

Part I: Administrative Legislation

Chapter 1. General Provisions

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Adoption of Code

§ 1-1. through § 1-15. (Reserved)

[An ordinance adopting the Code of the City of Jeannette and making certain substantive changes to existing ordinances of the City is presently proposed before the City Council. Upon final adoption, it will be included here as Article I of this chapter.]

Article II. Definitions and Interpretation

[Adopted as Section 101.04 of the 1977 Codification]

§ 1-16. Principles of construction; word usage.

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

- A. "Code Adoption Ordinance" means the ordinance of the City adopting the codified ordinances of Jeannette, Pennsylvania, in conformity with the Third Class City Code of Pennsylvania and Article I of this chapter.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. "Authority," as given to an officer or requiring an act to be performed, shall be construed to permit exercise by such officer, and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.
- C. Calendar; computation of time. "Month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day; except if the last is Sunday, it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.
- D. "City" and "Municipality" mean the City of Jeannette, Pennsylvania.
- E. Conjunctions. "And" includes "or" and "or" includes "and" if the sense so requires.
- F. "Council" means the Council of the City of Jeannette, Pennsylvania.

- G. "County" means the County of Westmoreland, Pennsylvania.
- H. Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.
- I. General rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of language; provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.
- J. Joint authority. Words giving authority to a board, commission, authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- K. "Keeper" or "proprietor" includes persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
- L. "Land" or "real estate" includes rights and easements of incorporeal nature.
- M. Number. Words in the plural include the singular and in the singular include the plural number.
- N. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation has the same force and effect as an oath.
- O. "Owner," when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.
- P. "Person" includes associations, clubs, corporations, firms, partnerships and bodies politic, as well as individuals.
- Q. "Premises," when used as applicable to property, includes land and buildings.
- R. "Property" includes real and personal and any mixed or lesser estates or interests therein. "Personal property" includes every kind of property except real property. "Real property" includes lands, tenements and hereditaments.
- S. "Reasonable time." In all cases where provision is made for an act to be done or notice to be given within a "reasonable time," it means such time only as may be reasonably necessary for the prompt performance of such act or giving of such notice.
- T. "Sidewalk" means any portion of a street between the curblin e and the adjacent property line intended for the use of pedestrians, excluding parkways.
- U. "State" or "commonwealth" means the Commonwealth of Pennsylvania.
- V. "Street" includes alleys, avenues, boulevards, lanes, roads, streets and other public ways in the City.
- W. "Tenant" or "occupant," as applied to building or land, includes any person holding a written or oral lease of or who occupies the whole or any part of a building or land, alone or with others.
- X. Tenses. The use of any verb in the present tense includes the future.
- Y. "The Third Class City Code" means the Pennsylvania Act of June 28, 1951, P.L. 662, as amended.^[1]

[1] *Editor's Note: See now 11 Pa.C.S.A. § 10101 et seq.*

- Z. "Written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise.

Article III. General Penalty

[Adopted as Section 101.99 of the 1977 Codification]

§ 1-17. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Whenever in the codified ordinances or in any ordinance of the City of Jeannette any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Code or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor the violator of any such provision or any ordinance shall be fined not more than \$1,000. Each day's continued violation shall constitute a separate offense.

§ 1-18. Imprisonment for default.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Whenever there is a default in the payment of a fine imposed under any penalty provision contained in the Code of the City by a nonindigent defendant, such person may be imprisoned for not more than 90 days.

§ 1-19. Costs.

Any person convicted of an offense under the Code shall, in addition to the fine imposed, be sentenced to pay such costs as provided by law.

Chapter 12. Authorities, Municipal

[HISTORY: Adopted by the City Council of the City of Jeannette as Article 157 of the 1977 Codification.

[¹] Amendments noted where applicable.]

[1] *Editor's Note: Article 157 provided a synopsis of existing City legislation relative to municipal authorities.*

§ 12-1. Formation of Municipal Authority.

The City of Jeannette Municipal Authority was formed and organized pursuant to Ordinance 232, passed March 23, 1950, under the provisions of the Municipal Authorities Act of May 2, 1945 (P.L. 382), as amended,^[1] for the purpose of "acquiring, holding, constructing, improving, maintaining, operating, owning, leasing, either in the capacity of lessor or lessee:

- A. "Sewers, sewer systems or parts thereof, sewage treatment works, including works for treating and disposing of industrial waste.
- B. "Such other projects as the City of Jeannette may from time to time, by resolution, specify."

[1] *Editor's Note: The Municipal Authorities Act of 1945 was repealed by Act 22 of 2001. See now Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq.*

§ 12-2. Legislation concerning Authority.

Subsequent legislation concerning the Authority is listed below:

Ord. No.	Date	Subject
60-12	6-18-1960	Granting Authority the right to construct and maintain sanitary sewer lines.
60-13	6-18-1960	Leasing of sanitary sewage system from Authority
63-4	3-19-1963	Leasing of sanitary sewage system from Authority
68-8	6-10-1968	Providing sewage treatment service to the "Grapeville Project" in Hempfield Township
74-10	6-27-1974	Sale of certain sanitary sewerage facilities to Authority

§ 12-3. Redevelopment Authority.

The Redevelopment Authority of the City of Jeannette was formed and organized pursuant to Ordinance 76-5, passed March 24, 1976, under the provisions of the Urban Redevelopment Law, Act of May 24, 1945 (P.L. 991), as amended, for the purposes set forth in such act.

Chapter 26. Emergency Services Reimbursement

[HISTORY: Adopted by the City Council of the City of Jeannette 9-8-1999 by Ord. No. 99-5; amended in its entirety 1-11-2017 by Ord. No. 17-01. Subsequent amendments noted where applicable.]

§ 26-1. Billing insurance carriers.

The City of Jeannette Police and Fire Departments are hereby authorized to bill insurance carriers for services rendered to third parties in emergency situations whenever such services may be covered by liability or hazard insurance.

§ 26-2. Listing of costs.

The recovery costs shall be enacted as set forth in Exhibit A, attached hereto and incorporated herein by reference, and shall be effective upon passage.^[1]

[1] *Editor's Note: The Schedule of Recovery Costs, as amended, is on file in the City's offices.*

§ 26-3. Customary and reasonable costs to be imposed.

The costs imposed for the services shall be those which are usual, customary and reasonable costs, which shall include costs for any service, personnel, supplies, equipment and management.

§ 26-4. Costs dependent on services rendered.

The costs shall vary based on the actual cost of the individual events and public safety services so rendered.

§ 26-5. Coordination of billing for services.

The billing for such services shall be coordinated through the Chief of Police, City Clerk and Fire Chief of the City of Jeannette.

§ 26-6. City's general fund to receive monies.

All monies received in reimbursement for such services shall become part of the City's general fund.

§ 26-7. Amending schedule of fees.

The Council of the City of Jeannette may amend the schedule of fees from time to time by resolution.

Chapter 35. Fire Department

[HISTORY: Adopted by the City Council of the City of Jeannette 3-3-1924 by Ord. No. 170 (Article 137 of the 1977 Codification). Amendments noted where applicable.]

§ 35-1. Paid department; Council supervises.

The Fire Department shall be a paid department, the Chief and every member of which shall be at all times under the control and supervision of Council or such committee or members of Council as that body delegates.

§ 35-2. Composition; oath.

[Added 10-1-1928 by Ord. No. 231]

- A. The Fire Department shall consist of a Chief and as many other members as Council from time to time elects, all or any of whom shall serve until removed by Council at its discretion with just cause. Council shall have the power to increase or decrease the number of paid firemen or call men at any time that it decides to do so.
- B. The Chief, firemen and call men shall, before entering upon their duties, subscribe an oath or affirmation to uphold and observe faithfully the laws of the commonwealth, the ordinances of the City and the rules and regulations for the government of the Fire Department as adopted by Council, the Director of Public Safety or the Fire Chief, well and faithfully, to the best of their ability.

§ 35-3. General provisions.

- A. The members of the Fire Department shall be as follows:
 - (1) The Chief of the Fire Department shall be a uniformed officer of the City and, at fires, shall have sole command over all members of the Fire Department, all employees of the City, and the entire police force of the City, whose duty it shall be to be present at all fires, and he shall take such measures and adopt such means as he deems proper for the protection of property, preservation of order, and the observance of the City ordinances and all rules and regulations of Council, the Director of Public Safety or the Fire Chief respecting fires.
 - (2) All members of the Fire Department shall be uniformed officers of the City and shall be on duty at all times, subject to the orders and control of the Chief of the Fire Department and the rules and regulations as adopted by Council or the Director of Public Safety.

(3) All call members of the Fire Department shall be known as volunteer or extra men and shall report at all fires for which a general alarm is blown.

B. The records of the Fire Chief, whose duty it shall be to keep same as to the time when an alarm of fire was given and the time when the apparatus and men returned to the fire engine house, shall be conclusive and final in determining amounts or sums due volunteer or extra men as members of the Fire Department.

§ 35-4. Purchasing of equipment.

Council shall purchase, at such times as it deems necessary for the use of the Fire Department, such apparatus and supplies as it deems necessary to put the Fire Department in position to give the City protection from fire.

§ 35-5. Alarm system.

Council shall procure, have installed and maintain an electric fire alarm system, with fire alarm boxes at such places in the City as the Department of Public Safety deems most advantageous. The fire alarm boxes shall be in direct connection with an alarm in the engine house, in which engine house the firemen shall be housed and the fire trucks kept.

§ 35-6. Number of firemen and call men.

[Added 10-23-1968 by Ord. No. 68-11; amended 3-27-1979 by Ord. No. 79-6]

The Fire Department shall consist of seven firemen, or as many as Council shall appoint, and 60 call men, or as many as Council shall appoint.

§ 35-7. Age at original appointment.

[Added 4-21-1976 by Ord. No. 76-7]

Firemen and call men shall be elected and appointed by Council in the manner provided by law; however, firemen shall have a minimum age of 21 years and call men shall have a minimum age of 18 years.

§ 35-8. Officers.

[Amended 4-21-1976 by Ord. No. 76-7]

Council shall designate or elect one fireman to act as Chief, one as Captain and two as Head of Shift.

§ 35-9. Compensation.

[Amended 6-19-1956 by Ord. No. 56-8]

The monthly salary of the Chief, Captains and firemen shall be as Council may, from time to time, fix by ordinance, and the call men shall receive such compensation as Council may, from time to time, fix by ordinance.

§ 35-10. Fire Marshal.

[Amended 6-19-1956 by Ord. No. 56-8]

The office of Fire Marshal is hereby created, and the Fire Chief is hereby made ex officio Fire Marshal. The Fire Chief shall receive no additional compensation by virtue of such office.

§ 35-11. Relief association.

[Amended 1931 by Ord. No. 277]

- A. The Jeannette, Pennsylvania, Fire Department Relief Association is hereby officially recognized by Council as an organization formed for the purpose of maintaining an association for beneficial and protective purposes for its members and their families in case of death, sickness, temporary or permanent disability or accident from the funds collected therein.
- B. The Fire Department Relief Association is hereby designated by Council as the proper association to receive such funds as are due and payable to the City treasury by the Treasurer of the state from the 2% tax on premiums from foreign fire insurance companies.
- C. There is hereby annually appropriated from the City treasury all such sums of money that may hereafter be paid into the City treasury by the Treasurer of the state on account of taxes paid on premiums by foreign fire insurance companies in pursuance to an Act of Assembly in such case made and provided.^[1]

[1] *Editor's Note: See the Firemen's Relief Foreign Tax Distribution Law, 53 P.S. § 895.701 et seq.*

§ 35-12. Junior Auxiliary.

[Amended 8-21-1974 by Ord. No. 74-12]

- A. There is hereby established the Jeannette Junior Auxiliary Firemen's Association.
- B. The Junior Auxiliary Firemen's Association shall be at all times under the direction, control and supervision of the Fire Chief.
- C. The Fire Chief shall establish requirements, rules, regulations, offices and bylaws for the operation, direction and supervision of the Jeannette Junior Auxiliary Firemen's Association, subject to the promise that the establishment or amendment of such requirements, rules, regulations, offices and bylaws shall be subject to the approval of the Director of the Department of Public Safety and to the approval of Council. Such requirements, rules, regulations, offices and bylaws shall be in accordance with the following:
 - (1) The age requirement established shall not be less than 14 nor more than 18 years of age.
[Amended 4-5-1989 by Ord. No. 89-5]
 - (2) The Junior Auxiliary Firemen's Association shall not participate in any manner in the fighting of fires nor perform any other duty of a fireman outside of the fire station.
 - (3) The members of the Junior Auxiliary Firemen's Association shall receive \$100 annually. Upon reaching age 17, members who meet all training requirements may be paid as a call firefighter.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (4) The Junior Auxiliary Firemen's Association shall provide suitable insurance coverage against injuries received by its members.

Chapter 44. Health Board

[HISTORY: Adopted by the City Council of the City of Jeannette 12-14-1966 by Ord. No. 66-24 (Article 159 of the 1977 Codification). Amendments noted where applicable.]

§ 44-1. Council to act as Board.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Council is hereby designated to be the Board of Health for the City pursuant to the authority granted under Section 2301 of the Third Class City Code (11 Pa.C.S.A. § 12301).

Chapter 72. Officers and Employees

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Bonds Required for Certain Officers

[Adopted as Section 139.02 of the 1977 Codification]

§ 72-1. Bond specifications.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following officers of the City shall be bonded in the specified amounts:

- A. City Treasurer (as treasurer): \$100,000.
- B. CFO: \$100,000.
- C. Bookkeeper: \$100,000.

§ 72-2. Tax collector's bond.

The bond for the City Treasurer in his capacity as tax collector shall be set by the County, School District and City in accordance with the Local Tax Collection Law.^[1]

[1] *Editor's Note: See 72 P.S. § 5511.1 et seq.*

§ 72-3. Blanket bond.

A blanket bond shall be secured to cover all employees in the offices of the City Clerk and City Treasurer in the amount of \$10,000 each.

Article II. Political Activity by Civil Service Employees

[Adopted 7-13-2005 by Ord. No. 05-07]

§ 72-4. Prohibited political activity.

- A. No person hired under the civil service provisions of the Third Class City Code within the City of Jeannette shall use his official authority or influence for the purpose of interfering with or affecting the result of an election.

- B. No person hired under the civil service provisions of the Third Class City Code within the City of Jeannette shall take an active part in political management or in a political campaign. Activities prohibited by this subsection include, but are not limited to, the following activities:
- (1) Serving as an officer of a political party, a member of a national, state or local committee of a political party or an officer or member of a committee of a partisan political club, or being a candidate for any of these positions.
 - (2) Organizing or reorganizing a political party organization or political club.
 - (3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose.
 - (4) Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a candidate in a partisan election or of a political party or political club.
 - (5) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office.
 - (6) Becoming a candidate for, or campaigning for, an elective public office in a partisan election.
 - (7) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office.
 - (8) Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in a partisan election.
 - (9) Driving voters to the polls on behalf of a political party or a candidate in a partisan election.
 - (10) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign, literature or similar material.
 - (11) Serving as a delegate, alternate or proxy to a political party convention.
 - (12) Addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office.
 - (13) Initiating or circulating a partisan nominating petition.
 - (14) Soliciting, paying, collecting or receiving a contribution at or in the workplace from any employee for any political party, political fund or other partisan recipient.
 - (15) Paying a contribution at or in the workplace to any employee who is the employer or employing authority of the person making the contribution for any political party, political fund or other partisan recipient.
- C. An employee or individual to whom Subsection **A** or **B** applies retains the right to vote and to express an opinion on political subjects and candidates and may engage in the following activities:
- (1) Register and vote in any election.
 - (2) Express an opinion as an individual, privately and publicly, on political subjects and candidates.
 - (3) Display a political picture, sticker, badge or button when not on duty and at locations other than the workplace.

- (4) Participate in the nonpartisan activities of a civic, community, social, labor or professional organization, or of a similar organization.
 - (5) Be a member of a political party or other political organization or club and participate in its activities to the extent consistent with this section.
 - (6) Attend a political convention, rally, fund-raising function or other political gathering.
 - (7) Sign a political petition as an individual.
 - (8) Make a financial contribution to a political party or organization.
 - (9) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character.
 - (10) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise efficiency or integrity as an employee or the neutrality, efficiency or integrity of the City.
- D. Notwithstanding anything in this article or any other act to the contrary, no person shall be deemed ineligible for the office of School Director solely on the basis that such person is hired under the civil service provisions of the Third Class City Code within the City of Jeannette.
- E. Nothing in the provisions of Subsection **C** above of this article shall be deemed or construed to authorize a person hired under the civil service provisions of the Third Class City Code within the City of Jeannette to engage in political activity while on duty or while in a uniform that identifies him as an employee. The head of any department employing a person hired under the civil service provisions of the Third Class City Code within the City of Jeannette may prohibit or limit the participation of an employee or class of employees of the department in an activity permitted by Subsection **C** above if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interest.

§ 72-5. Disciplinary actions for violations.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person hired under the civil service provisions of the Third Class City Code within the City of Jeannette who violates this article shall be discharged and removed from employment, and funds appropriated for the position from which the employee is removed may not be used thereafter to pay the employee or individual; provided, however, that the Council of the City of Jeannette, at its discretion and following hearing under the terms of the Third Class City Code set forth in 11 Pa.C.S.A. § 14408, may impose a penalty of suspension with or without pay of not more than 30 working days, if it finds that the violation does not warrant termination.

§ 72-6. Definitions.

As used in this article, the following words and phrases shall have the meanings given to them in this subsection:

CANDIDATE

Any person seeking a position referenced in this article, regardless of whether such person is an incumbent, seated elected official or other person seeking such position.

CITY

The City of Jeannette or any department thereof which employs persons hired under the civil service provisions of the Third Class City Code.

CONTRIBUTION

Any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, or by pledge or promise, whether or not enforceable, or otherwise.

ELECTION

A primary, municipal, special and/or a general election.

EMPLOYEE

A person hired under the civil service provisions of the Third Class City Code within the City of Jeannette.

EMPLOYER

The Mayor and/or Council of the City of Jeannette, a head or person in charge of a department in which an employee is employed or an employee's supervisor.

PARTISAN

When used as an adjective, refers to a political party.

POLITICAL FUND

Any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any partisan election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee or any other entity.

Chapter 81. Pensions

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Police Pension Plan

[Adopted 12-27-2000 by Ord. No. 00-10]

§ 81-1. Establishment.

The City of Jeannette Police Pension Plan ("Plan"), which was first established pursuant to Ordinance No. 59-22, approved December 17, 1959, for the benefit of police employees of the City of Jeannette, and which has been amended and restated by ordinances and resolutions of the City Council thereafter, shall be, and hereby is, amended and supplemented in the following respects.

§ 81-2. Repealer.

Any ordinances, resolutions or parts of ordinances or resolutions conflicting with the provisions of this article be and the same hereby are repealed so far as the same affects this article; however, such repeal shall not affect any act done or any right or liability accrued under any such ordinance or resolution herein repealed or superseded, and all such rights or liabilities shall continue and may be enforced in the same manner as if such repeal or supersession had not been made, but only to the extent otherwise permitted under the laws of the Commonwealth of Pennsylvania.

§ 81-3. Effective date.

Effective January 1, 2000, the plan shall be amended by entirely deleting the provisions of said plan and substituting the following in its place.^[1]

[1] *Editor's Note: The complete Police Pension Plan, as amended, is on file in the City's offices.*

Article II. Firemen's Pension Plan

[Adopted 12-30-2002 by Ord. No. 02-12; amended in its entirety 4-21-2014 by Ord. No. 14-03]

§ 81-4. Establishment.

The City of Jeannette Firemen's Pension Plan ("plan"), which was first established pursuant to Ordinance No. 65-5 for the benefit of City firemen, which has been amended and restated by ordinances and resolutions of the City Council thereafter, shall be, and hereby is, amended and supplemented by the following.

§ 81-5. Repealer.

Any ordinances, resolutions or parts of ordinances or resolutions conflicting with the provisions of this article are repealed so far as the same are contrary to this article and superseded hereby; however, such repeal shall not affect any act done or any right or liability accrued under any such ordinance or resolution herein repealed or superseded, and all such rights or liabilities shall continue and may be enforced in the same manner as if the prior ordinance was not repealed or superseded, but only to the extent otherwise permitted under the laws of the Commonwealth of Pennsylvania.

§ 81-6. Effective date.

Effective January 1, 2012, the plan shall be amended by entirely deleting the provisions of said plan and substituting the following in its place.^[1]

[1] *Editor's Note: The complete Firemen's Pension Plan, as amended, is on file in the City's offices.*

Article III. Municipal Employees Retirement Plan

[Adopted 9-12-2019 by Ord. No. 19-09]

§ 81-7. Amendment of nonuniform pension plan.

Jeannette City ("the City"), having established a nonuniform pension plan administered by the Pennsylvania Municipal Retirement System ("the System"), hereby elects to amend its nonuniform 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"), to include the base plan document, attached hereto and incorporated herein as Exhibit A; the adoption agreement applicable to eligible employees hired on or before December 31, 2012 (providing for a superannuation retirement age of 58 in Section 5.01 therein), attached hereto and incorporated herein as Exhibit B; and the adoption agreement applicable to eligible employees hired on or after January 1, 2013, providing for a superannuation retirement age of 60 in Section 5.01 therein), attached hereto and incorporated herein as Exhibit C, 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.^[1]

[1] *Editor's Note: Exhibits A, B and C and the complete Nonuniform Employees Pension Plan, as amended, is on file in the City's offices.*

§ 81-8. Administration by System.

As part of this article, the City agrees that the System shall administer and provide the benefits set forth in the amended nonuniform pension plan document entered into between the Pennsylvania Municipal Retirement Board and the City effective as of the date specified in the adoption agreement (the "contract").

§ 81-9. Acceptance of contract.

The City acknowledges that, by passage and adoption of this article, the City officially accepts the contract and the financial obligations resulting from the administration of the contract.

§ 81-10. Payment of obligations.

Payment for any obligation established by the adoption of this article 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.

§ 81-11. Effective date.

The City intends this article to be the complete authorization of the contract, as amended, and it shall become effective as of the date specified in the adoption agreement, which is the effective date of the contract, as amended.

§ 81-12. Filing certified copy with System.

A duly certified copy of this article and an executed contract shall be filed with the System.

§ 81-13. Repealer.

Any ordinance or part of any ordinance that conflicts with the provisions of this article, including, without limitation, Ordinance 00-13, Ordinance 10-01, and Ordinance 16-05, is hereby repealed to the extent of any such conflict on the effective date of this article.

Chapter 89. Planning Commission

[HISTORY: Adopted by the City Council of the City of Jeannette 12-15-1971 by Ord. No. 71-20 (Article 151 of the 1977 Codification). Amendments noted where applicable.]

§ 89-1. Creation.

In accordance with the provisions of Act 247 of the General Assembly of the Commonwealth approved July 31, 1968, Council hereby creates the City Planning Commission.^[1]

[1] *Editor's Note: See 53 P.S. § 10101 et seq., the Municipalities Planning Code.*

§ 89-2. Membership; term.

[Amended 12-21-2015 by Ord. No. 15-09]

The Planning Commission shall consist of seven members. The Council of the City of Jeannette shall appoint members henceforth to terms of four years expiring December 31 or until a successor is appointed. Initial terms shall be staggered, such that:

- A. The initial term of one member shall expire December 31, 2016.
- B. The initial term of two members shall expire December 31, 2017.
- C. The initial term of two members shall expire December 31, 2018.
- D. The initial term of two members shall expire December 31, 2019.

§ 89-3. Powers.

The Planning Commission shall have such powers as are conferred by the Pennsylvania Municipalities Planning Code and shall be subject to all the rules and regulations as set forth in the Pennsylvania Municipalities Planning Code.

Chapter 97. Police Department

[HISTORY: Adopted by the City Council of the City of Jeannette 3-24-1976 by Ord. No. 76-3; amended in its entirety 12-10-1997 by Ord. No. 97-15 (Section 135.01 of the 1977 Codification). Subsequent amendments noted where applicable.]

§ 97-1. Membership of police force.

The police force of the City of Jeannette, County of Westmoreland and Commonwealth of Pennsylvania, shall consist of the following number of members and grades:

- A. Chief of Police: 1.
- B. Captain: 1.
- C. Lieutenants: 3.
- D. Sergeants: 2.
- E. Regular full-time patrolmen: 9.
- F. Part-time patrolmen: not more than 10.

§ 97-2. Employment requirements.

All of the aforesaid members of the Jeannette police force designated in § 97-1 of this chapter shall perform the duties of a policeman on a full- or part-time basis, as the case may be, under and subject

to the control of the Chief of Police. Part-time policemen shall be subject to call at the discretion of the Chief of Police and shall work those times and schedules set by the Chief of Police.

§ 97-3. Part-time police.

The number of part-time police employed by the City of Jeannette at any one time shall not exceed 10 in number. Such part-time police shall be subject to civil service qualifications but shall not participate in the Police Pension Fund or other benefits provided by law for full-time policemen. No part-time policemen shall work more than 950 hours during any calendar year. No part-time policeman shall be guaranteed a set number of hours on a calendar-year basis nor be determined to work a fixed schedule or rotation. No part-time policeman shall have or possess a reasonable expectancy of continued employment and shall be subject to removal from employment at any time.

§ 97-4. Designation of Police Chief and other officers.

Pursuant to the terms of the Third Class City Code, the Mayor shall designate the Chief and other officers of such force, who shall serve as such officers until their successors are appointed and qualified.

§ 97-5. Compensation.

The compensation for each grade set forth in § 97-1 above shall be set by the Council of the City of Jeannette on an annual basis as part of its annual Salary Ordinance.

§ 97-6. Effect on benefits, salaries or emoluments, etc.

Nothing in this chapter shall be deemed or construed to affect any benefits, salaries, emoluments or other items subject to negotiation under Pennsylvania Act 111,^[1] relating to collective bargaining between the City of Jeannette and the City of Jeannette F.O.P. for full-time policemen.

[1] *Editor's Note: Act 111 of 1968, the Policemen and Firemen Collective Bargaining Act.*

§ 97-7. Effect on size, membership or grade.

Nothing in this chapter shall be deemed or construed to affect the ability of the City of Jeannette to fix the size, membership or grade of the Jeannette police force hereafter, as such power is vested in the City by the Third Class City Code, or the powers of the Mayor of the City of Jeannette with respect to his/her duties or powers relating to the Police Department.

Chapter 106. Real Estate Registry

[HISTORY: Adopted by the City Council of the City of Jeannette 10-19-1937 by Ord. No. 348; amended in its entirety 3-15-1938 by Ord. No. 18 (Section 129 of the 1977 Codification). Subsequent amendments noted where applicable.]

§ 106-1. Establishment.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A registry of the ownership of all real estate situated within the City liable to municipal taxation or assessments is hereby established in accordance with the provisions of 11 Pa.C.S.A. § 12704(a), (b)

of the Third Class City Code.

§ 106-2. Authorization of City Engineer to register real estate.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The City Engineer is authorized, empowered and directed to prepare the necessary books and papers to register all such real estate and maintain and keep the same in his office in accordance with the terms, conditions and provisions of 11 Pa.C.S.A. § 12704(c) through (h) of the Third Class City Code.

Chapter 115. Records

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Administrative Regulations for the Implementation of the Right to Know Ord. No. 09-02 

Article I. Open Public Records Policy

[Adopted 1-14-2009 by Ord. No. 09-02]

§ 115-1. Purpose.

The purpose of this policy is to assure compliance with Act 3 of 2008, the Pennsylvania Right-to-Know Law,^[1] as amended; to provide access to public records of the City of Jeannette; to preserve the integrity of the City of Jeannette's records; and to minimize the financial impact to the residents of the City regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

[1] *Editor's Note: See Right-To-Know Law, 65 P.S. § 67.101 et seq.*

§ 115-2. Designated Open Records Officer.

It is the policy of the City to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the City. The City of Jeannette designates the City Clerk as the Open Records Officer, responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

- A. The City Clerk may designate certain employee(s) to process public record requests.
- B. The City Clerk is responsible for minimizing, where possible, the financial impact to the City regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
- C. All requests for public records of the City under this policy shall be specific in identifying and describing each public record requested. In no case shall the City be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the City does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and include the date of the request; requestor's name, address and telephone number; certification of United States residency; signature of requestor; and if duplication is requested, appropriate payment.

- D. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
- E. The City shall facilitate a reasonable response to a request for the City of Jeannette's public records. In no case is the City expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the City's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.
- F. The designated employee shall respond to the requestor within five business days from the date of receipt of the written request. If the City does not respond within five business days of receipt thereof, the request is deemed denied.
- G. The response provided by the City shall consist of:
 - (1) Approval for access to the public record;
 - (2) Review of the request by the designated employee; or
 - (3) Denial of access to the record requested.
- H. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the City. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect City public records from the possibility of theft and/or modifications. The presence of a designated employee is required when public records are examined and inspected.
- I. Fees for duplication of public records shall be as established by the Commonwealth's Office of Open Records. The City may, at its discretion, waive fees.
- J. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100, the designated employee(s) shall obtain the expected cost in advance of fulfilling the request to avoid unwarranted expense of City resources.
- K. If the request is being reviewed, the notice provided by the City shall be in writing and include the reason for the review and the expected response date, which shall be within 30 days of the notice of review. If the City does not respond within 30 days thereof, the request is deemed denied.
 - (1) Review of the request is limited to situations where:
 - (a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
 - (b) The record requires retrieval from a remote location;
 - (c) A timely response cannot be accomplished due to staffing limitations;
 - (d) A legal review is necessary to determine whether the record requested is a public record;
 - (e) The requester has failed to comply with the City's policy and procedure requirements;
 - (f) The requester refuses to pay the applicable fees;
 - (g) The extent or nature of the request precludes a response within the required time period.
 - (2) Upon a determination that one of the factors listed above applies, the City shall send written notice to the requester within five business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be

provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed for, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

- L. If access to the record requested is denied, the notice provided by the City shall be in writing, as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate the City of Jeannette Records."^[1]

[1] *Editor's Note: Forms are on file in the City's offices.*

- M. If the request is denied or deemed denied, the requester may file an appeal with the Commonwealth's Office of Open Records within 15 business days of the mailing date of the City's notice of denial or within 15 days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the agency for delaying or denying the request.

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

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- O. This policy shall be available for review at the City office.

§ 115-3. Severability.

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this article. It is hereby declared as the intent of the City of Jeannette that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

§ 115-4. Effective date.

This article shall become effective on January 14, 2009.

Chapter 122. Recreation Board

[HISTORY: Adopted by the City Council of the City of Jeannette 5-17-1948 by Ord. No. 182 (Article 153 of the 1977 Codification). Amendments noted where applicable.]

§ 122-1. Creation.

[Added 4-27-1977 by Ord. No. 77-5; amended 3-4-1981 by Ord. No. 81-6; 7-13-1994 by Ord. No. 94-3] Pursuant to the terms and provisions of the Act of June 23, 1931, P. L. 932, Article XXXVII,^[1] its supplements and amendments, the Council of the City of Jeannette does hereby create a Recreation Board, consisting of seven persons, two of whom shall be members of the School Board of the City of Jeannette and two of whom shall be members of the Council of the City of Jeannette, and three shall be citizens of the City of Jeannette.

§ 122-2. Appointment of members; term.

[Added 4-27-1977 by Ord. No. 77-5; amended 3-4-1981 by Ord. No. 81-6; 7-13-1994 by Ord. No. 94-3] The two members of the Board who shall be members of the School Board of the City of Jeannette shall be appointed by the School Board of the City of Jeannette. The two remaining members of the Board shall be members of the City Council and the fifth, sixth and seventh members shall be citizens at large appointed by the Mayor of the City of Jeannette with the approval of Council. The Board members shall serve for terms of five years or until their successors are appointed, except that the members of the Board first appointed shall be appointed for terms of three, four and five years, respectively. so that the terms of the members shall expire annually thereafter. Vacancies in such board, occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as original appointments. A vacancy shall occur on the Board upon the expiration of a member's term of office as a school director or Councilman.

§ 122-3. Noncompensatory.

The Recreation Board shall be known as the "Recreation Board for the City of Jeannette," and members shall serve without pay.

§ 122-4. Organization.

Members of the Recreation Board shall, immediately following their appointment, meet and elect their own Chairman and Secretary and adopt such regulations for the conduct of the business of the Board as the members deem proper. The Chairman and Secretary so selected shall serve for a period of one year, and the Board shall meet annually thereafter for the purpose of selecting a Chairman and Secretary to serve for the ensuing year.

§ 122-5. Powers.

- A. The Recreation Board is hereby authorized and empowered to supervise and maintain parks, playgrounds, play fields, gymnasiums, public baths, swimming pools and indoor or outdoor recreation centers and facilities, and, in connection with such, authority is given to employ play-leaders, recreation directors, supervisors, superintendents or any other officers or employees the Board may deem proper.
- B. It is the intent and purpose of Council to place in such Recreation Board all of the powers and duties which Council may properly place in such Board under the Third Class City Code.

§ 122-6. Funds.

The Recreation Board is authorized and empowered to receive and expend such sums as may from time to time be appropriated to it by the City, the City School District and the state, or any of its departments or agencies, and to receive and use for the purpose for which it is created any sum of money or any property which may come to it from any source whatsoever.

Part II: General Legislation

Chapter 163. Alarm Systems

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. False Alarms

[Adopted 2-11-2015 by Ord. No. 15-02]

§ 163-1. Definitions.

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

ALARM SYSTEM

Any device designed for the detection of unauthorized entry on the premises, unlawful act or detection of fire or smoke and, when activated, gives a signal, visual, audible, or both, transmits or causes to be transmitted a signal.

CALENDAR YEAR

January 1 through December 31.

CHARGE

The amount assessed a subscriber protected by an alarm system for a false alarm only.

FALSE ALARM

An alert by an alarm system, which upon investigation discloses that no burglary, attempted burglary, breaking and entering, robbery or other acts for which it is designed to initiate police investigation where action has occurred, or where the investigation discloses that no fire or smoke exists for which is it designed to initiate a response by a Fire Department. It should not include alerts caused by power outages or weather conditions.

SUBSCRIBER

An owner or lessor of a premises equipped with an alarm system.

§ 163-2. Prior approval for automatic alarm system.

The City of Jeannette Police Department and Fire Department are hereby designated as the agencies from which prior written approval must be received before the installation of any automatic dialing device designed and intended to alert the several fire departments in proximity to the City of Jeannette of an alarm condition.

§ 163-3. Liability.

In accordance with the provisions of said Act,^[1] the City of Jeannette Police Department and Fire Department shall not be responsible for any costs, claims or liabilities relating to the installation and maintenance of any dedicated telephone line or equipment associated with alarm termination.

[1] *Editor's Note: This is a reference to Act 70 of 1998; see 18 Pa.C.S.A. § 7511.*

§ 163-4. Reporting false alarms.

The City of Jeannette Police Department and Fire Department shall establish such procedures and forms as may be necessary to report false alarms as and when they are received.

§ 163-5. False alarm fee schedule.

