a.m.,

prevailing time, of each day if such club is located in a residence zone or within 1,000 feet from the nearest property line of any residence, church, hospital, school, other institution of learning or education, library, park, or playground.

- B. Conduct activities to which this Part applies without possessing a valid permit, from the City's Health Officer, and a certificate of occupancy issued by the Pennsylvania Department of Labor and Industry.

(Ord. 1387, 12/14/1998, §3)

§13-504. Unlawful Activities.

- A. In the event that any unlawful activity is conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association, in addition to entity liability, the officers, agents or principals of said corporation, partnership, joint venture, trust, firm or association shall be deemed to have committed the violation, as well as the person or persons engaged in the unlawful activity.
- B. In the event that there is a conviction involving any unlawful activities at the club, the Chief of Police shall revoke the club permit. This revocation shall be in addition to any monetary penalties involved.
- C. The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which such illegal activities are conducted.

(Ord. 1387, 12/14/1998, §4)

§13-505. Requirements.

"Bring your own bottle" ("B.Y.O.B.") clubs shall at all times comply with the following requirements:

- A. Obtain and carry broad form general liability coverage, \$1,000,000 single limit per occurrence, proof of which shall be filed with the Chief of Police.
- B. Possess a valid certificate of occupancy issued by the Pennsylvania Department of Labor and Industry and a health certificate from the City of Connellsville, and prominently display those certificates as required.
- C. Obtain valid business privilege/mercantile license from the City of Connellsville and prominently display that license as required.
- D. Obtain a zoning permit which states that the club engages in an activity which is permitted under the Zoning Code of the City of Connellsville [Chapter 27] and

prominently display that permit as required.

- E. Obtain an operator license relating to mechanical amusement services, if applicable, and prominently display that license as required.
- F. Obtain a valid "bring your own bottle" ("B.Y.O.B.") club permit pursuant to this Part and prominently display that permit as required.
- G. Conspicuously post the hours of operation at the business premises such that patrons are sufficiently apprised of the same.

(Ord. 1387, 12/14/1998, §5)

§13-506. Club Permit.

- A. Any person or persons desiring to operate or continue to operate a "bring your own bottle" ("B.Y.O.B.") club shall file with the Chief of Police an application for a club permit, which application shall include the following information: the name and address of the club; a statement whether the business premises is leased or owned by the club; the name and address of the lessor of the business premises, if applicable; the nature of the ownership of the club, i.e., corporation, partnership, joint venture, association; the names and addresses of the officers and/or agents of the club; the names and addresses of any and all persons who possess an ownership and/or financial interest in the club; and a notarized statement that the club complies with the requirements of the ordinances of the City of Connellsville.
- B. The Chief of Police shall determine whether the club fully and completely complies with the provisions and requirements of this Part within 10 days following the date on which application is received. If the Chief of Police determines that the applicant fully and completely complies with the provisions hereof, he shall issue a "bring your own bottle" ("B.Y.O.B.") club permit, if the Chief of Police determines that the applicant does not fully and completely comply with the provisions hereof, he shall deny the issuance of the club permit and shall furnish written evidence of the same to the applicant, together with the reason(s) for denial.
- C. The club shall pay an administrative fee for in an amount as established from time to time by resolution of City Council for a "bring your own bottle" ("B.Y.O.B.") club permit and the same sum for each renewal thereof. Such club permit shall be effective for a period of 1 year following the date of issuance; provided, in the event the club fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities during the term of the club permit so issued, the Chief of Police shall have the authority to revoke the club permit because of the club's lack of compliance. [A.O]

(Ord. 1387, 12/14/1998, §6; as amended by A.O.)

§13-507. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

Each day that a violation continues shall constitute a separate offense.

(Ord. 1387, 12/14/1998, §7; as amended by A.O.)

PART 6

UTILITIES

A. Installation and Removal of Poles and Other Facilities.

§13-601. Conditions for Erection of Poles and Other Structures for Transmission of Electricity.

On and after the passage of this subpart, it shall be unlawful for any individual, firm, corporation or association engaged in the production, transmission or utilization of electrical energy for light, power, telephone, telegraph, signals, or other purpose, to set or cause to be set by any employee or agent, or otherwise, any pole or other structure, designed to be used for the aerial transmission of electricity, on the streets, lanes or alleys of the City of Connellsville, except in and by the manner and method hereinafter provided.

(Ord. 17, 2/2/1914, §1)

§13-602. Submission of Drawing, Tracing or Print.

When any individual, firm, corporation or association enjoying duly vested franchise rights for any of the purposes set forth in the immediately preceding section, desires to set a pole or poles, or other structure, in the exercise of his or their rights and privileges, or in addition to, or in alteration of, the then existing order or arrangement of poles or structures on any street, lane or alley of the City, the said individual, corporation or association, by duly accredited agent or employee thereof, shall submit to the Director of the Department of Streets and Public Improvements, a drawing, tracing or print, made to scale showing accurately the proposed location of said pole or poles, or other structures, and of all other poles erected or being within a radius of 200 feet from the proposed location, or locations, and the division lines between adjacent or contiguous properties, and the lot numbers or owners thereof, on the side of the street, lane or alley upon which it is proposed to locate said pole or poles, and the division lines between properties on the opposite of said street, lane or alley. Said drawing, tracing or print shall have inscribed thereon the name of the individual, firm, corporation, or association proposing to set said pole or poles, and the date and record reference of the ordinance under which the right of franchise is exercised.

(Ord. 17, 2/2/1914, §2; as amended by Ord. 1087, 11/12/1974, §1)

§13-603. Issuance of Permit; Restrictions Thereon.

If the Director of the Department of Streets and Public Improvements is satisfied that the drawing, tracing or print is a correct and true delineation, and that the proposed location of said pole or poles is such as will not impede traffic, interfere with the access to any building or create

dangerous conditions, and that the individual, firm, corporation, or association preventing said drawing, tracing, or print has lawful right of franchise, and has not previously violated any condition or provision of this, or subsequently enacted, Part regulating such matter, the said Director shall issue permit, upon proper form, for the erection of said pole or poles, or other structure, in accordance therewith, and attach a copy of said permit to the drawing, tracing or print and file same among the records of his Department; provided, however, that no permit shall be issued to set a pole or poles on any street or avenue except the same be located as near as may be, in the line between abutting property owners, or contiguous lots, and inside of and flush up against the curb, except that upon streets where the distance from curb line to property line is 6 feet or less, the pole or poles shall be set, as near as may be, in the division line between lots, and in the line of the curb so that no portion of the pole shall project beyond the face, or street, side of the curb, and provided further that in alleys poles shall be set, as near as may be, in the division line between lots, and not at a greater distance than 3 feet between center of pole and the line of property abutting on the alley, and on street and alley corners, as near as may be, in the angle made by the intersecting curb lines, and inside of the curb and flush up against the same, and provided further, that no pole or poles shall be set nearer than 10 feet from the center line of a gate or other entrance to a lot or to a building or buildings, erected thereon, except by and with consent of property owner, and provided further that no pole or poles shall be set so as to require the removal of a growing shade tree or trees, or interfere with the growth or destroy the symmetry thereof, except by and with the consent of the property owner. In all instances where the consent of the property owner is secured for modifications of locations, as herein provided, said consent must be in writing and attached to the print or drawing when same is filed for permit to set a pole or poles.

(Ord. 17, 2/2/1914, §3; as amended by Ord. 1087, 11/12/1974, §1)

§13-604. Conformity with Curb Line and Grade; Engineer's Fees; Proximity of Poles to Buildings.

Wherever and whenever a pole or poles is or are hereafter set or reset on streets having a distance of 6 feet or less between the curb line and the property line, and where the curb is already in place, the curb shall be neatly cut or trimmed to fit the outside diameter of the pole before the same is placed in position, and, if in the judgment of Director of the Department of Streets and Public Improvements it be necessary to secure a neat and substantial fit of the pole to the curb, he shall require the same to be filled with cement in a durable and workmanlike manner. In replacing the excavated earth about the pole it shall be done in thin layers and so thoroughly tamped in place that after settling the surface about the pole shall remain uniform in grade with the curb. On streets or such portions of them where curbs have not been set, the City Engineer, upon direction of the Director of the Department of Streets and Public Improvements, shall set stakes in establishment of curb lines, in order that the provisions of §13-602 hereof may be complied with. The individual, firm, corporation or association seeking permit for location of poles shall compensate the City of Connellsville for service of the City Engineer's assistants only, for the establishment of curb lines as herein provided; and provided further that no pole or poles shall be so set or attachments made thereto as shall bring either or both in close or dangerous proximity to a building or buildings, erected on the lot in front or rear of which the

pole or poles is located.

(Ord. 17, 2/2/1914, §4; as amended by Ord. 1087, 11/12/1974, §1)

§13-605. Refilling of Excavations; Restoration of Sidewalk.

On streets having sidewalks extending to the curb lines, that portion or portions of the sidewalk removed during the excavation for the pole or poles, shall be relaid of the same material and quality as the sidewalk around the base of the pole, after the replaced earth has completely settled, and in a manner, satisfactory to the City Engineer and the owner or owners of the property or properties in front of which the pole or poles is or are placed.

All earth and other material remaining from refilling the excavation, or in relaying the sidewalk and curb, shall be removed upon completion of the work, and the sidewalk and street in the immediate vicinity be left broom-clean.

(Ord. 17, 2/2/1914, §5)

§13-606. Removal of Poles.

Whenever any pole or poles is or are removed from any street, lane or alley it shall be done by extracting the whole of said pole or poles, and not cutting the pole off at its base and permitting a stump or end thereof to remain in the earth, and the hole or holes produced by such removal shall be refilled and the sidewalk relaid in the manner prescribed in §13- 605 of this Part. If the removal of pole or poles leaves an open space or spaces in the curb, the latter shall be reset of the same material and quality as the immediately adjacent portions of the said curb, and in such manner as will preserve permanent uniformity in the grade thereof. If at any time subsequent to setting or re-setting or removal of a pole or poles the earth replaced the pole where set, or in the hole from which a pole is removed, shall settle below the grade of the curb or other or any inequalities or deficiencies of the surface, pavement or curb develop, the individual, firm, corporation or association by whom, or for whom the setting or resetting or removal of pole or poles was done, upon notice from the Director of the Department of Streets and Public Improvements, shall remedy the condition, as provided in §13-605 of this Part, or failing or refusing so to do, become liable to the penalty hereinafter provided.

(Ord. 17, 2/2/1914, §6; as amended by Ord. 1087, 11/12/1974, §1)

§13-607. Abatement or Remedy of Certain Conditions; Authority for City to Do Work and Collect Expenses Plus Additional Amount.

Upon information of complaint by officers of the City or others, that the provisions contained in §13-604 - 13-606 of this Part have not been fully complied with, notice shall be given by the Director of the Department of Streets and Public Improvements, to the individual, firm,

corporation or association, alleged to have been delinquent, to commence the abatement or remedy of the condition complained of within 5 days from the date of notice and complete the same within 10 days thereafter. Upon neglect or refusal so to do, the said Director shall authorize the employment of a person or persons to make the necessary alterations, or repairs, or supply the deficiencies reporting the fact to Council when the work is completed together with a statement of the expenses for labor, material and superintendence incident thereto. To the total thereof 20% shall be added, upon the rendering of a proper statement thereof to the delinquent individual, firm, corporation or association. It shall become a valid debt collectible as like debts are by law collectible.

(Ord. 17, 2/2/1914, §7; as amended by Ord. 1087, 11/12/1974, §1)

§13-608. Removal and Replacement of Certain Poles.

Such pole or poles which by their location at the time this Part becomes effective, do not reasonably conform to an orderly arrangement on any street or streets, shall upon notice, as provided in §13-607 of this Part, be removed to comply with the provisions herein set forth, and any and all poles already set, when replaced by new poles, or removed for any cause, shall be located in accordance with the provisions hereof, and any and all stumps of poles which have been permitted to remain in the earth when a part of the pole has been removed by cutting same off at or near the curb or surface of the earth, shall upon notice as provided, be removed, and wherever the curb has been broken to permit of a pole location, the same shall be repaired as herein provided. Neglect or refusal to comply with any notice which this Part provides shall or may be given, shall subject the offender to the penalty provided by §13-607. Mailing to the last known address, or leaving at the office of the local manager of the individual, firm, corporation or association owning, leasing or otherwise controlling pole or poles shall constitute service of notice as herein provided.

(Ord. 17, 2/2/1914, §8)

§13-609. City Services Limited.

Nothing in this Part shall be construed as meaning that the City of Connellsville, or any officer or employee thereof, is to act, or shall be required to act as intermediary or arbiter between any individual, firm, corporation or association desiring to locate poles in the proper exercise of its or their corporate or franchise rights, and the owner or owners of property in front of which a pole or poles is desired to be set, nor to perform any engineering or other services except as provided in §13-604 of this Part.

(Ord. 17, 2/2/1914, §9)

§13-610. "Pole" Defined.

The term "pole" as used in this Part is meant to include all poles whether of wood or iron or steel, or other material, or combination thereof, erected in the ground and to which transmission wires, suspension wires or guy wires may be attached, or which may be so set as to serve as a brace or stay to a pole or poles to which a wire or wires may be attached for any of the purposes set forth in this Part.

(Ord. 17, 2/2/1914, §10)

B. Pole Licenses.

§13-611. Definitions and Interpretation.

In this Part, the following words and terms shall have the meanings hereby respectively ascribed thereto:

PERSON - any natural person, partnership, association, firm or corporation.

UTILITY POLE - any pole erected and maintained upon or along any street, alley, curb or sidewalk in the City of Connellsville, used for carrying or supporting electric, telephone, telegraph and other wires, and transformers and/or other facilities in connection therewith, but not any pole used solely to carry any street light or facilities in connection therewith, or any street name sign or traffic or parking sign.

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

(Ord. 1128, 11/12/1974, §1)

§13-612. Pole License Required; Annual Fee; When Due.

Every person owning and/or maintaining any utility pole in the City of Connellsville shall annually take out a license therefor from the City License Officer, and shall pay an annual license fee of \$2, which shall be for the use of the City, for every such pole. Such license fee shall be due and payable on or before the first Monday of January of the year for which such license shall be issued, and if such license fee shall not be paid by March 1 of said year, 5% shall be added thereto.

(Ord. 1128, 11/12/1974, §2; as amended by Ord. 1204, 12/29/1980, §1)

§13-613. Collection of Delinquent Payments.

All license fees imposed by this part and remaining unpaid after the first day of March of any license year shall be certified by the City Treasurer to the City Solicitor who shall proceed to collect the same by action in assumpsit or otherwise, as shall be provided by law. The City Treasurer shall make affidavit to the statements filed or warrants issued.

(Ord. 1128, 11/12/1974, §3)

PART 7

GARAGE, CONSIGNMENT, AND RESALE SALES

§13-701. Purpose.

The rules and regulations of this Part are designed to control and restrict garage and yard sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences, only, in keeping with the character of the neighborhood where this activity is carried on in compliance with the Zoning Ordinance of the City of Connellsville. The intent of this Part is to eliminate perpetual, prolonged and extended garage and yard sales in residential areas. Such sales if continued indefinitely tend to become retail businesses in residential areas and zones, create a nuisance and often violate the zoning regulations of the City of Connellsville. The provisions of this Part arise from the need to limit, regulate, restrict and control garage and yard sales. It is not the intent of this Part to change or amend the Zoning Ordinance, Transient Business Ordinance and/or any other ordinance of the City of Connellsville.

(Ord. 1433, 12/29/2003, §1)

§13-702. Definitions.

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

GARAGE SALE - 1. The sale or offering for sale of three (3) or more new, used or secondhand items of personal property at any one (1) residential premises at any one (1) time; 2. Includes all sales in residential areas entitled "garage sales," "yard sales," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale," "moving sale" or any similar casual sale of tangible personal property.

GOODS - any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

PERSONS - individuals, partnerships, family groups, voluntary associations and corporations.

MUNICIPALITY - all residential dwellings located within any type of zone, zoned area, zoning district, whether or not said areas or zones are residential, business, commercial or otherwise, within the geographic boundaries of the City of Connellsville.

EPISODE - a twenty-four (24) hour day or any fraction thereof, on any given day of the week.

(Ord. 1433, 12/29/2003, §2)

§13-703. Condition of Sale.

- A. Family-oriented garage and yard sales are welcomed activities for all to enjoy within the geographic boundaries of the City of Connellsville.
- B. Family-oriented garage and yard sales should not exceed more than fifteen (15) episodes in one (1) calendar year at any one (1) location/address within the boundaries of the City of Connellsville.
- C. If and when the garage/yard sale exceeds the fifteenth (15th) episode, the City of Connellsville now defines said sale as a legitimate consignment or resale/retail business. Under said conditions, the seller(s) must secure an annual business license from City of Connellsville City Treasurer and abide by all rules and regulations prescribed under such conditions.

(Ord. 1433, 12/29/2003, §3)

§13-704. Exemptions.

This Part shall not be applicable to:

- A. Persons selling goods pursuant to an Order of Court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person selling or advertising for sale an item or items of personal property which is specifically named or described in the advertisement and which separate items do not exceed three (3) in number. Notwithstanding any provisions of this Part, any person may sell up to three (3) secondhand articles without being subject to the provisions of this Part.
- D. Any publisher of a newspaper, magazine or other publication or other communications media who publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this Part have not been met.
- E. Any sale conducted by any legitimate business or commercial or industrial establishment on the property zoned under the zoning regulations of the City of Connellsville with or without the protection of the non-conforming use section of the zoning laws, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited by laws of the Commonwealth of Pennsylvania and ordinances of the City of Connellsville including this Part.
- F. Sales by a bona fide charitable, eleemosynary, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax-exempt organizations; provided, however, that the burden of proof to establish the exemption

under this subsection shall be on the organization or institution claiming such exemption.

- G. Any public auction having duration of no more than two days and conducted by an auctioneer, licensed by the Commonwealth of Pennsylvania.

(Ord. 1433, 12/29/2003, §4)

§13-705. Enforcement.

- A. This Part shall be enforced by the Connellsville Police Department and/or Zoning Officer and it shall be their respective duty to investigate and prosecute any violation of this Part.
- B. If, after an investigation, a violation is found to exist, the respective Police Officer and/or Zoning Officer shall prosecute a complaint before a magisterial district judge pursuant to the provisions of this Part.
- C. The person conducting the sale and the owner, tenant or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.
- D. No such person shall permit any loud or boisterous conduct on such premises or street vehicles to impede the passage of the traffic on any roads or streets in the area of the premises where the sale is being conducted.
- E. In the event of an emergency, all such persons shall obey reasonable orders from any member of the Police and/or Fire Department in order to maintain the public health, safety and convenience.

(Ord. 1433, 12/29/2003, §5)

§13-706. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, for each and every day in excess of fifteen (15) episode limitations.

(Ord. 1433, 12/29/2003, §6; and A.O.)

CHAPTER 14

MOBILES HOMES AND MOBILE HOME PARKS

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PART 1

GENERAL REGULATIONS

§15-101. Definitions and Interpretations.

- A. Words and phrases, when used in this Chapter, except for sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa.C.S.A. §101 et seq., except that in this Chapter the word "street" may be used interchangeably with the word "highway," and shall have the same meaning as the word "highway" as defined in the Vehicle Code.
- B. The term "legal holidays" as used in this Chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- C. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.
- D. Although the streets in the City run generally in a northeast-southwest and a northwest-southeast direction, for the purposes of this Chapter, street and the streets running parallel or generally parallel to Street shall be deemed to run in a north-south direction, and Street and the streets parallel or generally parallel to Street shall be deemed to run in an east-west direction.

(A.O.)

§15-102. Manner of Adopting Future Permanent Traffic and Parking Regulations; Adoption of Current Signs and Permanent Traffic and Parking Regulations.

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

In addition to all current or existing signs and permanent traffic regulations specifically identified in this Chapter, all other prior and pre-existing traffic studies, ordinances, and signs previously installed, enacted, placed, or installed by the City, or its representatives, are hereby ratified and, with the exception of all penalty provisions, shall be consolidated into this Chapter. All such prior and pre-existing ordinances and signs shall be entered into the appropriate sections hereunder, consistent with the wording and intent of such respective prior or pre-existing ordinance or sign.

(A.O.)

§15-103. Provisions to be Continuation of Existing Regulations.

The provisions of this Chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this Chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments.

Nothing in this Chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

(A.O.)

§15-104. Temporary and Emergency Regulations.

A. The Chief of Police shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

1. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.
2. 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.

B. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such 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 subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than \$25 together with costs of prosecution.

(A.O.)

§15-105. Experimental Regulations.

The City Council may, from time to time by resolution, designate places upon and along the highways in the City where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter.

No person shall operate and no person shall move, remove, destroy or deface any sign or

marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than \$25 together with costs of prosecution; provided, the purpose of this Section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the City relative to traffic and parking.

(A.O.)

§15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.

- A. The City Council shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.
- B. The City Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.
- C. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

§15-107. Use of Streets By Processions and Assemblages.

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

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

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

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

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

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

(A.O.)

§15-108. Authority of Police Officers.

The police officers of the City are hereby authorized to direct traffic on the highways of the City and at intersections thereof and to otherwise enforce the provisions of this Chapter.

(A.O.)

§15-109. Authorization for Use of Speed Timing Devices.

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

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

(A.O.)

PART 2

TRAFFIC REGULATIONS

§15-201. Maximum Speed Limits Established on Certain Streets.

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

Street	Between	Maximum Speed Limit
Blackstone Lane	Ninth Street and Twelfth Street	35 mph
Crawford Avenue	Connellsville Township line and Dunbar Township line	35 mph
Eighth Street	Memorial Boulevard and Morrell Avenue	35 mph
Memorial Boulevard	Seventh Street and Connellsville Township line	40 mph
Morrell Avenue	Northern terminus of Morrell 3 Avenue 35 mph and Route 119	5 mph
Ninth Street	Crawford Avenue and Morrell Avenue	35 mph
Other Streets not posted	-	25 mph
Pittsburgh Street	Route 119 and south City line	35 mph
Snyder Street	East City line at Petersburg Road and Crawford Avenue	35 mph
Veech Street	W. Crawford Avenue and Dunbar Township line	35 mph

B. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than 5 miles per hour shall pay an additional fine of \$2 per mile for each mile in

excess of 5 miles per hour over the maximum speed limit.

(A.O.)

§15-202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures.

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

Bridge or Elevated Structure	Location	Maximum Speed Limit
All bridges within the City except for bridges forming part of U.S. Highway Route 119	-	15 mph

B. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than 5 miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of 5 miles per hour over the maximum speed limit.

(A.O.)

§15-203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades.

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

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

- B. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than 5 miles per hour shall pay an additional fine of \$2 for each mile in excess of 5 miles per hour over the maximum speed limit.

(A.O.)

§15-204. Maximum Speed Limits Established in Parks.

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

Park	Street	Location	Maximum Speed Limit
		[Reserved]	

- B. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than 5 miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of 5 miles per hour over the maximum speed limit.

(A.O.)

§15-205. Traffic Signals at Certain Locations.

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

Location	Type of Signal
Crawford Avenue and Arch Street	Traffic
Crawford Avenue and Eighth Street	Traffic
Crawford Avenue and Ninth Street	Traffic
Fairview Avenue, Snyder Street and Robbins Street	Traffic
Pittsburgh Street and Apple Street	Traffic

Pittsburgh Street and Crawford Avenue	Traffic
Pittsburgh Street and Fairview Avenue	Traffic
Pittsburgh Street and Green Avenue	Traffic
U.S. Route 119 and State Highway Route 711	Traffic
U.S. Route 119 and York Avenue	Traffic

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

(A.O.)

§15-206. Intersections Where Turn Prohibited on Red Signal.

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

Intersection	Vehicles Traveling On	Facing
		[Reserved]

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

(A.O.)

§15-207. One-Way Roadways Established.

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

Street	From	To	Direction of Travel
Alley parallel to W. Crawford Avenue	S. Seventh Street	S. Eighth Street	Westbound
E. Apple Street	E. Crawford Avenue	Cottage Avenue	Westbound

Street	From	To	Direction of Travel
Blackstone Lane	Ninth Street	Twelfth Street	Southbound
Brown Street	Hill Street	Fairview Avenue	Westbound
Carnegie Avenue	Wills Road E.	Crawford Avenue	Northbound
Church Place	Water Street	Arch Street	Eastbound
	Pittsburgh Street	Arch Street	Westbound
College Avenue	Penn Street	Freeman Lane	Eastbound
Cottage Avenue	Fairview Avenue	Crawford Lane	Northbound
Eighth Street	Morrell Avenue	Route 119	Northbound
Fayette Street	Memorial Boulevard	N. Pittsburgh Street	Eastbound
Freeman Street	E. Crawford Avenue	Park Street	Westbound
Haas Avenue	E. Crawford Avenue	E. Fairview Avenue	Eastbound
Hill Street	Snyder Street	Brown Street	Westbound
Houston Street	Unnamed Alley	S. Arch Street	Southbound
Jefferson Street	Blackstone Avenue	Franklin Avenue	Westbound
Lincoln Avenue	Race Street	E. Pittsburgh Street	Westbound
Meadow Lane	South Street	Fairview Avenue	Northbound
	Crawford Avenue	Apple Street	Northbound
	Crawford Avenue	Fairview Avenue	Southbound
Morrell Avenue	High Street	Northern terminus of Morrell Avenue	Northeastbound
Morton Avenue	Arch Street	Race Street	Eastbound
North Alley	Pittsburgh Street	Decatur Avenue	Eastbound
Orchard Alley	Pittsburgh Street	Arch Street	Westbound
Pinnacle Alley (Witter Street)	Snyder Street	E. Crawford Avenue	Northbound
Porter Avenue	Pittsburgh Street	Arch Street	Westbound
Prospect Street	Apple Street	Wills Road	Southbound
Robbins Street	Crawford Avenue	Cemetery Street	Southbound
School Street	Park Street	Penn Street	Westbound
N. Seventh Street	Meason Avenue	W. Crawford Avenue	Southbound
Sixth Street	Crawford Avenue	Meason Avenue	Northbound
South Street	Arch Street	Meadow Lane	Eastbound
	Carnegie Avenue	S. Pittsburgh Street	Westbound
Trump Avenue	Green Avenue	Lincoln Avenue	Northwestbound
Witter Street (Pinnacle Alley)	Snyder Street	E. Crawford Avenue	Northbound

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

(A.O.)

§15-208. Turning at Certain Intersections Prohibited or Restricted.

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

Vehicles Traveling On	Direction of Travel	Not to Make Turn	Into	When	Type of Vehicle Applicable To
N. Cottage Avenue	Southbound	Left	Crawford Avenue	-	Any vehicle or tractor
Crawford Avenue	Eastbound	Left	Arch Street	-	Any vehicle or tractor
Pittsburgh Street	Northbound	Left	Crawford Avenue	-	Any vehicle or tractor

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

(A.O.)

§15-209. Right Turns Only Permitted at Certain Intersections.

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

Vehicles Traveling On	Direction of Travel	Times	Not To Make Left Turn Into or Travel Straight Across
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[Reserved]

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

(A.O.)

§15-210. U-Turns Prohibited at Certain Locations.

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

Street	Portion	Direction of Travel
All streets	-	-

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

(A.O.)

§15-211. No Passing Zones Established.

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

Street	Direction of Travel	Between
	[Reserved]	

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

(A.O.)

§15-212. Through Highways Established.

- A. The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this Section shall stop the vehicle or yield right-of-way as required by §§3323(b) or 3323(c) of the Vehicle Code, 75 Pa.C.S.A. §§3323(b), 3323(c), as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that Section of the law:

Highway	Between
Route 119	North City line and south City line
Route 201	W. Crawford Avenue and south City line
Route 711	East City line and west City line

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

(A.O.)

§15-213. Stop Intersections Established.

A. The following intersections (in addition to intersections with the through highways established by §15-212) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or stop street, in the direction indicated in each case, shall stop the vehicle as required by §3323(b) of the Vehicle Code, 75 Pa.C.S.A. §§3323(b), and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that Section of the law.

Stop Street	Intersecting or Through Street	Direction of Travel
Aetna Street	Cedar Avenue	Eastbound and Westbound
Alley between and parallel to Apple Street and Crawford Avenue	Meadow Lane	Westbound
Alley between and parallel to Crawford Avenue and Fairview Avenue	Arch Street	Eastbound
Alley between and parallel to W. Crawford Avenue and Meason Avenue	Alley between and parallel to Sixth Street and Seventh Street	Northbound and Southbound
Alley parallel to Edna	E. Crawford Avenue	Eastbound

Street

Stop Street	Intersecting or Through Street	Direction of Travel
Alley between and parallel to Fairview Avenue and Market Avenue	Pittsburgh Street	Westbound
Alley between and parallel to Fairview Avenue and Market Avenue	Prospect Street	Westbound
Alley between and parallel to Sixth Street and Seventh Street	W. Crawford Avenue	Southbound
Apple Street	Arch Street	Eastbound and Westbound
Apple Street	Water Street	Westbound
Arch Street	Peach Street	Northbound and Southbound
Association Street	Gibson Avenue	Northbound and Southbound
Austin Avenue	Arch Street	Westbound
Austin Avenue	Chestnut Street	Eastbound and Westbound
Austin Avenue	Pittsburgh Street	Westbound
Baldwin Avenue	Blackstone Avenue	Westbound
Baldwin Avenue	Pittsburgh Street	Westbound
Banning Street	Tenth Street	Eastbound
Banning Street	Twelfth Street	Westbound
Blackstone Avenue	Perry Street	Westbound
Blackstone Avenue	Wills Road	Westbound
Carnegie Avenue	Crawford Avenue	Northbound
Cedar Avenue	Arch Street	Westbound
Cedar Avenue	Pittsburgh Street	Eastbound and Westbound
Collins Avenue	E. Crawford Avenue	Westbound
Connell Avenue	Fourth Street	Eastbound
Cottage Avenue	Apple Street	Northbound and Southbound
Cottage Avenue	Crawford Avenue	Northbound and Southbound
	Intersecting or Through Street	Direction of Travel
Cottage Avenue	Fayette Street	Northbound and Southbound
Davidson Avenue	Pittsburgh Street	Westbound
Davidson Avenue	Race Street	Eastbound and Westbound
Davidson Avenue	Sycamore Street	Eastbound and Westbound
Davis Street	E. Crawford Avenue	Eastbound and Westbound

Edna Street
Eleventh Street
Eleventh Street
Eleventh Street
Eliza Street
Fairview Avenue
Fairview Avenue
Fayette Street
Fayette Street
Fayette Street
Fourth Street
Fourth Street
Fourth Street
Francis Avenue
Franklin Avenue
Frisbee Avenue
Frisbee Avenue
Front Street
Gallatin Avenue
Gibson Avenue
Gibson Avenue
Gibson Avenue
Gibson Avenue
Gibson Avenue

Stop Street

Graham Avenue
Graham Avenue
Green Avenue
Green Avenue
Green Avenue
Green Avenue
Green Avenue
Green Avenue
Highland Avenue
Jefferson Street
Leisenring Avenue
Leisenring Avenue
Leisenring Avenue
Lincoln Avenue
Locust Street
Madison Avenue
Marietta Avenue
Marietta Avenue
McCormick Avenue
Meadow Lane

E. Crawford Avenue
W. Crawford Avenue
Green Avenue
Leisenring Avenue
Cemetery Avenue
Arch Street
Cottage Avenue
E. Crawford Avenue
Pittsburgh Street
York Avenue
Connell Avenue
W. Crawford Avenue
Meason Avenue
McCormick Avenue
Perry Street
E. Crawford Avenue
Eliza Street
W. Crawford Avenue
Pittsburgh Street
Highland Avenue
Johnston Avenue
McCormick Avenue
Pittsburgh Street
York Avenue

**Intersecting
or Through Street**

Eighth Street
Ninth Street
Arch Street
Eighth Street
Isabella Road
Ninth Street
Race Street
Murphy Avenue
Francis Avenue
Eighth Street
Ninth Street
Seventh Street
Pittsburgh Street
Snyder Street
E. Crawford Avenue
Eighth Street
Ninth Street
Fayette Street
Alley between and

Eastbound
Northbound and Southbound
Northbound and Southbound
Northbound
Southbound
Westbound
Westbound
Eastbound
Eastbound and Westbound
Eastbound
Northbound and Southbound
Northbound
Northbound and Southbound
Westbound
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Northbound and Southbound
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Eastbound and Westbound
Eastbound and Westbound
Eastbound
Eastbound and Westbound
Eastbound and Westbound

Direction of Travel

Eastbound
Westbound
Westbound
Eastbound
Eastbound
Eastbound and Westbound
Eastbound and Westbound
Northbound and Southbound
Southbound
Eastbound and Westbound
Eastbound and Westbound
Eastbound and Westbound
Westbound
Southbound
Westbound
Eastbound and Westbound
Eastbound and Westbound
Northbound and Southbound
Northbound

	parallel to Apple Street and Crawford Avenue	
Meadow Lane	Apple Street	Southbound
Meadow Lane	Church Place	Southbound
Meadow Lane	Fairview Avenue	Northbound
Meadow Lane	Peach Street	Northbound
Meason Avenue	Front Street	Eastbound
Meason Avenue	Seventh Street	Westbound
Morrell Avenue	High Street	Southbound
Morton Avenue	Pittsburgh Street	Eastbound
Murphy Avenue	E. Crawford Avenue	Eastbound
Stop Street	Intersecting or Through Street	Direction of Travel
Murphy Avenue	Johnston Avenue	Eastbound and Westbound
Murphy Avenue	York Avenue	Westbound
Newmyer Avenue	Pittsburgh Street	Westbound
Oak Street	Austin Avenue	Northbound and Southbound
Oak Street	Davidson Avenue	Northbound and Southbound
Park Street	Murphy Avenue	Eastbound and Westbound
Patterson Avenue	Pittsburgh Street	Eastbound and Westbound
Peach Street	Arch Street	Westbound
Peach Street	Snyder Street	Northbound
Perry Street	Snyder Street	Northbound
Porter Avenue	Arch Street	Westbound
Prospect Street	Apple Street	Southbound
Prospect Street	Blackstone Avenue	Southbound
Prospect Street	Crawford Avenue	Southbound
Prospect Street	Fairview Avenue	Southbound
Prospect Street	Fayette Street	Northbound and Southbound
Pulaski Street	McCormick Avenue	Eastbound and Westbound
Queen Street	Morrell Avenue	Eastbound and Westbound
Race Street	Austin Avenue	Northbound and Southbound
Race Street	Cedar Avenue	Northbound and Southbound
Race Street	Lincoln Avenue	Northbound
Race Street	Newmyer Avenue	Northbound and Southbound
Race Street	Woodlawn Avenue	Southbound
Second Street	W. Crawford Avenue	Northbound
Second Street	Meason Avenue	Northbound and Southbound
Seventh Street	W. Crawford Avenue	Northbound and Southbound
Sixth Street	W. Crawford Avenue	Northbound
Sixth Street	Meason Avenue	Northbound and Southbound
Snyder Street	E. Crawford Avenue	Westbound
Stop Street	Intersecting or Through Street	Direction of Travel

Tenth Street	W. Crawford Avenue	Southbound
Third Street	W. Crawford Avenue	Northbound
Third Street	Front Street	Southbound
Third Street	Meason Avenue	Northbound and Southbound
Trump Avenue	Lincoln Avenue	Westbound
Twelfth Street	W. Crawford Avenue	Northbound and Southbound
Twelfth Street	Leisenring Avenue	Northbound and Southbound
Twelfth Street	Woods Avenue	Southbound
Washington Avenue	Arch Street	Westbound
Washington Avenue	Isabella Road	Westbound
Washington Avenue	Pittsburgh Street	Eastbound and Westbound
Washington Avenue	Race Street	Eastbound and Westbound
Washington Avenue	Sycamore Street	Eastbound and Westbound
Water Street	Peach Street	Northbound
Witter Avenue	Arch Street	Westbound
Witter Avenue	Meadow Lane	Eastbound
Woodlawn Avenue	Arch Street	Westbound
Woodlawn Avenue	Pittsburgh Street	Eastbound

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

(A.O.)

§15-214. Yield Intersections Established.

- A. The following intersections (in addition to intersections with the through highways established by §15-212) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by §3323(c) of the Vehicle Code, 75 Pa.C.S.A. §§3323(c), and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel
	[Reserved]	

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

(A.O.)

§15-215. Operation of Motor Vehicles Restricted on Public Lands.

- A. No motor vehicle including a motorcycle, pedalcycle or minibike shall be operated on any property owned by the City or any other public agency or instrumentality within the City without the permission of the property owner and a permit from the City Clerk of the City.
- B. Any person who violates a provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

§15-216. Rotary Traffic Islands Established.

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

Location

[Reserved]

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

(A.O.)

§15-217. Play Highways Established and Authorized.

- A. The following areas upon the streets in the are established as play highways:

Street	Between	Days	Hours
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[Reserved]

- B. The Chief of Police is authorized to designate as play highways, whenever he deems that action advisable and for whatever period of time directed by him, any part of any street in the City where sledding and coasting shall be permitted. That play highway shall be set apart for the purpose under the direction of the Chief of Police.
- C. No person shall drive any motor vehicle upon any play highway at any time when that

street shall be designated as a play highway, except in case of emergency, with special permission of the Chief of Police or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(A.O.)

§15-218. Snowmobile Roads Designated.

A. The following roads and streets within the City are designated as special snowmobile roads:

Street or Road	Between	Used by Snow- mobiles Only When Closed to Vehicular Traffic?	Shared With Vehicular Traffic?
		[Reserved]	

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

1. As authorized by §7721 of the Vehicle Code, 75 Pa.C.S.A. §7721, for emergency and bridge crossings and for direct crossing of streets or two-lane highways.
2. For special snowmobile events where authorized in advance and the street is blocked off as provided in §7723 of the Vehicle Code, 75 Pa.C.S.A. §7723. Any person who violates any provision of this Section shall be subject to the penalties prescribed in §7752(a) of the Vehicle Code, 75 Pa.C.S.A. §7752(a).

(A.O.)

§15-219. Quiet Zone in Vicinity of Connellsville State Hospital.

A. Those portions of the highways in the City, being Cottage Avenue, Murphy Avenue and all other highways abutting the property of the Connellsville State Hospital are hereby established as a quiet zone, and all persons operating vehicles or tractors in and upon such quiet zone are hereby prohibited from causing any unnecessary noise thereby. Signs reading "Hospital, Quiet Zone" shall be erected upon each of the streets comprising part of such quiet zone, at the entrances thereto.

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

(A.O.)

PART 3

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

§15-301. Vehicle Weight Limits Established on Certain Streets and Bridges.

- A. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Between	Maximum Gross Weight
Cottage Avenue	Murphy Avenue and southern terminus of Cottage Avenue	8,000 lbs.
Davidson Avenue	Pittsburgh Street to City line	10 tons
Falcon Drive	Locust Street to Eliza Street	10 tons
Franklin Avenue	Perry Street to Wayne Street	10 tons
Locust Street	Snyder Street to Falcon Drive	10 tons
Murphy Avenue	E. Crawford Avenue and York Avenue	8,000 lbs.
Perry Street Franklin Avenue	Snyder Street to	10 tons
Robbins Street York Avenue	E. Crawford Avenue and	8,000 lbs.

- B. Any person who violates any provision of this Section shall be prosecuted under §4902(a) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), 4902(g)(1) and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

(A.O.)

§15-302. Restrictions on Size of Vehicles on Certain Streets and Bridges.

- A. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions
	[Reserved]	

- B. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), 4902(g)(1), and, upon conviction, shall be sentenced to pay a fine of \$75 and costs.

(A.O.)

§15-303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges.

- A. By reason of hazardous traffic conditions and other safety factors, by authority granted by §4902(b) of the Vehicle Code, 75 Pa.C.S.A. §4902(b), it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions
	[Reserved]	

- B. Any person who violates any provision of this Section shall be prosecuted under §§4902(b) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. §4902(b), 4902(g)(1), and, upon conviction, shall be sentenced to pay a fine of not less than \$25 and not more than \$100 and costs.

(A.O.)

§15-304. Truck Traffic Restricted on Certain Streets.

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

Street	Direction	Between
Arch Street South	North and South	Crawford Avenue to the boundary of the Borough of Connellsville
Crawford Avenue Street	East and West	From Ninth Street to Snyder

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

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

(A.O.)

§15-305. Truck Routes Established.

A. The following shall be designated truck routes for any vehicle or tractor, except a passenger vehicle, in the City:

1. Trucks coming off Route 201 and traveling to Anchor Glass Corporation or Anchor Hocking Corporation. Trucks traveling east on Route 711 (West Crawford Avenue) approximately one block to the intersection of Route 711 and Route 119 [Eighth Street]. At this intersection, all trucks shall turn left onto Route 119 north and follow Route 119 north to its intersection with North Pittsburgh Street. At this intersection, trucks shall turn right and follow Pittsburgh Street through the City to Anchor Glass Corporation or Anchor Hocking Corporation.
2. Trucks coming off Route 201 and traveling to the Stone Quarries on Route 711. Trucks shall travel east on Route 711 (West Crawford Avenue) approximately one block to the intersection of Route 711 and Route 119 (Eighth Street). At this intersection, all trucks shall turn left onto Route 119 north and follow Route 119 north to its intersection with East Crawford Avenue. At this intersection, trucks shall turn right and follow East Crawford Avenue to its intersection with Route 711 (Snyder Street). At this intersection, trucks shall turn left and follow Route 711 (Snyder Street) to the various stone quarries located along Route 711 and off Route 711.
3. Trucks traveling Route 119 north to Anchor Hocking Corporation or Anchor

Glass Corporation. Trucks shall continue to travel north on Route 119 north to the intersection of Route 119 and North Pittsburgh Street. At this intersection, trucks shall turn right and follow Pittsburgh Street through the City to Anchor Glass Corporation or Anchor Hocking Corporation.

4. Trucks traveling Route 119 north to the Stone Quarries on Route 711. Trucks shall continue to travel north on Route 119 north to the intersection of Route 119 and East Crawford Avenue. At this intersection, trucks shall turn right and follow East Crawford Avenue to its intersection with Route 711 (Snyder Street). At this intersection, trucks shall turn left and follow Route 711 (Snyder Street) to the various stone quarries along Route 711 (Snyder Street) to the various stone quarries along Route 711 and off Route 711.
 5. Trucks traveling Route 711 west from the Stone Quarries. Trucks shall travel west on Route 711 (Snyder Street) to the intersection of Route 711 (Snyder Street) and East Crawford Avenue. At this intersection, trucks shall turn right and follow East Crawford Avenue to its intersection with Route 119 north. At this intersection, trucks shall turn either right and follow Route 119 north or left and follow Route 119 south.
 6. Trucks traveling Route 711 west to Anchor Glass Corporation or Anchor Hocking Corporation. Trucks shall travel west on Route 711 (Snyder Street) to the intersection of Route 711 (Snyder Street) and East Crawford Avenue. At this intersection, trucks shall turn right and follow East Crawford Avenue to its intersection with Route 119. At this intersection, trucks shall turn left and follow Route 119. At this intersection, trucks shall turn left and follow Route 119 south to its intersection with North Pittsburgh Street. At this intersection, trucks shall turn left and follow Pittsburgh Street through the City to Anchor Glass Corporation or Anchor Hocking Corporation.
 7. Trucks leaving Anchor Hocking Corporation or Anchor Glass Corporation. Trucks leaving Anchor Hocking Corporation or Anchor Glass Corporation shall follow Pittsburgh Street through the City to its intersection with Route 119. At this intersection, trucks shall turn right and follow Route 119 north or left and follow Route 119 south.
- B. Any person, firm or corporation who shall violate any provision of this Section, shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Nothing herein shall prohibit the operation of any commercial vehicle or tractor upon any highway or portion thereof listed hereinabove where such operation thereon shall be necessary in order to pick up or deliver any goods, wares, merchandise or material from or to any premises located upon any such highway or portion thereof.

(A.O.)

PART 4

GENERAL PARKING REGULATIONS

§15-401. Vehicles to be Parked Within Marked Spaces.

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this Part for any person to park a vehicle or allow it to remain parked otherwise.

(A.O.)

§15-402. Parking Prohibited at all Times in Certain Locations.

Parking shall be prohibited at all times in the following locations:

Street	Side	Between
Apple Street	Both	Prospect Street and Carnegie Street
Apple Street	Both	Crawford Avenue and Prospect Street
Blackstone Lane	North	Ninth Street and Twelfth Street
Cemetery Street	South	Robbins Street and Madison Avenue
Church Place	Both	Cottage Avenue and Meadow Lane
Church Place	Both	Water Street and Arch Street
College Avenue	North	Penn Street and Freeman Lane
Cottage Avenue	Both	Fayette Street and Murphy Avenue
Cottage Avenue	Both	Crawford Avenue and Apple Street
Cottage Avenue	Both	South Street and Crawford Avenue
Cottage Avenue	West	Apple Street and Fayette Street
Crawford Avenue	Both	Cottage Avenue and Snyder Street
Crawford Avenue	Both	Pittsburgh Street and Arch Street
Crawford Avenue	North	Seventh Street and U.S. Route 119
Crawford Avenue	West	Snyder Street and Breakneck Road
Eighth Street	East	Route 199 and Morrell Avenue
Eleventh Street	West	W. Crawford Avenue and Maple Street
Street	Side	Between
Fairview Avenue	Both	Pittsburgh Street and Water Street
Fairview Avenue	North	Cottage Avenue and Snyder Street
Fairview Avenue	South	Carnegie Avenue and Prospect Street
Fayette Street	North	Decatur Avenue and Cottage Avenue
Fayette Street	North	York Avenue and Pittsburgh Street
Fourth Street	East	Crawford Avenue and the first alley southwardly thereof

Fourth Street	West	Crawford Avenue and Youghiogheny River
Francis Avenue	North	Freeman Lane and McCormick Avenue
Gibson Avenue	North	Pittsburgh Street and York Avenue
Gibson Avenue	North	E. Crawford Avenue and Park Street
Gibson Avenue	North	Pittsburgh Street and McCormick Avenue
Madison Avenue	East	Cemetery Street and Crawford Avenue
Marietta Avenue	North	Seventh Street and Ninth Street
McCormick Avenue	East	North Alley and Fayette Street
McCormick Avenue	West	Fayette Street and U.S. Route 119
Meadow Lane	Both	South Street and Fayette Street
Morrell Avenue	East	Northern terminus of Morrell Avenue and Dunbar Township line
Morton Avenue	South	Arch Street and Pittsburgh Street
Murphy Avenue	Both	Miner Alley and Cottage Avenue
Murphy Avenue	South	Crawford Avenue and Miner Alley
Ninth Street (north end)	Both	Francis Avenue and E. Cummings Avenue
North Street	Both	Pittsburgh Street Decatur Avenue
Park Street	West	Freeman Lane and Murphy Avenue
Peach Street	North	Decatur Avenue and Prospect Street
Penn Street	Both	Murphy Avenue and Prospect Street
Pittsburgh Street	Both	Route 119 and Wills Road
Street	Side	Between
Pittsburgh Street	West	Wills Road and Gallatin Avenue
Porter Avenue	North	Pittsburgh Street and Arch Street
Prospect Street	East	Crawford Avenue and Wills Road (in even numbered years only)
Prospect Street	West	Crawford Avenue and Wills Road (in odd numbered years only)
Robbins Street	East	Crawford Avenue and Cemetery Street
School Street	West	Park Avenue and Penn Street
Seventh Street	West	Crawford Avenue and Leisenring Avenue
South Street	Both	Greely Alley and Carnegie Avenue
South Street	North	Carnegie Avenue and Pittsburgh Street
Water Street	Both	Fayette Street and Dean Street
Wills Road	South	Pittsburgh Street and Carnegie Avenue
York Avenue	North	U.S. Route 119 and Cummings Avenue

(A.O.)

§15-403. Parking Prohibited in Certain Locations Certain Days and Hours.

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this Section, as follows:

Street	Side	Between	Days	Hours
Church Place	Both	Meadow Lane and Arch Street	Mon.-Fri.	9:00 a.m. - 6:00 p.m.
Church Place	North	Meadow Lane and Arch Street	Mon.-Fri.	6:00 p.m. - 9:00 a.m. the following day
Church Place	North	Meadow Lane and Arch Street	Sat.-Mon.	9:00 a.m. Sat. - 9:00 a.m. Mon.
Meadow Lane East		W. Crawford Avenue and Apple Street	Sundays	At all times and legal holidays
Street	Side	Between	Days	Hours
Meadow Lane West		W. Crawford Avenue and Fairview Street	Sundays	At all times and legal holidays
Prospect Street	Both	Apple Street and Crawford Avenue	Mon.-Fri.	8:00 a.m - 5:00 p.m.

(A.O.)

§15-404. Parking of Commercial Vehicles.

- A. No person shall park any commercial vehicles as defined in §102 of the Pennsylvania Vehicle Code and as enumerated below within any residential zones of the City, except in an authorized and regular garage for such zone. A commercial vehicle shall be defined as:

ARTICULATED BUS - a bus designed to transport passengers and on which passengers are authorized to be transported, consisting of two or more units or sections permanently assembled in tandem by flexible connections which permit passenger movement throughout the length of the bus.

BUS - a motor vehicle designed to transport 16 or more passengers, including the driver; or a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation.

COMBINATION - two or more vehicles physically interconnected in tandem.

CONSTRUCTION TRUCK - a three or four axle truck engaged in construction operations.

CONVERTOR GEAR - a trailer designed and used exclusively to tow a semitrailer by mounting on the fifth wheel of the convertor gear. The term includes the terms "auxiliary axle" and "jeep dolly."

FULL TRAILER - a trailer so constructed that no part of its weight rests upon the towing vehicle. A semitrailer attached to a towing vehicle by means of an auxiliary front axle or dolly shall be deemed to be a full trailer.

MOTOR CARRIER VEHICLE - a truck, truck tractor or combination having a gross weight or registered gross weight in excess of 17,000 pounds.

SEMITRAILER - a trailer so constructed that some of its weight rests upon or is carried by the towing vehicle.

SPECIAL MOBILE EQUIPMENT - vehicles designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to, ditch digging apparatus, well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

TRUCK - a motor vehicle designed, used or maintained primarily for the transportation of property.

RUCK TRACTOR - a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

- B. The prohibition contained in subsection (1) hereof, shall not apply to any commercial motor vehicle using the streets in residential zones of the City for the purpose of loading and unloading, but which loading and unloading shall proceed without interruption and shall be fully accomplished within a reasonable period of time.
- C. Any person, firm or corporation who shall violate any provision of this Section shall be, upon conviction thereof, sentenced to a fine of not more than \$600 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a

term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(A.O.)

§15-405. Parking Time Limited in Certain Locations Certain Days and Hours.

No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated:

Street	Side	Between	Days	Hours	Time Limit
Arch Street	East	Apple Street and Orchard Alley	On all days	At all times	15 min.

(A.O.)

§15-406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited.

The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked in any such zone except as specifically provided for that zone:

Street	Side	Location	Authorized Purpose or Vehicle
		[Reserved]	

(A.O.)

§15-407. Standing or Parking on Roadway for Loading or Unloading.

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

Street	Side	Between
Fayette Street	Both	Pittsburgh Street and Decatur Street

(A.O.)

§15-408. Angle Parking Required on Portions of Certain Streets.

A. Only angle parking shall be permitted on the following portions of streets:

Street	Side	Between
W. Apple Street	South	N. Arch Street and Water Street
N. Arch Street	West	W. Apple Street and Orchard Alley
Water Street	East	Dean Street and W. Apple Street

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

(A.O.)

§15-409. Residential Permit Parking.

A. **Findings and Purpose.** The City finds that:

1. Certain residential areas in the City are subjected to commuter vehicle parking, therefore depriving the residents of those areas of spaces in which to park their own vehicles.
2. Those residential streets are also subjected to a high degree of commuter traffic which substantially reduces the quality of the ambient air level.
3. The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week. Therefore, the City considers it to be in the interest of the people of the City to provide for the establishment of a residential permit parking program to insure primary access to available parking spaces by neighborhood residents and also to provide a cleaner ambient air level.

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

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

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

office maintained at that address. For the purpose of this Section, a proprietor shall be entitled to one parking permit for that business or professional office address.

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

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

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

1. During any period between the hours of 7 a.m. and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to 70% or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be 20 linear feet.
2. During the same period as specified in subsection (A), 10% or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.

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

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

purposes.

- D. **Designation of Residential Permit Parking Areas.** The following are designated as residential permit parking areas:

Area	Bounded By And Including
	[Reserved]

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

- E. **Application for Permit.** Application for a residential parking permit shall be made to the Chief of Police by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on or is a proprietor of property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle, and each application shall be accompanied by a permit fee, in an amount as established by resolution of the City Council, which shall be for the use of the City, to be applied to the cost of administering the residential permit parking program. Each application shall contain the following information: the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident or the proprietor, as the case may be; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Chief of Police, the applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.
- F. **Issuance of Permit.** Upon receipt of the application and the permit fee, and determination by him that the information upon the application shows that the applicant is entitled to a residential parking permit, the Chief of Police shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking area number and the expiration date. The permit shall be renewable annually before the expiration date, upon making application for renewal and payment of the permit fee. It shall be unlawful and a violation of this Section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.
- G. **Temporary and Exemption Parking Permits.** Temporary parking permits may be issued by the Chief of Police, upon payment of a fee in an amount as established by resolution of the City Council, to bona fide visitors of residents of a designated residential permit parking area, and exemption parking permits may be issued, without payment of a fee, to handicapped persons.
- H. **Responsibility of Permit Holder.**

1. Notwithstanding any provision of this Section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.
2. A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.
3. No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this Section by the permit holder and by the person who so used or displayed the parking permit.
4. It shall constitute a violation of this Section for any person falsely to represent himself as eligible for a residential parking permit or to furnish false information in an application to the Chief of Police in order to obtain a residential parking permit.

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

(A.O.)

§15-410. Parking Prohibited on Portions of Certain Highways During Street Sweeping Hours.

It shall be unlawful for any person to park a vehicle or to allow the same to remain parked, at any time between [-] and [--] on any of the following portions of the highways of the City on the days hereby respectively designated for street sweeping purposes:

Street	Between	Day
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[Reserved]

(A.O.)

§15-411. Penalties.

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs. Provided, it shall be the duty of the police officers and of parking enforcement personnel of the City to report to the appropriate official all violations of any provision of this Part indicating, in each case, the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the repo shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$5 within hours after the time of the notice, or if he will place the sum of \$5 enclosed within the envelope provided in any of the special parking fine boxes installed at various locations within the City, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

(A.O.)

PART 5

ON-STREET METERED PARKING

§15-501. Parking Meter Zones Established.

Parking meter zones are established upon and along certain streets in the City as follows:

Street	Side	Between	Rate	Maximum Parking Time
E. Apple Street	North	N. Pittsburgh Street and Carnegie Avenue	-	-
W. Apple Street	South	Arch Street and Water Street	-	-
N. Arch Street	West	Peach Street and east side of fire station	-	-
N. Arch Street	West	Apple Street and City Hall	-	-
S. Arch Street	East	Church Street and Gallatin Avenue steps	-	-
S. Arch Street	West	Crawford Avenue and Spur Service Station	-	-
Carnegie	West	Fairview Avenue and Market Avenue Street	-	-
E. Crawford	Both	Pittsburgh Street and Prospect Avenue Street	-	-
E. Peach Street	North	N. Pittsburgh Street and Penn Central tracks	-	-
W. Peach Street	North	N. Pittsburgh Street and Penn Central tracks	-	-
South Street	Both	Carnegie Avenue and S. Pittsburgh Street	-	-
Water Street	East	Apple Street and Dean Street	-	-

(A.O.)

§15-502. Days and Hours Parking Meters in Operation and Parking Time Limits Apply.

Parking meters shall be operated by the deposit of a coin in the meter as prescribed by §15-505, and the parking rates for specified lengths of time, as well as the maximum parking times prescribed in §15-501, shall apply at all times between the hours of 9 a.m. and 6 p.m. Monday through Thursday and Saturday, and between the hours of 9 a.m. and 9 p.m. Friday, in the parking meter zones listed in §15-501. Provided, however, the requirements of this Part as to parking time limits and as to deposit of coins in meters shall not apply on legal holidays.

(A.O.)

§15-503. Placement and Characteristics of Parking Meters.

Parking meters installed in the parking meter zones established by §15-501 shall be placed upon the curb or sidewalk, and immediately adjacent to the individual parking spaces described in §15-504. Each parking meter shall be placed or set so as to show that the parking space adjacent to that meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the City and when the adjacent space is occupied by a vehicle, the parking meter shall indicate on and by its dial and pointer the duration of the period of legal parking and, on the expiration of that period, shall indicate illegal parking or over-parking.

(A.O.)

§15-504. Parked Vehicles to be Wholly Within Marked Spaces.

Lines and/or markings shall be painted or placed upon the curb, sidewalk or roadway adjacent to each parking meter for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked at any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this Part for any person to park a vehicle across any such line or marking, or to park a vehicle in such a position that the vehicle is not wholly within the area designated by those lines or markings.

(A.O.)

§15-505. Coin Deposit in Meter; Overtime Parking Unlawful.

Whenever a vehicle is to be parked in any space adjacent to a parking meter, at any time in the period of limited parking as prescribed by §15-502, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in that parking meter one or more proper coins of the United States of America as specified in the legend on the parking

meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle shall remain in any such parking space for any length of time that the meter shall indicate by proper signal that the lawful parking time has expired, that vehicle shall be considered as having been parked overtime, and the parking of a vehicle overtime shall be a violation of this Part.

(A.O.)

§15-506. Unlawful to Deposit Substitute for Coin in Meter.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this Part any slug or other substitute for a coin of the United States of America.

(A.O.)

§15-507. Unlawful to Deposit Coin in Meter to Extend Parking Time.

It shall be unlawful and a violation of this Part for any person to deposit or cause to be deposited in any parking meter installed under the provisions of this Part any coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time established for that zone.

(A.O.)

§15-508. Unlawful to Remain Parked at Meter Showing Violation.

It shall be unlawful, and a violation of this Part for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this Part when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

(A.O.)

§15-509. Unlawful to Tamper with Meter.

It shall be unlawful, and a violation of this Part, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Part. Provided, nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the City under the direction of the City Treasurer or City Council.

(A.O.)

§15-510. Ticketing of Vehicles Parked Unlawfully; Effect of payment Within Hours.

- A. It shall be the duty of the police officers and parking enforcement personnel of the City, acting in accordance with the directions of the Chief of Police, to report:
1. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this Part.
 2. The date and hour of the violation.
 3. The license number of the vehicle.
 4. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
- B. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the City, the sum of \$10 within forty-eight (48) hours after the time of the notice, or will place the sum of \$10 enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the City within the time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §15-511(1).

(A.O.)

§15-511. Penalty for Violations.

- A. Any person who violates any provision of this Part, with the exception of §15-509, and who fails to pay the fine set forth in §15-510, shall be cited within 15 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.
- B. Any person who violates any provision of §15-509 shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

(A.O.)

§15-512. Exceptions.

- A. By resolution, the City Council may temporarily suspend the provisions of this Part

requiring coin deposit in meters and establishing a maximum parking time at meters.

- B. The City shall have authority to establish no-parking or special-purpose parking zones within any parking meter zone, and to remove parking meters from those areas as previously installed there, and the provisions of this Part shall not apply in those areas where no-parking or special-purpose parking is in effect.

(A.O.)

PART 6

OFF-STREET METERED PARKING

§15-601. Metered Parking Lots Established.

A. The following are established as the metered parking lots established by this City:

Lot	Location	Rate	Maximum Parking Time	Days In Operation	Hours in Operation
Parking Lot Site No. 1	Meadow Lane to Orchard Alley	-	-	-	-
Parking Lot Site No. 2	W. Apple Street to Meadow Lane	-	-	-	-
Parking Lot Site No. 3	Grape Alley to Pittsburgh Street	-	-	-	-
Parking Lot Site No. 4	E. Crawford Avenue to Church Place	-	-	-	-
Parking Lot Site No. 5	Fairview Avenue to E. Fairview Ave.	-	-	-	-

B. Provided, the parking meters in the metered lots shall be in operation, the parking lots shall be open for parking and the provisions of this Part regulating the operation of parking meters and establishing parking time limits shall be in force on the days and between the hours prescribed for the individual lots. But, on Sundays and legal holidays, no parking time limit shall apply and the placing of coins in meters shall not be required.

(A.O.)

§15-602. Placement and Characteristics of Parking Meters.

Parking meters installed in the parking lots shall be placed immediately adjacent to the individual parking spaces that shall be marked off and maintained in the lots. For each parking meter there shall be a clear indication, through use of a directional arrow, or an identification as to number with the parking space, to show which individual parking space it serves. Each parking meter shall indicate by a proper legend the parking rate and the maximum parking time established by §15-601, and, when the parking space is occupied and the parking meter put into operation by the insertion of one or more coins, the parking meter shall indicate on and by its dial and pointer the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or over-parking.

(A.O.)

§15-603. Reserved Parking Spaces for Handicapped May Be Provided.

The City Council, at its discretion, may provide, at convenient and suitable locations in any one or more of the metered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful, and a violation of this Part, for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a "handicapped registration plate," a "handicapped parking placard," a "disabled veteran registration plate" or a "disabled veteran placard."

(A.O.)

§15-604. Parked Vehicles to be Wholly Within Marked Spaces.

Lines and/or markings shall be painted or placed upon the surface of the metered parking lots, adjacent to each parking meter, for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked adjacent to any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this Part for any person:

- A. To park a vehicle across any such line or marking.
- B. To park a vehicle in such a position that the vehicle shall not be within the area so delineated by the lines or markings.
- C. To park a vehicle elsewhere in any such lot that in an individual parking space adjacent to a parking meter.

(A.O.)

§15-605. Manner of Parking at Meters.

It shall be unlawful for any person to park a vehicle in any metered parking lot:

- A. Otherwise than with the front of the parked vehicle nearest to the parking meter applicable to that vehicle.
- B. With any part of the vehicle touching the meter post or head or the raised base or barrier on which meters are erected.

(A.O.)

§15-606. Coin Deposit in Meter; Overtime Parking Unlawful.

Whenever a vehicle is to be parked in any metered parking lot, at any time when the lot is open for use and the meters are to be in operation, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in the proper parking meter, one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle remains in any such parking space for such length of time that the meter indicates that the lawful parking time has expired, that vehicle shall be considered as being parked overtime, and the parking of a vehicle overtime shall be a violation of this Part. Provided, every hour that a vehicle remains parked at a meter showing a violation shall constitute a separate violation of this Part.

(A.O.)

§15-607. Unlawful to Deposit Substitute for Coin in Meter.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this Part any slug or other substitute for a coin of the United States of America.

(A.O.)

§15-608. Unlawful to Remain Parked at a Meter Showing Violation.

It shall be unlawful and a violation of this Part for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this Part when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

(A.O.)

§15-609. Unlawful to Tamper With Meter.

It shall be unlawful and a violation of this Part for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Part. Provided, nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the City under the direction of the City Treasurer or City Council.

(A.O.)

§15-610. Metered Parking Lots for Certain Types of Vehicles Only.

The metered parking lots established by this Part shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other type of vehicle in any of those lots.

(A.O.)

§15-611. Ticketing of Vehicles Parked Unlawfully; Effect of Payment Within Hours.

- A. It shall be the duty of the police officers and parking enforcement personnel of the City, acting in accordance with the direction of the Chief of Police, to report:
1. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this Part.
 2. The date and hour of the violation.
 3. The license number of the vehicle.
 4. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
- B. The police officer or other person making the report shall also place on or attach to the above vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the City, the sum of \$10 within forty-eight hours after the time of the notice, or will place the sum of \$10 enclosed within the envelope provided in any of the special parking fine boxes installed at various locations within the City, within that time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §15- 612(1).

(A.O.)

§15-612. Penalty for Violation.

- A. Any person who violates any provision of this Part, with the exception of §15-609, and who fails to pay the fine set forth in §15-611, shall be cited within 15 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.

- B. Any person who violates any provision of §15-609 shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

(A.O.)

PART 7

OFF-STREET UNMETERED PARKING

§15-701. Unmetered Parking Lots Established.

The following are established as the unmetered parking lots operated by the City:

Lot	Location	Maximum Parking Time	Days in Operation	Hours in Operation
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[Reserved]

(A.O.)

§15-702. Reserved Parking Spaces for Handicapped May Be Provided.

The City Council, at its discretion, may provide, at convenient and suitable locations in one or more of the unmetered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful and a violation of this Part for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a "handicapped registration plate," a "handicapped parking placard," a "disabled veteran registration plate," or a "disabled veteran placard." Provided, all provisions, requirements and restrictions contained in the other Sections of this Part shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.

(A.O.)

§15-703. Unlawful to Park Overtime or When Lot Closed.

It shall be unlawful for any person to park a vehicle or to allow a vehicle to remain parked in any unmetered parking lot:

- A. For longer than the maximum parking time prescribed by §15-701.
- B. At any time when the lot is not in operation and is closed to public use.

(A.O.)

§15-704. Unmetered Lots for Certain Types of Vehicles.

The unmetered parking lots established by §15-701 shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other kind or class of vehicle in any such lot.

(A.O.)

§15-705. Manner of Parking.

Every vehicle parked in an unmetered parking lot shall be parked wholly within the lines bounding or marking the individual parking space assigned to that vehicle, and shall be parked headed into the parking space. It shall be unlawful for any person:

- A. To park a vehicle in a space not rented by him.
- B. To park a vehicle otherwise than as required by this Section.
- C. To park a vehicle elsewhere than in an individual parking space, the prohibited areas including, but not limited to, the access and exit driveways and turning and maneuvering spaces.

(A.O.)

§15-706. Parking on Rental Basis Only.

The parking spaces in the unmetered parking lots shall be available for parking on a monthly rental basis only. The rental fee shall be fixed by the City Council by resolution and shall be for a calendar month or the part of a calendar month remaining after the rental arrangements are made. The rental fee shall be paid in advance to the City Treasurer for the use of the City, and after the first month shall be automatically renewable until the renter notifies the City that he wishes to terminate the rental arrangements. At any time, however, the City may, by amending §15-701, discontinue provision of a specific unmetered parking lot or a portion of the parking spaces in any such lot, or may change any unmetered parking lot, or part of an unmetered parking lot, to a metered parking lot or to metered parking spaces. The rental parking spaces shall be assigned by the City Clerk. The name of the renter of a parking space and/or the numbers and/or letters on the registration tag of the vehicle entitled to be parked there shall be posted by the City at the rental space or shall be painted on the surface of that parking space.

(A.O.)

§15-707. Penalty for Violation.

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs. Provided; it shall be the duty of the police officers and of

parking enforcement personnel of the City to report to the appropriate official all violations of any provision of this Part, indicating, in each case, the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and, any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$10 within forty-eight (48) hours after the time of the notice, or if he will place the sum of \$10 enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the City, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

(A.O.)

PART 8

**REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED
VEHICLES**

§15-801. Applicability and Scope.

This Part is enacted under authority of §6109(a)(22) of the Vehicle Code, 75 Pa.C.S.A. §6109(a)(22), as may hereafter be amended, and gives authority to the City to remove and impound those vehicles which are parked in a tow-away zone and in violation of parking regulations of this Chapter.

Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others may be towed under the provisions of the Vehicle Code.

(A.O.)

§15-802. Authority to Remove and Impound.

The City shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally; provided, that the circumstances of its parking were within the conditions stated in §15-801. Provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part or the provisions of the Vehicle Code.

(A.O.)

§15-803. Tow Away Zones Designated.

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

Street	Side	Between	Parking Lot
		[Reserved]	

(A.O.)

§15-804. Designation of Approved Storage Garages; Bonding; Towing and Storage.

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

(A.O.)

§15-805. Payment of Towing and Storage Charges.

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Part for which the vehicle was removed or impounded.

(A.O.)

§15-806. Reclamation Costs.

In order to reclaim his vehicle, the owner shall pay towing and storage costs plus a \$25 fee, of which \$10 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

(A.O.)

§15-807. Records of Vehicles Removed and Impounded.

The City shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

(A.O.)

§15-808. Restrictions Upon Removal of Vehicles.

No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of

the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

(A.O.)

§15-809. Penalty for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under the provisions of the Vehicle Code, 75 P.S. §7301 et seq.

(A.O.)

§15-810. Reports and Disposition of Unclaimed Vehicles.

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with §7311 of the Vehicle Code, 75 Pa.C.S.A. §7311, as may hereafter be amended, by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Vehicle Code, 75 Pa C.S.A. §7301 et seq.

(A.O.)

PART 9

SNOW AND ICE EMERGENCY

§15-901. Declaration of Snow and Ice Emergency.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §15-903, the Mayor, in his discretion, may declare a snow and ice emergency (designated in this Part as a "snow emergency"). Information on the existence of a snow emergency shall be given by the City through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

(A.O.)

§15-902. Parking Prohibited, Driving Motor Vehicles Restricted On Snow Emergency Routes During Emergency.

After any snow emergency is declared, it shall be unlawful at any time during the continuance of the emergency for any person:

- A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §15-903.
- B. To drive any motor vehicle on any such snow emergency route unless that vehicle is equipped with snow tires or chains.

(A.O.)

§15-903. Snow Emergency Routes Designated.

The following are designated as snow emergency routes:

Street	Between
	[Reserved]

(A.O.)

§15-904. Placement of Signs Along Highways Affected; Information on Existence of Emergency.

- A. In order to assist the operators of motor vehicles and tractors in determining the highways

affected by this Part, the Mayor or the Chief of Police shall place around the utility poles on the highways or portions thereof designated in §15-903 signs reading as follows:

Snow Emergency Route Snow Tires or Chains Required No Parking During Snow Emergency Vehicles Towed Away 2. The Mayor or Chief of Police shall also, through radio, newspaper or other available media disseminate information as to the existence of such an emergency.

(A.O.)

§15-905. Penalty for Violation.

- A. If, at any time during a period of snow emergency declared under §15-901, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part and, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs.
- B. If, at any time during a period of snow emergency declared under §15-901, a person shall drive a motor vehicle upon a snow emergency route without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(A.O.)

PART 10

REGULATION OF PEDALCYCLES AND NONMOTORIZED VEHICLES

§15-1001. Riding and Parking of Pedalcycles on Sidewalks Along Certain Streets Prohibited.

- A. It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk along the following portions of the streets in the City:

Street	Side	Between
		[Reserved]

- B. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

(A.O.)

§15-1002. Restrictions on Use of Pushcarts.

- A. The word "pushcart," as used in this Section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.
- B. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from the City Council as provided in subsection (3) of this Section.
- C. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from the City Council. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the City set by the City Council by resolution. The permit shall be granted to the applicant, upon payment of the fee, and upon the applicant signing an agreement with the City Council that he shall be bound by the conditions imposed by City Council and made a part of the permit, dealing with the following matters:
1. Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location.
 2. Stating requirements to be adhered to in connection with the disposal of garbage

and refuse resulting from the operations carried on.

3. Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.
- D. Any person who violates any provision of this Section, or any condition of any permit granted under this Section, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(A.O.)

§15-1003. Skates, Skateboards, Coasters, Sleds and Other Toy Vehicles.

- A. It shall be unlawful for any person to ride on a sled upon any sidewalk in the City Council, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of §15-105 or §15-216. Provided, nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.
- B. It shall be unlawful for any person to engage in roller-skating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon:
1. Any street except in order to cross the roadway.
 2. Any sidewalk located in a business district, except that nothing in this subsection shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.
- C. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

(A.O.)

§15-1004. Skateboarding.

- A. Operation of Skateboards. It shall be unlawful for any person to ride, propel, push or otherwise operate a skateboard on any public street, public way, public alley, public lots, public sidewalks and other public property within the corporate limits of the City, except that skateboards may be operated on the public skateboard facilities at publicly sponsored or authorized skateboard events.
- B. Public Sidewalk Defined.

PUBLIC SIDEWALK - those sidewalks laying within the commercial and industrial districts of the City as designated on the Zoning Map of the City of Connellsville.

- C. Penalties. Any person, firm or corporation violating any provision of this Part shall be, upon conviction thereof sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine, and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 1281, 11/14/1988, §3; as amended by A.O.)

PART 11

PEDESTRIAN REGULATIONS

§15-1101. Pedestrians to Obey Traffic-Control Signs.

At all locations in the City where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under §15-1102, shall obey the directions of those traffic-control signals, as follows:

- A. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk.
- B. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway.
- C. When facing a steady red signal, a pedestrian shall not enter the roadway.

(A.O.)

§15-1102. Pedestrian-Control Signal Locations Established.

- A. At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

Location

[Reserved]

- B. Every pedestrian facing a steady or flashing "Don't Walk" signal shall obey the directions of that signal, as follows:
 - 1. When facing a steady "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.
 - 2. When facing a flashing "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone.

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

(A.O.)

§15-1103. Locations Where Pedestrian Crossing in Unmarked Crosswalks Restricted.

Except when authorized by a police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated.

Street	Intersection	Direction of Travel
	[Reserved]	

(A.O.)

§15-1104. Locations Where Pedestrians May Cross Only In Crosswalk.

It shall be unlawful for any pedestrian:

- A. To cross any roadway in a business district within the City except in a crosswalk.
- B. To cross the roadway, in any of the following portions of streets in the City, except in a crosswalk:

Street	Between
	[Reserved]

Provided, nothing in this Section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by §15-1102.

(A.O.)

§15-1105. Penalty for Violation.

Any pedestrian who violates any provision of this Part shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

(A.O.)

CHAPTER 16
PARKS AND RECREATION

PART 1

HOURS OF OPERATION

- §16-101. Hours
- §16-102. Location of Recreational Facilities
- §16-103. "No Trespassing" Posted
- §16-104. Penalties

PART 2

TOBACCO-FREE PARKS AND PLAYGROUNDS

- §16-201. Designated Tobacco-Free Areas.
- §16-202. Smoking Permit Fee.
- §16-203. Enforcement.

PART 1

HOURS OF OPERATION

§16-101. Hours.

The following recreational facilities of the City of Connellsville shall be opened for public use between the hours of 9:00 a.m. and 9:00 p.m. only, Monday through Sunday.

(Ord. 1278, 9/12/1988, §1)

§16-102. Location of Recreational Facilities.

These recreational facilities, subject to the rules and regulations hereinafter set forth, are located and designated as follows:

- A. South Side Playground located at the corner of Washington Avenue and Vine Street.
- B. Graham Avenue Mini-Park located at Graham Avenue and Twelfth Street.
- C. East Park Project located in the east end of the City of Connellsville.
- D. Second Ward Playground located at the corner of Highland Avenue and Murphy Avenue.
- E. John Woodruff Park located at the corner of Connell Avenue and Fourth Street.
- F. Mountz Creek Park located on Mountz Street.
- G. Pinnacle Playground located at the corner of Fayette Street and Jefferson Street.
- H. Cameron Court located at the corner of Fairview Avenue and Carnegie Avenue.
- I. Austin Avenue Courts located at the corner of Pittsburgh Street and Austin Avenue.
- J. Yough River Park located in the west side of the City of Connellsville.

(Ord. 1278, 9/12/1988, §2)

§16-103. "No Trespassing" Posted.

Each of said premises shall be posted with "no trespassing" signs to be effective during hours between 9:00 p.m. and 9:00 a.m. the following day, and shall be further subject to all rules and regulations of the City as duly enacted by City Council.

(Ord. 1278, 9/12/1988, §3)

§16-104. Penalties.

Any person or persons found within said areas without specific authorization by the City shall be, upon conviction thereof, sentenced to a fine not to exceed \$600 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

Except any such persons and/or groups which have been permitted by the City to participate in or attend events that have been scheduled for a particular park or playground until the completion of the event at which time the participants and spectators shall immediately vacate the park or playground.

(Ord. 1278, 9/12/1988, §4; as amended by A.O.)

PART 2

TOBACCO-FREE PARKS AND PLAYGROUNDS

§16-201. Designated Tobacco-Free Areas.

All parks and playgrounds where children are present, unless designated in the City of Connellsville are designated tobacco-free and the use of tobacco products or electronic cigarettes, in any form, shall be prohibited.

Smoking-permit areas are as follows (for which a Smoking Permit may be obtained from the City):

East Park- from stage to ball field side of tennis courts.

Yough Park- from the stage towards the Memorial Bridge.

(Ord. 1529, 6/20/2017, §1)

§16-202. Smoking Permit Fee.

A "Permit Fee" in an amount as established from time to time by resolution of City Council will be charged for anyone renting the stage, or entire park. This fee must be paid at the time of rental fee for facility.

The smoking permit and "Permit Fee" only applies to smoking-permit areas in Yough Park and East Park.

(Ord. 1529, 6/20/2017, §2; A.O.)

§16-203. Enforcement.

Violations will be charged \$125.00 (One Hundred Twenty-Five Dollars) for the first and second offenses. The third violation will ban the guilty party from all City parks for life.

City Council hereby authorizes its elected and appointed officials to take whatever steps are necessary for full participation in and compliance with the Young Lungs at Play Program and/or other such programs of the Commonwealth of Pennsylvania.

(Ord. 1529, 6/20/2017, §3)

CHAPTER 17
PLANNED RESIDENTIAL DEVELOPMENT

CHAPTER 18
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PART 1

SEWER CONNECTIONS

A. Connections in the City.

§18-101. Sewer Connections Required After Notice; Time Limit; Definitions.

The owner of any property abutting on or adjoining any street, alley or public right of way in which a public sanitary sewer has heretofore been or shall hereinafter be constructed shall connect therewith within 45 days after written notice to make such sewer connection is served on such property owner by the City, either by personal service or by registered mail. The terms "to connect" and "sewer connection," as used herein, means the extension of the sewage drainage system of the building or property to the Y's or T's and extensions thereof forming a part of the public sanitary sewerage system.

(Ord. 920, 3/13/1961, §1)

§18-102. Authority of City to Connect at Expense of Property Owner.

In case any property owner shall neglect or refuse to connect with the public sanitary sewerage system within the aforesaid 45 day period, the City or its agents may enter upon such property and construct such sewer connection. Upon construction of such sewer connection by the City or its agents, the City shall send an itemized bill of costs of the construction of such sewer connection to the property owner, which bill shall be payable forthwith. In case the property owner neglects or refuses to pay such bill of costs, the City may file a municipal lien for such costs, as provided by law, or the City may pursue any other legal or equitable remedy available to it to collect such bill of costs.

(Ord. 920, 3/13/, 1961/ §2)

§18-103. Permit Required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the public sanitary sewerage system without first obtaining a written sewer connection permit. Such permit may be obtained upon application to the City Clerk, but shall be issued only in compliance with the provisions of this part.

(Ord. 920, 3/13/1961, §3)

§18-104. Bond Required for Certain Connections.

If it is possible for the property owner to connect with the public sanitary sewerage system only by means other than through an existing Y or T or an extension thereof, the City Clerk, after the application is approved, shall prepare and deliver to the applicant a form of bond payable to the City in the sum of \$2,000, with sufficient surety:

- A. To indemnify the City against all damages for injury to the public sanitary sewerage system.
- B. To replace in good condition any curbing, paving or earth disturbed.
- C. To save harmless the City from all damages from any accident and from all costs and attorney's fees incurred by reasons of any matter or thing done, committed or omitted by such property owner, his agents or employees under such permit.
- D. To comply in all respects with the ordinances, rules and regulations of the City with respect thereto.

The bond, duly executed, shall be submitted to the City Clerk for approval by the City or its duly appointed agent.

(Ord. 920, 3/13/1961, §4)

§18-105. Authorization to Connect.

Upon approval of the bond, in all cases where a bond is required as above provided, and upon payment of the sewer connection charge hereinafter authorizing the applicant to connect the property with the public sanitary sewerage system.

(Ord. 920, 3/13/1961, §5)

§18-106. Connection Charge.

The sewer connection charge shall be in an amount as established from time to time by resolution of City Council.

(Ord. 920, 3/13/1961, §6)

§18-107. Responsibility for Cost and Expense.

All costs and expenses, incident to the installation of the sewer connection and connection of the property with the public sanitary sewerage system shall be borne by the property owner. The property owner shall indemnify the City for all loss or damage directly or indirectly caused by or arising out of such installation and connection by the property owner.

(Ord. 920, 3/13/1961, §7)

§18-108. Separate Connection Required; Exception.

A separate sewer connection shall be provided for every principal building, except that where one principal building stands at the rear of another and no separate connection can be made through an adjoining alley, court, yard or driveway, the sewer connection from the front building may be extended to the rear building upon written approval of the City.

(Ord. 920, 3/13/1961, §8)

§18-109. Supervision and Approval.

All sewer connections, materials therefor, jointing materials and methods used, shall at all times be subject to the direction, supervision and approval of the City Engineer.

(Ord. 920, 3/13/1961, §9)

§18-110. Size and Slope.

The size and slope of the sewer connection shall be subject to the approval of the City Engineer, but in no event shall the diameter of the service line be less than 6 inches unless otherwise authorized by the City Engineer in writing and for such smaller connection an approved standard reducer shall be used at the point of connection with the public sanitary sewerage system. When feasible, the average slope of such sewer connection shall be $\frac{1}{4}$ of an inch per foot, and in no event shall such slope be less than $\frac{1}{2}$ of an inch per foot. The invert of the sewer connection at the point of connection with the property shall be at the same or at a higher elevation than the invert at the point of connection with the public sanitary sewerage system.

(Ord. 920, 3/13/1961, §10)

§18-111. Inspection and Connection to Public System.

The property owner holding the sewer connection permit shall notify the City Engineer when the sewer connection is ready for inspection and connection with the public sanitary sewerage system, and in no case shall backfill be placed until such inspection has been made.

(Ord. 920, 3/13/1961, §11)

§18-112. Guarding of Excavation; Restoration After Connection.

All excavations for sewer connections shall be adequately guarded with barricades and lights to protect the public from hazards. All streets, sidewalks and public property, disturbed in the course of making a sewer connection, shall be restored in a manner satisfactory to the City Engineer.

(Ord. 920, 3/13/1961, §12)

§18-113. Sewage Receptacles to be Abandoned; Connection to Sewer Prohibited.

Each property connected with the public sanitary sewerage system shall, forthwith upon the completion of such connection, abandon all privies, cesspools, sinkholes, septic tanks and other receptacles on the property for receiving sanitary sewerage and all pipes or conduits discharging sanitary sewerage or waste into rivers, streams or any watercourse, and thereafter shall not erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage except into the public sanitary sewerage system, and all privy vaults, septic tanks, cesspools and similar receptacles for human excrement shall be cleansed and filled under the direction of the City Engineer and no sewer connection shall be permitted from any privy vault, septic tank or cesspool to the public sanitary sewerage system or any system of storm sewers or drains.

(Ord. 920, 3/13/1961, §13)

§18-114. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not less than \$100 or more than \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a person, firm or corporation shall continue such violation after notification of said offense shall constitute a separate offense punishable by a like fine or penalty.

(Ord. 920, 3/13/1961, §14; as amended by A.O.)

B. Connections Outside the City.

§18-121. Definitions.

PERSON - for the purpose of this Part shall be defined as any natural person, company, association, firm, corporation or municipal subdivisions.

SEWER CONNECTION - any tap or connection of any nature whatsoever made into the sanitary sewer system of the City of Connellsville.

CITY ENGINEER - the consulting or part-time registered engineer employed by the City of Connellsville.

PROPERTY OWNERS - the legal title holders as evidence by the records in the office of the Recorder of Deeds of Fayette County, Pennsylvania.

(Ord. 1001, 8/21/1967, §1)

§18-122. Application for Connection.

From and after the effective date of this Part, all persons owning property located outside the City of Connellsville or any person acting on behalf of or for the benefit of such persons who wish to connect into the sanitary sewer system of the City, must file an application with the City Clerk of the City of Connellsville on forms to be supplied by the City Clerk, designating generally the location of the proposed connection, a reference to the deed evidencing title to the property to be serviced and a sketch or plot of the proposed sewer line.

(Ord. 1001, 8/21/1967, §2)

§18-123. Approval by City Engineer Required; Connection to Conform to City Regulations.

All such applications shall be referred to the City Engineer and the construction of such connection shall be in accordance with the regulations of the City of Connellsville or the Connellsville Municipal Authority and shall be approved by the City Engineer before construction or installation thereof.

(Ord. 1001, 8/21/1967, §3)

§18-124. Fee.

At the time the application is filed, there shall be deposited with the City Clerk, the sum of \$600, or such other amount as established from time to time by resolution of City Council, with each

application requesting connection to the City sanitary sewer line.

(Ord. 1001, 8/21/1967, §4; as amended by Ord. 1031, 9/8/1969, §1; A.O.)

§18-125. Cost Responsibility.

The cost of such connection shall be borne solely by the person requesting the connection to the City sewer system.

(Ord. 1001, 8/21/1967, §5)

§18-126. Only Approved Connections or Taps Permitted.

No connections or taps shall be permitted on said lines other than those requested for and approved in the original application.

(Ord. 1001, 8/21/1967, §6)

§18-127. Service and Rates.

Service and rates for sewage shall be governed by the rules and regulations of the City of Connellsville or the Connellsville Municipal Authority now in effect or as hereafter adopted.

(Ord. 1001, 8/21/1967, §7)

§18-128. Joint Applications.

In case a number of persons file a joint application requesting approval of a sewer connection, each of such persons shall deposit with the City Clerk the sum of \$600, or such other amount as established from time to time by resolution of City Council. In case a single application is filed by any person acting on behalf of, or for the benefit of a number of persons, such person shall deposit the sum of \$600, or such other amount as established from time to time by resolution of City Council, for each such person he represents.

(Ord. 1001, 8/21/1967, §8; as amended by Ord. 1031, 9/8/1969, §2; A.O.)

§18-129. Responsibility of Owner of Property not Abutting Sewer Line.

Where any person desiring a connection to a sanitary sewer owns property not abutting on a sewer line such person shall be solely responsible for the cost of the extension to the sewer line and such person or his subsequent successors or assigns shall each pay a fee of \$600, or such

other amount as established from time to time by resolution of City Council, for each connection made to said extension. The plans and specifications for all such extensions and subsequent connections thereto, shall be approved by the City Engineer before construction is initiated and said extensions shall be constructed according to specifications of the City of Connellsville.

(Ord. 1001, 8/21/1967, §9; as amended by Ord. 1031, 9/8/1969, §3; A.O.)

§18-130. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

Each day that a violation continues shall constitute a separate offense.

(Ord. 1001, 8/21/1967, §10; as amended by Ord. 1111, 11/12/1974; and by A.O.)

PART 2

SEWER RENTAL AND REGULATIONS

A. Definitions.

§18-201. Definitions.

Unless the context clearly requires otherwise, the following words and terms used in this Part shall have the following meanings:

ABNORMAL INDUSTRIAL WASTE - any industrial waste having a suspended solids content or BOD appreciably in excess of that normally found in municipal sewage. For the purpose of this Part any industrial waste containing more than 275 parts per million of suspended solids, or having a BOD in excess of 300 parts per million, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.

BOD - of sewage or industrial waste shall designate its biochemical oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter in said sewage or industrial waste under standard laboratory procedure in 5 days at 20°C, expressed in parts per million by weight. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

CITY - the City of Connellsville, Fayette County, Pennsylvania.

CITY COUNCIL - the Council of the City of Connellsville, as now or hereafter constituted, and its duly authorized agent or representative.

COMBINED SEWER - a sewer designed to receive both sewage and storm water runoff which has been approved by the City Council for such purpose.

GARBAGE - solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES - any liquid, gaseous or water-borne wastes from industrial processes or commercial establishments, as distinct from sanitary sewage.

OCCUPIED BUILDING - any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged.

PERSON - includes natural persons, partnerships, associations and corporations.

pH - the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

PREMISES ACCESSIBLE TO THE PUBLIC SANITARY SEWERAGE SYSTEM - any real estate abutting on or adjoining any street, alley or public sanitary sewer right of way in the City in which is a combined sewer or a sanitary sewer of the public sanitary sewerage system.

PROPERLY SHREDED GARBAGE - the wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

PUBLIC SANITARY SEWERAGE SYSTEM - all sanitary sewers, all combined sewers, all sewage treatment works, and all other facilities owned or operated by the City for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances, and any additions, extensions or improvements thereto. It shall also include sewers within the City limits which serve one or more persons and discharge into the public sanitary sewerage system even though those sewers may not have been constructed by City funds and are not owned or maintained by the City. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the City's sewage treatment facilities.

SANITARY SEWAGE - the normal water-carried household and toilet wastes from residences, business buildings, institutions, and industrial and commercial establishments, exclusive of stormwater runoff, surface water or groundwater.

SANITARY SEWER - a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

SEWAGE - a combination of water-carried wastes from residences, business buildings, institutions and industrial and commercial establishments, together with such ground, surface or storm water as may be present.

SEWER - a pipe or conduit for carrying sewage.

STORM SEWER - a sewer which is intended to carry stormwater runoff, surface waters, groundwater drainage, etc., but which is not intended to carry any sanitary sewage or polluted industrial waste.

STORMWATER RUNOFF - that portion of the rainfall which reaches a channel, trench, sewer or sink.

SUSPENDED SOLIDS- solids that either float on the surface or are in suspension in water,

sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

UNPOLLUTED WATER OR WASTE - any water or waste containing none of the following: free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than 10,000 parts per million by weight of dissolved solids of which not more than 2,500 parts per million shall be as chloride and not more than 10 parts per million each of suspended solids and BOD. The color shall not exceed 50 parts per million. Analyses for any of the above-mentioned substances shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

WATER COMPANY - Connellsville Water Company or any publicly or privately owned duly authorized agency, corporation or organization which succeeds said Company as the approved purveyor of the public water supply within the limits of the City.

(Ord. 921, 3/13/1961, Art. I)

B. Industrial Waste Entering Public Sewer System.

§18-211. Certain Industrial Waste Prohibited; Cost of Treatment.

The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. The treatment facilities which the City will cause to be constructed are of a type and design to permit reasonable flexibility in the treatment of various types of industrial wastes. Any and all industrial wastes may be discharged into the public sanitary sewerage system except those which are deemed harmful to the system or are specifically prohibited by this part. Since the treatment of abnormal industrial wastes adds to the cost of operating and maintaining the public sanitary sewerage system, such additional cost shall be borne by the person or persons receiving the benefit of such treatment.

(Ord. 921, 3/13/1961, Art. II, §201)

§18-212. Right to Refuse Connection or Compel Discontinuance of Use of Sewer System or to Require Pretreatment of Waste.

The City reserves the right to refuse connection to the public sanitary sewerage system for harmful industrial wastes, or to compel discontinuance of the use of the system for such wastes, or to require pretreatment thereof in order to prevent harmful or adverse effect upon the system. The design, construction and operation of such pretreatment facilities shall be subject to the approval of City Council or its authorized representative.

(Ord. 921, 3/13/1961, Art. II, §202)

§18-213. Harmful Industrial Waste Defined.

Industrial waste which causes any of the following damaging effects shall be deemed to be harmful to the public sanitary sewerage system:

- A. Chemical reaction either directly or indirectly with the materials of construction of the public sanitary sewerage system in such a manner as to impair the strength or durability of the sewer structures.
- B. Mechanical action that will destroy the sewer structures.
- C. Restriction of the hydraulic capacity of the sewer structures.
- D. Restriction of the normal inspection or maintenance of the sewer structures.
- E. Danger to public health and safety.
- F. Obnoxious condition inimical to public interest.

(Ord. 921, 3/13/1961, Art. II, §203)

§18-214. Manholes Required; Responsibility of Property Owner.

When required by City council, any person discharging into the public sanitary sewerage system industrial wastes, or industrial wastes and sanitary sewage together, shall install a suitable manhole or manholes on his connecting sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from his premises. Such manhole or manholes shall be accessible and safely located and shall be constructed in accordance with plans approved by City Council or its authorized representative. The manhole or manholes shall be installed by such person at his expense and shall be maintained by him so as to be safe and accessible to City Council or its authorized representative at all times.

(Ord. 921, 3/13/1961, Art. II, §204)

C. Prohibited Wastes.

§18-221. Discharge of Unpolluted Water or Waste Restricted.

The discharge of excessive amounts of unpolluted water or waste to a sanitary sewer is expressly prohibited. However, such discharges to combined sewers or storm sewers will be permitted wherever such sewers are of adequate capacity. City Council reserves the right to define the amount it deems excessive in each particular instance.

(Ord. 921, 3/13/1961, Art. III, §301)

§18-222. Discharge of Garbage Restricted.

The discharge of garbage to the public sanitary sewerage system is expressly prohibited except from single-family dwelling units, and even in such cases such discharge is prohibited unless the garbage is first properly shredded by a mechanical garbage grinder to disposer of a type approved by City Council.

(Ord. 921, 3/13/1961, Art. III, §302)

§18-223. Prohibited Wastes.

No person shall discharge to the public sanitary sewerage system industrial wastes having any of the following characteristics:

- A. Wastes containing liquids, solids or gases which by reason of their nature or quality may cause fire or explosion or be in any other way injurious to persons, the structures of the public sanitary sewerage system or its operation.
- B. Wastes having a temperature in excess of 150°F or less than 32°F.
- C. Wastes having a pH lower than 5.5 or higher than 9.5 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel of the public sanitary sewerage system. Where City Council deems it advisable, it may require any person discharging industrial wastes to install and maintain, at his own expense, in a manner approved by the City Council or its representative, a suitable device to continuously measure and record the pH of the wastes so discharged.
- D. Wastes containing any noxious or malodorous gas or substances which either singly or by interaction with sewage or other wastes is likely, in the opinion of the City Council, to create a public nuisance or hazard to life, or prevent entry to sewers for their maintenance and repair.
- E. Wastes containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers,

tar, plastics, wood, hair, chemical or paint residues, greases, lime slurry or viscous material of such a character or in such quantity as, in the opinion of City Council, may cause an obstruction to the flow in sewers or otherwise interfere with the proper operation of the public sanitary sewerage system.

- F. Wastes containing insoluble, nonflocculent substances having a specific gravity in excess of 2.65.
- G. Wastes containing soluble substances in such concentration as to cause the specific gravity of the waste to be greater than 11.1.
- H. Wastes containing any of the following substances in concentration exceeding those shown in the following table:

Maximum Permissible Substance Concentration Phenolic compounds as C₆H₅OH 1 ppm
Cyanides as CN 1 ppm Cyanates as CNO 10 ppm Iron as Fe 15 ppm Trivalent chromium as Cr 3 ppm
Hexavalent chromium as Cr 0.5 ppm Nickel as Ni 3 ppm Copper as Cu 2 ppm
Lead as Pb 2 ppm Tin as Sn 2 ppm Zinc as Zn 2 ppm
- I. Wastes containing more than 100 ppm by weight of fat, oil or grease.
- J. Wastes containing more than 10 ppm of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide, or any of the halogens.
- K. Wastes containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.
- L. Any waste containing toxic substances in quantities sufficient to interfere with the biochemical processes of the sewage treatment works or that will pass through the sewage treatment works and exceed the State requirements for the Youghiogheny Valley watershed.
- M. Any waste containing toxic radioactive isotopes without a special permit.

(Ord. 921, 3/13/1961, Art. III, §303)

D. Sewerage Service Charge; Schedule of Rates.

§18-231. Imposition of Service Charge.

There is hereby imposed upon the owners of, or the users of water in or on, all properties situated within and without the corporate limits of the City and served by the public sanitary sewerage system, a service charge for the use of said system, payable as hereinafter provided in the amounts hereinafter provided. The service charge shall begin to accrue from and after September 1, 1961, and said owners and users shall be jointly and severally liable for the payment of the service charge and the penalty herein prescribed for delinquent payment thereof.

(Ord. 921, 3/13/1961, Art. IV, §401)

§18-232. Service Charges and Rates.

The service charge shall be based on the quantity of water used in or on said properties as the same is measured by the Water Company's meter or meters there in use, and shall be charged at the rates set by resolution of City Council:

First 30,000 gallons per quarter . . . 49.5 cents per 1,000 gallons

All gallons over 30,000 gallons

per quarter 44.9 cents per 1,000 gallons

Minimum Charges Based upon Meter Size

Meter Size	Minimum Quarterly Charge
No meter	\$4.68
½ inch	4.68
5/8 inch	4.68
¾ inch	11.00
1 inch	22.00
1-1/2 inch	33.00
2 inch	55.00
3 inch	99.00
4 inch	137.50

(Ord. 921, 3/13/1961, Art. IV, §402; as amended by Ord. 934, 1/22/1962, §1; by Ord. 1036, 1/26/1970, §1; by Ord. 1041, 11/23/1970, §1; and by Ord.1045, 12/28/1970, §1)

§18-233. Flat Rate System at Option of Property Owner.

Where properties connected to the sanitary sewerage system are served by the Connellsville

Water Company on a flat rate system of charges for water, the property owner shall have the option of furnishing, installing and maintaining a water meter at his own expense and the payment for the charges for sewage service on the above schedule of rates, or the payment of 60% of the total flat rate water use charged against the property on the flat rate system.

(Ord. 921, 3/13/1961, Art. IV, §402A; as added by Ord. 926, 10/23/1961, §1)

§118-234. Billing; Penalty for Late Payment.

Owners and users shall be billed quarterly for the service charge, except where the owner or user is billed monthly for water used in which case the service charge shall be billed monthly for water used in which case the service charge shall be billed monthly. The billing shall be based upon the water usage shown by the Water Company's meter reading for the previous quarter or upon the appropriate minimum charge. All bills for service charges shall be due when rendered and shall be subject to a penalty for 5% if not paid within 15 days from the date of the bill.

(Ord. 921, 3/13/1961, Art. IV, §403)

§18-235. Billing Method for Two or More Meters on One Property.

The measurement by two or more meters of the quantity of water used in or on one property by one owner or user may be combined and the service charge billed to said owner or user as though the quantity of water was measured by one meter if the City Council so elects.

(Ord. 921, 3/13/1961, Art. IV, §404)

§18-236. Property not Served by Water Company to Install and Maintain Water Meter.

In the event the owner of, or the user of water in or on, any property served by the public sanitary sewerage system obtains part or all of the water used in or on such property from sources other than the Water Company, such owner or user shall, upon demand of City Council, at no expense to the City or the Water Company, install and maintain a water meter or meters satisfactory to City Council and to the Water Company for measuring all water used other than that obtained from the Water Company, and the quantity of water used to determine the service charge shall be the quantity of water measured by all such meters plus the quantity of water obtained from the Water Company.

(Ord. 921, 3/13/1961, Art. IV, §405)

§18-237. Right to Require or Permit Additional Meters.

In the event it is established to the satisfaction of City Council that a portion of the water used in or on any property served by the public sanitary sewerage system does not and cannot enter the system, and in the event that the total water used in or on said property exceeds 50,000 gallons per quarter, City Council may determine, in such manner and by such method as it may deem practical, the percentage of the water entering the public sanitary sewerage system, or City Council may require or permit the installation of additional meters in such manner as to determine either the quantity of water excluded from the public sanitary sewerage system or the quantity of water, sewage or industrial waste actually entering the public sanitary sewerage system, exclusive of stormwater runoff. The service charge shall be based upon the quantity of water estimated, measured or computed by City Council to be actually entering the public sanitary sewerage system, exclusive of stormwater runoff, subject to the minimum charge set forth in §18-232 hereof.

(Ord. 921, 3/13/1961, Art. IV, §406)

§18-238. Application for Reduction of Service Charge.

Any person requesting a reduction of the amount of the service charge because of water purchased which does not enter the public sanitary sewerage system, shall make written application to City Council, giving the name of such person, his address and setting forth supporting data fully describing other sources of water, if any, as well as the disposition of water alleged not to be entering the public sanitary sewerage system. The application shall be accompanied by a sketch to approximate scale showing the plan of the property, the water distribution system, sewer layout, existing meters, and proposed meters in the scheme to determine the quantity of flow entering, or not entering, the public sanitary sewerage system. The cost of furnishing, installing and maintaining any meters other than those utilized to measure water purchased from the Water Company shall be borne by the applicant. The type, size, location, arrangement and maintenance of such meters shall be subject to the approval of City Council and the Water Company.

(Ord. 921, 3/13/1961, Art. IV, §407)

§18-239. Sewage Treatment for Other Municipalities.

Nothing contained in this Part shall preclude City Council from entering into contracts with neighboring municipalities for the treatment of their sewage pursuant to a schedule of fees differing from the service charges above set forth.

(Ord. 921, 3/13/1961, Art. IV, §408)

E. Surcharge for Industrial Waste.

§18-241. Imposition.

There is hereby imposed upon each person discharging abnormal industrial waste into the public sanitary sewerage system a surcharge, or surcharges, to cover additional treatment cost. Such surcharges shall be in addition to the regular service charge set forth in this Part and shall be payable as hereinafter provided in the amount hereinafter provided.

(Ord. 921, 3/13/1961, Art. V, §501)

§18-242. Sampling of Waste Required.

The strength of any industrial waste, the discharge of which is subject to surcharge, shall be determined monthly, or more frequently, from samples taken either at the manhole referred to in §18-214 hereof or at any other sampling point mutually agreed upon by City Council and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of City Council, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff.

Samples shall be collected by a representative of City Council in proportion to the flow of waste, exclusive of stormwater runoff, and composited for analysis in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" as published by the American Public Health Association. Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. City Council may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own samplings and analyses.

(Ord. 921, 3/13/1961, Art.V, §502)

§18-243. Method of Determining Surcharge.

In the event any industrial waste is found, by City Council, to have a BOD in excess of 300 parts per million, the producer of said waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of stormwater runoff, discharged to the public sanitary sewerage system and the "BOD surcharge rate." The "BOD surcharge rate" shall be determined by the following formula:

$$RC = 0.00834 P (C-300)$$

Where Rc = the BOD surcharge rate in cents per 1,000 gallons of waste discharged

P = the average annual fixed, operating and maintenance cost of

the treatment processes including chlorination, per pound of BOD received at the treatment works. (Prior to completion of the first year of operation the value of "P" shall be deemed to be four (4) cents.)

C = the average BOD of the industrial waste expressed in parts per million as determined in accordance with Section 502 hereof

The figure "300" appearing in the above formula corresponds to the maximum BOD permissible without surcharge. The figure "0.00834" is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial waste having a BOD less than 300 parts per million.

(Ord. 921, 3/13/ 1961, Art. V, §503)

§18-244. Method of Determining Suspended Solids Surcharge Rate.

In the event any industrial waste is found, by City Council, to have an average suspended solids concentration in excess of 275 parts per million, the producer of such waste shall be surcharged an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, exclusive of storm runoff, discharged to the public sanitary sewerage system and the "suspended solids surcharge rate." The "suspended solids surcharge rate" shall be determined by the following formula:

$$Rs = 0.00834 \times B (S-275)$$

Where

Rs = the suspended solids surcharge rate in cents per 1,000 gallons of waste discharged

B = the average annual fixed, operating and maintenance cost of the sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment works. (Prior to completion of the first year of operation the value of "B" shall be deemed to be four (4) cents.)

S = the average suspended solids concentration of the abnormal industrial waste expressed in parts per million as determined in accordance with Section 502 hereof

The figure "275" appearing in the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. The figure "0.00834" is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a suspended solids concentration less than 275 parts per million.

(Ord. 921, 3/13/1961, Art. V, §504)

§18-245. Billing and Payment.

The surcharges provided for in this part will be added to the service charges set forth in this Part. They will be billed quarterly and shall be due at the same time and shall be subject to the same penalty as set forth in §18-232 hereof. Notwithstanding the foregoing provisions of this part, no surcharge will begin to accrue until after the sewage treatment works are put into operation.

(Ord. 921, 3/13/1961, Art. V, §505)

F. Billing and Collection.

§18-251. Quarterly Billing of Service Charges and Surcharges.

The service charge and surcharges provided for in this Part shall be payable monthly.

The City, either directly or through any person whom it may by resolution appoint or with whom it may contract, will render such bills for the service charges and surcharges imposed by this Part and will make collections thereof, in accordance with this Part and any agreement or agreements entered into between the Water Company and City Council relating to such billing and collection.

(Ord. 921, 3/13/1961, Art. VI, §601)

§18-252. Change of Address in Writing Required.

Bills and notices relating to service charges and surcharges will be mailed or delivered to the property owner's or user's last address as shown on the books of the Water Company, and neither the City nor the Water Company shall be otherwise responsible for delivery.

No change of address will be honored unless and until such change shall have been furnished in writing to the Water Company.

(Ord. 921, 3/13/1961, Art. VI, §602)

G. Delinquencies, Violations, Remedies and Validity.

§18-261. Delinquency Constitutes Lien; Remedies.

Each service charge, surcharge and penalty imposed by this part shall be debt due the City and shall be a lien on the property served, and if not paid within 30 days after the date of the bill shall be deemed delinquent. In such event, the City may proceed to file a lien in the office of the Prothonotary of Fayette County, Pennsylvania, and collect the same in the manner provided by law for the filing and collection of municipal claims. In the event of failure to pay the service charge, surcharge or penalty after they become delinquent as herein provided, the City shall be authorized to remove or close the sewer connection and shall have the right to enter upon the property served for such purpose and to take such steps as may be necessary to accomplish such removal or closing. The expense of such removal or closing, as well as the expense of restoring any such service, shall likewise be a debt due the City and a lien on the property served and may be filed and collected as hereinabove provided, or such sewer connection shall not again be turned on or the sewage service restored until all service charges, surcharges and penalties, including the expense of removal, closing and restoration shall have been paid.

(Ord. 921, 3/13/1961, Art. VII, §701)

§18-262. Violations; Remedies.

The City may give written notice of any violation of this Part or any provisions hereof to the owner or user concerned either personally or by means of the United States mails. If no action to correct the violation is taken within 30 days of the date of such notice, the sewer connection may be removed or closed and reconnection will not be made until after correction of the violation has been accomplished. The expense of such removal or closing and the expense of restoring the sewage service shall be a debt due the City and a lien upon the property served and may be filed and collected as provided in §18-261 hereof.

(Ord. 921, 3/13/1961, Art. VII, §702)

§18-263. Effect of Change of Ownership or Occupancy of Property.

Change of ownership or occupancy of any property served by the public sanitary sewerage system as to which any service charge, surcharge or penalty imposed by this part is delinquent, as provided in §18-261 hereof, shall not affect the rights and remedies of the City set forth in this Part.

(Ord. 921, 3/13/1961, Art. VII, §703)

PART 3

ADMINISTRATION AND ENFORCEMENT

§18-301. Department of Public Affairs to Manage Sanitary Sewer System.

The Department of Public Affairs of the City shall manage, operate, maintain and repair the public sanitary sewage system of the City in accordance with the provisions of the agreement and lease dated as of March 1, 1961, entered into between Connellsville Municipal Authority and the City and shall do and perform all things required to be done and performed by the City in virtue thereof and any ordinance of the City pertaining to said sewage system.

(Ord. 925, 10/23/1961, §1)

§18-302. Enforcement.

The said Department shall enforce the provisions of the this Part including, but not confined to, the filing of liens and collecting claims and penalties against property owners.

(Ord. 925, 10/23/1961, §2)

§18-303. Depository for Sewage Revenue Fund.

The Sewage Revenue Fund required to be established by the City Treasurer pursuant to Ord. 922, 3/13/1961, by City Council, into which the monies collected by Connellsville Water Company pursuant to the service agreement dated as of September 1, 1961, entered into between it and the City, shall be deposited, shall be opened by him in the Second National Bank of Connellsville; the same to be disbursed therefrom only in accordance with the provisions of said agreement and lease and in the same manner as other funds are disbursed by said Treasurer and said Department of Public Affairs.

(Ord. 925, 10/23/1961, §3)

PART 4

SEWER EXTENSIONS

§18-401. Requirements for Extension of Sewers at Request of Property Owners.

Any property owner desiring extension of a sanitary sewer in any street, alley or public right of way must extend said sanitary sewer from the end of the present sanitary sewer in said public thoroughfare to the furthest limits of the frontage of applicant's property and shall be required to enter an agreement with the City of Connellsville to place deposit with the City Clerk covering payment of the total estimated cost of said extension, and shall upon its completion be required to connect to said extensions as required under City Ord. 920 3/13/1961, and to conform to the regulations as described under City Ord. 921 3/13/1961. Upon completion, the sanitary sewer extension so constructed under this Part in the public thoroughfare shall be the property of the City of Connellsville and shall be maintained by the City.

(Ord. 992, 11/28/1966, §1)

§18-402. Specifications for Work; Cost Records.

The size, length and strength of the sewer pipe to be applied for, the material of which it is constructed and the type of sewer joint to be acceptable, the location and depth of the sewer in the public thoroughfare, the number of manholes required, and the number of Y's or T's to be installed and location of the same along the sewer shall be determined by the City of Connellsville and/or the City Engineer, and such information shall be indicated on a drawing prepared by the City Engineer indicating the plan and the profit of the proposed sewer extension. Total cost of this portion of the work shall be kept and recorded by the City.

(Ord. 992, 11/28/1966, §2)

§18-403. Cost Estimates; Deposit by Applicant.

The City Engineer shall prepare an estimate of cost of construction covering the cost of material and labor to be furnished and installed by City forces to complete the project, exclusive of excavation, but including the engineering work performed under §18-402. The applicant shall deposit with the City Clerk cash in the amount of the total cost the City is estimated to incur in completing the installation as required and agreed upon.

(Ord. 992, 11/28/1966, §3)

§18-404. Excavation in Street at Expense and Risk of Applicant.

The applicant shall perform or have performed at his expense and at his risk all excavation in the public thoroughfare necessary to install the sewer and appurtenances as required and described on the drawing referred to under §18-402. Total cost of this portion of the work shall be kept and recorded by the applicant and two copies forwarded to the City Clerk.

(Ord. 992, 11/28/1966, §4)

§18-405. Certain Work Done by City at Expense of Applicant; Additional Payment by Applicant or Refund of Part of Deposit.

- A. After the applicant has made the total cash deposit and while preparing the required excavation, the City of Connellsville shall employ its forces to procure and install the proper sewer line material as indicated on the drawing prepared under §18-402, and to make such repairs to the public thoroughfare as may be required to place it in its original condition. An itemized account of the cost of this portion of the work shall be recorded by the City and two copies forwarded to the applicant.
- B. If the actual cost of the expenditures on the project by the City is less than the amount deposited by the applicant with the City, then the City shall refund the difference to the applicant. If the actual cost of the expenditures on the project by the City is more than the deposit amount, then the applicant shall make an additional payment in the amount of the difference to the City.

(Ord. 992, 11/28/1966, §5)

§18-406. Assessments Paid by Later-Connected Property Owners.

- A. If there are several property owners on either side of the extended sewer, between the end of the present sewer and the terminus of the sanitary sewer extension paid for by the applicant, and these can be served by, but have not contributed to the cost of the extension, then before permitting connection to the said sewer extension by these said property owners, the City may, if it is so included in the agreement with the applicant referred to formerly in §18-401, assess each such property owner his proportionate share of the total cost incurred by the applicant and the City, and this proportionate share, less the cost incurred by the City in procuring the same, may be returned to the applicant by the City.
- B. In no case shall the City return to the applicant total payments which are in excess of the expenditures made by the applicant.
- C. Such proportionate share payments by the later-connected property owners do not relieve them of the requirements as listed and specified under Ord. 920 and Ord. 921.

(Ord. 992, 11/28/1966, §6)

PART 5

**SHUTTING OFF WATER SOURCE FOR DELINQUENT SEWER
CHARGES**

§18-501. Water Turnoff.

In any case where the Connellsville Municipal Authority has certified to the City of Connellsville that an owner or occupant of premises served by the Authority has neglected or failed to pay for a period of 30 days, or more, from the due date thereof, any rental, rate, or charge for sewer, sewerage, or sewage treatment service imposed by the Connellsville Municipal Authority, the said Western Pennsylvania Water Company is hereby authorized and required at the request and direction of the City of Connellsville, to shut off the supply of water to such premises until all such overdue rentals, rates and charges, together with any penalties and interest thereon, shut-off fees, restoration fees, and estimated loss of water revenues for which the City of Connellsville may become responsible to pay to the said Water Company, shall be paid by the owner or occupant of said premises.

(Ord. 1154A, 4/11/1977, §1)

§18-502. Written Notice.

In no case shall the water supply be shut off to any premises until 10 days have elapsed after written notice of an intention so to do has been mailed by the Connellsville Municipal Authority, acting as agent for the City, to the owner, occupant, or other person liable for payment of the said rentals, rates or charges, and in addition thereto, there has been posted by the said Authority a written notice of said intention at a main entrance to the premises.

(Ord. 1154A, 4/11/1977, §2)

§18-503. Claims.

If during such 10 day period the owner, occupant, or other person liable for the payment of the rentals, rates, or charges delivers to the Western Pennsylvania Water Company a written statement, under oath or affirmation, stating that he or she has a just defense to the claim, or to part of it, for such rentals, rates, or charges, then the water supply shall not be shut off until the claim has been judicially determined. Such statement shall also contain a declaration under oath or affirmation that such statement was not executed for the purpose of delay.

(Ord. 1154A, 4/11/1977, §3)

§18-504. Expenses.

The City of Connellsville shall pay to the Western Pennsylvania Water Company, or its successor, the sum of \$10, or such other amount as established from time to time by resolution of City Council, to cover the water company's reasonable additional clerical and other expenses incurred in shutting off the water supply to each such premises. In addition, the City of Connellsville shall pay to the said Company on its request, the further sum of \$10, or such other amount as established from time to time by resolution of City Council, to cover the said Company's cost of restoring water service to each such premises. In the event more than one hour is required for the shut off or restoration of water service to any such premises, the City shall pay the actual cost thereof to the Water Company based on time, material, transportation, and other fixed charges. In addition, the City shall pay to the said Water Company the estimated loss of water revenues resulting from such shut off based on the actual period of time during which the supply of water is shut off in each instance. The aforesaid shut off and restoration fees and the stated loss of water revenues shall be collected by the City of Connellsville through the Connellsville Municipal Authority, as part of the charges and costs for restoration of services from the owner, occupant, or other person liable for the payment of the rentals, rates and charges aforesaid, before restoration of said water service.

(Ord. 1154A, 4/11/1977, §4)

§18-505. Purposes.

For the purpose of collecting the aforesaid fees, rentals, rates, charges, estimated loss of water revenues, or other costs incurred by the City in carrying out the provisions of this Part, the City of Connellsville does hereby authorize and designate the Connellsville Municipal Authority to be its agent in carrying out the provisions of this Part.

Furthermore, the Mayor is hereby directed to enter into an agreement in behalf of the City of Connellsville with the Connellsville Municipal Authority and the Western Pennsylvania Water Company, or its successor, to carry out the intent and purposes of this Part, which agreement shall be made subject to the approval of the Pennsylvania Public Utility Commission.

(Ord. 1154A, 4/11/1977, §5)

§18-506. Disputes.

In the event a dispute arises between the Western Pennsylvania Water Company, or its successor, and the City of Connellsville regarding the cost of such services, the amount of such revenues lost, regarding provisions of any agreement between the City of Connellsville and said Water Company, such dispute shall be submitted by either party to the Pennsylvania Public Utility Commission, whose decision, unless reversed, shall be final.

(Ord. 1154A, 4/11/1977, §6)

CHAPTER 19

SIGNS AND BILLBOARDS

- §19-101. Purpose.
- §19-102. Definitions.
- §19-103. Conformance to Codes.
- §19-104. Signs in Rights-of-Way.
- §19-105. Traffic Visibility.
- §19-106. Maintenance, Repair and Removal.
- §19-107. Obsolete Sign Copy.
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- §19-109. Historic Signs.
- §19-110. Exempt Signs.
- §19-111. Prohibited Signs.
- §19-112. Permits Required.
- §19-113. Construction Documents.
- §19-114. Changes to Signs.
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- §19-116. Overhead Banners and Signs.
- §19-117. Sign Categories; Advertising Signs and Outdoor Advertising Structures.
- §19-118. Sign Categories; Real Estate Signs.
- §19-119. Sign Categories; Business Signs.
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- §19-121. Sign Categories; Announcement Signs.
- §19-122. Sign Categories; Temporary Signs.
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- §19-124. Illumination of Signs.
- §19-125. Signs for Development Complexes; Master Sign Plan Required.
- §19-126. Signs for Development Complexes; Development Complex Sign.
- §19-127. Signs for Development Complexes; Compliance with Master Sign Plan.
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- §19-129. Unlawful Acts.
- §19-130. Notice of Violation.
- §19-131. Prosecution of Violation.
- §19-132. Violation Penalties.
- §19-133. Abatement of Violation.

§19-101. Purpose.

The purpose of this Part is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

The City recognizes that signs constitute a separate and distinct use of the premises upon which they are placed and also affect the use of adjacent roads, streets, walkways and other properties. The provisions of this Chapter are made to establish reasonable and objective regulations for all signs in the City which are visible to the public, in order to protect the general public health, safety, welfare, convenience, and aesthetics by, among other things, encouraging signs designed to enhance and build the traditional town image and visual environment the City seeks to promote and by avoiding excessive use or multiple signs in order to minimize clutter, unsightliness, confusion, and hazardous distractions to motorists. This Chapter is also intended to serve the public's need to be given helpful directions, and to be informed of available products, businesses, and services.

(Ord. 1449, 5/8/2006, Art. I; amended by Ord. 1491, 6/20/2012, §1)

§19-102. Definitions.

For the purpose of this Part, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural, the singular; the word, "building", shall include the word, "structure", and the word "shall", is mandatory and not directory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied". Except where specifically defined, all words used in this Part shall carry their customary meanings.

ACCESSORY USE OR STRUCTURE - A use or structure (such as an automobile garage on a residential lot) incident to the main use of the land or building. In buildings restricted to residential use, the office of a professional person, customary home occupations, and workshops not conducted for compensation shall be deemed accessory uses. A roadside stand for sale of farm products conducted solely by the farm operator shall be considered an accessory use. In business or industrial zoning districts, one mobile home, apartment or single family dwelling erected by the landowner for occupancy by the owner or his employee to provide security for the main use of the land or building shall be considered an accessory use.

BUILDING - Any structure used or constructed for the shelter or protection of persons, animals, or chattels.

BUILDING, FRONT LINE OF - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS CLASSIFICATION:

- A. **RETAIL SALES** - food markets, drugstores, haberdashers, stationers, newsdealers, apparel shops, show rooms, flower shops and similar uses.
- B. **FOOD SERVICE** - eating and drinking establishments and similar uses.
- C. **BUSINESS SERVICE** - banks, office buildings, postal stations and similar uses.
- D. **CLOTHING SERVICE** - laundry agencies, self-service laundries, dressmaking millinery, shoe repair and dry cleaning and pressing establishments employing not more than four (4) persons on any shift and using only cleaning materials safe from fire hazards, and similar uses.
- E. **EQUIPMENT SERVICE** - radio shops, electric appliance shops, record shops and similar uses.
- F. **PERSONAL SERVICE** - barber shops, beauty salons, reducing salons, photographic studios and similar uses.