Whenever a false alarm is received for a premises served by an alarm system, the subscriber shall be charged an amount in accordance with the following schedule:

Alarms Received Per Calendar Year	Fee
Less than 3	No charge
3 to 10	\$50 per false alarm
11 or more	\$100 per false alarm

§ 163-6. Failure to pay false alarm fee

The failure of a subscriber to pay a false alarm charge shall result in the filing of a citation before the issuing authority to institute a summary for criminal proceeding; or the City of Jeannette shall have the right to collect said charge by an action in assumpsit and shall have the right to lien, collect and enforce such charge in the same matter as hereintofore provided by the Act of Assembly for the enforcement, lien and claiming of municipal claims against subscribers.

§ 163-7. Violations and penalties.

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A person that owns, uses or possesses an alarm device or automatic dialing device may not, after causing or permitting three false alarms to occur in a consecutive twelve-month period, cause or permit a subsequent false alarm to occur in the same consecutive twelve-month period. A person that violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300 pursuant to 18 Pa.C.S.A. § 7511, or such other amount as established by state law.

§ 163-8. Testing alarm systems.

[Added 5-10-2018 by Ord. No. 18-11]

- A. Any person impairing or performing maintenance and/or testing of an alarm system shall be required to first contact the Jeannette Fire Department to advise it of: 1) the address at which he or she will be performing such activities; and 2) the status of the automatic alarm and/or automatic fire-suppression system.
- B. No person shall be permitted to access, disconnect or disable any municipal alarm system master box without the express approval and involvement of the Jeannette Fire Department.
- C. At the conclusion of any alarm system impairment, maintenance or testing activities, the person performing such activities shall call the Jeannette Fire Department and advise the Jeannette Fire Department that such activities are complete and the status of the alarm system. If the premises are equipped with a municipal alarm system master box, the Jeannette Fire Department will confirm that such master box has been reset correctly and is back in service. The person performing such activities shall also call any alarm-monitoring companies or services involved with such alarm system to confirm that the alarm system is back online before leaving the premises. Any person found to be in violation of this article, including, without limitation, any person causing an alarm system or suppression system to be impaired or in test status with an alarm-monitoring company or service without being at the premises for safety monitoring and fire watch, may be cited for such violation.

- D. If an alarm is transmitted as a result of impairment, maintenance or testing activities performed by a person who failed to notify the Jeannette Fire Department before performing such activities, and such alarm transmission results in a response by the Jeannette Fire Department, such person shall be subject to pay the false alarm charge provided in this article on the first such offense and may be cited for such violation.

§ 163-9. Adoption of Fire Department regulations.

[Added 5-10-2018 by Ord. No. 18-11]

The City of Jeannette hereby adopts the regulations promulgated by the Jeannette Fire Department, including, without limitation, those regulations relating to NFPA 72, for the installation, maintenance and use of alarm systems in commercial buildings.

§ 163-10. Severability.

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this article. It is hereby declared as the intent of the City of Jeannette that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Chapter 169. Alcohol Beverages

[HISTORY: Adopted by the City Council of the City of Jeannette 7-12-1989 by Ord. No. 89-8. Amendments noted where applicable.]

§ 169-1. Enforcement.

The Police Department of the City of Jeannette shall be charged with the duty of enforcement of this chapter.

§ 169-2. Presumption of time of sale.

From and after the effective date of this chapter, there shall be a presumption in all instances within the City of Jeannette where alcoholic beverages are found unconsumed but in the possession or control of any customer, patron or any person other than the proprietor or licensee of any establishment permitted to dispense liquor or malt beverages under the laws of the Commonwealth of Pennsylvania at a time more than 1/2 hour after the time permitted for sales of such beverages by the regulations of the Pennsylvania Liquor Control Board or the laws of the Commonwealth of Pennsylvania that such beverages shall have been sold by the proprietor or licensee of such establishment after the time permitted for sales of alcoholic beverages by the aforesaid regulations or laws. Such presumption of the time of sale shall apply in all prosecutions for violations of regulations of the Pennsylvania Liquor Control Board and the laws of the Commonwealth of Pennsylvania and ordinances of the City of Jeannette.

§ 169-3. Unlawful to remain after hours.

From and after the effective date of this chapter, it shall be unlawful for any person to enter or remain on the premises of any establishment permitted by law to dispense alcoholic beverages for the

purpose of consuming alcoholic beverages in or about such premises at a time more than 1/2 hour after the latest time when sales of alcoholic beverages are legally permitted for such establishment.

§ 169-4. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person convicted of a violation of any provision of this chapter by any Magisterial District Judge or court having jurisdiction of the case shall be subject to a fine of not more than \$1,000 or 90 days' confinement in prison, or both.

Chapter 180. Amusements

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Mechanical and Electronic Games

[Adopted 5-5-1982 by Ord. No. 82-6]

§ 180-1. Location restrictions for games.

No person shall allow, cause or otherwise permit a mechanical device or electronic game of skill to be located, operated or maintained to be operated within 1,500 feet of the nearest public or private street entrance to or exit from any public playground or school or publicly owned or leased housing project containing more than three living units intended for occupancy by elderly or handicapped persons, nor within 300 feet from any residential zone, such distances to be measured from said entrance or exit in the most direct line or route on, along or across said street or streets coadjacent to said public playground or school or publicly owned or leased housing project for the elderly or handicapped or residential zone. The restrictions established hereunder shall not apply to said games lawfully in existence and operating prior to the effective date of this article.

§ 180-2. Restrictions on minors' use of games.

No owner, operator, employee thereof or person in charge shall allow any minor under the age of 18 years of age to play or use any such mechanical or electronic game or other games during the academic school year for the City of Jeannette Public Schools between the hours of 7:00 a.m. and 3:30 p.m., except during school holidays and on Saturday and Sunday, nor between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and all days preceding school days, and between midnight and 7:00 a.m. on all other days.

§ 180-3. Prohibited devices or contrivances not allowed.

Neither this article nor any provision therein contained shall authorize or permit or be construed as authorizing or permitting the keeping, maintaining, possessing, using or operating in the City of Jeannette of any contrivance or device otherwise prohibited by law.

§ 180-4. Certain persons prohibited from obtaining licensing.

No convicted felon shall be licensed for any mechanical, electronic game or other game as defined under the provisions of Chapter **471**, Taxation, Article **IV**, Mechanical Device Tax, of the Code of the

City of Jeannette.

§ 180-5. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this article of any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such judicial decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

§ 180-6. Abatable public nuisance.

A violation of any provision of this article, or any condition caused or permitted to exist in violation of any of the provisions of this article, shall and is hereby deemed and declared to be a public nuisance and may be abated by the City as such.

§ 180-7. Violations and penalties.

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person convicted of a violation of any provision of this article by any Magisterial District Judge or court having jurisdiction of the case shall be subject to a fine of not more than \$1,000 or 90 days' confinement in prison, or both.

Chapter 188. Animals

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Restrictions at Public Events

[Adopted 6-11-2008 by Ord. No. 08-02]

§ 188-1. Title.

This article shall be known as the "Animal Control During Public Events Ordinance of the City of Jeannette."

§ 188-2. Definitions.

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

ANIMAL

Includes dogs, cats or any other animal in the nature of a pet.

FESTIVAL AREA

Includes any public land used for the purpose of a parade, concert, speech, athletic event or any other public assembly, as designated by the City Council.

OWNER

When applied to the proprietorship of an animal, shall include every person having a property right in such animal and every person who keeps or harbors such animal or has such animal in his care and every person who permits such animal to remain on or about any premises occupied by him.

PERSON

Includes state and local officers or employees, individuals, corporations, partnerships and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

§ 188-3. Running at large.

It shall be unlawful for the owner, custodian or keeper of any dog, cat or other animal in the nature of a pet to allow such dog, cat or other animal in the nature of a pet to run at large or to remain in the open at public parks and/or festival areas during any public event held in a public park and/or festival area. This section does not apply to animals used solely for law enforcement.

§ 188-4. Unlawful actions at public event or area.

It shall be unlawful for the owner, custodian or keeper of any dog, cat or other animal in the nature of a pet to bring such dog, cat or other animal in the nature of a pet with a leash on to a public event held in a public park and/or festival area. This section does not apply to animals used solely for law enforcement.

§ 188-5. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person violating any of the provisions of this article shall, upon being found liable therefor before a Magisterial District Judge or court having jurisdiction of the case shall be subject to a fine of not more than \$1,000 plus all court costs, including reasonable attorneys' fees, incurred in the enforcement of this article or 90 days' confinement in prison, or both. Each violation of this article and each day such violation continues shall be deemed a separate offense.

§ 188-6. Validity.

If any provision or application of this article shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions or applications of this article.

§ 188-7. Violating state statutes.

Any violation of this article which is also a violation of any state statute or regulation shall be prosecuted under such state statute or regulation and not under this article.

Article II. Possession and Control

[Adopted 9-8-2010 by Ord. No. 10-07]

§ 188-8. Definitions.

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

PERSON

Any person, individual, firm, corporation, partnership or any other entity that owns, has control of, or is in possession of any of the animals mentioned herein.

§ 188-9. Prohibited acts.

- A. No person shall keep any pig, goat, chicken, horse, cow or nondomestic animal at any place within the City of Jeannette.
- B. No person shall keep or harbor any dog, cat or other animal in the City of Jeannette so as to create offensive odors, excessive noise, or unsanitary conditions which are a menace to or affect the health, comfort, or safety of the public.
- C. No person shall permit any dog, cat or other animal which, by frequent and habitual barking, howling, screeching, yelping, baying, or in any way or manner, disturbs the quiet of any person in the community.
- D. No person shall permit any dog, cat or other animal to enter any enclosure or fenced-in area on another person's property where domestic animals are confined, provided that the enclosure is adequate for the purpose intended.
- E. No person shall permit any dog, cat or other animal to run at large within the City of Jeannette. Any animal on a leash or similar apparatus shall not be considered at large, providing that the leash is no more than 15 feet long.
- F. No person shall permit any dog, cat or other animal to scratch, dig or defecate upon any other person's property, including but not limited to buildings, lawns, trees, hedges, shrubs, plants, flowers or any growing things, whether the property is public or private, without the permission of the owner of the property. In the event that the person in charge or control of the animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

§ 188-10. Exemption for persons with handicaps.

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Persons with physical handicaps, defective eyesight or hearing, while relying upon a dog specifically trained for these purposes, shall be exempt from compliance with § **188-9F** hereof.

§ 188-11. Confining certain animals.

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any female dog or cat, or other animal, in season shall be kept properly confined indoors.

§ 188-12. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person violating any of the provisions of this article shall, upon being found liable therefor before a Magisterial District Judge or court having jurisdiction of the case, shall be subject to a fine of not more than \$1,000 plus all court costs, including reasonable attorneys' fees, incurred in the enforcement of this article or 90 days' confinement in prison, or both. Each violation of this article and each day such violation continues shall be deemed a separate offense.

§ 188-13. Validity.

If any provision or application of this article shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions or applications of this article.

§ 188-14. Violating state statutes.

Any violation of this article which is also a violation of any state statute or regulation shall be prosecuted under such state statute or regulation and not under this article.

Chapter 197. Bicycles and Skateboards

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Central Business District Restrictions

[Adopted 9-20-1989 by Ord. No. 89-11]

§ 197-1. District area description.

The Central Business District, for purposes of this article, shall include the area bounded by Magee Avenue on the north and Bullitt Avenue on the south and First Street on the east and Ninth Street on the west.

§ 197-2. Unlawful action.

The operation and use of bicycles and skateboards over sidewalks within the Central Business District shall be unlawful.

§ 197-3. Violations and penalties.

Anyone violating this article shall be subject to a fine of not more than \$50.

Article II. Protective Headgear Required

[Adopted 12-19-1990 by Ord. No. 90-9]

§ 197-4. Headgear requirement.

Any person, including minors under the age of 18, who operates or rides upon a bicycle within the City of Jeannette shall be required to wear protective headgear while riding upon the bicycle.

§ 197-5. Seizure of bicycle authorized.

The Police Department of the City of Jeannette shall be empowered to stop and seize the bicycle of any person found to be operating the same without protective headgear.

§ 197-6. Violations and penalties; minors; parents and legal guardians.

The parent or legal guardian, if the violator is a minor, or the individual, if the violator is an adult, shall be subject to a fine for the first violation hereof of \$1. Any subsequent violation of this article by an individual shall subject the person to a fine not to exceed \$25.

§ 197-7. Minors; responsibilities of parents or legal guardians.

The parent or legal guardian or the individual, if an adult, shall reclaim the bicycle from the City by acknowledging that no one will be permitted to operate the bicycle unless that person is wearing protective headgear.

Chapter 206. Blighted Property

[HISTORY: Adopted by the City Council of the City of Jeannette 11-12-2008 by Ord. No. 08-03. Amendments noted where applicable.]

§ 206-1. Short title.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This chapter shall be known and cited as the "City of Jeannette Blighted Commercial and Industrial Property Ordinance."

§ 206-2. Preface.

Recognizing the need within the City of Jeannette to establish certain minimum health, maintenance and safety requirements for those commercial and industrial buildings, structures or properties which are located within the boundaries of the City of Jeannette, this chapter hereby establishes standards which the Council of the City of Jeannette considers to be fair and essential in meeting those minimum requirements.

§ 206-3. Authority.

This chapter and the objectives leading to its enactment are authorized by the Third Class City Code.^[1]

[1] *Editor's Note: See 11 Pa.C.S.A. § 10101 et seq.*

§ 206-4. Definitions.

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

ABANDONED PROPERTY

Shall be defined in accordance with 35 P.S. § 1712.1(c)(9), as amended.

BLIGHTED PROPERTY

Shall be defined in accordance with 35 P.S. § 1712.1(c), as amended.

BUILDING

A roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment, machinery or animals.

COURT

An open and unoccupied space on a lot, enclosed on at least three sides by the walls of a building.

GARBAGE

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION

The presence of insects, rodents, vermin and/or other pests.

LOT

Plot, tract, premises or parcel of land, with or without improvements thereto.

OWNER

Any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

REFUSE

All putrescible and nonputrescible solid wastes, including but not limited to garbage, rubbish, ashes, dead animals and market and industrial wastes.

UNOCCUPIED HAZARD

Any building, or part thereof, or man-made structure which remains unoccupied for a period of more than six months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six months.

VACANT PROPERTY

Shall be defined in accordance with 35 P.S. § 1712.1(e)(1), as amended.

§ 206-5. Application.

The provisions of this chapter shall supplement local laws, ordinances or regulations existing in the City of Jeannette or those of the Commonwealth of Pennsylvania. Where a provision of this chapter is found to be in conflict with any provision of a local law, ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establish the higher standard shall prevail.

§ 206-6. Establishment of Blighted Property Review Committee.

- A. There is established a Blighted Property Review Committee to consist of not more than five members, who shall serve without compensation. The Committee is to include at least one member of City Council, a representative of the Redevelopment Authority Board, a representative to be designated by the Mayor and two members designated by City Council.
- B. The terms of the members shall be staggered.

§ 206-7. Buildings and structures.

- A. No owner of any commercial or industrial building or structure shall fail to take steps to perform such maintenance thereto as may be required from time to time to ensure that the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populace.
- B. No owner of any unoccupied commercial or industrial building or structure shall fail to take such steps as may be required to ensure that these are securely closed so as to prohibit and deter entry thereto and to ensure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.
- C. Owners of any and all unoccupied commercial or industrial buildings and/or structures which through neglect have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the City of Jeannette, remove or cause the removal of the building and/or structure.

§ 206-8. Infestation, prevention and correction.

- A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- C. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for exterminations shall conform with generally accepted practices.

§ 206-9. Determining blight.

The Blighted Property Review Committee shall have the power to determine that any commercial or industrial property is "blighted" within the term as defined in 35 P.S. § 1712.1(c) and, upon concurrence by the City Council and the City of Jeannette Health Department, shall certify said properties to the Redevelopment Authority.

§ 206-10. Miscellaneous provisions.

No person shall permit:

- A. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction or maintenance or manner of discharge;
- B. Roof gutters, drains or any other system designed and constructed to transport stormwater to be discharged into any sanitary sewage system and/or any part thereof.

§ 206-11. Responsibilities of owners.

- A. An owner of any commercial or industrial property shall comply with the provisions of this chapter, as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

- B. In instances where an occupant is responsible or shares responsibility with an owner for the existence of one or more violations of this chapter, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this chapter.

§ 206-12. Inspection.

The City Council may, or through its Code Enforcement Officer, Fire Marshal, Chief Engineer or any other officer or agency that Council deems appropriate, cause or direct entry onto premises for the purposes of inspection of any and all premises, properties, buildings and/or structures located within the City of Jeannette for ascertaining the existence of a violation of this chapter. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or his agent to secure access thereof. If evidence of a violation is found during the inspection, the owner shall be responsible for paying any and all costs associated with the inspection.

§ 206-13. Notice to comply.

- A. If noncompliance with the provisions of this chapter constitutes a nuisance, or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, the enforcement officer shall notify the City Health Department and shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
- B. Said notice shall specify the condition of the structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

§ 206-14. Authority to remedy noncompliance.

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

§ 206-15. Hearing.

- A. Any person aggrieved by the decision of the enforcement officer may request and shall then be granted a hearing before the City Council, provided he files with the City Council, within 10 days after notice of the enforcement officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.
- B. After such hearing, the City Council shall sustain, modify or overrule the action of the enforcement officer.

§ 206-16. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and, in default of payment, to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this chapter continues shall constitute a separate offense.

§ 206-17. Owners severally responsible.

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this chapter.

§ 206-18. Acquiring blighted properties.

The Redevelopment Authority of the City of Jeannette shall have the power to acquire by purchase, gift, bequest, eminent domain, or otherwise any "blighted" property, as defined in 35 P.S. § 1712.1(c) and below, either within or outside of a certified redevelopment area, and further shall have the power to hold, clear, manage and/or dispose of said property for residential or related reuse and commercial or industrial reuse.

§ 206-19. Restrictions on Redevelopment Authority and Review Committee.

- A. The Blighted Property Review Committee and the Planning Commission, upon making a determination that any property is "blighted" within the terms of 35 P.S. § 1712.1(c), must certify said blighted property to the Redevelopment Authority, except that:
- (1) No property shall be certified to the Redevelopment Authority unless it is vacant.
 - (2) No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the municipality has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under this chapter. The notice shall be served upon the owner or his agent in accordance with the provisions of this chapter. The owner or his agent shall have the right of appeal from the determination in the same manner as an appeal from a determination of public nuisance.
 - (3) No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken or, if taken, the appeal has been disposed of and the owner or his agent has failed to comply with the order of the responsible department or other officer or agency.
- B. Acquisition and disposition of blighted property under this chapter shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least 30 days prior to acquisition of any property under this section, the Redevelopment Authority shall transmit identification of the property to the City Council and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the City Council certifies that disposition for residential or related use would not be in accord with the Comprehensive Plan of the City.
- C. Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedure set forth in the Act of May 4, 2006, 26 Pa.C.S.A. § 101 et seq., known as the "Eminent Domain Code," as amended.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- D. Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of 35 P.S. § 1712.1. Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

§ 206-20. Procedural requirements for acquiring blighted property.

A. Notice.

- (1) All notices, except writs or pleadings, to be served upon a party shall be served by leaving a copy for or mailing a copy to him at the address of the party.
- (2) All pleadings and legal documents shall be served in accordance with Pennsylvania Rules of Civil Procedure governing service of process (Rule 400 through Rule 441).
- (3) The notice must apprise the owner or his agent of the determination that the property is blighted, together with an order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under 35 P.S. § 1712.1.

B. Hearing.

- (1) The owner or his agent have the right to a full hearing before the Blighted Property Review Committee.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (2) The owner or his agent have the opportunity to present all relevant evidence, to present witnesses, to cross-examine any witnesses, to be represented by counsel, and to receive a written opinion from the Blighted Property Review Committee as to its findings and basis of decision within 45 days of the hearing date.

C. Appeals.

- (1) The owner or his agent shall have the right of appeal from the determination of the Blighted Property Review Committee to the Court of Common Pleas of Westmoreland County.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (2) The owner or his agent will be given 30 days from the date of receipt of the within opinion to file a written appeal with the Court of Common Pleas of Westmoreland County.
- (3) Once the Blighted Property Review Committee has exercised its powers of condemnation and has made payment, a proceeding filed by the owner or his agent to challenge just compensation or other damages shall be subject to the statute of limitations set forth at 35 P.S. § 1719.2, as amended.
- (4) The owner will be responsible for all costs accrued by the City of Jeannette because of the appeal if the owner is not successful in his appeal.

§ 206-21. Remedies not mutually exclusive.

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

§ 206-22. Severability.

If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions of this chapter which can be given effect without the invalid provisions or application, and to this end, the provisions of this chapter are severable.

Chapter 210. Bottle Clubs

[HISTORY: Adopted by the City Council of the City of Jeannette 7-12-2018 by Ord. No. 18-14. Amendments noted where applicable.]

§ 210-1. Purpose.

- A. This chapter shall apply to bottle clubs within the City of Jeannette that are not licensed by the Pennsylvania Liquor Control Board.
- B. The City Council of the City of Jeannette hereby declares that the purpose of the within rules and regulations is to regulate bottle clubs to preserve the public peace, health, safety, morals, character of neighborhoods and to protect the rights of its residents to the quiet enjoyment of the same.

§ 210-2. Definitions.

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

ALCOHOLIC BEVERAGES

Any and all beverages, including malt beverages, which contain ethyl alcohol, liquor or such other intoxicating substances, as are further defined in the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq.

BOTTLE CLUB

A place of assembly or any other use defined in this chapter, other than a dwelling unit, including but not limited to taverns, clubs and social buildings, owned, operated or maintained for pecuniary gain, that is not licensed by the Pennsylvania Liquor Control Board, in which no alcoholic beverages are sold, but which permits the consumption of alcoholic beverages by patrons or guests when such alcoholic beverages are either: (a) provided by the operator or agents or employees of the operator for consumption on the premises; or (b) are brought into or kept at the establishment by the patrons or guests assembling there. This term includes, but is not limited to, those organizations commonly known as "social clubs."

OPERATE

Any person, entity or establishment that: (a) controls or causes to be controlled through agents or employees of any bottle club; (b) conducts or manages a bottle club; or (c) owns, leases or subleases any areas used as a bottle club.

PERSON

An individual, proprietorship, partnership, corporation, association or other legal entity.

RESIDENCE

A building or structure wholly or partially designed or used for living, sleeping, eating, cooking and sanitation by humans.

RESIDENTIAL DISTRICT

Those classes of residential districts as specified in Chapter **550**, Zoning of the City's Code, as amended, including but not limited to Traditional Neighborhood and Mixed Residential Districts.

§ 210-3. Club registration.

- A. It shall be unlawful for any person to own, operate, manage or control a bottle club within the City of Jeannette without first registering such bottle club as provided herein. Every person registering a bottle club shall make application for registration on a form furnished by the City containing the following information:
- (1) Trade name and business address;
 - (2) Mailing address, if different from below;
 - (3) Name and social security number or employer identification number of the applicant;
 - (4) Business and residence telephone numbers of the applicant;
 - (5) Names and addresses of all owners, officers and managers of the applicant;
 - (6) Estimated number of employees;
 - (7) Type of organization (e.g., sole proprietorship, corporation, partnership, association, etc.);
 - (8) Affirmation(s) that no owner or operator of such business has been convicted of a crime classified as a felony offense under the laws of the Commonwealth of Pennsylvania or the United States, or convicted of any comparable crime under the laws of any other state in the United States.
- B. All applications shall be verified, dated and signed by the applicant. Each application shall be accompanied by a registration fee as established by ordinance or resolution of the City Council.

§ 210-4. Unlawful activities.

- A. Bottle clubs in all districts. It shall be unlawful for any person who owns, operates, manages or controls a bottle club to:
- (1) Conduct activities to which this chapter applies without registering the bottle club with the City as required in this chapter.
 - (2) Locate or operate a bottle club within 300 feet from the nearest property line of any church, school, other institution of learning or education, hospital, library, park or playground; provided, however, that any bottle club located or operated within 300 feet from the nearest property line of any church, school, other institution of learning or education, hospital, library, park or playground on the date of this chapter's enactment shall be permitted to continue until the bottle club closes or otherwise ceases operation as a bottle club.
 - (3) Remain open and/or transact business between the hours of 12:00 midnight and 11:00 a.m., prevailing time.
 - (4) Permit patrons or guests to remain on the premises more than 15 minutes after 12:00 midnight.
 - (5) Allow patrons or guests to use, rent or occupy the bottle club unrestricted, such that events shall not exceed six hours in length, with no more than one event in any 24-hour period.
 - (6) Make, continue or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of nearby residents.^[1]

[1] *Editor's Note: Original Subsection B, which immediately followed this subsection and was "reserved," was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 210-5. Bottle club requirements.

Any person owning, operating, managing or controlling a bottle club shall comply with the following requirements:

- A. All bottle clubs shall obtain and carry general liability coverage in the minimum amount of \$1,000,000 per occurrence, proof of which shall be filed with the City of Jeannette.
- B. All bottle clubs shall possess a valid certificate of occupancy issued by the Pennsylvania Department of Labor and Industry and the City of Jeannette, proof of which shall be filed with the City of Jeannette.
- C. All bottle clubs shall not store any alcoholic beverages on their premises after closing and before opening such premises to patrons or guests.
- D. No owner or operator of a bottle club shall have been convicted of a crime classified as a felony offense under the laws of the Commonwealth of Pennsylvania or the United States or be convicted of any comparable crime under the laws of any other state in the United States.

§ 210-6. Enforcement.

This chapter shall be enforced by the police officers of the Police Department of the City of Jeannette and any other person or persons authorized by ordinance or resolution of the City of Jeannette.

§ 210-7. Violations and penalties.

- A. Any person, persons or entity violating the provisions of this chapter shall, upon conviction thereof, be subject to a penalty in an amount of no less than \$300 and no more than \$1,000 for each day of such violation and, in default of payment thereof, imprisonment for a period not to exceed 90 days, as well as any and all other remedies available in accordance with the laws of the Commonwealth of Pennsylvania.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted.
- C. In the event any of the unlawful activities specified herein are conducted by or in the name of a corporation, partnership, limited liability company, 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 in violation as well as the person or persons engaged in the unlawful activity.

§ 210-8. Severability.

It is herein declared that the provisions of this chapter are severable, and if any provisions, portions or sections of this chapter are declared to be illegal, invalid or unconstitutional, the decisions of any court which makes declarations shall not impair or affect any of the remaining portions of this chapter.

Chapter 215. Burning, Open

[HISTORY: Adopted by the City Council of the City of Jeannette 7-11-2001 by Ord. No. 01-04.
Amendments noted where applicable.]

§ 215-1. Short title and purpose.

- A. This chapter shall be known as the "City of Jeannette Open Burning Ordinance."
- B. The purpose of this chapter is to regulate the open burning of combustible materials within the City of Jeannette, Westmoreland County, Pennsylvania, and to promote the recycling of various materials.

§ 215-2. Prohibited activities.

- A. From and after the effective date of this chapter, no person, firm, partnership or corporation owning or occupying any residential or commercial property within the corporate limits of the City of Jeannette shall burn any combustible materials in the open except as hereinafter described.
- B. No person, firm, partnership or corporation shall set any fires or maintain any open burning upon the paved portion of any street, alley or public grounds within the corporate limits of the City of Jeannette, or burn or cause to be burned upon such street, alley or public grounds any trees, tree limbs, brush, leaves, dry shrubbery, garbage, animal waste, food matter resulting from the handling, preparation, cooking and consumption of food, rubbish, tarry products, rags, old clothes, leather, diapers, furniture, lumber, plastic, rubber, linoleum, carpets, rubber tires, asphalt, paint, grease, oil and any other petroleum products, chemicals, hazardous or toxic materials, newspaper, cardboard, boxes, metal cans, glass, crockery, masonry or other similar material except as hereinafter described.
- C. No person, firm, partnership or corporation shall transport from outside the corporate limits of the City of Jeannette to any location within the corporate limits of the City of Jeannette trade waste resulting from the construction, building operations or the prosecution of any business, trade or industry, including, but not limited to, trees, tree limbs, brush, leaves, dry shrubbery, garbage, animal waste, food matter resulting from the handling, preparation, cooking and consumption of food, rubbish, tarry products, rags, old clothes, leather, diapers, furniture, lumber, plastic, rubber, linoleum, carpets, rubber tires, asphalt, paint, grease, oil and any other petroleum products, chemicals, hazardous or toxic materials, newspaper, cardboard, boxes, metal cans, glass, crockery, masonry, and other similar materials for purposes of burning or disposal.
- D. From and after the effective date of this chapter, no person, firm, partnership or corporation shall set or maintain any open burning or burn any materials designated by the Council of the City of Jeannette, by ordinance, resolution or otherwise, to be subject to recycling.

§ 215-3. Certain burning permitted.

- A. Subject to those conditions set forth herein, the following open burning operations shall be permitted:
 - (1) Any fire to prevent or abate a fire hazard, when approved by the Department of Environmental Protection and set by or under the supervision of the Fire Chief of the City of Jeannette, Fire Marshal of the City of Jeannette or their designated agent;
 - (2) Any fire set for the purpose of instructing firefighting personnel, when approved by the Department of Environmental Protection and set by or under the supervision of the Fire Chief of the City of Jeannette, Fire Marshal of the City of Jeannette or their designated agent;

- (3) Any fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection and set by or under the supervision of the Fire Chief of the City of Jeannette, Fire Marshal of the City of Jeannette or their designated agent; and
- (4) Bonfires for amusement purposes only when approved by the Fire Marshal of the City of Jeannette, Fire Chief of the City of Jeannette, or their designated agent, and conducted under the supervision of the same. For purposes of this subsection, a "bonfire for amusement purposes only" shall mean any outdoor fire that either: (a) is not contained within a noncombustible ring or container; or (b) has a footprint larger than 16 square feet.
[Amended 3-20-2018 by Ord. No. 18-04]

- B. Any person, firm, partnership or corporation engaged in open burning under this section shall first obtain a permit issued by the Fire Marshal or Fire Chief of the City of Jeannette or his designated agent.
- C. The Council of the City of Jeannette shall, from time to time, adopt and authorize a permit form and fee schedule to be imposed for the issuance of permits. The permit form and fee schedule attached hereto as Exhibit "A" is hereby adopted by the Council of the City of Jeannette as the form and fee schedule imposed by the adoption of this chapter.^[1]

[1] *Editor's Note: The current permit form and fee schedule are available in the City's offices.*

§ 215-4. Fires for recreational and food preparation purposes permitted.

[Added 3-20-2018 by Ord. No. 18-04]

Open fires for recreation or food preparation purposes only shall be generally permitted without the need to obtain a permit under the following prohibitions, restrictions, and limitations:

- A. The recreation or food preparation fire location must be:
 - (1) At least 25 feet from any structure, brush or wood line;
 - (2) At least 15 feet from any property or right-of-way boundary line; and
 - (3) Not beneath any trees, overhangs or wires.
- B. The recreation or food preparation fire must be contained within a noncombustible ring or container that is made of metal, fire brick, or concrete. Sandstone shall not be permitted, and if such ring or container is constructed of bricks or stones, such bricks or stones must be the interlocking type or must be mortared or otherwise bonded so as to prevent it from collapsing or falling during any burning.
- C. The size of the noncombustible ring or container must not be more than 16 square feet and not more than 16 inches in depth.
- D. A garden hose or other sufficient water source must be on site and readily available to enable emergency extinguishment of the recreation or food preparation fire.
- E. A competent adult must be present to monitor and supervise the recreation or food preparation fire at all times and until such fire is completely extinguished. The Fire Department of the City of Jeannette shall have the authority to extinguish any unattended, unmonitored or unsupervised fires, at the discretion of the Fire Department.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- F. Only clean, natural wood shall be permitted to be burned in recreation or food preparation fires. Papers and cardboard may be used in limited quantities for fire-starting purposes but must be so

limited as to not create flying embers or ashes from such fire. The burning of treated, painted or inorganic wood or lumbers is strictly prohibited. The burning of Class B (flammable or combustible liquids) and Class D (combustible metals) materials is strictly prohibited, as such terms are defined in National Fire Protection Association (NFPA) standards and guidelines.

- G. In the event that a recreation or food preparation fire becomes a nuisance to the public or persons on neighboring property, including, without limitation, smoke or health issues, the Fire Department of the City of Jeannette, Police Department of the City of Jeannette, Code Enforcement Officer of the City of Jeannette, or any other person authorized by ordinance or resolution to enforce this chapter may order and require such fire to be immediately extinguished.

§ 215-5. Other burning permitted.

- A. The Fire Chief or Fire Marshal may issue a permit for the burning of trees, tree limbs, brush, dry shrubbery and garden refuse only under the following circumstances:
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (1) Following any storms, periods of high winds or acts of nature causing damage thereto;
 - (2) Burning or fires in areas of salvage operations or land development for the purpose of clearing the property and removal of vegetation.
- B. Open burning in areas of land development and at salvage operations shall be controlled and managed by the use of a properly utilized air curtain destructor with a fire pit and shall be attended at all times with a water supply or equal extinguishing agent throughout the duration of the burning, as approved and authorized by the Fire Marshal or Fire Chief of the City of Jeannette.
- C. Nothing in this section shall be deemed to permit the open burning of leaves or leaf material that may otherwise be subject to disposal by alternate means.

§ 215-6. Compliance with NFPA standards.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any open burning activity conducted within the City of Jeannette shall be conducted in compliance with NFPA standards previously adopted by the Council of the City of Jeannette or that may be adopted by the Council of the City of Jeannette from time to time hereafter.

§ 215-7. Emergency fire ban.

[Added 3-20-2018 by Ord. No. 18-04]

- A. 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 government body.
- B. The City Council may declare a fire ban emergency in the City of Jeannette during any period of drought or other periods of high fire risk to property within the City of Jeannette.
- C. 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.
- D. The City of Jeannette shall publish a notice of the fire ban emergency at least once in a local newspaper of general circulation. In addition, the City of Jeannette may issue news releases to all communications media, including radio, television, and newspapers.

§ 215-8. Additional costs.

[Added 3-20-2018 by Ord. No. 18-04]

- A. In the case of a fire requiring firefighters and/or equipment and upon conviction of any violation of this chapter, the violator shall also pay charges in order to cover the firefighting 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 500 gallons' capacity and an appropriate-size pump.
 - (3) Chain saws and demolition equipment.
- B. Additional labor charges shall be assessed under this chapter 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-hour rates. These charges shall be in addition to and not in lieu of any criminal or other penalties provided elsewhere in this chapter.

§ 215-9. Public nuisance and municipal liability.

[Added 3-20-2018 by Ord. No. 18-04]

- A. A violation of this chapter or of any order issued by the City of Jeannette under this chapter shall constitute a public nuisance. The City of Jeannette 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 Jeannette may recover the expenses of abatement. Whenever the nuisance is maintained or continued contrary to this chapter or any order issued pursuant to this chapter, the nuisance may be abatable in the manner provided by this chapter. Any person who causes the public nuisance shall be liable for the cost of abatement.
- B. The City of Jeannette and City Council, and their employees, 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.