CITY CODE OFFICIAL - The City Code Official or his authorized representative as appointed by the City Council of the City of Connellsville responsible for creating and implementing procedures in accordance with the provisions of this code.

DISTRICTS, ZONING DISTRICTS - Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the "district map" which is part of this Part.

DWELLING, SINGLE FAMILY - A building designated for or occupied by one (1) family, constructed on the site, permanently attached to a fully enclosed foundation.

DWELLING, TWO-FAMILY - A building designed for or occupied by two (2) families, constructed on the site, permanently attached to a fully enclosed foundation.

DWELLING, MULTIPLE APARTMENT - A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, flats, row houses, garden apartments, townhouses and condominiums.

ENTERTAINMENT FACILITIES: COMMERCIAL RECREATION - Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, bowling alleys, roller skating rinks, miniature golf, golf driving ranges, commercial swimming pools, carnivals and related uses.

ESSENTIAL SERVICES - The erection, construction, alteration, or maintenance, by public

utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection communication, supply pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY - One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel.

FRONTAGE - All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street - if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

HOME OCCUPATION - Any occupation or activity within a single or two-family dwelling conducted by persons residing in the dwelling provided that no display other than a small sign as provided in Section 704 will indicate from the exterior that the dwelling is being used in part for any purpose other than that of a residence.

LOT - For zoning purposes, as covered by this Part, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and open spaces as are herein required and having frontage on a road, street or highway. A lot may or may not consist of a single lot of record.

LOT COVERAGE - Lot coverage shall be the ratio of enclosed ground floor area of the principal buildings to the total area of the lot, expressed as a percentage.

LOT OF RECORD - Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of Fayette County.

LOT, MINIMUM AREA OF - The area of a lot computed exclusively of any portion of the right-of-way of any public thoroughfare.

LOT, WIDTH - The width of a lot at the front building line measured at right angles to its depth. The width of lots fronting on curved streets shall be the chord distance between points of intersection of the side lot lines with the curve coinciding with the required depth of the front yard.

MULTIPLE-DWELLING USE - Two or more two-family or multiple dwelling buildings situate upon an undivided lot in such a manner that separate lots conforming to the requirements for two-family and multiple dwelling buildings in the district could not be provided.

NEIGHBORHOOD BUSINESS - Retail and service establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence.

NONCONFORMING USE - Any lawful use of a building or land existing at the effective date of adoption or amendment of this Part and which does not conform to the regulations of the district in which it is situated.

NONCONFORMING LOT OF RECORD - A legally recorded lot which fails to meet the area or width requirements at the effective date of adoption or amendment of this Part.

OUTDOOR ADVERTISING STRUCTURE - Any sign or billboard not attached to a building structure which directs attention to a business, commodity, service or form of entertainment that is conducted, sold or offered in a location other than the premises where the sign is displayed.

PROFESSIONAL ACTIVITY - The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, engineers and clergymen.

PROFESSIONAL ACTIVITY, LIMITED - Services provided by doctors, dentists, lawyers, architects, engineers, clergy, and persons engaged in real estate, insurance and the like.

PUBLIC USES - Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

RECREATIONAL FACILITIES, NONCOMMERCIAL - Country Clubs, riding stables, golf courses, and other private noncommercial recreation areas and facilities or recreation centers including private community or club swimming pools.

RECREATIONAL FACILITIES, RESTRICTED COMMERCIAL - Semipublic and public golf courses; boat docks and fishing piers; boat launching, maintenance, repair and fueling facilities; ski facilities including lodges; and resorts including camping.

RECREATIONAL FACILITIES, COMMERCIAL - See entertainment facilities.

RESIDENTIAL DISTRICT USES - Residential district uses are those defined herein and permitted in the district for residential purposes.

ROAD - Any public or private right-of-way, highway, street, lane, square, court or way set aside as a permanent right-of-way for public travel.

SEMIPUBLIC USES - Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

SIGNS - Any surface, fabric or device bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposes to public view; or any structure (including billboard or poster panel) designed to carry the above visual information.

SIGN, ADVERTISING - An object attached to a building structure used to convey, promote, or

direct attention to a business, commodity, service or form of entertainment that is conducted or sold:

- A. in a location other than the premises where the sign is displayed, or
- B. as a minor or incidental activity upon the premises where the sign is displayed.

SIGN, BUSINESS - A sign which directs attention to a business, profession or industry located upon the premises where the sign is displayed, to the type of products sold, manufactured, or assembled, and/or to service or entertainment offered on said premises; except a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

SIGN, HISTORIC - A sign which refers to a business, profession, industry, product or event that has become obsolete but has historic value to the greater community. These signs must be certified by Connellsville City Council, comply with the "Maintenance" provisions of this Chapter and are exempt from the "Obsolete Copy" and "Fee" provisions of this Chapter.

SIGN, IDENTIFICATION - A sign used to identify only; the name of the individual or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

SIGN, INSIDE NEON - A lighted neon sign that is designed to draw attention to a business and his hung on the inside of a window facing out and into the public view.

SIGN, OVERHEAD BANNER - A sign that crosses any state highway, roadway, street, or alley in the City of Connellsville.

SIGN, SANDWICH-BOARD - A moveable sign that is placed on the sidewalk to advertises the services and or wares of the primary source of business where they are located. No larger than six (6) square feet in area and no wider than half of the width of the sidewalk where they are to be placed.

STREET RIGHT-OF-WAY LINE - A dividing line between a lot, tract or parcels of land and contiguous street.

STRUCTURAL ALTERATIONS - Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams, or girder.

STRUCTURE - Anything constructed, the use of which requires permanent location on the ground or is attached to something having such location.

VARIANCE - A variance is a relaxation of requirements where the same will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Part would result in unnecessary and undue hardship.

YARD - An open space at grade between a building and the adjoining lot lines, unoccupied by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT - A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right-of-way line and the main building or any projection thereof, other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porches.

YARD, REAR - A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches.

YARD, SIDE - A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

ZONING CERTIFICATE - The document issued by the Zoning Inspector authorizing the use of the land or building.

ZONING DISTRICT MAP - The zoning district map or maps of the City of Connellsville, together with all amendments.

ZONING INSPECTOR - The Zoning Inspector or his authorized representative appointed by the City Council of the City of Connellsville.

(Ord. 1449, 5/8/2006, Art. II; amended by Ord. 1479, 4/20/2011)

§19-103. Conformance to Codes.

All signs and sign structures shall conform to the provisions of this Ordinance and the provisions of the International Building Code, the International Property Maintenance Code, and of any other ordinance or regulations within the City of Connellsville.

(Ord. 1449, 5/8/2006, Art. III; amended by Ord. 1491, 6/20/2012, §2)

§19-104. Signs in Rights-of-Way.

No sign other than an official traffic sign or similar sign shall be erected within two (2) feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of the City of Connellsville or by specific authorization of the City

Code Official.

(Ord. 1449, 5/8/2006, Art. III)

§19-105. Traffic Visibility.

No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location whereby its position, shape or color may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

(Ord. 1449, 5/8/2006, Art. III)

§19-106. Maintenance, Repair and Removal.

Every sign permitted by this Part shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the City Code Official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Part, the owner thereof or the person or firm using same shall, upon written notice by the City Code Official forthwith in the case of immediate danger, and in any case within not more than ten (10) days, make such sign conform to the provisions of this Part, or shall remove it. If within ten (10) days the Order is not complied with, the City Code Official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

(Ord. 1449, 5/8/2006, Art. III)

§19-107. Obsolete Sign Copy.

Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within thirty (30) days after written notification from the City Code Official; and upon failure to comply with such notice, the City Code Official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

(Ord. 1449, 5/8/2006, Art. III)

§19-108. Nonconforming Signs.

Notwithstanding the provisions of §103, any sign legally existing at the time of the passage of this Part that does not conform in use, location, height, or size with this Part or the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or

structure and shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time it is either abandoned or removed by its owner, subject to the following limitations:

- A. Structural alterations, enlargement, or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
- B. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds fifty (50) percent of the replacement cost of the sign as determined by the City Code Official.
- C. Signs that comply with either Item (A) or (B) above need not be permitted.

(Ord. 1449, 5/8/2006, Art. III; amended by Ord. 1491, 6/20/2012, §3)

§19-109. Historic Signs.

For a sign to be declared historic it must meet the following requirements:

- A. Have sentimental value to the greater community, and
- B. Be certified by City Council via resolution.

(Ord. 1479, 4/20/2011)

§19-110. Exempt Signs.

The following signs shall be exempt from the provisions of this Part. No sign shall be exempt from the provision of §105 regarding traffic visibility or §106 regarding maintenance, repair or removal.

- A. Official public notices authorized by a court, public body or public safety official.
- B. Traffic control signs, directional, warning or information signs authorized by federal, state or municipal governments.
- C. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of a noncombustible material and made an integral part of the building or structure.
- D. The flag of a government or noncommercial institution, such as a school.
- E. Religious symbols and seasonal decorations within the appropriate public holiday season.

- F. Street address signs and combination name plate and street address signs that contain no advertising copy and which do not exceed six (6) square feet.
- G. Historic signs that have been approved by City Council.

(Ord. 1449, 5/8/2006, Art. IV; Ord. 1479, 4/20/2011)

§19-111. Prohibited Signs.

The following devices and locations shall be specifically prohibited:

- A. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- B. Except as provided for elsewhere in this Part, signs encroaching upon or overhanging public rights of way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- C. Signs which blink, flash, or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

(Ord. 1449, 5/8/2006, Art. V)

§19-112. Permits Required.

Unless specifically exempted by this Part, a permit must be obtained from the City Code Official for the erection and maintenance of all signs erected or maintained within the City of Connellsville and in accordance with other ordinances of the City of Connellsville. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this Part.

(Ord. 1449, 5/8/2006, Art. VI)

§19-113. Construction Documents.

Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the City Code Official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the Uniform

Construction Code.

(Ord. 1449, 5/8/2006, Art. VI)

§19-114. Changes to Signs.

No signs shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign, shall not be deemed a structural alteration.

(Ord. 1449, 5/8/2006, Art. VI)

§19-115. Permit Fees.

Permit fees to erect, structurally alter, or relocate a Business Sign shall be set at \$25, or such other amount as established from time to time by resolution of City Council, and may be modified at any time through resolution by City Council. All permitting fees are non-refundable.

(Ord. 1449, 5/8/2006, Art. VI; amended by Ord. 1480, 6/15/2011; A.O.)

§19-116. Overhead Banners and Signs.

Must apply with the City Code Official at least twenty (20) days prior to the event and comply with all provisions of PennDOT Publication 46, Section 1.10.14, Signs and Banners across State Highways.

(Ord. 1479, 4/20/2011)

§19-117. Sign Categories; Advertising Signs and Outdoor Advertising Structures.

Advertising signs and outdoor advertising structures shall be permitted in only commercial districts and in industrial districts, and confined to the Route 119/Memorial Boulevard corridor and shall be permitted only if in accordance with the following requirements:

- A. Advertising signs and outdoor advertising structures, where permitted, shall be set back from the established right of way line of any street or highway at least as far as the required front yard depth for a principal building in such district, provided that for every square foot by which such signs or billboards exceed eighty (80) square feet, such setbacks shall be increased by one-half foot but need not exceed one hundred (100) feet from the established right-of-way line, except that at any State or Federal highway intersection the setback of any outdoor advertising sign shall not be less than one hundred

- (100) feet from the established right-of-way line of each intersecting highway or street.
- B. Advertising signs and outdoor advertising structures shall not be located any closer than six (6) feet to any side lot line.
 - C. An advertising sign or outdoor advertising structure shall not be permitted if its face is visible from a front or side lot line of any lot in any residential district and is located within one hundred (100) feet of such lot line. An advertising sign shall not be permitted which faces any public parkway, public square, public or parochial school, library, church or similar institution, or the entrance to any public park and is located within three hundred (300) feet thereof.
 - D. "Advertising signs" and "Outdoor advertising structures" shall be limited to:
 - 1. A total of ten (10) along the Route 119 Memorial Boulevard corridor.
 - 2. Not permitted along the Pittsburgh Street or Crawford Avenue corridors
 - E. No "advertising sign" or "outdoor advertising structure" shall be within 150 (one hundred fifty) linear feet of another "advertising sign" or "outdoor advertising structure".
 - F. No "advertising sign" or "outdoor advertising structure" shall be larger than 100 (one hundred) square feet including the frame therein.
 - G. No "advertising sign" or "outdoor advertising structure" shall block or partially obscure the view of the Youghiogheny River from the passenger of any vehicle traveling Route 119/Memorial Boulevard.
 - H. No "advertising sign" or "outdoor advertising structure" shall be higher than 18 (eighteen) feet at the uppermost point of height.
 - I. All "advertising signs" and "outdoor advertising structures" shall be limited to two sides of advertising.
 - J. The fees for all "advertising signs" and "outdoor advertising structures" shall be \$100.00 (one hundred), or such other amount as established from time to time by resolution of City Council, for up to 10 (ten) square feet and a \$10.00 (ten), or such other amount as established from time to time by resolution of City Council, additional fee per 10 square feet of sign.
 - K. An annual fee shall be paid to the City of Connellsville the amount of \$100.00 (one hundred), or such other amount as established from time to time by resolution of City Council, per "advertising sign" and/or "outdoor advertising structure." The following shall be specifically exempt from the \$100.00 fee:
 - 1. Non-profit organizations including but not limited to the Chamber of Commerce,

schools, churches, and volunteer fire departments.

2. Temporary signs advertising a specific event that are publicly displayed for not longer than seven (7) days.
3. Signs declared as "Historic" as defined above.

(Ord. 1449, 5/8/2006, Art. VII; amended by Ord. 1479, 4/20/2011; A.O.)

§19-118. Sign Categories; Real Estate Signs.

Real estate signs, advertising a sale, rental or lease of the premises on which they are maintained and not over twelve (12) square feet in aggregate area shall be permitted in any district on any lot fifty (50) feet or less in width.

Larger signs shall be permitted for two or more lots in single ownership or for properties with frontages in excess of one hundred (100) feet provided that such signs shall not exceed a maximum area of two hundred fifty (250) square feet and provided that such signs shall be set back from every street lot line at least a distance in feet equal to the number of square feet in the area of the sign, but such setbacks shall not be less than the least depth of the required front yard, and need not be more than one hundred (100) feet, provided, however, that such real estate sign, not exceeding six (6) square feet in area and when attached flat against the building to which it pertains, shall be permitted in any case.

(Ord. 1449, 5/8/2006, Art. VII)

§19-119. Sign Categories; Business Signs.

Business signs shall be permitted in commercial and industrial districts. In any district, business signs of the wall sign type, associated with a nonconforming use, shall be permitted if located on the same premises as such use and if it does not exceed in the aggregate twenty (20) square feet in area or two (2) feet in height or width. All business signs shall be set back from the established right-of-way line of any street or highway at least twenty-five (25) feet and shall not be located closer than six (6) feet to any other property line.

(Ord. 1449, 5/8/2006, Art. VII)

§19-120. Sign Categories; Identification Signs.

Identification signs shall be permitted in any district in accordance with the following requirements:

- A. Small announcement or professional signs for home occupations, where permitted, shall not exceed one (1) square feet in area. These signs shall not be lighted.

- B. All identification signs shall be set back from the established right-of-way line of any street or highway at least twenty-five (25) feet and shall not be located closer than sixty (60) feet to any other property line.

(Ord. 1449, 5/8/2006, Art. VII)

§19-121. Sign Categories; Announcement Signs.

A church, school, community center or other public or semi-public institution or building and a nursery school, child care clinic, tourist home, mortuary and other similar activity, where permitted, may have for its own use an announcement sign or bulletin board not over fifteen (15) square feet in area, which if not attached flat against the building, shall be at least twelve (12) feet from the established right-of-way line of any street or highway.

(Ord. 1449, 5/8/2006, Art. VII)

§19-122. Sign Categories; Temporary Signs.

Any sign used on a temporary basis to advertise a yard sale, garage sale, porch sale, auction, bridal shower, birthday party, reception, private celebration or private sale shall be permitted for a total period of five days. Signs shall be removed and discarded by the applicant no later than 12:00 o'clock midnight on the fifth (5) day of the permitted sign period.

Any temporary sign used to advertise a future business location shall be registered at the Connellsville Municipal Building. Said signs shall be permitted for a total period of thirty (30) days. The applicant must remove the sign no later than 12:00 o'clock midnight on the thirtieth (30) day of the permitted sign period.

Any sign not specifically addressed in this Part will be defined as a Temporary Sign and subject to all the rules and restrictions here in enumerated.

(Ord. 1449, 5/8/2006, Art. VII; amended by Ord. 1479, 4/20/2011)

§19-123. Signs, Sandwich-Board.

All sandwich-board signs are exempt from the permitting process and are not considered an "Outdoor Advertising Structure" and as such not subject to yearly fees. All Sandwich-Board signs are to be displayed only while the business, for which they are advertising, is open. In situation where sidewalk traffic may be restricted for any reason, Sandwich-Board signs are not permitted to be utilized.

(Ord. 1479, 4/20/2011)

§19-124. Illumination of Signs.

All the signs referred to in this Part may be illuminated, provided the source of light is not visible to and is arranged to reflect away from the adjoining premises. No sign or lighting shall be placed so as to cause confusion or conflict with traffic control signs or lights. No illuminated sign shall be exempt from the requirements set forth at §19-111 herein. No Sign, Inside Neon, may be illuminated while the business is not open.

(Ord. 1449, 5/8/2006, Art. VIII; amended by Ord. 1479, 4/20/2011)

§19-125. Signs for Development Complexes; Master Sign Plan Required.

All landlord or single owner controlled multiple-occupancy development complexes on parcels exceeding eight (8) acres in size, such as shopping centers or planned industrial parks, shall submit to the City Code Official a master signed plan prior to issuance of new sign permits. The master signed plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- A. Proposed sign locations.
- B. Materials used in the sign.
- C. Type of illumination.
- D. Design of free-standing sign structures.
- E. Size.
- F. Quantity.
- G. Uniform standards for non-business signage, including directional and information signs.

(Ord. 1449, 5/8/2006, Art. IX)

§19-126. Signs for Development Complexes; Development Complex Sign.

In addition to the free-standing business identification signs otherwise allowed by this Part, every multiple-occupancy development complex shall be entitled to one (1) free-standing sign per street front, at the maximum size permitted for business identification free-standing signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any free-standing sign otherwise permitted under this Part may identify the name of the development complex.

(Ord. 1449, 5/8/2006, Art. IX)

§19-127. Signs for Development Complexes; Compliance with Master Sign Plan.

All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

(Ord. 1449, 5/8/2006, Art. IX)

§19-128. Signs for Development Complexes; Amendments.

Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex and approved by the City Code Official before such amendment will become effective.

(Ord. 1449, 5/8/2006, Art. IX)

§19-129. Unlawful Acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Part.

(Ord. 1479, 4/20/2011)

§19-130. Notice of Violation.

The code official shall serve a notice of violation or order in accordance with the Third Class City Code.

(Ord. 1479, 4/20/2011)

§19-131. Prosecution of Violation.

Any person failing to comply with a notice of violation or order served in accordance with the Third Class City Code shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation of this Chapter or of the order or direction made pursuant thereto.

(Ord. 1479, 4/20/2011)

§19-132. Violation Penalties.

Any person who shall violate a provision of this Chapter, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense and shall be fined at a per diem rate of \$100 (unless specifically described above).

(Ord. 1479, 4/20/2011)

§19-133. Abatement of Violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation.

(Ord. 1479, 4/20/2011)

CHAPTER 20

SOLID WASTE

PART 1

REFUSE DISPOSAL

- §20-101. Short Title
- §20-102. Definitions
- §20-103. Unlawful to Accumulate Refuse and Other Waste Material on Private Property
- §20-104. Lawful and Unlawful Means of Disposal of Refuse and Other Waste Material
- §20-105. Storage Practices
- §20-106. Collection Practices
- §20-107. Award of Contract to Collector
- §20-108. Disposal of Refuse
- §20-109. Dumps Unlawful in City
- §20-110. Limitations on Accumulation of Refuse Material on Private Property
- §20-111. Rules and Regulations on Collection and Disposal Authorized
- §20-112. Penalty for Violation

PART 2

WASTE REDUCTION AND RECYCLING

- §20-201. Short Title
- §20-202. Authority
- §20-203. Purpose and Goals
- §20-204. Definitions
- §20-205. Powers, Duties and Responsibilities of the City of Connellsville
- §20-206. Designated Site(s)
- §20-207. City of Connellsville Recycling Program
- §20-208. Recycling by Operator
- §20-209. Drop-Off Centers
- §20-210. Annual Report
- §20-211. Public Notice.
- §20-212. Criminal Penalties.

PART 1

REFUSE DISPOSAL

§20-101. Short Title.

This Part shall be known as the "Refuse Disposal Ordinance."

(Ord. 1050, 6/28/1971, §1)

§20-102. Definitions.

The following words and terms as used in this Part shall have the meanings ascribed thereto, unless the context clearly indicates a different meaning:

CITY - The City of Connellsville, a municipal body of Fayette County, Pennsylvania.

CONTRACTOR - any person, firm, copartnership, association or corporation who has been awarded a contract by the City to collect, transport and dispose of refuse for a fee as therein prescribed.

COMBUSTIBLE REFUSE - all paper, excelsior, rags, rubber, shoes and such other refuse as may result from ordinary housekeeping or commercial pursuits and which may be burned by fire.

GARBAGE - all table refuse, animal and vegetable matter, offal from meat, fish and fowls, vegetables and fruits and parts thereof, and other articles and materials ordinarily used for food and which have become unfit for such use for which reason they are discarded.

INCOMBUSTIBLE REFUSE - all discarded articles or materials, except sewage, liquid waste, garbage and combustible refuse.

PERSON - any natural person, association, partnership, firm or corporation.

REFUSE - all combustible refuse and incombustible refuse referred to collectively.

RIFFRAFF - all waste materials too large for collection in the ordinary containers, such as furniture, tanks, stoves and the like.

RUBBISH - all miscellaneous waste materials not otherwise included herein such as ashes, tin cans, glass, pottery, prunings from vines and junk of all kinds resulting from the ordinary conduct of business or housekeeping.

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

(Ord. 1050, 6/28/1971, §2)

§20-103. Unlawful to Accumulate Refuse and Other Waste Material on Private Property.

From and after the effective date of this Part and for reasons of health and sanitation, it shall be unlawful for any person to accumulate or permit to accumulate upon private property in said City, garbage, refuse, ruffraff and combustible or incombustible refuse or rubbish.

(Ord. 1050, 6/28/1971, §3)

§20-104. Lawful and Unlawful Means of Disposal of Refuse and Other Waste Material.

All persons occupying dwellings, multiple dwellings, apartments, commercial, industrial, or any other types of structures or parts thereof in the City of Connellsville, shall utilize and subscribe to the garbage, refuse, rubbish and ruffraff collection and disposal service and make payments to the collector awarded a contract by the City of Connellsville to collect, transport and dispose of garbage, refuse, rubbish and ruffraff as set forth in this Part. No person shall dispose of their garbage, refuse, rubbish or ruffraff except as provided in this Section, except nothing herein contained shall prevent the use of a device commonly known as a disposal which is attached to a sink and connected into a sewer.

(Ord. 1050, 6/28/1971, §4; as amended by Ord. 1185, 9/24/1979, §1)

§20-105. Storage Practices.

A. Preparation of Refuse.

1. All refuse shall be drained free of liquids before disposal.
2. Garbage shall be wrapped in paper or similar material.
3. All cans, bottles, or other food containers shall be rinsed free of food particles and drained before disposal.
4. Rubbish shall be:
 - (a) Placed in approved containers.
 - (b) Cut and baled, tied, bundled, stacked or packaged so as not to exceed 50 pounds in weight.

B. Refuse Containers.

1. Refuse containers shall be made of durable, watertight, rust-resistant material having a close-fitting lid and handles to facilitate collection.
2. Refuse containers for residences shall be of not less than 15 gallons, nor more than 25 gallons in capacity.
3. It shall be unlawful to permit the accumulation or residue of liquids, solids, or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the interior of containers shall be kept clean by thorough rinsing and draining as often as necessary.

C. Storage of Refuse.

1. Each householder, commercial establishment, or person having refuse shall provide himself with approved refuse containers and shall place and keep all refuse therein; except as provided herein for the handling of rubbish and ruffraff.
2. It shall be unlawful to place refuse in any street, alley, stream, body of water, or any other public place, or upon private property, whether owned or not, unless such refuse is placed in an approved container, except that rubbish or ruffraff may be stored as provided herein. No person shall bring in, nor permit any other person to bring upon his property, any garbage, refuse, rubbish or ruffraff into the City for disposal.

(Ord. 1050, 6/28/1971, §5)

§20-106. Collection Practices.

A. Place of Collection.

1. Refuse containers shall, for the purpose of collection, be placed at ground level and be made readily accessible to the collector. They shall be placed at the rear of the building from which collection is to be made or at any of the following locations as may be designated by the customer:
 - (a) Collection from inside-first floor.
 - (b) Collection from outside-up one floor.
 - (c) Collection from up one floor or down one floor.
2. Notwithstanding provisions of the above subsection, householders, commercial

establishments, or other persons may, by agreement with the collector, be permitted to place containers at agreed places upon their premises.

B. Frequency of Collection.

1. Refuse shall be collected once weekly during the months of October, November, December, January, February, March and April.
2. Refuse shall be collected twice weekly during the months of May, June, July, August and September.
3. Hotels, restaurants, institutions and commercial establishments may be required to have more frequent collection, if determined by the City Council to be essential to protect the public health.
4. Apartment buildings and multiple-unit establishments or institutions having more than 15 units shall have as frequent collection as necessary to protect the public health. Such buildings or establishments having less than 15 units shall be treated separately, with each apartment or unit being required to have collection on the same basis as a single residence.
5. The collector shall designate 4 days each year, 1 day each quarter, for the collection of ruffraff, and shall notify the public of such designated days through the news media. On such designated day, the collector will, without additional charge, pick up any article of ruffraff that is placed at the designated location for regular collections. Provided, however, that in the event the collector is required to go into the dwelling or building to pick up such ruffraff, a special charge will be made.

C. Awarding of Contract.

1. City shall advertise for bids for a contract for the collection of garbage, refuse, rubbish and ruffraff, and a contract shall be awarded to the highest bidder.
2. Only that person who enters into said contract with the City shall be permitted to collect in the City.

D. Collection Vehicles.

1. Collector must own and have in operable condition with current operating license and approved certificate of inspection, both issued by the Commonwealth of Pennsylvania prior to submission of bid, a minimum of six compacting trucks, equipped with compacting devices or equivalent types of closed bodies and enclosed cargo space.
2. Collector must own and have in operable condition with current operating license

and approved certificate of inspection, both issued by the Commonwealth of Pennsylvania prior to submission of bid, a minimum of two other dump trucks in addition to six compacting trucks.

3. It shall be unlawful to collect, haul, transport, or convey anything defined herein, except riffraff, in open-unenclosed vehicles.[Ord. 1164]

(Ord. 1050, 6/28/1971, §6; as amended by Ord. 1164, 12/28/1977, §2)

§20-107. Award of Contract to Collector.

Following the enactment of this Part, the said City shall prepare specifications for bidding for the contract covering the collection, removal and disposal of garbage, refuse, rubbish and riffraff and shall advertise for bids, giving such notice as it may deem adequate for the purpose; and reserving to the City the right to reject any or all bids. At a time and place appointed by City for the submission of such bids the same shall be opened and tabulated by Council. If a satisfactory bid be submitted by one deemed by Council to be a responsible bidder, Council shall award to such bidder the contract for the collection, removal and transporting to a designated dumping area or station for ultimate disposal by the sanitary landfill method.

(Ord. 1050, 6/28/1971, §7)

§20-108. Disposal of Refuse.

It shall be unlawful to dump, burn, bury, destroy, or otherwise dispose of refuse within the jurisdictional limits of the City, except at the designated and approved refuse disposal site, providing, however, for the burning of lawn, shrub and tree trimmings and garden refuse on each Saturday during the year during daylight hours.

(Ord. 1050, 6/28/1971, §8; as amended by Ord. 1052, 9/27/1971, §1)

§20-109. Dumps Unlawful in City.

No person, firm or corporation shall use or permit to be used any spot or place within the City as a public or private dump for garbage, refuse, rubbish or riffraff or other waste material.

(Ord. 1050, 6/28/1971, §9)

§20-110. Limitations on Accumulation of Refuse Material on Private Property.

No person shall accumulate garbage, rubbish, riffraff or other refuse material upon private property in the City except in such limited quantities and for such limited periods of time as shall

insure that no annoyance, nuisance, health or fire hazard shall be created thereby, and any unauthorized accumulation of garbage, rubbish, ruffraff or refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage, rubbish, ruffraff and other refuse materials within 30 days after the effective date of this Part shall be deemed a violation of this Section of this Part.

(Ord. 1050, 6/28/1971, §10)

§20-111. Rules and Regulations on Collection and Disposal Authorized.

The collection of garbage, rubbish, ruffraff or other refuse material in the City and the disposal thereof shall be subject to such reasonable rules and regulations as may from time to time be promulgated by the City.

(Ord. 1050, 6/28/1971, §11)

§20-112. Penalty for Violation.

Any person, firm or corporation who shall violate or fail to comply with any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 or more than \$1,000 plus costs and, in default of payment of such fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 1050, 6/28/1971, §12; as amended by Ord. 1115, 11/12/1974, §1; and by A.O.)

PART 2

WASTE REDUCTION AND RECYCLING

§20-201. Short Title.

This Part shall be known and may be cited as the "City of Connellsville Waste Reduction and Recycling Ordinance."

(Ord. 1305, 10/4/1990, §1; amended by Ord. 1515, 12/29/2014, §1)

§20-202. Authority.

This Part is enacted pursuant to the Solid Waste Management Act, P.L. 380, No. 97, July 7, 1980, as amended, the Municipal Waste Planning Recycling and Waste Reduction Act, No. 101, July 28, 1988, as amended, and the Third Class City Code, as amended.

(Ord. 1305, 10/4/1990, §2; amended by Ord. 1515, 12/29/2014, §3)

§20-203. Purpose and Goals.

It is the purpose of this Part to:

- A. Require waste reduction and recycling as a means of managing municipal waste, conserving resources, and supplying energy.
- B. Protect the public health, safety, and welfare from the short and long term dangers of collection, transportation, processing, and storage of municipal waste.
- C. Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program.
- D. Establish and implement within the City of Connellsville a recycling program to return valuable materials to productive use, to conserve energy, and to protect capacity at municipal waste processing or disposal facilities.
- E. Recycle at least twenty-five percent (25%) of all municipal waste and source-separated recyclable materials generated in the City of Connellsville on or after January 8, 2015.
- F. The weight or volume of municipal waste generated per capita in the City of Connellsville on or after the effective date of this Part, should, to the greatest extent practicable, be less than the weight of volume of municipal waste generated per capita on the effective date of this Part.

- G. Each person living or working in the City of Connellsville shall be presented or taught the economic, environmental, and energy value of recycling and waste reduction, and shall be encouraged through a variety of means to participate in such activities.
- H. The City of Connellsville shall, to the greatest extent practicable, procure and use products and materials with recycled content, and procure and use materials that are recyclable.

(Ord. 1305, 10/4/1990, §3; amended by Ord. 1515, 12/29/2014, §4)

§20-204. Definitions.

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

ABATEMENT - shall mean the restoration, reclamation, or recovery of a natural resource adversely affected by the activity of a person.

AVERAGE DAILY VOLUME - shall mean the mean daily volume received at a facility taking into account weather, seasonal variations, scheduled community cleanup days, and other factors.

COMMONWEALTH AGENCY - shall mean the Commonwealth and its departments, boards, commissions, agencies, Commonwealth-owned universities, the State Public School Building Authority, the State Highway and Bridge Authority, and any other authority now in existence or hereafter created or organized by the Commonwealth.

DEGRADABLE PLASTIC BEVERAGE CARRIER - shall mean plastic beverage carriers that degrade by biological processes, photodegradation, chemodegradation, or degradation by other natural processes. The degradation process does not produce or result in a residue or by-product considered to be hazardous waste.

DEPARTMENT - shall mean the Department of Environmental Protection of the Commonwealth and its authorized representatives.

DISPOSAL - shall mean the deposition, injection, dumping, spilling, leaking, or placing of solid waste or recyclable materials into or on the land or water in a manner that the solid waste or recyclable materials, or a constituent of the solid waste or recyclable materials, enters the environment, is emitted into the air, or is discharged to the waters of this Commonwealth.

FEASIBILITY STUDY - shall mean a study which analyzes a specific municipal waste processing or disposal system to assess the likelihood that the system can successfully be implemented, including, but not limited to, an analysis of the prospective market, the projected costs, and revenues of the system, the municipal waste-stream that the system will rely upon, and the various options available to implement the system.

HOST MUNICIPALITY - shall mean the municipality other than Fayette County, or any other county, within which a municipal waste landfill or resource recovery facility is located or is proposed to be located.

LEAF WASTE - shall mean leaves, garden residues, shrubbery and tree trimmings, and similar organic material, but not including grass clippings.

LOCAL PUBLIC AGENCY - shall mean (i) counties, cities, boroughs, towns, townships, school districts, and any other authority now in existence or hereafter created or organized by the Commonwealth; (ii) all municipal or school or other authorities now in existence or hereafter created or organized by any county, city, borough, township, or school district, or any combination thereof; and (iii) any and all other public bodies, authorities, councils of government, officers, and agencies or instrumentalities of the foregoing, whether exercising a governmental or proprietary function.

MANAGEMENT - shall mean the entire process, or any part thereof, of storage, collections, transportation, processing, treatment, and disposal of solid wastes or recyclable materials by any person engaging in such process.

MUNICIPAL RECYCLING PROGRAM - shall mean a source-separation and collection program for recycling the City of Connellsville's waste or source separated recyclable materials, and, in addition to the foregoing and to the extent permitted by applicable law, a program for designated drop-off points or collection centers for recycling the City of Connellsville's waste or source separated recyclable materials, that is operated by or on behalf of the City of Connellsville. The term includes any source separation and collection program for composting yard waste that is operated by or on behalf of the City of Connellsville. The term shall not include any program for recycling construction or demolition waste or sludge from sewage treatment plants or water supply treatment plants, which shall be stored, collected, transported, processed, treated, and disposed of in accordance with applicable law.

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

MUNICIPAL WASTE LANDFILL - shall mean any facility that is designated by the City of Connellsville or Fayette County, operated, or maintained for the disposal of municipal waste, operated in compliance with the Solid Waste Management Act, as amended, and all applicable laws.

MUNICIPALITY - shall mean the City of Connellsville, Fayette County, Pennsylvania.

OPERATOR - shall mean a person engaged in solid waste processing or disposal. Where more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this Part.

PERSON - shall mean any individual, partnership, corporation, association, firm, limited liability company, institution, or cooperative enterprise. In any provision of this Part prescribing a fine, imprisonment, or penalty, or any combination of the foregoing, the term “person” shall include the officers, directors, trustees, partners, or members of any corporation or other legal entity having officers, directors, trustees, partners, or members.

PLASTIC BEVERAGE CARRIER- shall mean plastic rings or similar plastic connectors used as holding devices in the packaging of beverages, including, but not limited to, all carbonated beverages, liquors, wines, fruit juices, mineral waters, soda pops, and beer.

POLLUTION - shall mean contamination of any air, water, land, or other natural resources of the City of Connellsville that will create or is likely to create a public nuisance or to render the air, water, land, or other natural resources harmful, detrimental, injurious to public health, safety, or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, to other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other life.

POST CONSUMER MATERIAL - shall mean any product generated by a business or consumer which has served its intended end use, and which has been separated or diverted from solid waste for the purposes of collection, recycling, and disposition. The term includes industrial byproducts that would otherwise go to disposal of processing facilities. The term does not include internally generated scrap that is commonly returns to industrial or manufacturing processes.

PROJECT DEVELOPMENT - shall mean those activities required to be conducted prior to constructing a processing or disposal facility that has been shown to be feasible, including, but not limited to, public input and participation, siting, procurement, and vendor contract negotiations, and market and municipal waste supply assurance negotiations.

PUBLIC AGENCY - shall mean any Commonwealth agency or local public agency.

RECYCLED CONTENT - shall mean goods, supplies, equipment, materials, and printing containing postconsumer materials.

RECYCLING - shall mean the collection, separation, recovery, and sale or reuse of recyclable materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

RECYCLING FACILITY - shall mean a facility employing a technology that is a process that separates or classifies municipal waste and recyclable materials and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term “recycling facility” shall not mean transfer stations or landfills

for solid waste nor composting facilities or resource recovery facilities.

RESIDUAL WASTE - shall mean any garbage, refuse, rubbish, discarded material, or other waste, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining, and agricultural operations and any sludge from an industrial, mining, or agricultural water supply treatment facility, waste water treatment facility, or air pollution control facility, provided that it is not hazardous. The term shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), as amended, known as the Coal Refuse Disposal Control Act. The term shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), as amended, known as the Clean Streams Law, or other applicable law.

RESOURCE RECOVERY FACILITY - shall mean a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy or usable byproducts, and any chemical and biological process that converts municipal waste into a fuel product or usable byproduct. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include (i) any composting facility, (ii) methane gas extraction from a municipal waste landfill, (iii) any separation and collection center, drop-off point or collection center for recycling, or any source separation or collection center for composting leaf waste, or (iv) any facility, including all units in the facility, with a total processing capacity of less than fifty (50) tons per day.

SOLID WASTE - shall mean any waste, including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials. The term does not include coal ash or drill cuttings.

SOLID WASTE MANAGEMENT ACT - shall mean the act of July 7, 1980 (P.L. 380, No. 97), as amended.

SOURCE-SEPARATED RECYCLABLE MATERIALS - shall mean recyclable materials that are separated from municipal waste at the point of origin for the purpose of recycling.

STORAGE - shall mean the containment of any municipal 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 municipal waste in excess of one (1) year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

TRANSPORTATION - shall mean the off-site removal of any municipal waste or recyclable materials at any time after generation.

TREATMENT - shall mean any method, technique, or process, including, but not limited to, neutralization, designed to change the physical, chemical, or biological character or composition

of any municipal waste so as to neutralize such waste or so as to render such waste safer for transport, suitable for recovery, suitable for storage, or reduced in volume.

WASTE REDUCTION - shall mean the design, manufacture, or use of a product to minimize the weight of municipal waste or recyclable materials that requires processing or disposal, including, but not limited to, (i) design or manufacturing activities which minimize the weight or volume of materials contained in a product, or increase durability, or recyclability; and (ii) use of products that contain as little material as possible, are capable of being reused or recycled or have an extended useful life.

(Ord. 1305, 10/4/1990, §4; amended by Ord. 1515, 12/29/2014, §5)

§20-205. Powers, Duties and Responsibilities of the City of Connellsville.

- A. **Responsibilities.** The City of Connellsville shall have the power and its duty shall be to assure the proper and adequate transportation, collection, and storage of municipal waste which is generated or present within its boundaries, to assure adequate capacity for disposal of municipal waste generated within its boundaries by means of the procedure set forth in Section 1111 of the Municipal Waste Planning, Recycling, and Waste Reduction Act and to adopt and implement a program for the collection and recycling of municipal waste or source separated recyclable materials as provided in this Part.
- B. **Powers.** In carrying out its duties under this section, the City Council of the City of Connellsville may adopt resolutions establishing procedures, regulations, and standards for the recycling, transportation, storage, and collection of municipal waste or source separated recyclable materials which shall not be less stringent than, and not in violation of or inconsistent with, the provisions and purposes of the Solid Waste Management Act, the Municipal Waste Planning, Recycling, and Waste Reduction Act, and the regulations promulgated pursuant thereto.
- C. **Duties.** The City of Connellsville shall implement the provisions of this Part by collecting, transporting, processing, or marketing source separated recyclable materials, or may contract, subject to competitive bidding, with any person to carry out its duties for the recycling, transportation, collection, and storage of municipal waste and source separated recyclable materials, if the recycling, transportation, collection, or storage activity of facility is conducted or operated in a manner that is consistent with the Solid Waste Management Act, the Municipal Waste Planning, Recycling, and Waste Reduction Act, this Part, and any regulations promulgated pursuant thereto. Any such person shall be jointly and severally responsible with the City of Connellsville when carrying out its duties for transportation, collection, or storage activity or facility.

(Ord. 1305, 10/4/1990, §5; amended by Ord. 1515, 12/29/2014, §6)

§20-206. Designated Site(s).

The City Council of the City of Connellsville hereby requires that all municipal waste generated within its jurisdiction shall be disposed of or process at the designated permitted facility(s) utilized by the City or its contractor, including but not limited to the permitted facility at McClellandtown, Pennsylvania. Such facility(s) shall retain this designation until Fayette County adopts a waste flow control ordinance as part of a plan submitted to the Department of Environmental Protection pursuant to Section 501(a), (b), or (c) of the Municipal Waste Planning, Recycling, and Waste Reduction Act. Upon approval of a municipal waste management plan for Fayette County by the Department, the site for the disposal or processing or the City of Connellsville's waste shall, thereafter, be designated thereby.

(Ord. 1305, 10/4/1990, §6; amended by Ord. 1515, 12/29/2014, §7)

§20-207. City of Connellsville Recycling Program.

The City of Connellsville hereby establishes and implements a source separation and collection program for recyclable materials in accordance with Section 1501 of the Municipal Waste Planning, Recycling, and Waste Reduction Act. The source separation and collection program shall include the following regulations:

- A. Persons are hereby required to separate five (5) materials, deemed appropriate hereafter by ordinance, resolution, contract, or otherwise, from other municipal waste generated at their homes, apartments, and other residential establishments and to store such materials until collection. The give (5) materials shall be designated periodically from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, and corrugated paper and plastics. Nothing in this ordinance shall be deemed to impair the ownership of separated materials by the person who generated them unless and until such materials are placed at curbside or similar location for collection the City of Connellsville or its authorized contractor.
- B. Persons are hereby required to separate leaf waste from other municipal waste generated at their homes, apartments, and other residential establishment until collection unless those persons have otherwise provided for the composting of leaf waste. The City Council of the City of Connellsville shall allow an owner, landlord, or agent of an owner or landlord of multifamily rental housing properties with four or more units to comply with its responsibilities under this section by establishing a collection system for recyclable materials at each property. The collection system must include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instruction to the occupants concerning the use and availability of the collection system. Owners, landlords, and agents of owners or landlords who comply with this Part shall not be liable for the noncompliance of occupants of their buildings.
- C. Persons are hereby required to separate high grade office paper, aluminum, steel and bimetallic cans, corrugated paper, leaf waste, newsprint, clear glass, green glass, amber glass, and other materials deemed appropriate hereafter by ordinance, resolution,

contract, or otherwise, generated at commercial, municipal, or institutional establishments and from community activities and to store the material until collection. The City Council of the City of Connellsville shall exempt persons occupying commercial, municipal, and institutional establishments within its municipal boundaries from the requirements of this Part if those persons have otherwise provided for the recycling of materials they are required by this Part to recycle. To be eligible for an exemption under this subsection, a commercial or institutional solid waste generator must, annually, apply for a permit to do so and pay a fee established pursuant to ordinance or resolution, and provide written documentation to the City of Connellsville of the total number of tons recycled or estimated to be recycled.

- D. At least once per month, the following separated source recyclable materials are hereby required to be placed at the curbside or a similar location in approved containers for collection by the City of Connellsville or its contractor and a collection charge may be billed to each dwelling unit with the City of Connellsville according to procedures established pursuant to ordinance or resolution of the City Council in order to recover that portion of the cost of collection which cannot be recovered through the sale of recycled materials:
1. Clear glass.
 2. Colored glass.
 3. Aluminum (commercial, etc. establishments).
 4. Steel bimetallic cans.
 5. High grade office paper (commercial, etc. establishments).
 6. Newsprint.
 7. Corrugated paper (commercial, etc. establishments).
 8. Leaf waste.
- E. The City of Connellsville or its contractor shall collect recyclable materials from curbside or similar locations designated by ordinance or resolution at least once per month from each residence or other person generating municipal waste in the City of Connellsville.
- F. The City of Connellsville may solicit bids and award contracts for the sale of collected recyclable materials giving preferential consideration for the collection, marketing, and disposition of recyclable materials, to persons engaged in the business of recycling, whether or not the persons operate for profit or otherwise.

(Ord. 1305, 10/4/1990, §9; amended by Ord. 1515, 12/29/2014, §8)

§20-208. Recycling by Operator.

An operator of a landfill or resource recovery facility may contract with the City of Connellsville to provide recycling services in lieu of the curbside recycling program as determined from time to time by ordinance, resolution, contract, or otherwise, of the City Council. The contract must ensure that at least twenty-five percent (25%) of the waste received is recycled; provided that the economic and environmental impact of the proposed technology used for recycling receives prior approval, either directly or indirectly, from the Department of Environmental Protection.

(Ord. 1305, 10/4/1990, §8; amended by Ord. 1515, 12/29/2014, §10)

§20-209. Drop-Off Centers.

Persons who operate a municipal waste landfill, resource recovery facility, or transfer station under contract with the City of Connellsville shall establish at least one drop-off center at a location designated by the City of Connellsville by ordinance, resolution, contract, or otherwise, of the City Council, for the collection and sale of at least five (5) recyclable materials. The five (5) materials shall be chosen by the City Council pursuant to an ordinance, resolution, contract, or otherwise, from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, and plastics. The center shall be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility. Each drop-off center must contain bins or containers where recyclable materials may be placed or temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least eight (8) hours per week, including four (4) hours during evenings or weekends, pursuant to a schedule established by ordinance, resolution, contract, or otherwise of the City Council.

Each operator shall, at least once each year, provide public notice of the availability of the drop-off center. The operator shall place an advertisement in a newspaper circulating in the City of Connellsville or provide notice in another manner approved by the City Council.

(Ord. 1305, 10/4/1990, §9; amended by Ord. 1515, 12/29/2014, §11)

§20-210. Annual Report.

On or before February 15 of each year, the City Clerk shall submit a report to Fayette County and/or the Department of Environmental Protection which shall describe the weight or volume of materials that were recycled by the municipal recycling program in the preceding year.

(Ord. 1305, 10/4/1990, §10; amended by Ord. 1515, 12/29/2014, §12)

§20-211. Public Notice.

The City of Connellsville shall establish a comprehensive and sustained public information and education program concerning recycling program features and requirements. As a part of this program, the City Clerk or the City's contractor may, at least once a year, notify or cause to be notified all persons occupying residential, commercial, municipal, and institutional premises within its boundaries of the requirements of this Part. The City Clerk or the City's contractor may, at least once a year, place an advertisement in a newspaper circulating in the City of Connellsville, post a notice in public places where public notices are customarily posted, including a notice with other official notifications periodically mailed to residential tax payers, or post a notice on the City's website, or utilize any combination of the foregoing.

(Ord. 1515, 12/29/2014, §9)

§20-212. Criminal Penalties.

Any person, other than a municipal official exercising his official duties, who violates any provision of this Part, any resolution enacted hereunder, any order issued hereunder, or the terms or conditions of any contract awarded in implementation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00 and costs, and, in default of the payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

(Ord. 1515, 12/29/2014, §13)

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STORMWATER MANAGEMENT

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ARTICLE I

GENERAL PROVISIONS

§21-101. Short Title.

This Chapter shall be known and may be cited as the “City of Connellsville Stormwater Management Ordinance.”

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §101)

§21-102. Statement of Findings.

The governing body of the municipality finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases nonpoint 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, and welfare and the protection of people of the Commonwealth, their resources, and the environment.
- C. 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.
- D. 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).

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §102)

§21-103. Purpose.

The purpose of this Chapter is to promote health, safety, and welfare within the municipality and its watershed by minimizing the harms and maximizing the benefits described in Section 102 of this Chapter, through provisions designed to:

- A. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
- B. Preserve the natural drainage systems as much as possible.
- C. Manage stormwater runoff close to the source.
- D. Provide procedures and performance standards for stormwater planning and management.
- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Prevent scour and erosion of stream banks and streambeds.
- G. Provide proper operation and maintenance of all SWM BMPs that are implemented within the municipality.
- H. Provide standards to meet NPDES permit requirements.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §103)

§21-104. Statutory Authority.

- A. Primary Authority:

The Municipality is empowered to regulate land use activities that affect stormwater impacts by the authority of the Pennsylvania Third Class City Code.

- B. Secondary Authority:

The Municipality 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.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §104)

§21-105. Applicability.

All regulated activities and all activities that may affect stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this Chapter.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §105)

§21-106. Repealer.

Any other ordinance provision(s) or regulation of the municipality inconsistent with any of the provisions of this Chapter is hereby repealed to the extent of the inconsistency only.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §106)

§21-107. Severability.

In the event that a court of competent jurisdiction declares any section or provision of this Chapter invalid, such decision shall not affect the validity of any of the remaining provisions of this Chapter.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §107)

§21-108. Compatibility with Other Requirements.

Approvals issued and actions taken under this Chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §108)

ARTICLE II

DEFINITIONS

§21- 200. Definitions.

For the purposes 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 words “shall” and “must” are mandatory; the words “may” and “should” are permissive.

AGRICULTURAL ACTIVITY - Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops including 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.

APPLICANT - A landowner, developer, or other person who has filed an application to the municipality for approval to engage in any regulated activity at a project site in the municipality.

BEST MANAGEMENT PRACTICE (BMP) - 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: “structural” or “nonstructural.” In this Chapter, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those 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.

CONSERVATION DISTRICT - A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement

executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

DESIGN STORM - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24 hours) used in the design and evaluation of stormwater management systems. Also see Return Period.

DETENTION VOLUME - The volume of runoff that is captured and released into the waters of this Commonwealth at a controlled rate.

DEP - The Pennsylvania Department of Environmental Protection.

DEVELOPMENT SITE (SITE) - See Project Site.

DISCONNECTED IMPERVIOUS AREA (DIA) - An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration as specified in Appendix B, Disconnected Impervious Area.

DISTURBED AREA - An unstabilized land area where an earth disturbance activity is occurring or has occurred.

EARTH DISTURBANCE ACTIVITY - A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

EROSION - The natural process by which the surface of the land is worn away by water, wind, or chemical action.

EXISTING CONDITION - The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.

FEMA - Federal Emergency Management Agency.

FLOODPLAIN - Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area. Also includes areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).

FLOODWAY - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year 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 100-year floodway, it is assumed-absent evidence to the contrary-that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FOREST MANAGEMENT/TIMBER OPERATIONS - Planning and activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

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 four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS 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 the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS^{3,4}).

IMPERVIOUS SURFACE (IMPERVIOUS AREA) - A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

KARST - A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.

LAND DEVELOPMENT (DEVELOPMENT) - Inclusive of any or all of the following meanings:(i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) 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; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

MUNICIPALITY - City of Connellsville, Fayette County, Pennsylvania.

NRCS - USDA Natural Resources Conservation Service (previously SCS).

PEAK DISCHARGE - The maximum rate of stormwater runoff from a specific storm event.

PERVIOUS AREA - Any area not defined as impervious.

PROJECT SITE - The specific area of land where any regulated activities in the municipality 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.

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 92, 25 Pa. Code 102, or the Clean Streams Law.

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 occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04 (i.e., a 4% chance).

RUNOFF - Any part of precipitation that flows over the land.

SEDIMENT - Soils or other materials transported by surface water as a product of erosion.

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.

STORMWATER - Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

STORMWATER MANAGEMENT FACILITY - 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 County of Fayette, Stormwater Management Plan ACT 167 for managing stormwater runoff adopted by the county of Fayette as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Storm Water Management Act."

STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES - Is abbreviated as **BMPs** or **SWM BMPs** throughout this Chapter.

STORMWATER MANAGEMENT SITE Plan - The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Chapter. **Stormwater Management Site Plan** will be designated as **SWM Site Plan** throughout this Chapter.

SUBDIVISION - As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.

USDA - United States Department of Agriculture.

WATERS OF THIS COMMONWEALTH - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

WATERSHED - Region or area drained by a river, watercourse, or other surface water of this Commonwealth.

WETLAND - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §200)

ARTICLE III

STORMWATER MANAGEMENT STANDARDS

§21- 301. General Requirements.

- A. For all regulated activities, unless preparation of an SWM Site Plan is specifically exempted in Section 302:
 - 1. Preparation and implementation of an approved SWM Site Plan is required.
 - 2. No regulated activities shall commence until the municipality issues written approval of an SWM Site Plan, which demonstrates compliance with the requirements of this Chapter.
- B. SWM Site Plans approved by the municipality, in accordance with Section 406, shall be on site throughout the duration of the regulated activity.
- C. The municipality may, after consultation with DEP, 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.
- D. 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 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)², No. 363-2134-008 (April 15, 2000), as amended and updated.
- E. For all regulated activities, implementation of the volume controls in Section 303 is required.
- F. Impervious areas:
 - 1. 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.
 - 2. For development taking place in stages, the entire development plan must be used in determining conformance with this Chapter.
 - 3. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Chapter; except that the volume controls in Section 303 and the peak rate controls of Section 304 do not need to be

retrofitted to existing impervious areas that are not being altered by the proposed regulated activity.

- G. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Chapter.
- H. All regulated activities shall include such measures as necessary to:
 - 1. Protect health, safety, and property;
 - 2. Meet the water quality goals of this Chapter by implementing measures to:
 - a. Minimize disturbance to floodplains, wetlands, and wooded areas.
 - b. Maintain riparian buffers.
 - c. Avoid erosive flow conditions in natural flow pathways.
 - d. Minimize thermal impacts to waters of this Commonwealth.
 - e. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
 - 3. To reasonably incorporate the techniques for Low Impact Development Practices described in the *Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual)¹.
- I. The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.
- J. Infiltration BMPs should be spread out, 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.
- K. Normally dry, open top, storage facilities should completely drain both the volume control and rate control capacities over a period of time not less than 24 and not more than 72 hours from the end of the design storm.
- L. The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the [Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration \(NOAA\), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14⁵ can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.](#)

- M. For all regulated activities, SWM BMPs shall be designed, 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, the Clean Streams Law, and the Storm Water Management Act.
- N. Various BMPs and their design standards are listed in the BMP Manual¹.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §301)

§21-302. Exemptions.

- A. Regulated activities that create DIA's smaller than 1000 sq. ft. are exempt from the peak rate control and the SWM Site Plan preparation requirement of this Chapter.
- B. Regulated activities that create DIA's equal to or greater than 1000 sq. ft. and less than 5000 sq. ft. are exempt only from the peak rate control requirement of this Ordinance. These activities may utilize either the Rock Sump Detail in Appendix C or the design methods in Section 303 to satisfy this Chapter.
- C. 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 102.
- D. Forest management and timber operations are 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 102.
- E. Exemptions from any provisions of this Chapter shall not relieve the applicant from the requirements in Sections 301.D. through L.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §302)

§21-303. Volume Controls.

The low impact development practices provided in the BMP Manual¹ shall be utilized for all regulated activities to the maximum extent practicable. Water volume controls shall be implemented using the *Design Storm Method* in Subsection A or the *Simplified Method* in Subsection B below. For regulated activity areas equal or less than 1 acre that do not require hydrologic routing to design the stormwater facilities, this Chapter establishes no preference for either methodology; therefore, the applicant may select either methodology 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 Manual¹) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
1. Do not increase the postdevelopment total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation.
 2. For modeling purposes:
 - a. Existing (predevelopment) nonforested pervious areas must be considered meadow in good condition.
 - b. 20% of existing impervious area, when present, shall be considered meadow in good condition in the model for existing conditions.
- B. The *Simplified Method* (CG-2 in the BMP Manual¹) provided below 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 greater than 1 acre or for projects that require design of stormwater storage facilities. For new impervious surfaces:
1. Stormwater facilities shall capture at least the first 2 inches of runoff from all new impervious surfaces.
 2. At least the first 1 inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow - i.e., it shall not be released into the surface waters of this 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. This method is exempt from the requirements of Section 304, Rate Controls.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §303)

§21-304. Rate Controls.

- A. Areas not covered by a release rate map from an approved Act 167 Stormwater Management Plan:

Postdevelopment discharge rates shall not exceed the predevelopment discharge rates for the 2, 10, 25, and 100-year 24-hour storms. If it is shown that the peak rates of discharge indicated by the post development analysis are less than or equal to the peak rates of discharge indicated by the predevelopment analysis for 2, 10, 25, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant

shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.

- B. Areas covered by a release rate map from an approved Act 167 Stormwater Management Plan:

For the 2, 10, 25, and 100-year storms, the post development peak discharge rates will follow the applicable approved release rate maps.

The County of Fayette, Stormwater Management Plan, Act 167 determined the release rate for the Youghioghney Watershed to be 85% (Page 23).

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §304)

ARTICLE IV

STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS

§21-401. Plan Requirements.

The following items shall be included in the SWM Site Plan:

- A. Appropriate sections from the municipality's Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the SWM Site Plans. In instances where the municipality lacks Subdivision and Land Development regulations, the content of SWM Site Plans shall follow the county's Subdivision and Land Development Ordinance.
- B. The municipality shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Chapter. At its sole discretion and in accordance with this Article, when a SWM Site Plan is found to be deficient, the municipality may either disapprove the submission or require a resubmission, or in the case of minor deficiencies, the municipality may accept the submission of additions or modifications.
- C. Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in Item E.9 below.
- D. The following signature block for the municipality:

City of Connellsville, on this date (date of signature), has reviewed and hereby certifies that the Stormwater Management Site Plan meets all design standards and criteria of the Municipal Ordinance No. 1487.”
- E. The SWM Site Plan shall provide the following information:
 1. The overall stormwater management concept for the project.
 2. A determination of site conditions in accordance with the BMP Manual¹. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas, such as brownfields.
 3. Stormwater runoff design computations, and documentation as specified in this Chapter, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Chapter, including the recommendations and general requirements in Section 301.

4. Expected project time schedule, which must be consistent with the building period for the project.
5. A soil erosion and sediment control plan, where applicable, as prepared for and submitted to the approval authority.
6. 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 stormwater conveyance system that may be affected by the project.
7. Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
8. SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
9. The SWM Site Plan shall include an O&M Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §401)

§21-402. Plan Submission.

- A. 5 copies of the SWM Site Plan shall be submitted as follows:
 1. 2 copies to the municipality.
 2. 1 copy to the municipal engineer of the City of Connellsville.
 3. 1 copy to the County Conservation District.
 4. 1 copy to the City Planning Commission/Office.
- B. Additional copies shall be submitted as requested by the municipality or DEP.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §402)

§21-403. Plan Review.

- A. SWM Site Plans shall be reviewed by the municipality for consistency with the provisions of this Chapter.

- B. The municipality shall notify the applicant in writing within 45 days whether the SWM Site Plan is approved or disapproved. If the SWM Site Plan involves a Subdivision and Land Development Plan, the notification shall occur within the time period allowed by the Municipalities Planning Code (90 days). If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be so notified by the municipality.
- C. If the municipality disapproves the SWM Site Plan, the municipality will state the reasons for the disapproval in writing. The municipality also may approve the SWM Site Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §403)

§21-404. Modification of Plans.

A modification to a submitted SWM Site Plan that involves a change in SWM BMPs or techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the municipality shall require a resubmission of the modified SWM Site Plan in accordance with this Article.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §404)

§21-405. Resubmission of Disapproved SWM Site Plans.

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the municipality's concerns, to the municipality in accordance with this Article. The applicable review fee must accompany a resubmission of a disapproved SWM Site Plan.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §405)

§21-406. Authorization to Construct and Term of Validity.

The municipality's approval of an SWM Site Plan authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of 5 years following the date of approval. The municipality may specify a term of validity shorter than 5 years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the municipality signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, then the municipality may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the municipality shall be resubmitted in accordance with Section 405 of this Chapter.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §406)

§21-407. As-Built Plans, Completion Certificate, and Final Inspection.

- A. The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the municipality.
- B. The as-built submission shall include a certification of completion signed by a qualified professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. If any licensed qualified professionals contributed to the construction plans, then a licensed qualified professional must sign the completion certificate.
- C. After receipt of the completion certification by the municipality, the municipality may conduct a final inspection.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §407)

ARTICLE V

OPERATION AND MAINTENANCE

§21-501. Responsibilities of Developers and Landowners.

- A. The Developer shall submit to the City of Connellsville, prior to approval, the party to be responsible for the ownership, repair and maintenance of a Stormwater Management Facilities. In most cases these facilities will be owned and maintained by the Developer, a Property Owner or an Association.

In rare and specific cases, the municipality 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 municipality will accept the facilities. The municipality reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.

- B. Facilities, areas, or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- C. The O&M Plan shall be recorded as a restrictive deed covenant that runs with the land.
- D. The municipality may take enforcement actions against an owner for any failure to satisfy the provisions of this Article.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §501)

§21-502. Operation and Maintenance Agreements.

- A. Prior to final approval of the SWM Site Plan, the property owner shall sign and record an Operation and Maintenance (O&M) Agreement (see Appendix A) covering all stormwater control facilities which are to be privately owned.
1. The owner, successor and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Plan.
 2. The owner shall convey to the Municipality conservation easements to assure access for periodic inspections by the Municipality and maintenance, as necessary.
 3. The owner shall keep on file with the Municipality the name, address, and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the Municipality within ten (10) working days of the change.

- B. The owner is responsible for operation and maintenance (O&M) of the SWM BMPs. If the owner fails to adhere to the O&M Agreement, the municipality may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §502)

§21-503. Performance Guarantee.

For SWM Site Plans that involve subdivision and land development, the applicant shall provide a financial guarantee to the Municipality for the timely installation, proper construction and future maintenance of all stormwater management controls as required by the approved SWM Site Plan and this Chapter in accordance with the provisions of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §503)

ARTICLE VI

FEES AND EXPENSES

§21-601. General.

The municipality may include all costs incurred in the review fee charged to an applicant.

The review fee may include, but not be limited to, costs for the following:

- A. Administrative/clerical processing.
- B. Review of the SWM Site Plan.
- C. Attendance at meetings.
- D. Inspections.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §601)

ARTICLE VII

PROHIBITIONS

§21-701. Prohibited Discharges and Connections.

- A. Any drain or conveyance, whether on the surface or subsurface, that allows any nonstormwater discharge including sewage, process wastewater, and wash water to enter the waters of this Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into surface waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in Subsection C below and (2) discharges allowed under a state or federal permit.
- C. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of this Commonwealth:

- Discharges from firefighting activities	- Flows from riparian habitats and wetlands
- Potable water sources including water line flushing	- Uncontaminated water from foundations or from footing drains
- Irrigation drainage	- Lawn watering
- Air conditioning condensate	- Dechlorinated swimming pool discharges
- Springs	- Uncontaminated groundwater
- Water from crawl space pumps	- Water from individual residential car washing
- 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	- Routine external building wash down (which does not use detergents or other compounds)

Diverted stream flows	
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D. In the event that the municipality or DEP determines that any of the discharges identified in subsection C significantly contribute to pollution of the waters of this Commonwealth, the municipality or DEP will notify the responsible person(s) to cease the discharge.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §701)

§21-702. Roof Drains.

Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs and to the maximum extent practicable satisfy the criteria for DIA's.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §702)

§21-703. Alteration of SWM BMPs.

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures without the written approval of the municipality.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §703)

ARTICLE VIII

ENFORCEMENT AND PENALTIES

§21-801. Right-of-Entry.

Upon presentation of proper credentials, the municipality may enter at reasonable times upon any property within the municipality to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Chapter.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §801)

§21-802. Inspection.

SWM BMP's should be inspected by the landowner, or the owner's designee (including the municipality for dedicated and owned facilities), according to the following list of minimum frequencies:

- A. Annually for the first 5 years.
- B. Once every 3 years thereafter.
- C. During or immediately after the cessation of a 10-year or greater storm.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §802)

§21-803. Enforcement.

- A. It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM Site Plan, unless specifically exempted in Section 302.
- B. It shall be unlawful to violate Sections 701, 702, and 703 of this Chapter.
- C. Inspections regarding compliance with the SWM Site Plan are a responsibility of the Applicant. The Municipality has the right to verify compliance with the SWM Site Plan and the right to suspend or revoke the permit for failure to comply with this Chapter.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §803)

§21-804. Suspension and Revocation.

- A. Any approval or permit issued by the municipality pursuant to this Chapter may be suspended or revoked for:
 - 1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or O&M Agreement.
 - 2. A violation of any provision of this Chapter or any other applicable law, ordinance, rule, or regulation relating to the Regulated Activity.
 - 3. The creation of any condition or the commission of any act during the Regulated Activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.
- B. A suspended approval may be reinstated by the municipality when:
 - 1. The municipality has inspected and approved the corrections to the violations, conditions or actions that caused the suspension.
 - 2. The municipality is satisfied that the violation has been corrected.
- C. An approval that has been revoked by the municipality cannot be reinstated. The applicant may apply for a new approval under the provisions of this Chapter.
- D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the municipality may provide a limited time period for the owner to correct the violation. In these cases, the municipality will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the municipality may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Chapter.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §804)

§21-805. Penalties.

- A. 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 less than fifty dollars (\$50.00) and no more than one thousand dollars (\$1,000.00) for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.
- B. In addition, the municipality may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining

orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §805)

§21-806. Appeals.

- A. Any person aggrieved by any action of the municipality or its designee, relevant to the provisions of this Chapter, may appeal to the City of Connellsville Planning Commission within 30 days of that action.
- B. Any person aggrieved by any decision of the municipality, relevant to the provisions of this Chapter, may appeal to the County Court of Common Pleas in the county where the activity has taken place within 30 days of the municipality's decision.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, §806)

APPENDIX A

OPERATION AND MAINTENANCE (O&M) AGREEMENT STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMP's)

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____, (hereinafter the "Landowner"), and the City of Connellsville, Fayette County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of _____ County, Pennsylvania, Deed Book _____ at page _____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the SWM BMP Operation and Maintenance (O&M) Plan approved by the Municipality (hereinafter referred to as the "O&M Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of BMP's; and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site SWM BMP's be constructed and maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the SWM Site Plan, that SWM BMP's as required by said SWM Site Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, successors, and assigns.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the BMP's in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMP's as shown on the SWM Plan in good working order in accordance with the specific operation and maintenance requirements noted on the approved O&M Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper

credentials, to inspect the BMP's whenever necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.

4. In the event the Landowner fails to operate and maintain the BMP's per paragraph 2, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP's. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.

5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Municipality. Landowner acknowledges and agrees that failure to pay timely any such invoice from the Municipality shall give the Municipality the right to place a lien against the Property in the amount of any unpaid balance.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP's by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.

7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality from all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP's by the Landowner or Municipality.

8. The Municipality intends to inspect the BMP's at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Fayette County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL) For the Municipality:

For the Landowner:

ATTEST:

_____ (City, Borough, Township)

County of _____, Pennsylvania

I, _____, a Notary Public in and for the county and state aforesaid, whose commission expires on the _____ day of _____, 20____, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20____, has acknowledged the same before me in my said county and state.

GIVEN UNDER MY HAND THIS _____ day of _____, 20____.

NOTARY PUBLIC(SEAL)

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, Appendix A)

APPENDIX B

DISCONNECTED IMPERVIOUS AREA (DIA)

B.1. Rooftop Disconnection

When rooftop downspouts are directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the rooftop may qualify as completely or partially DIA and a portion of the impervious rooftop area may be excluded from the calculation of total impervious area.

A rooftop is considered to be completely or partially disconnected if it meets the requirements listed below:

- The contributing area of rooftop to each disconnected discharge is 500 square feet or less, and
- The soil, in proximity of the roof water discharge area, is not designated as hydrologic soil group “D” or equivalent, and
- The overland flow path from roof water discharge area has a positive slope of 5% or less.

For designs that meet these requirements, the portion of the roof that may be considered disconnected depends on the length of the overland path as designated in Table B.1.

Table B.1: Partial Rooftop Disconnection	
Length of Pervious Flow Path *	Roof Area Treated as Disconnected
(ft)	(% of contributing area)
0 – 14	0
15 – 29	20
30 – 44	40
45 – 59	60
60 – 74	80
75 or more	100

* Flow path cannot include impervious surfaces and must be at least 15 feet from any impervious surfaces.

B.2. Pavement Disconnection

When pavement runoff is directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the contributing pavement area may qualify as a DIA that may be excluded from the calculation of total impervious area. This applies generally only to small or narrow pavement structures such as driveways and narrow pathways through otherwise pervious areas (e.g., a walkway or bike path through a park).

Pavement is disconnected if the pavement, or area adjacent to the pavement, meets the requirements below:

- The contributing flow path over impervious area is not more than 75 feet, and
- The length of overland flow is greater than or equal to the contributing length, and
- The soil is not designated as hydrologic soil group “D” or equivalent, and
- The slope of the contributing impervious area is 5% or less, and
- The slope of the overland flow path is 5% or less.

If the discharge is concentrated at one or more discrete points, no more than 1,000 square feet may discharge to any one point. In addition, a gravel strip or other spreading device is required for concentrated discharges. For nonconcentrated discharges along the edge of the pavement, this requirement is waived; however, there must be a provision for the establishment of vegetation along the pavement edge and temporary stabilization of the area until vegetation becomes stabilized.

REFERENCE

Philadelphia Water Department.2006.*Stormwater Management Guidance Manual*. Section 4.2.2:Integrated Site Design. Philadelphia, PA.

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, Appendix B)

APPENDIX C

REGULATED ACTIVITIES

EQUAL to or GREATER than 1,000 sq. ft. and LESS than 5,000 SQ.FT.

C.1. Rock Sump Detail

(Ord. 1442, 2/23/2005; superseded by Ord. 1487, 1/1/2012, Appendix C)

CHAPTER 22
STREETS AND SIDEWALKS

PART 1

STREET EXCAVATIONS

- §22-101. Permit Required to Make Openings or Excavations in Streets and Alleys.
- §22-102. Refilling of Openings.
- §22-103. Replacement of Pavement.
- §22-104. Tunneling Restricted; Opening in Paved Streets.
- §22-105. Extension of Permit to Cover Additional Work.
- §22-106. Information Given in Permit.
- §22-107. Responsibilities of Permit Holder and City.
- §22-108. Fees Payable Prior to Issuance of Permit.
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- §22-114. Schedule of Permit Fees.

PART 2

SIDEWALKS

- §22-201. Property Owners to Construct or Reconstruct Sidewalk and/or Curb, on Notice.
- §22-202. Property Owners to Repair Sidewalk and/or Curb, on Notice.
- §22-203. Specifications; Work Subject to Approval or Rejection.
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PART 3

SNOW AND ICE ON SIDEWALK

- §22-301. Responsibility to Remove Snow and Ice.
- §22-302. Time Limit for Removal of Snow and Ice.
- §22-303. Icy Walks to be Sprinkled with Suitable Substance.

- §22-304. Path to be Cleared in Front of Lots Without Sidewalk.
- §22-305. Penalty for Violation.
- §22-306. City May Remove Snow and Ice and Collect Cost.

PART 1

STREET EXCAVATIONS

§22-101. Permit Required Making Openings or Excavations in Streets and Alleys.

- A. Whenever it is necessary for the digging or opening of trenches or excavations in any part of the public streets or alleys of the City of Connellsville, which shall include any part of the entire width of such public street or alley, including caraway, gutter, curb, driveway, inlet, shoulder, grass-plot, and/or sidewalk, (hereinafter defined as a “public street or alley”) a permit shall be secured from the City Clerk of the City. The application shall pay to the City Clerk such fee or fees as shall be prescribed in the schedule outlined in §22-114. This schedule can be revised or amended upon approval of the City Council by ordinance or resolution.
- B. Provided that where any digging or opening of trenches or excavations shall be made in any improved street maintained by the Pennsylvania Department of Transportation, a Highway Occupancy Permit must be obtained from the Department of Transportation.
- C. And further provided, however, that the title of a property immediately adjacent to and bordering any grass-plot or sidewalk of the City shall not be required to obtain a permit for the digging or opening of trenches or excavations of such grass-plot or sidewalk, but shall be required to notify the City code enforcement officer(s) at least three (3) days in advance of any digging or opening of trenches or excavations.
- D. When calculating the size of the opening, a minimum trench width of two (2) feet shall be used.
- E. Requests for opening more than one street cannot be combined into one (1) permit. Individual permits will be issued for each street.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §101; and Ord. 1500, 7/18/2013, §1)

§22-102. Refilling of Openings.

All parties opening or digging any of the public streets or alleys of the City for any purpose whatsoever, shall refill the same in the following manner:

- A. That if the public street or alley be unimproved or consist of the natural ground of ordinary material the excavation or trench shall be refilled with the material excavated and thoroughly compacted by adequate tamping;
- B. That, whenever the excavation is in a public street or alley paved with brick, concrete,

amesite or with 2A modified, the excavation shall be filled solidly to the street level, but no pieces or parts of the paving of said improved surface which shall have been dug up, shall be used as backfill, and the brick, concrete or amesite or 2A modified removed there from shall be deposited at a suitable place and in such a manner that will not have an adverse effect on the City or its residents.

- C. Backfilling of trenches shall be done in the following manner and as shown on Standard Drawing SD-100.
1. Zone 1: Backfill shall extend from the trench bottom to 1.0 foot above the pipe or conduit. Selection of backfill material shall be at the discretion of the City. The backfill shall be solidly rammed down and tapped with proper tools made for this purpose.
 2. Zone 2: Backfill shall extend from the top of Zone 1 to the bottom of the pavement. Backfill shall be 2-A Limestone. The backfill shall be installed in six (6) inch layer and shall be solidly tamped with mechanical tampers.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §102; and Ord. 1500, 7/18/2013, §2)

§20-103. Replacement of Pavement and Surfacing.

- A. All public streets and alleys where disturbed by the trenching operations, shall be restored by the permittee or the title owner of property immediately adjacent to and bordering the disturbed grass-plot or sidewalk who had the trenching operation performed and shall be repaved, resurfaced, or rebuilt using the same type of construction and surfacing as was in the original, except as otherwise specified herein. The requirements of this section shall not apply to streets maintained by the Pennsylvania Department of Transportation, where on such streets specifications of such Department shall be followed.
- B. All paving materials and paving methods used in the work covered by this section shall conform to the requirements contained in the current edition of the Pennsylvania Department of Transportation Specification Form 408.
- C. Replacement of bituminous surfaces shall be done in the following manner, and as shown on Standard Drawing SD-100. The base course shall be a minimum of four (4) inches of Bituminous Binder Course 19.0mm super pave (fine grade) or concrete. The surface course shall be a minimum of an inch and one-half (1 ½) of Bituminous Wearing Course 9.5mm Super pave (fine grade). Please see attached drawing form.
- D. For work performed on any of the few remaining brick public streets or alleys in the City, a concrete base course and a brick replacement will be required.
- E. For all unpaved public streets or alleys or other unpaved areas used as streets, driveways or walks through which excavation has been made, the Zone 2 backfill shall be extended

to the ground surface and shall be considered the final surface.

- F. At joints between existing pavements and repaving work, the edges of the existing pavements shall be cut back parallel with the trench in straight lines and right angles, neatly trimmed and as approved by the Engineer. In all cases, pavement and replacement shall be extended to at least 6 inches beyond the edge of the trench onto undistributed base.
- G. When paving and compaction is completed, all joints shall be sealed using AC-20 Asphalt Cement or Emulsions E1, E6, or E8. This application shall be a minimum of six inches in width.
- H. The pavement or surface replacement as specified above shall be installed within twenty (20) working days after backfilling is completed. The permittee or the title owner of property immediately adjacent to and bordering any affected grass-plot or sidewalk who had the operation performed will be responsible for the excavation during this time period and shall visit the site daily to address any complaints or unsafe conditions and correct any complaints or unsafe conditions. If it is not possible to install the permanent pavement or surfacing after backfilling, for example, during the winter months, then temporary pavement or surfacing shall be installed. The temporary pavement should be complete no more than one business day after the backfill is complete. The temporary pavement shall be 4 inches of bituminous cold patch or with the approval of the City Engineer, 2-A modified stone. In emergency situations when outside temperature is below freezing 2-B modified stone may be used on a temporary basis. The temporary pavement shall be thoroughly compacted. All temporary pavements shall be removed and replaced with permanent pavement by May 15.
- I. All disturbed areas requiring seeding shall be seeded and mulched and soil supplements applied, as required by the Pennsylvania Department of Transportation Specification Form 408.
- J. The requirement of this section shall not apply to streets maintained by the Pennsylvania Department of Transportation, but on such streets, specifications of such Department shall be followed.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §103; and Ord. 1500, 7/18/2013, §3)

§22-104. Tunneling Restricted: Openings in Paved Streets.

No part of a trench on excavation shall be tunneled or undermined so as to leave the surface undisturbed but all material shall be removed to the full length, width and depth of the excavation, exempting in such cases as may be approved by the City Engineer. The charges, however, shall be the same as if the surface had been removed. This Section does not restrict approved methods of boring.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §104; and Ord. 1500, 7/18/2013, §4)

§22-105. Extension of Permit to Cover Additional Work.

Whenever more of the public streets or alleys shall be dug up than specified in any permit, the party or parties to whom such permit shall have been issued shall notify the City Clerk and secure an extension of the original permit and shall pay for the extra square feet of surface removed, over and above the amount specified in the original permit at the costs mentioned or referenced in §22-101 and §22-114 of this Part. Such person or persons violating the provisions of this section shall, in addition to paying the fees provided in §22-101 and §22-114 of this Part, pay to the City an additional administrative and inspection fee of \$200.00, or such other amount as established from time to time by resolution of City Council, to cover the costs of identifying any violation, documenting such violation, and inspecting such violation to ensure further conformity with this Part. Provided further, that in cases where excavations are made in streets maintained by the Pennsylvania Department of Transportation an increased cash deposit or bond shall be filed as set forth in this Part.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §105; and Ord. 1500, 7/18/2013, §5; A.O.)

§22-106. Information Given in Permit.

When such permit is issued, it shall designate the locality at which the excavation is to be made, the kind of street surfacing and the approximate square feet of surface to be removed.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §106; and Ord. 1500, 7/18/2013, §6)

§22-107. Responsibilities of Permit Holder, Adjacent Property Owner, and City.

- A. The party or parties to whom or for whom a permit may be issued or the title owner of property immediately adjacent to and bordering the excavated grass-plot or sidewalk who had the excavations operation performed shall assume all responsibility for the excavation made, for filling the same, repairing the improved surface and for repairing all reasonable damages that may arise from the digging of such trenches or excavations. The permittee or such title owner of adjacent and bordering property will maintain such trenches or excavations.
- B. With the exception of emergency situations, the City must be notified, in advance, of backfilling and paving operations, so that the city may inspect the performance of the work.
- C. The party or parties requesting a street opening permit shall make such request to the City

at least three (3) days in advance of the proposed excavations, except that in an emergency situations, the excavations may be made, provided however, that the permit request be made within a reasonable time after the excavation is started. In all such emergency situations, the party or parties wanting to perform the excavations should make an effort to notify the City prior to performing the excavations.

- D. Provided further that in any case where the digging of such trenches or excavations occurs in an improved street maintained by the Pennsylvania Department of Transportation, then in such event said parties shall assume all responsibility for restoring the same in accordance with the adopted standards of the Pennsylvania Department of Transportation for the particular type of construction.
- E. The permittee shall provide and maintain public liability and property damage insurance in an amount sufficient to indemnify and save harmless the City from all liability for damages or injury done to persons or property which may be incurred by reason for such opening or any failure to property protect, maintain, barricade, light, backfill and/or properly effect the same. The insurance shall not be in an amount less than \$1,000,000.00 for injury to persons and \$3,000,000.00 for injury to property. The permittee shall name the City as additionally insured and provide proof of said insurance to the City.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §107; and Ord. 1500, 7/18/2013, §7)

§22-108. Fees Payable Prior to Issuance of Permit.

Before the issuance of any permits under the provisions of this Part, there shall be filed on a record in the office of the City, a receipt signed by the City Treasurer that all of the fees required by the provisions of this Part and set forth in the application for a permit shall have been first paid to the City Clerk and no permit shall be issued or valid unless the provisions of this section shall have been fully complied with, except where prior arrangements have been made by utility companies to pay for total excavations on a monthly basis.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §108; and Ord. 1500, 7/18/2013, §8)

§22-109. Verification of Extent of Excavations.

In all instances where the City Engineer and the City Council may grant permission to dig up public streets and alleys, the City Engineer shall verify the extent of the excavations.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §108; and Ord. 1500, 7/18/2013, §9)

§22-110. Permit Holder to Remove and Dispose of Excess Excavated Materials.

All excess of excavated materials on any street shall be promptly removed from the street by the party or parties receiving the permit or such title owner of adjacent or bordering property, and they shall deliver and dispose at their expense to a permitted disposal area the City or its residents.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §109; and Ord. 1500, 7/18/2013, §10)

§22-111. Correlation with Other Ordinances.

The provisions of this Part shall nowise impair the provisions of any ordinance or ordinances providing for the giving of bonds to the City by any party or parties for breaking ground or occupying any of the streets, roads, avenues, lanes or alleys within the City, except that no bond shall be exacted for repairing the street or keeping it in repair, other than these portions of this Part applicable to streets maintained by the Pennsylvania Department of Transportation.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §110; and Ord. 1500, 7/18/2013, §11)

§22-112. Disposition and Use of Permit Fees.

The fees received by the City Clerk in pursuance of the provisions of this Part shall by him be placed in a fund designated "Trenching Fund" and the monies appropriated from said fund, from time to time, shall be used exclusively for the payment of bills resulting from the issuance of street opening permits.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §111; and Ord. 1500, 7/18/2013, §12)

§22-113. Penalty for Violation.

Any person who violates any provision of this Part shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and/or imprisonment not exceeding ninety (90) days for each offense, in addition to any other penalties provided by law and/or under this Part. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate violation and offense. For purposes of this Part, the term "person" shall include any natural person, partnership, firm, corporation, company, or association.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §112; and Ord. 1500, 7/18/2013, §13)

§22-114. Schedule of Permit Fees.

- A. The required permit fee must accompany the street opening permit application unless being paid on a monthly basis.
- B. Fee schedule for making openings or excavations in streets, alleys and sidewalks shall be in an amount as established from time to time by resolution of City Council.
- C. Fee schedule for opening of streets and alleys for trenches under 200 square feet in area shall be in an amount as established from time to time by resolution of City Council.
- D. Fee schedule for opening of streets and alleys over 200 square feet in area shall be in an amount as established from time to time by resolution of City Council.
- E. When calculating the size of the opening, a minimum trench width of 2 feet shall be used.
- F. Requests for openings or more than one street cannot be combined into one permit.
- G. Individual permits will be issued for each street.

(Ord. 999, 7/10/1967; amended by Ord. 1110, 11/12/1974; Ord. 1214, 12/28/1981; Ord. 1247, 10/11/1985; Ord. 1386, 10/12/1998, §113; and Ord. 1500, 7/18/2013, §14; as amended by A.O.)

PART 2

SIDEWALKS

§22-201. Property Owners to Construct or Reconstruct Sidewalk and/or Curb, on Notice.

It shall be the duty of every owner of property in the City of Connellsville, within 30 days after service of notice from the City Council, to construct or reconstruct a sidewalk and/or curb in front of or alongside such property, where the same shall abut upon or be a part of any public street in the City. Provided: failure to complete such construction or reconstruction, as the case may be, within the said 10 day period, shall be deemed a failure to comply with the requirements of such notice and the City may thereupon proceed as authorized by §3002 of the Third Class City Code, 53 P.S. §38002.

(Ord. 1130, 11/12/1974, §1)

§22-202. Property Owners to Repair Sidewalk and/or Curb, on Notice.

It shall be the duty of every owner of property in the City of Connellsville, within 30 days after service of notice from the City Council, to repair the sidewalk and/or curb in front of or alongside such property, in the manner and to the extent stipulated in such notice.

Provided; failure to complete such repair work, within the said 30 day period, shall be deemed a failure to comply with the requirements of such notice and the City may thereupon proceed as authorized by §3002 of the Third Class City Code, 53 P.S. §38002.

(Ord. 1130, 11/12/1974, §2)

§22-203. Specifications; Work Subject to Approval or Rejection.

All sidewalks and curbs shall be constructed, reconstructed and repaired of concrete, according to specifications adopted from time to time by the City Council, and shall conform to the lines and grades furnished by the City Engineer. All work shall be subject to approval or rejection by the Director of the Department of Streets and Public Improvements and the City Engineer or their representatives. Rejection of any work, not thereafter rectified by the property owner within 30 days after service of the notice referred to in §22-201 or §22-202 of this Part, as the case may be, or within 10 days after notification of rejection, whichever shall be later, shall be deemed a failure to comply with the original notice, and the City may thereupon proceed as authorized by §3002 of the Third Class City Code, 53 P.S. §38002.

(Ord. 1130, 11/12/1974, §3)

§22-204. Sidewalk Widths.

Sidewalks on individual streets and portions thereof shall conform to the widths heretofore established therefor, subject to the authority of City Council, by ordinance, or make changes in widths. On any street where no sidewalk shall have been authorized or constructed prior to the enactment of this Part, the width shall be determined as follows:

- A. Where the Subdivision Ordinance [Chapter 23] applies, in conformity with the provisions and procedures set out in that ordinance.
- B. Where the Subdivision Ordinance [Chapter 23] does not apply, as determined by Council at the time that notice to construct the walk shall have been given, in which case the Council shall determine whether the entire sidewalk shall be paved, or whether there shall be a grassplot on one or both sides of the paved portion of the walk.

(Ord. 1130, 11/12/1974, §4)

PART 3

SNOW AND ICE ON SIDEWALKS

§22-301. Responsibility to Remove Snow and Ice.

It shall be the duty of the occupants of every lot within the City, in front of which a sidewalk is now laid or may hereafter be laid, to remove from the said walk in front of their respective lots, over and across the curb, and into the street, all snow and ice falling or forming upon such sidewalk within the period hereinafter specified, and it shall likewise be the duty of the occupants of corner lots to remove within the time hereinafter specified, such snow and ice from the square or rectangular portion of the sidewalks formed by the sidewalks in front of and along the side of such corner lots. Provided, that the owner for the purpose of this Part shall be deemed the occupant of vacant lots.

(Ord. 25, 5/11/1914, §1)

§22-302. Time Limit for Removal of Snow and Ice.

All snow or ice falling or formed upon any sidewalk or sidewalks required by the preceding section hereof to be removed, shall be so removed on or before 12:00 noon, of each and every day.

(Ord. 25, 5/11/1914, §2)

§22-303. Icy Walks to be Sprinkled with Suitable Substance.

Where sleet causes icy formation on any sidewalk or sidewalks, which is so thin that the removal thereof is impossible, or where when snow or ice is removed a thin, icy and slippery substance or formation remains, it shall be the duty of the person or persons required by the preceding sections hereof to remove snow or ice from sidewalks, to cause their respective sidewalks to be sprinkled with sand or some other suitable substance, in such a manner and at such times as will prevent the same from being and remaining in a slippery or unsafe condition.

(Ord. 25, 5/11/1914, §3)

§22-304. Path to be Cleared in Front of Lots Without Sidewalk.

It shall be the duty of the occupants of lots, in front of which a sidewalk is not laid, within the time hereinbefore specified for the removal of snow and ice, to remove the snow from in front of their respective lots in such a way as to provide a path of not less than 3 feet in width.

(Ord. 25, 5/11/1914, §4)

§22-305. Penalty for Violation.

Any person, firms or corporations who shall fail to comply with the requirements of this Part, within the time limit specified therefor, shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for not more than 30 days. Provided, such fine and costs may be in addition to the cost of removal and additional amount, authorized by the §22-306 of this Part.

(Ord. 25, 5/11/1914, §5; as amended by Ord. 1088, 11/12/1974, §1; and by A.O.)

§22-306. City May Remove Snow and Ice and Collect Cost, Plus 10%.

In the event of the failure of any person or persons, required by this Part to remove such snow and ice within the time prescribed therefor, the City shall have the right to remove the same and to collect the cost of removal, with an additional amount of 10%, from the person or persons in default, in any manner authorized by law for collection of moneys due the City.

(Ord. 25, 5/11/1914, §6; as amended by Ord. 1088, 11/12/1974, §2)

CHAPTER 23

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PART 1

AUTHORITY, JURISDICTION AND DEFINITIONS

§23-101. Authority and Jurisdiction.

It shall be unlawful for the owner, agent or person having control of any land within the jurisdiction of these regulations to subdivide or lay out such land in lots, blocks, streets, avenues, alleys, public ways or grounds, unless by plat in accordance with the laws of the State of Pennsylvania and the provisions of these regulations.

(Ord. 963, 7/13/1964, Art. I, §1)

§23-102. Definitions.

For the purpose of these regulations, the following words and phrases shall have the following meaning:

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative or final required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [A.O.]

COMMISSION - the City Planning Commission of Connellsville.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities. [A.O.]

DEVELOPER - any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. [A.O.]

DEVELOPMENT PLAN - the provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan," when used in this Chapter, shall mean the written and graphic materials referred to in this definition. [A.O.]

LAND DEVELOPMENT - any of the following activities:

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

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.,
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. "Land development" does not include development which involves:
1. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.
 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.[A.O]

J LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [A.O.]

MOBILE HOME - a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. [A.O.]

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. [A.O.] 22-6

MOBILE HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. [A.O.]

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May

2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [A.O.]

PUBLIC GROUNDS - includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

[A.O.]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the City Council or Planning Commission, intended to inform and obtain public comment prior to taking action in accordance with this Chapter. [A.O.]

PUBLIC MEETING - a forum held pursuant to notice under the Act of June 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq. [A.O.]

PUBLIC NOTICE - notice published once each week for 2 successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. [A.O.]

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. [A.O.]

MAJOR STREET - a major street is a street shown on the major street plan, which plan, properly attested and identified, is on file with the City Clerk.

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [A.O.]

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. [A.O.]

SUBSTANTIALLY COMPLETED - where in the judgment of the City] Engineer at least 90% (based on the cost of the required improvements for which financial security was posted pursuant

to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use. [A.O.]

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface water resources within the City. [A.O.]

(Ord.963, 7/13/1964, Art. II, §2; as amended by A.O.)

PART 2

PRELIMINARY PLAT PROCEDURE

§23-201. Submission of Application.

A person or corporation desiring approval of a plat of a subdivision of any land lying within the jurisdiction of these regulations shall submit a written application and the hereafter referred to maps and plats to the Commission at least 10 days prior to the date of a regular or special Commission meeting.

(Ord. 903, 7/13/1964, Art. III, Intro. §1)

§23-202. Application Fees.

The application shall be accompanied by a certified check, or money order, in the amount as established from time to time by resolution of City Council for each lot in the proposed subdivisions, with a minimum total charge of \$50 as established from time to time by resolution of City Council to cover the cost of checking and verifying the proposed plat.

(Ord. 963, 7/13/1964, Art. III, §2; as amended by A.O.)

§23-203. Review Fees.

- A. Review fees shall include the reasonable and necessary charges by the City's professional consultants or engineer for review and report to the City, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the City Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the City when fees are not reimbursed or otherwise imposed on applicants.
- B. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the City that such fees are disputed, in which case the City shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- C. In the event that the City and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the City and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the City and the applicant or developer.

(Ord. 963, 7/13/1964, Art. III, §3; as added by A.O.)

§23-204. Location Map.

1. The application for the approval of a preliminary plat shall be accompanied by a location map which shall show the following:
 - A. Subdivision name and location.
 - B. Major existing thoroughfares related to the subdivision, including the distance therefrom.
 - C. Title, graphic scale, north point and date.
2. The location map need not be a special drawing. The data may be shown by notations on available maps, or by small sketch on the preliminary plat.

(Ord. 963, 7/13/1964, Art. III, §4).

§23-205. Contents of Preliminary Plat.

The preliminary plat shall show the following:

- A. Contours at intervals of 2 feet or less.
- B. The boundaries of the tract and the platting of adjacent land and all existing streets, buildings, watercourses and other physical features in and abutting the area to be subdivided.
- C. The location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures in or near the tract.
- D. The location and width of proposed streets, alleys, lots, building and setback lines and easements.
- E. The proposed title of the subdivision and the names and addresses of the owner and subdivider and the City planner, land planning consultant, engineer or surveyor who prepared the plan.
- F. The north point, graphic scale and date.
- G. Other features or conditions which would affect the subdivision favorably, or adversely.

- H. Plans or written statement setting out the proposed grades or profiles of the streets, and other improvements and their means of accomplishment, as required by Part 5.
- I. Description of the protective covenants or private restrictions to be incorporated in the subdivision plat.

(Ord. 963, 7/13/1964, Art. III, §5)

§23-206. Preliminary Plat Approval.

After an application for approval of a preliminary plat of a subdivision, together with four copies of all maps and data, has been filed, the Commission will send one copy each to the City Engineer and the Department of Environmental Protection. Upon receipt of recommendations from the City Engineer and the Department of Environmental Protection, if the same has been received within a period of 30 days of such transmittal, or such reasonable further time as may be requested by the City Engineer or Department of Environmental Protection, the Commission shall review the application and shall approve the plat proposed in the application subject to its receipt of an acceptable final plat, or shall conditionally approve or disapprove the plat, setting forth its reasons in its own records and providing the applicant with a copy. If it is disapproved, the subdivider shall submit a new preliminary plat.

(Ord. 963, 7/13/1964, Art. HI, §6; as amended by A.O.)

PART 3

FINAL PLAT PROCEDURE

§23-301. Final Plat Requirements.

The final plat may include all or only a part of the plat as proposed in the application. The original drawing of the plat of the subdivision shall be 18 by 22 ½ inches, or made in multiples of this size and cut along match lines. It shall be drawn at a scale of 50 or 100 feet to the inch. Four black or blue line prints and one reproducible print shall be submitted with the original final plat, or in order to conform to modern drafting and reproduction methods, lettering may be applied to the final plat in a manner which will permit the plat to be reproduced by film, lithoid or other suitable photographic process at the designated scale, and in such case four black line prints and to reproducible prints shall be submitted.

(Ord. 963, 7/13/1964, Art. IV, Intro. §1)

§23-302. Contents of Final Plat.

The following data shall be shown on the final plat:

- A. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than 1 foot in 5,000 feet.
- B. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
- C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- D. Source of title to the land as shown by the books of the County Recorder.
- E. Street names.
- F. Complete curve data for all curves included in the plan.
- G. Street lines with accurate dimensions in feet and tenths of feet, with angles to the nearest 1 minute to street, alley and lot lines.
- H. Lot numbers and dimensions.
- I. Easements for utilities and any limitations on such easements.
- J. Accurate dimensions of any property to be dedicated or reserved for public, semi-public

or community use.

- K. Location, type, material and size of all monuments and lot markers.
- L. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- M. Name of the subdivision.
- N. Name and address of the owner and subdivider.
- O. North point, graphic scale and date.
- P. Certification by a registered professional engineer or registered land surveyor.
- Q. Certificate of dedication of streets and other public property.
- R. Certificate for approval by the Commission.
- S. Front yard setback lines, the minimum as fixed by the applicable zoning regulations [Chapter 27] and any other setback or street lines established by these regulations, or by public authority, and those specified in the deed restrictions.

(Ord. 963, 7/13/1964, Art. IV, §2)

§23-303. Submission.

In submitting the final plat to the Commission it shall be accompanied by one of the following:

- A. A certificate that all improvements and installations to the subdivision required by these regulations have been made or installed in accordance with specifications.
- B. A bond which shall:
 - 1. Run to the City Council.
 - 2. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Chapter.
 - 3. Be with surety satisfactory to the Commission.
 - 4. Specify the time for the completion of the improvements and installations.

(Ord. 963, 7/13/1964, Art. IV, §3)

§23-304. Final Plat Approval.

- A. Upon a finding by the Commission that the final plat submitted is in accordance with the requirements of these regulations, it shall affix the Commission's seal upon the plat together with the signature of its chairman and transmit it to the City Council for its approval.
- B. The approval of the final plat by the Council shall be deemed an offer of the proposed dedication, but shall not impose any duty upon the City concerning maintenance or improvement of any such dedicated streets, highways, alleys or other portions of the same, until the City shall have accepted the dedication by ordinance or resolution or until it shall have been condemned for use.
- C. Within 90 days of approval of a subdivision, the subdivider shall present the subdivision, as approved by the Commission and the City Council, to the Recorder of Deeds of the County, who shall file the original in a book and shall keep the same accessible to the public.

(Ord. 963, 7/13/1964, Art. IV, §4; as amended by Ord. 1106, 11/12/1974, §1)

PART 4

DESIGN STANDARDS

§23-401. Arrangement of Streets and Lots.

The arrangement of streets and lots shall give due regard to the topography and other physical features of the property and shall meet the requirements and standards enumerated hereafter.

(Ord.963, 7/13/1964, Art. V, Intro. §1)

§23-402. Streets.

- A. Insofar as practicable, streets shall be coterminous with existing streets adjoining areas (or their projections). In their overall arrangement, consideration shall be given to reasonable relation to any adjoining unplatted property to foster good neighborhood development and avoid hardship in platting the adjoining areas. The angle of intersection between minor and major streets shall be within 10 degrees of a right angle. Alleys shall not be provided except behind business lots.
- B. The width and location of major streets shall conform to the major street plan. The width of minor streets shall be at least 50 feet.
- C. Alleys, where permitted, shall be at least 20 feet.

(Ord. 963, 7/13/1964, Art. V, §2)

§23-403. Easements.

Easements of at least 5 feet shall be provided on each side of all rear lot lines and on side lot lines where necessary for wires, sewers, gas, water and other utilities.

(Ord. 963, 7/13/1964, Art. V, §3)

§23-404. Blocks.

No block shall be longer than 1,200 feet or shorter than 500 feet between cross streets.

Cul-de-sacs and dead-end streets may be permitted up to a length of 500 feet when terminating in a turnaround having a minimum radius of 50 feet.

(Ord. 963, 7/13/1964, Art. V, §4)

§23-405. Lots.

A. Lots shall be arranged and designed to create good building sites, properly related to topography and the character of surrounding development. All side lot lines shall be perpendicular or radial to the street lines except where a variation of this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

B. No lot shall have a depth of less than 100 feet or of more than three times its width.

Lot area and width shall meet the minimum standards provided for similar development under the zoning regulations [Chapter 27].

C. Corner lots shall have sufficient width to permit front yard setbacks on both streets, and at major street and acute angle intersections (under 85 degrees) a radius of 20 feet shall be used at the street corner. On business lots a chord may be substituted for the circular arc.

(Ord. 963, 7/13/1964, Art. V, §5)

§23-406. Building Lines.

Street setback building lines conforming with the zoning regulations [Chapter 27] or official plan standards shall be shown on all lots.

(Ord. 963, 7/13/1964, Art. V, §6)

§23-407. Public Sites and Open Spaces.

Where the duly adopted official plan proposes land for a park or school, within the area being subdivided, the subdivider shall reserve such land on the subdivision plat for a period of not less than 3 years to permit arrangements to be made for acquisition of the land by the appropriate public agency.

(Ord. 963, 7/13/1964, Art. V, §7)

§23-408. Easements Along Streams.

Whenever any stream or important surface drainage course is located within an area being subdivided, the subdivider shall provide an adequate easement along each side of the stream for widening, deepening, sloping, improving or protecting the stream.

(Ord. 963, 7/13/1964, Art. V, §8)

PART 5

IMPROVEMENTS

§23-501. Requirements.

No subdivision shall be laid out within the jurisdiction of these regulations without providing the following minimum improvements:

- A. Grading to their full width, including side slopes, and to the appropriate street grade, all streets within the area being subdivided.
- B. Permanent concrete or asphalt paving at least 27 feet in width including curb and gutter shall be provided on all residential streets. For all other streets, the Commission shall make such requirements as it deems necessary in view of the function and prospective traffic load of the particular street or part thereof.
- C. Concrete sidewalks at least 4 feet in width shall be provided as determined by the Commission.
- D. Sanitary sewers where an existing public sewer is reasonably accessible.

Where an existing sewer is not reasonably accessible, individual sewage disposal devices may be used, provided all lots are 20,000 square feet or more in area and the disposal devices are constructed in accordance with regulations and requirements of and are specifically approved by the Department of Environmental Protection. [A.O.]

- E. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the City Council that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable. [A.O.]
- F. Adequate drainage of the property to prevent the accumulation of stormwater.
- G. Monuments shall be placed at all block corners, angle points, points of curves in streets, and such intermediate points as shall be required by the City Engineer. Monuments shall be either concrete or stone with a minimum size of 6 inches by 6 inches by 30 inches, and shall be marked on top with a copper dowel.

(Ord. 963, 7/13/1964, Art. VI, §1; as amended by A.O.)

§23-502. Approval of Improvement Plans.

Before final approval of any subdivision plat is given by Council, the proposed plans for and methods of providing the improvements required in this Part shall be reviewed and approved by the City Engineer, for the design or construction of public improvements thereon.

(Ord. 963, 7/13/1964, Art. VI, §2)

§23-503. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.

- A. No plat shall be finally approved unless the streets on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by this Chapter, the developer may deposit with the City financial security in an amount sufficient to cover the costs of such improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
- B. When requested by the developer, in order to facilitate financing, the City Council, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the City Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- C. Without limitation as to other types of financial security which the may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.
- D. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- E. Such bond or other security shall provide for, and secure to the public, the completion of

any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the City may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the City may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- G. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The City, upon the recommendation of the City Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the City are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the City and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the City and the applicant or developer.
- H. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each 1 year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1 year period by using the above bidding procedure.
- I. In the case where development is projected over a period of years, the City Council may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvements in future sections or of development as it finds essential for the protection of any finally approved section of the development.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may request the City Council to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the City Council, and the City Council shall have 45 days from receipt of such request within which to allow the City Engineer to certify, in writing, to the City Council that such portion of the work upon the improvements has been completed in

accordance with the approved plat. Upon such certification the City Council shall authorize release by the bonding company or lending institution of an amount as estimated by the City Engineer fairly representing the value of the improvements completed or, if the City Council fails to act within said 45 day period, the City Council shall be deemed to have approved the release of funds as requested. The City Council may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

- K. Where the City Council accepts dedication of all or some of the required improvements following completion, the City Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
- L. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the City, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the City shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

(Ord. 963, 7/13/1964, Art. VI, §3; as added by A.O.)

§23-504. Release from Improvement Bond.

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the City Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the City

Engineer. The City Council shall, within 10 days after receipt of such notice, direct and authorize the City Engineer to inspect all of the aforesaid improvements. The City Engineer shall, thereupon, file a report in writing, with the City Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the City Engineer of the aforesaid authorization from the City Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the City Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

- B. The City Council shall notify the developer, within 15 days of receipt of the Engineer's report, in writing by certified or registered mail of the action of said City Council with relation thereto.
- C. If the City Council or the City Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the City Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- E. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise any determination of the City Council or the City Engineer.
- F. Where herein reference is made to the City Engineer, he shall be a duly registered professional engineer employed by the City or engaged as a consultant thereto.
- G. The applicant or developer shall reimburse the City for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the City Council and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the City Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the City when fees are not reimbursed or otherwise imposed on applicants.
 - 1. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the City that such expenses are disputed as unreasonable or unnecessary, in which case the City shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

2. If, within 20 days from the date of billing, the City and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the City shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
3. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
4. In the event that the City and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the court of common pleas of the judicial district in which the City is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the City Engineer nor any professional engineer who has been retained by, or performed services for the City or the applicant within the preceding 5 years.
5. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the City shall pay the fee of the professional engineer, but otherwise the City and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.

(Ord. 963, 7/13/1964, Art. VI, §4; as added by A.O.)

§23-505. Remedies to Effect Completion of Improvements.

In the event that any improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plat, the City Council is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the City Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other City purpose.

(Ord. 963, 7/13/1964, Art. VI, §5; as added by A.O.)

PART 6

MODIFICATIONS; PENALTIES; AMENDMENTS

§23-601. Modifications.

- A. Upon the approval of a final plat, the developer shall within 90 days of such final approval record such plat in the office of the recorder of deeds of the County in which the City is located. The recorder of deeds shall not accept any plat for recording unless such plat officially notes the approval of the City Council, and review by the County planning agency.
- B. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

(Ord. 963, 7/13/1964, Art. VII; as amended by A.O.)

§23-602. Exemptions.

The following are exempt or partially exempt from the provisions of this Chapter:

- A. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or,
- C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

(Ord. 963, 7/13/1964, Art. VII; as amended by A.O.)

§23-603. Preventive Remedies.

- A. In addition to other remedies, the City may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises.

The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- B. The City may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of such violation.
 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the City may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 963, 7/13/1964, Art. VIII; as amended by Ord. 1106, 11/12/1974, §2; and by A.O.)

§23-604. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day

following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this Section.
- D. Magisterial district judges shall have initial jurisdiction in proceedings brought under this Section.

(Ord. 963, 7/13/1964, Art. VIII; as added by A.O.)

§23-605. Amendments.

- A. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the City where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice. Unless the proposed amendment shall have been prepared by the Planning Commission, the City Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, at least 30 days prior to the public hearing on the amendment, the City shall submit the proposed amendment to the County Planning Commission for recommendations.
- B. Within 30 days after adoption, the City Council shall forward a certified copy of the amendment to the County Planning Commission.
- C. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the City where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The City Council shall publish the proposed amendment once in a newspaper of general circulation in the City Council not more than 60 days nor less than 7 days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the City Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - 1. A copy thereof shall be supplied to a newspaper of general circulation in the City at the time the public notice is published.
 - 2. An attested copy of the proposed amendment shall be filed in the County law

library (or other County office designated by the County Commissioners).

- D. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the City Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the City Council, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(Ord. 963, 7/13/1964, Art. IX; as amended by A.O.)

§23-606. Effect of Change in This Chapter.

Changes in this Chapter shall affect plats as follows:

- A. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Chapter, and while such application is pending approval or disapproval, no change or amendment of this Chapter, zoning or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly approved. The applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- B. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this Chapter, zoning or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval.
- C. Where final approval is preceded by preliminary approval, the aforesaid 5 year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of this Chapter or the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.
- D. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid 5 year limit, or any extension thereof as may be granted by the City Council, no change of any ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- E. In the case of a preliminary plat calling for the installation of improvements beyond the 5

year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the City Council in its discretion.

- F. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the City Council in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within 5 years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said 5 year period the aforesaid protections shall apply for an additional term or terms of 3 years from the date of final plat approval for each section.
- G. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in this Chapter, zoning and other governing ordinances enacted by the City subsequent to the date of the initial preliminary plan submission.

(Ord. 963, 7/13/1964; as added by A.O.)

§23-607. Recording Plats and Deeds.

- A. Upon the approval of a final plat, the developer shall within 90 days of such final approval record such plat in the office of the recorder of deeds of the County in which the City is located. The recorder of deeds shall not accept any plat for recording unless such plat officially notes the approval of the City Council, and review by the County planning agency.
- B. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

(Ord. 963, 7/13/1964; as added by A.O.)

§23-608. Effect of Plat Approval on Official Map.

After a plat has been approved and recorded as provided in this Chapter, all streets and public

grounds on such plat shall be and become a part of the official map of the City without public hearing.

(Ord. 963, 7/13/1964; as added by A.O.)

§23-609. Conflict with Other Regulations.

Whenever there is a difference between minimum standards or dimensions specified herein and those contained in the Zoning Ordinance [Chapter 27] or other official regulations of the City, the highest standard shall apply.

(Ord. 963, 7/13/1964, Art. X)

PART 7

FLOODPLAINS

A. General Provisions.

§23-701. Purpose.

The specific purpose of these special provisions is:

- A. To regulate the subdivision and/or development of land within any designated floodplain district in order to promote the general health, welfare, and safety of the community.
- B. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood at the time of initial construction.
- C. To protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision and/or development of unprotected lands within the designated floodplain districts.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §1.0)

§23-702. Abrogation and Greater Restrictions.

Any other applicable ordinances shall remain in full force and effect to the extent that those provisions are more restrictive.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §1.1)

§23-703. Municipal Liability.

The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any designated floodplain district shall not constitute a representation, guarantee, or warranty of any kind by the City or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its official or employees.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §1.2)

B. Application Procedures and Requirements.

§23-711. Preliminary Plan Requirements.

The following information shall be required as part of the preliminary plan and shall be prepared by a registered engineer or surveyor:

- A. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this Section.
- B. A map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district, including information on, but not limited to, the 100 year flood elevations, boundaries of the floodplain districts, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.
- C. Where the subdivision and/or land development lies partially or completely within any designated floodplain districts, or where the subdivision and/or land development borders on a floodplain district, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of 2 or 5 feet depending upon the slope of the land and identify accurately the boundaries of the floodplain districts.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §2.1)

§23-712. Final Plan Requirements.

- A. The following information shall be required as part of the final plan and shall be prepared by a registered engineer or surveyor:
 - 1. All information required for the submission of the preliminary plan incorporating any changes requested by the City Council of the City of Connellsville.
 - 2. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any designated floodplain district. All such maps shall show contours at intervals of 2 feet and identify accurately the boundaries of the flood prone areas.
- B. Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administrator shall also be notified whenever any such activity

is proposed. [A.O]

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §2.2; as amended by A.O.)

C. Design Standards and Improvements in Designated Floodplain Districts.

§23-721. General.

- A. Where not prohibited by this or any other laws or ordinances, land located in any designated floodplain district may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
- B. If the City Council of the City of Connellsville determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- C. When a developer does not intend to develop the plat himself and the City Council of the City of Connellsville determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §3.0)

§23-722. Excavation and Grading.

Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a grading and excavation permit if such is required by the City.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §3.1)

§23-723. Drainage Facilities.

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and onsite waste disposal sites.

Plans shall be subject to the approval of the City Council of the City of Connellsville. The City Council of the City of Connellsville may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans.

The facilities shall be designed to prevent the discharge of excess runoff onto adjacent

properties.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §3.2)

§23-724. Sewer Facilities.

All sanitary sewer systems located in any designated floodplain district, whether public or private, shall be flood proofed up to the regulatory flood elevation.

- A. The City Council of the City of Connellsville shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The City Council of the City of Connellsville may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
- B. The City Council of the City of Connellsville may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision and/or land development, the City Council of the City of Connellsville shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §3.3)

§23-725. Water Facilities.

All water systems located in any designated flood plain districts, whether public or private, shall be flood proofed up to the regulatory flood elevation. If there is an existing public water supply system on or near the subdivision, the City Council of the City of Connellsville shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §3.4)

§23-726. Other Public Utilities and Facilities.

All other public and/or private utilities and facilities including gas and electric shall be elevated or flood proofed up to the regulatory flood elevation.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §3.5)

D. Definitions.

§23-731. Definitions.

BUILDING - a combination of materials to form a permanent structure having walls and a roof.

DESIGNATED FLOODPLAIN DISTRICTS - those floodplain districts specifically designated in the City Zoning Ordinance [Chapter 27] as being inundated primarily by the 100 year flood. Included would be areas identified as the Floodway District (FW), the Flood-Fringe District (FF), and the General Floodplain District (FA).

DEVELOPER - any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development and the subdivision of land.

DEVELOPMENT - any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations and the subdivision of land.

DWELLTNG - a building designed and constructed for residential purposes in which people live.

FLOODWAY - the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the 100 year magnitude.

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

REGULATORY FLOOD ELEVATION - the 100 year flood elevation plus a freeboard safety factor of 1 foot.

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

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

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978, §5)

E. Prohibition of Subdivision of Land for Development That May Endanger Human Life or Special Hazard Activities.

§23-741. Purpose.

It is the purpose of this Part to prohibit the subdivision of land for the construction or substantial improvement of structures used for the production or storage of dangerous materials that may endanger human life within any Floodway District (FW), Flood-Fringe District (FF), General Floodplain District (FA), or within the area measured 50 feet landward from the top of the bank of any watercourse and would further prohibit the subdivision of any land in the flood hazard district enumerated above for the construction enlargement or expansion of a structure or the commencement of a special hazard activity.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978; and by Ord. 1246, 6/10/1985, §1.1)

§23-742. Applicability.

In addition to other applicable provisions of this Part, or other ordinances, codes and regulations of the City of Connellsville, the provisions of this section shall apply.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978; and by Ord. 1246, 6/10/1985, §1.2)

§23-743. Variances Prohibited.

- A. No variance shall be granted by the Connellsville Zoning Hearing Board for the subdivision of land to be used for the construction or substantial improvement of structures in which dangerous materials may be produced or stored and which may endanger human life within any Floodway District (FW), Flood-Fringe District (FF), General Floodplain District (FA), or within the area measured 50 feet landward from the top of the bank of any watercourse.
- B. No variance shall be granted by the Connellsville Zoning Hearing Board for the subdivision of land in the flood hazard district enumerated above for the construction, enlargement or expansion of a structure or the commencement of a special hazard activity.

(Ord. 963, 7/13/1964; as added by Ord. 1169, 2/27/1978; and by Ord. 1246, 6/10/1985, §1.3)

CHAPTER 24

TAXATION: SPECIAL

PART 1

EARNED INCOME AND NET PROFITS TAX

- §24-101. Imposition of Tax.
- §24-102. Section 13 of Enabling Act Adopted by Reference; Options.
- §24-103. Income Tax Officer.

PART 2

OCCUPATION PRIVILEGE TAX

- §24-201. Definitions.
- §24-202. Levy.
- §24-203. Amount of Tax.
- §24-204. Duty of Employers.
- §24-205. Returns.
- §24-206. Dates for Determining Tax Liability and Payment.
- §24-207. Individuals Engaged in More than One Occupation.
- §24-208. Self-Employed Individuals.
- §24-209. Employers and Self-Employed Individuals Residing Beyond the Corporate Limits of the City of Connellsville.
- §24-210. Administration of Tax.
- §24-211. Suits for Collection.
- §24-212. Fine and Penalty.
- §24-213. Saving Clause.

PART 3

PER CAPITA AND RESIDENCE TAXES

A. Per Capita Tax.

- §24-301. Levy of Tax.
- §24-302. Collection by City Tax Collector.
- §24-303. Tax Collector's Bond.

- §24-304. Tax Duplicate Constitutes Warrant for Collection.
- §24-305. Tax Collector to Deliver Duplicates to Successor.
- §24-306. Expenses of Collection; Compensation.
- §24-307. Notice to Taxpayers.
- §24-308. Names Added to Duplicate.
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PART 1

EARNED INCOME AND NET PROFITS TAX

§24-101. Imposition of Tax.

A tax for general revenue purposes of 1% is hereby imposed on:

- A. Earned income earned on and after January 1, 1974, by residents of the City of Connellsville.
- B. Earned income earned on and after January 1, 1974, by nonresidents of the City for work done or services performed or rendered in the City of Connellsville.
- C. Net profits earned on and after January 1, 1974, from the operation of businesses, professions or other activity, except corporations, conducted in the said City by nonresidents of the City of Connellsville.

(Ord. 990, 11/14/1966; as reenacted and amended by Ord. 1108, 11/12/1974, §1)

§24-102. Section 13 of Enabling Act Adopted by Reference; Options.

Section 13 of the Local Tax Enabling Act of 1965 (P.L. 1257) is hereby adopted and incorporated by reference and made a part of this Part, to the same extent as if the full text of the said Section were set out verbatim in this Part, except:

- A. In the case of net profits, the City elects to operate under the option set forth in subsection III-A(ii) of the said Section 13, requiring an annual declaration of estimated profits and quarterly payments thereof, rather than annual payments of the tax due on net profits for the preceding year as provided by subsection III-A(i).
- B. In the case of earned income not subject to withholding, the City elects to operate under the option set forth in subsection III-B(2) requiring quarterly returns, with accompanying payment of the tax for the preceding year as set forth in subsection III-B(1).

Provided, the Income Tax Officer may provide by regulation for the making and filing of adjusted declarations of estimated net profits, and for the payment of the estimated tax on net profits where a taxpayer who has previously made a declaration of estimated net profits anticipates additional net profits not previously declared or finds that he has overestimated his anticipated net profits.

(Ord. 990, 11/14/1966; as reenacted and amended by Ord. 1108, 11/12/1974, §2)

§24-103. Income Tax Officer.

City Council may from time to time appoint and designate a person to serve as Income Tax Officer, and the bond of the Income Tax Officer shall be filed with the City Solicitor.

(Ord. 990, 11/14/1996; as reenacted and amended by Ord. 1108, 11/12/1974, §3)

PART 2

OCCUPATION PRIVILEGE TAX

§24-201. Definitions.

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

CITY OF CONNELLSVILLE - the area within the corporate limits of the City.

DIRECTOR - the Director of Accounts and Finance under whose direction this tax shall be enforced.

EMPLOYER - any individual, partnership, association, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

FISCAL YEAR - the period beginning January 15, 1968, and ending December 31, 1968, and thereafter each successive year shall mean the period beginning January 1, of each year and ending December 31 of the same year, as long as this Part is in effect.

HE, HIM or HIS - indicate the singular and plural number as well as male, female and neuter gender.

INDIVIDUAL - any person, male or female engaged in any occupation, trade or profession within the corporate limits of the City.

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 City for which compensation is charged or received whether by means of salary, wages, commissions or fees for service rendered.

TAX - the Occupation Privilege Tax in the amount of fifty-two (\$52.00) Dollars levied by this Part.

TREASURER - the Treasurer of the City of Connellsville.

(Ord. 1008, 12/11/1967, §1; as amended by Ord. 1448, 3/13/2006; and by Ord. 1458, 11/6/2007)

§24-202. Levy.

The City of Connellsville hereby levies and imposes on each occupation engaged in by

individuals within its corporate limits during the fiscal year of 1968 an occupation privilege tax, as defined herein and thereafter from year to year until such action is modified or repealed by proper vote of City Council. This tax is in addition to all other taxes of any kind or nature heretofore levied by the City.

(Ord. 1008, 12/11/1967, §2)

§24-203. Amount of Tax.

Beginning with the First (1st) day of January, 2008, each occupation as hereinbefore defined, engaged in within the corporate limits of the City of Connellsville, shall be subject to an Occupational Privilege Tax in the amount of fifty-two (\$52.00) Dollars per annum, except as provided in §24-201.

(Ord. 1008, 12/11/1967, §3; as amended by Ord. 1448, 3/13/2006; and by Ord. 1458, 11/6/2007)

§24-204. Duty of Employers.

Each employer within the City, as well as those employers situated outside the City, but who engage in business within the City is hereby charged with the duty of collecting from each of his employees engaged by him and performing for him within the City, the said tax of \$10 per annum and making a return payment thereof to the Treasurer. Further, each employer is hereby authorized to deduct this tax from each employee in his employ, whether said employee is paid by salary, wages or commission and whether or not part or all such services are performed within the City.