§ 215-10. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

It shall be unlawful and a violation of this chapter for any person, firm, partnership or corporation to engage in any open burning activity within the City of Jeannette except in compliance with this chapter. Any person, firm, partnership or corporation who violates or fails or neglects to comply with any provision of this chapter shall be guilty of a summary offense. Upon conviction of such summary offense before a Magisterial District Judge having jurisdiction, such person, firm, partnership or corporation shall be subject to a fine of not more than \$1,000 together with costs. Each day's violation shall constitute a separate offense, and notice to the offender of the violation shall not be necessary in order to constitute an offense. In default of payment of any fine and costs imposed hereunder, such violator shall be sentenced to jail for a period not exceeding 90 days.

Chapter 237. Construction Codes, Uniform

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Exhibit A, Guidelines for Administration and Enforcement of Uniform Construction Code 

Article I. Administration and Enforcement of UCC

[Adopted 6-9-2004 by Ord. No. 04-05]

§ 237-1. Adoption of UCC by reference.

The Council of the City of Jeannette hereby adopts the Pennsylvania Uniform Construction Code as the Municipal Building Code for the City of Jeannette and shall administer and enforce same within the City. The City shall administer and enforce this article through existing employees duly certified to perform those functions required under Act 45, its accompanying regulations and this article, or the entry into an intermunicipal agreement or contract with a third party agency to perform such services.^[1]

[1] *Editor's Note: Original section 2 of this article, Codes within UCC, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 237-2. Administration and enforcement.

Administration and enforcement of the aforesaid code within the City of Jeannette shall be undertaken pursuant to the "Guidelines for Administration and Enforcement of the Uniform Construction Code" for the City of Jeannette, a copy of which is attached hereto, made a part hereof and marked Exhibit A.^[1] Said Guidelines are hereby adopted and approved by the Council of the City of Jeannette and shall take effect on the effective date of this article. The Council of the City of Jeannette may modify the Guidelines for Administration and Enforcement of the Uniform Construction Code by resolution at any time hereafter as it may deem expedient and necessary for the administration and enforcement of such ordinance.

[1] *Editor's Note: Exhibit A is an attachment to this chapter.*

§ 237-3. Incorporation of terms and provisions of Act 45.

The City hereby incorporates into this article the terms and provisions of Act 45 referenced above, together with those regulations promulgated by and through the Commonwealth of Pennsylvania Department of Labor and Industry, together with any amendments thereto.

§ 237-4. Fees.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

For any and all construction activities requiring permits and/or inspections under the Pennsylvania Uniform Construction Code, Act 45 of 1999, and/or this article, the applicant for such permit shall be charged a fee. The aforesaid fee shall be calculated consistent with the Schedule of Permitting and Inspection Fees adopted and amended from time to time by resolution by the Council of the City of Jeannette as it deems necessary and expedient for the enforcement of this article.

§ 237-5. Appeals; establishment of Board of Appeals.

- A. On or before the effective date of this article, the Council of the City of Jeannette shall, by resolution, establish a board of appeals or enter into an intermunicipal agreement for the establishment of a board of appeals in conformance with the requirements of the Pennsylvania Uniform Construction Code and its regulations, as same may be amended from time to time for the purposes set forth therein. The board of appeals shall only hear those appeals permitted under the Pennsylvania Uniform Construction Code, its regulations referenced above and this article; said appeals being limited to the following:
- (1) An appeal from the determination of the Building Code Official or plan review official, asserting that the true intent of Act 45 above or the Uniform Construction Code has been incorrectly interpreted;
 - (2) An appeal from the determination of the Building Code Official, asserting that the provisions of Act 45 or the Uniform Construction Code do not fully apply;
 - (3) An appeal from a determination of the Building Code Official that an equivalent form of construction is required to be used; and/or
 - (4) A request for an extension of time.
- B. All appeals referenced above must be filed with the Building Code Official of the City of Jeannette, on a form to be provided by the City, within 20 days of the date the determination of the Building Code Official is issued. All appeals shall be determined in a manner consistent with the guidelines set forth in those regulations to the Pennsylvania Uniform Construction Code referenced herein.

§ 237-6. Notification of Department of Labor and Industry.

The City Clerk of the City of Jeannette is hereby authorized and directed to provide the Commonwealth of Pennsylvania Department of Labor and Industry with all information relevant and necessary to notify such Department that the City of Jeannette has "opted in" to the administration and enforcement of the Pennsylvania Uniform Construction Code within the City of Jeannette.

§ 237-7. Building Code Official.

The City of Jeannette Code Enforcement Officer is hereby designated as the "Building Code Official" for all purposes hereunder.

§ 237-8. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]

Any person failing to obtain a permit or inspection required under the terms of this article, who fails to pay any expense or fee set forth herein, or who refuses to cooperate with code officials or otherwise attempts to impede or prevent any official employed by the City of Jeannette in the performance of their duties under this article, shall be deemed in violation of this article and shall be guilty of a summary offense. Any person convicted of a violation of this article by a Magisterial District Judge having jurisdiction over same shall be sentenced to pay a fine of not more than \$1,000 and, upon failure of the payment of such fine, be sentenced to up to 90 days' imprisonment. Each day a violation exists shall constitute a separate offense without the necessity of the issuance of a new citation.

§ 237-9. Construal of provisions.

Nothing in this article shall be deemed or construed to affect the following ordinances previously enacted by the City of Jeannette, and such ordinances shall remain in full force and effect:

- A. Chapter **372**, Property Maintenance, Article **I**, Adoption of Standards, as amended, of the Code of the City of Jeannette;
- B. Chapter **297**, Floodplain Management, of the Code of the City of Jeannette; [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. Chapter **550**, Zoning, as amended, of the Code of the City of Jeannette; and
- D. Chapter **443**, Solid Waste, Article **II**, Collection and Disposition, as amended, of the Code of the City of Jeannette.

§ 237-10. Repealer; construal.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed as of the effective date of this article.

§ 237-11. Required link to Fire Department.

Except for single-family and two-family residential dwellings or as otherwise excused by the City of Jeannette Fire Chief or Fire Marshal, all other structures subject to permitting and inspection under this article are hereby required to provide a hard-wire link to the City of Jeannette Fire Supervising Station situate within the Fire Department of the City of Jeannette by tying in to the City's Gamewell System.

§ 237-12. Severability.

The terms, sections, subsections, clauses and provisions of this article are severable. In the event any section, subsection, provision or clause of this article is held by a court of competent jurisdiction to be void or invalid, the remaining portions of this article shall continue in full force and in effect.

§ 237-13. Effective date.

This article shall be effective on July 5, 2004.

Chapter 246. Curfew

[HISTORY: Adopted by the City Council of the City of Jeannette 7-8-1943 by Ord. No. 109 (Article 729 of the 1977 Codification). Amendments noted where applicable.]

§ 246-1. Juveniles.

All persons of the age of 17 years and under shall, for the purpose of this chapter, be regarded as juveniles.

§ 246-2. Certain actions of juveniles prohibited; exceptions.

No juvenile shall be on the public streets, highways, lanes and alleys of the City or in public places in the City between 11:00 p.m. and 6:00 a.m., except in the company of an adult member of their immediate family and except in going to and from their place of employment.

§ 246-3. Responsibilities of parents.

No parent or any person having the care of any juvenile shall willfully permit such juvenile to be or remain in any of the public streets, highways, lanes and alleys of the City or any public place within the City between 11:00 p.m. and 6:00 a.m., except in their company or in the company of an adult member of the juvenile's immediate family.

§ 246-4. Certain adults prohibited from accompanying juveniles during curfew.

No adult, other than a member of the immediate family of a juvenile or person having the care of such juvenile, shall be present on the public streets, highways, lanes and alleys of the City or in any public place in the City in the company of any juvenile between 11:00 p.m. and 6:00 a.m.

§ 246-5. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A person who violates an ordinance enacted under the authority of this chapter for which no penalty is specified commits a summary offense and, upon conviction, shall be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than 90 days, or both.

Chapter 255. Demolition of Buildings

[HISTORY: Adopted by the City Council of the City of Jeannette 8-14-2002 by Ord. No. 02-02. Amendments noted where applicable.]

§ 255-1. Title.

This chapter shall be known as the "City of Jeannette Demolition Ordinance."

§ 255-2. Permitting.

- A. No person, firm, corporation or other entity shall demolish, raze, remove or otherwise tear down any structure, building or improvement within the City of Jeannette without first obtaining a permit for same.
- B. All permits for the demolition of structures, buildings or improvements within the City of Jeannette shall be issued by the City of Jeannette Code Enforcement Officer.
- C. An applicant for a demolition permit shall submit a request for same on a form to be approved and provided by the City of Jeannette. Each demolition permit application shall be accompanied by a fee as set and modified from time to time by the Council of the City of Jeannette.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 255-3. Requirements for issuance of demolition permit.

- A. Along with the application for a demolition permit, the contractor, firm, entity or other person responsible for conducting the demolition work on any property within the City of Jeannette shall provide certification that:

- (1) All utility services, such as water, gas, steam, electricity and telephone services, are disconnected at the service main in accordance with the rules and regulations governing the utility involved. Should any of those utilities referenced above, or any other utility servicing the structure, be found to be connected, the applicant shall notify the utility involved, and no demolition permit shall issue until such utilities are properly disconnected;
- (2) All storm sewers and sanitary sewers leading from the structures to be demolished are securely sealed, and all active utility mains traversing the project site are preserved;
- (3) Any wells and cesspools within the area are pumped out and cleaned in a sanitary manner and that, after disinfecting them as may be required by the Pennsylvania Department of Health, such wells and cesspools shall be filled to adjacent ground level in the manner hereinafter prescribed for backfilling;
- (4) Thorough and efficient measures have been pursued to exterminate and prevent the migration of rodents and other pests from the demolition area;
- (5) The applicant has written proof that all debris from the operation of the demolition project will be accepted at an approved disposal facility in compliance with Act 241 (Pennsylvania Solid Waste Management Act)^[1] and provides a statement of the anticipated costs of disposal fees with the aforesaid landfill facility. A bond in the amount of 125% of the landfill fee for debris removal shall be posted with the Code Enforcement Officer of the City of Jeannette at the time the demolition permit is issued.

[1] *Editor's Note: Act 241 of 1968 has been repealed; see now 35 P.S. § 6018.101 et seq., Solid Waste Management Act, Act 97 (1980).*

- (6) The applicant has obtained an erosion and sediment pollution control plan for any earthmoving activity, including any timber harvesting, approved by the Westmoreland Conservation District or its successor entity. The applicant or their engineer, contractor, developer and/or harvester are responsible for completing and forwarding the plan to the Westmoreland Conservation District along with a request for review. The City may waive this requirement for sites with less than 5,000 square feet of disturbance, except as provided in § **255-10B(7)** hereafter, unless it determines the work involves earthmoving in an environmentally sensitive area, such as in a stream and/or stream corridor, steep and/or landslide-prone hillsides, wetlands or land having similar features.
[Added 4-9-2003 by Ord. No. 03-02]

B. No permit for the demolition of any structure, building or improvement shall issue unless and until the information listed in the foregoing subsection is provided.

§ 255-4. Technical specifications for demolition and site clearance.

Any contractor, person, firm or entity performing demolition work under a demolition permit issued by the City shall, as part of the demolition work performed:

- A. Make provisions for rodent extermination;
- B. Protect all adjacent properties and the natural features of areas that are to remain undamaged;
- C. Demolish and remove all posts and settings, building, sheds, fences, structures, porches, walls, fences, furnaces and fuel tanks on or underneath the ground;
- D. Demolish and remove paved surfaces (except sidewalks running parallel to public streets);
- E. Disconnect and seal utilities;

- F. Remove all rubbish, junk and trash from the site;
- G. Provide any and all necessary licenses and permits, and pay fees as may be required by state law or local ordinance associated with the demolition project;
- H. Preserve operating utilities that serve other properties or related appurtenances on site;
- I. Provide adequate protection for the person and property of others;
- J. Provide an effective measure for dust control;
- K. Clear and fill all wells, cisterns and/or similar underground structures;
- L. Break up all basement floors;
- M. Demolish and remove all aboveground masonry;
- N. Backfill basements and other excavations;
- O. Leave the demolition site free of demolition refuse, trash and junk;
- P. Restore to original grades and condition the subject property and any other properties damaged by any activity related to the demolition work, and take adequate precautions to avoid settlements or cave-ins of properties higher than the site, as well as other damage to properties lower than the site;
- Q. Remove all vegetation, including trees, stumps and roots that become damaged or dislodged during the course of the demolition work, from the site;
- R. Furnish, erect and maintain approved danger, warning and "keep out" signs at places and locations where the placing of such signs are warranted during the course of the demolition project. The demolition site shall also be barricaded or otherwise roped off to prevent public access to the site at times when demolition work is not being actively conducted at all times during the demolition process;
- S. Conduct such demolition work in a manner as to avoid hazards to persons and adjoining property or the interference with the use of adjacent buildings and interruption of free passage to and from such buildings;
- T. Keep the site thoroughly wetted down, if applicable, to prevent the spread of dust;
- U. Shall not close or obstruct any streets, sidewalks, alleys or passageways unless specifically authorized. The applicant shall conduct their operations in such a fashion so as to interfere as little as possible with the use ordinarily made of roads, streets, driveways, alleys, sidewalk facilities or other passageways near enough to the work to be affected thereby;
- V. In the event demolition work is being performed adjacent to any public or private street, alley or other passageway, traffic in the work area shall be controlled consistent with the general terms, conditions, requirements and provisions of 67 Pa. Code Chapter 212, Subchapter E, relating to work zone traffic controls. The failure to employ work zone traffic controls consistent with 67 Pa. Code Chapter 212, Subchapter E shall be a violation of this chapter and subject to punishment hereunder.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 255-5. Disturbing public sidewalks.

- A. All curbs, public sidewalks or other improved public walkways or passageways inside or outside the lot line of the property upon which the demolition project is being conducted shall not be disturbed by the demolition project. All curbs, public sidewalks and street paving damaged or disturbed by the applicant shall be restored by the applicant at their sole cost and expense.
- B. The covers of any sidewalk openings, such as coal holes, vaults or stairwells, connected with building or lots in a demolition area shall be removed and the openings filled with approved materials level with the adjacent sidewalk.

§ 255-6. Basements and backfilling.

- A. All basement floors or other paving below grade shall be thoroughly broken up. Where the ground floor is of "slab on the ground" construction, such slab shall be broken up and removed.
- B. In buildings where there are no basements and the ground floor is of wood construction, the flooring joist and/or sleepers shall be removed. In such buildings where the ground floor is other than wood and has space under the floor, all materials shall be removed.
- C. Wood partitions, stairways, furnaces, piping and other equipment, rubbish and debris located in basements or cellars shall be removed from the site.
- D. All buildings and/or other structures in the demolition area shall be completely razed to a level 12 inches below adjacent existing ground surface and shall be removed from the site. Such razing to a level 12 inches below adjacent existing ground surface shall include, but not be limited to, all items such as post, piers, fences, walls (including basement and foundation walls), sheds, steps, thresholds, except such items as are specifically noted to remain in place. All basement walls, foundation walls or partitions that are of tile or masonry construction shall be completely removed regardless of elevation.
- E. All basements and cellars or other areas below grade, including those on vacant lots, shall be filled to four inches above grade with sound, clean fill and graded in such a manner as to provide adequate drainage from the filled area. No decomposable organic material or wood, glass, plaster, paper, piping, steel or other metal work or material or any unstable or combustible material shall be used in making fills. Fills shall be made or completed of clean earth borrow. Earth mounds where same exist may be used as a source of borrow. Borrow pits extending below grade are not permitted.
- F. No basement shall be filled until an inspection by the Code Enforcement Officer of the City of Jeannette has occurred, and such Code Enforcement Officer has approved the breaking up of any existing basement floor or below-grade walls.
- G. When a basement has been approved for backfilling, all basement floors shall be broken up into pieces not larger than three feet in the longest dimension. After the floor is broken up, any masonry partitions may be broken up into pieces not larger than two feet in the longest dimensions and used for backfill.
- H. After backfilling has been completed, a subsequent inspection by the Code Enforcement Officer shall occur. In the event the Code Enforcement Officer approves the backfilling operation, the contractor shall effectively seed the areas involved in the demolition with a quick germinating grass seed and cover with an adequate layer of straw in order to ensure that grass grows in the area.

§ 255-7. Debris removal and cleanup.

The contractor shall remove all debris to an approved disposal site in compliance with Act 241^[1] (the Pennsylvania Solid Waste Act). The contractor shall remove all debris and equipment and dispose of all materials from the site of the work and leave the ground clear of all materials, rubbish or debris, and in a clean and neat condition, as the demolition of each or any structure on the property is completed. Vacant lots shall be cleared in the same manner as parcels containing buildings.

[1] *Editor's Note: Act 241 of 1968 has been repealed; see now 35 P.S. § 6018.101 et seq., Solid Waste Management Act, Act 97 (1980).*

§ 255-8. Miscellaneous provisions.

- A. Other than set forth above, masonry walls shall be demolished in small sections. Structural steel, cast iron and heavy timber framing members shall be removed individually and carefully hauled from the site.
- B. Explosives shall not be used in the demolition work unless permission is given, in writing, by the Code Enforcement Officer of the City of Jeannette and the applicant has obtained and exhibited all necessary permits through the Commonwealth of Pennsylvania for the use of same.
- C. No burning of wood, debris, trash or any combustible materials shall take place in the project area unless same are conducted in accordance with the regulations imposed by Chapter **215**, Open Burning, the rules and regulations of the Commonwealth of Pennsylvania Department of Environmental Protection, or other state and federal agencies having jurisdiction over and the authority to regulate same.
- D. All demolition work permitted under any permit issued by the Code Enforcement Officer of the City of Jeannette shall be completed within 60 days of the date such permit is issued. The failure to complete such demolition work within this time period shall be deemed a violation of the terms of this chapter.

§ 255-9. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, firm, corporation or entity who fails to comply with the terms of this chapter, or who conducts any demolition work other than in strict accordance with its terms, shall be guilty of a summary offense and, upon conviction thereof, shall pay a fine of not more than \$1,000 and, in lieu thereof, shall be sentenced to a term of imprisonment in the County jail not to exceed 90 days. Each day upon which a condition on property exists in violation of this chapter shall be treated as a separate offense and be punishable by a separate fine or penalty without the filing of additional citations for same. In the event a corporation or business entity is charged with and found guilty of a summary offense associated with the violation of this chapter, and fails to pay any fine imposed, then the president, chief executive officer, primary shareholder or directors, or person responsible for the conduct of such corporation shall be responsible to pay such fine or, in lieu thereof, be sentenced to a term of imprisonment not to exceed 30 days in the County jail.

§ 255-10. Special demolition regulations for certain districts and building types.

[Added 4-9-2003 by Ord. No. 03-02]

This section contains special regulations for demolition work within the Central Business District and for row houses, townhouses, duplexes and other structures having party walls, common walls or which are otherwise attached.

- A. In addition to the regulations provided in this chapter, any demolition project occurring within the Central Business District and/or involving structures having a party wall, common wall, or which is otherwise attached to an adjoining or adjacent structure shall be subject to those conditions and regulations set forth hereafter.
- B. Prior to the issuance of any permit hereunder, the applicant for a demolition permit for a structure within the Central Business District and/or for a structure having a party wall, common wall or which is otherwise attached or connected to an adjoining or adjacent structure shall submit to the City a demolition procedure plan, prepared, signed and sealed by a professional engineer licensed in the Commonwealth of Pennsylvania. Such demolition procedure plan shall include the following information:
- (1) A certification that the engineer has examined the zero lot line setback conditions existing on the property and verified the relationships between the building subject to the requested demolition permit and adjacent structures;
 - (2) An accurate identity of the building address, including Westmoreland County Tax Map parcel number, and other specific information necessary to identify the site location;
 - (3) The nature and extent of the structural conditions and a description of the party wall or common wall conditions and/or the manner in which the structure subject to demolition is otherwise connected to adjoining or adjacent structures;
 - (4) Scaled drawings depicting the connection details at the roof, intermediate floor or any other level of the building subject to the demolition permit and adjacent properties or structures;
 - (5) Evidence that such engineer has cut test holes at locations where there is concern that the structure may be connected at the zero lot line setback with adjacent properties and/or buildings;
 - (6) A schedule detailing the time the demolition work contemplated on the property is to commence, be completed and the manner in which it is to be carried out;
 - (7) Where earthmoving activity or disturbance occurs on property having in excess of 2,500 square feet, an erosion and sedimentation control plan approved by the Westmoreland County Conservation District;
 - (8) A Pennsylvania Department of Environmental Protection waste disposal permit, ensuring that debris and other waste materials generated from the demolition project can be disposed of at a licensed facility; and
 - (9) Three eight-inch by ten-inch black-and-white or color photographs of the site prior to the start of work, with the job name, property location, date of photograph and photographer's name indicated on the back of such photograph in a manner so as not to damage the print. Such photographs shall be taken from at least two locations, one from the front of the site looking toward the rear of the site, and another from the rear of the site looking toward the front of the site. The City may require additional photographs to be submitted as part of the demolition permit application process.
- C. Within 20 days of the date of the receipt of the demolition procedure plan, the City of Jeannette, through either its Code Enforcement Officer and/or City Engineer, shall conduct an inspection of the site to verify the information submitted in the demolition procedure plan to verify the extent of the demolition work to be performed on the property. The City may require, when necessary, any applicant for a demolition permit to perform other tests necessary to determine the conditions, relationships and connection of any part of the building subject to the demolition permit to and/or with adjoining structures.

- D. In the event hazardous materials are encountered during the course of demolition, the contractor performing such demolition work shall immediately notify the City of same in writing. No additional work shall be performed by the applicant under any demolition permit issued by the City unless and until such applicant receives written instruction from the City as to the procedures necessary to remove the hazardous materials from the site and abate any conditions resulting therefrom. All materials, waste, debris and parts or portions of building resulting from the demolition of the structure subject to the permit issued hereunder shall be considered the property of the contractor and shall be completely removed and cleared from the site during and at the completion of the demolition project.
- E. During the course of the demolition work performed under this permit, the demolition contractor and/or applicant for a demolition permit shall:
- (1) Provide temporary utilities, including, but not limited to, water, phone, sanitary facilities and parking;
 - (2) Protect the site from puddling and/or water runoff;
 - (3) Employ means necessary to prevent dust, noise and vibration from becoming a nuisance or causing harm to the public, adjacent properties, and/or other work being performed near the site;
 - (4) Conduct daily inspections of the site and remove all scrap, debris and waste materials to a place designated for their storage until same are removed from the site;
 - (5) Keep sidewalks and roads clean and free of mud and other debris generated from the demolition work;
 - (6) Upon completion of the demolition work, remove from the site all tools, surplus materials, equipment, scrap, debris and waste, regardless of origin, and leave the site clean and in a safe condition in accordance with the provisions of this chapter; and
 - (7) Contact the City of Jeannette Code Enforcement Officer within 48 hours of the date of final cleaning of the site, or of the date upon which the demolition permit issued hereunder expires, to schedule a final inspection of the site to ensure compliance with the terms of this chapter.
- F. Unless noted otherwise, in writing, by the City of Jeannette Code Enforcement Officer or City Engineer, upon completion of the demolition work the site shall be finished and graded in accordance with the provisions of this chapter, as amended.
- G. Failure to comply with the terms and conditions of these special regulations for demolition projects shall be deemed a violation of this chapter and subject the violator to those fines and penalties set forth in § 255-9.

Chapter 289. Fireworks

[HISTORY: Adopted by the City Council of the City of Jeannette at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

§ 289-1. Intent.

The purpose of this chapter is to protect the health, safety and welfare of persons and property in the City of Jeannette by regulating the use of fireworks. It is specifically prohibited to use display fireworks (hereinafter defined) without first obtaining a permit through the City of Jeannette.

§ 289-2. Definitions.

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

CONSUMER FIREWORKS

Any combustible or explosive composite or any substance or combination of substances intending to produce visible and/or audible effects by combustion and which is suitable for use by the public, that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR, as amended, or any successor regulation, and which complies with the provisions for "consumer fireworks," as defined by the American Pyrotechnics Association Standard 87-1, as amended, or any successor standard. The term does not include devices such as "ground handheld sparkling devices," "novelties" and "toy caps."

DISPLAY

The ignition of fireworks as defined herein.

DISPLAY FIREWORKS

This term is defined as provided in 27 CFR 555.11, as amended.

FIREWORKS

Both consumer and display fireworks, as defined herein.

§ 289-3. Restrictions on fireworks.

- A. The use of fireworks, whether consumer fireworks, display fireworks, or other types of fireworks, is specifically prohibited at any location within 100 feet of any structure, property line, vehicle or roadway unless prior permission is received by all property owners within the 100 feet, including the City, if it is a City road, or other road owners.
- B. The use of fireworks, whether consumer fireworks, display fireworks or other types of fireworks, shall be prohibited within any closed structure, building or tent.

§ 289-4. Display fireworks.

- A. It shall be unlawful for any person, firms or corporations, associations, organizations or individuals to use and/or hold public display of "display fireworks" in the City of Jeannette unless a permit is acquired from the City, and so long as said permit is in compliance with all applicable local, state and federal laws and regulations relating to said proposed fireworks display.
- B. Every fireworks display shall be handled by a licensed/certified pyrotechnician. Said display must be conducted in a manner that will not be hazardous to property or endanger persons. The permit officer or his designee shall inspect the site where the event will occur and shall be responsible for issuing the permit.
- C. Permit process. An application for a permit shall be made in writing to the City at least 30 days in advance of the proposed use and display and shall set forth the date, time and location of the use and display, the character and duration thereof, the name and address of the professional pyrotechnician, the name and address of the site owner, and a copy of the permit required by the International Fire Code. The application shall include copies of any and all local, state or federal permits or licenses for the use and display of fireworks. All applicants shall pay a permit fee as adopted by the City, from time to time, by resolution, and shall further provide proof of liability insurance. The City Permit Officer or his designee are the only individuals authorized to issue such permits and have the authority to attach reasonable conditions to the permit, if deemed necessary and approved by the City.
- D. Permits are not transferable and will not be issued to anyone under 18 years of age.

- E. Fireworks displays must end by 10:30 p.m.
- F. Liability insurance. The liability insurance shall be no less than \$2,000,000 and shall name the City of Jeannette as an additional insured.
- G. Continuance. If the fireworks display cannot occur on the date it is permitted, the person to whom it is issued may, the following business day, apply to the City for a continuance of no more than seven days after the original day designated. Said continuance shall be granted without an additional permit fee being paid so long as the liability insurance continues to that new date, so long as it is the same fireworks display as applied for originally.

§ 289-5. Public safety.

In the event of any violation of this chapter or conditions or terms of the permit, or in the event of an unsafe condition before or during the fireworks display, all appropriate law enforcement of City representatives are authorized to stop said display in the interest of public health, safety and welfare.

§ 289-6. Violations and penalties.

Any person, individual, partnership, association, organization, corporation or entity violating the chapter shall, upon conviction, pay a fine not exceeding \$1,000 or by imprisonment not exceeding 90 days, or both.

Chapter 297. Floodplain Management

[HISTORY: Adopted by the City Council of the City of Jeannette 2-9-2011 by Ord. No. 11-02. Amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Floodplain Map 

Article I. General Provisions

§ 297-1. Statutory authorization.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978,^[1] delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety and the general welfare of its citizenry. Therefore, the Council of the City of Jeannette does hereby order as follows.

[1] *Editor's Note: See 32 P.S. § 679.101 et seq.*

§ 297-2. Intent.

The intent of this chapter is to:

- A. Promote the general health, welfare and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.

- D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

§ 297-3. Applicability.

- A. 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 Jeannette unless a permit has been obtained from the Floodplain Administrator.
- B. A permit shall not be required for minor repairs to existing buildings or structures.

§ 297-4. Abrogation and greater restrictions.

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

§ 297-5. Severability.

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

§ 297-6. Warning and disclaimer of liability.

- A. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on 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 chapter does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.
- B. This chapter shall not create liability on the part of the City of Jeannette or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Article II. Administration

§ 297-7. Designation of Floodplain Administrator.

The Zoning Officer is hereby appointed to administer and enforce this chapter and is referred to herein as the "Floodplain Administrator."

§ 297-8. Permits required.

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

§ 297-9. Duties and responsibilities of 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^[1] (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act^[2] (Act 1978-325, as amended); the Pennsylvania Clean Streams Act^[3] (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.
 - [1] *Editor's Note: See 35 P.S. § 750.1 et seq.*
 - [2] *Editor's Note: See 32 P.S. § 693.1 et seq.*
 - [3] *Editor's Note: See 35 P.S. § 691.1 et seq.*
- C. In the case of existing structures, prior to the issuance of any permit and/or development, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- 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 chapter.
- 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 Council of the City of Jeannette for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain all records associated with the requirements of this chapter, including, but not limited to, permitting, inspection and enforcement.
- H. The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2006 IBC and the 2006 IRC, or latest revisions thereof.

§ 297-10. 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 Jeannette. 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 flotation, collapse or lateral movement.
 - (5) Building materials are flood-resistant.
 - (6) Appropriate practices that minimize flood damage have been used.
 - (7) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and/or 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 inch being equal to 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 accessways; 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 2006 IBC or the 2006 IRC.
- (4) The following data and documentation:
- (a) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - (b) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - (c) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a special floodplain area (see § **297-19B**) when combined with all other existing and anticipated development will not increase the base flood elevation more than one foot at any point.
 - (d) 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 elevation. Such statement shall include a description of the type and extent of floodproofing measures that have been incorporated into the design of the structure and/or the development.
 - (e) Detailed information needed to determine compliance with § **297-24F**, Storage, and § **297-25**, Development which may endanger human life, including:
 - [1] The amount, location and purpose of any materials or substances referred to in § **297-24F** and § **297-25**, which are intended to be used, produced, stored or otherwise maintained on site.
 - [2] 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 § **297-25** during a base flood.
 - (f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - (g) 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.

§ 297-11. Review by County Conservation District.

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

§ 297-12. 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.

§ 297-13. 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 the Floodplain Administrator for consideration.

§ 297-14. Placards.

In addition to the permit, the Floodplain Administrator shall issue a placard that 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.

§ 297-15. Start of construction.

Work on the proposed construction and/or development shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§ 297-16. 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 chapter, 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 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 action which, if taken, will effect compliance with the provisions of this chapter.

- B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be, upon conviction, sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than 90 days, or both. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Council of the City of Jeannette to be a public nuisance and abatable as such.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 297-17. Appeals.

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this chapter may appeal to the Council of the City of Jeannette. Appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Council of the City of Jeannette shall set a time and place, within not less than 10 days or not more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Council of the City of Jeannette may seek relief therefrom by appeal to court as provided by the laws of this state, including the Pennsylvania Flood Plain Management Act.

Article III. Identification of Floodplain Areas

§ 297-18. Identification.

- A. The identified floodplain area shall be any areas of the City of Jeannette classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs), dated March 17, 2011, 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.
- B. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by the City of Jeannette and declared to be a part of this chapter.

§ 297-19. Description and special requirements of identified floodplain areas.

The identified floodplain area shall consist of the following specific areas:

- A. Floodway area.
- (1) Description: The area identified as Floodway in the FIS, which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas that have been identified in other available

studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.

(2) Special requirements:

- (a) Any encroachment that would cause any increase in flood heights shall be prohibited.
- (b) No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. Special floodplain area.

(1) Description: The areas identified as Zones AE and A1-30 in the FIS, which are subject to inundation by the one-percent-annual-chance flood event determined by detailed methods and have base flood elevations (BFEs) shown.

(2) Special requirements:

- (a) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Protection Regional Office.
- (b) In special floodplain areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one foot.

C. Approximate floodplain area.

(1) Description: The areas identified as Zone A in the FIS, which are subject to inundation by the one-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.

(2) Special requirements:

- (a) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- (b) When available, information from other federal, state, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

(3) 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 City of Jeannette.

§ 297-20. Changes in identification of area.

The identified floodplain area may be revised or modified by Council of the City of Jeannette, where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

§ 297-21. Boundary disputes.

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

Article IV. Technical Provisions

§ 297-22. 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 been first 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 Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. Technical or scientific data shall be submitted to FEMA for a Letter of Map Revision (LOMR) within six months of the completion of any new construction, development or other activity resulting in changes in the BFE.

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 chapter and any other applicable codes, ordinances and regulations.

§ 297-23. 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 § **297-19C(2)(b)** of this chapter.
- (3) The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC), or the most recent revisions thereof, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized.

B. Nonresidential structures.

- (1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or

above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

- (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 § **297-19C(2)(b)** of this chapter.
 - (3) Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations," published by the 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.
 - (4) The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC), or the most recent revisions thereof, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized.

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 floodwaters 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) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

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

- (1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.
- (2) Floor area shall not exceed 100 square feet.
- (3) The structure will have a low damage potential.

- (4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- (5) Power lines, wiring and outlets will be 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 or 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 square inch for every square foot of enclosed space.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 297-24. Design and construction standards.

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

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

- (1) Extend laterally at least 15 feet beyond the building line from all points;
- (2) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
- (4) Be no steeper than one vertical to two horizontal feet unless substantiated data, justifying steeper slopes, is submitted to and approved by the Floodplain Administrator; and
- (5) Be used to the extent to which it does not adversely affect adjacent properties.

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

C. Water and sanitary sewer facilities and systems.

- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

- (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - (4) The design and construction provisions of the UCC and 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 foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive or which, in times of flooding, could be injurious to human, animal or plant life, and not listed in § **297-25**, Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- G. Placement of buildings and structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, walls and ceilings.
- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
 - (2) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- J. Paints and adhesives.
- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
 - (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.

K. Electrical components.

- (1) Electrical distribution panels shall be at least three feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

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

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

- (1) International Building Code (IBC) 2006, or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- (2) International Residential Building Code (IRC) 2006, or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

§ 297-25. 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 will be used for the production or storage of any of the following dangerous materials or substances or 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 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:

- (1) Acetone.
- (2) Ammonia.
- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.
- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium.

- (11) Nitric acid and oxides of nitrogen.
 - (12) Petroleum products (gasoline, fuel oil, etc.).
 - (13) Phosphorus.
 - (14) Potassium.
 - (15) Sodium.
 - (16) Sulphur and sulphur products.
 - (17) Pesticides (including insecticides, fungicides, and rodenticides).
 - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any floodway area, any structure of the kind described in Subsection **A** above shall be prohibited.
- C. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection **A** above shall be:
- (1) Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above base flood elevation,
 - (2) Designed to prevent pollution from the structure or activity during the course of a base flood.
- D. 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.

§ 297-26. Special requirements for subdivisions.

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in flood hazard 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 or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 297-27. Special requirements for manufactured homes.

- A. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- B. Within approximate floodplain or special floodplain area, manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any 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 1 1/2 feet above base flood elevation.

- (3) Anchored to resist flotation, collapse or lateral movement.
- D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto, shall apply and 34 Pa. Code Chapters 401-405.
- E. Consideration shall be given to the installation requirements of the 2006 IBC and the 2006 IRC, or the most recent revisions thereto, 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 units' proposed installation.