(Ord. 1008, 12/11/1967, §4)

§24-205. Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to him by the City. Each employer in filing this return and making payment of the tax withheld from his employees shall be entitled to retain a commission calculated at the rate of 2% of the gross tax due and payable. Provided that such collected and paid over by the employer on or before the dates hereinafter set forth. It is further provided that if the employer fails to file said return and pay said tax, whether or not he makes collection thereof from the salary, wages or commissions, paid by him to said employee, the employer shall be responsible for the payment of the tax in full without deducting a commission and as though the tax had originally been levied against him.

(Ord. 1008, 12/11/1967, §5)

§24-206. Dates for Determining Tax Liability and Payment.

Each employer shall use his employment records from January 15 to May 15 in each year, for determining the number of employees from whom the said tax shall be deducted and paid over to the Treasurer on or before June 15 of that year. Supplemental reports shall be made by each employer on August 15 and October 15 of the year for which the tax is levied and on January 15 of the following year, of new employees as reflected on his employment on his employment records from May 15 to August 15, from August 15 to October 15 and from October 15 to December 31, respectively. Payments on these supplemental reports shall be made, respectively, on September 15 and November 15 of the year for which the tax is levied, and February 15 of the following year.

(Ord. 1008, 12/11/1967, §6; as amended by Ord. 1114, 11/12/1974, §1)

§24-207. Individuals Engaged in More than One Occupation.

Each individual who shall have more than one occupation within the City shall be subject to the payment of this tax on his principal occupation and his principal employer shall deduct this tax and deliver to him evidence of deductions on a form to be furnished to the employer by the Director, which form shall be evidence of deduction having been made and when presented to any other employer shall be authority for such employer to not deduct this tax from the employee's wages, but to include each employee on his return setting forth his name, address and the name and account of the employer who deducted this tax.

(Ord. 1008, 12/11/1967, §7)

§24-208. Self-Employed Individuals.

All self-employed individuals who perform services of any type or kind, engage in any occupation or profession within the City shall be required to comply with this Part and pay the tax to the Treasurer on June 15, 1968, or as soon thereafter as he engages in an occupation.

(Ord. 1008, 12/11/1967, §8)

§24-209. Employers and Self-Employed Individuals Residing Beyond the Corporate Limits of the City of Connellsville.

All employers and self-employed individuals residing or having their place of business outside of the City, but who perform services of any type or kind or engage in any occupation or profession within the City, do by virtue thereto agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of the City. Further, any individual engaged in an occupation within the City and an employee of a nonresident employer may, for the purpose of this Part, be

considered a self-employed person, and in the event this tax is not paid, the City shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

(Ord. 1008, 12/11/1967, §9)

§24-210. Administration of Tax.

- A. It shall be the duty of the Treasurer 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.
- B. The Director of Accounts and Finance is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered to prescribe, adopt, promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part including provisions for the examination of the 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 Director shall have a right to appeal to the court of common pleas of Fayette County as in other cases provided.
- C. The Director 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 Director the means, facilities and opportunity for such examination.
- D. The occupation privilege tax shall be collected from any individual who received compensation in excess of the total sum of \$12,000 from any occupation or occupations during the year for which the said tax is levied.

(Ord. 1008, 12/11/1967, §10; as amended by Ord. 1114, 11/12/1974, §2; and by Ord. 1450, 5/8/2006)

§24-211. Suits for Collection.

- A. In the event that any tax under this Part remains due or unpaid 30 days after the due dates above set forth, the Director may sue for the recovery of any such tax due or unpaid under this Part together with interest and penalty.
- B. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of said tax shall be calculated beginning with the due date of said tax and a penalty of 5% shall be added to the flat rate of said tax for nonpayment thereof.

Where suit is brought for the recovery of this tax, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

(Ord. 1008, 12/11/1967, §11)

§24-212. Fine and Penalty.

Whoever makes any false or untrue statement on any return required by this Part, or who refuses inspection of his books, records or accounts in his custody and control setting forth the number of employees subject to this tax who are in his employment, or whoever fails or refuses to file any return required by this Part, or who shall fail to pay the tax due shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who has failed or refuses to file a return required by this Part.

(Ord. 1008, 12/11/1967, §12; as amended by Ord. 1114, 11/12/1974, §3; and by A.O.)

§24-213. Saving Clause.

- A. Nothing contained in this Part shall be construed to empower the City of Connellsville to levy and collect tax hereby imposed on any occupation not within the tax power of the City under the Constitution of the United States and the law of the Commonwealth of Pennsylvania.
- B. If the tax hereby imposed under the provision of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth, as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax, or the validity of the tax so imposed on other persons or individuals as herein provided.

(Ord. 1008, 12/11/1967, §13)

PART 3

PER CAPITA AND RESIDENCE TAXES

A. Per Capita Tax.

§24-301. Levy of Tax.

An annual per capita tax of \$5 for general revenue purposes, is hereby levied and assessed upon each resident or inhabitant of the City of Connellsville of the age of 18 years and over.

(Ord. 1004, 10/23/1967, §1; as amended by Ord. 1070, 2/11/1974, §2)

§24-302. Collection by City Tax Collector.

The said tax shall be collected by the duly elected or appointed Tax Collector of the City in the same manner and at the same time as other City taxes are collected, as provided by the Local Tax Collection Law of 1945, as amended.

(Ord. 1004, 10/23/1967, §2)

§24-303. Tax Collector's Bond.

The Tax Collector shall give bond secured and conditioned for the collection and payment of said taxes as provided for other City taxes.

(Ord. 1004, 10/23/1967, §3)

§24-304. Tax Duplicate Constitutes Warrant for Collection.

The entry of said tax in the tax duplicate and the issuance of such duplicate to the Tax Collector shall constitute his warrant for the collection of said tax hereby assessed, and such warrant shall remain in force until the complete settlement of said tax.

(Ord. 1004, 10/23/1967, §4)

§24-305. Tax Collector to Deliver Duplicate to Successor.

The said duplicate shall be delivered by the Tax Collector at the expiration of his term to his successor in office.

(Ord. 1004, 10/23/1967, §5)

§24-306. Expenses of Collection; Compensation.

The Tax Collector shall not be entitled to any expenses incurred in the collection of said tax or compensation for collecting the same except such as is allowed by the said Local Tax Collection Law, as amended.

(Ord. 1004, 10/23/1967, §6)

§24-307. Notice to Taxpayers.

The Tax Collector shall give notice to every taxable whose name appears on the duplicate of the amount of the per capita tax due under this Part at the same time and in the same manner as provided by said Local Tax Collection law, as amended.

(Ord. 1004, 10/23/1967, §7)

§24-308. Names Added to Duplicate.

In case of the Tax Collection shall at any time find within the City, any resident or inhabitant of the age of 18 years or over whose name does not appear on the tax duplicate, he shall report the name of such person forthwith to the assessor who made the assessments used by the City, who shall thereupon promptly certify said name unto the City Council, which shall add such name and the assessment of this per capita tax against such person to the tax duplicate and shall proceed to collect the tax so assessed.

(Ord. 1004, 10/23/1967, §8; as amended by Ord. 1112, 11/12/1974, §1)

§24-309. Collection by Suit.

The Tax Collector shall have the power in case of neglect or refusal of any person to make payment of the amount of the tax due by him after 2 months from the date of the tax notice to levy the amount of the tax, any penalty due thereon and costs not exceeding costs and charges allowed constables for similar services by distress and sale of the goods and chattels of the delinquent taxpayer in the same manner and as provided by the said Local Tax Collection Law, as amended.

(Ord. 1004, 10/23/1967, §9)

§24-310. Collection by Wage Attachment.

The Tax Collector shall demand, receive and collect from all corporations, political subdivisions, associations, companies, firms or industries employing persons owning the per capita tax or having in possession unpaid commission or earnings belonging to any person or persons owning the per capita tax, or whose spouse owes per capita tax, in the same manner and as provided by the said Local Tax Collection Law, as amended.

(Ord. 1004, 10/23/1967, §10; as amended by A.O.)

§24-311. Discounts and Penalties.

The Tax Collector shall allow such discounts and add such penalties as are provided by said Local Tax Collection Law, as amended.

(Ord. 1004, 10/23/1967, §11)

§24-312. Disposition of Collected Taxes.

The Tax Collector shall pay over to himself as City Treasurer, in accordance with the provisions of said Local Tax Collection Law, as amended, the said tax collected by him shall at the same time deposit the same in the bank named as the City depository by City Council.

(Ord. 1004, 10/23/1967, §12)

§24-313. Local Tax Collection Law Applicable.

It is the intention of the said City Council in enacting this Part to confer upon the Tax Collector, in the collection of said tax, all of the rights and powers, and subject him to all of the duties and obligations to the same extent and as fully provided for in said Local Tax Collection Law, as amended.

(Ord. 1004, 10/23/1967, §13)

§24-314. Additional to All Other Taxes.

The per capita tax hereby levied and assessed is in addition to all other taxes levied and assessed by the City.

(Ord. 1004, 10/23/1967, §14)

§24-315. Legal Authority; Continuing Nature of Tax.

This Part is enacted under the authority of the Act of Assembly of the Commonwealth of Pennsylvania, December 31, 1965 (Act No. 511), as amended, and hereafter the tax levied hereunder shall be a continuing tax each year until amended or repealed by proper ordinance of the Council of the City of Connellsville.

(Ord. 1004, 10/23/1967, §15; as amended by Ord. 1006, 11/27/1967, §1)

B. Residence Tax.

§24-321. Levy of Tax.

A residence tax of \$5 for general revenue purposes of the City be, and hereby levied on all inhabitants of the City above the age of 18 years.

(Ord. 1322, 12/30/1991, §1)

PART 4

BUSINESS PRIVILEGE TAX

A. Business Privilege Tax.

§24-401. Title.

This Part shall be known and may be cited as the "Business Privilege Tax Ordinance."

(Ord. 1162, 12/28/1977, §1)

§24-402. Definitions.

As used in this Part, unless the context indicates clearly a different meaning, the following words and phrases shall have the meaning set forth below:

BUSINESS - (1) Carrying on or exercising whether for gain or profit or otherwise within the City any trade, business, including but not limited to financial business as hereinafter defined, profession, vocation, service, construction, communication or commercial activity, making sales to persons or rendering services from or attributable to a Connellsville office or place of business.

(2) Shall not include the following:

- (a) Any business which is subject to the City of Connellsville mercantile tax.
- (b) The business of any political subdivision.
- (c) Any employment for wage or salary.
- (d) Any business upon which the power to levy a tax is withheld by law.

CITY - the City of Connellsville.

COMMISSIONER OF BUSINESS PRIVILEGE TAX or COMMISSIONER - the City Treasurer of the City of Connellsville, and such other City officials or persons who are so designated by ordinance or resolution of City Council.

FINANCIAL BUSINESS - the services and transactions of banks and bankers, trust credit and investment companies, where not prohibited by law, holding companies, dealers and brokers in money, credits, commercial paper, bonds, notes, securities and stocks, monetary metals, factors and commission merchants.

GROSS RECEIPTS - (1) Cash, credits, property of any kind or nature, received in or allocable or attributable to the City from any business or by reason of any sale made, including resales of goods, wares or by reason of any sale made, including resales of goods, wares or merchandise taken by a dealer as a trade-in or as part payment for other goods, wares or merchandise or services rendered or commercial or business transaction had within the City, without deduction therefrom on account of the cost of property sold, materials used, labor, service or other cost, interest or discount paid or any other expense.

(2) Gross receipts shall exclude:

(a) The amount of any allowance made for goods, wares or merchandise taken by a dealer as a trade-in or as part payment for other goods, wares and merchandise in the usual and ordinary course of his business.

(b) In the case of a financial business, the cost of securities and other property sold, exchanged, paid at maturity or redeemed and moneys or credits received in repayment of advances, credits and loans, but not to exceed the principal amount of such advances, credits and loans and shall also exclude deposits.

(c) In the case of a broker, any commissions paid by him to another broker on account of a purchase or sales contract initiated, executed or cleared in conjunction with such other broker.

(d) Receipts by dealers from sales to other dealers in the same line where the dealer transfers title or possession at the same price for which he acquired the goods, wares, or merchandise.

(e) Receipts or that portion thereof attributable to interstate or foreign commerce or to an office or place of business regularly maintained by the taxpayer, outside the limits of the City, and not for the purpose of evading payment of this tax and those receipts which the City is prohibited from taxing by law. Such receipts shall be segregated as set forth in §24-404(3) of this Part.

(3) Gross receipts shall include both cash and credit transactions.

PERSON - any natural person, partnership, unincorporated association or corporation, nonprofit or otherwise. Whenever used in any provision prescribing a fine or a penalty, the word "person," as applied to partnerships, shall mean the partners thereof, and as applied to corporations and unincorporated associations, shall mean the officers thereof.

TEMPORARY SEASONAL or ITINERANT BUSINESS - any business that is conducted at one location for less than 60 consecutive calendar days.

(Ord. 1162, 12/28/1977, §2; amended by Ord. 1499, 3/20/2013, §1)

§24-403. Imposition and Rate of Tax.

- A. Every person registering with the Commissioner in compliance with §24-405 hereof shall pay an annual registration fee in an amount as established from time to time by resolution of City Council on or before March 15 of each year unless such person has become subject to the tax and the annual registration fee imposed by this ordinance for the first time during any such year, in which event such person shall pay an annual registration fee in an amount as established from time to time by resolution of City Council within seventy-five (75) days of the date upon which such person becomes subject to the tax imposed by this ordinance. If any annual registration fee is not paid on or before the applicable date, the annual registration fee for such person shall be increased to an amount as established from time to time by resolution of City Council for additional costs of administration.
- B. Every person engaging in any business in the City of Connellsville beginning with the tax year 1978, and annually thereafter, shall pay an annual tax at the rate of 1½ mills on each dollar of volume of the gross annual receipts thereof.

(Ord. 1162, 12/28/1977, §3; as amended by Ord. 1166, 2/13/1978, §1; by Ord. 1356, 12/27/1994, §1; by Ord. 1456, 12/14/2006; by Ord. 1499, 3/20/2013, §2; and by A.O.)

§24-404. Computation of Gross Annual Receipts.

- A. Every person, subject to the payment of the tax hereby imposed who has commenced his business at least 1 full year prior to the beginning of any tax year shall compute his annual gross receipts upon the actual receipts received by him during the preceding calendar year.
- B. Every person, subject to the payment of the tax hereby imposed, who has commenced his business less than 1 full year prior to the tax year of 1978, or who has commenced his business subsequent to the beginning of any tax year, for such tax year, shall compute his annual gross receipts upon the actual gross receipts received by him during the part of such tax year remaining and on the actual gross receipts of his first full year for the second full tax year he engages in business, as the case may be. In the case of a business commencing less than 1 full year prior to any tax year, the average monthly volume of business multiplied by 12 shall be the basis for computing the gross volume of business for the first full tax year.
- C. Where a receipt in its entirety cannot be subjected to the tax imposed by this Part by reason of the provisions of the Constitution of the United States, or any other provision of law, including exemptions within this Part, the Commission shall establish rules and regulations and methods of allocation and evaluation so that only that part of such receipt which is properly attributable and allocable to the doing of the business in the City shall be taxed hereunder. The Commissioner may make such allocation with due regard to the nature of the business concerned on the basis of millage division of the receipt according

to the number of jurisdictions in which it may be taxed, the ratio of the value of the property or assets of the taxpayer owned and situated in the City to the total property or assets of the taxpayer wherever owned and situated, and any other method or methods of calculation other than the foregoing, calculated to effect a fair and proper allocation. Every person who ceases to carry on a business during any tax year shall be permitted to apportion his tax for such tax year and shall pay for such tax year an amount to be computed by multiplying his gross receipts for the preceding full calendar year by a fraction whose numerator shall be the number of months such person was in business during the tax year and whose denominator shall be 12.

- D. Every person subject to the payment of the tax hereby imposed who engages in a business, temporary, seasonal or itinerant by its nature shall compute his annual gross receipts upon the actual gross receipts received by him during such tax year.
- E. Every person subject to the payment of the tax hereby imposed and who is also subject to the occupation privilege tax levied by Ord. 1008 and its amendments [Part 2], may deduct said occupational privilege tax from the amount of tax due owing under the provisions of this Part.

(Ord. 1162, 12/28/1977, §4)

§24-405. Returns and Registration.

- A. Every person subject to the tax imposed by this Part shall forthwith register with the Commissioner and set forth his name, address, business address and the nature of the business activity.
- B. Every return shall be made upon a form furnished by the Commissioner. Every person making a return shall certify the correctness thereof.
- C. Every person subject to the tax imposed by this Part who has commenced his business at least 1 full year prior to the beginning of any tax year shall, on or before May 15, 1978, an annually thereafter, file with the Commissioner a return setting forth his name, his business and business address and such other information as may be necessary in arriving at the annual gross volume of business transacted by him during the preceding year and the amount of the tax due.
- D. Every person subject to the tax imposed by this Part who has commenced his business less than 1 full year prior to the beginning of the tax year 1978, shall, on or before May 15, 1978, file with the Commissioner a return setting forth his name, his business, business address and such other information as may be necessary in arriving at the actual gross volume of business transacted by him during the period of operation prior to January 1, 1978, and the amount of the tax due.
- E. Every person subject to the tax imposed by this Part who commences business

subsequent to the beginning of any tax year for such tax year shall on or before January 31 of the succeeding tax year file a return with the Commissioner setting forth his name, his business, his business address and such other information as may be necessary in arriving at the actual gross volume of business transacted by him during such tax period and the amount of the tax due.

- F. Every person subject to the tax imposed by this Part who commences business subsequent to the beginning of any tax year shall on or before May 15 of the succeeding tax year file a return with the Commissioner setting forth his name, his business, his business address and such other information as may be necessary in arriving at the gross volume of business for the first full year and the amount of tax due. The average monthly volume of business transacted in the proceeding year multiplied by 12 shall be the basis for computing the gross volume of business for the first full tax year.
- G. Every person subject to the payment of the tax imposed by this Part who engages in a business temporary, seasonal or itinerant by its nature, shall within 30 days from the day he completes such business, file a return with the Commissioner setting forth his name, his business, his business address and such other information as may be necessary in arriving at the actual gross volume of business during the tax period and the amount due.

(Ord. 1162, 12/28/1977, §5; as amended by Ord. 1166, 2/13/1978, §2)

§24-406. Payment of Time of Filing Return.

The person making the return shall at the time of filing the return pay the amount of tax shown as due thereon to the Commissioner.

(Ord. 1162, 12/28/1977, §6)

§24-407. Powers and Duties of Commissioner.

- A. It shall be the duty of the Commissioner to collect and receive the taxes, fines and penalties imposed by this Part. It shall also be his duty to keep a record showing the amount received by him from each person paying the tax and the date of such receipts.
- B. The Commissioner is hereby charged with the administration and enforcement of the provisions of this Part, and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provision for the reexamination and correction of returns and payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to make refunds where necessary. Any person aggrieved by any decision of the Commissioner shall have the right to appeal to court as in other cases provided.

- C. The Commissioner is hereby authorized to compel the production of books, papers and records and the attendance of all persons before him whether as parties or witnesses whom he believes to have knowledge of such receipts.
- D. The Commissioner is hereby authorized to examine the books, papers and records of any taxpayer or supposed taxpayer, in order to verify the accuracy of any return made, or, if no return was made, to ascertain the tax due. Every such taxpayer or supposed taxpayer is hereby directed and required to give to the Commissioner the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

(Ord. 1162, 12/28/1977, §7)

§24-408. Suit on Collection; Penalty.

- A. The Commissioner may sue for the recovery of taxes due and unpaid under this Part.
- B. If for any reason the tax is not paid when due in each year, interest at the rate of 6% per annum, and an additional penalty of $\frac{1}{2}$ of 1% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

(Ord. 1162, 12/28/1977, §8)

§24-409. Fine and Penalties.

- A. Whoever makes any false or untrue statement on his return, or who refuses to permit inspection of the books, records, or accounts of any business in his custody or control when the right to make such inspection by the Commissioner is requested, whoever fails or refuses to register a business, to file a return, or to pay any annual registration fee or tax required by this ordinance, and whoever violates any provision of this Part shall, upon summary conviction before any magistrate, be sentenced to pay a fine and penalty of not less than \$100.00 nor more than \$600.00 for each violation, plus costs, and, in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
- B. Each day on which any person violates this Part shall be considered as a separate offense and shall be punishable as such as hereinbefore provided.
- C. This fine and penalty shall be in addition to all other penalties and interest as may be set forth herein.

(Ord. 1162, 12/28/1977, §9; as amended by Ord. 1499, 3/20/2013, §2)

§24-410. Saving Clause.

- A. Nothing contained in this Part shall be construed to empower the City to levy and collect taxes hereby imposed on any person or any business or any portion of any business not within the taxing power of the City under the Constitution of the United States and the laws and Constitution of the Commonwealth of Pennsylvania.
- B. If the tax, or any portion thereof, imposed upon any person under the provisions of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the Commonwealth of Pennsylvania, the decision of the court shall not affect or impair the right to impose the taxes or the validity of the taxes so imposed upon other persons as herein provided.
- C. If a final decision of a court of competent jurisdiction holds any provision of this Part, or the application of any provision to any circumstances, to be illegal or unconstitutional, the other provisions of this Part, or the application of such provision to other circumstances, shall remain in full force and effect. The intention of Council is that the provisions of this Part shall be severable and that this Part would have been adopted if any illegal or unconstitutional provisions had not been included.

(Ord. 1162, 12/28/1977, §10)

§24-411. Payment Under Protest.

- A. The Commission is hereby authorized to accept payment under protest of the amount of business privilege tax claimed by the City in any case where the taxpayer disputes the validity or amount of the City's claim for tax. If it is thereafter judicially determined by a court of competent jurisdiction that the City has been overpaid, the amount of the overpayment shall be refunded to the taxpayer.
- B. Claims for refunds of taxes erroneously withheld or paid may be filed with the Commissioner. A claim for refund must be filed within 2 years of the due date of the return presumed to be filed in error. A claim must be prepared on a form to be designated by the Commissioner and must be accompanied by a true copy of the claimant's Federal income tax return. The burden of proof of earnings is on the taxpayer and must be submitted to the satisfaction of the Commissioner.

(Ord. 1162, 12/28/1977, §11)

B. Rules and Regulations.

§24-421. Introduction and Legislative Qualifications and Restrictions.

- A. The regulations and rules herein have been prepared as a supplement, addition and interpretation of the business privilege tax ordinance, Ord. 1162 [Part 4A].

Consequently, these regulations are not independent but should be read and interpreted in conjunction with the aforementioned ordinance. Content of this Part is therefore not repeated in these regulations, except where considered necessary for clarification. All businesses in the City are subject to the tax, except those which Part 4A specifically excludes (§24-402 of this Part).

1. Business subject to the mercantile tax.
 2. Business of any political subdivision.
 3. Employment for a wage or salary.
 4. Any business which the law prohibits from taxing.
- B. This Part has been passed under the authority of the Local Tax Enabling Act (Act 511 of 1965, as amended). Section 2 of this Act provides a general power to levy a tax on persons, transactions, occupations, privileges, etc. The same Section of Act 511 also lists business activities which may not be taxed by local authorities.

Consequently, the gross revenues, income and receipts of the following types of businesses are not subject to the business privilege tax:

1. Sales subject to a State tax or license fee (case decisions have interpreted this to be a "true" tax or license fee; see *National Biscuit Company v. Philadelphia*, 374 Pa. 604, 98 A.2d 182 (1953), for example, mere annual or one time license fees paid by beauticians, barbers, accountants, etc. to the Commonwealth are not true license fees.)
 2. Gross receipts of utilities whose rates and services are fixed and regulated by the Pennsylvania Public Utility Commission.
 3. Gross receipts derived from manufacturing, mining, farming, processing or sales related thereto, including the transportation and storage of such products.
 4. Membership dues, fees or assessments of charitable religious or nonprofit organizations.
- C. The following regulations do not repeat the qualifications and restrictions recited above, except where necessary for clarification. However, all of the narrative preceding, titled

introduction and legislative qualifications and restrictions, is an inherent part of these regulations and rules.

(Ord. 1162, 12/28/1977, Regulations and Rules)

§24-422. Definition of Business and Gross Receipts. (Corresponding to §24-402 of this Part.)

- A. Taxability of Nonprofit Organizations. A nonprofit organization (which is not subject to the Connellsville mercantile tax) engaged in a business, as defined in §24- 402 of this Part, is subject to the tax. If the receipts of this business are from other than the sale of merchandise, the rate of tax imposed by the business privilege tax, i.e., 1.5 mills, shall apply. If the receipts of this business are from the sale of merchandise, the limitations of Act 511 on receipts from the sale of merchandise shall apply, i.e., 1.5 mills on retail transactions and 1 mill on wholesale transactions.
- B. Business Subject to Both the Mercantile and Business Privilege Taxes.
1. Although the definition of "business" specifically excludes any business which is subject to the City of Connellsville mercantile tax, this means only that portion of the business which is subject to the mercantile tax. If a business is engaged in the sale of merchandise and is also engaged in providing services and other activities subject to the business privilege tax, only the receipts subject to the mercantile tax are excluded from the business privilege tax.
 2. An automobile dealer pays mercantile tax at the rate of 1½ or 1 mill on his retail or wholesale merchandise sales, but excludes his service sales from the taxable volume for mercantile tax purposes. Service sales so excluded are subject to the 1½ or 1 mill on his retail or wholesale merchandise sales, but excludes his service sales from the taxable volume for mercantile tax purposes.

Service sales so excluded are subject to the 1½ min business privilege tax.
 3. Other examples of businesses subject to both the mercantile and business privilege taxes are:
 - (a) Funeral directors.
 - (b) Optometrists and ophthalmologists.
 - (c) Pharmacists.
 - (d) Garages.
 - (e) Jewelry stores.

(f) Retailers with service departments.

C. Taxability of Financial Institutions. The gross receipts of financial institutions, including banks, trusts, credit and investment companies and other similar institutions described in §24-402 of this Part are subject to the tax, except for the portion of the receipts that are exempted by law. Any financial institution claiming exemption of all or part of its receipts must cite on its tax return the law or laws upon which it relies for such exemption and itemize the portion of such receipts allocable to that exemption.

D. Taxability of Buildings, Hotels, Office Buildings, Apartments, etc.

1. Operation of a hotel, apartment house, boarding house, nursing home, rooming house and such similar establishments, are businesses subject to this Part.

Gross receipts subject to the tax are gross rents, without any deduction for expenses. For the purpose of this tax, a rental unit is considered to be an apartment house if it contains four or more units.

Passive income obtained from isolated rentals are not considered a business for purpose of this tax. For purpose of this tax, rental of three or less units is considered isolated rentals.

E. Definitions of Gross Receipts.

1. Gross receipts as described in §24-402 of this Part means gross income, gross sales, gross receipts and similar designations as generally interpreted for Federal income tax purposes in accordance with the method of accounting employed by the taxpayer. However, those taxpayers reporting on the installment basis for Federal income tax purposes will report sales before any adjustment for realized or unrealized installment income. Refunds, returns and allowances may be deducted to arrive at net taxable gross income for purposes of this tax. Sales taxes collected for the Commonwealth are not includible taxable receipts. Gross receipts does not mean the total flow of cash or other revenues into a business, including nonincome revenue such as loans, sales and excise taxes collected for governmental agencies, accommodation funds handled as agent for a principal, etc.
2. For example, an attorney may exclude that portion of his receipts which are distributed directly to or on behalf of a client. Also, an advertising or similar agency would not include a client's funds received for transmission to a third party.

(Ord. 1162, 12/28/1977, Regulations and Rules)

§24-423. Variation in Tax Rate in Special Cases. (Corresponding to §24-403 of this Part.)

The tax rate is 1½ mills, except that where the tax is applicable to gross sales of a business operated by a nonprofit organization, the tax is limited to 1½ mills on retail sales and 1 mill on wholesale sales (see also §24-421(1) of these regulations.)

(Ord. 1162, 12/28/1977, Regulations and Rules)

§24-424. Computation of Gross Annual Receipts. (Corresponding to §24-404 of this Part.)

- A. **Businesses in Business 1 Full Year Prior to Taxable Year.** Gross receipts subject to the tax are generally computed by reference to the previous year's receipts, if the business has been in operation at least 1 full year prior to the taxable year.

For example, for computation of the 1978 tax, if the business has been in operation the full 12 months of 1977, gross receipts used in computing the tax are the 1977 receipts, although the tax so computed is the 1978 tax. Receipts are always computed on the calendar year basis, although a business may keep its records on a fiscal year basis for Federal income tax purposes.

- B. **Businesses in Business Less Than 1 Full Year Prior to Taxable Year.** If a business has been in operation less than 1 full year prior to the taxable year, the taxable volume is obtained by determining the monthly average of such business, then multiplying by 12 to obtain an annualized volume. For example, if a business commenced July 1, 1977, and had gross income of \$60,000 from July to December 31, 1977, its monthly average of gross business is \$10,000. Ten thousand dollars times 12 equals \$120,000, which is the taxable volume for 1978.
- C. **Businesses Commencing Business Within Taxable Year.** If a business commences its operation in the taxable year, its taxable volume shall be its actual volume from such beginning date to December 31 of that year. Tax returns for business in this category will be due January 31 of the following year, instead of May 15, the due date for businesses described in subsections (1) and (2). For example, if a business commences July 1, 1977 and has gross income of \$60,000 from July 1 to December 31, 1977, its taxable volume is \$60,000 for 1977. For 1978, its taxable volume would be computed under the general rule explained in subsection (1), since 1978 would be the first year that it would be in business for a full 12 months.
- D. **Nonresident Businesses.** Nonresident taxpayers who are doing business in the City will compute their taxable volume according to the methods outlined in subsections (1), (2), (3) to the extent of business activity within the City.
- E. **Receipts Taxable in the City.** The tax is imposed only on receipts of businesses

attributable and allocable to doing business in the City. If a business subject to the tax is physically located in the City, it is prima facie that such business is subject to the City tax. Mere deliveries to out-of-City locations, incidental services outside of the City, sales to out-of-City residents etc., are not exempt from the tax. What constitutes doing business in the City is essentially a question of fact. If the business is generated by a Connellsville office or location, the business is assumed to be taxable in the City, except as hereinafter enumerated. Receipts from any transaction shall be attributable to the City if any event forming a part of the transaction occurs in the City. Examples:

1. A physician maintains an office in the City, and makes house calls in Dawson and other communities outside of the City. All of the receipts are taxable in the City.
2. A physician maintains office in the City and Dawson. Only the receipts attributable in the Connellsville office are taxable in the City.
3. An attorney or accountant have an office in the City but serve clients in Uniontown and other nearby communities which require visitations to and work to be done at the client's place of business outside of the City. All of the receipts are taxable in the City.
4. However, if an attorney or accountant are called to perform work for an out-of-town client that requires the attorney or accountant to stay overnight away from the City and to perform all of the services outside of the City, except incidental office services in the City, these receipts are not taxable in the City.
5. Contractors whose place of business is in the City, but who perform contracts wholly outside of the City, where the construction, repair, remodeling, etc., is to property located outside the City, may exclude this revenue from the City tax.
6. Likewise, contractors whose place of business is outside of the City, but who performs contracts within the City, are subject to the tax. General contractors are required to withhold final payment to subcontractors until proof of payment of the tax is furnished to them.
7. Nonresident businesses, regularly conducting business in the City, are subject to the tax. Regularly conducting business excludes incidental and isolated sales. In addition, such nonresident business, otherwise taxable, will be exempt from the City tax, if they are subject to a business privilege or similar tax in their resident community, provided such community applies similar reciprocity to City businesses operating under similar circumstances.
8. In any case, businesses subject to the tax located in the City, claiming exclusions for business not taxable in the City, must submit a detailed computation of the excludable volume. Some computation will be reviewed by the Commissioner and evaluated on an individual case basis.

F. Deduction for Occupation Privilege Tax.

1. Individuals subject to both the business privilege tax and occupation privilege tax may deduct the occupation privilege tax paid to the City from the amount of business privilege tax due. The occupation privilege tax to be deducted must correspond to the same taxable year as the business privilege tax. For example, the 1978 business privilege tax, although computed generally by reference to 1977 receipts (see subsections (1), (2) and (3)), may be offset only by the 1978 occupation privilege tax paid.
2. In a partnership, a deduction may be taken for the occupation privilege taxes paid by all partners to the City.

(Ord. 1162, 12/28/1977, Regulations and Rules)

§24-425. Returns and Registration. (Corresponding to §24-405 of this Part.)

- A. Registration as required in §24-405(1) of this Part will be completed in accordance with the following rules:
1. Businesses in operation on January 1, 1978, will register on or before January 10, 1978.
 2. Businesses commencing business after January 1, 1978, will register within 7 days after beginning business.
 3. All businesses in the City must register for the tax, although it may be determined that they are not liable for the tax, due to exclusion in this Part or exemption by reason of Pennsylvania or Federal law.
- B. **Seasonal Business.** Section 24-405(7) of this Part requires that a person operating a seasonal business shall file a return within 7 days from the day such business is completed. Upon application to the Commissioner, an extension in such circumstances may be granted for 30 days, without imposing penalty and interest as otherwise provided in this Part.
- C. **Returns.**
1. Tax returns are to be filed by all includable businesses, regardless of form of organization. For purpose of this tax, a partnership is a taxable entity and the individual partners will not file separate returns. An estate or trust conducting a business is a taxable entity.
 2. Failure to receive a form will not excuse a taxpayer from failure to file a return.

3. Extension of time for filing a return may be secured from the Commissioner; however, interest and penalty will apply on the unpaid balance as provided in this Part, except in the special circumstances described in subsection (2), above.
 4. Taxpayers maintaining more than one place of business may file separate returns for each location on one combined return, provided the method selected reconciles with their method of bookkeeping.
- D. **Due Dates of Returns.** Returns will be due on the dates indicated in this Part and these regulations in accordance with the following rules:
1. Returns paid at the tax office are due on the dates indicated in this Part and these regulations.
 2. Returns mailed to the tax office will be considered filed timely if postmarked on the due date indicated in this Part and regulations.
 3. If the due dates occur on a Saturday, Sunday or legal holiday, the returns are due, in accordance with the rules in subsections (A) and (B), above, on the next business day which is not a holiday.

(Ord. 1162, 12/28/1977, Regulations and Rules)

§24-426. Rulings. (Corresponding to §24-407 of this Part.)

- A. Any taxpayer desiring a specific ruling should submit all of the pertinent facts in writing to the Commissioner and request a determination of his liability for the tax.
- B. The Commissioner of the Business Privilege Tax reserves the right to issue additional regulations and rulings as circumstances may demand. These additional regulations and rulings are to be recorded and made available for inspection by any taxpayer in the Tax Office, Municipal Building, Connellsville, Pennsylvania.
- C. Such additional regulations and rules so issued will be included in printings next following the date of issue of these regulations and rules.

(Ord. 1162, 12/28/1977, Regulations and Rules)

PART 5

MERCANTILE TAX

§24-501. Short Title.

This Part shall be known and may be cited as the "Mercantile Tax Ordinance."

(Ord. 1005, 10/23/1967, §1)

§24-502. Definitions.

- A. The following words and phrases when used in this Part shall have the meaning ascribed to them in this Section unless the context clearly indicates a different meaning.

CITY LICENSE OFFICER - the person authorized and empowered by Council to collect taxes and license fees imposed hereby and to enforce the provisions of this Part.

GROSS RECEIPTS - the consideration received by a vendor or dealer for or by reason of all sales of goods, wares and merchandise, including cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of materials, labor or services used, interest, discount, other taxes paid or other expenses except retailers' excise taxes collected by the vendor or dealer from the purchaser for the government of the United States of America; provided, however, that the term "gross receipts" shall not include the consideration received by a vendor or dealer from the resale of goods, wares and merchandise taken by him as a trade-in or as part payment for other goods, wares and merchandise, except as to the extent that the resale price exceeds the trade-in allowance. In computing the gross receipts of places of amusement, the Federal tax on admissions and dues and the City amusement tax shall not be included.

PERSON - any individual, partnership, limited partnership, firm, association, company or corporation.

PLACE OF AMUSEMENT - any place, indoors or outdoors, where the general public or a limited or selected number thereof may, upon payment of an established price, attend or engage in any amusement, entertainment, exhibition, contest, recreation, including among other places, theaters, opera houses, motion picture houses, amusement parks, stadia, arena, baseball or football parks or buildings, skating rinks, circuses, carnival tents or grounds, fair grounds, bowling alleys, billiard or pool rooms, shuffleboard rooms, nine or ten pin alleys, riding academies, golf courses, bathing and swimming places, dance halls, tennis courts, archery, rifle or shotgun ranges, bingo and other like places. The term does not include any exhibition, amusement, performance or contest conducted by a nonprofit corporation or association organized for religious, charitable or educational purposes.

RETAIL VENDOR or DEALER - any person who is a dealer in or vendor of goods, wares and

merchandise who is not classified as a wholesale vendor or wholesale dealer.

TEMPORARY, SEASONAL OR ITINERANT BUSINESS - any business that is conducted in one location for less than 60 consecutive days.

VENDOR or DEALER - any person who, from a store or warehouse or other established place of business located in the City, sells goods, wares and merchandise previously purchased by him, such property to be in the same state and condition as when purchased by or for such dealer or vendor.

WHOLESALE VENDOR or WHOLESALE DEALER - a person who sells to dealers in or vendors of goods, wares and merchandise and to no other person.

A. "Person," "wholesale vendor," "wholesale dealer," "retail vendor" and "retail dealer" shall not include nonprofit corporations or associations organized for religious, charitable or educational purposes, agencies of the government of the United States or of the Commonwealth of Pennsylvania.

(Ord. 1005, 10/23/1967, §2)

§24-503. Mercantile License Required; Fee.

Every person engaged in the business of wholesale and/or retail vendor or dealer in goods, wares and merchandise, and every person conducting a restaurant or other place where food, drink or refreshments are sold and every person conducting a place of amusement in the City on January 1, 1978 shall on said date or within 30 days thereafter or prior to commencing business after said date, in said year 1978, procure a license for said year for his place of business, or if more than one place, for each of his places of business, from the City License Officer after having made application therefor on a form to be furnished by said officer, who shall issue the license upon payment of a license fee in an amount as established from time to time by City Council for each license by a wholesale or retail vendor or dealer or person conducting a restaurant or other place of amusement, and upon the payment of a license fee in an amount as established from time to time by resolution of City Council for each license by wholesale and retail vendor or dealer of every such person at all times. The license required by this Section shall be in addition to any other license or permits which persons to whom this Part applies are required to procure under any other ordinance of the City or the laws of the Commonwealth of Pennsylvania.

Subsequent to the year 1978, said license shall be procured on January 1 or 30 days thereafter, or prior to commencing business in any said year.

(Ord. 1005, 10/23/1967, §3; as amended by Ord. 1141, 12/22/1975, §1; Ord. 1163, 12/28/1977, §1; and by A.O.)

§24-504. Taxpayers' Returns.

For the purpose of this Part, the year 1968 is hereby divided into quarterly periods beginning January 1, April 1, and October 1 Within 30 days after the end of each such quarterly period, every person engaging in the business of wholesale and/or retail vendor or dealer in goods, wares and merchandise, and every person conducting a restaurant or other place where food, drink or refreshments are sold and every person conducting a place of amusement during or in any part of such quarter shall file a true and correct return with said Officer showing his gross receipts in such quarter taxable under the provisions of this Part. Such return shall be under oath or affirmation and shall be filed on a form furnished by said Officer.

(Ord. 1005, 10/23/1967, §4)

§24-505. Liability for Tax.

Every person subject to payment of the tax imposed by this Part who was engaged in business on the last day of the preceding quarterly period shall be liable for the tax upon and shall include in his return the gross receipts of such business for the entire quarterly period, notwithstanding that such receipts had accrued in whole or in part from a business he acquired during such taxable period.

(Ord. 1005, 10/23/1967, §5)

§24-506. Determination of Tax; Burden of Proof.

All receipts shall be presumed to be a proper measure of the tax imposed by this Part until established otherwise and the burden of proving that any payment or consideration received is not subject to the tax hereby imposed shall be upon the person making the return required by this Part.

(Ord. 1005, 10/23/1967, §6)

§24-507. Temporary, Seasonal or Itinerant Businesses.

Every person engaged in a temporary, seasonal or itinerant business taxable under provisions of this Part, shall immediately upon conclusion of such business, file the return required by this Part with said Officer, and simultaneously pay the tax due or assessed thereon by said Officer.

(Ord. 1005, 10/23/1967, §7)

§24-508. Imposition of Tax.

Every person engaging in any of the following businesses in the City shall pay a tax for the year

1968 at the rate hereinafter set forth, to wit:

- A. Wholesale vendors or dealers in goods, wares and merchandise at the rate of 1 mill on each dollar of the whole volume of the gross receipts of the business transacted by him.
- B. Retail vendors or dealers in goods, wares and merchandise, all persons engaged in conducting restaurants or other places where food, drink or refreshments are sold, and all persons conducting places of amusement at the rate of 1½ mills on each dollar of the whole volume of the gross receipts of the business transacted by him.
- C. Wholesale and retail vendor and dealers in goods, wares and merchandise, at the rate of 1 mill on each dollar of the whole volume of the gross receipts of the wholesale business transacted by him and 1½ mills on each dollar of the whole volume of the gross receipts of the retail business transacted by him.

(Ord. 1005, 10/23/1967, §8)

§24-509. When Tax Due and Payable; Penalty Added to Delinquent Tax; Penalty if Return Overdue.

- A. Except as provided in §24-507 hereof, the tax shall be due and payable within 30 days after the end of each quarterly period whether a return is filed or whether the return that is filed indicates correctly the amount of tax due. Upon the payment of the tax the said Officer shall indicate such payment upon a numbered receipt which shall be given to the person paying the tax and the duplicate of each receipt shall be kept among the records of the City.
- B. If any tax imposed under this Part is not paid when due, a penalty of 10% of the amount due and unpaid shall be added thereto. If any return required under this Part is not filed when due, the person responsible for each return shall, in addition to the tax due and penalty for nonpayment of the tax, pay a penalty of \$1 for each day beyond the date upon which such return was due until such return is filed.

(Ord. 1005, 10/23/1967, §9)

§24-510. Determination of Tax by Special Assessment.

- A. If any return required by this Part is not filed when due, or if a return when filed appears to said Officer to be false, incorrect or insufficient, the person subject to the payment of the tax shall, upon demand, submit his books, accounts and records to said Officer and the latter shall estimate and assess the amount of tax actually due.

If such books, accounts and records appear to be false or incorrect, he may disregard the same and may estimate and assess the tax on the basis of external indicia, such as the

number of employees of such person, the assessment of such person for the previous quarterly period, rental paid, stock on hand and other factors.

- B. To any tax based upon any special assessment made by said Officer shall be added the penalty for nonpayment of the tax when due. After such assessment, the said Officer shall give written notice of such assessment to the person concerned. Such assessment shall finally and irrevocably fix and determine the tax due.

(Ord. 1005, 10/23/1967, §10)

§24-511. Suit for Recovery of Taxes and Penalties.

The City may sue for the recovery of all taxes and penalties due and unpaid and the person liable therefor shall, in addition, be liable for the costs of collection.

(Ord. 1005, 10/23/1967, §11)

§24-512. Powers and Duties of City License Officer; Appeals.

The City License Officer shall collect and receive all taxes and penalties imposed by this Part and shall keep accurate records of all taxes and penalties received by him. The said Officer is hereby charged with the administration and enforcement of the provisions of this Part, and he is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Part. Any person aggrieved by any decision of said Officer shall have the right to appeal to the court of common pleas as in other cases provided.

(Ord. 1005, 10/23/1967, §12)

§24-513. Confidential Nature of Information Gained.

Any information gained by any official or employee of the City as a result of any return, investigation, hearing or verification required or otherwise by this Part, shall be confidential, except for official purposes, and except in accordance with proper judicial order, or as otherwise provided by law. Any disclosure of any such information contrary to the provisions of this Section, shall constitute a violation of this Part.

(Ord. 1005, 10/23/1967, §13)

§24-514. Penalty for Violation.

Any person who violates the preceding Section or who fails to make a return when due or who

makes a false or untrue statement in his return or who fails or refuses to procure a license conspicuously posted in his place or places of business, or who refuses to permit inspection of the books, accounts and records of any business in his custody or control when the right to make inspection is requested by said Officer shall be, upon conviction thereof, sentenced to pay a fine of not less than \$10 nor more than \$600 plus costs plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days.

Provided, such fine or penalty shall be in addition to any and all other penalties imposed by any other section or sections of this Part.

(Ord. 1005, 10/23/1967, §14; as amended by Ord. 1113, 11/12/1974, §1; and by A.O.)

§24-515. Applicability.

Nothing contained in this Part shall be construed to empower the City to levy and collect the license fees and taxes hereby imposed on any person, or any business or any portion of any business not within the taxing power of the City under the Constitution of the United States or the Constitution or laws of the Commonwealth of Pennsylvania.

(Ord. 1005, 10/23/1967, §15)

§24-516. License Fees and Taxes in Addition to All Others.

The license fees and taxes imposed under the provisions of this Part shall be in addition to any and other license fees and taxes imposed by the City.

(Ord. 1005, 10/23/1967, §16)

§24-517. Legal Authority for Enactment; Continuing Nature of Tax.

This Part is enacted under the authority of Act 511 approved December 31, 1965, and its amendments and hereafter the tax levied hereunder shall be a continuing tax each year until amended or repealed by proper ordinance of the Council of the City of Connellsville.

(Ord. 1005, 10/23/1967, §19; as amended by Ord. 1007, 11/27/1967, §1)

PART 6

ASSESSMENT

§24-601. County Assessment Law.

- A. The City of Connellsville elects to become subject to the provisions of the County Assessment Law, Act of 1943, May 21, P.L. 571, Article I, §104, as amended.
- B. Under the amendment to said Act of October 13, 1965, P.L. 590 (72 P.S. §5453.104) the City elects for tax purposes the ratio of 100% of the market value supplied by the County.

(Ord. 1215, 12/28/1981)

PART 7

INSTALLMENT PAYMENT OF TAXES

§24-701. Installment Payment of Taxes Authorized.

- A. All City taxes hereafter levied and assessed may, at the option of the taxpayer, be paid in four equal installments, each of which shall be finally due on the month and day of the year for which said taxes were levied and assessed as follows:
1. First installment - May 31.
 2. Second installment - July 31.
 3. Third installment - September 30.
 4. Fourth installment - November 30.
- B. Each installment shall become delinquent on the day next following the respective final due dates above mentioned.
- C. No discount shall be allowed on taxes being paid on the installment plan, but a penalty of 5% shall be added to each installment on the date when it becomes delinquent, and said penalty shall be collected by the Tax Collector.

(Ord. 624, 4/8/1946, §1)

§24-702. Evidence of Intention of Taxpayer to Pay in Installments.

A taxpayer, in order to evidence his intention to pay his taxes on the installment plan, shall make payment of the first installment thereof before it becomes delinquent.

(Ord. 624, 4/8/1946, §2)

§24-703. Tax Collector Exonerated of Certain Penalties.

The Tax Collector shall be exonerated of all penalties on taxes being paid on the installment plan, except such penalties as are provided for in this Part.

(Ord. 624, 4/8/1946, §3)

PART 8

LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE (LERTA)

§24-801. Definitions.

As used in this Ordinance, the following words and phrases shall have the meaning set forth below:

DETERIORATED PROPERTY - any industrial, commercial, or other business property owned by an individual, association, or corporation, and located in a deteriorating area, as provided by Resolution of Council, or any such property which has been the subject of an order by the City of Connellsville requiring the unit to be vacated, condemned, or demolished by reason of non-compliance with laws, ordinances, or regulations.

IMPROVEMENT - repair, construction, or reconstruction, including alterations or additions, having the effect of rehabilitating a deteriorated property 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 City of Connellsville, Connellsville Area School District, or Fayette County.

LOCAL GOVERNING BODY - the City of Connellsville.

(Ord. 1213, 12/14/1981; superseded by Ord. 1327; Ord. 1376; Ord. 1482, 9/21/2011; Ord. 1522, 8/16/2017 §1)

§24-802. Exemption Area.

The Council of the City of Connellsville has designated the following areas as deteriorated areas:

C-1 Downtown Commercial zoning district (current zoning ordinance)

C-2 Highway Commercial zoning district (current zoning ordinance)

C-3 Corridor Commercial zoning district (current zoning ordinance)

I- Industrial zoning district (current zoning ordinance)

M- Mixed Use zoning district (current zoning ordinance)

All commercial, industrial, or local business properties located in these deteriorated areas are deteriorated properties and may be eligible to participate in this tax exemption program.

(Ord. 1213, 12/14/1981; superseded by Ord. 1327; Ord. 1376; Ord. 1482, 9/21/2011; Ord. 1522, 8/16/2011 §2)

§24-803. Exemption Amounted.

The amount to be exempted shall be limited to the additional assessment valuation attributable to the actual costs of improvements to deteriorated property.

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 local taxing authority.

(Ord. 1213, 12/14/1981; superseded by Ord. 1327; Ord. 1376; Ord. 1482, 9/21/2011; Ord. 1522, 8/16/2011 §3)

§24-804. Exemption Schedule.

For the five (5) years immediately following the year upon which the improvement becomes assessable, 100% of the eligible assessment shall be exempted. After the fifth year, the exemption shall terminate.

The exemption from the taxes granted under this Part shall be upon the property and shall not terminate upon the sale or exchange of the property.

(Ord. 1213, 12/14/1981; superseded by Ord. 1327; Ord. 1376; Ord. 1482, 9/21/2011; Ord. 1522, 8/16/2011 §4)

§24-805. Notice to Taxpayers.

There shall be placed on the form application for building, zoning, and alteration permits the following:

Notice to Taxpayers

Under the provisions of the City of Connellsville Ordinance No. 1522, you may be entitled to a property tax exemption on your contemplated alteration or new construction. An application for exemption may be secured from the City Clerk and must be filed with the City at the time a building or alteration permit is secured.

At the time a building or alteration permit is secured for construction of an improvement for which an exemption is requested, the taxpayer shall apply for the City Clerk or any successor thereto for the exemption provided for in this Part. Requests for the exemption must be in writing certified in full as prescribed by the City setting forth at least the following information:

Address of property for which exemption is being requested.

Name and address of property owner.

The date the building permit or the alteration permit was issued for said improvement.

The nature of improvements, construction, or reconstruction.

The summary of the plan of the improvement.

The cost of the improvement.

Any and all such additional information the City may require.

(Ord. 1213, 12/14/1981; superseded by Ord. 1327, ; Ord. 1376, ; Ord. 1482, 9/21/2011; Ord. 1522, 8/16/2011 §4)

§24-806. Procedure for Obtaining Exemption.

A copy of the request for exemption shall be forwarded to the Fayette County Assessment Office by the City. Upon completion of the improvement or new construction the taxpayer shall notify the City Council so that the Council may have the County Assessor assess the improvements separately for the purpose of calculating the amount of assessment eligible for tax exemption in accordance with the limits established in this Ordinance. The City will then obtain from the County Assessor the amount of the assessment eligible for exemption and will notify the taxpayer. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer or the City as provided by law.

Any person desiring tax exemption must comply with the standards established in the Connellsville Main Street Building and Design Guidelines.

(Ord. 1213, 12/14/1981; superseded by Ord. 1327, ; Ord. 1376, ; Ord. 1482, 9/21/2011; Ord.

1522, 8/16/2011 §6)

§24-807. Effective Date.

This Ordinance shall become effective ten (10) days after adoption by the City Council of the City of Connellsville.

(Ord. 1213, 12/14/1981; superseded by Ord. 1327, ; Ord. 1376, ; Ord. 1482, 9/21/2011; Ord. 1522, 8/16/2011 §7)

§24-808. Amendments.

No amendment to this Ordinance shall be effective unless by ordinance or resolution of the City Council of the City of Connellsville.

(Ord. 1213, 12/14/1981; superseded by Ord. 1327, ; Ord. 1376, ; Ord. 1482, 9/21/2011; Ord. 1522, 8/16/2011 §8)

§24-809. Termination Date.

This Ordinance shall automatically expire and terminate five years after the effective date; provided, however, that any taxpayer who has received or applied for the exemption granted by this Ordinance prior to the expiration date herein provided shall, if said exemption is granted, be entitled to the full exemption authorized herein.

(Ord. 1213, 12/14/1981; superseded by Ord. 1327, ; Ord. 1376, ; Ord. 1482, 9/21/2011; Ord. 1522, 8/16/2011 §9)

PART 9

REALTY TRANSFER TAX

§24-901. Authority.

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the City of Connellsville, Fayette County, regardless of where the documents making the transfer are made, executed, or delivered, or where the actual settlements on such transfer took place as authorized by Article XI-D, “Local Real Estate Transfer Tax,” 72 P.S. § 8101-D, et seq.

(Ord. 1497, 1/16/2013, §1)

§24-902. Definitions.

ASSOCIATION - means a partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent’s estate.

CORPORATION - means a corporation, joint-stock association, limited liability company, business trust, or banking institution which is organized under the laws of the Commonwealth of Pennsylvania, the United States, or any other state, territory, foreign country, or dependency.

DOCUMENTS - means any deed, instrument, or writing which conveys, transfers, devises, vests, confirms, or evidences any transfer or devise of real estate, but does not include wills, mortgages, deeds of trust, or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding thirty years, or instruments which solely grant, vest, or confirm a public utility easement. “Document” also includes a declaration of acquisition required to be presented for recording under §107 of this Part.

FAMILY FARM CORPORATION - means a corporation of which at least seventy-five percent (75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of each class of stock or membership interests of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

- A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition, or racing;
- B. The raising, breeding, or training of game animals or game birds, fish, cats, dogs, or pets or animals intended for use in sporting or recreational activities;

- C. Fur farming;
- D. Stockyard and slaughterhouse operations; or
- E. Manufacturing or processing operations of any kind.

FAMILY FARM PARTNERSHIP - means a partnership of which at least seventy-five percent (75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of the interests in the partnership are continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

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

LIVING TRUST - means any trust, other than a business trust, intended as a will substitute by the settlor which becomes effective during the lifetime of the settlor, but from which trust distributions cannot be made to any beneficiaries other than the settlor prior to the death of the settlor.

MEMBERS OF THE SAME FAMILY - means any individual, such individual's brothers and sister, and the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate or any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

ORDINARY TRUST - means any trust other than a business trust or a living trust, which takes effect during the lifetime of the settlor and for which the trustees of the trust take title to property primarily for the purpose of protecting, managing, or conserving it until distribution to the named beneficiaries of the trust. An ordinary trust does not include a trust that has an objective to carry on business and divide gains nor does it either expressly or impliedly have any of the following features: the treatment of beneficiaries as associates, the treatment of interests in the trust as personal property, the free transferability of beneficial interests in the trust, centralized management by the trustee or the beneficiaries, or continuity of life.

PERSON - means every natural person, association, or corporation. Whenever, used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to

associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

REAL ESTATE - means:

- A. Any lands, tenements, or hereditaments within the City, including without limitation buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees, and other improvements, immovables, or interests which by custom, usage, or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant;
- B. A condominium unit; and
- C. A tenant-stockholder's interest in a cooperative housing corporation, trust, or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY - means a corporation or association which is primarily engaged in the business of holding, selling, or leasing real estate, ninety percent (90%) or more of the ownership interest in which is held by thirty-five or fewer persons and which:

- A. Derives sixty percent (60%) or more of its annual gross receipts from the ownership or disposition of real estate; or
- B. Holds real estate, the value of which comprises ninety percent (90%) or more of the value of its entire tangible asset holdings exclusive of intangible assets which are freely transferable and actively traded on an established market.

TITLE TO REAL ESTATE - means:

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

TRANSACTION - means the making, executing, delivering, accepting, or presenting for recording of a document.

VALUE - means:

- A. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate; provided, that where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale;
- B. In the case of a gift, sale by execution upon a judgment, or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations;
- C. In the case of an easement or other interest in real estate the value of which is not determinable under subsection (1) or (2) hereof, the actual monetary worth of such interest; or
- D. The actual consideration for or actual monetary worth of any executor agreement for the construction of buildings, structures, or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor or a related corporation, association, or partnership and the grantee existing before or effective with the transfer.

(Ord. 1497, 1/16/2013, §2)

§24-903. Imposition of Tax; Administration; Interest.

- A. Every person who makes, executes, delivers, accepts, or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted, or presented for recording, shall be subject to pay for and in respect to the transaction or any part thereof, a tax at the rate of one percent (1%) of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within thirty (30) days of acceptance of such document or within thirty (30) days of becoming an acquired company.
- B. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds whereon the date of the payment of the tax, amount of the tax, and the signature of the collecting agent shall be set forth.

- C. It is the intent of this Part that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. § 6901, et seq., as amended, so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the City under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half of the rate and such one-half rate shall become effective without any action on the part of the City; provided, however, that the City and any other political subdivision which imposes such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.
- D. Where lands lying partly within the boundaries of the City and partly without such boundaries are transferred, the tax herein imposed shall be calculated upon such portion of the value as shall be represented by the portion of such lands lying within the boundaries of the City, such apportionment of value to be evidenced by the affidavit or certificate of value hereinafter provided for, but shall in no event be less than the highest assessed valuation for local tax purposes placed upon the same in the assessment of property within the City.
- E. If the correct amount of the tax imposed under this Part is not paid by the last date prescribed for timely payment, the City of Connellsville, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Pennsylvania Department of Revenue to determine, collect, and enforce the tax, interest, and penalties. The interest rate shall be ten percent (10%) per annum.

(Ord. 1497, 1/16/2013, §3)

§24-904. Exempt Parties.

The United States, the Commonwealth, or any of their instrumentalities, agencies, or political subdivisions shall be exempt from payment of the tax imposed by this Part. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

(Ord. 1497, 1/16/2013, §4)

§24-905. Excluded Transactions.

The tax imposed by shall §903 not be imposed upon the following:

- A. A transfer to the Commonwealth, or to any of its instrumentalities, agencies, or political subdivisions, by gift, dedication, or deed in lieu of condemnation or deed of confirmation

in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one (1) year from the date of condemnation.

- B. A document which the City is prohibited from taxing under the Constitution or statutes of the United States.
- C. A conveyance to a municipality, township, school district, or county pursuant to acquisition by the municipality, township, school district, or county of a tax delinquent property at sheriff's sale or tax claim bureau sale.
- D. A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.
- E. A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by co-tenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister, and between a grandparent and a grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one (1) year shall be subject to tax as if the grantor were making such transfer.
- G. A transfer for no or nominal actual consideration or property passing by testate or intestate succession from a personal representative of a decedent to the decedent, a devisee, or heir.
- H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries that are entitled to receive the property or proceeds from the sale of the property under the trust, whether or not such beneficiaries are contingent or specifically named. A trust clause within identifies the contingent beneficiaries by reference to the heirs of the trust settlor as determined by the laws of intestate succession shall not disqualify a transfer from the exclusion provided by this clause. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.
 - 1. A transfer for no or nominal consideration to a trustee of a living trust from the settlor of the living trust. No such exemption shall be granted unless the recorder

of deeds is presented with a copy of the living trust instrument.

- I. A transfer for no or nominal actual consideration from a trustee of an ordinary trust to a specifically named beneficiary that is entitled to receive the property under the recorded trust instrument or to a contingent beneficiary where the transfer of the same property would be exempt if the transfer was made by the grantor of the property into the trust to that beneficiary. However, any transfer of real estate from a living trust during the settlor's lifetime shall be considered for the purposes of this ordinance as if such transfer were made directly from the settlor to the grantee.
 - 1. A transfer for no or nominal actual consideration from a trustee of a living trust after the death of the settlor of the trust or from a trustee of a trust created pursuant to the will of a decedent to a beneficiary to whom the property is devised or bequeathed.
 - 2. A transfer for no or nominal actual consideration from the trustee of a living trust to the settlor of the living trust if such property was originally conveyed to the trustee by the settlor.
- J. A transfer for no or nominal actual consideration from trustee to successor trustee.
- K. A transfer:
 - 1. For no or nominal actual consideration between principal and agent or straw party; or
 - 2. From or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this ordinance. Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.
- L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the City reasonably determines that the primary intent of such merger, consolidation, or division is avoidance of the tax imposed by this ordinance.
- M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock or membership interests of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.
- N. A transfer from a nonprofit industrial development agency or authority to a grantee of

property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority.

- O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:
 - 1. The grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing, or agriculture; and
 - 2. The agency or authority has the full ownership interest in the real estate transferred.
- P. A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.
- Q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by transferor for commercial purposes.
- R. A transfer to a conservancy which possesses a tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural, or open-space opportunities; or a transfer from such a conservancy to the United States, the Commonwealth, or to any of their instrumentalities, agencies, or political subdivisions; or any transfer from such a conservancy where the real estate is encumbered by a perpetual agricultural conservation easement as defined by the Act of June 30, 1981 (P.L. 128, No. 43), as amended, known as the "Agricultural Area Security Law," and such conservancy has owned the real estate for at least two years immediately prior to the transfer.
- S. A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which family directly owns at least seventy-five percent (75%) of each class of the stock or membership interests thereof.
- T. A transfer of real estate devoted to the business of agriculture to a family farm partnership by a member of the same family which family directly owns at least seventy-five percent (75%) of the interests in the partnership.
- U. A transfer between members of the same family of an ownership interest in a real estate company, family farm corporation, or family farm partnership which owns real estate.
- V. A transaction wherein the tax due is one dollar (\$1.00) or less.
- W. Leases for the production or extraction of coal, oil, natural gas, or minerals, and

assignments thereof.

In order to exercise any exclusion provided in this section, the true, full, and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas, or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this ordinance.

(Ord. 1497, 1/16/2013, §5)

§24-906. Documents Relating to Associations or Corporations and Members, Partners, Stockholders, or Shareholders Thereof.

Except as otherwise provided in §905, documents which make, confirm, or evidence any transfer or devise of title to real estate between associations or corporation and the members, partners, shareholder, or stockholders thereof are fully taxable. For the purposes of this Part, corporation and associations are entities separate from their members, partners, stockholders, or shareholders.

(Ord. 1497, 1/16/2013, §6)

§24-907. Acquired Company.

- A. A real estate company is an acquired company upon a change of ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, ninety percent (90%) or more of the total ownership interest in the company within a period of three (3) years.
- B. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Part.
- C. A family farm partnership is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family partnership or when, because of transfer of partnership interests or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm partnership under this Part.
- D. Within thirty (30) days after becoming an acquired company, the company shall present a declaration of acquisition with the Recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth

the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

(Ord. 1497, 1/16/2013, §7)

§24-908. Credits Against Tax.

- A. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purpose of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.
- B. Where there is a transfer by a builder of a residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.
- C. Where there is a transfer of real estate which is devised by the grantor, a credit for the amount of tax paid at the time of the devise shall be given the grantor toward the tax due upon the transfer.
- D. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.
- E. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

(Ord. 1497, 1/16/2013, §8)

§24-909. Extension of Lease.

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

(Ord. 1497, 1/16/2013, §9)

§24-910. Proceeds of Judicial Sale.

The tax herein imposed shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate, or cots of the sale and of the writ upon which the sale is made, except the state realty transfer tax, and the sheriff, or other officer, conducting said sale shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

(Ord. 1497, 1/16/2013, §10)

§24-911. Duties of Recorder of Deeds.

- A. As provided in 16 P.S. § 11011-6, as amended, the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the City based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the City.
- B. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.
- C. On or before the tenth of each month, the Recorder of Deeds shall pay over to the City all local realty transfer taxes collected, less two percent for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The two percent (2%) commission shall be paid to the county.
- D. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the Recorder shall rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording or recording fee has been tendered.
- E. If additional realty transfer tax is determined to be due to the Commonwealth, the Recorder of Deeds of Fayette County shall collect a like amount for the City, but without interest and penalty; if a refund is determined to be due by the Commonwealth, the Recorder of Deeds of Fayette County shall refund a like amount, without interest and charge, said refund to be disclosed to the City on the monthly report for the month in which the refund was made.

(Ord. 1497, 1/16/2013, §11)

§24-912. Statement of Value.

Every document lodged with or presented to the Recorder of Deeds for recording shall set forth therein and as a part of such document the true, full, and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full, and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full, and complete value thereof or the reason, if any, why such document is not subject to tax under this Part.

(Ord. 1497, 1/16/2013, §12)

§24-913. Civil Penalties.

- A. Fraud. If any part of any underpayment of tax imposed by this Part is due to fraud, there shall be added to the tax an amount equal to fifty percent (50%) of the underpayment.
- B. Failure to Record Declaration. In the case of failure to record a declaration required under this Part on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax five percent (5%) of the amount of such tax if the failure is for not more than one month, with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not exceeding fifty percent (50%) in the aggregate.

(Ord. 1497, 1/16/2013, §13)

§24-914. Determination of Tax.

If any person shall fail to pay any tax imposed by this Part for which that person is liable, the City of Connellsville authorizes the Pennsylvania Department of Revenue to make a determination of additional tax, penalty, and interest due under Section 1109-D of the Tax Reform Act of 1971 (72 P.S. § 8109-D), as amended, by such person based upon any information within its possession or that shall come into its possession. Such determinations shall be made within three (3) years after the date of the recording of such document subject to the following:

- A. If the taxpayer underpays the correct amount of the tax by twenty-five percent (25%) or more, the tax may be assessed at any time within six (6) years after the date of the recording of the document.
- B. If any part of an underpayment of tax is due to fraud or an undisclosed, intentional

disregard of rules and regulations, the full amount of the tax may be assessed at any time.

These periods of limitation shall have no effect whatsoever on the imposition of liens.

(Ord. 1497, 1/16/2013, §14)

§24-915. Lien on Property.

The tax imposed by this Part shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying or being situated, wholly or in part, within the boundaries of the City, which lands, tenements, hereditaments, or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed, and levied by this Part, said lien to begin at the time when the tax under this Part is due and payable, and continuing until discharge by payment, or in accordance with the law, and the City Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Fayette County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. § 7101, et seq., its supplements and amendments.

(Ord. 1497, 1/16/2013, §15)

§24-916. Enforcement and Regulations.

The City Department of Accounts and Finance and the Tax Departments are charged with enforcement and collection of the tax and are empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. § 8101-C, et seq., are incorporated into and made a part of this Part.

(Ord. 1497, 1/16/2013, §16)

§24-917. Penalty.

Any person who violates any provision of this Part shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and/or imprisonment not exceeding ninety (90) days for each offense, in addition to any other penalties provided by law and/or under this Part, including but not limited to the requirement to pay the amount of tax due together with interest.

(Ord. 1497, 1/16/2013, §17)

PART 10

VOLUNTEER FIRE SERVICE TAX CREDIT

§24-1001. Definitions.

The following words and phrases when used in this Part shall have the meanings given to them in this section unless the context clearly indicates otherwise.

ACTIVE VOLUNTEER - means a volunteer for a volunteer fire company listed under §24-1002(C) who has complied with, and is certified under, the Volunteer Service Credit Program, by the chief of his or her respective volunteer fire company and City Council.

EARNED INCOME TAX – means a tax on earned income and net profits levied under Chapter 3 of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act.

ELIGIBILITY PERIOD – means the timeframe when volunteers may earn credit under the Volunteer Service Credit Program.

EMERGENCY RESPONDER – means a volunteer who responds to an emergency call with one of the entities listed under §24-1002(C).

EMERGENCY RESPONSE CALL – means any emergency call to which a volunteer responds, including travel directly from and to a volunteer’s home, place of business or other place where he/she shall have been when the call was received.

QUALIFIED REAL PROPERTY – means any residential real property located within the City of Connellsville owned and occupied as the domicile of an active volunteer.

VOLUNTEER – means a member of a volunteer fire company.

(Ord. 1533, 5/15/2018, §1)

§24-1002. Volunteer Service Credit Program.

- A. Establishment. The City of Connellsville hereby establishes a Volunteer Service Credit Program. The goal of the program is to encourage membership and service in the community’s volunteer fire companies.

- B. **Program Criteria.** The City of Connellsville shall establish, by resolution, the annual criteria that must be met to qualify for credits under the program based on the following factors, as evaluated and determined by the City of Connellsville:
1. The number of emergency response calls to which a volunteer responds.
 2. The level of training and participation in formal training and drills for a volunteer.
 3. The total amount of time expended by a volunteer on administrative and other support services, including but not limited to:
 - i. fundraising
 - ii. providing facility or equipment maintenance
 - iii. financial bookkeeping
 4. The involvement in other events or projects that aid the financial viability, emergency response or operational readiness of a volunteer fire company or a nonprofit emergency medical service agency.
 5. The total number of years the volunteer has served.
- C. **Eligible Entities.** The Volunteer Service Credit Program is available to residents of the City of Connellsville who are volunteers of volunteer fire companies that provide service to the City of Connellsville, as may be limited or designated by resolution of the City Council of the City of Connellsville.
- D. **Eligibility Period.** A volunteer must meet the minimum criteria, set by resolution under this section, during the eligibility period to qualify for the tax credits established under §24-1003.
1. For credit(s) for 2018, the eligibility period under the Volunteer Service Credit Program shall run from January 20, 2017, until November 30, 2017.
 2. For credit(s) for 2019, and each subsequent year thereafter, the eligibility period shall run from January 1st until November 30th of the preceding calendar year.
- E. **Recordkeeping.** The chief of each volunteer fire company listed under §24-1002(C) shall keep specific records of each volunteer's activities in a service log to establish credits under the Volunteer Service Credit Program. Service logs shall be subject to review by the City Council of the City of Connellsville, the State Fire Commissioner and the State Auditor General. The chief shall annually transmit to the City of Connellsville a

notarized eligibility list of all volunteers that have met the minimum criteria for the Volunteer Service Credit Program and each volunteer's Level I or Level II certification for the current year. For eligibility lists relating to certifications for 2017, the notarized eligibility list shall be transmitted to the City of Connellsville no later than May 30, 2018. For eligibility lists relating to certifications for subsequent years, the notarized eligibility list shall be transmitted to the City of Connellsville no later than November 30th of the prior year. The chief shall post each notarized eligibility list in an accessible area of the volunteer agency's facilities.

- F. **Application.** Volunteers that have met the minimum criteria of the Volunteer Service Credit Program in the preceding calendar year and whose name is included on the notarized eligibility list transmitted to the City of Connellsville by their chief for such preceding calendar year, shall sign and submit an application for either the earned income tax credit or the real property tax credit, which application shall include a designation of which credit being requested and the applicable Level I or Level II certification, for certification to their chief. The chief shall sign the application if the volunteer has met the minimum criteria of the Volunteer Service Credit Program for the preceding year, and forward it to the City Clerk of the City of Connellsville. For 2018, applications shall not be accepted by the City of Connellsville before July 1, 2018, or after July 15, 2018. For subsequent years, applications shall not be accepted by the City of Connellsville before January 1st or after January 15th of each year.
- G. **Municipal Review.** The City Clerk shall review the applications for credit under the Volunteer Service Credit Program and shall cross reference them with the notarized eligibility list. The City Council shall approve all applicants that are on the notarized eligibility list. All applicants approved by the City Council shall be issued a tax credit certificate by the City Clerk.
- H. **Official Tax Credit Register.** The City of Connellsville shall keep an official Tax Credit Register of all active volunteers that were issued tax credit certificates. The City Clerk shall issue updates, as needed, of the official Tax Credit Register to the following:
1. City Council of the City of Connellsville;
 2. Chief of the volunteer fire company(ies);
 3. Tax officer for the City of Connellsville Tax Collection District.
- I. **Injured Volunteers.**
1. An emergency responder that is injured during an emergency response call may be eligible for future tax credits. The injury must have occurred while responding

to, participating in, or returning from an emergency response call with one of the entities listed under §24-1002(C).

2. An injured emergency responder shall provide documentation from a licensed physician with the application required under §24-1002 stating that their injury prevents them from performing duties to qualify as an active volunteer. In such a case, the injured emergency responder shall be deemed an active volunteer for that tax year.
3. An injured emergency responder shall annually submit the application required under §24-1002, along with updated documentation from a licensed physician stating that the injury still exists and prevents them from qualifying as an active volunteer. The injured emergency responder shall again be deemed an active volunteer for that tax year. An injured emergency responder shall only be deemed an active volunteer for a maximum of five consecutive tax years.

(Ord. 1533, 5/15/2018, §2)

§24-1003. Earned Income Tax Credit.

- A. **Tax Credit.** Each active volunteer who has been certified under the City of Connellsville Volunteer Service Credit Program shall be eligible to receive a tax credit of up to (i) \$200.00 for Level I active volunteers; or (ii) \$400.00 for Level II active volunteers, of the Earned Income Tax levied by the City of Connellsville, if such active volunteer has neither received nor apply for or receive the real property tax credit. When an active volunteer's earned income tax liability is less than the amount of the tax credit, the tax credit shall equal the individual's tax liability.
- B. **Claim.** An active volunteer with a tax credit certificate may file a claim for the tax credit on their municipality's earned income tax liability when filing a final return for the preceding calendar year with the tax officer for the City of Connellsville Tax Collection District. An active volunteer filing a claim for such tax credit shall provide a copy of his or her tax credit certificate to the tax officer for the City of Connellsville Tax Collection District.
- C. **Rejection of Tax Credit Claim.**
 1. The tax officer shall reject a claim for a tax credit if the taxpayer is not on the official Tax Credit Register issued by the City Clerk.

2. If the tax officer rejects the claim, the taxpayer shall be notified in writing of the decision. The notice shall include the reasons for the rejection and provide the method of appealing the decision pursuant to §24-1005.
3. Taxpayers shall have 30 days to appeal the decision of the tax officer.

(Ord. 1533, 5/15/2018, §3)

§24-1004. Real Property Tax Credit.

- A. Tax Credit. Each active volunteer who has been certified under the City of Connellsville Volunteer Service Credit Program shall be eligible to receive a real property tax credit of 20.00% of the municipal tax liability on qualified real property if such active volunteer has neither received nor apply for or receive the earned income tax credit. If the tax is paid in the penalty period, the tax credit shall only apply to the base tax year liability.
- B. Claim.
 1. An active volunteer with a tax credit certificate may file a claim for the tax credit on their qualified real property tax liability for the municipality's real estate tax levy. The tax credit shall be administered as a refund by the City Treasurer. An active volunteer shall file the following with the City Clerk:
 - i. A true and correct receipt from the municipal real estate tax collector of the paid municipal real property taxes for the tax year which the claim is being filed.
 - ii. The tax credit certificate.
 - iii. Photo identification.
 - iv. Documentation that the tax paid was for qualified real property as defined in this Part.
 2. If the active volunteer provides all documents required under this subsection, the City Treasurer shall issue the tax refund to the active volunteer.
- C. Rejection of the Tax Credit Claim.

1. The City Clerk shall reject the claim for a municipal real property tax credit if the taxpayer fails to provide the documents required under subsection (B)(1).
2. If the City Clerk rejects the claim, the taxpayer shall be notified in writing of the decision. The notice shall include the reasons for the rejection and provide the method of appealing the decision pursuant to §24-1005.
3. Taxpayers shall have 30 days to appeal the decision of the City Clerk.

(Ord. 1533, 5/15/2018, §4)

§24-1005. Appeals.

A. Earned Income Tax Credit Appeals.

1. Any taxpayer aggrieved by a decision under §24-1003 shall have a right to appeal said decision.
2. A taxpayer shall have 30 days to appeal a decision or rejection of claim.
3. All appeals of decisions under §24-1003 shall follow the provisions of the Act of May 5, 1998, P.L.301, No. 50, known as the Local Taxpayers Bill of Rights.

B. Real Property Tax Credit Appeals.

1. Any taxpayer aggrieved by a decision under §24-1004 shall have a right to appeal said decision.
2. A taxpayer shall have 30 days to appeal a decision or rejection of claim.
3. All appeals under §24-1004 shall follow the provisions of 2 Pa.C.S. Chapter 5, Subchapter B (relating to practice and procedure of local agencies), and 2 Pa.C.S. Chapter 7, Subchapter B (relating to judicial review of local agency action), also known as the "Local Agency Law."

(Ord. 1533, 5/15/2018, §5)

§24-1006. Rules and Forms.

The City Council of the City of Connellsville is hereby authorized to adopt such rules and regulations and to prescribe such forms for the implementation of this Part by resolution as City

Council shall find to be helpful and convenient in effectuating the purpose of this Part and Act 172 of 2016.

(Ord. 1533, 5/15/2018, §6)

§24-1007. Penalty for False Statement.

- A. Any individual who knowingly makes or conspires to make a false report or provide false information in completing or submitting an application for certification under this Part commits a misdemeanor of the first degree punishable by a fine of \$2,500.00.

- C. Any individual who knowingly makes or conspires to make a false report or provide false information to a chief or other person for the compilation of a service log under this Part commits a misdemeanor of the first degree punishable by a fine of \$2,500.00.

(Ord. 1533, 5/15/2018, §7)

CHAPTER 25

TREES

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SHADE TREES

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§25-102.	Definitions
§25-103.	Duties and Responsibilities of Shade Tree Commission
§25-104.	Operation
§25-105.	Rules and Regulations Authorized
§25-106.	Permit Required
§25-107.	Application for Permit
§25-108.	Penalties

PART 1

SHADE TREES

§25-101. Short Title.

This Part shall be known and may be cited as the "City Tree Ordinance of the City of Connellsville."

(Ord. 1360, 3/27/1995, §1)

§25-102. Definitions.

For the purpose of this Part, 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 include the singular and words in the singular include words in the plural. The word shall is mandatory and not merely directory.

COMMISSION - the Connellsville Shade Tree Commission established by City Ord. 1131, as ordained by the City Council of the City of Connellsville, County of Fayette, State of Pennsylvania on November 12, 1974.

MUNICIPALITY - the City of Connellsville, County of Fayette, State of Pennsylvania.

PERSON - any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC OWNER - the person owning such property as determined by the County Assessor's Office of Fayette County, State of Pennsylvania.

PUBLIC PROPERTY - all other grounds owned by the City of Connellsville, County of Fayette, State of Pennsylvania.

PUBLIC TREE - any tree, shrub or other woody plant on any public in the City of Connellsville, or that part of any tree, shrub or other woody plant which extends within the lines of any public highway or public ground.

STREET or HIGHWAY - the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

(Ord. 1360, 3/27/1995, §2)

§25-103. Duties and Responsibilities of Shade Tree Commission.

- A. The Commission shall have exclusive custody and control of the public trees in the City, and is authorized to direct the planting, maintenance, protection and removal of trees on the public streets and public property within the City.
- B. It shall be the responsibility of the Commission to study, investigate, counsel and develop and/or update annually, and administer a written plan for the planting, maintenance and on other public property. Such plan will be presented annually to the City Council, and upon its acceptance and approval shall constitute the official City tree plan for the City of Connellsville. The Commission, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(Ord. 1360, 3/27/1995, §3)

§25-104. Operation.

The Commission shall choose its own officers, made its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Ord. 1360, 3/27/1995, §4)

§25-105. Rules and Regulations.

The Commission shall have the power to draft and enact such regulations and standards as it may from time to time deem proper and necessary to insure the proper planting, maintenance, protection and removal of public trees with the City. Prior to the establishment or change of any such regulations and standards, the Commission shall hold a public hearing after notice by publication of such hearing for 2 consecutive weeks in a newspaper of general circulation in the City of Connellsville, at which hearing any citizens of the City shall be given the opportunity to express their opinions of the proposed regulations and standards shall be filed with the City Council and the City Clerk at least 10 days prior to the public hearing provided for herein.

(Ord. 1360, 3/27/1995, §5)

§25-106. Permits Required.

It shall be unlawful for any person, without first obtaining a permit from the Commission, to cut, prune, trim, plant, transplant, remove or damage any public tree; to cut or interfere in any way the main roots of any public tree; to spray with any chemicals or insecticide any public tree; to place any rope, guy wire, cable, sign, poster or other fixture on a public tree; or to injure or

misuse or remove any device placed to protect such public tree, except in case of immediate necessity for protection of life and property.

(Ord. 1360, 3/27/1995, §6)

§25-107. Application for Permit.

The application for any permit required herein shall be made in writing to the City Clerk upon forms furnished by the City Clerk and shall specify the particular kind of work or operation the applicant desires to perform thereunder and shall state the exact location and species of any public tree or trees affected. It shall be the duty of the City Clerk to submit every such application promptly to the Commission for approval or disapproval.

Permits shall be effective for such length of time as the Commission shall determine in each case, which shall be indicated on the permit, and such permit may be revoked at any time at the direction of the Commission upon proof satisfactory to the Commission that the terms and conditions upon which the permit had been issued are, or have been violated.

The Commission may, in its discretion, as a condition precedent to the issuance of the permit, require the applicant to file a bond satisfactory to the Commission, or to deposit security satisfactory to the Commission, to guarantee the compliance by the applicant with the terms and conditions which the permit is issued.

(Ord. 1360, 3/27/1995, §7)

§25-108. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not less than \$50 nor more than \$1,000 plus costs, and after a finding of ability to pay but in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or a term of imprisonment not to exceed 30 days. Whenever such person shall be notified by the Shade Tree Commission or its agent or by service of a summons or prosecution or in any other way that he is committing any such violation, each day in which he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. In the event that a nuisance or hazardous condition on private land but which extends on to the public property is not abated by the date specified in the notice, the Mayor or his agent is authorized to cause the abatement of said nuisance. The reasonable costs of such abatement shall be filed as a lien against the property upon which the nuisance was located shall be subject to prosecution. All penalties or assessments imposed under this Part shall be paid to the City Treasurer to be placed to the credit of the Commission subject to be drawn upon by the Commission for the purposes authorized in this Part.

(Ord. 1360, 3/27/1995, §8; as amended by A.O.)

CHAPTER 26
WATER

CHAPTER 27

ZONING

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ARTICLE I

GENERAL PROVISIONS

§27-101. Title.

This Chapter shall be known and may be cited as the “City of Connellsville Zoning Ordinance” and the zoning map attached and adopted as part of this ordinance shall be known as the “City of Connellsville Zoning Map.”

(Ord. 1492, 8/8/2012, §101)

§27-102. Purpose.

The purpose of this ordinance is to promote, protect and facilitate the public health, safety, and general welfare of the residents of the City of Connellsville by:

- A. Encouraging and facilitating the orderly, coordinated and practical development of the area;
- B. Dividing the area into zones and districts regulating the location, construction, reconstruction, alteration and use of buildings and structures so as to preserve property values, protect the tax base, promote economy in government expenditures, and provide for variety and quality in land uses;
- C. Promoting the distribution of population and utilization of land so that transportation, water, drainage, sanitation, educational and other public facilities and services can be provided effectively and efficiently;
- D. Providing housing opportunities consistent with the area's population growth and housing demand, both present and future;
- E. Protecting natural and historic features and resources;
- F. Securing safety from fire, panic, flood and other dangers;
- G. Providing for adequate light and air; and
- H. Providing for the timely, equitable and efficient administration of the regulations established by this Chapter.

(Ord. 1492, 8/8/2012, §102)

§27-103. Statement of Community Development Objectives.

This Chapter is adopted to guide future growth and development within the City so as to:

- A. Encourage residential, commercial, institutional and industrial uses in appropriate locations;
- B. Ensure that the scale, layout and design of new development minimize negative impacts on surrounding parcels and infrastructure;
- C. Maintain safe and affordable neighborhoods with a mix of housing types that meet the needs of residents;
- D. Remedy blight and promote rehabilitation of structures that is compatible with the region's historic and cultural heritage;
- E. Promote the establishment of new businesses to create jobs and increase the tax base;
- F. Support the revitalization of the downtown by establishing standards that encourage redevelopment and promote a pedestrian-oriented shopping and entertainment district;
- G. Maintain a safe and well-planned traffic circulation pattern that effectively facilitates the movement of goods and people;
- H. Provide adequate parking in appropriate locations for corresponding uses;
- I. Preserve and enhance recreational amenities including trails, neighborhood parks and riverfront green spaces;
- J. Prevent unsafe construction in floodplain areas;
- K. Minimize pollution or disruption of the environment by objectionable noise, vibrations, smoke, fumes, odors, or light;
- L. Provide for the regulation of nonconforming uses, buildings and structures; and
- M. Ensure general consistency of development with the goals of the City of Connellsville Comprehensive Plan, as amended.

(Ord. 1492, 8/8/2012, §103)

§27-104. Conformance with requirements.

- A. No building, structure or land shall be located, erected, constructed, reconstructed, moved, converted or enlarged nor shall any building, structure or land be altered or used

except in full compliance with all provisions of this Chapter and after the lawful issuance of all permits and certificates required by this Chapter.

- B. All development shall comply with the City's Subdivision and Land Development Ordinance, Storm Water Management Ordinance, Floodplain Ordinance and The Uniform Construction Code.
- C. No building or structure shall be erected or altered to create a non-conformance with the requirements specified for the zoning district in which the building or structure is located.
- D. No yard or lot existing at the time of this Chapter's adoption shall be reduced in dimension or area below the minimum requirements. Yards or lots created after this Chapter's adoption shall meet the minimum requirements established by this Chapter.

(Ord. 1492, 8/8/2012, §104)

§27-105. Conflict.

Whenever the regulations of this Chapter are in conflict with the requirements of any other lawfully adopted rules, regulations, deed restrictions, covenants or ordinances, the most restrictive, or that imposing the higher standards, shall govern and be enforced by the respective agency; provided, however, that where this Chapter is preempted by State laws as provided in section 603(b) of the Pennsylvania Municipalities Planning Code (MPC), the provisions of such State law shall govern.

(Ord. 1492, 8/8/2012, §105)

§27-106. Repealer.

The City of Connellsville Zoning Ordinance of 1954, Ordinance No. 736, as amended, is hereby repealed.

(Ord. 1492, 8/8/2012, §106)

§27-107. Severability.

Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this Chapter as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

(Ord. 1492, 8/8/2012, §107)

ARTICLE II

DISTRICT REGULATIONS

§27-201. Districts.

For the purpose of carrying out the provisions of this Chapter, the City of Connellsville is divided into the following zoning districts, which are shown by the district boundaries on the Official Zoning Map:

R-1 Low-to-Moderate Density Residential District
R-2 High-Density Residential District
C- 1 Downtown Commercial
C-2 Highway Commercial
C-3 Corridor Commercial
M Mixed Use
I Industrial

(Ord. 1492, 8/8/2012, §201)

§27-202. District Purposes.

- A. The Low-to-Moderate Density Residential (R-1) is established to preserve and enhance areas of primarily single-family and two-family housing in the City. These areas are primarily residential in nature and provide community facilities that serve residents such as schools, places of worship, and parks.
- B. The High-Density Residential District (R-2) is established to provide for a variety of housing types at high density. The district is predominantly residential and allows for both single- and multi-family dwellings.
- C. The Downtown Commercial District (C-1) is established to preserve and enhance the central business district along and surrounding Crawford Street. It permits a wide array of residential uses as well as retail, office, entertainment and service oriented businesses and is more pedestrian-oriented than other commercial districts in the City. Multi-story buildings are situated close to sidewalks and parking is primarily on-street or to the rear of buildings.
- D. The Highway Commercial District (C-2) is established to provide for an area of automobile-oriented businesses surrounding portions of Route 119 and West Crawford Avenue. This district is characterized by larger lots containing businesses like gas stations, high-turnover restaurants, automobile repair and service, and shopping centers. Buildings may be set back from the highway and parking is permitted in the front and to the side of buildings.

- E. The Corridor Commercial District (C-3) encompasses transitional areas between the higher intensity commercial areas of C-1 and C-2 and adjoining residential neighborhoods. It is characterized by a mix of homes and small retail, restaurant and service businesses that occupy previously residential buildings.
- F. The Mixed-Use District (M) is established to promote a mix of residential, recreational and trail-serving uses in an area surrounding the Great Allegheny Passage Trail. This area presents opportunities for trailside and riverfront businesses like a boat rentals and docking facilities, bed & breakfasts, and restaurants. Redevelopment of older homes into new single- and multi-family units is also encouraged.
- G. The Industrial District (I) is established to support manufacturing and other high impact businesses that require access to rail and highway transportation corridors. The District is characterized by a rail yard and a mix of businesses on larger lots. Buffers to protect adjacent residential, commercial and riverfront property from new higher intensity uses are required.

(Ord. 1492, 8/8/2012, §202)

§27-203. District boundaries.

District boundaries shown on the lines of roads, streams and transportation right-of-ways shall be deemed to follow their centerlines. The abandonment of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Official Zoning Map or by the fact that it clearly coincides with a property line, the Zoning Officer shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Chapter.

(Ord. 1492, 8/8/2012, §203)

§27-204. Permitted uses and uses by special exception.

- A. No building, structure or land shall be constructed or used for any purpose or in any manner other than for one (1) or more of the permitted uses, granted by right to the zoning district in which such building, structure or land is located, or for a use duly approved as a special exception under this Chapter.
- B. All uses by special exception shall conform to all applicable requirements and provisions defined by Article VI of this Chapter.

(Ord. 1492, 8/8/2012, §204)

§27-205. Permitted uses and uses by special exception by zoning district.

- A. The letter “P” denotes a permitted use by right, subject to the requirements specified by this Chapter and after a zoning permit has been issued in accordance with Article IX of this Chapter.
- B. The letter “S” denotes a use that is a special exception subject to the requirements specified by this Chapter and provided that the Zoning Hearing Board grants the special exception pursuant to Article VI of this Chapter.

Table 1: Permitted uses and uses by special exception.

Residential Uses							
	R-1	R-2	C-1	C-2	C-3	M	I
Dwellings:							
Single-family detached	P	P	P		P	P	
Single-family detached	P	P	P		P	P	
Duplex	P	P	P		P	P	
Quadplex		P				P	
Townhouse		P	S			S	
Apartment Building		S	S				
Manufactured (Mobile) Home				S			
Manufactured (Mobile) Home Park				S			
Module Home (Industrialized Housing)	P	P				S	
Other Residential Uses:							

Group Home	P	P	P		P	P	
Group Residence		S	S	S	S		
Halfway House				S			
Personal Care Home		S	S		S		
Assisted Living Facility		S		S	S		
Nursing/Convalescent Care Facility		S		S			
Non-Residential Uses:							
Adult-Oriented Establishment							S
Automotive Repair and Service Station				S			
Automotive Sales and Rental				P			
Bank			P	P	P		
Bed & Breakfast	P	P	P	P	P	P	
Boarding House		S					
Business Services			P	P	P		
Car Wash				P			
Cemetery	P	P					
Club, Private			P	P	P		
Commercial School			P	P	P		

Tower-Based Wireless Communication Facilities							S
Compressor Station**	S	S	S	S	S	S	P
Contractor's Yard							P
Convenience Store		S	P	P	P	S	
Crematorium							P
Day Care, Adult		P	P	P	P		
Day Care, Family		S			P	P	
Emergency Services Facility			P	P	P		P
Essential Services	P	P	P	P	P	P	P
Forestry	P	P	P	P	P	P	P
Freight Terminal							P
Funeral Home			P	P	P		
Gas Station				S			
Hospital	P		P	P			
Hostel			P	P	P	P	
Hotel or Inn			P	P	P	P	
Impoundments*	P	P	P	P	P	P	P
Junk Storage, Sales and Salvage							S

Kennel				S			
Landscaping Center/Nursery			S	S			S
Library		P	P	P	P		
Manufacturing, Heavy							P
Manufacturing, Light							P
Marina/Docking Facility			S			S	
Mineral Extraction							P
Motel				P			
Museum			P	P	P	P	P
Office, Business, Large			P	P			P
Office Business, Small			P	P			P
Office/Clinic, Medical		P	P	P			
Personal Services		S	P	P	P		
Pipe Line*	P	P	P	P	P	P	P
Place of Worship	P	P	P	P	P	P	
Processing Plant**							P
Public Building			P	P	P	P	P
Public/Private Works Facility	S	S	S	S	S	S	S

Rail Yard							P
Recreation, Indoor, Private			P	P	P	P	
Recreation, Indoor, Public		P	P	P	P	P	
Recreation, Outdoor, Private				P		P	
Recreation, Outdoor, Public	P	P	P	P	P	P	P
Research, Testing and Development							P
Restaurant, High-Turnover w/drive thru				S			
Restaurant, High-Turnover no drive thru			P	P	P	S	
Restaurant, Low-Turnover			P	P	P	P	
Retail, Small			P	P	P	P	
Retail, Medium			S	P			
Retail, Large				S			
School	P	P	P	P		P	
Self-Service/Storage				P			P
Social Service Agency			P	P			
Tavern/Bar			S	S			
Terminal, Bus/Train			P	P			P
Theater			P	P			

Truck Stop				S			
University/College			P	P			
Veterinary Services			P	P	P		
Wellhead*	P	P	P	P	P	P	P
Warehousing/Distribution			S	S			P
Wholesale Business			S	P			P
Other Uses Not Listed				S			S

* The Well Pad must be at least 300 feet AND the Wellhead must be at least 500 Feet form an existing building; and Impoundments outer edge is at least 300 feet from nearest building.

** Must be at least 750 feet from the nearest existing building or 200 feet from the nearest lot line and the noise level at the nearest property line cannot exceed 60dbA.

(Ord. 1492, 8/8/2012 §205; amended by Ord. 1523, 9/20/2016, §1)

§27-206. Dimensional Standards for Conventional Residential Development.

- A. No lot located within a conventional residential development shall be less than the minimum lot area as defined by Table 2: Conventional residential development dimensional requirements. The minimum lot area shall be continuous and shall be exclusive of existing streets and/or right-of-ways.
- B. All conventional residential developments shall comply with the dimensional requirements defined in Table 2, unless other dimensional requirements are established under Article VI, Uses by Special Exception.

Table 2. Conventional residential development dimensional requirements.							
			Minimum Building Setbacks (feet)			Maximum Lot Coverage	Maximum Building Height
	Min	Min	Front	Side	Rear		

	Lot Area (sq. Ft)	Lot Width (feet)				(percent)	(feet)
R-1 District							
Single-family detached or Duplex	4000	40	10*	4	4***	35	35
Single-family attached	4000/du	40	10*	4**	4***	35	35
R-2 District							
Single-family detached or Duplex	3000	30	10*	4	4***	35	35
Single-family attached	3000/du	30	10*	8**	4***	35	35
Quadplex	2400/du	120	10*	15**	15	35	35
Townhouse	2400/du	120	10*	15**	15	35	35
Apartment Building	9000	90	20	15	30	35	40
Assisted Living or Personal Care Home	12000	120	20	30	30	35	40
Nursing/Convalescent Care Facility	12000	120	20	30	30	35	40
C-1 District							
Single-family detached or Duplex	2400	24	5	0	10	90	35
Single-family attached	2400	24	5	0	10	90	35
Townhouse	2400/du	100	5	10	15	90	35
Apartment Building	4000	75	5	10	15	90	60
C-3 District							
Single-family detached or Duplex	3000	30	10*	4	4***	35	35
Single-family attached	3000/du	30	10*	8**	4***	35	35
Assisted Living or Personal Care Home	12000	120	20	30	30	35	40
M District							
Single-family detached or Duplex	4000	40	10*	4	4***	35	35
Single-family attached	4000/du	40	10*	8**	4***	35	35
Quadplex	3600/du	120	10*	15**	15	35	35
Townhouse	3600/du	120	10*	15**	15	35	35

* Or average set back of two neighboring structures, but not exceeding 15 feet.

** Where attached residential units share a party wall, the side building setback shall be 0' at the party wall.

*** Shall be 1 foot if property abuts an alley.

(Ord. 1492, 8/8/2012, §206)

§27-207. Dimensional Standards for Non-Residential Development.

- A. The lot area proposed for a non-residential development shall not be less than the minimum lot area as defined by Table 3, Non-residential development dimensional requirements. The area of a lot shall be measured in square feet.
- B. All non-residential developments shall comply with the dimensional requirements defined in Table 3, unless other dimensional requirements are established under Article VI, Uses by Special Exception.

Table 3. Non-residential development dimensional requirements

District	Min. Lot area (Sq. ft.)	Min. Lot width (feet)	Minimum Building Setbacks (feet)*			Maximum Lot Coverage (percent)	Maximum Building Height (feet)
			Front	Side	Rear		
R-1	12,000	120	10*	30	15	35	35
R-2	12,000	120	10*	30	15	45	35
C-1	2,400	24	0**	0	10	909	60***
C-2	4,800	40	50	30	50	75	35
C-3	3,000	30	10*	4	15	60	35
M	4,000	40	10*	4	15	45	35
I	21,780	100	50	30	50	50	45

* Or average setback of two neighboring structures, but not to exceed 15 feet.

** In the C-1 district, the front setback shall be a maximum of 0 feet, but shall not prevent recessed entryways or architectural features so long as a majority of the front façade of the building meets the setback requirement.

***For buildings fronting Crawford Avenue in the C-1 district, the minimum building height shall be 24 feet (2 stories).

(Ord. 1492, 8/8/2012, §207)

§27-208. Height regulations.

- A. Except as provided in subsections B and C, no buildings or structures shall exceed the maximum building height defined in Tables 2 and 3. The height of all buildings shall be measured from the average elevation of the ground surface along the building or structure's front facade. Building height shall be measured in accordance with Appendix 2.
- B. The maximum height of a building or structure located in the I zoning district may be increased, provided that all front, side and rear yard depths are increased by one (1) foot for each additional foot of height over the maximum building height defined in Tables 2 and 3. Under no circumstances shall the height of a building or structure exceed one hundred twenty-five (125) feet.
- C. Exceptions. The following shall not be considered buildings or structures within the intent of this section and may be erected to any height, provided that they do not constitute a hazard to an airport: church spires, belfries, monuments, water and fire towers, smokestacks, and flagpoles. Tower-based wireless communication facilities shall meet the height requirements established in Article VI.

(Ord. 1492, 8/8/2012, §208; amended by Ord. 1523, 9/20/2016, §1)

§27-209. Minimum residential floor area requirements.

The minimum gross floor area of a residential dwelling unit shall be seven hundred twenty (720) square feet.

(Ord. 1492, 8/8/2012, §209)

§27-210. Lot and yard requirements.

- A. The minimum lot area, lot width and setbacks for lots in each district shall be provided as shown on Tables 2 and 3, unless other dimensional requirements are established under Article VI, Uses by Special Exception.
- B. Lots which abut more than one (1) street shall provide the required front yards along every street. In such instances, the side yard shall be opposite the front yard. The configurations of the City's permitted lots are illustrated in Appendix 1.
- C. All structures, whether or not attached to the principal building or structure and whether open or enclosed, including porches, carports, balconies, and decks, shall not project into any minimum required front, side or rear yard; provided however, that this restriction shall not apply to steps and handicapped-accessible ramps used for entry.
- D. Any legally recorded lot existing at the effective date of this Chapter may be used for the erection of a building or structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Chapter, provided that all other dimensional requirements of the district can be met.
- E. No structure or use of land which has non-conforming yards may be enlarged or expanded in any manner which will further reduce the minimum dimension of such non-conforming yards as outlined in Article V of this Chapter unless approved by the Zoning Hearing Board.
- F. Uses, structures or buildings per lot.
 - 1. Only one (1) single-family detached dwelling unit or one (1) duplex dwelling, together with its permitted accessory structures, shall be located on any single lot.
 - 2. A multi-family development or non-residential development in which two (2) or more buildings or structures are proposed on one (1) lot shall be permitted, provided that:
 - a. The land development does not exceed the maximum lot coverage set forth in Table 2.
 - b. The land development shall conform to the minimum lot area and minimum lot width requirements of Table 2.
 - c. The land development shall conform to all of the yard, buffer yard and landscape requirements around the perimeter of the lot for the zoning district in which it is located.
 - d. A land development plan shall be submitted to the Zoning Officer in accordance with the City's land development application standards.

- e. An adequate, City-approved access shall be provided to a public road for public safety services such as fire, police emergency vehicles and other service vehicles.

(Ord. 1492, 8/8/2012, §210)

ARTICLE III

ADDITIONAL REQUIREMENTS

§27-301. Accessory uses and structures.

- A. General Requirements. All accessory uses and structures shall comply with the requirements of this Chapter.
1. Accessory buildings and structures shall occupy the same lot as the principal use or building.
 2. All accessory buildings and structures may be located in the rear yard or side yard and shall meet building setbacks unless otherwise provided in this section.
 3. No accessory buildings or structures, other than fences, screening walls or retaining walls, shall be located in the front yard.
 4. The footprint of any accessory building or structure shall not exceed the footprint of the principal building or use.
- B. Standards for Specific Accessory Uses and Structures
1. No-Impact Home-Based Business No-impact home based businesses are permitted by right in the R-1, R-2, C-1, C-3 and M districts provided they meet the following requirements:
 - a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - b. The business shall employ no employees other than family members residing in the dwelling.
 - c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - d. There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights, except that the name of the business may be indicated on the residence mailbox, as long as the mailbox sign does not exceed one (1) square foot in area.
 - e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in a neighborhood.

- f. The business activity may not generate any solid wastes or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the gross floor area.
- h. The business may not involve any illegal activity.
- i. No more than two clients or customers shall be present on the premises at any one time. The City Engineer shall determine whether off-street parking spaces shall be provided.

2. Other Home-Based Business

A home-based business that does not meet the definition of a no-impact home-based business shall be permitted in the R-2, C-1, C-3 and M Zoning Districts as long as the business or commercial activity satisfies the following requirements:

- a. The home-based business shall be carried on wholly within the principal or accessory structures.
- b. No more than twenty-five percent (25%) of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home-based business.
- c. Articles not produced on the premises shall not be sold on the premises.
- d. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for delivery off the premises.
- e. Exterior displays or signs other than those permitted in the City of Connellsville Sign Ordinance, exterior storage of material and exterior indication of the home-based business or variation from the residential character of the principal structure shall not be permitted.
- f. The use shall comply with the performance standards of Article IV of this Ordinance.
- g. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood. The City Engineer shall determine the number of off-street parking spaces required, if any, to accommodate clients or customers.

- h. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.
- i. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- j. The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- k. The home-based business shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.
- l. The following uses shall not be considered home-based businesses and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:
 - i. beauty salons or barber shops containing more than two (2) chairs;
 - ii. medical offices/clinics, hospitals or nursing homes;
 - iii. kennels, veterinary offices and clinics;
 - iv. funeral homes;
 - v. private clubs;
 - vi. private instruction to more than three (3) students at a time;
 - vii. family day care, adult day care or day care center;
 - viii. restaurants or tearooms;
 - ix. boarding houses;
 - x. automotive sales or rental; and
 - xi. automotive repair and service.

3. Storage Shed

- a. Storage sheds shall be constructed of wood, masonry or metal and must be fastened or bolted to a concrete floor or fastened or bolted to a treated wood floor or fastened or bolted to piers so as to provide proper anchoring of such sheds.
- b. No more than one (1) storage shed shall be permitted on any lot in any residential or commercial zoning district. A maximum of three (3) storage sheds shall be permitted on a lot in the Industrial zoning district.
- c. Storage Sheds shall meet the setback and height requirements in Tables 2 and 3.
- d. Prior to the construction of a storage shed, a Zoning Permit shall be obtained from the Zoning Officer. The fee shall be set forth in a resolution duly adopted by the City Council.
- e. Shipping containers used for the delivery of goods or raw materials in commercial or industrial districts shall not constitute "storage sheds" provided that they do not remain on the lot for more than ten (10) days. Shipping containers shall be prohibited on residential lots.

4. Accessory Apartment

An accessory apartment shall be permitted as long as it meets the following conditions:

- a. The minimum gross floor area of an accessory apartment shall be seven hundred twenty (720) square feet.
- b. Accessory apartments in a residential dwelling shall only be permitted in single-family detached and single-family attached dwellings. No more than one (1) accessory apartment shall be permitted in a residential dwelling.
- c. Accessory apartments in non-residential buildings shall not be permitted on the building's ground floor. Access to the accessory apartment(s) shall be through an entrance separate from that used by the principal use of the building.
- d. Parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance.
- e. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone paving material to minimize dust.

5. Swimming Pool A swimming pool shall be a permitted accessory use to a residential structure as long as it meets the following conditions:
 - a. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests.
 - b. The pool, including any deck areas or accessory structures, must meet all building setback requirements of Table 2.
 - c. The swimming pool shall be walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall meet the requirements of all applicable laws.

6. Satellite Dish Accessory to a Residential Use or Structure

A satellite dish shall be a permitted accessory use as long as it meets the following conditions:

- a. No more than one (1) satellite dish or antenna shall be located on any one (1) lot.
 - b. The maximum diameter of any satellite dish shall be eight (8) feet.
 - c. No part of any satellite dish shall be located any closer than ten (10) feet to any property line.
 - d. Roof-mounted satellite dishes greater than thirty-six (36") in diameter shall not be permitted unless a variance is granted by the Zoning Hearing Board upon presentation of evidence that a roof mounted antenna is the only feasible method of obtaining reception because of the physical characteristics of the lot and the location of existing structures on the lot. As part of such variance, the size of such antennae shall also be subject to review.
 - e. A ground-mounted satellite dish with a diameter greater than thirty-six (36) inches shall be screened with landscaping or one hundred percent (100%) opaque fencing.
 - f. A zoning permit shall be required for the installation of any satellite dish greater than thirty six (36) inches in diameter. The permit shall be subject to payment of the fee established by the City Council.
7. Non-Tower Based Wireless Communication Facilities.

Non-tower based wireless communication facilities mounted on existing or newly constructed nonresidential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets shall be permitted in all zoning districts subject to the requirements of §308 of this Chapter.

8. Fence or screening wall In lieu of the dimensional requirements established in Tables 2 and 3, all fences and screening walls shall meet the following height and setback requirements:
 - a. Within any required front yard, fences and screening walls must not exceed 48 inches in height as measured from average grade level.
 - b. Within any required rear or side yard, fences and screening walls must not exceed six (6) feet in height as measured from average grade level.
 - c. Fences and screening walls shall be set back a minimum of five (5) feet from the cartway of any public right-of-way.
 - d. Fences and screening walls along side and rear lot lines shall be permitted to have no setback.
 - e. A fence not exceeding eight (8) 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.
 - f. Regardless of the height and setbacks established in this subsection, fences and screening walls must not interfere with the Clear Sight Triangle at any intersection of streets, driveways, access drives or the like.
 - g. Any fence or wall shall be erected so that the finished side faces outward away from the lot or parcel of ground where the same is erected.
 - h. Walls topped with or containing metal spikes, broken glass, or similar material shall be prohibited.
9. Retaining wall Retaining walls and similar structures that are greater than eight (8) feet in length shall be considered accessory structures and shall comply with the following requirements:
 - a. A building permit is required prior to construction.
 - b. The retaining wall shall be designed by an engineer who shall certify that the wall is of sound construction, will not cause a dangerous condition and will not constitute a public or private nuisance.

- c. Retaining walls shall not be required to meet applicable setbacks; provided, however, that they shall not be erected in any right-of-way or within five (5) feet of any lot line unless an engineer certifies the wall is needed to prevent a hazard.
- d. When cribbing is used as a type of construction for a retaining wall, the material used shall have any exposed surface earth covered and seeded to prevent erosion.
- e. Where a retaining wall in excess of thirty (30) inches is located adjacent to a walk, path, parking lot, driveway or any other location that may be hazardous to pedestrians, such retaining wall shall be provided with a guard that is constructed in accordance with the International Building Code or equivalent protective measures.

10. Day Care located in a church or school

A Day Care Center or Adult Day Care is permitted as an accessory use in a church or school in any district provided that:

- a. The facility is licensed by the appropriate State agency.
- b. The applicant can demonstrate to the City Engineer that the Day Care has suitable street access and drop-off and pick-up locations to avoid causing excessive traffic on local streets.
- c. Where a Day Care Center is located adjacent to a residential lot, all outdoor play areas shall:
 - i. Adjoin the building where the Day Care Center is located;
 - ii. Be located no closer than ten (10) feet from the lot line; and
 - iii. Be completely enclosed by a fence or wall a minimum of four (4) feet in height.

(Ord. 1492, 8/8/2012, §301; amended by Ord. 1523, 9/20/2016, §3)

§27-302. Temporary Uses.

A. No person shall operate a Temporary Use unless it meets all of the following conditions:

- 1. A permit is obtained from the Zoning Officer. The application shall contain the name and permanent address or headquarters of the person applying for the permit as well as a description of the use for which the permit is being sought.

2. The applicant can demonstrate to the City's satisfaction that vehicles and pedestrians can safely enter and exit the location where the Temporary Use will be located.
3. Adequate parking shall be provided in accordance with the standards for the most similar use provided for under Section 3-103.

(Ord. 1492, 8/8/2012, §302)

§27-303. Clear sight triangle.

- A. A clear sight triangle shall be maintained at all intersections. Fences and walls or other obstructions, including signs, shall not be located within the right-of-way and no obstruction of view will be permitted at any intersection within the clear sight triangle above the height of two and one half (2.5) feet and below fifteen (15) feet.
- B. For the dimensions of a clear sight triangle, see Appendix 3.

(Ord. 1492, 8/8/2012, §303)

§27-304. Parking and Loading.

- A. General parking requirements.
 1. Off-street parking spaces shall be provided in accordance with the specifications in this section in any zoning district, whenever any new use is established or for the new portion whenever any existing use is enlarged.
 2. Parking areas shall meet the following requirements:
 - a. A standard off-street parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length, exclusive of driveways, aisles and other circulation areas.
 - b. Driveways and traffic aisles between two (2) rows of off-street parking spaces shall be of a width not less than twenty-four (24) feet, except for one-way aisles for angle parking which shall be no less than eighteen (18) feet in width.
 - c. Any lighting devices used to illuminate any off-street parking lot or parking structure shall be so arranged as to reflect the light away from all adjoining properties. Lighting shall be required in parking areas with fifteen (15) or more parking spaces. Lights shall be required at the access

drive or point of entry to a parking area where it intersects with any public or private street if, in the opinion of the City Engineer, there is insufficient light on the aforementioned public or private street.

- d. All off-street parking spaces shall be provided on the lot of the principal structure which they are intended to serve, except as provided in subsection B of this section.
 - e. For uses where truck parking will be required in the normal course of business (such as truck stops or manufacturing businesses), the applicant shall demonstrate to the City Engineer that adequate parking facilities have been provided.
3. When two (2) or more uses are located within the same building or structure or when two (2) or more uses are located in more than one (1) building on one (1) property, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided. The land development plan shall contain a tabular summary of each use and the parking spaces assigned to it.
 4. Off-street parking areas for more than five (5) vehicles and access drives leading to the parking area which are accessible to the general public shall be graded for proper drainage and paved with concrete, bituminous asphalt, bituminous seal coat or a permeable paving material approved by the City Engineer. The landowner and/or developer shall provide assurance that in the event that development occurs at a time of year which makes it impractical to pave, paving will occur as soon as weather permits.
 5. When the determination of parking spaces required for a use results in a fraction of a space, any fraction shall be counted as one (1) space.
 6. The parking for more than forty-eight (48) hours in any week and the seasonal storage of trucks, construction equipment, vacation vehicles, trailers and boats shall not be permitted in any front yard in any Residential District.
 7. Except for those uses specified in subsection B of this section, off-street parking shall be provided in accordance with the ratios specified in Table 4, Off-Street Parking Requirements.

Table 4. Off-Street Parking Requirements

RESIDENTIAL USES	
Use	Minimum Off-Street Parking (# Spaces)
Single-family detached	1 per dwelling unit
Single-family attached	1 per dwelling unit
Duplex	1 per dwelling unit
Quadplex	1 per dwelling unit

Townhouse	1 per dwelling unit
Apartment	1 per first bedroom; .5 per each additional bedroom
Mobile Home	2 per dwelling unit
Mobile Home Park	2 per dwelling unit
Group Home or Residence	1 per 4 residents + 1 per employee at peak shift
Halfway House	1 per 4 residents + 1 per employee at peak shift
Personal Care Home	1 per 2 residents + 1 per employee at peak shift
Assisted Living Facility	1 per 2 residents + 1 per employee at peak shift
Nursing/Convalescent Care Facility	1 per 5 residents + 1 per employee at peak shift
NON-RESIDENTIAL USES	
Use	Minimum Off-Street Parking (# Spaces)
Adult-Oriented Establishment	1 per 125 sf GFA
Automotive Repair and Service Station	1 per 1,00 sf GFA + 1 per employee on peak shift
Automotive Sales or Rental	1 per 400 sf GFA + 1 per 2,500 sf GFA outdoor display
Bank	1 per 300 sf GFA + 1 per employee on peak shift
Bed and Breakfast	1 per guest room
Boarding House	1 per bedroom
Business Services	1 per 300 sf GFA
Car Wash	1 per 500 sf GFA & 5 spaces for stacking
Cemetery	1 per 500 sf GFA of office + 1 per employee on peak shift
Club, Private	1 per 3 members + 1 per employee on peak shift
Commercial School	1 per 2 students + 1 per employee on peak shift
Communications Tower	1 per tower
Contractor's Yard	1 per 500 sf GFA of office + 1 per employee on peak shift
Convenience Store	1 per 250 sf GFA
Crematorium	1 per 500 sf GFA of office + 1 per employee on peak shift
Day Care, Adult & Daycare Center	1 per 6 participants + 1 per employee on peak shift
Day Care, Family	NA
Emergency Services Facility	1 per 250 sf GFA
Essential Services	1 per employee on peak shift
Forestry	NA
Freight Terminal	1 per 500 sf GFA + 1 per employee on peak shift
Funeral Home	1 per 3 seats in viewing rooms
Gas Station	1 per 500 sf GFA office + 1 per employee on peak shift
Hospital	1 per 2 beds + 1 per employee on peak shift
Hostel	1 per 2 beds

Table 4 (continued)

NON-RESIDENTIAL USES (continued)	
Use	Minimum Off-Street Parking (# Spaces)
Hotel or Inn	1 per guest room + required parking for restaurant/bar

Junk Storage, Sales and Salvage	1 per 1,000 sf + 1 per employee on peak shift
Kennel	1 per 500 sf GFA + 1 per employee on peak shift
Landscaping Center/Nursery	1 per 300 sf GFA indoor sales + 1 per 500 sf outdoor sales + 1 per employee on peak shift
Library	1 per 400 sf GFA public space + 1 per employee on peak shift
Manufacturing	1 per 300 sf GFA office + 1 per employee on peak shift
Marina/Docking Facility	1 per 4 slips + 1 per 250 sf GFA office/club
Mineral Extraction	1 per employee on peak shift
Motel	1 per guest room + 1 per employee on peak shift
Museum	1 per 400 sf GFA public space + 1 per employee on peak shift
Office, Business, Large	1 per 400 sf GFA
Office, Business, Small	1 per 200 sf GFA
Office/Clinic, Medical	1 per 200 sf GFA
Personal Services	1 per 400 sf GFA + 1 per 2 employees on peak shift
Place of Worship	1 per 4 seats
Public Building	1 per 300 sf GFA
Public/Private Works Facility	1 per 500 sf GFA + 1 per employee on peak shift
Rail Yard	1 per 1,000 sf GFA office + 1 per employee on peak shift
Recreation, Indoor, Private or Public	1 per 250 sf GFA + 1 per employee on peak shift
Recreation, Outdoor, Private or Public	1 per 500 sf publicly accessible space
Research, Testing and Development	1 per 400 sf GFA
Restaurant, High-Turnover w/ Drive Thru	1 per 125 sf GFA + 7 stacking spaces
Restaurant, High-Turnover no Drive Thru	1 per 125 sf GFA
Restaurant, Low-Turnover	1 per 200 sf GFA
Retail, Small	1 per 300 sf GFA
Retail, Medium	1 per 250 sf GFA
Retail, Large	1 per 200 sf GFA
School	1 per K-8 classroom + 1 per employee on peak shift OR 10 per 9 – 12 classroom + 1 per employee on peak shift
Self-Service Storage	1 per 10 storage spaces + 1 per employee on peak shift
Social-Service Agency	1 per 300 sf GFA
Tavern/Bar	1 per 200 sf GFA
Terminal, Bus/Train	1 per 1,000 sf GFA public space
Theater	1 per 4 seats
Truck Stop	4 per gas pump
University/College	1 per 200 sf GFA classroom or other assembly space
Veterinary Services	1 per 200 sf GFA

Warehousing/Distribution	1 per employee on peak shift + 1 per company vehicle parked on site
Wholesale Business	1 per 500 sf GFA
Other Uses Not Listed	As determined by the City Engineer based on a parking demand study prepared by the applicant

B. Special Parking Requirements for the Downtown and Corridor Commercial Districts.

1. Any non-residential use in the C-1 or C-3 districts occupying 3,000 square feet of gross floor area (GFA) or less shall be exempt from off-street parking and loading requirements.
2. All residential uses and non-residential uses of more than 3,000 square feet of GFA in the C-1 and C-3 districts shall comply with the off-street parking requirements in Table 5:

Table 5. Parking Requirements in the C-1 and C-3 Districts

Type of Use*	Minimum Off Street Parking (#Space)	Maximum Allowed for Surface Parking Lots
Residential	1 per dwelling unit	2 per dwelling unit
Office**	2 per 1,000 sf GFA**	4 per 1,000 sf GFA**
Retail**	2 per 1,000 sf GFA**	4 per 1,000 sf GFA**
Restaurant**	5 per 4 seats	1 per 4 seats

* Parking requirements for any use not listed shall be established by the City Engineer based on a parking demand study prepared by a qualified professional engaged by the applicant.

** Exceeding 3,000 sf GFA.

3. Required off-street parking may be located off-site provided that all of the following conditions are met:
 - a. the parking space(s) are located in the same zoning district as the use;
 - b. the spaces are within 1,000 feet of the use;

- c. the spaces can be accessed from the use by public streets and or sidewalks; and
- d. the applicant has entered into a contractual agreement with the owner of such spaces in a form that is acceptable to and approved by the City solicitor. Such agreement shall be filed with the City and the deed of record at the County.

C. Handicapped-accessible parking space requirements.

- 1. Handicapped-accessible parking spaces shall be provided as provided in Table 6:

Total Number of Spaces in Parking Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 + 1 for each 100 over 1,000

2. Accessible spaces shall be twelve (12) feet in width and nineteen (19) feet in length and shall be located the shortest practical distance to an accessible entrance to the building.
3. Except as provided in Subsection C(3), access aisles adjacent to accessible spaces shall be sixty (60) inches minimum.
4. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designated as “van accessible.”
5. All signage designating accessible spaces shall meet the Americans with Disabilities Act (ADA) requirements and the Pennsylvania Vehicle Code.

D. Loading requirements.

1. Except for nonresidential uses of 3,000 square feet or less in the C-1 and C-3 districts, off-street loading shall be provided in accordance with this Section and Table 7, Loading Requirements. Off-street loading requirements shall apply to any zoning district wherever any new use is established or, as to the new portion, wherever any existing use is enlarged. “Off-street loading” shall include both loading and unloading.