§ 297-28. Special requirements for recreational vehicles.

Recreational vehicles in Zones A, A1-30, AH and AE must either:

- A. Be on the site for fewer than 180 consecutive days;
- B. Be fully licensed and ready for highway use; or
- C. Meet the permit requirements for manufactured homes in § 297-27.

Article V. Activities Requiring Special permits

§ 297-29. General.

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

- 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.

§ 297-30. Application requirements for special permits.

Applicants for special permits shall provide five copies of the following items:

- A. A written request including a completed permit application form.
- B. A small-scale map showing the vicinity in which the proposed site is located.

- C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
- (1) North arrow, scale and date;
 - (2) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two feet;
 - (3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
 - (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting or affected by the proposed activity or development;
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation and information concerning the flow of water, including direction and velocities;
 - (7) The location of all proposed buildings, structures, utilities and any other improvements; and
 - (8) Any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale, showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate;
 - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
 - (4) Detailed information concerning any proposed floodproofing measures;
 - (5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 - (6) Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades; and
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:
- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - (2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;

- (3) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
- (4) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
- (5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
- (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- (8) Any other applicable permits, such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166;^[1] and
[1] *Editor's Note: See the Pennsylvania Flood Plain Management Act, 32 P.S. § 679.101 et seq.*
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

§ 297-31. Application review procedures.

Upon receipt of an application for a special permit by the City of Jeannette the following procedures shall apply in addition to those of Article II:

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

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

§ 297-32. Special technical requirements.

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

Article VI. Existing Structures in Identified Floodplain Areas

§ 297-33. Existing structures.

The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § **297-34** shall apply.

§ 297-34. Improvements.

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

- A. No variance shall be granted for any construction, development, use or activity within any floodplain area that would cause any increase in the BFE.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value shall constitute a substantial improvement

and shall be undertaken only in full compliance with the provisions of this chapter.

- C. The above activity shall also address the requirements of the 34 Pa. Code, as amended, and the 2006 IBC and the 2006 IRC.
- D. Any modification, alteration, reconstruction or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this chapter.

Article VII. Variances

§ 297-35. General.

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

§ 297-36. Variance procedures and conditions.

- A. Requests for variances shall be considered by the City of Jeannette in accordance with the procedures contained in § **297-17** and the following:
 - (1) No variance shall be granted for any construction, development, use or activity within any floodplain area that would cause any increase in the BFE.
 - (2) 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 Article **V**, Activities Requiring Special Permits, or to § **297-25**, Development which may endanger human life.
 - (3) If granted, a variance shall involve only the least modification necessary to provide relief.
 - (4) In granting any variance, the City of Jeannette shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this chapter.
 - (5) Whenever a variance is granted, the City of Jeannette shall notify the applicant in writing that:
 - (a) The granting of the variance may result in increased premium rates for flood insurance.
 - (b) Such variances may increase the risks to life and property.
 - (6) In reviewing any request for a variance, the City of Jeannette shall consider, at a minimum, the following:
 - (a) That there is good and sufficient cause.
 - (b) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) That the granting of the variance will:
 - [1] Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor
 - [2] Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(7) A complete record of all variance requests and related actions shall be maintained by the City of Jeannette. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

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

Article VIII. Definitions

§ 297-37. General.

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

§ 297-38. Specific definitions.

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

ACCESSORY USE OR STRUCTURE

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

BASE FLOOD

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

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 one-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT

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

BUILDING

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

DEVELOPMENT

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD

A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Emergency Management Agency or Federal Insurance Administration 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.

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 chapter.

MANUFACTURED HOME

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

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR

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

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after April 17, 1978, and includes any subsequent improvements thereto.

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.

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) plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS

Flood-related damages sustained by a structure on two separate occasions during a ten-year period, for which the cost of repairs at the time of each such flood event, on average, equals or

exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA)

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

SPECIAL PERMIT

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

START OF CONSTRUCTION

Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/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.

STRUCTURE

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

SUBDIVISION

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

SUBSTANTIAL DAMAGE

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

SUBSTANTIAL IMPROVEMENT

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

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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 UCC 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.

VIOLATION

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

Article IX. Enactment

§ 297-39. Adoption.

This chapter shall be effective on March 17, 2011, and shall remain in force until modified, amended or rescinded by the City of Jeannette, Westmoreland County, Pennsylvania.

Chapter 311. Historic District

[HISTORY: Adopted by the City Council of the City of Jeannette 1-10-2019 by Ord. No. 19-01. Amendments noted where applicable.]

§ 311-1. Purpose.

It is the purpose and intent of the City to promote, protect, enhance, perpetuate and preserve historic districts for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, structures and areas of historic interest or importance within the City; to safeguard the heritage of the City by preserving and regulating historic districts which reflect elements of its cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the City's economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; to foster civic pride in the beauty and accomplishments of the City's past; and to preserve and protect the cultural, historical and architectural assets of the City for which the City has been determined to be of local, state or national, historical and/or architectural significance.

§ 311-2. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- A. "Historic District," "City of Jeannette Historic District," or "Local Historic District" mean that certain area defined in § 311-3 of this chapter.

§ 311-3. Delineation of local historic district.

- A. The City of Jeannette Historic District shall be described in writing in this section and delineated on a map designated as the "Historic District Map of the City of Jeannette." The City of Jeannette Historic District Map shall be located in the municipal offices of the City of Jeannette and made available for public inspection.
- B. The City of Jeannette Historic District is described as follows:

Beginning at the point of intersection of the easterly right-of-way line of South Eighth Street and New Mexico Lane located between Clay Avenue and Magee Avenue; thence southwardly along the easterly right-of-way line of South Eighth Street to its point of intersection with the southerly right-of-way line of Nebraska Lane, another alley located between Clay Avenue and Bullitt Avenue; thence southeastwardly along the said southerly right-of-way line to its point of intersection with the easterly right-of-way line of South Second Street; thence northeastwardly along the easterly right-of-way line of South Second Street to its point of intersection with the extended northerly right-of-way line of New Mexico Lane between Clay Avenue and Magee Avenue; thence northwestwardly along the extended right-of-way line of New Mexico Lane and continuing northwestwardly along the northerly right-of-way line of said New Mexico Lane to its point of intersection with the easterly right-of-way line of South Eighth Street, the point of beginning.

§ 311-4. Use of local historic district for program eligibility.

The City of Jeannette may use the City of Jeannette Historic District Map and the Historic District identified therein for the following purposes:

- A. To be used as a criterion for eligibility or selection for various programs, including, without limitation, grant and other funding programs (e.g., facade, commercial building improvement) and other benefits, at the discretion of the City;
- B. To identify and coordinate programs for the City with other government and nonprofit entities and agencies, including, without limitation, the Pennsylvania Downtown Center and the Pennsylvania Department of Community and Economic Development;
- C. To justify the placement of appropriate signage and other guides and designators as determined by the City of Jeannette;
- D. To provide an area for the placement of events and occasions related to the history and culture of the City of Jeannette; and
- E. To promote the history and culture of the City of Jeannette.

§ 311-5. Placement of gas and other utility service facilities.

- A. In order to protect the historic and cultural heritage of the City of Jeannette and protect the health and safety of the public, all gas and other utility service facilities, including, without limitation, gas meters, regulators and service lines, shall be placed in such a manner that they are installed: 1) within buildings and structures located within the City of Jeannette Historic District; 2) off of main streets and sidewalks located within the City of Jeannette Historic District; or 3) in alleys located within the City of Jeannette Historic District.
- B. Any utility desiring to place gas or other utility service facilities in a manner that does not conform with the requirements of this section may request a variance from such requirements upon submission of a variance petition, on such form or forms as may be provided by the City and with all supporting documentation requested by the City, and payment of a variance appeal fee as established by the City Council of the City of Jeannette for each such location.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- C. It is the intent of this section to meet the requirements of 52 Pa. Code § 59.18 requiring gas companies to locate certain gas service facilities inside buildings and structures and to apply those same rules and principles to other utilities with respect to other utility service facilities to the maximum extent permissible by law.

§ 311-6. Enforcement.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This chapter shall be enforced by the Community Development Coordinator, the Building Code Inspector, the Code Enforcement Officer, and such other persons or entities authorized by ordinance or resolution of the City of Jeannette.

§ 311-7. Violations and penalties.

- A. Any person, persons or entity violating the provisions of this chapter shall, upon conviction thereof, be subject to a penalty in amount of no more than \$1,000 for each day of such violation and, in lieu thereof imprisonment for a period not to exceed 90 days, and any and all other remedies available in accordance with the laws of the Commonwealth of Pennsylvania.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- B. The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted.
- C. In the event any of the unlawful activities specified herein are conducted by or in the name of a corporation, partnership, limited liability company, 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 in violation, as well as the person or persons engaged in the unlawful activity.

§ 311-8. Limitations and distinctions from other historic districts and laws.

The City of Jeannette Historic District is a locally designated historic district established only for the local and limited purposes of the City of Jeannette and not for any purpose or restriction of any state or federal historic district laws or similar legislation. No other person may use the City of Jeannette Historic District for any other purpose without the express authorization of the City of Jeannette. Accordingly, the Historic District does not constitute a historic district under the Pennsylvania Historic Districts Law, 53 P.S. § 8001 et seq.; the federal Historic Sites Act, 54 U.S.C. § 320101 et seq.; the federal National Trust for Historic Preservation Act, 54 U.S.C. § 312101 et seq.; the federal Archaeological and Historic Preservation Act, 54 U.S.C. § 312501 et seq.; or the federal National Historic Preservation Act, 54 U.S.C. § 300101 et seq.

§ 311-9. Severability.

It is herein declared that the provisions of this chapter are severable, and if any provisions, portions or sections of this chapter are declared to be illegal, invalid or unconstitutional, the decisions of any court which makes such declarations shall not impair or affect any of the remaining portions of this chapter.

§ 311-10. Repealer.

Any ordinance or part of any ordinance that conflicts with the provisions of this chapter is hereby repealed to the extent of any such conflict on the effective date of this chapter.

§ 311-11. When effective.

This chapter shall become effective 10 days after its enactment.

Chapter 319. Insurance

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Fire Loss Claims

[Adopted 1-17-1996 by Ord. No. 96-2]

§ 319-1. Definitions.

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

FIRE LOSS or CLAIM FOR FIRE DAMAGE

Any loss occurring after the effective date of this article and covered under a policy of fire insurance, including any endorsements or riders of the policy.

MUNICIPALITY

Any city, borough, town, township or home rule municipality.

THE CITY

The City of Jeannette.

TREASURER

The Treasurer of the City of Jeannette.

§ 319-2. Authorized official.

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

§ 319-3. Restrictions on claim payments; certificates.

No insurance company, association or exchange (hereinafter "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Jeannette (hereinafter the "City") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the named insured or insuring agent is furnished by the City Treasurer with a municipal certificate pursuant to § 508(b) of the Insurance Law of 1921, as amended in 1994 [40 P.S. § 638(b)], and as set forth in Subsection A herein, and unless there is compliance with § 508(c) and (d) of the Insurance Company Law of 1921, as amended in 1994 [40 P.S. § 638(c) and (d)], and the provisions of this article.

- A. The City Treasurer shall, upon the written request of the named insured specifying the tax description of the property, name and address of the insurance company, association or exchange

and the date agreed upon by the insurance company, association or exchange and the named insured as the date of the receipt of a loss report of the claim, furnish the insurance company, association or exchange either of the following within 14 working days of the request:

- (1) 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 Treasurer's certificate or verbal notification, no municipality has certified any amount as total costs incurred by the municipality for the removal, repair or securing of a building or other structure on the property; or
- (2) A certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the request that have not been paid as of the date of the certificate, and also showing, as of the date of the Treasurer's certificate, the amount of the total costs, if any, certified to the Treasurer that have been incurred by a municipality for the removal, repair or securing of a building or other structure on the property. For the purposes of this subclause, the municipality shall certify to the Treasurer the total amount, if any, of such costs. A tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the municipality under applicable law.

§ 319-4. Payment of claims.

Where pursuant to § 508(b)(1)(l) of the Insurance Company Law of 1921, as amended in 1994, and as set forth in § **319-3A(1)** herein, the City Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured; provided, however, that if the loss as agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the following procedures must be followed:

- A. The insuring agent shall transfer from the insurance proceeds to the designated officer of the City in the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim; 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; or
- B. If at the time of a proof of loss agreed to between the named insured and insuring agent, such proof of loss herein being required to be provided to the City by the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insuring agent shall transfer to the City from the insurance proceeds the amount specified in the estimate.
- C. The transfer of proceeds shall be on a pro-rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
- D. 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.
- E. Upon receipt of proceeds under this section, the City shall do the following:
 - (1) The designated officer shall place the proceeds in a 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 proceeds related thereto; and

- (2) It is the obligation of the insuring agent, when transferring the proceeds pursuant to Subsections **A** through **C** of this section, to provide the City with the name and address of the named insured. Upon receipt of the transferred proceeds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the 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 is received by the designated officer, and if the City has not incurred any costs for repairs, removal or securing of the building or structure, the funds shall be returned to the named insured. If the City has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and, if excess funds remain, the City shall transfer the remaining funds to the named insured; and
 - (4) To the extent that interest is earned on proceeds held by the City pursuant to this section, and said proceeds are not returned to the named insured, 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.
- F. Nothing in this section shall be construed to limit the ability of the City to recover any deficiency, nor to limit the ability of the City to take any other step or engage in any other procedure authorized by law or in equity to remedy a situation resulting from fire loss within or outside the City.
- G. Furthermore, nothing in this subsection 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.

§ 319-5. Insurance proceeds.

Where, pursuant to § 508(b)(1)(II.) of the Insurance Company Law of 1921, as amended in 1994, and pursuant to § **319-3A(2)**, the City Treasurer issues a certificate and bill indicating an amount of delinquent taxes, assessments, penalties and/or user charges against the property as of the date the named insured or insuring agent requested the certificate that have not been paid as of the date of the certificate, and also indicating, as of the date of the certificate, an amount of total costs, if any, certified to the Treasurer that have been incurred by a municipality for the removal, repair or securing of a building or other structure on the property, the insuring agent shall return the bill to the Treasurer and transfer to the Treasurer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs shown on the bill.

- A. The municipality shall receive that amount and apply or credit it to payment of the items shown on the bill;
- B. The transfer of proceeds to the Treasurer shall be on a pro-rata basis by all insurers with applicable policies of insurance providing protection for fire loss.

§ 319-6. Statutory provisions.

The Council of the City of Jeannette may by resolution adopt procedures and regulations to implement the Insurance Company Law of 1921, as amended in 1994, and this article, and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to said law and

this article, including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

§ 319-7. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any owner of property, any named insured or any insuring agent who violates this article shall be guilty of a summary offense and, upon conviction thereof, shall pay a fine of \$1,000 together with the costs of prosecution and, in default of such fines and costs, shall be punishable by imprisonment for a period of not more than 90 days, or both. Each violation of this article shall constitute a separate and distinct offense, punishable as provided herein.

§ 319-8. Severability.

The provisions of this article shall be severable and, if any provision hereof shall be invalid or unenforceable, the remaining provisions of this article shall remain in effect.

§ 319-9. Filing.

A certified copy of this article, together with the name, position and phone number of the municipal officer responsible for compliance with this section, shall be filed with the Department of Economic and Community Development on or before the effective date.

Chapter 334. Municipal Claims and Liens

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Statement of Delinquent Account Collection Policies 

Article I. Attorneys' Fees for Delinquent Accounts

[Adopted 10-10-2001 by Ord. No. 01-05]

§ 334-1. Statement of policies.

The City hereby approves the Statement of Collection Policies for delinquent unpaid user charges and other items covered by the Municipal Claims Act (hereinafter referred to as "accounts"), as presented at the time of this meeting, a copy of which is attached hereto, made a part hereof and marked Exhibit A.^[1]

[1] *Editor's Note: The Statement of Delinquent Account Collection Policies is an attachment to this chapter.*

§ 334-2. Schedule of fees.

- A. The City hereby approves the following Schedule of Attorneys' Fees for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principles set forth in Section 3 (a.1) of the Municipal Claims Law^[1] as added by Act No. 1 of 1996 (the "Act"):

Legal Services	Fee for Services
Initial review and sending first demand letter	\$75
Filing claim and mailing second demand letter	\$50
Prepare writ of scire facias	\$150
Obtain re-issued writ	\$75
Prepare and mail letter pursuant to Pa.R.C.P. 237.1 (Notice of praecipe for entry of judgment of non pros or default)	\$50
Prepare motion for alternate service	\$150
Prepare motion for summary judgment and related judgments	\$250
Prepare writ of execution	\$250
Attendance at sheriff sale; review schedule of distribution and resolve distribution issues, attendance at presentation and argument on petitions and motions and other services not covered above	Hourly amount equal to Solicitor's regular hourly charges to City

[1] *Editor's Note: See 53 P.S. § 7106(a.1).*

- B. There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, as itemized in the applicable counsel's bills, which shall be deemed to be a part of the fees collected or to be collected.
- C. The amount of fees determined as set forth above shall be added to the City's claim in each account.

§ 334-3. Collection procedures.

The following collection procedures are hereby established in accordance with the aforesaid Act No. 1:

- A. At least 30 days prior to assessing or imposing attorneys' fees in connection with the collection of an account, the City shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the "account debtor").
- B. If within 30 days after mailing the notice in accordance with Subsection **A**, the certified mail to any account debtor is refused or unclaimed or the return receipt is not received, then at least 10 days prior to assessing or imposing such attorneys' fees, the City shall mail or cause to be mailed, by First Class Mail, a second notice to such account debtor.
- C. All notices required by this article shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the City, or such other address as it may be able to obtain from the Westmoreland County Tax Claim Bureau, Westmoreland County Tax Office or any other public office in which an account debtor's address is maintained.
- D. Each notice as described above shall include the following:
 - (1) The type of 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 attorneys' fees within 30 days after the mailing of the first notice or within 10 days after the mailing of the second notice;
 - (3) The manner in which the assessment or imposition of attorneys' fees may be aborted by the payment of the account; and

- (4) The place of payment for accounts and the name and telephone number of the City official designated as responsible for collection matters.

§ 334-4. Interest charges.

Unless the provisions of any other act relating to the collection of municipal claims or charges set forth herein or provided for under the Municipal Claims Act establishes a different rate of interest for such claims or municipal liens, a maximum rate of interest of 10% per annum shall be applied and added to any municipal claim or lien collected herein; provided, however, where any municipal claim is filed arising out of a municipal project which requires the City to issue bonds to finance the project, interest shall be collectable on such claims at the rate of interest of the bond issue or at the rate of 12% per annum, whichever is less.

§ 334-5. Related action.

The City Treasurer, City Clerk, City Solicitor and/or Mayor of the City of Jeannette are hereby authorized and empowered to take any additional action they deem necessary or appropriate to implement and carry out the terms of this article.

§ 334-6. Cumulative remedies.

The remedies provided in this article shall be cumulative. Nothing in this article shall be deemed or construed to preclude the City of Jeannette from taking any other action, at law or in equity, available to it to collect indebtedness referenced herein.

§ 334-7. Modification of collection policies and schedule of fees.

[Added 2-9-2005 by Ord. No. 05-03; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Statement of Collection Policies attached to this article as Exhibit A may be amended from time to time by Council of the City of Jeannette. The Schedule of Fees set forth in § **334-2** of this article may be amended from time to time by Council of the City of Jeannette by ordinance duly adopted hereafter.

Article II. Delinquent Payments Required for Issuance of Permits

[Adopted 2-9-2005 by Ord. No. 05-01]

§ 334-8. Corporations required to pay taxes, fees, etc.

From and after the effective date of this article, no person, corporation, entity or firm shall be issued any license, building permit, occupancy permit, demolition permit or any other permit associated with construction, demolition, use and/or occupancy of any property in the City of Jeannette subject to such licensing or permitting under any ordinance or regulation in effect within the City, unless all outstanding real estate taxes, fees for municipal services and/or any other municipal claims, fines or debt of any nature or kind due and owing the City of Jeannette, Westmoreland County, Pennsylvania, by such person, corporation, entity or firm have been paid in full. No corporation, partnership or business entity shall be issued any license or permit referenced hereunder in the name of such partnership, corporation, entity or firm, if any owner, officer, director or shareholder in such partnership, corporation,

business entity or firm owes any indebtedness referenced in this article in an individual capacity, unless such individual debt is paid in full.

§ 334-9. Persons or business entities required to pay taxes, fees, etc.

From and after the effective date of this article, no person or other business entity, who is a partner, owner, shareholder, officer or director of any corporation or other business entity, shall be issued any license, building permit, occupancy permit, demolition permit or any other license or permit associated with construction, demolition, use and/or occupancy of any property in the City of Jeannette subject to such permitting, under any ordinance in effect within the City, in an individual capacity, unless all outstanding real estate taxes, fees for municipal services and/or any other municipal claims, fines or debt of any nature or kind due and owing the City of Jeannette by the partnership, corporation or firm in which they participate as a partner, shareholder, officer, director or owner have been paid in full.

§ 334-10. Definitions.

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

MUNICIPAL CLAIMS, FINES OR DEBT

Any outstanding indebtedness subject to any municipal claim either filed by the City or capable of being filed by the City, any outstanding magisterially- or court-imposed fine or penalty associated with or arising from matters associated with the ownership of real property within the geopolitical boundaries of the City, and all other debt of whatsoever nature and kind arising from the ownership, use, maintenance or control of any and all real property of the owner within the geopolitical boundaries of the City.

MUNICIPAL SERVICES

Any municipal service provided by the City of Jeannette to or for the benefit of any person, corporation, entity or firm owning property within the geopolitical boundaries of the City of Jeannette, such services to be deemed to include, but not be limited to, garbage collection services, alley and/or street paving services, or any other services provided by the City through its employees, agents or assigns to property owners for which a fee is assessed.

REAL ESTATE TAXES

Includes any real property tax assessed by the City against any parcel of real estate within the geopolitical boundaries of the City of Jeannette, together with any penalty or interest accrued upon same, that is not paid within the calendar year of its assessment, notwithstanding the fact that such delinquent tax has been turned over to the Tax Claim Bureau of the County of Westmoreland, Commonwealth of Pennsylvania, for delinquent tax collection purposes.

§ 334-11. Applicability.

The provisions of this article shall apply to any person, entity, corporation or firm who owes outstanding real estate taxes, municipal service fees or municipal claims, fines or debt on any property within the geopolitical boundaries of the City of Jeannette, regardless of whether such outstanding real estate taxes, municipal service fees, municipal claims, fines or debt are assessable to or against the property for which a permit is sought.

§ 334-12. Payment of taxes and fees certified.

Any person, entity, corporation or firm making application for any license or permit required by any ordinance of the City of Jeannette shall attach, along with such permit application, a certification from the City Treasurer's office, in a form prescribed by the City, verifying that all real estate taxes and all fees for municipal services on all property owned by such person, entity, corporation or firm within the geopolitical boundaries of the City of Jeannette have been paid in full at the time the application for such permit is made. Such certification shall include a sworn statement by the applicant disclosing the following information, where applicable:

- A. Where the applicant is an individual: The name and address of any partnership, corporation, sole proprietorship or other business entity in which the applicant participates as an owner, director, officer, shareholder or partner, whether within the City of Jeannette or not; and
- B. Where the applicant is a business entity other than an individual: The name and addresses of all individuals acting as owners, partners, directors, officers or shareholders in such business entity.

§ 334-13. Applicability.

This article shall apply to all owner-occupied single-family residential dwellings, all two-family or other multifamily residential dwelling and/or rental units, commercial and/or industrial facilities within the geopolitical boundaries of the City of Jeannette subject to licensing or permitting under those various ordinances of the City of Jeannette referenced above.

§ 334-14. Severability.

The terms, words, phrases and provisions of this article are severable. In the event any term, condition, provision or phrase in this article shall be deemed by a court of competent jurisdiction as void or unenforceable, then the remaining terms, conditions, provisions and phrases set forth herein shall continue in full force and effect.

Chapter 340. Nuisances

[HISTORY: Adopted by the City Council of the City of Jeannette 3-14-2019 by Ord. No. 19-06. Amendments noted where applicable.]

§ 340-1. Short title.

This chapter may be cited as the City of Jeannette "Nuisance Abatement Ordinance."

§ 340-2. Purpose.

The Third Class City Code requires an ordinance to effectuate and implement its public nuisance investigation, determination and abatement provisions. Furthermore, nuisance properties present grave health, safety, welfare and financial concerns where the persons responsible for such properties have failed to take corrective action to abate the nuisance condition. Nuisance properties have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This chapter is enacted to supplement and further define, effectuate and implement portions of the Third Class City Code relating to the investigation, determination and abatement of public nuisances, including, without limitation, 11 Pa.C.S.A. § 127A01 et seq., in order to ameliorate those conditions which exist on nuisance properties and hold accountable the property owners of nuisance properties for those conditions.

§ 340-3. Definitions.

When used in this chapter, the following terms, words and phrases shall have the following meanings unless the context clearly indicates otherwise or unless such definition is superseded by any definition contained in Chapter 127A of the Third Class City Code, 11 Pa.C.S.A. § 127A01 et seq. (which superseding definitions shall be incorporated herein by reference).

ABATEMENT

The removal, stoppage or destruction by any reasonable means of the cause or constitution of a public nuisance.

DEPARTMENT

The City Board of Health (or the City Council acting as a board of health pursuant to 11 Pa.C.S.A. § 12301), the City Property Maintenance Code Enforcement Office, the City Building Inspector, the City Health Inspector, and the City Uniform Construction Code Administration Office, acting in cooperation with each other, or any other City department(s) designated by resolution of City Council to determine the existence of and to abate a public nuisance in accordance with this chapter.

OWNER

With regard to the property on which the alleged public nuisance exists, the owner of record, based upon the City's real estate registry if the City maintains a registry or, if the City does not maintain a real estate registry, on the tax assessment records of the City or of the county in which the City is located. The term may include any person in whom is vested all or any part of the legal or equitable title to the property or who has charge, care or control of the property as agent, executor, administrator, assignee, receiver, trustee, guardian, lessee or mortgagee in possession.

PROPERTY

Personal property or real property and any improvements to real property.

PUBLIC NUISANCE

Any of the following:

- A. Conduct or property, or the condition or use of property, defined or declared to be a public nuisance under any provision of this chapter or other law.
- B. Conduct or property, or the condition or use of property, if the department determines that it endangers the health or safety of, or causes hurt, harm, inconvenience, discomfort, damage or injury to, a person or property in the City by reason of the conduct or property, or the condition or use of the property, being any of the following:
 - (1) A menace, threat or hazard to the general health and safety of the community.
 - (2) A fire hazard.
 - (3) A building or structure that is unsafe for occupancy or use.
 - (4) Property that is so inadequately or insufficiently maintained that it diminishes or depreciates the enjoyment and use of other property in its immediate vicinity to the extent that it is harmful to the community in which the property is situated.
- C. Unauthorized accumulations of garbage and rubbish and the unauthorized storage of abandoned or junked automobiles or other vehicles on private or public property, and the carrying on of any offensive manufacture or business.

SUMMARY ABATEMENT

Abatement of a public nuisance by the City without prior notice to the owner of the property in accordance with the Third Class City Code and this chapter.

§ 340-4. Report and investigation of public nuisance.

In accordance with the Third Class City Code, the City Property Maintenance Code Enforcement Office, the City Building Inspector, the City Health Inspector, and the City Uniform Construction Code Administration Office may receive reports of a possible nuisance. Reports may be submitted by a member of the public, City employee, or elected or appointed City official, or result from inspections made by the department.

- A. Criteria. Any violation of the City property maintenance code, building code, or other ordinance relating to the health and welfare of residents and property in the City may constitute and be determined to be a public nuisance following investigation of said reports. The City may establish additional written policies or criteria for investigating said reports made for the purpose of determining the existence of a public nuisance.
- B. Notification. If the department, either as a result of a report or an investigation, reasonably believes the reported property involves a building that appears to be structurally unsafe, the department shall notify the City's Building Inspector or other appropriate official, who shall cause the property to be inspected, subject to constitutional standards, in a similar manner as those relating to powers of the City Board of Health and submit a written report to the department.
- C. Determination. Upon completing its investigation and receiving any written reports required under this section, the department shall determine all of the following:
 - (1) If a public nuisance exists.
 - (2) If the public nuisance is of such a severe and substantial nature that it presents a clear, immediate and substantial danger to public health or safety or to the health or safety of any occupant of a property on which a public nuisance exists or of any property in the vicinity of the public nuisance, that it is sufficient to justify extraordinary and immediate action without prior notice to the owner of the property to avoid personal injury, death or substantial loss of property.
- D. Retention of records. Following an investigation, the department shall retain a copy of its findings, including any reports and any photographs of the property or condition investigated.

§ 340-5. Summary abatement.

The City of Jeannette hereby expressly adopts and authorizes the power to utilize summary abatement of public nuisances, pursuant to the procedures set forth in the Third Class City Code and this chapter.

- A. Conditions. In the case of a reported public nuisance, the department shall have authority to utilize summary abatement if all of the following occur:
 - (1) The department determines the existence of the criteria provided in § **340-4** herein or in accordance therewith.
 - (2) The Mayor or the Mayor's designee provides express authorization to utilize summary abatement.
- B. Notice not required. If summary abatement is implemented pursuant to this section, the department, including the authorized City Engineer, the City Public Works Department, the City Community Development Office, or any contractor of the City, including, without limitation, appraisers and structural engineers, shall have the authority to enter upon the property for the purpose of abatement without prior notice to the owner of the property or to the holders of liens on the property.
- C. Procedure. The following shall apply:
 - (1) Within 10 days following a summary abatement, the department shall post on the property upon which the abatement has occurred a notice describing the action taken to abate the

nuisance.

- (2) Within 20 days following a summary abatement, the department shall determine the identity of the owner of the property by reference to the City's real estate registry if the City maintains a registry or, in the absence of a registry, by reference to county assessment records, and the identity of the holders of all liens upon the property which are properly indexed among the records of the county, and provide to the owner and to all lienholders written notice, by first class mail or hand delivery, of the action taken to abate the nuisance.
- (3) Within 30 days following a summary abatement, the department shall file with the City Treasurer or other financial officer of the City designated by City Council a statement of costs of the abatement, which shall include the administrative fee and civil penalty provided by Chapter 127A of the Third Class City Code. After filing with the City Treasurer, a notice of the statement of costs shall be provided to the owner and lienholders in accordance with Chapter 127A of the Third Class City Code.

§ 340-6. Prior notice of abatement; abatement by owner.

The department shall have the authority to abate a public nuisance with prior notice as provided by this section if, after inspecting the property or condition reported to be a public nuisance, subject to constitutional standards in a similar manner as those relating to powers of the City Board of Health, the department determines, as provided for in § 340-4 herein, that the public nuisance exists.

A. Method of notice.

- (1) If the department proceeds with abatement pursuant to this section, it shall identify the owner of the property by reference to the City's real estate registry if the City maintains a registry or, in the absence of a registry, by reference to county assessment records, and shall immediately serve a written notice on the owner by any of the following methods:
 - (a) Personal service.
 - (b) Leaving a copy of the notice at the place of residence or business of the owner or the address of the owner shown in the City's real estate registry or in the records in the office of the Recorder of Deeds.
 - (c) Mailing a copy by United States certified mail, return receipt requested, to the owner at the owner's current address shown in the City's real estate registry or in the records in the office of the Recorder of Deeds.
- (2) If service of the written notice is unable to be perfected by any of the methods under Subsection **A(1)**, the department shall publish a copy of the notice in a newspaper of general circulation once a week for two consecutive weeks and shall provide a copy of the notice to the individual in possession of the property on which the department has determined that the public nuisance exists, or if there is no individual in possession of the property, the department shall post a copy of the notice at the structure, location or premises.
- (3) The department shall determine from the records in the offices of the Recorder of Deeds the identities of all lienholders of the property and serve a written notice on all lienholders by United States certified mail, return receipt requested.

B. Contents of notice. The notice to the owner and lienholders shall state clearly and concisely the findings and determination of the department with respect to the existence of a public nuisance. The notice shall further state that the public nuisance shall be abated by the City at the expense of the owner unless it is otherwise abated within 30 days of the notice or within any extension of that period granted by the department.

- C. Duty of owner. Within 30 days after written notice has been provided pursuant to this section, the owner shall remove and abate the nuisance.
- D. Liability. A person who is the owner of the premises, location or structure at the time a notice to abate a public nuisance is issued and served upon the person shall be responsible for complying with the notice and shall be liable for any costs incurred by the City in connection with the notice, notwithstanding if the person conveyed the person's interest in the property to another after the notice was issued and served.
- E. Defense. It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.

§ 340-7. Appeal after notice and hearing.

An owner of the property who has been served with a notice pursuant to § 340-6 herein shall have the right of appeal and may request and have a timely hearing on the question of whether a public nuisance, as described in such notice, in fact, exists. All such appeals must be in writing, signed, and be received by the City within 30 days of the date of such notice and shall contain the mailing address of such owner sufficient for purposes of providing any legal notice. Appeal hearings shall be scheduled and heard in a timely manner. City Council, or a committee of three Council members appointed by City Council, shall constitute the public nuisance appeals board, which, if an appeal is taken, shall conduct the hearing on the question of whether a public nuisance as described in such notice, in fact, exists. The appeals board may uphold, amend or modify the determination of the department or extend the time for compliance with the department's order if the extension is limited to a specific time period.

§ 340-8. Abatement by City after notice; statement of costs.

If a public nuisance has not been abated at the expiration of 30 days after notice has been provided, or within additional time as the department or appeals board may grant, taking into consideration the provisions of § 340-7 herein (relating to appeal after notice and hearing), the department, including the authorized City Engineer, the City Public Works Department, the City Community Development Office, or any contractor of the City, including, without limitation, appraisers and structural engineers, shall have the authority to enter upon the property for the purpose of abatement.

- A. Abatement assistance. In abating a public nuisance, the department may call upon any of the City departments or divisions for assistance as shall be deemed necessary or may abate the public nuisance by private contract.
- B. Statement of costs. Upon abatement in accordance with this section, the department shall file with the City Treasurer or other financial officer of the City designated by City Council a statement of costs of the abatement, which shall include the administrative fee and civil penalty provided by the Third Class City Code and this chapter.
- C. Administrative fee and civil penalties. Whenever a public nuisance is abated by the City, the statement of the costs of the public nuisance shall include the City's actual cost of abatement, plus an administrative fee, not to exceed 10%, and a civil penalty. For the first abatement of a public nuisance upon any owner's property within the City in any two-year period, the civil penalty shall be \$250. For second and subsequent abatements upon any properties of any owner within the City during any two-year period, the civil penalty shall be \$500. The increased civil penalty shall be imposed and collected, regardless of whether the second and subsequent public nuisances upon property or properties of an owner involve the same property or the public nuisances are of the same or different character.
- D. Salvage of materials. If deemed practicable by the department, the department may salvage and sell at private or public sale any material derived from an abatement of a public nuisance.

Pursuant to this chapter, all of the following shall apply to the proceeds obtained from the sale of any material salvaged as a result of an abatement:

- (1) The proceeds shall be deposited into a non-interest-bearing escrow account of the City.
- (2) The proceeds may be applied against the amount of the costs, fees and penalties relating to the abatement.
- (3) If the amount of the proceeds exceeds the amount of the costs, fees and penalties, any excess shall be paid to the owner.

§ 340-9. Notice of assessment and appeal of charges.

- A. Notice of assessment. Upon receipt of the statement of costs from the department, either for a summary abatement pursuant to § **340-5** herein (relating to summary abatement) or for an abatement with notice pursuant to § **340-6** herein (relating to prior notice of abatement), the City Treasurer or other financial officer of the City designated by Council shall, in accordance with the methods of service in § **340-6** herein, give notice of the amount set forth in the statement of costs to the owner and lienholders of the property upon which the public nuisance has been abated. The notice shall state that the City proposes to assess against the property the amount set forth in the notice and that objections to the proposed assessment must be in writing, signed, and be received by the designated officer within 20 days from the date of mailing the notice and shall contain the mailing address of such owner sufficient for purposes of providing any legal notice.
- B. Lien. Upon the expiration of the twenty-day period, if no written objections have been received by the designated officer, the total amount of costs, fees and penalties specified in the statement of costs may be entered as a lien against the property on which the nuisance was abated and shall be collected in the manner provided for the collection of municipal claims and liens, subject to rights of appeal provided in this section.
- C. Administrative review. If objections of the owner or a lienholder are received by the designated officer prior to the expiration of the twenty-day period, the officer shall refer the matter to the department for administrative review. Objection hearings shall be scheduled and heard in a timely manner by the public nuisance appeals board, as described in § **340-7** herein.
- D. Final administrative decision. The determination of the public nuisance appeals board on any objection or appeal shall be a final administrative decision within the City.
- E. Reduction or cancellation of assessment. The department, in administrative review, or the public nuisance appeals board, on objection or appeal, may reduce or cancel a proposed assessment if it is determined that any of the following did not conform to the provisions of Chapter 127A of the Third Class City Code or this chapter:
 - (1) The notice to remove the nuisance.
 - (2) The work performed in abating the nuisance.
 - (3) The computation of charges.
- F. Elimination of civil penalty. The department, in administrative review, or the public nuisance appeals board, on appeal, may reduce a proposed assessment by eliminating the civil penalty portion of the statement of costs if any of the following apply:
 - (1) The current owner did not own the property at the time the notice required in § **340-6** herein was posted.

- (2) The owner did not receive the notice to remove the public nuisance, did not have knowledge of the public nuisance and could not, with the exercise of reasonable diligence, have had knowledge of the public nuisance.

§ 340-10. Personal liability.

Notwithstanding the right of the City to utilize in rem proceedings to pursue collection of the costs, fees and penalties in the statement of costs as a municipal claim, the person who is the owner of the property at the time of a summary abatement at which the notice required is given, or in the case of an abatement pursuant to § 340-6 herein, the person who was the owner of the property at the time notice of the existence of the public nuisance was given, shall be personally liable for the amount of the assessment, including all interest, other charges and, except as provided in § 340-9 herein, civil penalties.

§ 340-11. Severability.

It is herein declared that the provisions of this chapter are severable, and if any provisions, portions or sections of this chapter are declared to be illegal, invalid or unconstitutional, the decisions of any court which makes declarations shall not impair or affect any of the remaining portions of this chapter.

§ 340-12. Repealer.

Any ordinance or part of any ordinance that conflicts with the provisions of this chapter is hereby repealed to the extent of any such conflict on the effective date of this chapter.

§ 340-13. Effective date.

This chapter shall become effective immediately after its enactment.

Chapter 346. Parks and Recreation Areas

[HISTORY: Adopted by the City Council of the City of Jeannette 9-10-2003 by Ord. No. 03-10. Amendments noted where applicable.]

§ 346-1. Motor vehicles prohibited certain hours.

It is hereby declared to be unlawful for any person, firm, corporation or entity to park, stop or cause to be parked or stopped any motor vehicle of any kind in any park, playground, recreational and/or other public facility or property owned by the City of Jeannette, Westmoreland County, Pennsylvania, for any period of time from dusk each evening until dawn the following day.

§ 346-2. Persons prohibited certain hours.

It is hereby declared to be unlawful for any person to stop, congregate with any other person, appear or be present upon any park, playground, recreational and/or other public facility or property owned by the City of Jeannette, Westmoreland County, Pennsylvania, from dusk each evening until dawn the following day.

§ 346-3. Applications; fee.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, group or entity seeking to occupy or cause to be occupied any park, playground, recreational and/or other public facility after dusk on any given day shall make application to and receive approval from the City of Jeannette Recreation Commission prior to the time of occupancy. The City of Jeannette Recreation Commission is hereby authorized to charge the applicant and collect a fee for such permit as set by the City Council.

§ 346-4. Permits.

The City of Jeannette Recreation Commission shall furnish to the Chief of Police of the City of Jeannette and the Jeannette City Clerk copies of any permit issued to any person, group or entity which permits occupancy of any park, playground, recreational and/or other public facility after dusk on any given day.

§ 346-5. Restriction.

Notwithstanding the foregoing, no person, entity or group shall be granted permission to occupy, nor shall they occupy, any park, playground, recreational and/or public facility after the hour of midnight on any day.

§ 346-6. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, firm, corporation or entity violating the terms of this chapter shall be guilty of a summary offense and, upon conviction before a Magisterial District Judge having jurisdiction over same, shall be sentenced to pay a fine of not more than \$1,000 and, in lieu thereof or upon failure to pay same, be sentenced to the maximum term of 90 days in the County jail.

Chapter 354. Peace and Good Order

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Disorderly Conduct; Loitering and Prowling

[Adopted 9-13-2006 by Ord. No. 06-04]

§ 354-1. Purpose.

This article is for the purpose of maintaining the peace, safety and welfare of the people of the City of Jeannette.

§ 354-2. Disorderly conduct prohibited.

A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or to breach the public peace or recklessly creating a risk thereof, in a public place, he or she:

- A. Engages in fighting or threats of fighting or in violent or tumultuous behavior; or
- B. Makes loud, raucous and/or unreasonable noise; or

- C. Uses obscene language or makes an obscene gesture; or
- D. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose; or
- E. Appears in a public place manifestly under the influence of alcohol to the degree that he may endanger himself or other persons or property; or
- F. Intentionally or recklessly obstructs any highway, street, sidewalk or other public passageway, either alone or with other persons; except that no person shall be guilty of an offense under this subsection solely because of a gathering of persons to hear him speak or otherwise communicate or solely because of being a member of such gathering; or
- G. Is in possession of any opened container of alcoholic beverages or consumes alcoholic beverages in such public place; or
- H. Consumes alcoholic beverages or is in possession of any opened container of alcoholic beverages in the parks, public parking lots or on the streets, alleys, sidewalks or other public right-of-way within the City; or
- I. Travels along any public street, alley, right-of-way or ground of the City with an opened container of alcoholic beverages either within a motor vehicle or otherwise; or
- J. Discharges or fires any rifle, handgun, weapon or firearm, or who sets off any explosive device within the City of Jeannette, except within any target range, pistol range or other facility designed for such purpose and approved by the City for same.

§ 354-3. Loitering and prowling.

A person is guilty of loitering or prowling if they maliciously loiter or maliciously prowl around a dwelling house or any other place used in whole or in part for living or dwelling purposes, belonging to or occupied by another, and without the consent of the owner or occupant thereof. A person is also guilty of loitering or prowling if they maliciously loiter or prowl around on a public street or right-of-way or any other place used for commercial or other business purposes without the consent of the owner or occupant thereof, or loiters or prowls on such commercial or business premises with no apparent purpose associated with such business, or loiters or prowls on such commercial or business premises, or in any public right-of-way adjoining same, after such business or commercial enterprise is closed.

§ 354-4. Definitions.

As used in this article, the following words shall have those meanings set forth below:

COMMUNITY

For the purpose of applying the "contemporary community standards" herein, the term "community" means the Commonwealth of Pennsylvania.

LOITER

To stand around or move slowly about, to spend time idly, to saunter, to delay, to linger, to lag behind.

MALICIOUSLY

With the intent to commit a crime or offense or with the intent to injure or otherwise invade the privacy, person or property of another.

OBSCENE

Any language or conduct, if:

- A. The average person, applying contemporary community standards, would find that the subject matter taken as a whole appeals to the prurient interests;
- B. The subject matter depicts or describes in a patently offensive way "sexual conduct" of a type defined below herein; and
- C. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

PROWL

To roam or wander over in a stealthy manner, to pace or roam furtively.

PUBLIC PLACE

A place where the general public has access, including, but not limited to, sidewalks, streets, highways, transport facilities, vehicles used for public transportation, schools, prisons, apartment houses, hotels, motels, inns or lodges, places of business or entertainment, cinemas, restaurants or dining facilities, or any other premises open to the general public.

SEXUAL CONDUCT

Patently offensive representations or depictions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, anal or oral sodomy and sexual bestiality; and patently offensive representations or descriptions of masturbation, excretory functions, sadomasochistic abuse and lewd exhibition of the genitals.

§ 354-5. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person charged with the offense of disorderly conduct and/or loitering and/or prowling under the provisions of this article shall, upon conviction, be guilty of a summary offense and be sentenced to pay the costs of prosecution and to pay a fine of not more than \$1,000. In default of the payment thereof, such person shall be sentenced to a period of incarceration for up to 90 days.

§ 354-6. Severability.

Should any section or provision of this article be declared by a court of competent jurisdiction to be void, invalid or unenforceable for any reason whatsoever, the remaining provisions of this article shall remain in full force and effect. Nothing in this article shall be construed to alter, amend or abridge any of the provisions of the Constitution of the United States or of this commonwealth, or any law or regulation of the United States or this commonwealth, or any Act of the Assembly heretofore or hereafter adopted.

§ 354-7. Gender neutrality.

Whenever used in this article, the singular shall include the plural, and the use of any gender shall be applicable to all genders.

Chapter 372. Property Maintenance

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Adoption of Standards

[Adopted 11-8-2018 by Ord. No. 18-18]

§ 372-1. Adoption by reference of 2015 International Property Maintenance Code.

A certain document, three copies of which are on file in the office of the City Clerk of the City of Jeannette, being marked and designated as the International Property Maintenance Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Jeannette in the Commonwealth 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 for 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 Jeannette are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 372-2 of this article.

§ 372-2. Additions, insertions, deletions and changes.

The following sections of the Property Maintenance Code are hereby revised in their entirety to read as follows:

- A. **Section 101.1 Title.** These regulations shall be known as the Property Maintenance Code (or International Property Maintenance Code) of the City of Jeannette, Westmoreland County, Pennsylvania, hereinafter referred to as "this code."
- B. **Section 202** (with respect to the following definitions):

CODE OFFICIAL

The property maintenance code officer(s) of the City, his or their authorized representatives, the Fire Chief of the City, the Fire Captain of the City, and Building Code Official of the City.

LEGAL OFFICER or LEGAL REPRESENTATIVE

The office of the City Solicitor or such other attorney or firm so appointed for purposes of administering, enforcing or representing the City in connection with this article and any actions or appeals related thereto.

PERSON

An individual, corporation, partnership, limited liability company, limited liability partnership, association, entities, property management groups, or any other group acting as a unit. To the maximum extent provided by law, when used in this article in a clause proscribing any activity or imposing a penalty, the term as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, other entities, or property management groups shall include each and every member, shareholder, partner (limited or general), director, officer and other individual having an interest or decision-making authority in the entity, controlling or otherwise.

- C. **Section 103.5 Fees.** The fees for activities and services performed by the City or the department in carrying out its responsibilities under this code shall initially be as indicated in the following

schedule and as may be subsequently amended or revised by ordinance or resolution of City Council:

Abatement Charges:

1. Vegetation cutting: \$300 per incident under five man-hours.
2. Rubbish removal: \$300 per incident under five man-hours.
3. Road clearing or special treatment: \$300 per incident under 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.

Appeal Fees:

Single-family dwellings	\$150 per premises
Multifamily dwellings	\$150 per premises, per dwelling unit
Commercial buildings	\$150 per premises, per unit

- D. **Section 104.3 Right of entry.** In the discharge of his duties, the property maintenance officer or his authorized agents or representatives, upon showing proper identification where or when requested, are hereby authorized to enter and inspect between the hours of 9:00 a.m. and 4:00 p.m. any structure or premises in the City, other than a private residence occupied by the owner, or any portion of a private residence occupied by the owner thereof, to enforce the provisions of this article and of those other applicable codes and ordinances. The assistance and cooperation of all other municipal offices, including police and fire departments, shall be available to the property maintenance officer to assist in the performance of his duties and in securing right of entry.

The property maintenance officer and the owner, operator or occupant, or other person in charge of any structure or premises subject to the provisions of this article may agree to an inspection by appointment at a mutually convenient time.

The owner, operator or occupant, or other person in charge of any structure or premises shall give the property maintenance officer entry and free access thereto and to every part of the structure or premises, including, without limitation, the area surrounding the structure or contained within such premises.

If any owner, operator or occupant, or other person in charge of any structure or premises fails or refuses to permit entry and free access to the structure or premises or any part thereof, including, without limitation, the area surrounding the structure or contained within such premises, with respect to any authorized inspection, the property maintenance officer may, upon a showing that probable cause exists for the inspection, file a complaint and petition for and obtain an order directing compliance with the inspection requirements of this article from a court of competent jurisdiction. Any person who refuses to comply with such an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

- E. **Section 106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense or civil infractions determined by the local municipality, and the violation shall be deemed to be 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, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order of direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

- F. **Section 106.4 Violation penalties.** Any person who shall violate a provision of this code or any adopted City building code, or fail to comply herewith, or with any of the requirements hereof, shall be guilty of a summary offense and shall be subject, upon conviction, to a fine of not less than

\$300 or more than \$1,000 plus costs or, after a final hearing, sentenced to a term of incarceration or imprisonment not to exceed 90 days. Each day that a violation continues after due notice, as provided in this code, has been served shall be deemed a separate violation or offense for the purpose of computing fines and penalties and for determining a term or terms of incarceration or imprisonment, which may be imposed consecutively.

- G. **Section 111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall, upon the payment of any requisite appeal fee or fees, have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- H. **Section 111.2 Membership of board.** The Board of Appeals shall consist of the Board of Health of the City of Jeannette.
- I. Sections 111.2.1 through Section 111.2.5 are deleted in their entirety.
- J. **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 \$300 or more than \$1,000, plus costs, or sentenced to a term of incarceration or imprisonment not to exceed 90 days.
- K. **Section 302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious, harmful or injurious weeds shall be prohibited on all premises and exterior property. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

Upon the 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 employer 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, and any unpaid costs shall constitute a lien against the property.

- L. **Section 304.14 Insect screens.** During the period from April 1st to October 1st 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 not less than 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.

- M. **Section 602.3 Heat supply.** Every owner or operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heating during the period from October 1st to April 1 to maintain a temperature of not less than 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 shall 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.

- N. **Section 602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to April 1st to maintain a temperature of not less than 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.

- O. Section 704.2.2. Exceptions are deleted in their entirety.

- P. Section 704.2.3. Exceptions are deleted in their entirety.

§ 372-3. Supplemental nature.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of the 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 in excess of the provisions of this article. The code shall control in all cases where the state requirements are not as strict as those contained in this article.

§ 372-4. Repealer.

Ordinance 12-02 of the City of Jeannette, as amended, known as the 2012 International Property Maintenance Code, and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed.

§ 372-5. Severability.

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

§ 372-6. Continuing proceedings, rights, liabilities, and causes of action.

Nothing in this article or in the International 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 § **372-4** of this article; nor shall any just or legal right or remedy of any character related thereto be lost, impaired, or affected by this article.

Article II. Quality of Life Violations

[Adopted 2-8-2017 by Ord. No. 17-04]

§ 372-7. Title.

This article shall be known as the "City of Jeannette Quality of Life Ordinance."

§ 372-8. Purpose.

[Amended 3-14-2019 by Ord. No. 19-04]

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, vendor operations without permits, accumulation of snow and ice and failure to trim trees and other vegetation within public rights-of-way are costly problems that contribute to the deterioration of property values and general disorder in the community. These problems degrade the physical appearance of the City, which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of Jeannette are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this article is to promote the health, safety and general welfare of the City by helping to create a clean environment for the citizens of Jeannette while eliminating safety and welfare concerns for both residents and emergency service personnel.

§ 372-9. Scope.

The provisions of this article shall apply to all existing and future properties and structures.

§ 372-10. Definitions.

The following words, terms and phrases, when used in this article, shall be defined as follows, unless context clearly indicates otherwise:

ADULT

Any person 18 years of age or older.

DEBRIS

Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

DUMPING

Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.), small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized.

DWELLING UNIT

One or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy.

GARBAGE

The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INDOOR FURNITURE

Any and all pieces of furniture which are made for only inside use, including, but not limited to, upholstered chairs and sofas, etc.

JUNKED VEHICLE

Includes any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair, whether on private or public property.

A. The following conditions, if present, are examples of a state or condition of disrepair:

- (1) Rusted and/or jagged metal on or protruding from the body of the vehicle.
- (2) Broken glass or windows on or in the vehicle.
- (3) Leaking of any fluids from the vehicle or deflated or flat tire(s).
- (4) Unsecured and/or unlocked doors, hood or trunk.
- (5) Storage or placement of the vehicle in an unbalanced condition on concrete blocks or other similar apparatus.
- (6) Harboring of rodents, insects or other pests.
- (7) Accumulation of debris, vegetation, leaves or leaf waste under a vehicle on a City roadway.

B. The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also "nuisance motor vehicle."

LANDLORD

Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, monetary or otherwise.

LITTER

Includes, but is not limited to, all waste material, garbage, trash, i.e., wastepaper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

MOTOR VEHICLE

Includes any type of mechanical device capable, or at one time capable, of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

NUISANCE MOTOR VEHICLE

A motor vehicle with one or more of the following defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. Broken headlamps, taillamps, bumpers or grills with sharp edges.
- C. Any body parts, truck, fire wall or floorboards with sharp edges or large holes resulting from rust.
- D. Protruding sharp objects from the chassis.
- E. Missing doors, windows, hoods, trunks or other body parts that could permit animal harborage.
- F. One or more open tires or tubes, which could permit animal harborage.

- G. Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public property, owners, visitors or residents of the property on which said vehicle is found.
- H. Any excessive fluids leaking from vehicle, which may be harmful to the public or the environment.
- I. Disassembled body or chassis parts stored in, on or about the vehicle.
- J. Vehicles that do not display a current valid license and registration.
- K. Such other defects which the Fire Department determines to be a danger to the general public or property.
- L. Motor vehicles parked, drifted or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

OCCUPANCY LICENSE

The license issued to an owner of a regulated rental unit established by Chapter **387**, Rental Property, Article **I**, Occupancy Licenses and Regulations, which is required for the lawful rental and occupancy of a regulated rental unit.

OCCUPANCY PERMIT

See "occupancy license."

OCCUPANT

Any person who lives in or has possession of, or holds an occupancy interest in, a dwelling unit; or any person residing in or frequenting the premises of the dwelling unit with the actual or implied permission of the owner or lessee.

PUBLIC NUISANCE

Any condition or premises which is unsafe or unsanitary.

PUBLIC OFFICER

Any police officer, authorized inspector, Fire Chief, Fire Marshal or public official designated by the Mayor and/or City Council to enforce City ordinances.

PUBLIC RIGHT-OF-WAY

The total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

RECYCLABLE MATERIAL

Includes material which would otherwise become municipal waste, which can be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. Such materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, and paper.

REGULATED RENTAL UNIT

A dwelling unit occupied by one or more related and/or unrelated persons under a rental agreement, as defined by Chapter **387**, Rental Property, Article **I**, Occupancy Licenses and Regulations.

TENANT

That person or persons who has the use of real estate of a landlord and is responsible for the giving of any type of consideration therefor, but excluding those who are tenants for a period of less than 30 days.

WASTE

Any garbage, refuse, industrial, lunchroom or office waste, and other material, including solid, liquid, semisolid, or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste, as defined herein. The term does not include source-separated recyclable materials.

§ 372-11. Quality of life violations.

The following shall be considered quality of life violations:

- A. Accumulation of rubbish, garbage, junk or litter.
 - (1) All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of waste, trash, rubbish, debris or garbage.
 - (2) It is prohibited to store or place any/all appliances or furniture, including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, TVs, computers or electronic components, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason except for removal or the temporary purpose to perform maintenance in said property.
 - (3) Refrigerators and similar equipment, including, but not limited to, washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises.
- B. Storing of hazardous material. It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including, but not limited to, paints, volatile oils and cleaning fluids or combustible rubbish, including, but not limited to, wastepaper, boxes or rags, unless the storage of said materials is in compliance with the applicable fire and/or building codes and at least 10 feet away from the public right-of-way.
- C. Storing of recyclables. Storage of recyclables is only permitted in approved containers, which must be kept clean and sanitary at all times.
- D. Storage and storage containers for waste or trash.
 - (1) All containers that store waste or trash shall be durable, watertight and made of metal or plastic, have tight-fitting covers and must be kept clean and odor-free at all times.
 - (2) All containers must be stored so said containers are not visible from the public right-of-way.
 - (3) Waste/trash containers may only be placed in front of any property when darkness occurs the night before the day of the scheduled pickup day, and all containers must be returned to their storage area before daybreak on the day following pickup.
 - (4) All waste/trash must be stored so said waste/trash is not visible from the public right-of-way.
 - (5) Waste/trash may only be placed in front of any property when darkness occurs the night before the day of the scheduled pickup day.
- E. Littering, scattering rubbish or dumping.
 - (1) No person shall throw, dump, place, sweep or dispose of any litter, waste, trash, garbage, tobacco product or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area or on any public property.
 - (2) The improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied or other property is prohibited.

F. Motor vehicles.

- (1) It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed, junked or nuisance motor vehicle or trailer on any premises not designated for that use, whether such premises shall be public or private.
- (2) Painting of vehicles is prohibited unless conducted inside an approved spray booth.
- (3) Vehicle repairs/maintenance in a residential district. No person shall operate repairs for profit in residential districts. This would include vehicles not owned by the property occupant/owner and use of repairs and storage on or off street. A zoning variance and licensing would be required to operate such businesses in residential districts.

G. Placement or littering by private advertising matter.

- (1) No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, right-of-way, passageway, parking area or any public property.
- (2) No person, group, organization or entity will hang, place or advertise on any public property in any manner.
- (3) No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights to without written approval of said owner.

H. Animal maintenance and waste/feces cleanup. People owning, harboring, keeping or responsible for an animal within the City of Jeannette:

- (1) Shall not permit them to run at large or make unreasonable noise.
- (2) Shall not allow waste matter/feces from the animal to collect or remain on their property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition and shall clean it up on a daily basis.
- (3) Shall clean up waste matter/feces from the animal deposited anywhere else in the City immediately.

I. Insects or vermin. Infestation of insects or vermin shall not be allowed to continue, and the owner or occupant of any infested property shall report same to the Fire Marshal of the City of Jeannette and take appropriate steps to abate said infestation without unnecessary delay. Failing to do so is a violation.

J. High weeds, grass, plant growth or standing water. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches as defined herein, and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

K. Snow and ice removal from sidewalks.

- (1) Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the City of Jeannette is required to remove any snow or ice from his sidewalk and shall, within the first 12 hours after every fall of snow or sleet or formation of ice upon the sidewalks, cause the same to be removed from the sidewalks to within one foot of the curblin opposite the entire frontage of such dwelling house, store, building or vacant lot.
- (2) No person shall cast, discharge, throw, shovel or place or cause to be cast, discharged, thrown, shoveled or placed into or onto the traveled portion of any street or alley, by any means whatsoever, any snow, slush or ice.

L. Swimming pools.

- (1) Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, sanitary, and covered when not in regular use.
- (2) It shall be unlawful for any person to install an in-ground pool, aboveground pool, or temporary pool (inflatable or any pool that can be taken down each year) without proper permits, inspections, and safeguards in place (fences, locking gates or ladders, proper electrical grounding). Any pool that can hold 24 inches of water or more is subject to permits, inspections and safeguards.

M. Vending license violations.

- (1) It shall be unlawful for any person, business, partnership or entity to operate, including but not limited to, any business, vending cart, food cart, yard sale, store or establishment, without the proper permits.
- (2) It shall be unlawful to violate any term, part, portion or, in total, of any vending license. Any person, business, partnership or entity violating its vending license shall be in violation of this article.

N. Storing or serving of potentially hazardous food. No person, business, partnership or entity shall store or serve potentially hazardous food, including, but not limited to, out-of-date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, in the presence of infestation problems, or serving food that had previously been opened.

O. Registration of tenants.

- (1) It shall be unlawful for a landlord to allow tenants or occupants to reside within the City of Jeannette without securing an occupancy license at the office of the City Treasurer of the City of Jeannette. Tenants or occupants must be registered pursuant to the City of Jeannette Regulated Rental Unit Occupancy Ordinance.^[1]

[1] *Editor's Note: See Ch. 387, Art. I, Occupancy Licenses and Regulations.*

- (2) It shall be unlawful for a tenant to allow individuals to reside within their dwelling unit without securing an occupancy license at the office of the City Treasurer of the City of Jeannette. Tenants or occupants must be registered pursuant to the City of Jeannette Regulated Rental Unit Occupancy Ordinance.
- (3) It shall be unlawful for individuals to reside in a leased or rented dwelling unit without securing an occupancy license at the office of the City Treasurer of the City of Jeannette. Tenants or occupants must be registered pursuant to the City of Jeannette Regulated Rental Unit Occupancy Ordinance.

P. Permits and approvals.

- (1) It shall be unlawful for an owner or contractor to perform work to a building or structure without a permit, where permits are required, unless such performance is exempt as defined in the City of Jeannette Zoning Ordinance, Chapter 550, Zoning, of this Code.
- (2) Temporary dumpster permits are required. Each temporary dumpster, whether placed on private property or in a public right-of-way, shall have a valid permit issued by the City of Jeannette.
- (3) Illegal signs/billboards. No person or business shall construct and display a sign/advertisement without the appropriate approval and permit from the City of Jeannette.
- (4) Working without a license. No person shall work within the City of Jeannette without a business license and proof of insurance, which shall be supplied to the Code Enforcement

Office.

Q. Property maintenance.

- (1) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

R. Tree and vegetation trimming. It shall be unlawful for the owner(s) of real property to permit or cause trees, bushes or vegetation growing or located upon, along, in front of, in the rear of his or her respective real property to:

[Added 3-14-2019 by Ord. No. 19-04]

- (1) Overhang any portion of a public highway, street, alley, sidewalk or other public right-of-way at a height of less than 12 feet, provided that the City Engineer shall have the authority to designate a higher clearance in any public right-of-way where heavy traffic or other conditions make it expedient;
- (2) Overhang any portion of a public highway, street, alley, sidewalk or other public right-of-way so as to in any way obstruct the movement of vehicular or pedestrian traffic;
- (3) Remain standing if diseased and situated so as to in any way endanger vehicular or pedestrian traffic on any portion of a public highway, street, alley, sidewalk or other public right-of-way;
- (4) Interfere with the proper lighting of public highways, streets and alleys by streetlights; or
- (5) Interfere with any City fire alarm wiring that the owner(s) have not removed or allowed the City to remove, at the City's discretion.

§ 372-12. Authority for issuance of violation tickets and citations.

Upon finding a quality of life violation, any public officer of the City of Jeannette appointed by City Council of the City of Jeannette may issue quality of life violation tickets and/or citations to the owner and/or occupant of the property at issue or to the individual known to have violated this article.

§ 372-13. Service of violation ticket.

A violation ticket may be served upon a violator by handing it to the violator or his/her agent, by handing it to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator or to the person for the time being in charge thereof, or by mailing the violation ticket to the violator's address of record.

§ 372-14. Separate offense.

Each day a violation continues or is permitted to continue constitutes a separate and distinct offense for which a separate violation ticket may be issued and fine imposed.

§ 372-15. Regulations.

Public officers are hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this article.

§ 372-16. Abatement of violation.

- A. Any person or business violating this article is hereby directed to satisfy the City of Jeannette, upon issuance of a quality of life ticket, by correcting the violation in question. Public officers are authorized and empowered to cause a violation to be corrected.
- B. The City of Jeannette reserves the right to abate the violation in question at the expense of the owner. If the City has effected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket, which will also be paid separately.
- C. City of Jeannette cleanup. The City reserves the right to perform any necessary work to abate any violation once 72 hours passes from the date of issuance of the quality of life ticket. Should the violation, at the discretion of the appropriate officer(s), present imminent danger and/or pose a health hazard and/or risk, the City reserves the right to perform the abatement immediately. The City will perform this work at a rate of \$60 per hour, per man, and forward the cost of any material necessary for the abatement. The City reserves the right to charge an additional 20% on all material purchases to cover all miscellaneous expenses, such as wear and tear on equipment.
- D. Contractor cleanup. The City reserves the right to direct a contractor to perform the abatement of the violation in question once 72 hours passes from the date of issuance of the quality of life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the City reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for his work to the City of Jeannette, and the City will forward these costs to the violator. The City reserves the right to add a 30% processing fee in addition to the cost of the contractor.

§ 372-17. Violations and penalties.

Any person who violates this article shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the cleanup and abatement of the violation.

- A. Violation ticket fines. For a violation of this chapter, violation tickets shall be issued in the amount of \$25.
- B. Violation ticket penalties. If the person in receipt of a \$25 violation ticket does not pay the fine or request a hearing within 15 days, the person will be subject to a \$10 penalty for days 16 through 30.
- C. Failure to respond. If a person fails to make payment or request a hearing within 30 days of a violation ticket, they shall be subject to a citation for failure to pay.
- D. Repeated violations. Upon issuance of four tickets for the same violation, right is reserved for a public officer to issue a citation for fifth and subsequent offenses.
- E. Continuous or egregious violations. If violations are continuous or egregious, a public officer has the right to issue a citation without first issuing a ticket, provided notice has been given. Any previously issued violation tickets will be considered as notice given.
- F. Citation fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this chapter or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than \$300 and not more than \$1,000 on each offense or imprisoned no more than 90 days, or both.

§ 372-18. Appeal.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. A person in receipt of a violation ticket may appeal to the City Clerk's office by filing his appeal request in writing on a form to be provided within 15 calendar days of the date of the violation ticket, stating his reasons for appeal, and accompanied by the appropriate fine amount.
- B. If abatement or other costs were associated with the violation, these may be required to be posted, at the City Clerk's sole discretion, along with the appeal.
- C. The violator may request an opportunity to meet in person with the City Clerk concerning his appeal, and the request may be granted at the sole discretion of the City Clerk, who may also deem it appropriate to consult with the public officer(s) involved in the matter or any other concerned parties.
- D. Within 30 days of the appeal date, the City Clerk may decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she deems appropriate, and will issue written notice of the decision along with any refunds applicable.

§ 372-19. Nonexclusive remedies.

The penalty and collection provisions of this article shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Jeannette as may be deemed appropriate for carrying out the purposes of this article. The remedies and procedures provided in this article 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 City of Jeannette code or ordinance, whether or not such other code or ordinance is referenced in this chapter and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this article.

§ 372-20. Severability.

The terms, provisions and applications of this article are severable. If any provision of this article or the application thereof to any person or circumstance is held invalid, such holding shall not affect the remaining provisions of applications of this article. The remaining provisions and/or applications of this article shall remain in full force and effect without the invalid provision or application.

Chapter 387. Rental Property

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Occupancy Licenses and Regulations

[Adopted 7-12-2015 by Ord. No. 15-04]

§ 387-1. Purpose; scope; declaration of policy and findings; short title.

- A. It is the purpose of this article and policy of the Jeannette City Council, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of certain dwelling units in the City of Jeannette and to

encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the City for owners, managers and occupants of rental properties to share responsibility for obeying the various codes adopted for the protection of the public health, safety, welfare and well-being. As a means to those ends, this article provides for a system of inspections, the issuance and renewal of occupancy licenses, and sets penalties for violations. This article shall be liberally construed and applied to promote its purposes and policies.

- B. In considering the adoption of this article, the Jeannette City Council makes the following findings:
- (1) There is a greater incidence of violations of various City ordinances on residential properties where owners do not reside in the City and rent such property to unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.
 - (2) There is a greater incident of decline in the maintenance and upkeep of residential properties where owners do not reside in the City and rent such property to individuals than at owner-occupied residential properties or family-occupied residential rental properties.
 - (3) This is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where owners rent to unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.
- C. The short title of this article is, and this article shall be hereafter known as, the "City of Jeannette Regulated Rental Unit Occupancy Ordinance."

§ 387-2. Definitions.

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

CITY

The City of Jeannette, Westmoreland County, Pennsylvania.

CITY FIRE MARSHAL

The individual or firm appointed by City Council to serve as City Fire Marshal and any staff of such City Fire Marshal's office and/or department within the City.

CODE

Any code or ordinance adopted, enacted and/or in effect in and for the City of Jeannette concerning fitness for habitation or relating to the construction, maintenance, repair, operation, occupancy, use or appearance of any premises or dwelling unit, as same may exist on the date this article becomes effective, or as same may be amended from time to time, or as may be hereafter enacted by the City of Jeannette relating to same, including but not limited to any version of the International Property Maintenance Code adopted by the City.^[1]

CODE ENFORCEMENT OFFICER

The duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the City of Jeannette, and any assistants or deputies thereof, including but not limited to any City of Jeannette firefighter or Fire Marshal.

COMMON AREA

In multiple-unit dwellings, space which is not part of a regulated rental unit and which is shared with other occupants of the dwelling, whether they reside in regulated dwelling units or not; common areas shall be considered as part of the premises for purposes of this article.

CORRECTIVE ACTION PLAN

Any report prepared by a property owner which shall set forth a plan to remedy property violations.

DWELLING

A building having one or more dwelling units.

DWELLING UNIT

A room or group of rooms within a dwelling forming a single unit and used for living and sleeping purposes, having its own cooking facilities and a bathroom with a toilet and a bathtub or shower.

GUEST

Any person on the premises with the actual or implied consent of an occupant.

LANDLORD

Any corporation, partnership, entity or one or more persons, jointly or severally, vested with all or part of the legal title to the premises or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit. (See also "owner.")

MANAGER

An adult individual designated by the owner of a regulated rental unit. The manager shall be the agent of the owner for service or process and receiving notices or demands and to perform the obligations of the owner under this article and under rental agreements with occupants.

MULTIPLE-UNIT DWELLING

A building containing two or more independent dwelling units, including, but not limited to, a duplex, row houses, townhouses, condominiums, apartment buildings, and conversion apartments.

OCCUPANCY LICENSE

The license issued to the owner of a regulated rental unit under this article, which is required for the lawful rental and occupancy of regulated rental units.

OCCUPANT

An individual who resides in a regulated 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 written lease, oral lease, installment land sale agreement, agreement of sale, other oral or written agreement or understanding of any kind or by the laws of the Commonwealth of Pennsylvania.