Table 7. Loading Requirements.

Gross Floor Area (GFA) of Building (square feet)	Number of Spaces
1,000 to 19,999	1
20,000 to 79,999	2
80,000 to 127,999	3
128,000 to 191,000	4
192,000 to 255,999	5
256,000 to 319,999	6
320,000 to 391,999	7

For each additional 72,000 square feet or fraction thereof	10 Add 1 space
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2. Off-street loading spaces in conjunction with warehousing or other industrial uses shall have minimum rectangular dimensions of twelve (12) feet in width and fifty-five (55) feet in length.
3. Off-street loading spaces in conjunction with offices, retail or service uses shall have minimum rectangular dimensions of twelve (12) feet in width and thirty (30) feet in length.
4. A land development plan which proposes off-street loading facilities shall provide verification that adequate turning radii are provided within the parking/driveway areas where trucks and/or delivery vehicles will be traversing.
5. Off-street loading spaces shall be located in areas that will not impede traffic on public streets.

(Ord. 1492, 8/8/2012, §304; amended by Ord. 1523, 9/20/2016, §1)

§27-305. Buffer Yards

- A. Buffer yards shall be provided between specific uses of differing intensities and shall be installed by the property owner developing the use of greater intensity. Buffer yards shall be included as part of a land development and shall be governed by the specifications in this section and the provisions of the Pennsylvania Municipalities Planning Code.
- B. The specific requirements for buffer yards 1, 2 and 3 are defined in Table 8: Required Buffer Yards, and Subsection C.

Table 8. Required Buffer Yards

Proposed Development	Abutting Land Use	Required Buffer Yard		
Townhouse or Apartment Building	Single family detached Single family attached Duplex	X		

Townhouse or Apartment Building	Quadplex Other residential use Recreation or public use		X	
Commercial Use in the C-2 District	Single family detached Single family attached Duplex	X		
Commercial Use in the C-2 District	Quadplex Other residential use Recreation or public use		X	
Commercial Use in the C-2 District	Other commercial use			X
Industrial use in the I District	Any residential use Recreation or public use	X		
Industrial use in the I District	Any commercial use		X	
Industrial use in the I District	Other industrial use			X

C. Buffer yard requirements.

1. No structures or uses, including but not limited to buildings, accessory structures, parking spaces, access drives and lighting devices, may be located within a buffer yard. Access drives may be located in the front buffer yard or other buffer yard if approved by the City.
2. Trees planted within a buffer yard shall be a minimum of two (2) inches diameter at breast height (d.b.h.).

3. Buffer yards shall meet the following width and minimum planting requirements:

Table 9. Buffer Yard Requirements.

Buffer Yard	Minimum Width	Minimum planting required per 40 linear feet of property line or right-of-way
1	15	1 shade tree, 1 evergreen tree and 12 evergreen shrubs
2	10	1 shade tree and 8 evergreen shrubs
3	5	1 ornamental shade tree and 6 evergreen shrubs

4. If a fence, with an opacity of 80% or greater, is constructed within the buffer yard, the minimum plantings required within the buffer yard may be reduced with approval by the City Engineer.
5. When the buffer yard width specified in Table 9 is in conflict with any setbacks required by sections 2-105 or 2-106 of this ordinance, the greater distance shall apply.
6. When a wider buffer yard is established by a special exception standard is this ordinance, it shall supersede the buffer yard width established in this section.
- D. All trees and shrubs required to be planted within the buffer yard shall be planted in accordance with accepted conservation practices. All plantings shall be maintained in good condition and any that die shall be replaced within 6 months.
- E. Storm water management facilities and structures may be maintained within a buffer yard, but the existence of such facilities or structures shall not be a basis for a failure to meet the landscaping requirements.

(Ord. 1492, 8/8/2012, §305)

§27-306. Landscaping.

Landscaping shall be provided in accordance with the following specifications:

- A. Landscaping required in buffer yards as outlined in §27-304 cannot be substituted for any required landscaping mandated in this section.
- B. A conceptual landscape plan, with appropriate details, shall be submitted at the time of site plan or subdivision and land development application. Said plan shall depict:
 - 1. All required buffer yards with proposed plantings (identifying each proposed tree or shrub) drawn to scale and identifying the height and width of any proposed mounds.
 - 2. All required plantings independent of any buffer yard requirements (identifying each tree, shrub, the use of sod or seeding, etc.) drawn to scale.
 - 3. Any existing trees or vegetation which are to be preserved, accurately identifying their relative size and location.
 - 4. Any existing trees or vegetation which will be removed, accurately identifying their relative size and location.
- C. Except for developments in the C-1 and C-3 districts, lots shall be landscaped in accordance with the following minimum planting requirements:
 - 1. At least one (1) deciduous tree must be planted for each seven hundred (700) square feet of net floor area in conjunction with any non-residential development.
 - 2. At least one (1) deciduous tree must be planted for each dwelling unit in conjunction with any multi-family development.
- D. In every district, all areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within four (4) weeks of when construction is completed on the lot. If the development is completed between November 1 and April 1, the required sodding or seeding must occur within four (4) weeks of April 1.
- E. Landscaping of parking areas.
 - 1. Any parking area exceeding ten (10) spaces that abuts a public street or a residential property shall install a landscaped screen along such abutting side that meets the requirements of buffer yard 3, unless a more protective buffer yard is required under §27-304.
 - 2. One (1) internal landscape island shall be provided for parking areas of twelve (12) parking spaces or more. No more than twelve (12) parking spaces shall be provided in an unbroken row without the provision of an island.

3. At least one (1) shade tree shall be provided in each interior landscape island. The remaining area of the island shall be landscaped with shrubs, perennials, or turf grass.

(Ord. 1492, 8/8/2012, §306)

§27-307. Signs

The placement of any sign in the City shall comply with the requirement of Sign Ordinance of the City of Connellsville (May 2006), and all subsequent amendments thereto.

(Ord. 1492, 8/8/2012, §307)

§27-308. Wireless Communications Facilities.

The placement, installation, use, or operation of any tower-based wireless communications facility or non-tower based wireless communications facility shall comply with the requirements and standards of this section, and all subsequent amendments hereto.

(Ord. 1492, 8/8/2012, §308)

A. Intent. The Wireless Communications Facilities (WCF) regulations are intended to achieve the following:

- A. To provide a competitive and wide range of communications services;
- B. To encourage the shared use of existing communication towers, buildings and structures;
- C. To ensure compliance with federal and state regulations;
- D. To promote the health, safety and welfare of the City residents and businesses with respect to wireless communications facilities;
- E. To address modern and developing technologies including, but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other communications facilities;
- F. To establish procedures for design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the City, including facilities both inside and outside of the public rights-of-way; and
- G. To protect City residents and businesses from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

B. Definitions.

For the purposes of this §308, the following words or terms shall have the specific meanings indicated:

CO-LOCATION - The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers, or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the City. The term includes the placement, replacement, or modification of accessory equipment within a previously approved Communications Facility Building.

COMMUNICATIONS ANTENNA - Any structure or device used for the purpose of collecting or transmitting electromagnetic waves including, but not limited to, directional antennas, such as panels, microwave dishes, satellite dishes and omni-directional antennas such as whip antennas. Communications Antenna shall not include Tower-Based WCF defined below. Not included are antennas and supportive structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this Chapter.

COMMUNICATIONS FACILITY BUILDING - The building in which electronic receiving and relay equipment for a tower is housed. Receiving and relay equipment can include, but are not limited to, in-ground and above-ground cabling and any equipment associated with the provision of wireless services.

DATA COLLECTION UNIT - Any ground-mounted structure that is designed and constructed primarily for the purpose of data collection including self-supporting lattice towers, guyed towers or monopole towers. The term includes structures used to wirelessly read utility meters and for other remote monitoring purposes. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto.

MONOPOLE - A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support Communications Antennas and connective appurtenances. Connective appurtenances can include, but are not limited to, feeder cables, climb ladders, platforms, ice shields, and other accessory infrastructure associated with a WCF.

NON-TOWER BASED WIRELESS COMMUNICATIONS FACILITIES - All non-tower based wireless communications facilities including, but not limited to, Data Collection Units, Communications Antenna and related equipment. Non-tower based wireless communications facilities (WCF) shall not include support structures for Communications Antenna and related equipment. Not included are towers and supporting structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this Chapter.

STEALTH TECHNOLOGY - Camouflaging methods applied to WCF, Communications Antenna and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Communications Antenna, building-mounted Communications Antenna painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles, and light poles.

SUBSTANTIALLY CHANGE - (1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet for structures located outside of the rights-of-way, or ten (10) feet for structures located within the rights-of-way, whichever is greater, except that the mounting of the proposed WCF may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES - Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless communication purposes including self-supporting lattice towers, guyed towers or monopole towers. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto. Tower-based wireless communications facilities (WCF) shall be considered to be a different and distinct use than non-tower based wireless communications facilities and not permitted as an accessory use but considered to be a principal use of a lot.

WIRELESS SUPPORT STRUCTURE - A freestanding structure, such as a Tower-Based WCF or any other support structure that could support the placement or installation of a Non-Tower Based WCF if approved by the City.

C. General Requirements for All Tower-Based Wireless Communications Facilities

A tower-based wireless communications facility shall be a permitted special exception subject to the following conditions and/or standards:

- A. Standard of Care - Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety, and safety-related codes including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Uniform Construction Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
- B. Wind - Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry (ANSFEINTIA-222-E Code, as amended).
- C. Height - Any Tower-Based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of two hundred (200) feet, or forty (40) feet when located within the right of way, which height shall include all subsequent additions or alterations. Height shall be measured from the average natural grade to the top point of the communications tower or antenna, whichever is greater. All Tower-Based WCF Applicants must submit documentation to the Township justifying the total height of the structure. Tower-Based WCF constructed outside the right of way at a height greater than 200 feet but not to exceed 300 feet shall be permitted as a Use by Special Exemption in the Industrial district by the Connellsville Zoning Hearing Board if the following criteria are met:
 1. The Applicant shall provide documentation to the City which details the commitment to provide capacity on the proposed Tower-Based WCF to more than one provider. The document must describe the additional tower height that is required to provide the capacity to the additional provider(s). The document shall also show that by providing the additional height and capacity, there will not be a need from the involved companies for an additional tower outside the right of way within a radius of one mile of the site. The burden of proof shall be on the Applicant to show that the proposed tower is the minimum height needed to provide the required service.
 2. The Applicant shall provide documentation to the City that the height limitation of 200 feet will require the construction of two or more towers and that by permitting an increase in the height of the tower, only one tower will be required. The burden of proof shall be on the Applicant to show that the proposed tower is

the minimum height needed to provide the required services. The purpose of this use by special exemption is to permit an increase in the height of one tower to reduce the need for additional towers.

- D. Public Safety Communications - No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- E. Maintenance - The following maintenance requirements shall apply:
 - 1. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair, except as permitted and in accordance with this Chapter.
 - 2. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
 - 3. All maintenance and activities shall utilize the best available technology for preventing failures and accidents.
- F. Radio Frequency Emissions - No Tower-Based WCF may, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the Federal Communications Commission (FCC) including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The Applicant shall provide, upon request, a statement from a qualified licensed and professional registered engineer that the Non-Ionizing Electromagnetic Radiation (NIER) emitted from the Tower-Based WCF, when measured in conjunction with the emissions from all communications antenna on the tower, does not result in an exposure at any point on or outside such facility which exceeds the lowest applicable exposure standards established by the FCC or the ANSI.
- H. Historic Buildings or Districts - No Tower-Based WCF may be located on or within two hundred (200) feet of a site that is listed on a historic register, a site listed for inclusion on the historic register, or in an officially designated State or Federal Historic District.
- I. Identification - All Tower-Based WCF shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the City. The notice shall not exceed two (2) square feet in gross surface area and shall maintain the contact party.
- J. Lighting - Tower-Based WCF shall not be artificially lighted, except as required by the Federal Aviation Administration and as may be approved by the Township. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. No flag shall be located on the structure that requires lighting.

- K. Appearance - Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as determined by the Connellsville Planning and Zoning Director to harmonize with the surroundings.
- L. Noise - Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and Article IV Performance Standards, §403, of this Chapter, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- M. Aviation Safety - Tower-Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- N. Retention of Experts - The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The Applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- O. Timing of Approval - Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the City, the City shall notify the Applicant in writing of any information that may be required to complete such application. All complete applications for Tower-Based WCF shall be acted upon within one hundred-fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the City shall advise the Applicant in writing of its decision. If additional information is requested by the City to complete an application, the time required by the Applicant to provide the information shall not be counted toward the one hundred-fifty (150) day review period.
- P. Non-Conforming Uses - Non-conforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Chapter. Co-location of facilities may be permitted on non-conforming structures in accordance with standards established in the Pennsylvania Wireless Broadband Collocation Act.
- Q. Removal - In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - 1. All unused or abandoned Tower-Based WCF and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City.

2. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and accessory facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
 3. Any unused portions of Tower-Based WCF, including antennas, shall be removed within six (6) months of the time of cessation of operations. The City must approve all replacements of portions of a Tower-Based WCF previously removed.
- R. Application/Permit Fees - The City may assess appropriate and reasonable application fees directly related to the City's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs.

D. Tower-Based Wireless Communications Facilities Outside the Rights-of-Way

The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside of the Right-of-Way (right of way):

- A. Permitted Only in Certain Zones - No Tower-Based WCF shall be permitted within five hundred (500) feet of the nearest adjoining property line. Tower-Based WCF shall only be a Use by Special Exemption in the Industrial Zoning District.

- B. Evidence of Need - It is required that the Applicant for the placement of a Tower-Based WCF that will exceed forty (40) feet in height shall submit to the City evidence of the need for the Tower-Based WCF in the proposed location and that the Applicant has exhausted all alternatives to locate on an existing tower or structure (co-location). In addition, the Applicant must demonstrate via written evidence from a qualified, licensed, and professional engineer that, in terms of location and construction, there are no existing towers, Tower-Based WCF, buildings, structures, elevated tanks or similar uses able to provide the platform for the antenna within a one (1) mile radius of the chosen location, unless the Applicant can demonstrate to the satisfaction of the City that a different distance is more reasonable. Co-location is not possible if:
 - 1. Coverage diagrams and technical reports demonstrate that co-location on an existing Tower-Based WCF is not technically possible in order to serve the desired need;
 - 2. Planned equipment would exceed the structural capacity of existing towers within the City, considering existing and planned use of those towers and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - 3. Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower and the interference cannot be prevented at a reasonable cost;
 - 4. Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; and/or
 - 5. Other reasons can be demonstrated to the satisfaction of the City that makes it impractical to place the equipment planned by the Applicant on existing and approved towers.

- C. Sole Use on a Lot - A Tower-Based WCF is permitted as the sole use on a lot subject to the minimum lot size and setbacks complying with the requirements of the applicable zoning district.

- D. Combined with Another Use - A Tower-Based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another agricultural, industrial, commercial, or municipal use, subject to the following conditions:
1. The existing use on the property may be any permitted use in the applicable zoning district and need not be affiliated with the communications facility.
 2. Minimum Lot Area - The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF, the Communications Facility Building, security fence, and buffer planting.
 3. Minimum Setbacks - the Tower-Based WCF and accompanying Communications Facility Building shall comply with the requirements for the applicable zoning district, provided that no Tower-Based WCF shall be located within five hundred (500) feet of the nearest adjoining property line.
- E. Notice - Upon receipt of a complete application for a Tower-Based WCF, the Applicant shall mail notice thereof to the owner or owners of every property within five hundred (500) radial feet of the parcel or property of the proposed facility. The Applicant shall provide the City with evidence that the notice was mailed out to applicable property owners.
- F. Design and Construction
1. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the City.
 2. To the extent permissible under applicable law, any height extensions to an existing Tower-Based WCF shall require prior approval of the City. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
 3. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is over sixty (60) feet in height. Tower-Based WCF must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.
 4. Guide wires are not permitted. The monopole must be self-supporting.

- G. Surrounding Environs - A soil report complying with the standards of Geotechnical Investigations, ANSI/EIA/TIA-222-G manual, as amended, shall be submitted to the City to document and verify design specifications of the foundation for the Tower-Based WCF.
- H. Fence/Screen
1. A security fence of approved design, of not less than eight (8) feet in height and no greater than ten (10) feet in height, shall completely enclose the Tower-Based WCF. The fencing required in this subsection must also have a one (1) foot barbed arm slanted at a forty-five (45) degree angle which runs along the entire top of the fence.
 2. The Applicant shall submit a landscaping plan. Sites in which communications towers are located shall be required to comply with the landscape requirements of a Buffer Yard 1, as defined in this Chapter, §305 Buffer Yards. When the WCF is located in a developed industrial area, the Zoning Hearing Board may waive the buffer yard regulations in exchange for another type of screening which is compatible with the surrounding land use.
 3. Where feasible/appropriate, the tower or antenna shall be constructed to blend in with the surrounding area.
 4. No signs or any form of advertising of any kind shall be permitted on the WCF or antennas. However, one sign not to exceed two (2) square feet in gross surface area, which identifies the phone number and contact in the event of an emergency is permitted. In addition, "No Trespassing" signs may be placed on the security fencing.
- I. Accessory Equipment
1. Ground-mounted equipment associated with, or connected to, a Tower-Based WCF shall be underground, if possible. In the event that an Applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using Stealth Technologies, as described above.
 2. All buildings and structures associated with a Tower-Based WCF shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
- J. Access Road - An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation.

Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The vehicular access to the Tower-Based WCF and Communications Facility Building shall meet the applicable municipal street standards for private streets and/or driveway standards. Where applicable, the WCF owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.

- K. Inspection - The City reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the City Code of Ordinances or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

E. Tower-Based Wireless Communications Facilities Inside the Rights-of-Way

The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way (right of way):

- A. Permitted where above ground utility infrastructure exists. No Tower-Based Wireless Communications Facilities shall be located in areas where utility infrastructure is installed underground.
- B. In areas not served by above ground utility infrastructure, Tower-Based WCF may be constructed at intersections of Arterial and Arterial Street Classifications and Arterial and Collector Street Classifications to provide coverage and capacity.
- C. Evidence of Need - It is required that the Applicant for the placement of a Tower-Based WCF shall submit to the City of Connellsville evidence of the need for the Tower-Based WCF in the proposed location and that the Applicant has exhausted all alternatives to locate on an existing tower or structure (co-location). In addition, the Applicant must demonstrate via written evidence from a qualified, licensed, professional engineer that, in terms of location and construction, there are no existing towers, Tower-Based WCF, buildings, structures, elevated tanks or similar uses able to provide the platform for the antenna within a one-half (1/2) mile radius of the chosen location, unless the Applicant can demonstrate to the satisfaction of the City that a different distance is more reasonable. Co-location is not possible if:
 - 1. Capacity diagrams and technical reports demonstrate that co-location on an existing Tower-Based WCF is not technically possible in order to serve the desired need;
 - 2. Planned equipment would exceed the structural capacity of existing towers within the Township, considering existing and planned use of those towers and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - 3. Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower and the interference cannot be prevented at a reasonable cost;
 - 4. Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; and/or
 - 5. Other reasons can be demonstrated to the satisfaction of the City that makes it impractical to place the equipment planned by the Applicant on existing and approved towers.

- D. Notice - Upon receipt of an application for a Tower-Based WCF, the Applicant shall mail notice thereof to the owner or owners of every property within five hundred (500) feet of the parcel or property of the proposed facility. The Applicant shall provide the City with evidence that the notice was mailed out to applicable property owners.
- E. Co-location - An application for a new Tower-Based WCF in the right of way shall not be approved unless the City finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-half (1/2) mile radius from the point of the proposed tower, unless the Applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized. Co-location shall not be permitted on ornamental street light fixtures.
- F. Time, Place, and Manner - The City shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Tower-Based WCF in the right of way based on public safety, traffic management, physical burden on the right of way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.
- G. Equipment Location - Tower-Based WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right of way as determined by the City. In addition:
1. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb. In the absence of a curb, facility must be located outside the safe clear zone of the roadway as determined by Public Works Director.
 2. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.
 3. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
 4. Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 5. Any underground vaults related to Tower-Based WCF shall be reviewed and approved by the City.

H. Design Regulations

1. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize the aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the City.
2. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City, and shall not increase the overall height of the Tower-Based WCF to more than fifty (50) feet. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
3. Guy wires are not permitted. The monopole must be self-supporting.

I. Additional Antennas - As a condition of approval for all Tower-Based WCF in the right of way, the WCF Applicant shall provide the City with a written commitment that it will allow other service providers to co-locate antennas on Tower-Based WCF where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennas without obtaining the prior written approval of the City.

J. Relocation or Removal of Facilities - Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Tower-Based WCF in the right of way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the City, consistent with its police powers and the applicable Public Utility Commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:

1. The construction, repair, maintenance, or installation of any City or other public improvement in the Right-of-Way;
2. The operations of the City or other governmental entity in the Right-of-Way;
3. Vacation of a street or road or the release of a utility easement; or
4. An emergency as determined by the City.

K. Compensation for Right of Way Use - In addition to the application/permit fees as described in this Chapter, every Tower-Based WCF in the right of way is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right of way. Such compensation for right of way use shall directly related to the City's actual right of way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right of way management activities by the City. The owner of each

Tower-Based WCF shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above. The Annual right of way management fee for Tower-Based WCF shall be determined by the City and authorized by resolution of the Council of the City of Connellsville and shall be based on the City's actual right of way management costs as applied to such Tower-Based WCF.

- L. Restoration Deposit - Prior to the issuance of a permit, the owner of each individual Tower-Based WCF shall, at its own cost and expense, deliver a restoration deposit in an amount determined by the Director of Public Works, or his designee. The return of the deposit shall be contingent upon the proper restoration of the right of way and compliance with the terms and conditions of this Chapter. Upon installation of the Tower-Based WCF, the Applicant shall notify the City that the site is ready for inspection. The Public Works Director or his designee shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the Applicant within thirty (30) days. The restoration deposit may be forfeited in whole or in part to the City if any work is found to be incomplete or not in compliance with all applicable standards.

F. General Requirements for All Non-Tower Based Wireless Communications Facilities

A. The following regulations shall apply to all Non-Tower Based Wireless Communications Facilities that do not Substantially Change the physical dimensions of the Wireless Support Structure to which they are attached, as defined above:

1. Permitted in All Zones Subject to Regulations - Non-Tower Based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
2. Standard of Care - Any Non-Tower Based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code and the Uniform Construction Code. Any Non-Tower Based WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
3. Wind - Any Non-Tower Based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).
4. Public Safety Communications - No Non-Tower Based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
5. Aviation Safety - Non-Tower Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
6. Radio Frequency Emissions - No Non-Tower Based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
7. Removal - In the event that the use of a Non-Tower Based WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

- a. All abandoned or unused WCF and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF and/or accessory facilities are not removed within three (3) months of the cessation of operations, or within any longer period of time approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
 8. Timing of Approval - Within thirty (30) calendar days of the date that an application for a Non-Tower Based WCF is filed with the City, the City shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the Applicant to provide the information shall not be counted toward the City's sixty (60) day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
 9. Application Fees - The City may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower Based WCF, as well as related inspection, monitoring and related costs. Such fees may be assessed by applicable federal or state statute for relevant co-located facilities and other Non-Tower Based WCF.
- B. The following regulations shall apply to all Non-Tower Based Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:
1. Permitted in All Zones Subject to Regulations - Non-Tower Based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
 2. Standard of Care - Any Non-Tower Based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code and the Uniform Construction Code. Any Non-Tower Based WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

3. Wind - Any Non-Tower Based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).
4. Public Safety Communications - No Non-Tower Based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
5. Historic Buildings - Non-Tower WCF may not be located on a building or structure that is on a historic register or a building or structure listed for inclusion on a historic register.
6. Aviation Safety - Non-Tower Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
7. Maintenance - The following maintenance requirements shall apply:
 - a. The Non-Tower Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technologies for preventing failures and accidents.
8. Radio Frequency Emissions - No Non-Tower Based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
9. Removal - In the event that the use of a Non-Tower Based WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - a. All abandoned or unused WCF and necessary facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.

- b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations, or within any longer period of time approved by the City, the WCF and/or associated facilities and equipment may be removed by the city and the cost of removal assessed against the owner of the WCF.
10. **Timing of Approval** - Within thirty (30) calendar days of the date that an application for a Non-Tower Based WCF is filed with the City, the City shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City's sixty (60) day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
11. **Retention of Experts** - The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Non-Tower Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The Applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
12. **Restoration Deposit** - Prior to the issuance of a permit, the owner of each individual Tower-Based WCF shall, at its own cost and expense, deliver a restoration deposit in an amount determined by the Director of Public Works, or his designee. The return of the deposit shall be contingent upon, where applicable, the proper restoration of the right of way and compliance with the terms and conditions of this Chapter. Upon installation of the Tower-Based WCF, the Applicant shall notify the City that the site is ready for inspection. The Public Works Director or his designee shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the Applicant within thirty (30) days. The restoration deposit may be forfeited in whole or in part to the City if any work is found to be incomplete or not in compliance with all applicable standards.
13. **Application/Permit Fees** - The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Non-Tower Based WCF, as well as related inspection, monitoring and related costs.

G. Non-Tower Based Wireless Communications Facilities Outside the Rights-of-Way

The following additional regulations shall apply to Non-Tower Based Wireless Communications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. Development Regulations - Non-Tower Based WCF shall be co-located on existing structures such as existing building or Tower-Based WCF subject to the following conditions:
 - a. Such WCF does not exceed a maximum height of ten (10) feet above the permitted height of any structure in the applicable zoning district.
 - b. If the WCF Applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - c. A six (6) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. Design Regulations
 - a. Non-Tower Based WCF shall employ Stealth Technology and be treated to match the supporting structure in order to minimize the aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
 - b. Non-Tower Based WCF, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher.
 - c. All Non-Tower Based WCF Applicants must submit documentation to the City justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in context of such justification on an individual basis.
 - d. Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
 - e. Non-Commercial Usage Exemption - The design regulations enumerated in this §308(G)(2) Shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

3. Removal, Replacement, and Modification
 - a. The removal and replacement of Non-Tower Based WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennas.
 - b. Any material modification to a WCF shall require prior amendment to the original permit or authorization.
4. Inspection - The City reserves the right to inspect any WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the City Code of Ordinance or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

H. Non-Tower Based Wireless Communications Facilities in the Rights-of-Way

The following additional regulations shall apply to all Non-Tower Based Wireless Communications Facilities located in the Rights-of-Way:

1. Location - Non-Tower Based WCF in the right of way shall be co-located on existing poles, such as utility poles. Co-location shall not be permitted on ornamental street light fixtures.
2. Design Requirements
 - a. WCF installations located above the surface grade in the public right of way including, but not limited to, those on street lights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antennas and all support equipment shall be treated to match the supporting structure. WCF and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. Compensation for Right of Way Use - In addition to the permit fees as described in this Chapter, every Non-Tower Based WCF in the right of way is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right of way. Such compensation for right of way use shall directly related to the City's actual right of way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right of way management activities by the City. The owner of each Non-Tower Based WCF shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above. The annual right of way management fee for Non-Tower Based WCF shall be determined by the City and authorized by resolution of the Council of the City of Connellsville and shall be based on the city's actual right of way management costs as applied to such Non-Tower Based WCF.
4. Time, Place, and Manner - The City shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Non-Tower Based WCF in the right of way based on public safety, traffic management, physical burden on the right of way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.
5. Equipment Location - Non-Tower Based WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or

vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right of way as determined by the City. In addition:

- a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb. In the absence of a curb, facility must be located outside the safe clear zone of the roadway as determined by Public Works Director.
 - b. Ground-mounted equipment shall be located underground. In the event an Applicant can demonstrate, to the satisfaction of the City Engineer, that ground-mounted equipment cannot be undergrounded, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
 - d. Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to Tower-Based WCF shall be reviewed and approved by the City.
6. Relocation or Removal of Facilities - Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary, or such other period in the case of an emergency, an owner of a WCF in the right of way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance, or installation of any City or other public improvement in the Right-of-Way;
 - b. The operations of the City or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the City.

7. Visual and/or Land Use Impact - The City retains the right to deny an application for the construction or placement of a Non-Tower Based WCF based upon visual and/or land use impact.

(Ord. 1523, 9/20/2016, §2)

ARTICLE IV

PERFORMANCE STANDARDS

§27-401. Compliance required.

- A. All uses must comply with the requirements of this Section. Compliance shall be determined by the Zoning Officer with respect to permitted uses and by the Zoning Hearing Board with respect to special exceptions. In order to determine whether a proposed use will conform to the requirements of this Article, the City may obtain a qualified consultant's report whose credentials are acceptable to the City Council to testify and whose cost for services shall be borne by the applicant.
- B. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non-availability of essential services shall be considered grounds for denying permits for additional development until such services are available. The City is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be constructed at the cost of the developer, unless the City agrees otherwise. All service extensions shall be designed and installed in full conformance with the City's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the City.
- C. The City may assign a private third party agency to provide measurements for the respective performance standards from §27-402 through §27-408. Any associated testing fees must be paid by the applicant to the City (or its designee).

(Ord. 1492, 8/8/2012, §401)

§27-402. Fire protection.

- A. Fire protection and fire-fighting equipment acceptable to the National Fire Protection Association shall be readily available where there is any activity involving the handling or storage of flammable or explosive material.
- B. Fire and explosive hazards. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate UL-approved safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the Pennsylvania Department of Labor and Industry and other regulators under the Laws of the Commonwealth. All buildings, structures and activities within such buildings and structures shall conform to

the General Fire Regulations of Pennsylvania and the International Building Code's Fire Prevention Code.

(Ord. 1492, 8/8/2012, §402)

§27-403. Radioactivity; electrical disturbances.

- A. No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of television and radio broadcasting transmissions or other equipment in the vicinity or to the extent that the operator of any equipment not owned and/or operated by the creator of such disturbance is adversely affected.
- B. There shall be no activities that emit radioactivity at any point, excepting where strict compliance with the Rules and Regulations of the National Bureau of Standards of the United States Department of Commerce and similar regulations of the Commonwealth of Pennsylvania are adhered to.

(Ord. 1492, 8/8/2012, §403)

§27-404. Noise.

- A. Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled.
- B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this Ordinance shall be regulated by standards in Table 10.

Table 10. Sound Pressure Limits

Type of District	Sound Pressure Level Limits Measured in Decibels (dB(A))	
C-1, C-2, C-3 or I District	7 a.m. - 10 p.m.	10 p.m. - 7 a.m.
R-1, R-2 or M District	55	45

1. Sound pressure levels shall be measured at all lot lines, at a height of at least four feet above the ground surface.
2. The levels specified may be exceeded by 10 decibels for a single period, no longer than 15 minutes, in any one day.

- C. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.401961) "American Standard Specification for General Purpose Sound Level Meters" or any ANSI standard subsequently adopted for this purpose. The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound" or any ANSI procedure subsequently adopted for this purpose. Noise incapable of being so measured, such as those of an irregular intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- D. The following uses and activities shall be exempt from the sound pressure level regulations:
 - 1. Noises created by construction and maintenance activities between 7 a.m. and 10 p.m.
 - 2. The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.
 - 3. Traffic noise on existing public streets, railways or airports.
 - 4. Lawn care and landscaping activities between the hours of 7 a.m. and 10 p.m.

(Ord. 1492, 8/8/2012, §404)

§27-405. Vibrations.

- A. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- B. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

(Ord. 1492, 8/8/2012, §405)

§27-406. Odors.

- A. For purposes of this section, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor or particulate matter that can be detected.
- B. No use in any zoning district may generate any odor that reaches the odor threshold measured at:

1. The outside boundary of the immediate space occupied by the enterprise generating the odor.
 2. The lot line if the enterprise generating the odor is the only enterprise located on a lot.
- C. Those standards for the control of odorous emissions established by the Department of Environmental Protection (DEP) shall be applied in all zoning districts. Where an odor is deemed offensive a duly authorized City representative shall refer the matter to the DEP where it has jurisdiction relative to an established air shed.

(Ord. 1492, 8/8/2012, §406)

§27-407. Smoke.

The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringelmann Chart issued by the United States Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

(Ord. 1492, 8/8/2012, §407)

§27-408. Air pollution.

- A. No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling of property.
- B. No zoning certificate, building permit, or use by special exception that has the potential to generate air pollution may be issued by the City until the appropriate permits from the Pennsylvania Department of Environmental Protection's Air Quality Program have been obtained and the land development is otherwise in compliance with applicable air pollution laws.

(Ord. 1492, 8/8/2012, §408)

§27-409. Glare.

- A. Lighting devices that produce greater than one and one-half (1.5) foot-candles of direct or reflected glare at the property line of a lot or adjoining public-right-of-way shall not be permitted. Proposed photometrics shall be defined and illustrated as part of a land development plan application.

- B. The average intensity of outdoor lighting on a lot shall be twenty-five (25) foot-candles, whereas the maximum intensity of direct or reflected glare on the ground at any given point on the lot shall be eighty (80) foot-candles, unless otherwise approved by the Zoning Hearing Board. Uses existing prior to the date of this ordinance shall be exempt from said maximum intensity. In such cases, the maximum foot-candles intensity found on the said lot shall not exceed their current intensity.
- C. The height of a lighting device from the ground to the top of the device shall not exceed twenty-five (25) feet for residential development outside of the public right-of-way. The height of a lighting device from the ground to the top of the device shall not exceed thirty-five (35) feet for non-residential development outside of the public right-of-way with the exception of such devices for stadiums, public parks or playgrounds or unless approved by the Zoning Hearing Board.

(Ord. 1492, 8/8/2012, §409)

§27-410. Erosion.

No erosion by wind or water shall be permitted in excess of that permitted under an erosion and sedimentation control plan approved by the Fayette County Conservation District.

(Ord. 1492, 8/8/2012, §410)

§27-411. Water pollution.

- A. Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (DEP), the United States Environmental Protection Agency (US EPA) and the Pennsylvania Fish and Boat Commission. No land development shall be approved by the Planning Commission until the necessary permits from the DEP's State Water Pollution Control Program have been obtained.
- B. Upon notification by an individual or party of a possible water pollution discharge, the Zoning Officer will contact the DEP. DEP will conduct all necessary testing and will make recommendations.
- C. No use in any zoning district may discharge any waste contrary to the provision of the state law governing discharges of radiological, chemical or biological wastes into surface or subsurface waters.
- D. No use in any zoning district may discharge into the sanitary sewage treatment facilities any waste that cannot be adequately treated by biological means.

(Ord. 1492, 8/8/2012, §411)

§27-412. Excavation, filling, and grading.

- A. Cut and fill slopes shall comply with the requirements of this Chapter. All finished cut and fill slopes shall be subject to approval by the City Engineer and shall have a grade of not more than two (2) feet horizontal for every one (1) foot vertical. All cut and fill slopes greater than twenty (20) feet in elevation or depression must be designed by a certified soils engineer or a certified geologic engineer. The engineer who designs the slope must certify that it is stable upon completion. The Zoning Officer may require that a fence or other barrier be placed in a location which will prevent anyone from nearby properties access to a cut or fill slope.
- B. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase “a reasonable time” shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a time period of November 1 and April 1. In such case, the required sodding or seeding shall occur within two (2) weeks of April 1. This shall be applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum. During non-growing seasons, appropriate measures shall be taken to prevent erosion by wind or water, such as, but not limited to, siltation dams. In addition to the measures stated above, the landowner and/or developer shall provide assurances that all requirements will be complied with at the beginning of the next growing season.
- C. If a geotechnical report with final design certification is included with the development submission, then the standard grading and slope requirements may be modified.

(Ord. 1492, 8/8/2012, §412)

§27-413. Disturbance near water courses.

No cutting, filling or other disturbing of land or natural vegetation is permissible within fifty (50) feet from the top of the bank of perennial or intermittent streams, except as permitted by action of the Zoning Hearing Board and/or federal, state, county or local agencies having jurisdiction over such matters. In cases where the Zoning Hearing Board determines that a hardship exists as a result of this requirement, a variance may be granted, provided that special precautions can be and are ordered to be taken to ensure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream. If the activity that is subject to the variance request is located within the floodplain, all requirements and conditions of Article VII must be met.

(Ord. 1492, 8/8/2012, §413)

ARTICLE V

NONCONFORMING USES, STRUCTURES AND LOTS

§27-500. Purpose.

- A. Within the districts established by this Chapter or amendments that may later be adopted, there exist lots, structures, uses of land and structures which were lawful before enactment of the City of Connellsville Zoning Ordinance of 1954, but which are prohibited, regulated or restricted under the terms of said Zoning Ordinance, subsequent amendments, and this ordinance, the City of Connellsville Zoning Ordinance of 2012.
- B. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, unless all applicable provisions of this chapter pertaining to setbacks, parking and utilities, where applicable, are complied with.

§27-501. Nonconforming Uses.

The following provisions shall apply to all nonconforming uses as defined by this Chapter, in all zoning districts:

A. Continuation.

Where, at the effective date of adoption or amendment of this chapter, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as the use conforms to all other applicable regulations of the City, County, Commonwealth and federal government and the provisions of this Article governing nonconforming uses, structures and lots.

B. Change of use.

A nonconforming use shall not be changed unless to a conforming use. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.

C. Enlargement or expansion.

- 1. A nonconforming use may be expanded or enlarged upon approval as a special exception by the Zoning Hearing Board subject to the general criteria set forth in Article VI and upon a finding that the enlargement or extension is necessary to

accommodate the natural expansion and growth of trade of the nonconforming use. In addition, any such expansion shall comply with the following criteria:

- a. The expansion is conducted in part of the main structure or on land contiguous to the lot area currently occupied by the use and shall not require additional or adjoining land area outside the original parcel.
 - b. The expansion meets the lot area requirements, the maximum building height and other dimensional requirements of the zoning district in which the nonconforming use is presently located.
 - c. It is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Chapter or amendment thereto which caused the use to become nonconforming.
 - d. Such expansion does not result in an increase of more than twenty-five (25%) of the gross floor area or lot area occupied by the nonconforming use as existed at the time of adoption of this Chapter or amendment thereto which caused the use to become non-conforming.
 - e. Adequate parking can be provided in conformance with this Chapter to serve both the original and expanded use.
 - f. Such expansion does not present a threat to the health or safety of the community or its residents.
2. Only one enlargement or expansion of a nonconforming use shall be permitted by the Zoning Hearing Board unless it determines that all expansions, in the aggregate, do not result in an increase of more than twenty-five (25%) of the gross floor area or lot area occupied by the nonconforming use as it existed at the time of adoption of this Chapter or amendment thereto which caused the use to become non-conforming. Any subsequent enlargement or expansion shall comply with all other requirements of this section.
 3. This subsection shall not apply to signs.
- D. Moving of nonconforming use. A nonconforming use shall not be moved, in whole or in part, to any portion of the lot or parcel other than that occupied at the time of enactment of this Chapter, unless approved by the Zoning Hearing Board under the special exception provisions of this chapter.
- E. Damage and reconstruction. Any structure which houses a nonconforming use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and completed within one (1) year of such casualty and if the restored structure has no greater impervious surface coverage and no greater cubic volume than before such casualty.

- F. Abandonment. A nonconforming use of a structure or lot that has been abandoned or discontinued shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned when any of the following can be established:
1. The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts or circumstances show a clear intention to resume the nonconforming use.
 2. The nonconforming use has been discontinued for a period of 12 months or for 18 months during any three-year period, except where the owner is attempting to actively sell or lease the lot or structure where the use was conducted.
 3. It has been replaced by a conforming use.

(Ord. 1492, 8/8/2012, §501)

§27-502. Nonconforming Structures.

The following provisions shall apply to all nonconforming structures, as defined by this Chapter, in all zoning districts:

- A. Continuation. Where, at the effective date of adoption or amendment of this Chapter, a lawful structure exists that is no longer permissible by the terms of this Chapter as enacted and amended, such structure may be sold or otherwise transferred to other owners and may continue to exist as long as the structure conforms to all other applicable regulations of the City, County, Commonwealth and federal government and the provisions of this article governing nonconforming uses, structures and lots.
- B. Structural alteration.
1. Structures may be enlarged or structurally altered as long as the following criteria are met:
 - a. The expansion of the structure, as measured in square feet, cannot increase the footprint of the original structure by more than 25%.
 - b. The expansion cannot increase the already existing nonconformity, or create any other zoning problem.
 2. If the above listed criteria cannot be met, an application may be filed with the Zoning Hearing Board. The Zoning Hearing Board may, after a public hearing, authorize a reasonable modification of such structure if it determines that denying the application would cause undue hardship to the applicant.

3. If the nonconforming structure also contains a nonconforming use, then any expansion shall be approved in accordance with the provisions of §5-101, above.
- C. Damage or destruction. Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other accident or act of God may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure is initiated and completed within one (1) year of the date of such casualty.
- D. Moving. Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.

(Ord. 1492, 8/8/2012, §502)

§27-503. Nonconforming Lots.

The following regulations shall apply to all nonconforming lots, as defined by this Chapter, in any zoning district:

- A. Any nonconforming lot of record existing at the effective date of this Chapter and held in separate ownership different from the ownership of adjoining lots may be developed in accordance with the requirements of the zoning district of the lot of record.
- B. Where two or more adjacent lots of record with continuous frontage each have less than the required area and/or lot width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Article. No division of any lot shall be made which does not comply with the requirements of this Article. Any change in lot lines necessary to meet the minimum requirements of this Article shall constitute a revision to the recorded plan and shall meet all applicable requirements of City of Connellsville Ordinance 963, adopted July 13, 1964, Subdivision and Land Development and all subsequent amendments thereto.
- C. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards of the adjacent developed nonconforming lots which are in the same block on the same side of the street and in the same recorded plan as the undeveloped lot.

(Ord. 1492, 8/8/2012, §503)

ARTICLE VI

USES BY SPECIAL EXCEPTION

§27-601. Application.

- A. All applications for a use by special exception shall demonstrate in writing compliance with the applicable express standards and criteria of this Article and the applicable minimum lot area, maximum lot coverage, maximum building height, setback requirements and buffer yard requirements of the zoning district in which the use is proposed.
- B. All applications for use by special exception approval shall contain the following:
 - 1. A land development plan, and where renovation or modification of an existing building is immediately contemplated, construction plans showing the scope, nature and extent of said renovation or modifications.
 - 2. An application fee in an amount set by resolution of the City Council.

(Ord. 1492, 8/8/2012, §601)

§27-602. Procedure.

- A. Applications for uses by special exception shall be filed with the Zoning Officer. The Zoning Officer shall forward copies of the application to the Zoning Hearing Board for review and approval.
- B. The Zoning Hearing Board shall hold a public hearing within sixty (60) days of the date that the application is accepted as complete. Failure to act within the allotted time shall be deemed approval.
- C. In considering an application for use by special exception approval, the Zoning Hearing Board shall act on the application within forty-five (45) days of the date of the meeting at which the hearing on the application is closed. The Zoning Hearing Board may attach such conditions and standards as they deem necessary to the approval of any use by special exception.
- D. In additions to the conditions and standards enumerated for each of the special exception uses specified below, the Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

- E. All development, construction and use shall be in accordance with the approved land development plan unless a revised land development plan is submitted, approved and filed. The land development plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the Planning Commission, and the conditions for the use of the lot as determined by the Zoning Hearing Board. When taken together, the application and conditions shall be known as the “approved plan.” Any development contrary to the approved plan shall constitute a violation of this Chapter.
- F. Any use by special exception that is approved by the Zoning Hearing Board shall be valid for a period not to exceed one (1) year. Any use by special exception approval that is not acted upon within one (1) year of the date of approval by the applicant or his/her designee shall be considered null and void.

(Ord. 1492, 8/8/2012, §602)

§27-603. Apartment Building.

An apartment building shall be a permitted special exception subject to the following conditions and/or standards:

- A. Parking spaces shall be located no more than three hundred (300) feet from the apartment’s primary entrance.
- B. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone paving material to minimize dust.
- C. All dumpsters and/or waste collection areas shall be located a minimum of two hundred (200) feet from any residential unit and shall be screened. Screening shall be a minimum of eight (8) feet in height with a minimum opacity of eighty percent (80%).
- D. Apartment buildings in the C-1 District shall not be located on any lot directly abutting East or West Crawford Avenue.

(Ord. 1492, 8/8/2012, §603)

§27-604. Adult-Oriented Establishment.

An adult oriented establishment shall be a permitted special exception subject to the following conditions and/or standards:

- A. An adult-oriented establishment may be established only in the Industrial (I) District.

- B. No adult-oriented establishment shall be permitted to operate if the establishment is within five hundred (500) feet of any of the following uses:
1. day-care center;
 2. family day care;
 3. school;
 4. hospital;
 5. dwelling;
 6. nursing/convalescent facility;
 7. group care residence;
 8. place of worship;
 9. public park and playground; or
 10. an establishment which is licensed to and does sell alcoholic beverages.
- C. No adult oriented establishment shall be permitted to operate within three thousand (3,000) feet of another adult-oriented establishment.
- D. An adult-oriented establishment must be registered and/or licensed by Fayette County in accordance with all applicable County requirements.

(Ord. 1492, 8/8/2012, §604)

§27-605. Assisted Living Facility.

An assisted living facility shall be a permitted special exception subject to the following conditions and/or standards:

- A. Each living unit within an assisted living facility shall be a minimum of three hundred twenty five (325) square feet in size.
- B. The lot shall be served by frontage on a public street.
- C. Sidewalk gradients shall be constructed at five percent (5%) maximum.
- D. The facility shall be accessible for firefighting purposes and evacuation at all levels and on all sides.
- E. The landowner and/or developer shall conduct a traffic analysis to show that adequate traffic controls are in place to minimize potential negative impacts.
- F. The assisted living facility shall provide an area of landscaped open space for residents that shall not face a street that includes benches, tables, walking paths and/or other recreational amenities.

- G. The facility shall meet all state requirements for assisted living facilities in addition to those defined in this Subsection.

(Ord. 1492, 8/8/2012, §605)

§27-606. Automobile Repair & Service Station.

An automobile repair & service station shall be a permitted special exception subject to the following conditions and/or standards:

- A. The maximum lot area for an auto repair & service station shall be twenty thousand (20,000) square feet.
- B. An automobile repair and service station shall have direct ingress/egress to an arterial road, or shall have a point of ingress/egress from a public or private street within the lot of a shopping center.
- C. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
- D. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- E. All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
- F. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

(Ord. 1492, 8/8/2012, §606)

§27-607. Boarding House.

A boarding house shall be a permitted special exception subject to the following conditions and/or standards:

- A. All rooms available for boarding shall be located within the lot's principal building.
- B. All required off-street parking shall be provided on the lot.
- C. Exterior lighting for parking areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- D. Building height and setbacks shall be consistent with surrounding development.

- E. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

(Ord. 1492, 8/8/2012, §607)

§27-608. Tower-Based Wireless Communication Facilities.

A tower-based wireless communication facility shall be a permitted special exception subject to the requirement of §308 of this Chapter.

(Ord. 1492, 8/8/2012, §608; amended by Ord. 1523, 9/20/2016, §1)

§27-609. Compressor Station.

A compressor station shall be a permitted special exception in the R-1, R-2, C-1, C-2, C3 and M Districts subject to the following conditions and/or standards:

- A. Must be 750 feet from the nearest existing building or 200 feet from the nearest lot line.
- B. The noise level cannot exceed 60dbA at the nearest property line.
- C. All design, construction and operations must comply with all Federal, State and County regulations.
- D. When the compressor station is situated on a lot abutting a residential lot, the following conditions shall apply:
 - 1. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped buffer yard a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Buffer yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
 - 2. Outdoor storage of any goods or materials shall not be permitted for any period beyond twenty-four (24) hours.
 - 3. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.

4. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.

(Ord. 1492, 8/8/2012, §609)

§27-610. Convenience Store.

A convenience store shall be a permitted special exception in the R-2 and M Districts subject to the following conditions and/or standards:

- A. Hours of operation shall be limited to between 8 A.M. and 9 P.M.
- B. No deliveries shall occur before 7 A.M. or after 10 P.M.
- C. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- D. Parking of vehicles shall be to the side or rear of the store. There shall be no parking areas in the front yard.
- E. Vehicle access to the convenience store shall be provided by no more than one (1) entrance driveway and one (1) exit driveway, both of which shall connect to a public street.
- F. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) car trips to the adjacent roadway's peak hour volumes.

(Ord. 1492, 8/8/2012, §610)

§27-611. Gas Station.

A gas station shall be a permitted special exception subject to the following express standards and criteria:

- A. The minimum lot area for a gas station shall be twenty-one thousand seven hundred eighty (21,780) square feet.
- B. The gas station shall have direct ingress/egress to an arterial road.
- C. A canopy over the gas pumps shall be permitted, provided that:
 1. The canopy is not attached to the principal building.

2. The canopy shall not be enclosed.
 3. The canopy shall be located a minimum of ten (10) feet from any property line or street right-of-way line. 4. The canopy shall be removed immediately if the principal use is changed or discontinued.
- D. All authorized minor repair work, car washing and lubrication shall be conducted within a completely enclosed building.
 - E. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
 - F. Off-street parking shall be provided for a minimum of one (1) space for each employee on duty and employer plus three (3) spaces for each repair bay.
 - G. Gasoline pumps shall be located at least forty (40) feet from the right-of-way line of any public street.
 - H. All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.

(Ord. 1492, 8/8/2012, §611)

§27-612. Group Residence.

A group residence shall be a permitted special exception subject to the following conditions and/or standards:

- A. All rooms for residents shall be located within the lot's principal building.
- B. All required off-street parking shall be provided on the lot.
- C. Exterior lighting for parking areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- D. Building height and setbacks shall be consistent with surrounding development.
- E. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

(Ord. 1492, 8/8/2012, §612)

§27-613. Halfway House.

A halfway house shall be a permitted special exception subject to the following conditions and/or standards:

- A. The halfway house must be licensed where required by an appropriate government agency(ies), and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to the City prior to beginning the use.
- B. A halfway house shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the house.
- C. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- D. The residents of the halfway house shall reside on-premises to benefit from the services provided.
- E. The halfway house shall not be located within five hundred (500) feet of any the following uses:
 - 1. Family day care
 - 2. Day-care center
 - 3. Place of worship;
 - 4. Community center;
 - 5. Library;
 - 6. Museum;
 - 7. Park;
 - 8. Playground;
 - 9. School;
 - 10. Other uses where minors congregate; or
 - 11. Another halfway house.
- F. Each application shall be accompanied by a statement describing the following:
 - 1. The character of the halfway house;
 - 2. The policies and goals of the halfway house, and the means proposed to accomplish those goals;
 - 3. The characteristics of the residents and number of residents to be served;
 - 4. The operating methods and procedures to be used; and
 - 5. Any other facts relevant to the proposed operation of the halfway house.

- G. Any use permit granted for the halfway house shall be bound to the type and number of offenders listed on the application.

(Ord. 1492, 8/8/2012, §613)

§27-614. Junk Storage, Sales and Salvage Operations.

A junk storage, sales and salvage operation shall be a permitted special exception subject to the following conditions and/or standards:

- A. The minimum lot area shall be five (5) acres.
- B. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises.
- C. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for firefighting.
- D. Junkyards shall comply with the performance standards of this Chapter.
- E. No junk shall be stored or accumulated and no structure shall be constructed within one hundred (100) feet of any existing residential lot or within forty (40) feet of any property line or public right-of-way.
- F. The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located within the interior of a twenty five (25) foot wide landscaped buffer yard. The buffer yard shall be planted with screening material that creates a visual barrier that is one hundred percent (100%) opaque consisting of a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- G. The operator shall obtain a permit from Fayette County prior to initiating operation. Approval shall be subject to periodic inspections to insure compliance with the conditions of approval. The Zoning Officer may inspect the property at any time and shall notify the operator forty-eight (48) hours before such inspection shall take place.
- H. The manner of storage of junk shall be arranged in such a fashion that it shall not be higher than the required fence.
- I. The owner(s) and operator(s) of a junkyard shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

(Ord. 1492, 8/8/2012, §614)

§27-615. Kennel.

An animal kennel shall be a permitted special exception subject to the following conditions and/or standards:

- A. Such uses shall be located at least one hundred (100) feet from any property line adjoining an existing residential lot and at least fifty (50) feet from any other property line or public right of way as defined by this Chapter.
- B. The minimum lot area shall be one (1) acre.
- C. Outdoor runs and similar facilities shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred percent (100%) opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- D. If adjacent properties are developed as residential lots, the kennel shall be soundproofed to minimize noise impact on adjacent properties.
- E. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Fayette County Health Department shall be maintained.
- F. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.
- G. Approval as a special exception shall be subject to periodic inspections to insure compliance with the conditions of approval. The Zoning Officer shall notify the operator forty eight (48) hours before such inspection shall take place.

(Ord. 1492, 8/8/2012, §615)

§27-616. Landscaping Center/Nursery.

A landscaping center/nursery shall be a permitted special exception subject to the following conditions and/or standards:

- A. When the landscaping center/nursery abuts a residential lot, side and rear buffer yards shall be a minimum of twenty-five (25) feet in width and shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.

- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. The owner(s) and operator(s) of a landscaping center/nursery shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- D. The hours of operation for material pickup, delivery, outdoor processing and manufacturing shall be limited to between 7:00 A.M. and 10:00 P.M.
- E. The storage of combustible materials, such as mulch and manure, shall be limited to fifteen (15) feet in height.
- F. All outdoor storage areas and loading areas shall be screened from adjoining residences. Screens shall be a minimum of six (6) feet in height and shall be constructed as fences or walls with minimum opacity of eighty (80%) percent. Fences or walls shall be in addition to any required buffer yard.

(Ord. 1492, 8/8/2012, §616)

§27-617. Manufactured (Mobile) Home.

A manufactured (mobile) home shall be a permitted special exception subject to the following conditions and/or standards:

- A. It meets the construction and safety standards adopted by the Department of Housing and Urban Development in the National Manufactured Housing and Construction and Safety Standards Act of 1974 (42 U.S.C.A §§5401-5426) and bears a label certifying that it complies with Pennsylvania Manufactured Housing standards (12 PA Code Chapter 143).
- B. If located within a floodplain, it meets the requirements of Article VII.
- C. The manufactured home shall be designed to look like a single-family detached dwelling with a pitched roof slope of at least 4:12.
- D. It will be placed on a permanent foundation.

(Ord. 1492, 8/8/2012, §617)

§27-618. Manufactured (Mobile) Home Park.

- A. A manufactured (mobile) home park shall be a permitted special exception subject to the following conditions and/or standards: A. Gross site area shall be a minimum of two (2) acres.
- B. Proposed mobile home parks shall comply with all applicable provisions of state laws regulating mobile home parks and all applicable standards and regulations set forth in this Chapter.
- C. Minimum lot width shall be forty (40) feet for single unit mobile home and sixty five (65) feet for double mobile home units.
- D. All dumpster areas shall be screened from all lots and public right-of-ways. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of eighty percent (80%).
- E. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- F. All mobile home parks shall provide sidewalks on both sides of a street (both public and private right-of-ways).
- G. The ground surface in all parts of each mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner. Exposed ground surfaces in all parts of each mobile home park shall be treated in a manner approved by the Commission which will effectively prevent soil erosion and prevent the emanation of dust during dry weather.
- H. The maximum number of mobile home lots within each mobile home park shall be not more than eight (8) lots per acre of the total area of the mobile home park.
- I. The minimum mobile home lot size shall be not less than five thousand (5,000) square feet of area.
- J. All mobile homes shall abut on a street of the mobile home park's internal street system.
- K. Setbacks, buffer strips and screening requirements.
 - 1. Park perimeter buffer strips. All mobile homes, auxiliary park buildings and other park structures shall be located at least thirty-five (35) feet from the mobile home park boundary lines. The minimum buffer strip may be reduced to twenty-five (25) feet if a suitable perimeter screening of plantings or fencing is provided and approved by the Zoning Hearing Board.
 - 2. Minimum distances between structures within the mobile home park. Mobile homes shall be located at least fifty (50) feet from any auxiliary park buildings

and any repair, maintenance or storage areas of buildings. The minimum distance between mobile homes shall be not less than twenty (20) feet.

3. Minimum building setback lines shall be not less than thirty (30) feet from the edge of the street right-of-way. Where applicable, side and rear building setbacks lines of at least ten (10) feet shall be established.
- L. A minimum of ten percent (10%) of the gross area of the mobile home park shall be provided for recreational space. This recreational space shall be suitable for varied outdoor recreational uses. The Applicant will present assurances related to the responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above.
- M. A minimum of one and one-half (1.5) off-street parking spaces per each mobile home lot within the development shall be provided within two hundred (200) feet of the mobile home lot to be served.
- N. Mobile home lot improvements.
1. Each mobile home lot shall be provided with a permanent frost-free foundation and each lot will have available adequate provisions, such as anchor bolts and tie-down straps, to assure that each mobile home has available to it a means of securing the home to its site.
 2. Water and sewer systems. Water supply and sewage disposal system connections shall be provided to each Mobile Home lot within a Mobile Home Park.
- O. Mailboxes for all mobile homes on the lot shall be located in a single structure near the entrance to the mobile home park. A paved parking space shall be provided next to the structure to allow for the safe delivery of mail and pick-up by residents.

(Ord. 1492, 8/8/2012, §618)

§27-619. Manufacturing, Light.

A light manufacturing facility shall be a permitted special exception in the C-1 & C-3 Districts subject to the following conditions and/or standards:

- A. Light manufacturing facilities shall be limited to a maximum gross floor area of forty thousand (40,000) square feet and twelve (12) employees. All operations must take place wholly within an enclosed building.
- B. Hours of operation shall be limited to between 8:00 A.M. and 9:00 P.M.

- C. No light manufacturing facility shall be located on any lot that abuts East or West Crawford Avenue.
- D. Loading activities and/or deliveries shall take place only between the hours of 7:00 A.M. and 10:00 P.M. Delivery trucks shall not idle for more than one continuous hour and may not idle between the hours of 10:00 P.M. and 7:00 A.M.
- E. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped buffer yard a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Buffer yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- F. Outdoor storage of any goods or materials shall not be permitted for any period beyond twenty-four (24) hours.
- G. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- H. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.
- I. The light manufacturing facility shall meet all performance standards of this Chapter.

(Ord. 1492, 8/8/2012, §619)

§27-620. Marina/Docking Facility.

A marina/docking facility shall be a permitted special exception subject to the following conditions and/or standards:

- A. The minimum lot area for a marina shall be one (1) acre.
- B. When adjacent to an existing residential lot, the marina/docking facility shall provide a landscaped buffer yard a minimum of twenty-five (25) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground covers.
- C. All storage and repair of boats shall be conducted in an enclosed structure.
- D. One (1) landscaped island for every seven (7) parking spaces shall be provided within all parking areas. All landscaped islands shall contain one (1) tree a minimum of 2” d.b.h.
- E. Hours of operation shall be limited to between 7:00 A.M. and 9:00 P.M.

(Ord. 1492, 8/8/2012, §620)

§27-621. Modular Home (Industrialized Housing).

A modular home shall be a permitted special exception subject to the following conditions and/or standards:

- A. It bears the insignia of certification demonstrating compliance with the standards established for industrial housing and components under 12 PA Code Chapter 145.
- B. It complies with City and/or County codes and ordinances for the design, installation and maintenance of waterline connections from the exterior walls to the main source of supply; sewer drainage connections from the exterior walls to the main sewers; and electrical line connections or other energy supply connections from the exterior walls to their main source of power.
- C. It meets all dimensional requirements for a single-family detached dwelling in the district.