OCCUPIED DWELLING UNIT

A dwelling unit in which the owner resides on a regular or permanent basis.

OWNER

Any corporation, partnership, entity or one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit.

PERSON

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

PREMISES

Any parcel of real property in the City, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more regulated rental units is located.

REGULATED RENTAL UNIT

A dwelling unit occupied by one or more related and/or unrelated persons under a rental agreement.

RENTAL AGREEMENT

Any agreement by and between the owner and tenant of a property, established by a written agreement or lease or understanding, regardless of whether there is a signed lease or consideration, which allows for a tenant to reside on the premises of such owner.

TENANT

An individual who resides in a regulated 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 written agreement or lease or understanding, or by the laws of the Commonwealth of Pennsylvania. (See also "occupant.")

UNRELATED

Of or pertaining to a person or two or more persons not related to one another through blood to the level of second cousins, adoption or marriage.

[1] *Editor's Note: See Ch. 372, Property Maintenance, Art. I, Adoption of Standards, of the City's Code.*

§ 387-3. Owner's duties.

A. General.

- (1) It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with all applicable codes and provisions of all other applicable state laws and regulations and local ordinances and to keep such property in good, safe condition.
- (2) As provided for in this article, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns. As provided for in this article, every owner shall also be responsible for regulating the conduct and activities of the occupants of every regulated rental unit which he, she or it owns in the City consistent with the terms of this article, when such conduct or activity takes place at such regulated rental unit or upon its premises.
- (3) In order to achieve those ends, every owner of a regulated rental unit shall be responsible for the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below.
- (4) This section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity. Nothing herein is intended to impose any additional civil or criminal liability upon owners other than that which is imposed by existing law.
- (5) This article shall not be deemed or construed to limit any other enforcement remedies which may be available to the City against an owner, occupant or guest thereof.

B. Designation of manager. Every owner who is not a full-time resident residing within 25 miles of the geopolitical boundaries of the City shall designate a manager who resides within 25 miles of the geopolitical boundaries of the City. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside in the aforesaid area. Such officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside in the aforesaid area. Such partner shall perform the same function as a manager. The manager shall be the agent of the owner for purposes of service of process, receiving notices and demands and for performing the obligations of the owner under this article and under rental agreements with occupants. The identity, address and telephone number(s) of a person who is

designated as manager hereunder shall be provided by the owner or manager to the City, and such information shall be kept current and updated as it changes.

C. Disclosure.

- (1) The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy: a) the name, address and telephone number of the manager, if applicable; and b) the name, address and telephone number of the owner of the premises.
- (2) Before an occupant initially enters into or renews a rental agreement for a regulated rental unit, the owner or manager shall furnish the occupant with a copy of the most recent code inspection report relating to the property.

D. Maintenance of premises.

- (1) The owner shall maintain the premises in compliance with the applicable codes and ordinances of the City, together with all applicable laws of the Commonwealth of Pennsylvania and shall regularly perform all routine maintenance, including but not limited to lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to comply with same.
- (2) The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling. In no case shall the existence of any agreement between owner and occupant relieve an owner of any responsibility under this article or other ordinances or codes for the maintenance of premises.

E. Notice of change in occupants or persons. All owners or managers must notify the City Fire Marshal when a unit has experienced a change in occupants and/or persons. Notification shall be provided consistent with this article.

F. Notice of extended vacancy. All owner-occupied dwelling units of regulated rental units and owner/manager dwelling units of regulated rental units must notify the City Fire Marshal when a unit is going to be vacant for a period exceeding three months due to matters including, but not limited to, vacation, renovation or the inability to locate an acceptable tenant. Notification shall be provided consistent with this article and consistent with the requirements of any other ordinance of the City regulating vacant properties.

G. Common areas. Where an owner does not regulate the use of common areas or the behavior of occupants and/or guests in the common areas, the owner shall be deemed directly responsible for the behavior of occupants and guests in the common area as if the owner were an occupant.

H. Enforcement.

- (1) Within 10 days after receipt of written notice from the City Fire Marshal or Code Enforcement Officer that an occupant of a regulated rental unit has violated a provision of this article, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.
- (2) Within 20 days after receipt of a notice of violation, the owner shall file with the City Fire Marshal a report, on a form provided by the City, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.
- (3) The City Fire Marshal and Code Enforcement Officer shall review the report with the Jeannette City Council, and if adequate steps have been taken and the plan is adequate to address future violations, the Council may approve the plan. The owner shall, on his or her initiative, enforce the plan. The failure to do so shall be a violation of this article.

- (4) In the event that a second violation occurs within a license year involving the same occupant or occupants, the Jeannette City Council may direct the owner to evict the occupants who violated this article and to not permit the occupants to occupy the premises during the subsequent licensing period.
- I. Code violations. Upon receiving notice of any code violations from the City Fire Marshal or Code Enforcement Officer, the owner shall promptly take action or cause the necessary action to be taken to abate the offending condition and eliminate the violation.
- J. Inspections by the City. The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice.

§ 387-4. Occupant duties.

- A. General. The occupant shall comply with all obligations imposed upon occupants by this article, all applicable codes and ordinances of the City and all applicable provisions of state law.
- B. Peaceful enjoyment. All occupants shall conduct themselves and require other persons, including, but not limited to, guests on the premises and within their regulated rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others, nor disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying same.
- C. Compliance with rental agreement. The occupant shall comply with all lawful provisions of the rental agreement entered into between owner and occupant. Failure to comply may result in the eviction of the occupant by the owner.
- D. Damage to premises. The occupant shall not intentionally cause, nor permit nor tolerate others to cause, damage to the premises. Conduct resulting in damage in excess of \$500 shall be a violation of this article.

§ 387-5. Licenses and inspection.

- A. License requirement.
 - (1) Prior to the entry into a rental agreement or permitting the occupancy of any regulated rental unit, the owner of every such regulated rental unit shall be required to apply for and obtain a license for each regulated rental unit.
 - (2) A license shall be required for all regulated rental units.
 - (3) A license shall not be required for multiple-unit dwellings; however, a license shall be required for each regulated rental unit existing within the multiple-unit dwelling structure. The foregoing notwithstanding, all provisions of this article shall apply to the common areas of the structure.
 - (4) The application for the license shall be in a form as determined by the City.
 - (5) The owner shall maintain a current list of occupants in each regulated dwelling unit, which shall include their name, permanent address and permanent telephone number. The owner shall furnish the list to the City Fire Marshal upon request and shall notify the City Fire Marshal of any changes in the number of occupants so that revisions can be made to the license.
- B. Annual license term, fee and occupancy limit.

- (1) Each license shall have a two-year term, running from the date of issuance of such license through the second anniversary of such license date.
- (2) Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay to the City an annual license and inspection fee in an amount to be established from time to time by resolution of the Jeannette City Council. Such resolution may provide for more than one fee scale for different categories of premises, as defined in such resolution. Such resolution shall also provide for the manner in which the initial licensing of regulated rental units under this article will be administered.
- (3) The license shall indicate thereon the maximum number of occupants in each regulated rental unit.

C. Inspection.

- (1) All premises shall be subject to inspection every two years by the Code Enforcement Officer or another duly authorized agent for the City. Such inspection may take place when an application is submitted for a license or at any time during the year.
- (2) Any premises shall be subject to an inspection upon the change in occupant(s) or person(s). In the event this inspection occurs during any existing occupancy license period, the inspection shall be performed upon the payment of a change of occupancy inspection fee in an amount to be established from time to time by resolution of the Jeannette City Council. Failure by an owner or manager to voluntarily notify the City of Jeannette of a change in occupant(s) or person(s) shall be a violation of this article and shall result in the charge of an inspection penalty and other available penalties and fees.
[Amended 7-17-2018 by Ord. No. 18-15]
- (3) The Code Enforcement Officer is hereby designated as the official authorized to enforce this article and to take appropriate measures to abate violations hereof for and on behalf of the City of Jeannette.
- (4) This section shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspections of premises, whether or not subject to the permitting and inspection requirements of this article, pursuant to any other ordinance or code.

D. Search warrant. In the event the Code Enforcement Officer is denied access to a premises following request, upon a showing of probable cause that a violation of this article or any other ordinance of the City of Jeannette has occurred, or upon a showing that such Code Enforcement Officer is otherwise entitled under the laws of the Commonwealth of Pennsylvania to the issuance of a warrant, the Code Enforcement Officer may apply to the Magisterial District Judge having jurisdiction in the City of Jeannette for a search warrant to enter and inspect the premises, or to obtain from the owner and/or manager of the premises any such evidence that a violation of this article has occurred or is occurring.

E. Delivery of notification.

- (1) All notices shall be sent to the owner and manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the City Fire Marshal or Code Enforcement Officer within 10 days shall serve such notice on the owner, manager and/or occupant by regular U.S. Mail. The City Fire Marshal or Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.
- (2) If service cannot be accomplished after a ten-day period, then the notice may be sent to the owner or manager at the address stated on the most current license application for the premises in question, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the U.S. Mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following

its deposit in the U.S. Mail, and all time periods set forth under § 387-8E(1) shall thereupon be calculated from said fifth day.

§ 387-6. Violations and penalties.

- A. Violations. It shall be unlawful for any person, as either owner or manager of a regulated rental unit for which a license is required, to operate without a valid, current license issued by the City authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a regulated rental unit to exceed the maximum limit as set forth on the license, or to violate or fail to otherwise comply with any corrective action plan or any other term or provision of this article. It shall also be unlawful for any person, either owner or manager, to allow a change in the occupant(s) or person(s) without immediately notifying the City of Jeannette. It shall be unlawful for any occupant to violate any term or provision of this article.
- B. Penalties. Any violation of this article shall constitute a summary offense punishable, upon conviction thereof by a Magisterial District Judge, by a fine not more than \$1,000 plus costs of prosecution or, in default of payment of such fine and costs, by a term of imprisonment not to exceed 90 days for each offense. Each day a violation continues shall constitute a separate and distinct offense without the necessity of filing a separate citation.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. All remedies cumulative. The penalty provisions of this article and the license renewal, nonrenewal, suspension and revocation procedures provided in this article shall be independent, separate and cumulative remedies, all of which shall be available to the City as may be deemed appropriate for carrying out of the purposes of this article. The remedies and procedures provided in this article 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 code or ordinance of the City, whether or not such other code or ordinance is referenced in this article and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this article. The penalty provisions and remedies contained in this article are intended to be cumulative. Nothing in this article shall be deemed or construed to prevent the City from engaging in any other remedies to which it may be entitled, at law, in equity or otherwise.
- D. Appeal. A decision of the Code Enforcement Officer to deny a permit may be appealed to the Jeannette City Council by appearing at a regular public meeting and stating the objection. Council will have 30 days to render a decision. If no decision is made, the determination of the Code Enforcement Officer is upheld.

§ 387-7. Miscellaneous provisions.

- A. Notices.
- (1) For purposes of this article, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.
 - (2) There shall be a rebuttable presumption that any notice required to be given to the owner under this article shall have been received by such owner if the notice was given to the owner in the manner provided by this article.
 - (3) A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this article.

- B. Changes in ownership occupancy. It shall be the duty of each owner of a regulated rental unit to notify the City Fire Marshal in writing of any change in ownership of the premises or of the number of regulated rental units on the premises. It shall also be the duty of the owner to notify the City Fire Marshal in writing of any increase in the number of occupants in any regulated rental unit or of the changing of a dwelling unit from owner-occupied to non-owner-occupied, which thereby transforms the dwelling into a regulated rental unit for purposes of this article.
- C. Owners severally responsible. If any regulated rental unit is owned by more than one person in any form of joint tenancy, in partnership, or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this article and may be jointly and/or severally subject to prosecution for the violation of this article.
- D. Severability. The terms, provisions and applications of this article are severable. If any provision of this article or the application thereof to any person or circumstance is held invalid, such holding shall not affect the remaining provisions of applications of this article. The remaining provisions and/or applications of this article shall remain in full force and effect without the invalid provision or application.

Chapter 414. Sewers and Sewage Disposal

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Sewer Regulations

[Adopted as set forth in section histories from the 1977 Codification]

§ 414-1. Definitions.

[Adopted 6-18-1960 by Ord. No. 60-14]

As used in §§ **414-2** through **414-8**, the following terms shall have the meanings as set forth in this section:

CITY

The City of Jeannette and also the group of elected officials acting, from time to time, as the governing body of the City.

INDUSTRIAL WASTES

Any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, 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 sewage and industrial waste, or either thereof, is or may be discharged.

PERSON

An individual, firm, company, association, society, corporation or group.

PROPERTY ACCESSIBLE TO THE SEWER SYSTEM

Means real estate which adjoins, abuts on, or is adjacent to the sewer system.

SANITARY SEWAGE

The normal water-carried household and toilet wastes from residences, business buildings, institutions and commercial and industrial establishments.

SEWER SYSTEM

All facilities operated by the City or another entity for the collection and disposal of sanitary sewage.

§ 414-2. Connection required.

[Adopted 6-18-1960 by Ord. No. 60-14]

- A. All persons owning any occupied building now erected upon property accessible to the sewer system shall, if not already connected, at their own expense connect such building with the sewer system within 30 days after the effective date of this article.
- B. All persons owning any property accessible to the sewer system upon which a building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the sewer system.
- C. All persons owning any occupied building upon property which hereafter becomes accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 30 days after notice to do so from the City or its representative.

§ 414-3. Private sewage disposal system prohibited.

[Adopted 6-18-1960 by Ord. No. 60-14]

No person owning any property accessible to the sewer system shall erect, construct, use or maintain or cause to be erected, constructed, used or maintained any privy, cesspool, sinkhole, septic tank or other receptacle on such property for receiving sewage after the expiration of the particular period specified in § 414-2 or at any time erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage except into the sewer system. No person shall make a connection to the sewer system from any cesspool, privy, vault, cistern or other depository.

§ 414-4. Nuisance declared.

[Adopted 6-18-1960 by Ord. No. 60-14]

Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any property accessible to the sewer system in violation of this article shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the City is hereby authorized and directed to abate in the manner provided by law.

§ 414-5. Compliance; amendment.

[Adopted 6-18-1960 by Ord. No. 60-14]

- A. No connection shall be made to the sewer system except in compliance with the ordinances and resolutions as well as such rules and regulations as have been or as may, from time to time, be enacted, adopted, approved or promulgated by the City or may be otherwise provided by law.
- B. The City reserves the right to, and may from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the sewer system, and all such rules and regulations shall be and become a part of this article.

§ 414-6. Industrial wastes regulated.

[Adopted 6-18-1960 by Ord. No. 60-14]

No person shall discharge or permit to be discharged into the sewer system any industrial waste which would impair, impede, prejudicially affect, interfere with or endanger the sewer system or any part thereof or the functioning of the processes of sewage treatment. No connection shall be made to the sewer system for the purpose of discharging industrial waste therein until the City or its representative shall have first determined that such industrial waste to be discharged into the sewer system is, or has been rendered by pretreatment or otherwise, reasonably harmless to the sewer system and will not impair, impede, prejudicially affect, interfere with or endanger the sewer system or any part thereof or the functioning of the processes of sewage treatment and does not create any hazard to human or animal life or to the waters receiving the treated effluent. The representative of the City shall have access at all reasonable times to all plants and buildings from which waste is being discharged into the sewer system for the purpose of determining whether any of the provisions of the ordinances of Council and the rules and regulations provided for in § 414-5 are being violated. In the event of any violation of this section the City shall, in addition to the penalties provided for in § 414-14, have the right to compel the discontinuance of the discharge of such industrial waste into the sewer system.

§ 414-7. Notice to connect.

[Adopted 6-18-1960 by Ord. No. 60-14]

After the expiration of the particular period specified in § 414-2, if any owner of an occupied building on property accessible to the sewer system has failed to connect such property with the sewer system as required by § 414-2, the City shall cause to be served on the owner of such property so failing to connect to the sewer system, and also upon the occupants of the building in question, a copy of this article and a written or printed notice requiring such connection to be made, and such notice shall further state that its requirements shall be complied with within 30 days from the date thereof.

§ 414-8. City action.

[Adopted 6-18-1960 by Ord. No. 60-14]

Should any person refuse, neglect or fail to comply with any of the provisions and requirements of this article or of any rules and regulations herein provided for, or of any notice given in conformity with or pursuant to the provisions hereof, then the Code Enforcement Officer or the Fire Marshal of the City is hereby empowered and directed to supply all labor and material required of such negligent or delinquent owner, and the cost and expense thereof, together with a 10% penalty thereon, shall be certified to the City Solicitor, who shall enter the same as a lien against the property in the Court of Common Pleas of Westmoreland County and proceed to collect the same in like manner as other municipal claims are by law collectible; or an action of assumpsit may be brought to recover the same in the name of the City from the owner.

§ 414-9. Discharge into sanitary system restricted.

[Adopted 9-25-1956 by Ord. No. 56-21]

- A. "Sanitary sewage," as used in this section, includes the wastewater from bathrooms and kitchens but does not include roof water or any other surface water caused by rainfall, springs or natural watercourses.
- B. No person, firm or corporation shall empty, run, divert or place into the sanitary sewage system of the City any waters or drainage of any kind whatsoever except sanitary sewage.

§ 414-10. Disconnection of roof and surface drains.

[Adopted 9-18-1974 by Ord. No. 74-13]

- A. No person shall connect any roof drain, surface drain or french drain to the sanitary sewer system.
- B. Within one year from the effective date of this section all roof drains and surface drains presently connected to the sanitary sewer system shall be disconnected from the same, and all roof drains and surface drains shall be connected to the storm sewer system or lead to drainage gutters on the public streets. In the event that the property is not serviced by a storm sewer, such roof drains and surface drains shall be disconnected from the sanitary sewer system within one year after a storm sewer is available or accessible to the property.
- C. This section shall be administered in accordance with Chapter **237**, Uniform Construction Codes, Article I, Administration and Enforcement of UCC.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 414-11. Assessments.

[Adopted 6-15-1960 by Ord. No. 60-16]

- A. The cost of installing and constructing sanitary sewer lines in the City is hereby assessed against the properties and the several owners of properties abutting the sanitary sewer lines according to the front foot rule.
- B. In case any assessments are not paid within five months from the completion of such improvement, the City Solicitor is hereby authorized and directed either to file liens against such properties for the amount of assessment or, in his discretion, to enter an action of assumpsit against the owners of such properties on which assessments have not been paid.

§ 414-12. Hazardous substances prohibited.

[Adopted 8-12-1943 by Ord. No. 110]

- A. No person, firm or corporation shall place in or discharge into any of the storm or sanitary sewers of the City any combustible or explosive solid, liquid or gas, or any material which, after entering the sewers, becomes an explosive or combustible liquid or gas.
- B. No person, firm or corporation shall discharge into or place in the sanitary or storm sewers of the City any material, solid, liquid or gas, which, after its discharge into the sewers, may produce gases or vapors which may be harmful or dangerous to life and health.
- C. No person, firm or corporation shall place or deposit or discharge any solid, liquid or gaseous material which is combustible or explosive or which may create fumes or gases which are combustible or explosive or which may be harmful to life or health at any place where it may reach the sewers of the City.

§ 414-13. Dumping gasoline or kerosene prohibited.

[Adopted 2-18-1952 by Ord. No. 52-1]

No person, firm or corporation shall dump or drain any gasoline, kerosene or other flammable or combustible fluids into the sewers or sewerage system of the City.

§ 414-14. Violations and penalties.

[Adopted 8-12-1943 by Ord. No. 110; amended 2-18-1952 by Ord. No. 52-1; 9-25-1956 by Ord. No. 56-21; 6-18-1960 by Ord. No. 60-14; 9-18-1974 by Ord. No. 74-13]

- A. Whoever violates any term, provision, or requirement of §§ **414-2** through **414-8** or of the rules and regulations which may be adopted by Council, or who refuses, neglects or fails to comply with any notice given to such person by a duly authorized representative of the City in conformity with or pursuant to the provisions of §§ **414-2** through **414-8** or of such rules and regulations, shall be fined not less than \$10 nor more than \$300. Each ninety-day period during which a violation continues shall be deemed a separate offense.
- B. Any person, firm or corporation failing, neglecting or refusing to comply with any of the terms or provisions of § **414-9** or **414-12** shall be fined not less than \$10 nor more than \$100.
- C. Any person, firm or corporation violating any provision of § **414-10** shall be fined not more than \$300. Each day a violation exists after notice in writing has been served by the Code Enforcement Officer shall constitute a separate offense.
- D. Any person, firm or corporation who violates any provision of § **414-13** shall be fined not more than \$50 for each offense.

Chapter 422. Sexually-Oriented Businesses

[HISTORY: Adopted by the City Council of the City of Jeannette 11-13-2002 by Ord. No. 02-07. Amendments noted where applicable.]

§ 422-1. Purpose and findings.

A. Purpose.

- (1) Pursuant to the authority granted in the Third Class City Code to prohibit nuisances; to promote the health, welfare, cleanliness, comfort and safety of the citizens of the City of Jeannette; to regulate buildings and to regulate the time of opening and closing, and the conduct of places of public entertainment, amusement and recreation, the Council of the City of Jeannette hereby enacts this chapter to minimize and control the adverse secondary effects of sexually-oriented businesses and thereby protect the health, safety and welfare of its citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of blight.
- (2) The Council of the City of Jeannette has determined that licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually-oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- (3) The Council of the City of Jeannette does not intend this chapter to suppress any speech activities protected by the First Amendment, but intends to enact a content-neutral ordinance which addresses the secondary affects of sexually-oriented businesses. It is not the intent of the Council in enacting this legislation to deny any person rights of speech protected by the Constitution of the United States or the Constitution of Pennsylvania, or both, nor is it the intention of the Council to impose by this chapter any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, videotapes, books and other materials. Further, by enacting this legislation, the Council does not intend to deny or restrict the rights of any adult to obtain or view, or both, any sexually oriented materials or conduct protected by the Constitution of the United States or the Constitution of

Pennsylvania, or both, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of sexually-oriented materials may have to sell, distribute or exhibit these materials.

B. Legislative findings. The Council of the City of Jeannette finds that:

- (1) Statistics and studies performed in a substantial number of communities in this commonwealth; the State of Delaware; Austin, Texas; Biloxi, Mississippi and in the United States indicate that sexually-oriented businesses have adverse secondary effects, including those specified and recognized at 68 Pa.C.S.A. § 5501(a), which secondary effects should be regulated to protect the public health, safety and welfare. These secondary effects include, but are not limited to, the spread of communicable diseases, performance of sexual acts in public places, presence of discarded sexually oriented materials on public and private property, sexual harassment, obscenity, prostitution and other illegal sexual activities, crime and neighborhood deterioration.
- (2) Sexually-oriented businesses have adverse secondary effects, which secondary effects should be regulated to protect the public health, safety and welfare.
- (3) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually-oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually-oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually-oriented business, fully in possession and control of the premises and activities occurring therein.
- (4) Removal of doors on viewing booths and requiring sufficient lighting on premises with viewing booths advances a substantial governmental interest in discouraging illegal and unsanitary sexual activity occurring in adult theaters.
- (5) Requiring licensees of sexually-oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
- (6) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually-oriented business will help limit and control the adverse secondary effects of such businesses.
- (7) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in conduct which this chapter is designed to prevent or who are likely to be witnesses to such activity.
- (8) The fact that an applicant for a sexually-oriented business license or an employee thereof has been convicted of a sexually related crime leads to the rational assumption that the applicant is likely to engage in that conduct in contravention of this chapter.
- (9) The general welfare, health and safety of the citizens of the City will be promoted by the enactment of this chapter.
- (10) The barring of such individuals from the management of sexually-oriented businesses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.
- (11) The reasonable regulation and supervision of such sexually-oriented businesses tends to discourage sexual acts and prostitution and thereby promotes the health, safety and welfare

of the patrons, clients and customers of these businesses.

- (12) The continued unregulated operation of sexually-oriented businesses is and would be detrimental to the general health, safety and welfare of the citizens of the City of Jeannette.

§ 422-2. Definitions.

As used in this chapter, the following words and phrases shall have the meanings indicated unless the context clearly indicates a different meaning:

ADULT ARCADE

Any place to which the public is permitted or invited wherein coin-operated, slug-operated or, for any form of consideration, electronically, electrically, or mechanically controlled still- or motion-picture machines, projectors, video or laser disc players, or other image-producing devices are maintained, not located within viewing booths, to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas," as defined in this section.

ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE

A commercial establishment which, as one of its substantial business activities, offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, CD-ROM discs or other computer software, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT ENTERTAINMENT

- A. An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas; or
- B. A live performance, display or dance of any type, which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or the exhibition and viewing of specified anatomic areas or persons in a state of nudity or seminudity; or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER

A theater, tavern, concert hall, banquet hall, party room, conference center, restaurant, nightclub, club, bar, recreation center, indoor amusement center, dance hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or seminudity, or live performances which are characterized by the exposure of specified sexual activities.

EMPLOYEE

A person who performs any service on the premises of a sexually-oriented business, on a full-time, part-time or contract basis, whether or not the person is designated as an employee, lessee, lessee of a dance floor, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. "Employee"

does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

ESCORT

A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY

A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT

Includes any of the following:

- A. The opening or commencement of any sexually-oriented business as a new business;
- B. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business;
- C. The addition of any sexually-oriented business to any other existing sexually-oriented business or to a non-sexually-oriented business; or
- D. The relocation of any sexually-oriented business.

KNOWINGLY

Having knowledge of, or reason to know, or a belief or ground for belief which warrants either inspection or inquiry, or both, of:

- A. The character and content of any material or performance described herein which is reasonably susceptible of examination by a licensee or person; and
- B. The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability if the licensee or person made a reasonable bona fide attempt to ascertain the true age of such minor.

LICENSEE

A person in whose name a license to operate a sexually-oriented business has been issued as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually-oriented business.

NUDE MODEL STUDIO

Any place where a person who appears seminude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; or a private college or university which maintains and operates educational programs in a college, junior college, or university supported entirely or partly by taxation; or in a structure where:

- A. No sign is visible from the exterior of the structure and there is no other advertising that indicates a nude or seminude person is available for viewing; and
- B. In order to participate in a class a student must enroll at least three days in advance of the class; and
- C. No more than one nude or seminude model is on the premises at any one time.

NUDITY or STATE OF NUDITY

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.

PERSON

An individual, proprietorship, partnership, corporation, association, or other legal entity.

SEMINUDE or IN A SEMINUDE CONDITION

The state of dress in which clothing nonopaquely covers specified anatomical areas.

SEXUAL ENCOUNTER CENTER

A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminudity.

SEXUALLY-ORIENTED BUSINESS

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, place of adult entertainment, adult theater, escort agency, nude model studio, or sexual encounter center.

SPECIFIED ANATOMICAL AREAS

Every part of the human male and female genitals, pubic region, anus, buttocks, the areola and nipple of the female breasts, or human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED CRIMINAL ACTIVITY

Any of the following offenses:

- A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries, for which:
 - (1) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - (2) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - (3) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.
- B. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

SPECIFIED SEXUAL ACTIVITIES

Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- C. Excretory functions as part of or in connection with any of the activities set forth in Subsections **A** and **B** in this definition.
- D. Human genitals in a state of sexual stimulation or arousal.

TRANSFER OF OWNERSHIP OR CONTROL

Of a sexually-oriented business, means and includes any of the following:

- A. The sale, lease or sublease of the business;
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

VIEWING BOOTHS

Booths, stalls, partitioned portions of a room, rooms or other enclosures which are available for viewing: (1) films, movies, videos, or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas; or (2) persons who appear in a state of nudity or seminudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.

§ 422-3. License required.

A. It is unlawful:

- (1) For any person to operate a sexually-oriented business without a valid sexually-oriented business license issued by the City pursuant to this chapter.
- (2) For any person who operates a sexually-oriented business to employ a person to work for the sexually-oriented business who is not licensed as a sexually-oriented business employee by the City pursuant to the chapter.
- (3) For any person to obtain employment with a sexually-oriented business without having secured a sexually-oriented business employee license pursuant to this chapter.
- (4) Beginning on the 10th day after enactment of this chapter, for any person to continue to operate any sexually-oriented business in operation at the time of enactment of this chapter without a valid sexually-oriented business license pursuant to this chapter.
- (5) Beginning on the 10th day after enactment of this chapter, for any person who operates a sexually-oriented business in operation at the time of enactment of this chapter to employ a person to work for the sexually-oriented business who is not licensed as a sexually-oriented business employee by the City pursuant to this chapter.
- (6) Beginning on the 10th day after enactment of this chapter, for any person to obtain employment with a sexually-oriented business in operation at the time of enactment of this chapter without having secured a sexually-oriented business employee license pursuant to this chapter.

- B. An application for a license must be made on a form provided by the City. For purposes of this chapter, the responsibility for conducting any investigation, receiving and processing any application shall be the responsibility of the City of Jeannette Code Enforcement Officer and Chief of Police, as the case may be.
- C. All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information (including fingerprints and a request for a criminal record check) as to enable the City to determine whether the applicant meets the qualifications established in this chapter.
- D. If a person who wishes to operate a sexually-oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each individual who has a 20% or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section, and each applicant shall be considered a licensee if a license is granted.
- E. The completed application for a sexually-oriented business license shall contain the following information and shall be accompanied by the following documents.
 - (1) If the applicant is:
 - (a) An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is at least 18 years of age;
 - (b) A partnership, the partnership shall state its complete name and the name of all partners, whether the partnership is general or limited, and provide a copy of the partnership agreement, if any, and for each partner provide the information required below at § **422-3E(3), (4), (5), (8), (9)** and **(10)**.
 - (c) A corporation, the corporation shall state its complete name; the date of its incorporation; evidence that the corporation is in good standing under the laws of its state of incorporation and qualified and authorized to conduct business in Pennsylvania; the names and capacity of all officers, directors, and owners of more than 20% of the corporation stock, and the name of the registered corporate agent and the address of the registered office for service of process; and provide for each officer, director and owner of 20% or more of the corporate stock the information required below at § **422-3E(3), (4), (5), (8), (9)** and **(10)**.
 - (d) Any entity other than a partnership or corporation, the entity shall submit the information required below at § **422-3E(3), (4), (5), (8), (9)**, and (10) for each person exercising control over the entity.
 - (2) If the applicant intends to operate the sexually-oriented business under a name other than that of the applicant, he or she must state: a) the sexually-oriented business fictitious name; and b) submit the required registration documents.
 - (3) Whether the applicant or a person residing with the applicant has been convicted of a specified criminal activity as defined in this chapter and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.
 - (4) Whether the applicant or a person residing with the applicant has had a previous license under this chapter or other similar sexually-oriented business ordinance from another municipality, state or county denied, suspended or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this chapter whose license has

previously been denied, suspended or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

- (5) Whether the applicant or a person residing with the applicant holds any other licenses under this chapter or other similar sexually-oriented business ordinance from another municipality, state or county and, if so, the names and locations of such other licensed businesses.
 - (6) The specific classification of sexually-oriented use for which the applicant is filing along with detailed description of each and every activity encompassed by the proposed sexually-oriented use, which description shall thoroughly demonstrate compliance and/or intended compliance with all provisions of this chapter.
 - (7) The location of the proposed sexually-oriented business, including a legal description of the property, street address, and telephone number(s), if any.
 - (8) The applicant's mailing address and residential address.
 - (9) A recent photograph of the applicant(s).
 - (10) The applicant's driver's license number, social security number, and his/her state or federally issued tax identification number.
 - (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
 - (12) A current certification and straight-line drawing prepared within 30 days prior to application by a registered land surveyor depicting the property lines, the property to be certified.
 - (13) If an applicant wishes to operate a sexually-oriented business which includes viewing booths, then the applicant shall also comply with the application requirements set forth in § **422-11** and shall separately apply for and obtain a building and occupancy permit for the installation of the viewing booths.
 - (14) The application form shall inform the applicant that: a) separate applications are required for any necessary zoning permits, subdivision and land development approvals or building and occupancy permits and that the applicant may apply for such permits by contacting the City Code Enforcement Officer; and b) that Department of Labor and Industry approval is required.
 - (15) An infectious control plan to protect employees and the public from bodily fluids or infectious contamination. A copy of the plan shall be attached to the application and shall be OSHA (Occupational Safety and Health Act) compliant.
 - (16) Satisfactory proof through a dye test or other diagnostic test that any public sewer service, on-lot sewage or septic system is free of any malfunction and operational.
 - (17) The applicant shall submit to fingerprinting by the Chief of Police of the City of Jeannette, or his/her designated agent, within five days of the submission of the application and shall complete a request for a criminal record check of the applicant at the time the application is filed with the City Clerk of the City of Jeannette.
- F. Before any applicant may be issued a sexually-oriented business license, the applicant shall submit on a form to be provided by the City the following information:
- (1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;

- (2) Age, date and place of birth;
 - (3) Height, weight, hair and eye color;
 - (4) Present residence address and telephone number;
 - (5) Present business address and telephone number;
 - (6) Date, issuing state and number of driver's license or other identification card information;
 - (7) Social security number; and
 - (8) Proof that the individual is at least 18 years of age.
- G. Attached to the application form for a sexually-oriented business employee license, as provided above, shall be the following:
- (1) A color photograph of the applicant clearly showing the applicant's face.
 - (2) A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, municipality, state, or country, any business or has ever had a license, permit or authorization to do business denied, revoked or suspended, or had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, the applicant shall state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
 - (3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this chapter and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.
 - (4) An infectious control plan to protect employees and the public from bodily fluids or infectious contamination. A copy of the plan shall be attached to the application and shall be OSHA (Occupational Safety and Health Act) compliant.
 - (5) The applicant shall submit themselves for fingerprinting by the Chief of Police of the City of Jeannette or his designated agent within five days of the date the application is submitted and shall complete a request for a criminal record check and submit same along with the application.

§ 422-4. Issuance of license.

- A. Upon the filing of said application in a fully completed form for a sexually-oriented business license or for a sexually-oriented business employee license, the application shall then be referred to the City Code Enforcement Officer for review and investigation. The City Code Enforcement Officer shall utilize any available resources through the Jeannette Police, the Commonwealth of Pennsylvania and/or other law enforcement agencies as may be necessary to complete the review and investigation required by this chapter. Within 30 days from the date the completed application is filed, the City Code Enforcement Officer shall issue a license, unless it is determined by the City Code Enforcement Officer that one or more of the following is true:
- (1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - (2) The applicant is under the age of 18 years;

- (3) The applicant has been convicted of a specified criminal activity, as defined in this chapter;
 - (4) The sexually-oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this chapter; or
 - (5) The applicant has had a sexually-oriented business employee license revoked by the City within two years of the date of the current application. If the sexually-oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in § **422-9**.
 - (6) The required application, investigation and license fees have not been paid.
 - (7) An applicant's license to operate a sexually-oriented business, issued by any jurisdiction, has been revoked within the preceding 12 months.
 - (8) The proposed sexually-oriented business is in violation of or is not in compliance with any of the provisions of this chapter.
- B. A license granted pursuant to this section shall be subject to annual renewal upon the submission of a written application of the applicant and a finding by the City that the applicant has not been convicted of any specified criminal activity as defined in this chapter or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in § **422-5** and shall provide the information requested therein.
- C. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually-oriented business, and the specific classification of sexually-oriented use for which the license is issued. Licenses for sexually-oriented businesses shall state that the sexually-oriented business shall not commence until all necessary zoning, subdivision and land development, and/or building code approvals and Department of Labor and Industry approvals are obtained. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually-oriented business so that they may be easily read at any time.
- D. Applications for building and occupancy permits shall be processed and either denied or approved within 30 days of a complete application by the City. A letter notifying the applicant of such denial or approval shall be mailed to the applicant within 30 days of the submittal of a completed application.
- E. A sexually-oriented business license shall issue for the specific classification of sexually-oriented use as permitted by ordinance and applied for.
- F. A license denial shall conform to the provisions of § **422-9D**.
- G. Any person aggrieved by the denial of a license may appeal, in writing, within 10 days from the date of issuance of the license to the Jeannette City Council in accordance with procedures set forth in § **422-9D**.
- H. In the event an employee license is issued pursuant to the terms of this chapter, then that information submitted by the employee licensee pursuant to § **422-3G** shall be returned to the employee licensee; provided, however, that the licensee of any sexually-oriented business shall keep such information on file on the licensed premises at all times, and such information shall be available for review by the City Code Enforcement Officer at any time.

§ 422-5. Fees.

- A. Every application for a sexually-oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a nonrefundable application and investigation fee in an amount set by resolution of the Jeannette City Council.
- B. In addition to the application and investigation fee required above, every sexually-oriented business that is granted a license (new or renewal) shall pay to the City an annual nonrefundable license fee, in an amount set by resolution of the Jeannette City Council, within 30 days of license issuance or renewal.
- C. Every application for a sexually-oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual nonrefundable application, investigation, and license fee in an amount set by resolution of the Jeannette City Council.
- D. All license applications and fees shall be submitted to the office of the City Clerk of the City of Jeannette, and thereafter, the applications shall be forwarded to the City Code Enforcement Officer for review and investigation and approval or denial.

§ 422-6. Inspection.

- A. An applicant or licensee shall permit authorized City officials and their agents or consultants to inspect the premises of a sexually-oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.
- B. A person who operates a sexually-oriented business or his agent or employee commits a violation of this chapter if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

§ 422-7. Expiration of license.

- A. Each license shall expire on May 31 of each year and may be renewed only by making application as provided in § **422-3**. Application for renewal shall be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the date of expiration of the license will not be extended.
- B. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If subsequent to denial the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

§ 422-8. Suspension.

The City Code Enforcement Officer shall suspend a license for a period not to exceed 30 days if he determines that a licensee or an employee of a licensee has:

- A. Violated or is not in compliance with any provision of this chapter;
- B. Refused to allow an inspection of the sexually-oriented business premises as authorized by this chapter; or
- C. Knowingly permitted gambling by any person on the sexually-oriented business premises.

§ 422-9. Revocations and appeals of denials, suspensions or revocations.

- A. The City Code Enforcement Officer shall revoke a license if a cause of suspension in § 422-8 occurs and the license has been suspended within the preceding 12 months.
- B. The City Code Enforcement Officer shall revoke a license if he determines that:
- (1) A licensee gave false or misleading information in the material submitted during the application process;
 - (2) A licensee has knowingly allowed possession, use or sale of controlled substances on the premises;
 - (3) A licensee has knowingly allowed prostitution on the premises;
 - (4) A licensee knowingly operated the sexually-oriented business during a period of time when the licensee's license was suspended;
 - (5) A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises; or
 - (6) A licensee has failed to develop and follow an infectious disease control plan to protect employees and the public; or
 - (7) A licensee is delinquent in payment to the City for any licensing fees past due.
- C. When the City revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually-oriented business license for one year from the date the revocation became effective. If subsequent to revocation the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.
- D. All license application, renewal, suspension or revocation decisions shall be sent in writing to the applicant or licensee. All such decisions which deny, suspend or revoke a license shall state specifically the ordinance requirement not met and any other basis for the decision. After denial of an application, or denial of a renewal of an application, or after suspension or revocation of any license, the applicant or licensee may appeal pursuant to the Local Agency Law^[1] to the Jeannette City Council. Any such appeal must be filed, in writing, with the City Clerk, within 10 days from the date of the mailing of the decision appealed from. Failure or refusal to file said appeal with the City Clerk shall be deemed a conclusive determination as to the issues or matters addressed by the written decision. The Council of the City of Jeannette will then hold a Local Agency Law hearing within 20 days from the date the appeal is filed and will render a written decision within 10 days from the date such hearing concludes. In the case of a denial of a license renewal or in the case of a license suspension or revocation, the licensee may continue to operate to the same extent as immediately prior to the suspension or revocation until the earlier of: (1) the expiration of the ten-day appeal period without filing of an appeal; or (2) the date of a decision dismissing any appeal.
- [1] *Editor's Note: See 2 Pa.C.S.A. §§ 551 et seq. and 751 et seq.*
- E. Any person aggrieved by a decision of the Jeannette City Council may appeal to a court of competent jurisdiction. The City shall, upon filing of such appeal, consent to any request by license applicant or licensee to the court to give expedited review to such appeal. The City shall certify any record to the court within 20 days of any request by the court to do so.

§ 422-10. Transfer of license.

A licensee shall not transfer his/her license to another person, firm, partnership, corporation or entity without such transferee completing the application and being in compliance with the terms and

conditions of this chapter, nor shall a licensee operate a sexually-oriented business under the authority of a license at any place other than the address designated in the application.

§ 422-11. Regulations pertaining to exhibition in viewing rooms.

- A. A person who operates viewing booths or causes them to be operated shall comply with the following requirements:
- (1) Upon application for a sexually-oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of interior of the premises to an accuracy of plus or minus six inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - (2) The application shall be sworn to be true and correct by the applicant.
 - (3) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty situated in each manager's station at all times that any patron is present inside the premises.
 - (4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. In addition, all viewing booths shall have at least one side fully open so that all of the area inside the booth is open to the view of persons in the public area of the establishment.
 - (5) It shall be the duty of the licensees to ensure that the view area specified in Subsection **A(4)** remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection **A(1)** of this section.
 - (6) No viewing room or booth may be occupied by more than one person at any time.
 - (7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five footcandles as measured at the floor level.
 - (8) It shall be the duty of the licensees to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
 - (9) No licensee shall allow openings of any kind to exist between viewing rooms or booths.

- (10) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
- (11) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- (12) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
- (13) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of or permanently covered by nonporous, easily cleanable material. No carpeting, plywood, composition board or other porous material shall be used within 48 inches of the floor.
- (14) Each viewing area and/or dance area shall be inspected regularly for violations of this chapter. Each violation shall be corrected immediately. Any infectious/bodily fluids violations shall be properly handled as per OSHA and the infectious disease control plans.
- (15) Licensee shall brief all employees as to the approved infectious disease control plan and OSHA regulations before and during employment at intervals of no longer than six months.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

B. A person having a duty under Subsection **A(1)** through **(15)** above commits a violation of this chapter if he or she knowingly fails to fulfill that duty.

§ 422-12. Escort agencies.

- A. An escort agency shall not employ any person under the age of 18 years.
- B. A person commits a violation of this chapter if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

§ 422-13. Nude model studios.

- A. A nude model studio shall not employ any person under the age of 18 years.
- B. A person under the age of 18 years commits a violation of this chapter if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.
- C. A person commits a violation of this chapter if the person appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
- D. A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

§ 422-14. Public nudity.

- A. It shall be a violation of this chapter for a person to knowingly and intentionally, in a public place:
 - (1) Engage in sexual intercourse or engage in deviate sexual intercourse as defined by the Pennsylvania Crimes Code; or

- (2) Appear in a state of nudity or seminudity; or
 - (3) Fondle the genitals of himself, herself or another person.
- B. For purposes of this chapter, "public place" includes all outdoor areas owned by or open to the general public, and all building and enclosed places owned by or open to the general public, including but not limited to places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, to adults or to patrons invited to attend, whether or not an admission charge is levied, unless such public place is licensed under the provisions of this chapter. This section shall not apply to:
- (1) Any child under six years of age; or
 - (2) Any individual exposing a breast in the process of breastfeeding an infant under two years of age; or
 - (3) The exercise of free speech or free expression in the form of artistic and theatrical performances. It is the intention of the City that this section be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights.
- C. It shall be a violation of this chapter for a person who knowingly or intentionally in a sexually-oriented business appears in a nude or seminude condition unless the person is an employee who, while nude or seminude, shall be at least 10 feet from any patron or customer and on a stage at least two feet from the floor.

§ 422-15. Prohibition against children in sexually-oriented business.

A person commits a violation of this chapter if the person knowingly allows a person under the age of 18 years on the premises of a sexually-oriented business.

§ 422-16. Hours of operation.

No sexually-oriented business shall be open for business before 8:00 a.m., Monday through Saturday, or after 10:00 p.m., Monday through Saturday. Sexually-oriented businesses shall be closed at all times on Sundays and legal holidays.

§ 422-17. Exemptions.

It is a defense to prosecution under § **422-14** that a person appearing in a state of nudity did so in a modeling class operated:

- A. By a proprietary school, licensed by the Commonwealth of Pennsylvania, a college, junior college, or university supported entirely or partly by taxation;
- B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and
- C. In a structure:

- (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- (2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
- (3) Where no more than one nude model is on the premises at any one time.

§ 422-18. Violations and penalties.

- A. Any individual, firm, corporation or entity who violates, causes or permits the violation of any provision of this chapter shall, upon conviction, be subject to a fine not more than \$1,000 per violation and, upon failure of the payment of same, be subject to imprisonment for up 90 days.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the chapter found to have been violated.
- C. Enforcement of the chapter shall be by action brought before the Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
- D. In addition to any other remedy available under law, the City may enforce this chapter by an action in equity.
- E. All fines and penalties collected for violation of the chapter shall be paid to the Jeannette City Clerk.
- F. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the City Code Enforcement Officer, his/her designees or delegates.

§ 422-19. Severability.

The provisions of this chapter are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof of this chapter; it is hereby declared to be the intent of the Jeannette City Council that this chapter would have been adopted if such illegal, invalid or unconstitutional section, subsection, clause, sentence or part hereof had not been included herein.

Chapter 443. Solid Waste

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Required Separation of Recyclable Materials

[Adopted 9-5-1990 by Ord. No. 90-4]

§ 443-1. Establishment.

There is hereby established a program for the separate collection of recyclable newsprint and recyclable cans and clear glass, as those terms are hereinafter defined, from residential premises within the City of Jeannette.

§ 443-2. Definitions.

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

CLEAR GLASS

Includes bottles holding juice, pop, liquor, beer or wine, jars or food containers.

RECYCLABLE CANS

Cans constructed of aluminum, tin, metal or steel.

RECYCLABLE NEWSPRINT

- A. Solid waste consisting of newspapers, which shall not have been exposed to foreign substances or conditions rendering them unusable for recycling.
- B. Anything herein to the contrary notwithstanding, however, any person may wrap solid waste in used newspapers and discard the same with regular solid waste even if such wrapping does not render the newspaper unusable for recycling.

§ 443-3. Disposal.

- A. Recyclable newsprint and recyclable cans and clear glass shall be kept separate from each other and from other refuse and shall be separately collected as hereinafter provided. Each residential customer within the City of Jeannette shall separate recyclable newsprint from recyclable cans and clear glass and other refuse and shall prepare the same for collection either by tying them, both across and lengthwise, in easy-to-manage bundles or by placing them in paper bags. Each residential customer within the City of Jeannette shall separate recyclable cans from recyclable newsprint and clear glass and other refuse and shall prepare the same for collection by placing them in designated containers supplied by the City as so prepared, these materials shall be placed at the curbside to be collected at times as herein designated. Clear glass shall be placed in a separate container provided by the City and placed at the curb for pickup.
- B. The appropriate City authorities are hereby authorized to designate, by regulation, the days and times for the collection of recyclable newsprint and recyclable cans and clear glass.

§ 443-4. Vesting of ownership, unauthorized collection prohibited.

- A. From the time of placement at the curb of any recyclable newsprint and/or recyclable cans and clear glass, pursuant to the provisions of this article and the regulations issued hereunder, such recyclable newsprint and/or recyclable cans and clear glass shall become the property of the City of Jeannette.
- B. It shall be a violation of the terms of this article for any person, other than authorized personnel of the City, to collect, pickup, or cause to be collected or picked up, any such materials. Each such collection or "pickup" in violation hereof shall constitute a separate and distinct offense.

§ 443-5. Sale or donation.

Notwithstanding any provision of this article, any person having ownership of the same may sell or donate recyclable newsprint and/or recyclable cans to any person, partnership or corporation, whether operating for profit or not for profit; provided, however, that such materials may not be placed for collection at, nor collected from, the curbside.

§ 443-6. Adoption of provisions of Act 101; method of removal.

The City adopts herein the provisions of Act 101^[1] and directs that no person, firm or agency shall include leaves and yard waste with refuse. Further, City Council shall determine by regulations the method and manner to undertake the removal of leaves and yard waste from the waste stream.

[1] *Editor's Note: See the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. § 4000.101 et seq.*

§ 443-7. Separation of certain materials required.

The City of Jeannette directs that all commercial, municipal and institutional customers shall separate high-grade office papers, aluminum, corrugated paper and leaf waste and store their materials until collection. From and after the passage of this article, it shall be unlawful for any commercial, municipal or institutional customer to place any of the items listed above for collection by the refuse department. The City shall adopt such regulations.

§ 443-8. Applying for exemptions.

Any commercial, institutional or municipal establishment may apply for an exemption from the provisions of this article, provided they meet the following requirements:

- A. The establishment has provided for recycling of the required materials; and
- B. Documentation of the weight of the recycled materials is provided to the municipality. Specifically, no establishment herein shall be exempt from recycling.

§ 443-9. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, partnership or corporation who violates or fails to comply with any provision of this article or any regulation promulgated pursuant thereto, with the exception of those persons violating § **443-4** of this article, shall, upon conviction thereof in a court of summary jurisdiction, be punished by fines of not more than \$10 for the first offense, not more than \$25 for the second offense, and not more than \$50 for the third offense. Any person who violates § **443-4** of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and, on default of payment, imprisonment for up to 90 days.

§ 443-10. Severability.

The provisions of this article are severable. If any part of this article is declared to be unconstitutional, illegal or invalid, the validity of the remaining shall be unaffected thereby. It is the intention of the Council of the City of Jeannette that this article would have been adopted had such unconstitutional, illegal or invalid part not been included.

Article II. Collection and Disposition

[Adopted 9-11-1996 by Ord. No. 96-3]

§ 443-11. Definitions.

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

ACT 101

The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (P.L. 556, No. 101, July 28, 1988) (53 P.S. § 4000.101 et seq.).

ACT 97

The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980) (35 P.S. § 6018.101 et seq.).

ASHES

The product of burned coal, wood or other combustible materials.

BULKY WASTE

Includes large items of solid waste, including, but not limited to, appliances and furniture, which may require special handling due to their size, shape or weight.

CITY

The City of Jeannette, its agents, servants, employees, or any person acting on its behalf.

COAL ASH

Fly ash, bottom ash or boiler slag resulting from the combustion of coal that is or has been beneficially used, reused or reclaimed for a commercial, industrial or governmental purpose. The term includes such materials that are stored, processed, transported or sold for beneficial use, reuse or reclamation.

COMMERCIAL ACCOUNTS

Shall be construed to include businesses and office buildings of every description, stores, stands, markets, shopping centers, theaters, banks, boardinghouses, hotels, restaurants, churches, schools, commission houses, and any place other than residential accounts, where garbage, rubbish, ashes, leaf waste, and recyclable materials are produced.

COMMUNITY ACTIVITIES

Events sponsored in whole or in part by the City, or conducted within the City and sponsored privately or by any other municipality, which include, but are not limited to, fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 200 or more persons per day.

CONTAINER

Any type of container in which solid waste is held for storage, transportation or disposal.

CORRUGATED PAPER

A structured paper material with an inner core shaped in rigid parallel furrows and ridges.

DEPARTMENT or DEP

The Pennsylvania Department of Environmental Protection.

DISPOSAL

Shall be construed to mean the deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in such a manner that the solid waste enters the environment, is emitted into the air or is discharged into the waters of the Commonwealth of Pennsylvania.

DRILL CUTTINGS

Rock cuttings and related mineral residues created during the drilling of wells pursuant to the Oil and Gas Act, 58 Pa.C.S.A. § 3201 et seq., provided such materials are disposed of at the well site and pursuant to the Act.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

DWELLING UNIT

A portion of a residential structure or complex which is wholly used or intended to be used for permanent living quarters for a single family.

GARBAGE

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

HAZARDOUS WASTE

A. Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility, and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above, (but does not include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended (86 stat. 880, 33 U.S.C. § 1342), or source, special nuclear or by-product material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 stat. 923, 42 U.S.C. § 2014), which because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

B. The term "hazardous waste" shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act" (52 P.S. § 30.51 et seq.). "Hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is 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), known as the "Clean Streams Law" (35 P.S. § 691.1 et seq.).

HIGH-GRADE OFFICE PAPER

Bond, copier, letterhead or mimeograph paper typically sold as "white ledger" paper, and computer paper.

INDEPENDENT SOLID WASTE HAULER

Any person, firm or corporation, other than the City of Jeannette, that provides solid waste removal and/or disposal services.

INDUSTRIAL ESTABLISHMENT

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

INSTITUTIONAL ESTABLISHMENT

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

LEAF WASTE

Shall be construed to include leaves, garden residues, shrubbery, tree trimmings and similar material, but not including grass clippings.

MIXED-USE ACCOUNTS

Property used for both residential and commercial purposes.

MULTIFAMILY RESIDENTIAL STRUCTURE OR COMPLEX

Any residential structure which is wholly used or intended to be used for permanent living quarters for more than two families and consisting of more than two individual dwelling units.

MUNICIPAL WASTE

Any garbage, rubbish, refuse, industrial lunch room or office waste and any other material, including solid, liquid, semisolid or contained gaseous materials 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 hereunder from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility.

PERSON

An individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency or any other legal entity which is recognized by law as the subject of rights and duties. In any provision of this article which prescribes a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PULL

The removal of solid waste from a dumpster by the City of Jeannette.

RECYCLABLE NEWSPRINT

Newspapers which shall not have been exposed to foreign substances or conditions, rendering them unusable for recycling.

RECYCLABLES

Shall be construed to include newsprint, cardboard, beverage cans, and clear glass, which is capable of being recycled.

RECYCLING

The collection, separation, recovery and sale or reuse of newsprint, cardboard, beverage cans, and clear glass, which materials would otherwise be disposed of as solid waste.

RECYCLING FACILITY

A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable material that can be sold 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.

RESIDENTIAL ACCOUNTS

All dwelling units that are wholly used or intended to be used for living quarters, including, but not limited to, single-family, two-family residential units and/or structures, and multifamily residential structures and/or complexes.

RESIDENTIAL UNITS

Any dwelling unit that is wholly used or intended to be used for living quarters for a single person or family.

RESIDUAL WASTE

Any garbage, rubbish, refuse or other discarded material or other waste, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act.^[1] "Residual waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law.

RESOURCE-RECOVERY FACILITY

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, and any chemical and biological process that converts municipal waste into a fuel product. 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:

- A. Any composting facility;
- B. Methane gas extraction from a municipal waste landfill;
- C. Any separation and collection center, dropoff point or collection center for recycling, or any source separation or collection center for compost and leaf waste;
- D. Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

RUBBISH

All nonputrescible, nonrecyclable refuse, including, but not limited to, cans, paper boxes, wood boxes, cardboard boxes, glass, paper, crockery and wood, but excluding leaf waste.

SINGLE-FAMILY RESIDENTIAL UNIT OR STRUCTURE

A building or structure which is wholly used or intended to be used for permanent living quarters for one family.

SOLID WASTE

Any waste, including, but not limited to, garbage, rubbish, ashes, leaf waste, and bulky waste, as more particularly defined in Act 97 to include municipal, residual and hazardous wastes.

STORAGE

The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste.

TWO-FAMILY RESIDENTIAL UNIT OR STRUCTURE

A building or structure which is wholly used or intended to be used for permanent living quarters for two families.

[1] *Editor's Note: See 52 P.S. § 30.51 et seq.*

§ 443-12. Unauthorized accumulation and disposal.

- A. It shall be unlawful for any person, firm or corporation to permit accumulations of solid waste on any public or private property in the City of Jeannette except in accordance with this article and any Department rules and regulations adopted pursuant to Act 97 and Act 101.
- B. It shall be unlawful for any person, firm or corporation to dispose of any solid waste or recyclables by placing the same on vacant lots or public property or in the streets, alleys or in streams or other

bodies of water within the City of Jeannette.

- C. It shall likewise be unlawful for any person, firm or corporation to place at curbside or in an alleyway for collection any rubbish, solid waste or any other garbage at a time greater than 12 hours preceding their standard collection day (for example, persons whose scheduled collection day is Wednesday shall not be permitted to place materials out for collection prior to 12:00 noon on Tuesday). This collection provision shall not apply to any person, firm or corporation who utilizes a dumpster pursuant to this article.
[Amended 9-9-1998 by Ord. No. 98-7]
- D. It shall be unlawful for any person to place any used lead acid battery in with solid waste for collection or to discard or dispose of any lead acid battery except by delivery to a secondary lead smelter permitted by the United States Environmental Protection Agency or a collector or recycling facility approved by the Department.
- E. It shall be unlawful for any person, occupant or owner of any place, commercial or residential, where solid waste and/or recyclables are accumulated to dispose of the same at any point or place other than the City garbage disposal site or in accordance with §§ **443-13**, **443-14**, **443-15** and **443-16** herein, except that:
- (1) Ashes may be employed for the purpose of making fills at appropriate places on the occupant's own property, or, on written permit of the City Clerk, ashes may be deposited at places specified in the permit for making fills; and
 - (2) Garbage may be incinerated in privately-owned incinerators; provided, however, that:
 - (a) Any person who seeks to incinerate garbage in a privately-owned incinerator shall apply for an annual permit to do so with the Fire Chief of the City of Jeannette, pursuant to the terms of the fire protection standards of the Code of the City of Jeannette.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (3) Nothing in this section shall amend, abridge or modify the terms of Chapter **215**, Burning, Open, or the fire protection standards of the Code of the City of Jeannette.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (4) Nothing in this article shall amend, abridge or modify the requirements of Act 97 or Act 101 and the rules and regulations promulgated thereunder.
- F. It shall be unlawful for anyone other than the City of Jeannette, its agents, servants or employees to collect, remove or dispose of solid waste or recyclables within the City of Jeannette, except to the extent set forth herein and in the rules and regulations promulgated pursuant to Act 97 and Act 101.
- G. This article is intended to provide for the disposal and collection of municipal waste and is not intended to provide for any method of collection or disposal of hazardous or residual waste, or coal ash or drill cuttings, as the same are defined herein, and pursuant to Act 97. Disposal of such wastes shall occur in accordance with applicable state and federal law.

§ 443-13. Residential collection.

- A. Fees. There is hereby let, levied and assessed on every residential account in the City a monthly fee as set by City Council per dwelling unit, per month, in return for which such residential account shall be entitled to have all garbage, rubbish, ashes, leaf waste and recyclables removed from its premises at least once every week.
[Amended 1-8-2007 by Ord. No. 07-01; 12-8-2010 by Ord. No. 10-11; 10-14-2015 by Ord. No. 15-05; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (1) Exception. In the event that an individual dwelling unit is unoccupied for a period in excess of three months, the property owner may, upon application submitted to the City Treasurer and approved by the City Council, be exonerated from the fees set forth herein for each full month during which the unit remains unoccupied.
 - (a) An application for exoneration shall be available at the office of the City Treasurer during normal business hours (Monday through Friday, 8:00 a.m. to 4:00 p.m.).
- (2) Applications for exoneration must be submitted no later than 60 days from the end of the billing period during which the vacancy occurs.
[Added 5-21-1997 by Ord. No. 97-4]
 - (a) Example: Assume a residential dwelling unit is unoccupied for the period between February 1, 1997 and May 1, 1997. Because the invoice for the billing period January 1 through June 30, 1997 is due and payable no later than June 30, 1997, the application for exoneration must be filed with the City Treasurer's office no later than 60 days from June 30, 1997 (i.e., no later than August 29, 1997).
 - (b) Applications for exoneration will not be accepted if submitted after the deadline set forth herein.
 - (c) In the event that the City Treasurer's office bills a residential account for a given period, and neither the owner or tenant of the property notifies the City Treasurer's office that there has been a change in occupancy pursuant to the terms of this article, both the tenant and owner shall remain liable for the full amount billed through the date that the City Treasurer's office is notified of the change. (Example: If a tenant vacates the property in March 1997 and the City Treasurer's office has billed for the period of January 1 through June 30, 1997, and if the City Treasurer's office is not given notice of the vacancy during that period, then both the tenant and owner will be responsible for the fees for the entire billing period of January 1 through June 30, 1997, and all subsequent billing periods billed until such time that proper notice is given to the City Treasurer's office).

B. Mandatory use of garbage bags for garbage and rubbish.

- (1) All garbage and rubbish shall be placed for collection in specifically designated and marked garbage bags either: a) purchased from the City; or b) designated and marked with a sticker purchased from the City as follows:
 - (a) The specifically designated and marked bags to be purchased from the City shall be available for purchase at City Hall during normal business hours (Monday through Friday from 8:00 a.m. until 4:00 p.m.) and at other time(s) and/or place(s) that the City may hereafter designate. The cost and quantity of such specifically designated and marked bags to be purchased from the City shall be as set by ordinance or resolution of the City Council.
 - (b) The stickers to be purchased from the City for designating or marking bags shall be available for purchase at City Hall during normal business hours (Monday through Friday from 8:00 a.m. until 4:00 p.m.) and at other time(s) and/or place(s) that the City may hereafter designate. The cost and quantity of such stickers to be purchased from the City shall be as set by ordinance or resolution of the City Council.
- (2) Except as otherwise provided for herein, no garbage or rubbish shall be placed for collection by any person unless it is contained in garbage bags satisfying the requirements set forth in Subsection **B(1)** above.
- (3) It shall be unlawful to place any garbage or rubbish for collection in any container except for the specifically designated and marked garbage bags described in Subsection **B(1)** above; provided, however, that upon placing garbage and rubbish in such specifically designated and

marked garbage bags, it shall be permissible to place the filled garbage bags into heavy-duty plastic or metal containers not to exceed 32 gallons.

- (4) All liquids shall be drained from garbage prior to its placement into garbage bags for collection.
- (5) On the dates when collections are made, the owner or occupant of the premises shall place the specifically designated and marked garbage bags and/or containers holding such filled bags at:
 - (a) A point either on the premises or in the sidewalk or alleyway immediately adjacent thereto where it is readily accessible to collectors; or
 - (b) Any exact point for collection determined by the City, such point being subject to change from time to time at the discretion of the City.
- (6) Multifamily residential accounts and mixed use accounts which utilize a dumpster shall comply with all requirements set forth in § **443-17B(2)** through **(4)** of this article; and [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (a) Shall be charged the commercial pull rates set forth in Schedule B of this article;^[1]
[1] Editor's Note: Schedule B, as amended, is on file in City Hall.
 - (b) Shall be billed according to § **443-17B(2)** of this article; and
 - (c) Shall make payment pursuant to § **443-17B(4)** of this article; and
 - (d) Shall be exempt from the per-unit rate set forth in § **443-13A** of this section.
- (7) No construction debris materials, including, without limitation, cement, plaster, lumber, bricks, stone, wire, nails, metal, and other building materials commonly used in construction and structural repair work shall be placed for collection in such specifically marked and designated plastic bags.

C. Recyclables.

- (1) Recyclable newsprint, cardboard, recyclable cans and recyclable clear glass shall be kept separate from each other and from other solid waste and shall be separately collected as hereinafter provided.
- (2) Recyclable newsprint and cardboard shall be prepared for collection by tying them, both across and lengthwise, into easy-to-manage bundles not to exceed 20 pounds or by placing them into paper bags with the same weight limitation. As so prepared, the bundles shall be placed for collection on the usual collection day for the property, on alternate weeks (pursuant to the schedule available at the office of the City Treasurer), at a point either on the premises or on the sidewalk or alleyway immediately adjacent thereto, where it is readily accessible to collectors, as may be determined by the City.
- (3) Recyclable cans and recyclable clear glass shall be separated from each other and prepared for collection by placing them in designated containers supplied by the City and, as so prepared, placing these containers at the usual collection point for the property on alternate weeks, as set forth in Subsection **C(2)** herein, on the usual collection day for the property.
- (4) From the time of placement at the curb of any recyclable newsprint, cardboard and/or recyclable cans or recyclable clear glass, pursuant to the provisions of this article, such recyclables shall become the property of the City.
 - (a) It shall be a violation of the terms of this article for any person other than authorized personnel of the City to collect, pickup or cause to be collected or picked up any such

recyclables which have been placed for collection as set forth herein.

- (b) Notwithstanding any provision of this article, any person having ownership of recyclable newsprint, cardboard, recyclable cans or recyclable clear glass may sell or donate the same to any person, partnership, corporation or other entity, whether operating for profit or not for profit; provided, however, that such materials may not be placed for collection at, nor collected from, the curbside.
- (5) An owner, landlord, or agent of owner or landlord of any multifamily rental housing property with four or more dwelling units shall comply with its responsibilities under Act 97 and Act 101, and the regulations promulgated thereunder, by establishing a collection system for recyclable materials at each property.
- (a) The collection system shall include suitable containers for collecting and sorting recyclable materials, easily accessible locations for the containers, and written instructions to the occupants of the property concerning the use and availability of the collection system, and arrangements with a recycling facility or resource-recovery facility for the transport and recycling of the materials collected from the property. The City will not collect recyclables from the properties indicated in this subparagraph.
 - (b) Owners, landlords, and agents of owners or landlords who comply with this subsection shall not be liable for the noncompliance of the occupants of their buildings with this subsection.^[2]
- [2] *Editor's Note: Original Subsection III C.6, regarding recycling collections for garbage collection services of commercial accounts, which immediately followed this subsection, was repealed 3-9-2016 by Ord. No. 16-01.*
- (6) All recyclable materials collected by the City under this article shall be transported either by the City, or by a properly licensed and permitted recycling facility or resource-recovery facility, to a properly licensed and permitted recycling facility or resource-recovery facility, where the same shall be recycled, and
- (a) The City Treasurer shall keep accurate books and records indicating the total weight or volume of each type of recyclable material recycled annually.
 - (b) The City Treasurer shall, on or before February 15 of each year, submit a report to the appropriate agency within Westmoreland County, describing the weight or volume of materials recycled by the City in the preceding calendar year.

D. Leaf waste.

- (1) Leaf waste shall be kept separate from other solid waste and recyclables and shall be placed for collection in brown plastic bags as follows:
 - (a) All such bags shall have attached thereto a leaf sticker purchased from the City. Said leaf stickers shall be available for purchase from the City during normal business hours (Monday to Friday 8:00 a.m. to 4:00 p.m.) in the City Treasurer's office, at the rate set by City Council per sticker, and at such other times and places as Council may designate from time to time;
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (b) Leaf waste shall be placed for collection on the regularly scheduled pickup day for the property at the regular pickup location, as set forth in § **443-13B(5)** herein.
- (2) From time to time the City may provide leaf collection service by way of a leaf vacuum truck and may provide for the procedures to be followed for the collection of leaves by such a truck and schedules for the same.

- (3) Persons who have otherwise provided for the composting of leaf waste shall be exempt from the requirements of § 443-13D(1).

E. Bulky waste.

- (1) Any person residing in a residential unit within the City who wishes to have the City remove an appliance or other item of bulky waste, as specifically described in Schedule A attached hereto,^[3] shall be permitted to put out one such item of bulky waste each month on such collection date(s) as are designated by ordinance or resolution of City Council without a charge or fee. Any person putting out item(s) of bulky waste for collection beyond such one item, whether collected on the same date as such one item or at other date(s), shall be assessed a fee as set forth therein.

[Amended 4-12-2018 by Ord. No. 18-07]

[3] *Editor's Note: Schedule A, as amended, is on file in City Hall.*

- (2) The fee assigned in Schedule A shall be paid in advance to the City Treasurer, and a collection sticker must be obtained from the City Treasurer and attached to the item in a clearly visible location prior to the time for collection of the item. Said sticker shall be available at the office of the City Treasurer during normal business hours (8:00 a.m. to 4:00 p.m., Monday through Friday). No item shall be collected unless it bears the aforesaid sticker.
- (3) All items of bulky waste which are to be removed by the City pursuant to this section shall be placed at the curb or at the normal pickup area where these are readily accessible to collectors on the regular collection day for the premises.
 - (a) Any person placing for collection any item of bulky waste that possesses a door or doors, including, but not limited to, a refrigerator, freezer, washer, dryer, dishwasher, stove or oven, shall remove the door or doors therefrom prior to placing the item for collection.
- (4) City employees shall not collect bulky waste items from inside an individual's residence.
- (5) Nothing in this section shall be construed as relieving or modifying compliance by any person with any Environmental Protection Agency, Department of Environmental Protection, federal, state, county or other regulation or requirement regulating the disposal of any appliance, machine or equipment containing the element freon.
- (6) The City may, from time to time, designate a "cleanup week," at which time any person residing in a residential unit within the City may be permitted to place an unlimited quantity of bulky waste items for removal by the City; provided, however, at such times:
 - (a) The person must pay the required fees and attach the required stickers to the items as set forth in the section.

[1] Except that one bulky item per residential unit will be removed at no charge and said item shall be the item with the highest fee as designated by Schedule A herein,^[4] and a sticker shall not be required for the free item; and

[4] *Editor's Note: Schedule A, as amended, is on file in City Hall.*

[2] Refrigerators, freezers, and any other item containing freon shall be excluded from the exception for items removed at no charge.

- (b) The items are placed for pickup as required by this section.

F. Senior citizen discount. The senior citizen's discount procedure and practice will be as follows:

[Amended 1-8-2007 by Ord. No. 07-01; 12-8-2010 by Ord. No. 10-11; 9-12-2012 by Ord. No. 12-04]

- (1) If a citizen is 65 years of age or older and lives alone, then that person is entitled to a discount of 15% of the service fee imposed herein.

- (2) If two citizens reside together and both are 65 or older, then they shall be entitled to a discount of 15% of the service fee imposed herein.
- (3) In order to qualify for a senior citizen discount for the following year, the person or persons seeking the discount must apply for same at the office of the City Clerk and, as part of the application process, provide proof of age for the most recent year. Such application and proof of age must be provided on or before the 30th day of November of the year preceding the one in which the discount is requested for the discount in the following year to apply.
- (4) The City Clerk shall provide the City Treasurer a list of all persons qualifying for a discount under this section on an annual basis.
- (5) The senior citizen discount shall be available for owner-occupied property only. It shall not be available for rental properties or other properties in which the owner is not a full-time resident.

§ 443-14. Commercial accounts.