(Ord. 1492, 8/8/2012, §621)

§27-622. Nursing/Convalescent Care.

Nursing/convalescent care shall be a permitted special exception subject to the following conditions and/or standards:

- A. All nursing/convalescent care shall be licensed by the Commonwealth of Pennsylvania.
- B. Water pressure and volume shall be adequate for fire protection and shall be referred to the applicable local Fire Company for review and comment.
- C. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. The parking and circulation plan shall be referred to local fire companies for comments regarding traffic safety and emergency access.
- D. All property lines adjoining an existing residential use or residential district zoning classification shall meet the buffer yard requirements for apartments and townhouses established by Section 3-104 of this Chapter.

(Ord. 1492, 8/8/2012, §622)

§27-623. Personal Care Home.

A personal care home shall be granted as a use by special exception subject to the following minimum conditions and/or standards:

- A. The personal care home shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
- B. The personal care home shall be the sole occupant of the lot.
- C. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- D. The facility shall be accessible for firefighting purposes and evacuation at all levels and on all sides.

(Ord. 1492, 8/8/2012, §623)

§27-624. Public/Private Works Facility.

A public/private works facility shall be granted as a use by special exception subject to the following minimum conditions and/or standards:

- A. If the Public/Private Works Facility is adjacent to a single-family residential lot, the following shall apply:
 - 1. An additional twenty (20) foot setback shall be established and a buffer yard with one and one-half times (1.5x) the required number of plants for screening and buffering activities shall be installed.
 - 2. Maximum height of lighting for any outdoor parking area and/or roadway shall be twenty (20) feet.
 - 3. The landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of twenty-five-hundredths (0.25) foot-candles.

(Ord. 1492, 8/8/2012, §624)

§27-625. High-Turnover Restaurant, No Drive-Through.

A high-turnover restaurant in the M district shall be permitted special exception subject to the following conditions and/or standards:

- A. The hours of operation shall be limited to between 8:00 A.M. and 9:00 P.M.

- B. Deliveries of food and other supplies to the restaurant shall occur only between the hours of 7:00 A.M. and 10. P.M.
- C. All off-street parking shall be provided on the lot and shall be located to the side or rear of the building. Parking lots shall be screened with a landscaped buffer yard a minimum of ten (10) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground covers.
- D. The landowner and/or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.
- E. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a minimum height of eight (8) feet and shall have a minimum opacity of eighty percent (80%).
- F. Mechanical equipment location(s) are subject to Zoning Hearing Board approval and shall be designed and screened so that visibility from an adjacent residential lot is minimized to the greatest extent possible.

(Ord. 1492, 8/8/2012, §625)

§27-626. High-Turnover Restaurant, With Drive-Through.

A high-turnover restaurant with drive-thru shall be permitted special exception subject to the following conditions and/or standards:

- A. The high-turnover restaurant shall be located on a lot abutting Route 119 or within a shopping center.
- B. Vehicle access to the restaurant shall be provided by no more than one (1) entrance driveway and one (1) exit driveway, both of which shall connect to Route 119 or the main access road of the shopping center.
- C. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- D. When the restaurant will be situated on a lot abutting a residential lot, the following conditions shall apply:
 - 1. The landowner and/or developer shall provide a landscaped buffer yard a minimum of twenty-five (25) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

2. The landowner/developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.
3. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a minimum height of eight (8) feet and shall have a minimum opacity of eighty percent (80%).
4. Mechanical equipment location(s) are subject to Zoning Hearing Board approval and shall be designed and screened so that visibility from an adjacent residential lot is minimized to the greatest extent possible.

(Ord. 1492, 8/8/2012, §626)

§27-627. Retail, Large.

A retail store of more than 40,000 square feet shall be permitted special exception subject to the following conditions and/or standards:

- A. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- B. One (1) landscaped island for every seven (7) parking spaces shall be provided within all parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches d.b.h.
- C. When the retail store will be situated on a lot abutting a residential lot, the following conditions shall apply:
 1. The landowner and/or developer shall provide a landscaped buffer yard a minimum of twenty-five (25) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
 2. The landowner/developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.

(Ord. 1492, 8/8/2012, §627)

§27-628. Retail, Medium.

A retail store of between 6,000 and 40,000 square feet shall be permitted special exception in the C-1 district subject to the following conditions and/or standards:

- A. All parking shall be provided on the lot and shall be located to the rear of the building. If the parking abuts a residential lot, it shall be screened with a landscaped buffer yard a minimum of ten (10) feet in width planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground covers.
- B. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.

(Ord. 1492, 8/8/2012, §628)

§27-629. Tavern/Bar.

A tavern/bar shall be a permitted special exception subject to the following conditions and/ or standards:

- A. A tavern/bar shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- B. The owner(s) and operator(s) of a tavern/bar shall be responsible for the conduct and safety of the patrons.
- C. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a minimum height of eight (8) feet and shall have a minimum opacity of eighty percent (80%).

(Ord. 1492, 8/8/2012, §629)

§27-630. Townhouse.

A townhouse shall be a permitted special exception in the C-1 or M Districts subject to the following conditions and/or standards:

- A. Parking spaces and garages for each townhouse unit shall be located at the rear of the building.
- B. All dumpsters and/or waste collection areas shall be located in the rear setback yard and shall be screened. Screening shall be a minimum of eight (8) feet in height with a minimum opacity of eighty percent (80%).

- C. Townhouses in the C-1 District shall not be located on any lot directly abutting East or West Crawford Avenue.

(Ord. 1492, 8/8/2012, §630)

§27-631. Truck Stop.

A truck stop shall be a permitted special exception subject to the following conditions and/or standards:

- A. The minimum lot size shall be three (3) acres.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. The landowner and/or developer shall provide a landscaped buffer yard a minimum of twenty-five (25) feet in width on all side and rear lot lines planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground-covers.
- D. The landowner/developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.

(Ord. 1492, 8/8/2012, §631)

§27-632. Warehousing/Distribution Facility.

A warehousing/distribution facility shall be a permitted special exception in the C-1 and C-2 Districts subject to the following conditions and/or standards:

- A. It shall be limited to a maximum gross floor area of forty thousand (40,000) square feet.
- B. Hours of operation shall be limited to between 8:00 A.M. and 9:00 P.M.
- C. No warehousing/distribution facility shall be located on any lot that abuts East or West Crawford Avenue.
- D. Loading activities and/or deliveries shall take place only between the hours of 7:00 A.M. and 10:00 P.M.
- E. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped buffer yard a minimum of fifteen (15) feet in width shall be provided adjacent

to all existing residences. Buffer yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground covers.

- F. Outdoor storage of any goods or materials shall not be permitted.
- G. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- H. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.

(Ord. 1492, 8/8/2012, §632)

§27-633. Wholesale Business.

A wholesale business shall be a permitted special exception in the C-1 District subject to the following conditions and/or standards:

- A. It shall be limited to a maximum gross floor area of forty thousand (40,000) square feet.
- B. Hours of operation shall be limited to between 8:00 A.M. and 9:00 P.M.
- C. No wholesale business shall be located on the ground floor of any lot that abuts East or West Crawford Avenue.
- D. Loading activities and/or deliveries shall take place only between the hours of 7:00 A.M. and 10:00 P.M.
- E. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped buffer yard a minimum of fifteen (15) feet in width shall be provided adjacent to all existing residences. Buffer yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground covers.
- F. Outdoor storage of any goods or materials shall not be permitted.
- G. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- H. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.

(Ord. 1492, 8/8/2012, §633)

§27-634. Other Uses Not Listed.

- A. Any use not listed in Table 1, Permitted Uses and Uses by Special Exception, may be authorized by Special Exception if the Zoning Hearing Board determines that the impact of the proposed use on the environment and the adjacent streets and properties is equal to or less than any use specifically listed in the zoning district. In making such determination, the Zoning Hearing Board shall consider the following characteristics of the proposed use:
1. The number of employees.
 2. The gross floor area of the building or gross area of the lot devoted to the proposed use.
 3. The type of products, materials, equipment and/or processes involved in the proposed use.
 4. The magnitude of walk-in trade.
 5. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of Article IV.
- B. The Zoning Hearing Board, in its sole discretion, shall determine whether the use not listed shall be approved as a special exception in either the C-2 or I District. This determination shall be based on whether the proposed use is more similar in character to the uses specifically listed in the C-2 or the I District. The Zoning Hearing Board shall use the criteria listed in subsection (A) above in making such determination.
- C. The proposed use shall comply with all applicable area and bulk regulations and standards and criteria for the most nearly comparable use in the zoning district.
- D. The use shall comply with the performance standards of Article IV of this Chapter.
- E. The use shall be consistent with the purpose statement and statement of community development objectives contained in §27-101 and §27-102 of this Chapter.

(Ord. 1492, 8/8/2012, §634)

ARTICLE VII

FLOODPLAIN MANAGEMENT

§27-701. Defined in Chapter 8, Ord. 1528, 6/20/2017.

ARTICLE VIII

AMENDMENTS AND REZONING

§27-801. Procedure.

- A. The City Council may introduce and consider amendments to this Chapter and to the Zoning Map as proposed by a Council member, the Planning Commission or by a petition of a person or persons residing or owning property within the City.
- B. Before voting on the enactment of an amendment, the City Council shall hold a public hearing thereon, pursuant to public notice.
- C. If the proposed amendment involves a Zoning Map change, the City shall mail notice of the date, location and time of the public hearing by first class mail at least 30 days prior to the date of the hearing to all addressees to which real estate tax bills are sent for all real property located within the area being rezoned. In addition, the City shall conspicuously post notice of the public hearing on the tract(s) to be rezoned at least one week prior to the date of the hearing.
- D. At least 30 days prior to the public hearing, the City shall submit the proposed amendment to the Fayette County Planning Commission for recommendations.
- E. In the case of an amendment other than that prepared by the Planning Commission, the City Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearings on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- F. If, after the public hearing is held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the City shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- G. The City Council shall act on a proposed text amendment to this Chapter within ninety (90) days of the date of the meeting at which the public hearing on the amendment is closed. If the City Council does not act on the proposed text amendment within ninety (90) days of the date of the public hearing on the amendment, the amendment shall immediately become effective.
- H. Within thirty (30) days after enactment, a certified copy of the amendment to this Chapter shall be forwarded to the Fayette County Office of Planning, Zoning and Community Development or its designee.

(Ord. 1492, 8/8/2012, §801)

§27-802. Rezoning Application Requirements.

- A. To protect the safety, capacity and efficiency of the City's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the City's Comprehensive Plan, all rezoning applications shall be required to demonstrate the compatibility of a rezoning proposal with such objectives and the Community Development Objectives in Article I of this Chapter.
- B. The plans, analysis and reports to be submitted as part of a rezoning application shall include the following:
 - 1. Proposed land development program (narrative);
 - 2. Sketch plan illustrating roads, major parking areas and development parcels, housing units and recreation facilities (if appropriate);
 - 3. A copy of the property deed from the County Recorders' Office;
 - 4. Calculation of estimated average daily traffic demand based on proposed land development program;
 - 5. Documentation on the structures and use of the parcel(s);
 - 6. Documentation on the impact of the local school district as a result of the proposed development;
 - 7. Documentation of whether the parcel(s) are located within the 100-year floodplain and, if so, whether the proposed use(s) on the rezoned parcel(s) can comply with the floodplain management requirements of this Chapter; and
 - 8. Such additional information that may be required by the Planning Commission and/or City Council that is relevant to the review and approval processes.
- C. All rezoning applications shall be completed on the official forms provided by the City. Each plan, analysis and report shall be completed in accordance with the requirements defined in this Chapter, unless otherwise specified by the Zoning Officer.
- D. The Planning Commission and the City Council, as part of the rezoning approval process, will consider the conclusions of each plan, analysis and report.
- E. Applications for rezoning shall not be accepted for any property (or part thereof) for which an application has been heard and a decision for denial has been rendered by the City Council within the preceding twelve (12) months.

(Ord. 1492, 8/8/2012, §802)

§27-803. Landowner Curative Amendments.

Any landowner and/or developer who wishes to challenge, on substantive grounds, the validity of this Chapter or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he/she has an interest may prepare and submit a curative amendment to the City Council, in the form the landowner and/or developer proposes it be adopted, together with a written request that his/her challenge and proposed amendment be heard. The City Council shall hold a public hearing, pursuant to public notice, on the matter within sixty (60) days of receiving the request at a regular monthly meeting.

- A. Referral to Planning Commission. The curative amendment and challenge shall be referred to the Planning Commission at least thirty (30) days prior to the public hearing for review and comment. The City shall conduct the hearing in accordance with regulations governing a hearing before the Zoning Hearing Board as stipulated in §27-1004 of this Chapter.
- B. Declaration of invalidity by the court. If the City does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. Evaluation of merits of curative amendment. If the City Council determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The City Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or the Zoning Map;
 - 3. The suitability of the site for the intensity of use proposed in light of the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are

protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 1492, 8/8/2012, §803)

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

§27-901. Zoning Officer.

- A. The Zoning Officer shall be appointed or assigned by the City Council. The Zoning Officer shall hold no elective position in the City, shall meet the qualifications established by the City, and shall be able to demonstrate, to the satisfaction of the City, a working knowledge of municipal zoning. The Zoning Officer shall have the following powers and duties:
1. To administer and enforce the provisions of this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
 2. To refer applications for uses by special exception and variances to the Zoning Hearing Board in accordance with Articles VI and IX of this Chapter.
 3. To issue zoning permits in accordance with §27-903 and occupancy permits in accordance with §27-904.
 4. To maintain a permanent file with all zoning and occupancy permits and applications as public records.
 5. To enter upon any land with the consent of the landowner, to make examinations and surveys in the performance of his/her functions.
 6. To review applications for Subdivision and Land Development in accordance with the City's Subdivision and Land Development Ordinance.
- B. The Zoning Officer shall be empowered to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

(Ord. 1492, 8/8/2012, §901)

§27-902. Planning Commission.

- A. The Planning Commission members shall be appointed by the City Council and shall be residents of the City.
- B. The Planning Commission shall consist of not less than three (3) members nor more than nine (9) members. The term of each of the members shall be for four (4) years, or until his/her successor is appointed and qualified.

- C. The Planning Commission shall at the request of the City Council have the power and shall be required to:
1. Prepare the Comprehensive Plan for the development of the City as set forth in Act 247, the Pennsylvania Municipalities Planning Code, Section 302 and present it for the consideration of the City Council.
 2. Maintain records of its actions. All records and files of the Planning Commission shall be in the possession of the City Council.
- D. The Planning Commission may at the request of the City Council:
1. Make recommendations to the City Council concerning the amendment of an official map.
 2. Prepare and present to the City Council a Zoning Ordinance and make recommendations to the City Council on proposed amendments to the Zoning Ordinance as set forth in Act 247, the Pennsylvania Municipalities Planning Code, Section 609.
 3. Prepare, recommend and administer subdivision and land development.
 4. Review the Zoning Ordinance and the Zoning Map and such other ordinances and regulations governing the use and development of land no less frequently than it reviews the Comprehensive Plan.
 5. Prepare and present to the City Council a building code and a housing code and make recommendations concerning amendments thereto. The International Building Code will be used as a basis for making recommendations.
 6. Prepare and present to the City Council a study regarding the feasibility and practicality of using renewable energy sources in specific areas within the City.
 7. Prepare and present to the City Council an environmental study.
 8. Promote public interest in and understanding of the Comprehensive Plan.
 9. Hold public hearings and meetings.
 10. Present testimony before any board.
 11. Require from other departments, agencies or authorities of the City such available information as it relates to the work of the Planning Commission.

12. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by Act 247, the Pennsylvania Municipalities Planning Code.
13. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

(Ord. 1492, 8/8/2012, §902)

§27-903. City Council.

- A. Under this Chapter, the City Council shall have the duties of:
 1. Appointing and hiring the Zoning Officer.
 2. Considering and adopting or rejecting amendments to this Chapter proposed by a member of the City Council, by the Planning Commission or by petition of a person or persons residing or owning property within the City, or the repeal of this Chapter, as provided by law; and of establishing a schedule of fees and charges.
 3. Organizing and appointing a Zoning Hearing Board of at least three (3) members but no more than five (5) members.
 4. Organizing and appointing a Planning Commission of at least three (3) but no more than nine (9) members.
 5. Scheduling and holding public hearings. 6. Reviewing and rendering final adjudications regarding applications for rezoning.
- B. Under no circumstances shall the duties of the City Council include hearing and deciding questions of code enforcement that may arise from time to time.

(Ord. 1492, 8/8/2012, §903)

§27-904. Zoning Permit.

- A. A zoning permit shall be issued upon a request to certify:
 1. The correct zoning classification.
 2. Compatibility of existing land uses.

3. Compatibility of proposed land uses.
 4. Legal status of a non-conforming use, structure or lot.
- B. Requests for a zoning permit shall be accompanied by a land development plan, as defined by this Chapter, when, in the opinion of the Zoning Officer, such information is required to accurately certify the requested documentation.

(Ord. 1492, 8/8/2012, §904)

§27-905. Zoning Occupancy Permit.

- A. An occupancy permit shall be issued by the Zoning Officer attesting that the use and structure is in compliance with this Chapter and all other ordinances of the City now or hereafter in effect. The occupancy permit shall not be issued until the standards of the Pennsylvania Uniform Construction Code have been met and approved.
- B. An occupancy permit shall be required for any change in occupancy or use of any structure or lot in any district, whether or not there is any construction, reconstruction, structural alteration or movement of the structure, where such change will generate, on the average, an additional twenty (20) or more peak hour trips on any adjacent street.
- C. Upon inspection by the applicable City Official and a determination that all applicable regulations and any conditions attached to the issuance of any permits have been met, the Zoning Officer shall issue the occupancy permit.

(Ord. 1492, 8/8/2012, §905)

§27-906. Permits for Temporary Structures.

- A. The Zoning Officer may issue permits for temporary structures concurrent with a valid building or grading permit, including and limited to construction trailers and sales offices for lots or other approved land developments. Permits for temporary structures related to construction work authorized by a valid building or grading permit shall be issued by the Zoning Officer only for that time that the work authorized under the permit is in progress and during the time that the permit remains otherwise valid. Temporary structures must be placed off of any public right-of-way. Any driveway or parking area for the temporary structure shall be constructed of gravel or other aggregate material. Any portable sanitary facility such as a port-o-john located on the lot is required to be maintained in a sanitary manner in accordance with the Pennsylvania Sewage Facilities Act.
- B. The permit for such temporary structure shall be valid for a period not to exceed six (6) months and may be renewed for an additional six (6) month period upon demonstration of continued need for the structure; however, all such temporary structures shall be

removed immediately upon completion of construction and/or the complete sale of lots for which the temporary structure was authorized. Any revocation of the building or grading permit for the related construction or land development shall result in revocation of the temporary permit.

(Ord. 1492, 8/8/2012, §906)

§27-907. Enforcement Notice.

If it appears to the City that a violation of any requirement under this Chapter has occurred, the City shall initiate enforcement proceedings by sending an enforcement notice. The enforcement notice shall contain the following information:

- A. The name of the owner of record and any other person against whom the City intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of receipt of the violation notice.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 1492, 8/8/2012, §907)

§27-908. Enforcement Remedies.

- A. Except where a different penalty is provided, any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not less than fifty dollars (\$50) and no more than one thousand dollars (\$1000), plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor appeals the judgment in a timely manner, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a

violation continues shall constitute a separate violation unless the magisterial district judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the magisterial district judge, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the City.

- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section.

(Ord. 1492, 8/8/2012, §908)

ARTICLE X

ZONING HEARING BOARD

§27-1001. General.

The City Council shall appoint a Zoning Hearing Board, which Zoning Hearing Board shall adopt rules to govern its procedures. The Zoning Hearing Board shall hold meetings and keep minutes and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions in writing, all as required by law. A fee shall be charged in accordance with a schedule fixed by resolution for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers and duties specifically granted by the Pennsylvania Municipalities Planning Code.

- A. **Membership.** The membership of the Zoning Hearing Board shall consist of at least three (3) but no more than five (5) residents of the City appointed by the City Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the City Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the City, including membership on the Planning Commission or as a Zoning Officer.
- B. **Appointment of alternate members.** The City Council may appoint by resolution at least one (1), but no more than three (3) residents of the City to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Subsection C, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the City, including membership on the Planning Commission or as a Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board unless designated as a voting alternate member pursuant to Subsection C.
- C. **Participation by alternate members.** If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case.

Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

- D. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
1. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the City Council.
 2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken with thirty (30) days after the effective date of this Chapter.
 3. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, or the issuance of any cease and desist order. The Zoning Hearing Board shall have the final determination pursuant to this chapter.
 4. Appeals from a determination of the City Engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance of the flood plain management requirements under this Chapter.
 5. Applications for variances from the terms of this Chapter or such provisions within a land use ordinance pursuant to §27-1002.
 6. Applications for use by special exception under this Chapter or such provisions within a land use ordinance pursuant to §27-1003.
 7. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.
 8. Appeals from the determination of the City Engineer or Zoning officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development.

(Ord. 1492, 8/8/2012, §1001)

§27-1002. Procedure.

- A. Any person or City official aggrieved or affected by any provision of this Chapter or by any decision of the Zoning Officer or other City official may file an appeal in a timely fashion as provided for by the rules of the Zoning Hearing Board.

- B. Challenges to the validity of this Chapter or the Official Zoning Map.
1. Any person aggrieved by a use or land development of another person which is authorized by this Chapter or the Official Zoning Map or any amendment thereto shall submit his/her challenge, in writing, to the Zoning Hearing Board under Section 909.1 of the Pennsylvania Municipalities Planning Code, stating the substantive grounds for the challenge.
 2. Any landowner and/or developer who, on substantive grounds, desires to challenge the validity of this Chapter or the Official Zoning Map or any amendment thereto under §916.1 of the Pennsylvania Municipalities Planning Code shall submit a written request to the Zoning Hearing Board containing all of the information required by §916.1(c) of the Pennsylvania Municipalities Planning Code.

(Ord. 1492, 8/8/2012, §1002)

§27-1003. Variances.

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the zoning district in which the lot is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the lot can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot.
 3. That such unnecessary hardship relating to unique physical circumstances of the property has not been created by the applicant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or zoning district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lot(s), nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. The grant of a variance will expire six (6) months after the date of the Board's written decision unless:
1. The applicant has applied for and obtained a building permit and commenced construction, or
 2. In a case where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.
- C. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code.

(Ord. 1492, 8/8/2012, §1003)

§27-1004. Special Exceptions.

- A. The Zoning Hearing Board shall have the power to decide applications for use by special exception as specified in this Chapter in harmony with its general purpose and intent and in accordance with the standards set forth. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Chapter and the express standards and criteria set forth in Article VI of this Chapter. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter as it may deem necessary to properly implement this Chapter and the Pennsylvania Municipalities Planning Code.
- B. Applicants for a use by special exception shall submit an application, land development plan and fee as required by section 6-100 of this Chapter.

(Ord. 1492, 8/8/2012, §1004)

§27-1005. Hearings.

Public hearings before the Zoning Hearing Board shall be conducted in accordance with the requirements of Section 908 of the Pennsylvania Municipalities Planning Code. The public hearing shall be held within sixty (60) days of filing of a complete application pursuant to public notice, as defined by this Chapter. In addition to public notice, as defined herein, the Zoning Hearing Board shall post at least one (1) copy of the notice on the affected property and shall mail a copy of the notice by regular US Mail.

(Ord. 1492, 8/8/2012, §1005)

§27-1006. Decisions.

- A. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this Chapter or any other land use ordinance, rule or regulation or any provision of the Pennsylvania Municipalities Planning Code shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his/her decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty five (45) days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.
- B. Deemed decisions.
1. Where the Zoning Hearing Board fails to render the decision within the required forty-five (45) day period or fails to hold the required hearing within sixty (60) days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
 2. When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to the Fayette County Court of Common Pleas.
- C. Eligibility of Applications, Petitions and Appeals. Applications, petitions and appeals shall not be accepted on any matter for which an application, petition or appeal has been heard and decided by the Board within the preceding twelve (12) months.

(Ord. 1492, 8/8/2012, §1006)

§27-1007. Fees And Expenditures.

- A. Within the limits of funds appropriated by the City Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
- B. The City Council may, from time to time, establish reasonable fees by resolution for hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. Stenographer's appearance fee and transcripts. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

(Ord. 1492, 8/8/2012, §1007)

§27-1008. Mediation Option.

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principals of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Prior to initiating a mediation proceeding, the City and the affected parties shall develop terms and conditions for:
 - 1. Funding mediation.
 - 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - 3. Completing mediation, including time limits for such completion.

4. Suspending time limits otherwise authorized in this Chapter or in the Pennsylvania Municipalities Planning Code, provided that there is written consent by the mediating parties and by an applicant or City decision making body, if either is not a party to the mediation.
 5. Identifying all parties and affording them the opportunity to participate.
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in this Chapter.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

(Ord. 1492, 8/8/2012, §1008)

§27-1009. Time Limitations.

- A. No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate City officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he/she had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his/her interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.
- B. The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a planned residential development or planned nonresidential development or from an adverse decision by a Zoning Officer on a challenge to the validity of a Chapter or map filed pursuant to §916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days from the date of the official written findings (entry of decision) of the Zoning Hearing Boarding.

(Ord. 1492, 8/8/2012, §1009)

§27-1010. Stay Of Proceedings.

- A. Upon the filing and pending of any proceeding before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order of approval of the Zoning Officer or of any agency or body and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.
- B. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.
- C. All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Fayette County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by this Chapter.

(Ord. 1492, 8/8/2012, §1010)

ARTICLE XI

DEFINITIONS

§27-1101. Definitions And Word Usage.

- A. Certain words used in this Chapter are defined below, except where more specific definitions apply only for purposes of Floodplain Management, those definitions are set forth in Article VII.
- B. Words used in the present tense shall include the future. The singular number shall include the plural and the plural the singular. The word “shall” is mandatory and not permissive.
- C. For the purposes of this Chapter, the following words or terms shall have the specific meanings indicated:

ACCESSORY APARTMENT - see “DWELLING.”

ACCESSORY STRUCTURE - A detached subordinate structure located on the same lot as a principal structure, whose use is clearly incidental to the principal structure or principal use of the land. No accessory structure permit shall be issued prior to the establishment of the principal use.

ACCESSORY USE - A use customarily incidental and subordinate to a lot’s principal use. No accessory use shall be permitted prior to the establishment of the principal use. No accessory use permit will be issued prior to the establishment of the principal use.

ADULT-ORIENTED ESTABLISHMENT - An establishment which sells, rents, leases, trades, barter, operates on commission or fee, purveys, displays, or offers only to or for adults products, goods of any nature, images, reproductions, activities, moving or still pictures, entertainment, and/or amusement distinguished by purpose and emphasis on matters depicting, describing, or relating by and means of communication from one (1) person to another to “specified sexual activities” or “specified anatomical areas” as herein defined. Specified anatomical areas are those areas of the human body, less than completely and opaquely covered, which consist of: (1) female genitals or pubic region, (2) male or female buttocks, anus, anal cleft, or cleavage, (3), female breast below a point immediately above the top of the areola, or (4) human male genitals in a discernibly turgid state. Specified sexual activities are those activities which, when described, displayed, exhibited, simulated, or depicted by whatsoever medium in an adult entertainment service establishment: (1) show the human genitals in a state of sexual stimulation, or being aroused to a state of sexual stimulation, or being touched erotically.

APARTMENT BUILDING - see “DWELLING.”

APPLICANT - A landowner and/or developer who has filed an application for a subdivision or land development or a zoning certificate, permit, or other approval, including his agents, heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, for the approval of a development plan or for a request before the City Council or the Zoning Hearing Board.

ARCHITECT - A professional licensed as such in the Commonwealth of Pennsylvania.

ASSISTED LIVING FACILITY - Any premises in which food, shelter, personal care, assistance, or supervision and supplemental health care services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration. For purposes of this definition, “supplemental health care services” shall mean the provision by an assisted living residence of any type of health care service, either directly or through contractors, subcontractors, agents, or designated providers, except for any service that is required by law to be provided by a health care facility pursuant to the act of July 19, 1979, (P.L.130, No.48) known as the “Health Care Facilities Act.”

AUTOMOTIVE REPAIR AND SERVICE - A facility which services motor vehicles with all types of repair work including engine and transmission repairs, body work, painting, or similar activities.

AUTOMOTIVE SALES OR RENTAL - An establishment for the sale or rental of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles or boats. Typical uses include new and used car dealerships, car or truck rental establishments, motorcycle dealerships, boat, trailer and recreational vehicle dealerships with or without repair and/or maintenance services.

BANK - An establishment in which money is kept for saving or commercial purposes or is invested, supplied for loans or is exchanged. A bank may also provide financial counseling, planning, and services related to money management.

BED AND BREAKFAST - A detached dwelling owned and operated by an individual(s) in which a maximum of ten (10) rooms are provided for overnight guests for a period not more than fourteen (14) consecutive nights in a thirty (30) day period, with or without breakfast meals, but does not include a boarding house, hostel, group home or residence, or hotel. The individual or assigned manager shall reside within the bed and breakfast during occupancy.

BLOCK - A tract of land, a lot, or groups of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, municipal boundary lines, unsubdivided land or by any combination of the above.

BOARDING HOUSE - A residence for the long-term housing for six (6) or more unrelated persons where meals are regularly prepared and served for compensation and where food is served family style without service or ordering of individual portions from a menu.

BRIDGE - A structure, including supports, erected over a depression or an obstruction, as water, highway, or railway, and having a tract or passageway for carrying traffic or other moving loads or structure defined by PennDOT, or equivalent agency, as such.

BUFFER YARD - A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or lots from one another and consisting of a mix of types and sizes of plant material in accordance with the requirements of this Chapter.

BUILDING - Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT - The vertical distance from the average elevation at finished grade level to the average height of the roof as depicted in Appendix 2.

BUILDING SETBACK LINE - An established line within a lot that defines the minimum required distance between the face of the building or structure to be erected and an adjacent street right-of-way or lot line.

- A. The “face of the building” includes basements, decks, sunrooms, foyers, porches, patios with footers and any other solid projections and solid entrances.
- B. “Building setback line” shall also apply to accessory buildings and structures except for signs, fences and landscape walls.
- C. Uncovered steps, stoops or ramps for the accessibility of persons with disabilities are exempt from building setback line requirements.

BUSINESS SERVICES - Establishments engaged in rendering services to businesses and offices on a fee or contract basis, including but not limited to advertising and mailing; data processing; secretarial; financial; photocopying; quick printing and fax; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; management and consulting services; and other similar business services.

CARTWAY - The improved surface of a street right-of-way that is available for vehicular traffic, including parking lanes but excluding shoulders and drainage swales.

CAR WASH - An area of land and/or a structure with machine- or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles and whereas no repairs or sales of petroleum fuel or lubricants are performed. A car wash facility may or may not include accessory uses such as auto detailing.

CEMETERY - Any property used for interment of deceased humans, including mausoleums and columbaria, but not including crematoriums.

CITY ENGINEER - A registered and licensed professional engineer in Pennsylvania designated by the City to perform the duties of an engineer as herein specified.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, measured at the height of a driver's eye (approximately forty inches above grade), between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and driveway as depicted in Appendix 3.

CLUB, PRIVATE - Any establishment operated by a private organization for social, recreational, educational, fraternal or social purposes, and is open only to members and their guests and not to the general public.

COMMERCIAL SCHOOL - A facility where individual classes are offered by a private or nonprofit institution, usually for a fee, to children or adults in a classroom or studio setting. Such facilities shall include, but not be limited to, music and dance schools, language schools, tutoring services, and technical schools.

COMPREHENSIVE PLAN - The Comprehensive Plan of the City Of Connellsville adopted in July 21, 2010, and as amended.

COMPRESSOR STATION - The equipment necessary to transmit natural gas in association with Marcellus Shale and regulated by the Department of Environmental Protection.

CONDOMINIUM - A method of ownership applicable mainly to multi-family dwellings. Under this system, a person obtains title to his individual unit and in addition becomes a member of a non-profit condominium association and, as such, part owner of all land, buildings and amenities within said association.

CONSTRUCTION - The erection, renovation, repair, extension, expansion, alteration or relocation of a building, structure or site improvements including the placement of mobile homes.

CONTRACTOR - Any person(s) hired to perform specified task(s) designated in a written contract for a specified fee for professional services, usually relating to the construction trade.

CONTRACTOR'S YARD - A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

CONVENIENCE STORE - An establishment primarily engaged in the provision of frequently or reoccurring needed goods for household consumption, such as prepackaged food and beverages, limited household supplies and hardware. Convenience stores shall not include fuel

pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

CREMATORIUM - A building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

CROSSWALK - A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

CULVERT - Any structure, not classified as a bridge, which provides an opening under the roadway.

DAY-CARE, ADULT - A facility providing a program of health, social and support services in a protective setting during daytime hours for elderly persons, and which is licensed by the Pennsylvania Department of Aging.

DAY-CARE CENTER - A facility provided for seven (7) or more children under the age of sixteen (16), who are not relatives of the operator, at any one (1) time for part of a twenty-four (24)-hour day, operated for profit, and which is licensed by the Pennsylvania Department of Welfare as a "child day-care center."

DAY-CARE, FAMILY - A facility, which may or may not be within a residential dwelling unit, where day care is provided for no more than six (6) elderly persons or children under the age of sixteen (16), who are not relatives of the operator, at any one (1) time for part of a twenty-four (24)-hour day, operated for profit, and which is licensed by the Pennsylvania Department of Welfare as a "family day-care."

DENSITY - The number of dwelling units per acre of land.

DEVELOPER - Any landowner or agent of such landowner or tenant with the permission of such landowner who proposes, makes or causes to be made a subdivision of land or land development.

DRIVEWAY - A privately owned vehicular access way from a street to properties abutting the street and serving no more than four dwelling units.

DRIVE-THRU - An accessory use to a place of business operated for the retail sale of food and other goods and designed to allow patrons to be served or accommodated while remaining in a motorized vehicle.

DUPLEX - SEE "DWELLING."

DWELLING - A building or portion thereof which is designed for and/or occupied in whole or in part as a residence for one (1) or more dwelling units, not including hotels, motels, bed & breakfasts, hostels, boarding houses, group homes or residences, or facilities for the elderly. The following are specific structural types of "dwellings":

- A. **DWELLING, SINGLE-FAMILY DETACHED** - A residential building containing one (1) dwelling unit only, which is located on an individual lot with yards on all sides.
- B. **DWELLING, MULTI-FAMILY** - A building containing two or more individual dwelling units.

Multi-family dwellings shall include the following types:

1. **SINGLE-FAMILY ATTACHED** - A building containing two (2) side-by-side dwelling units, each on its own lot and with direct access to the outside. The wall attaching the units shall be located on the side lot line separating the two lots.
2. **DUPLEX** - A building, on a single lot, containing two (2) dwelling units, either side-by-side or over one another, with each having its own access directly to the outside.
3. **QUADPLEX** - A residential building containing four (4) dwelling units, divided by party walls, each having its own access directly to the outside.
4. **TOWNHOUSE** - A residential building containing at least three (3) but no more than six (6) dwelling units in a row connected by party walls, each having its own access directly to the outside.
5. **APARTMENT BUILDING** - A residential building containing three (3) or more dwelling units, having access to the outside by way of a common entrance or entrances and a common interior hallway.
6. **ACCESSORY APARTMENT** - a dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit or primary use, either within the same structure or in a separate structure on the same lot.

DWELLING UNIT - One (1) or more rooms for living purposes, together with separate cooking and sanitary facilities, which are accessible from the outdoors, either directly or by an access shared with other dwelling units, which is used, or intended to be used, by one (1) family or person.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of land for public or quasi-public purpose.

EMERGENCY SERVICES FACILITY - An area used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide fire, rescue or ambulatory services.

ENGINEER - A professional licensed as such in the Commonwealth of Pennsylvania.

EROSION - The natural process by which soil and rock material moves on the earth's surface through the forces of wind and water.

ESSENTIAL SERVICES - The provision of distribution systems by public utilities, municipal or other government units regulated by the Public Utilities Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewers, conduit, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental units or for the public health and safety or general welfare.

EXCAVATION - Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed.

FAMILY - One (1) or more persons related by blood, marriage or adoption or no more than five (5) unrelated individuals occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, club, fraternity or hotel.

FENCE - A fully exposed, free-standing barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard, field or other open space area. It includes a retaining wall less than thirty (30) inches in height that functions to enclose an open space or yard; however, a retaining wall greater than thirty (30) inches in height or a structural wall is not considered a fence.

FLOODPLAIN - Areas subject to inundation, at frequent or occasional intervals, as a result of storm water runoff or overflowing streams. More specific floodplain definitions are provided in Article VII, Floodplain Management.

FLOOR - A habitable area of uniform vertical elevation that is contained within the outside walls of a building or structure.

FORESTRY - The management of forests and timberlands with practices in accordance with accepted silvicultural principles through developing, cultivating, harvesting, transporting and selling trees for commercial purposes and which does not involve any land development.

FREIGHT TERMINAL - A building and adjacent loading area, which may or may not include facilities for maintenance, fueling, storage or dispatching of the vehicles, where cargo is stored and where commercial vehicles load and unload cargo on a regular basis.

FRONT YARD - SEE "YARD, FRONT."

FRONTAGE - The minimum straight line distance between the intersection of the side lot lines and the front lot line.

FUNERAL HOME - A building used for the embalming of the deceased prior to burial, but not including cremation, and for the viewing of the deceased and ceremonies connected therewith before burial or cremation.

GAS STATION - A retail place of business engaged primarily in the sale of motor fuels which said place could also be engaged in the supplying of goods and services generally required for the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including the sale of petroleum products; selling and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; supplying of other incidental automotive customer services and products; and performing automotive maintenance and repair, excluding such repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/re-treading of tires. A "gas station" may also include the operation of a convenience store.

GOVERNING BODY - The City Council of the City of Connellsville.

GRADING - Excavation of fill or any combination thereof including conditions resulting from such activities.

GROSS FLOOR AREA - The sum of the gross horizontal area of all floors of a principal building or buildings located on the same lot. All dimensions shall be measured between the exterior faces of walls.

GROUP HOME - A dwelling where room and board are provided to five (5) or fewer unrelated persons of any age who are permanent residents, who are mentally or physically handicapped and who are in need of supervision and specialized services, including necessary staff who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents; such services being provided by a governmental agency, its licensed or certified agents or any other responsible nonprofit corporation meeting the minimum requirements of the sponsoring agency. This category shall not include a Halfway House.

GROUP RESIDENCE - A dwelling where room and board are provided to six (6) or more unrelated persons of any age who are permanent residents, who are mentally or physically handicapped and who are in need of supervision and specialized services, including necessary staff who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents; such services being provided by a governmental agency, its licensed or certified agents or any other responsible nonprofit corporation meeting the minimum requirements of the sponsoring agency. This category shall not include a Halfway House.

HALFWAY HOUSE - A residence for those who are undergoing or have completed treatment at a rehabilitation facility, whether criminal in nature or not, but are not yet ready to return to independent living in the community and where residents participate in structured programs designated to ease successful reintegration into society. This shall include residences for juvenile delinquents, sex offenders or others having a criminal record as well as those who currently use illegal drugs.

HOME-BASED BUSINESS, NO-IMPACT - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use of a residential dwelling, which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use, and which meets all of the requirements set forth in Section 3-100 of this Ordinance.

HOME-BASED BUSINESS, OTHER - A business or commercial activity administered or conducted as an accessory use that is secondary to the principal use of a dwelling contributing either entirely or partly to the livelihood of a person living in the dwelling and which does not comply with the requirements of a No-Impact Home-Based Business.

HOSPITAL - An institution, licensed by the State Department of Health, providing primary health services and medical or surgical care to persons on a primarily inpatient basis, and including, as an integral part of the institution, related facilities such as laboratories, staff offices, outpatient facilities and/or training facilities.

HOSTEL - A transient lodging establishment that contains private sleeping units and common bathroom facilities and where meals are not provided but may be prepared by overnight guests using common kitchen facilities.

HOTEL OR INN - An establishment which provides transient lodging accommodations to the general public in six (6) or more rooms which each have separate access to a common interior corridor and which may provide such additional supporting services such as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

IMPOUNDMENTS - An earthen structure designed to retain the waste water associated with Marcellus Shale and regulated by the Department of Environmental Protection.

IMPROVEMENTS - Those physical additions and changes to the land and any structures that may be necessary to produce usable and desirable lots.

INDUSTRIALIZED HOUSING - (i) A structure designed primarily for residential occupancy and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. (ii) The term does not include a structure or building classified as an institutional building or manufactured home as defined by the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§5401-5426). (iii) The terms “industrialized housing” and “modular home” are synonymous and shall be used interchangeably in this ordinance.

JUNK STORAGE, SALES AND SALVAGE - Any lot, building or structure or part thereof used for the storage, collection, recycling, resource recovery, salvage, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, vehicular parts, or two (2) or more unregistered, inoperable motor vehicles or other

types of junk. In no district shall this use be considered to be accessory or incidental to another use.

KENNEL - An establishment where four (4) or more dogs or six (6) or more cats who are six (6) months old or older are kept, bred, trained or boarded at any one (1) time, whether or not for profit.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. One (1) lot for a residential or non-residential building or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
 - 2. A group of two (2) or more residential or non-residential buildings on more than one lot, whether proposed initially or cumulatively; or
 - 3. The division or allocation of land or space whether initially or cumulatively between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land. 3. Development in accordance with §503 (1.1) of the Pennsylvania Municipalities Planning Code.

LANDOWNER - The legal or beneficial owner(s) of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee, if he or she is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in the land.

LANDSCAPE ARCHITECT - A professional licensed as such in the Commonwealth of Pennsylvania.

LANDSCAPE WALL - Non-structural, non-load bearing walls less than thirty (30) inches in height and used in the art of arranging or modifying the features of a landscape to secure beautiful or advantageous effects. Walls greater than thirty (30) inches in height must meet the requirements of the City Engineer.

LANDSCAPING CENTER/NURSERY - Any lot, building, or structure or portion thereof used to raise non-agriculturally related trees, shrubs, flowers, and other plants for wholesale or retail sale or for transplanting.

LIBRARY - A public building containing printed and pictorial material for public use for purposes of study, education, reference and/or recreation.

LOT - A tract of land in a legally recorded subdivision plat and/or land development plan or any other tract of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership. General illustrations of lots are provided in Appendix 1.

LOT AREA - The area contained within the property lines of a parcel of land as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.

LOT COVERAGE - The area of a lot covered by buildings, structures and paving, expressed as a percentage of total lot area.

LOT DEPTH - The mean horizontal distance between the front and rear lot lines.

LOT OF RECORD - A lot that is part of a legally recorded subdivision and/or land development plan duly recorded in the office of the Recorder of Deeds identified in those records by plan book volume and page number.

LOT WIDTH - The mean width measured at right angles to its depth, except lots on cul-de-sacs, turn-arounds or curves shall provide the minimum width as required by this Chapter at the minimum required front building setback line.

MANUFACTURED HOME -

- A. A structure, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on a site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.
- B. The term includes any structure which meets the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§5401-5426).
- C. The term does not include any self-propelled vehicle.
- D. The terms “manufactured home” and “mobile home” are synonymous and are used interchangeably in this ordinance.

MANUFACTURING, HEAVY - The assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, which has the potential to produce noise, dust, glare, odors, vibration, smoke or other noxious emissions beyond its lot boundaries.

MANUFACTURING, LIGHT - The assembly, fabrication, packaging or other industrial processing of finished parts or products to occur wholly within an enclosed building, where no process involved produces noise, dust, glare, odors, vibration, smoke or other noxious emissions will disturb or endanger neighboring properties.

MARINA - A facility, commercial or non-commercial in nature, for the mooring, docking, storing, or servicing of boats and the occupants or owners thereof.

MINERAL - Any aggregate or mass of mineral matter, whether or not coherent, including, but not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat, crude oil and natural gas.

MINERAL EXTRACTION - The exploration for and extraction of minerals.

MINIMUM LOT SIZE - The smallest parcel of land designated for a particular use exclusive of all right-of-ways.

MIXED-USE DEVELOPMENT - A use that integrates residential and non-residential uses or combines various non-residential uses within a single building or land development plan.

MOBILE HOME - See “Manufactured Home.”

MOBILE HOME PARK - A lot or series of lots usually under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use.

MODULAR HOME - See “Industrialized Housing.”

MOTEL - An establishment which provides transient lodging accommodations to the general public in six (6) or more rooms which each have separate access directly to the outside and which may provide such additional supporting services as restaurants, recreation facilities and living quarters for a resident manager or proprietor.

MULTI-FAMILY DWELLING - SEE “DWELLING.”

MUNICIPALITIES PLANNING CODE - Planning legislation adopted by the Commonwealth of Pennsylvania as the Act of July 31, 1968, P.L. 805, No. 247, and all subsequent amendments, to provide uniform procedures for municipalities to implement regulations to control the development and use of land.

NET FLOOR AREA - The total of the floor area of a building or structure, measured from the interior faces of walls, excluding stairwells and elevator shafts, common hallways which are not leasable space, lobbies, rest rooms, storage (except in conjunction with warehouses and other industrial uses) and equipment rooms, food preparation areas in a restaurant, interior vehicle parking or loading areas and any other areas not accessible to the general public.

NON-CONFORMING BUILDING OR STRUCTURE - A building or structure or part of a building or structure manifestly not designed to comply with the applicable use or extent of use provisions in this Chapter, its predecessors or any amendments thereto, such as minimum yard, maximum lot coverage, maximum height and off-street parking requirements, where such structure lawfully existed prior to enactment of this Chapter, its predecessors or amendments thereto. Such non-conforming buildings or structures include, but are not limited to, non-conforming signs.

NON-CONFORMING LOT - A lot whose area or dimensions were lawful prior to the adoption of this Chapter, its predecessor or any amendments thereto, but which fails to conform to the requirements of the zoning district in which it is located, such as minimum lot area or lot width requirements, by reasons of such adoption or amendments.

NON-CONFORMING USE - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Chapter, its predecessor or any amendments thereto, where such use was lawfully in existence prior to enactment of this Chapter, its predecessors or amendments thereto.

NON-TOWER BASED WIRELESS COMMUNICATIONS FACILITIES - All non-tower based wireless communications facilities including, but not limited to, Data Collection Units, Communications Antenna and related equipment. Non-Tower Based WCF shall not include support structures for Communications Antenna and related equipment. Not included are towers and supporting structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this Chapter.

NURSING/CONVALESCENT CARE FACILITY - A facility licensed by the Department of Health that provides skilled or intermediate nursing care or both levels of care to two (2) or more patients, who are unrelated to the nursing home administrator, for a period exceeding twenty-four (24) hours.

OFFICE, BUSINESS - A building or part of a building in which one (1) or more persons are employed in the management, direction or conducting of business/commerce and whose staffs/employees serve clients who seek advice and consultation regarding business/commerce. A business office may include the administrative, corporate or professional offices for profit, non-profit or charitable organizations. Business offices shall be classified as follows: a. LARGE - occupying more than 6,000 square feet of gross floor area. b. SMALL - occupying 6,000 square feet or less of gross floor area.

OFFICE/CLINIC, MEDICAL - A building or part of a building where one (1) or more licensed medical professionals provide diagnosis and treatment to the general public without surgical procedures, overnight accommodation or pharmacy and which may include such uses as reception areas, offices, consultation rooms, and x-ray facilities, providing that all such uses have access only from the interior of the building.

ORDINANCE - All references to “Chapter” or “this Chapter” refer to the City of Connellsville Zoning Ordinance, unless otherwise noted.

OPEN SPACE - Public or private land used for recreation, resource protection, amenity and/or buffers, not including any area of a lot, any part an existing or future street right-of-way, easement of access or areas set aside for public or private utilities, storm water facilities and easements.

PERMITTED USE - An authorized use allowed by right that may be granted by the Zoning Officer upon compliance with the requirements of this Chapter.

PERSONAL CARE HOME - A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation from a residence in the event of an emergency or medication prescribed for self-administration.

PERSONAL SERVICES - Any enterprise providing services and related products pertaining to the person, their apparel or personal effects commonly carried on or about the person, including but not limited to shoe repair, tailoring, dry cleaning, watch repairing, barbershops, beauty salons, licensed massage therapy establishments and spas, and similar activities.

PLACE OF WORSHIP - An institution of any religious denomination where people regularly observe, practice or participate in religious or spiritual services, meetings or activities.

PLAN, SKETCH - An informal plan, not necessary to exact scale, indicating salient existing features of a lot and its surroundings and the general layout of a proposed subdivision prepared by the landowner and/or developer, an engineer, landscape architect, architect or a surveyor, or other qualified professional.

PLANNING COMMISSION - Unless otherwise specified, the City of Connellsville Planning Commission.

PRINCIPAL BUILDING OR STRUCTURE - The building or structure on a lot in which the principal use or uses are conducted.

PRINCIPAL USE - The primary or predominant use of any lot, building or structure.

PROCESSING PLANT - The equipment required to refine Marcellus Shale into the forms necessary for transmission and regulated by the Department of Environmental Protection.

PUBLIC - Owned, operated or controlled by a federal, state, county or local government unit.

PUBLIC BUILDING - Any structure used or intended for supporting or sheltering uses for the public including municipal, county, state and federal government units.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the City Council, the Planning Commission or the Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper or newspaper(s) of general circulation within the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days prior to the date of the public hearing.

PUBLIC/PRIVATE WORKS FACILITY - The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water towers, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a utility, whether publicly or privately owned, or by a municipal or other government agency, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

QUAD-PLEX - SEE “DWELLING.”

RAIL YARD - The use of a lot, or building or structure or part thereof for activities directly associated with the operation of a railway. Without limiting the generality of the foregoing, such activities may include loading and off-loading freight, and/or maintenance and repair of railway cars.

REAR YARD - SEE “YARD, REAR.”

RECREATION, INDOOR, PRIVATE - Recreational facilities within a building or structure that are operated by a private, for-profit entity and for which a fee is charged for their use. These facilities shall include, but not be limited to, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, and indoor sports facilities for the play of individual or team sports like tennis, soccer, or lacrosse.

RECREATION, INDOOR, PUBLIC - Recreational facilities within a building or structure that are operated by a public or nonprofit entity and for which a fee may or may not be charged for their use. These facilities shall include, but not be limited to, community centers, senior centers, YMCAs, indoor pools, and ice rinks.

RECREATION, OUTDOOR, PRIVATE - Recreational facilities, not housed within a building or structure, operated by a private, for-profit entity and for which a fee is charged for their use. These facilities shall include, but not be limited to, batting cages, miniature golf courses, go-kart tracks, and boat liveries.

RECREATION, OUTDOOR, PUBLIC - Recreational facilities not housed within a building or structure that are operated by a public or nonprofit entity and for which a fee may or may not

be charged for their use. These facilities shall include parks, playgrounds, ball fields, and public swimming pools.

RESEARCH, TESTING AND DEVELOPMENT FACILITY - A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for manufacture or sale of products, except as incidental to the main purpose of the facility.

RESTAURANT, HIGH TURN-OVER - An eating establishment open to the general public where the customer turn-over time is generally less than one (1) hour, including drive-thru restaurants and take-out establishments, and where the principal use of the establishment is food service. A “high turn-over restaurant” does not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages, to entertainment or to the sale of merchandise or non-food-related services in accordance with the requirements of the Pennsylvania Liquor Control Board.

RESTAURANT, LOW TURN-OVER - An eating establishment open to the general public where the customer turn-over time is generally one (1) hour or longer and where the principal use of the establishment is food service. A “low turn-over restaurant” does not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages or to the sale of merchandise or non-food-related services in accordance with the requirements of the Pennsylvania Liquor Control Board.

RETAIL, SMALL - An establishment occupying 6,000 square feet or less of gross floor area located entirely within an enclosed building and which sells goods or merchandise directly to the general public for personal, household or office.

RETAIL, MEDIUM - An establishment occupying between 6,000 and 40,000 square feet of gross floor area located entirely within an enclosed building and which sells goods or merchandise directly to the general public for personal, household or office.

RETAIL, LARGE - An establishment occupying 40,000 square feet or more of gross floor area located entirely within an enclosed building which sells goods or merchandise directly to the general public for personal, household or office consumption.

RIGHT-OF-WAY - A strip of land occupied or intended to be occupied by a street, alley, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or from another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way thereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of areas of such lots.

RUNOFF - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off of the surface of the land.

SCHOOL - A public, sectarian or private non-profit establishment approved by the Commonwealth of Pennsylvania to provide formal academic and/or vocational education at the kindergarten, elementary, and secondary levels.

SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water) it is usually referred to as “sedimentation.”

SELF-SERVICE STORAGE FACILITY - A building consisting of individual, self-contained units less than five hundred (500) square feet in size that are leased or owned for the storage of business and household good or contractors supplies.

SENIOR CENTER - A building that provides recreational, social, or non-invasive health maintenance services, such as blood pressure screening, to senior citizens by professionally-trained staff or volunteers.

SETBACK - SEE “BUILDING SETBACK LINE.”

SIDE YARD - SEE “YARD, SIDE.”

SINGLE-FAMILY DETACHED DWELLING - SEE “DWELLING.”

SLOPE - The face of an embankment or cut section or any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical differences in feet per one hundred (100) feet of horizontal distance.

SOCIAL SERVICE AGENCY - An establishment providing one (1) or more social services for an individual or family such as counseling, referral, temporary or disaster relief, welfare service or similar human support services.

SPECIAL EXCEPTION - An authorized use of a lot, building, or structure that may be granted only by the Zoning Hearing Board after a public hearing and in accordance with express standards and criteria specified in this Chapter.

STEEP SLOPE - An area where the inclination (vertical distance over horizontal distance) of the land’s surface is twenty-five percent (25%) or greater and encompassing a vertical grade differential of ten (10) feet within the slope. Slope is calculated based upon contours at intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

STORY - That part of a building included between the surface floor and the surface floor of the next floor above or if there is no floor above, the space between the floor and the ceiling above. A basement shall be counted as a story when more than one-half (1/2) of such basement height is above the finished lot grade.

STREET - A way designed for circulation of vehicular traffic, including the entire right-of-way and cartway, which shall include the following classifications:

- A. **ALLEY** - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- B. **ARTERIAL** - A public street which serves large volumes of high-speed and local distance traffic.
- C. **COLLECTOR** - A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.
- D. **CUL-DE-SAC** - A short street having one (1) end open to traffic and being permanently terminated by a vehicle turn-around or court.
- E. **LOCAL** - A public street designed to provide access to abutting lots and to discourage through traffic.
- F. **PRIVATE** - A street, including the entire right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A “private street” provides access to several lots or lots which do not have access to a public street and which require access to a public street through the private street. (See also “driveway, private.”)
- G. **PUBLIC** - A street, including the entire right-of-way, which has been dedicated to and accepted by the City, or which has been devoted to public use by legal mapping, use or other means.

STRUCTURAL ALTERATION - Any change in the support members of a building or structure such as bearing walls, columns, beams or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation from one (1) position to another.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION - The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, or 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 ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

SURVEYOR - A professional licensed as such in the Commonwealth of Pennsylvania.

Taverns/Bars - An establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

Temporary Structure - A building or structure intended to be used for a period of six (6) months or less, including but not limited to construction or land sales trailers, tents, bleachers, air-supported structures, and similar structures.

Temporary Use - The sale of goods or services by a business or other entity for a period of not more than 14 consecutive days or a maximum of 28 days per calendar year, including but not limited to carnivals, Christmas tree sales, farm stands, or other seasonal businesses.

Terminal, Bus/Train - The use of land, building, or structure for loading and unloading passengers on and off buses and trains, and for uses including ticket offices, restaurant, luggage checking facilities, waiting area and similar uses.

Tower-based Wireless Communication Facilities - Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless communication purposes including self-supporting lattice towers, guyed towers or monopole towers. For the purposes of this ordinance, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto. Tower-based wireless communications facilities shall be considered to be a different and distinct use than non-tower based wireless communications facilities and not permitted as an accessory use but considered to be a principal use of a lot.

Townhouse - SEE "DWELLING."

Truck Stop - Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews.

University/College - An educational institution, authorized by the Commonwealth of Pennsylvania to award associate, baccalaureate or higher degrees, and including, some or all of the following principal uses: classrooms, libraries, auditoriums, gymnasiums, stadiums, administrative offices, dormitories and dining facilities, boarding houses, maintenance and operating facilities, as well as ancillary uses, such as research facilities, retail services and businesses that support student, faculty and staff needs.

Use - Any activity, business or purpose for which any lot or structure is utilized.

VARIANCE - A departure from the strict letter of this Chapter as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the terms of this Chapter and the Pennsylvania Municipalities Planning Code.

VETERINARY SERVICES - An establishment operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals, but excluding the boarding and grooming of animals not subject to medical or surgical treatment.

WAREHOUSING/DISTRIBUTION FACILITY - An establishment used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food stuffs, and the like, but not including the maintenance or fueling of commercial vehicles.

WATERCOURSE - A natural stream of water, river, brook, creek, or a channel of a perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

WATER TOWER - Any natural or man-made receptacle or facility for the collection and/or storage of water, whether permanent or temporary, used as part of a public water supply system.

WELLHEAD - The visible top structure of an oil and gas operation associated with Marcellus Shale that is regulated by the Department of Environmental Protection.

WELL PAD - The visible top of the well which represents the barrier between the underground portion of a well and the Wellhead which is regulated by the Department of Environmental Protection.

WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This definition shall include and be limited to wetlands as defined by:

- A. Section 404 of the United States Clean Water Act, as may be amended from time to time.
- B. The Pennsylvania Department of Environmental Protection commonly known as hydrophytic vegetation.

WHOLESALE BUSINESS - An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers rather than to the general public or acting as a broker for such merchandise sales.

YARD - An open space adjacent to a lot line, unobstructed from the ground to the sky, except as otherwise provided herein. Typical configurations are shown in Appendix 1.

- A. **FRONT** - A yard extending across the full width of the lot and extending back in depth the required minimum distance from the front lot line to a line parallel thereto on the lot.
- B. **REAR** - A yard extending across the full width of the lot and extending forward in depth the required minimum distance from the rear lot line to a line parallel thereto on the lot.
- C. **SIDE** - A yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard, or in the case of a corner lot, extending from the front yard to the yard opposite the front yard.

ZONING PERMIT - A document signed by the Zoning Officer which is required by this Chapter prior to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.

ZONING DISTRICT - A finite area of land consisting of two (2) or more contiguous lots, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

ZONING HEARING BOARD - The City of Connellsville Zoning Hearing Board.

ZONING MAP - The official map delineating the zoning districts as defined by the Zoning Ordinance, together with all amendments subsequently adopted.

ZONING OFFICER - The Chief of Zoning, designated official, or an authorized representative, such as a zoning technician, appointed or assigned by the City Council, whose duty it shall be to administer this Chapter with power to issue zoning permits and to halt illegal development and construction, and to interpret literally the meaning of the various sections of this Chapter subject to appeal before the Zoning Hearing Board.

ZONING ORDINANCE - The City of Connellsville Zoning Ordinance No. 736, adopted on July 6, 1954, as amended by Ordinance No. 1167, adopted on February 27, 1978.

(Ord. 1492, 8/8/2012, §1101; amended by Ord. 1523, 9/20/2016, §1)