A. Fees.

- (1) Commercial accounts shall be charged for collection at the rates set forth in the Commercial Rate Schedule, attached hereto as Schedule B.^[1] Said Commercial Rate Schedule has been prepared by reviewing all accounts and examining the type and volume of garbage and rubbish placed for collection, type of containers used, the amount of time involved in each pickup and the number of pickups per week.
[1] Editor's Note: Schedule B, as amended, is on file in City Hall.
- (2) The aforementioned Commercial Rate Schedule may be amended from time to time, and all rates shall be determined and set by the City Council.
- (3) Whenever a commercial customer alleges that the method of operation of the business has been altered, thereby altering the type and volume of garbage and rubbish to be collected, the commercial customer may request the City Council to review its rate, and upon review the City Council may, in its discretion, alter or amend the rate applied to the commercial account.

B. Mandatory use of City of Jeannette garbage bags; regulations for use and placement of dumpsters.^[2]

- (1) All garbage and rubbish shall be placed for collection in specifically designated and marked garbage bags either: a) purchased from the City; or b) designated and marked with a sticker purchased from the City as follows:
[Amended 4-13-2016 by Ord. No. 16-03; 4-12-2018 by Ord. No. 18-07]
 - (a) The specifically designated and marked bags to be purchased from the City shall be available for purchase at City Hall during normal business hours (Monday through Friday from 8:00 a.m. until 4:00 p.m.) and at other time(s) and/or place(s) that the City may hereafter designate. The cost and quantity of such specifically designated and marked bags to be purchased from the City shall be as set by ordinance or resolution of the City Council.
 - (b) The stickers to be purchased from the City for designating or marking bags shall be available for purchase at City Hall during normal business hours (Monday through Friday from 8:00 a.m. until 4:00 p.m.) and at other time(s) and/or place(s) that the City may hereafter designate. The cost and quantity of such stickers to be purchased from the City shall be as set by ordinance or resolution of the City Council.
- (2) An account may utilize a two-, three-, six- or eight-yard dumpster, provided:

- (a) The account applies for a permit with the City Clerk and pays an annual permit fee as set from time to time by City Council;
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (b) The dumpster passes inspection by the City Foreman, which inspection shall determine that the dumpster is capable of being safely pulled and emptied by the City garbage truck(s);
 - (c) Garbage, as defined in § **443-11** of this article, shall be placed in garbage bags, which bags are tied shut prior to being placed in the dumpster; however, said bags do not have to be purchased from the City pursuant to § **443-13B(1)** of this article;
 - (d) The dumpster shall be placed in a location on the property determined by the City Foreman to be accessible for pulling by the City, such that garbage and rubbish may be removed therefrom safely and in such a manner as to avoid injury to persons and damage to property.
 - (e) Accounts utilizing a dumpster pursuant to this subsection shall pay the pull rates set forth in Schedule B herein, payable to the City Treasurer on a monthly basis.^[3]
[3] Editor's Note: Schedule B, as amended, is on file in City Hall.
- (3) No construction debris materials, including, without limitation, cement, plaster, lumber, bricks, stone, wire, nails, metal, and other building materials commonly used in construction and structural repair work shall be placed for collection in such specifically marked and designated plastic bags.
[Amended 4-12-2018 by Ord. No. 18-07]
- (4) Any commercial, industrial, multifamily residential, or mixed-use establishment for which the City Foreman determines that the volume of solid waste exceeds that which can be contained in eight-yard dumpsters on a regular weekly basis, based upon the collection schedule for the individual account, or for which the City Foreman determines that the type and volume of solid waste produced by the account exceeds that which can be collected by the City due to limitations on City facilities, shall be required to apply for a permit to contract with an independent solid waste hauler for the use of an appropriately sized container or containers and for the collection of solid waste disposed of therein.
- (a) The application shall be submitted at the office of the City Clerk during normal business hours and shall require the payment of a permit fee in the amount set from time to time by City Council, such fee payable to the City Treasurer contemporaneous with the issuance of the permit.
[Amended 1-8-2007 by Ord. No. 07-01; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (b) Before a permit shall issue as set forth in this subsection, the proposed container must pass inspection by the City Foreman, which inspection shall determine that the dumpster or container is capable of being safely pulled in a manner that will not cause substantial risk of injury to persons or damage to property.
 - (c) Said permit shall be renewable on an annual basis upon the payment of the permit fee set by City Council and upon passing annual inspection by the City Foreman.
[Amended 1-8-2007 by Ord. No. 07-01; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (d) The container shall be appropriate for the type of waste produced, pursuant to Act 97 and Act 101.
 - (e) The placement of such dumpster(s) or container(s) shall not block any City street, alley or right-of-way, or occur in such a manner as to cause a substantial risk of injury to persons

or damage to property; placement may be determined by the City Foreman.

- (5) In the event that a commercial account desires to utilize a dumpster, due to the volume of solid waste produced on the property, and the property does not contain a location on which a dumpster can be safely placed to be accessible for collection by the City, the person or entity responsible for the account may apply for a permit to place the dumpster on adjacent or neighboring property, provided that all of the following conditions are satisfied:

[Added 2-12-1997 by Ord. No. 97-1]

- (a) The account holder applies for a permit with the City Clerk, pays a permit fee as set by City Council from time to time, and provides the City Clerk with the written consent required by Subsection **B(5)(b)** herein;

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (b) That the account holder provides written consent of the property owner upon which the dumpster is placed, authorizing the location of the dumpster upon such property and permitting the City to access same;

- (c) That the dumpster be located no greater than 100 feet from the commercial activity, business or enterprise for which it is used;

- (d) The proposed location for the dumpster is approved by the City Engineer, the City Foreman, the City Fire Chief, and the City Chief of Police, which persons shall determine:

[1] That the proposed location is such that garbage and rubbish may be removed therefrom safely and in such a manner as to avoid injury to persons and damage to property and to avoid interference with public safety; and

[2] That the placement will not create unsightly conditions within the City of Jeannette.

- (e) The dumpster shall possess a locking lid, which shall be kept closed at all times that garbage and rubbish are not being immediately placed therein;

- (f) The dumpster shall be enclosed within a fence which visually screens same from public view and which fence passes inspection by the City Foreman, who shall determine that the dumpster is accessible for collection by the City;

- (g) Failure to comply with any of the provisions herein shall result in immediate revocation of the permit and removal of the dumpster from the subject property by the City and/or the imposition of fines and costs as set forth in this article;

- (h) The ability to place a dumpster upon adjacent or neighboring property is entirely within the discretion of the City of Jeannette, and nothing in this amendment shall be deemed or construed to permit the off-site location of dumpsters as a matter of right.

[2] *Editor's Note: The title of this subsection was changed from "Mandatory Use of City of Jeannette Garbage Bags and Dumpsters for Garbage and Rubbish" to "Mandatory Use of City of Jeannette Garbage Bags; Regulations for Use and Placement of Dumpsters" 2-12-1997 by Ord. No. 97-1.*

- C. Commercial, municipal and institutional recyclables. All commercial, municipal and institutional establishments and all person conducting community activities within City boundaries shall comply with their responsibilities under Act 97 and Act 101 and the regulations promulgated thereunder, by separating brown glass from other materials and storing them separately until collection.

[Added 3-9-2016 by Ord. No. 16-01]

- (1) Recyclable brown glass shall be separated and prepared for collection by placing them in designated containers, or emptied and placed in the original cardboard packaging and, as so prepared, placing these collectables at the usual collection point for the property, as may be determined by the City.

- (2) Recyclable cardboard shall be prepared for collection by consolidating items into easy-to-manage bundles not to exceed 20 pounds. As so prepared, the bundles shall be placed for collection on the usual collection day for the property at a point where it is readily accessible to collectors, as may be determined by the City.
- (3) From the time of placement at the curb of any recyclable herein, including brown glass, pursuant to the provisions of this article, such recyclables shall become the property of the City.
- (4) It shall be a violation of the terms of this article for any person, other than authorized personnel of the City, to collect, pick up or cause to be collected or picked up, any such recyclables (including brown glass) which have been placed for collection as set forth herein.

§ 443-15. Mixed-use accounts.

A. Fees.

- (1) Any account related to the collection of garbage, rubbish and/or recyclables at property and/or structures consisting of more than one unit which are used for both residential and commercial purposes shall be charged for collection at the residential rate set forth in § **443-13A(1)** for each residential unit and at the commercial rate set forth in Schedule B herein for each commercial unit.^[1]

[1] *Editor's Note: Schedule B, as amended, is on file in City Hall.*

- (2) Whenever an account consists of a single unit which is being used for both residential and commercial purposes it shall be charged the commercial collection rate set forth in Schedule B herein.^[2]

[2] *Editor's Note: Schedule B, as amended, is on file in City Hall.*

- (3) Whenever a mixed-use customer alleges that the use of the property has been altered, thereby altering the type and volume of garbage and rubbish to be collected, the mixed-use customer may request the City Council to review its rate, and upon review, the City may, in its discretion, alter or amend the rate applied to the mixed-use account.

B. All other terms consistent.

- (1) All terms of this article pertaining to residential accounts shall apply to each residential unit of a mixed-use account, and all terms pertaining to commercial accounts in this article shall pertain to each commercial unit of a mixed-use account.
- (2) Whenever an account consists of a single unit which is being used for both residential and commercial purposes, it shall be treated as a commercial account for the purpose of enforcing the terms of this article.

§ 443-16. Temporary leasing of dumpsters.

- A. Any account which requires a temporary use of a dumpster may lease a dumpster from the City for a period not to exceed seven days, according to the rates as set by the City Council depending on the size of the dumpster leased.

[Amended 1-8-2007 by Ord. No. 07-01; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- B. Where such temporary use is required, a dumpster of one of the above sizes shall not be rented, leased, purchased or borrowed from any person, firm or corporation other than the City of Jeannette, except as provided in Subsection F herein.

- C. The delivery of the dumpster to the property and removal of the dumpster from the property shall be accomplished by the City at no additional charge to the lessee of the dumpster.
- D. All fees required by this subsection for the initial pull shall be paid in advance to the City Treasurer, prior to the delivery of a dumpster to the property.
- E. The City will remove the dumpster from the property following the initial pull, unless the lessee of the dumpster notifies the City Treasurer that it requires the dumpster for additional time, not to exceed seven days, and pays for each additional pull in advance.
- F. Exception. Any account which requires temporary use of a dumpster or container larger than an eight-yard dumpster may contract with an independent solid waste hauler for the lease of such a dumpster/container and for the collection and solid waste disposed of therein, provided:
 - (1) An application for such temporary use shall be submitted at the office of the City Clerk during normal business hours;
 - (2) A permit fee in the amount per week of intended use set from time to time by City Council shall be paid to the City Treasurer contemporaneous with the issuance of the permit; [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]
 - (3) Before a permit shall issue as set forth in this subsection, the proposed dumpster/container must be approved by the City Foreman, who shall determine that the dumpster/container may be safely placed and pulled by the independent solid waste hauler so as not to cause substantial risk of damage to property or injury to persons; and
 - (4) The placement of the dumpster(s)/container(s) shall be in such a manner as to avoid substantial risk of injury to persons and damage to property, as shall be determined by the City Foreman. In the event that it is necessary to place such dumpster(s) in a manner that will block any City street, alley or right-of-way, the dumpster(s) shall be reasonably coned and roped off and bear appropriate safety reflectors and warnings, as determined and directed by the City Foreman.
- G. Any person, corporation, entity or firm acting as an independent solid waste hauler who leases or provides a dumpster/container for the collection and disposal of solid waste pursuant to § 443-16F of this article shall prominently display and maintain a copy of the permit issued by the City Clerk pursuant to such section upon the dumpster or container for which the permit is issued at all times during the use of such dumpster or container. The failure to have such permit prominently displayed upon the dumpster or container at any time during its use shall be deemed a violation of this article and subject such person, entity, corporation and/or firm to the penalty provisions set forth in this article.
[Added 9-10-2003 by Ord. No. 03-09]
- H. No construction debris materials, including, without limitation, cement, plaster, lumber, bricks, stone, wire, nails, metal and other building materials commonly used in construction and structural repair work, shall be placed for collection in such leased dumpster.
[Added 4-12-2018 by Ord. No. 18-07]

§ 443-17. Liability and responsibilities of owners and tenants.

- A. Responsibility for payment:
 - (1) The owner of property which receives solid waste collection service shall be primarily responsible for payment of all fees required by this article, regardless of whether the collection service was requested by the property owner or a tenant of the property receiving said solid waste collection service.

- (2) In the event that an account is delinquent in the payment of fees due and owing under this article, regardless of whether the account is residential, mixed-use or commercial, in addition to the penalties set forth in § **443-17B(4)** and § **443-18**, the City may proceed against either the owner or tenant, or both, in an action in assumpsit for the collection of the delinquent fees and may file a municipal lien or claim against the real estate which benefits from collection service in the Court of Common Pleas of Westmoreland County.
[Amended 7-8-1998 by Ord. No. 98-3; at time of amendment of Code (see Ch. 1, General Provisions, Art. I)]
- (3) All persons who own real property in the City of Jeannette shall notify the City Treasurer within 30 days of the enactment of this article of the owner(s)' name(s) and street address(es), the address(es) of the property/properties owned by them, and the name(s) and address(es) of all tenants occupying any real property owned by such person, firm or corporation.
- (4) All persons who own real property in the City of Jeannette and all tenants of real property within the City of Jeannette shall notify the City Treasurer within 30 days of the date that any tenant vacates the real property within the City and shall provide the City Treasurer with the name and street address of each such tenant vacating the property.
[Amended 5-21-1997 by Ord. No. 97-4]
 - (a) Failure to provide notice as required by § **443-17A(4)** shall obligate the vacating tenant and the property owner to pay all amounts billed by the City Treasurer's office pursuant to § **443-17B** of this article for all periods for which notice has not been properly given.
 - (b) Example: If a tenant vacates the property in March 1997 and the City Treasurer's office bills for the period from January through June 1997 and for the period July through December 1997, and notice of the vacancy is not received by the City Treasurer's office until December 31, 1997, then both tenant and owner are responsible for all amounts billed for the entire year, regardless of whether or not the property was vacant during the period from April through December 1997.
- (5) Whenever ownership of property within the City of Jeannette changes, it shall be the responsibility of the new owners, following the change of ownership, to notify the City Treasurer of their name(s) and address(es) within 30 days of the change in ownership.

B. Recordkeeping and billing.

- (1) The City Foreman shall supervise, direct and control the collection of solid waste and recyclables and shall keep adequate books and records at City Hall with regard to all accounts.
 - (a) Said records shall include the name and address of the owner of each property receiving solid waste collection service from the City, together with the charges against the same.
 - (b) A duplicate list of said names, addresses and charges shall be supplied by the City Foreman to the City Treasurer.
- (2) All commercial and mixed-use accounts and any other accounts utilizing a dumpster shall be billed to the property owner on a monthly basis, regardless of whether or not the property is occupied by the property owner or a tenant. It shall be the responsibility of the property owner to ensure that the account remains current.
[Amended 7-8-1998 by Ord. No. 98-3]
 - (a) Where a commercial or mixed-use account or an account utilizing a dumpster pertains to property that is occupied by a tenant, the Treasurer's office shall send the original bill to the property owner and a copy of the bill to the tenant.

- (b) Either tenant or owner may pay the bill; however, it shall be the responsibility of the property owner to coordinate payment with the tenant, and in the event of delinquency, both the owner and tenant shall be deemed to have full knowledge and notice thereof.
- (3) All residential accounts shall be billed to the property owner on a semiannual basis, unless the property utilizes a dumpster, in which case the property shall be billed and collected upon as if it were a commercial account.
- (4) All fees due and payable for residential accounts shall be paid within 180 days from the invoice date, and all fees due and payable for commercial and mixed-use accounts and for any other account utilizing a dumpster shall be paid within 30 days from the invoice date.
 - (a) Persons paying residential bills within 90 days from the date of the invoice shall be entitled to a 2% discount from the semiannual bill.
 - (b) Any residential account that is not paid within 180 days from the date of the invoice shall have imposed thereon a penalty of 10% per delinquent quarter.
 - (c) Any commercial or mixed-use account and any other account utilizing a dumpster that is not paid within 30 days from the date of the invoice shall have imposed thereon a penalty of 10% per delinquent quarter.
 - (d) Amnesty. Any account that is delinquent as of the effective date of this article shall be granted 60 days from the effective date of this article to pay the account in full without the imposition of the 10% penalty set forth in Subsection **B(4)(b)** and **(c)** herein.
- (5) All fees due and payable to the City under this article shall be paid to the City Treasurer, or to such other person or persons as Council may, by resolution, designate, who shall keep a record thereof and deposit said sums into a general fund of the City of Jeannette. A duplicate of the record, showing the sums received and the discounts allowed, if any, shall be supplied to the City Clerk not less frequently than one time each quarter.
 - (a) If Council designates any person other than the City Treasurer to collect said fees, the fees so collected shall be turned over to the City Treasurer.
- (6) The Council of the City of Jeannette may amend any and all fees and/or charges due, payable and/or assessable under this article and/or as amended by resolution duly adopted by the Council of the City of Jeannette at a public meeting.
[Added 10-14-2015 by Ord. No. 15-05]

[1] *Editor's Note: The title of this section was changed from "Liability of Owner" to "Liability and Responsibilities of Owners and Tenants" 5-21-1997 by Ord. No. 97-4.*

§ 443-18. Additional penalties for noncompliance.

- A. Any person who fails or refuses to comply with any provision of this article shall be guilty of a summary offense and, upon conviction thereof, shall pay a fine of not more than \$1,000 together with the costs of prosecution and, in default of such fine and costs, shall be imprisoned for a period of not more than 90 days, in accordance with the 3rd Class City Code. Each day of violation shall constitute a separate and distinct offense, punishable as provided.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. The remedies contained in this article are cumulative in nature.

§ 443-19. Authority and legislative intent.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This article is adopted pursuant to the provisions of Act 97 and Act 101, as well as pursuant to the Third Class City Code, authorizing the City of Jeannette to provide for and regulate the collection, removal and disposal of garbage, ashes, recyclables and other waste, either by contract or municipal conduct of such services, and to impose and collect, by lien or otherwise, reasonable fees and charges therefor, and prescribe fines and penalties for the violation of ordinances regulating such matters, and, pursuant to 11 Pa.C.S.A. § 12435 vesting in cities of The Third Class the power to make and adopt all ordinances not inconsistent with or restrained by the Constitution and laws of the commonwealth as may be expedient or necessary for the proper management, care and control of the City and its finances, and the maintenance of the peace, good government, safety and welfare of the City, and it is declared to be essential for the control of nuisances and the regulation of public health and safety.

§ 443-20. Severability.

The provisions of this article shall be severable and, in the event that a court of competent jurisdiction determines that any provision of this article shall be invalid or unenforceable, the remaining provisions of this article shall remain in full force and effect. Nothing in this article shall be construed to alter, amend or abridge any of the rules and regulations promulgated under Act 97 and Act 101, or any other county, state or federal law or regulation related to the disposal of solid waste.

§ 443-21. Notices.

- A. The City shall, at least 30 days prior to the effective date of this article, and at least once every six months thereafter, notify all persons occupying residential, commercial, institutional and municipal premises within City boundaries of the requirements of this article.
- B. A full and complete copy of this article shall be available for review at the office of the City Treasurer during normal business hours (Monday through Friday, 8:00 a.m. to 4:00 p.m.), and a copy of the article is available for the cost of copying as set from time to time by the City Council.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (1) The City shall also file, within 30 days prior to the effective date of this article, a full and complete copy of this article at the Citizens Law Library of Westmoreland County, Westmoreland County Courthouse, Second Floor, Courthouse Annex, Main Street, Greensburg, Pennsylvania.

Chapter 450. Stormwater Management

[HISTORY: Adopted by the City Council of the City of Jeannette 7-11-2012 by Ord. No. 12-03.
Amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Appendix A, Low-Impact Development Practices Alternative Approach for Managing Stormwater Runoff 

Article I. General Provisions

§ 450-1. Short title.

This chapter shall be known as the "Jeannette Stormwater Management Ordinance."

§ 450-2. General provisions.

- A. Findings. The City of Jeannette, hereinafter referred to as the "municipality," finds that:
- (1) Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of rainwater and increased runoff flows and velocities, which overtax the carrying capacity of existing streams and storm sewers and greatly increase the cost to the public to manage stormwater.
 - (2) Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of streambeds and stream banks, thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.
 - (3) A program of stormwater management, including reasonable regulation of land development and redevelopment causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the municipality and all the people of the commonwealth, their resources, and the environment.
 - (4) Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
 - (5) Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
 - (6) 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).
 - (7) Nonstormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the commonwealth by the municipality.
- B. 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 § 450-2 of this chapter, through provisions designed to:
- (1) Manage stormwater runoff impacts at their source by regulating activities that cause the problems.
 - (2) Provide review procedures and performance standards for stormwater planning and management.
 - (3) Utilize and preserve the existing natural drainage systems as much as possible.
 - (4) Manage stormwater impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.
 - (5) Focus on infiltration of stormwater to maintain groundwater recharge, to prevent degradation of surface water and groundwater quality, and to otherwise protect water resources.
 - (6) Maintain existing flows and quality of streams and watercourses.
 - (7) Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93.4a to protect and maintain "existing uses" and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in "special protection" streams.

- (8) Prevent scour and erosion of stream banks and streambeds.
- (9) Provide for proper operations and maintenance of all permanent stormwater management BMPs that are implemented in the municipality.
- (10) Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.
- (11) Implement an illegal discharge detection and elimination program to address nonstormwater discharges into the municipality's separate storm sewer system.
- (12) To provide for necessary and adequate maintenance of all permanent stormwater management facilities and structures in the City of Jeannette.

C. Applicability.

- (1) This chapter applies to any regulated earth disturbance activities within the municipality and all stormwater runoff entering into the municipality's separate storm sewer system from lands within the boundaries of the municipality.
- (2) Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This chapter shall operate in coordination with those parallel requirements; the requirements of this chapter shall be no less restrictive in meeting the purposes of this chapter than state law.

D. Severability. In the event that any section or provision of this chapter is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this chapter.

E. Compatibility with other requirements.

- (1) Approvals issued and actions taken under this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance. To the extent that this chapter imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this chapter shall be followed.
- (2) Nothing in this chapter shall be construed to affect any of the municipality's requirements regarding stormwater matters which do not conflict with the provisions of this chapter, such as local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this chapter addressing state water quality requirements.

Article II. Definitions

§ 450-3. Word usage.

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.

§ 450-4. Terms defined.

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

ACCELERATED EROSION

The removal of the surface of the land through the combined action of human activities and the natural processes at a rate greater than would occur because of the natural process alone.

ACT

The Storm Water Management Act (Act of October 4, 1978, P.L. 864, No. 167; 32 P.S. §§ 680.1 to 689.17, as amended by Act of May 24, 1984, No. 63).

APPLICANT

A landowner, developer or other person who has filed an application for approval to engage in any regulated earth disturbance activity at a project site in the municipality.

BMP (BEST MANAGEMENT PRACTICE)

Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated earth disturbance activities, to meet state water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter. BMPs include but are not limited to infiltration, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

CONSERVATION DISTRICT

The County of Westmoreland Conservation District.

DEP

The Pennsylvania Department of Environmental Protection.

DEVELOPER

A person that seeks to undertake any regulated earth disturbance activities at a project site in the municipality.

DEVELOPMENT

See "earth disturbance activity." The term includes redevelopment.

DEVELOPMENT SITE

The specific tract of land where any earth disturbance activities in the municipality are planned, conducted or maintained.

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 process by which the surface of the land, including channels, is worn away by water, wind or chemical action.

EROSION AND SEDIMENT CONTROL PLAN

A plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

EROSION CONTROL

The application of measures to reduce erosion of land surfaces.

GROUNDWATER RECHARGE

Replenishment of existing natural underground water supplies.

IMPERVIOUS SURFACE

A surface that prevents the infiltration of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

MUNICIPALITY

City of Jeannette, Westmoreland County, Pennsylvania.

NPDES

National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

OUTFALL

A point where the municipality's storm sewer system discharges to surface waters of the commonwealth.

PERSON

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

POINT SOURCE

Any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel or conduit from which stormwater is or may be discharged, as defined in state regulations at 25 Pa. Code § 92a.2.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

PROJECT SITE

The specific area of land where any regulated earth disturbance activities in the municipality are planned, conducted or maintained.

REDEVELOPMENT

Earth disturbance activities on land which has previously been disturbed or developed.

REGULATED EARTH DISTURBANCE ACTIVITY

Earth disturbance activity of one acre or more with a point source discharge to surface waters or the municipality's storm sewer system, or of five acres or more regardless of the planned runoff. This includes earth disturbance on any portion, part or during any stage of a larger common plan of development. This only includes road maintenance activities involving 25 acres or more of earth disturbance.

ROAD MAINTENANCE

Earth disturbance activities within the existing road cross section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

SEPARATE STORM SEWER SYSTEM

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

STATE WATER QUALITY REQUIREMENTS

As defined under state regulations – protection of designated and existing uses (see 25 Pa. Code Chapters 93 and 96) – including:

- A. Each stream segment in Pennsylvania has a "designated use," such as "cold water fishery" or "potable water supply," which are listed in Chapter 93. These uses must be protected and maintained, under state regulations.

- B. "Existing uses" are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants, such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway to prevent these impacts.

STORMWATER

The surface runoff generated by precipitation reaching the ground surface.

SURFACE WATERS OF THE COMMONWEALTH

Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

WATERCOURSE

A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED

Region or area drained by a river, watercourse or other body of water, whether natural or artificial.

Article III. Stormwater Management for Water Equality

§ 450-5. General requirements for stormwater management.

- A. All regulated earth disturbance activities within the municipality shall be designed, implemented, operated and maintained to meet the purposes of this chapter through these two elements:
 - (1) Erosion and sediment control during the earth disturbance activities (e.g., during construction); and
 - (2) Water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance.
- B. No regulated earth disturbance activities within the municipality shall commence until the requirements of this chapter are met.
- C. Erosion and sediment control during regulated earth disturbance activities shall be addressed as required by § **450-7**.
- D. Post-construction water quality protection shall be addressed as required by § **450-8**. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Article **IV**.
- E. All best management practices (BMPs) used to meet the requirements of this chapter shall conform to the state water quality requirements and any more stringent requirements as determined by the municipality.
- F. Techniques described in Appendix A (Low-Impact Development) of this chapter are encouraged because they reduce the costs of complying with the requirements of this chapter and the state

water quality requirements.^[1]

[1] *Editor's Note: Appendix A, Low-Impact Development Practices, Alternative Approach for Managing Stormwater Runoff, is an attachment to this chapter.*

§ 450-6. Permit requirements by other government entities.

The following permit requirements may apply to certain regulated earth disturbance activities and must be met prior to commencement of regulated earth disturbance activities, as applicable:

- A. All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.
- B. Work within natural drainageways subject to permit by DEP under 25 Pa. Code Chapter 105.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.
- D. Any stormwater management facility that would be located on a state highway right-of-way or require access from a state highway shall be subject to approval by the Pennsylvania Department of Transportation (PENNDOT).
- E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

§ 450-7. Erosion and sediment control during regulated earth disturbance activities.

- A. No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of an erosion and sediment control plan for construction activities.
- B. DEP has regulations that require an erosion and sediment control plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).
- C. In addition, under 25 Pa. Code Chapter 92a, a DEP NPDES construction activities permit is required for regulated earth disturbance activities.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- D. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the municipality. The issuance of an NPDES construction permit [or permit coverage under the statewide General Permit (PAG-2)] satisfies the requirements of Subsection **A** of this section.
- E. A copy of the erosion and sediment control plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

§ 450-8. Water quality requirements after regulated earth disturbance activities are complete.

- A. No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of a plan which demonstrates compliance with state water quality requirements after construction is complete.

- B. The BMPs must be designed, implemented and maintained to meet state water quality requirements, and any other more stringent requirements as determined by the municipality.
- C. To control post-construction stormwater impacts from regulated earth disturbance activities, state water quality requirements can be met by BMPs, including site design, which provide for replication of preconstruction stormwater infiltration and runoff conditions so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
 - (1) Infiltration: replication of preconstruction stormwater infiltration conditions,
 - (2) Treatment: use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff, and
 - (3) Stream bank and streambed protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
- D. DEP has regulations that require municipalities to ensure design, implementation and maintenance of best management practices (BMPs) that control runoff from new development and redevelopment after regulated earth disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.
- E. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office must be provided to the municipality. The issuance of an NPDES construction permit [or permit coverage under the statewide General Permit (PAG-2)] satisfies the requirements of Subsection **A** of this section.
- F. BMP operations and maintenance requirements are described in Article **IV** of this chapter.

Article IV. Stormwater BMP Operations and Maintenance Plan Requirements

§ 450-9. General requirements.

- A. No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of a BMP operations and maintenance plan which describes how the permanent (e.g., post-construction) stormwater BMPs will be properly operated and maintained.
- B. The following items shall be included in the BMP operations and maintenance plan:
 - (1) Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Westmoreland County. The contents of the maps(s) shall include, but not be limited to:
 - (a) Clear identification of the location and nature of permanent stormwater BMPs;
 - (b) The location of the project site relative to highways, municipal boundaries or other identifiable landmarks;
 - (c) Existing and final contours at intervals of two feet, or others as appropriate;
 - (d) Existing streams, lakes, ponds or other bodies of water within the project site area;

- (e) Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved;
 - (f) The locations of all existing and proposed utilities, sanitary sewers and waterlines within 50 feet of property lines of the project site;
 - (g) Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added;
 - (h) Proposed final structures, roads, paved areas, and buildings; and
 - (i) A fifteen-foot-wide access easement around all stormwater BMPs that would provide ingress to and egress from a public right-of-way.
- (2) A description of how each permanent stormwater BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance;
 - (3) The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the plan; and
 - (4) A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that can be altered or removed only after approval by the municipality.

§ 450-10. Responsibilities for operations and maintenance of BMPs.

- A. The BMP operations and maintenance plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs, as follows:
 - (1) If a plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the municipality, stormwater BMPs may also be dedicated to and maintained by the municipality;
 - (2) If a plan includes operations and maintenance by a single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity.
- B. The municipality shall make the final determination on the continuing operations and maintenance responsibilities. The municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs.

§ 450-11. Municipality review of BMP operations and maintenance plan.

- A. The municipality shall review the BMP operations and maintenance plan for consistency with the purposes and requirements of this chapter and any permits issued by DEP.
- B. The municipality shall notify the applicant in writing whether the BMP operations and maintenance plan is approved.
- C. The municipality may require an "as-built survey" of all stormwater BMPs and an explanation of any discrepancies with the operations and maintenance plan.

§ 450-12. Adherence to approved BMP operations and maintenance plan.

It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP operations and maintenance plan, or to allow the property to remain in a condition which does not conform to an approved BMP operations and maintenance plan, unless an exception is granted in writing by the municipality.

§ 450-13. Operations and maintenance agreement for privately-owned stormwater BMPS.

- A. The property owner shall sign an operations and maintenance agreement with the municipality covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix B of this chapter.^[1]

[1] *Editor's Note: Appendix B, a sample operations and maintenance agreement, is on file in City offices.*

- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the municipality.

§ 450-14. Stormwater management easements.

- A. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Municipal Engineer.
- B. Stormwater management easements shall be provided by the property owner if necessary for: (1) access for inspections and maintenance; or (2) preservation of stormwater runoff conveyance, infiltration and detention areas and other BMPs by persons other than the property owner. The purpose of the easement shall be specified in any agreement under § **450-13**.

§ 450-15. Recording of approved BMP operations and maintenance plan and related agreements.

- A. The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP operations and maintenance plan, shall record the following documents in the office of the Recorder of Deeds for Westmoreland County within 15 days of approval of the BMP operations plan by the municipality:

- (1) The operations and maintenance plan or a summary thereof;
- (2) Operations and maintenance agreements under § **450-13**; and
- (3) Easements under § **450-14**.

- B. The municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.

§ 450-16. Municipal Stormwater BMP Operation and Maintenance Fund.

- A. If stormwater BMPs are accepted by the municipality for dedication, the municipality may require persons installing stormwater BMPs to pay a specified amount to the municipal Stormwater BMP Operation and Maintenance Fund to help defray costs of operations and maintenance activities. The amount may be determined as follows:
 - (1) If the BMP is to be owned and maintained by the municipality, the amount shall cover the estimated costs for operations and maintenance for 10 years, as determined by the municipality.
 - (2) The amount shall then be converted to present worth of the annual series values.
- B. If a BMP is proposed that also serves as a recreation facility (e.g., ball field, lake), the municipality may adjust the amount due accordingly.

Article V. Inspections and Right of Entry

§ 450-17. Inspections.

- A. DEP or its designees (e.g., county conservation districts) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the municipality or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.
- B. During any stage of the regulated earth disturbance activities, if the municipality or its designee determines that any BMPs are not being implemented in accordance with this chapter, the municipality may suspend or revoke any existing permits or other approvals until the deficiencies are corrected.

§ 450-18. Right of entry.

- A. Upon presentation of proper credentials, duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the implementation, condition or operation and maintenance of the stormwater BMPs in regard to any aspect governed by this chapter.
- B. BMP owners and operators shall allow persons working on behalf of the municipality ready access to all parts of the premises for the purposes of determining compliance with this chapter.
- C. Persons working on behalf of the municipality shall have the right to temporarily locate on any BMP in the municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMP.
- D. Unreasonable delays in allowing the municipality access to a BMP is a violation of this article.

Article VI. Fees and Expenses

§ 450-19. General.

The municipality may charge a reasonable fee for review of BMP operations and maintenance plans to defray review costs incurred by the municipality. The applicant shall pay all such fees.

§ 450-20. Expenses covered by fees.

The fees required by this chapter may cover:

- A. Administrative/clerical costs.
- B. The review of the BMP operations and maintenance plan by the Municipal Engineer.
- C. The site inspections, including, but not limited to, preconstruction meetings, inspections during construction of stormwater BMPs, and final inspection upon completion of the stormwater BMPs.
- D. Any additional work required to monitor and enforce any provisions of this chapter, correct violations, and assure proper completion of stipulated remedial actions.

Article VII. Prohibitions

§ 450-21. Prohibited discharges.

- A. No person in the municipality shall allow, or cause to allow, stormwater discharges into the municipality's separate storm sewer system which are not composed entirely of stormwater, except: (1) as provided in Subsection **B** below; and (2) discharges allowed under a state or federal permit.
- B. Discharges which may be allowed, based on a finding by the municipality that the discharge(s) do not significantly contribute to pollution of surface waters of the commonwealth, are:
 - (1) Discharges from firefighting activities.
 - (2) Uncontaminated water from foundation or from footing drains.
 - (3) Potable water sources, including dechlorinated waterline and fire hydrant flushings.
 - (4) Flows from riparian habitats and wetlands.
 - (5) Lawn watering.
 - (6) Irrigation drainage.
 - (7) 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.
 - (8) Routine external building washdown (which does not use detergents or other compounds).
 - (9) Air-conditioning condensate.
 - (10) Water from individual residential car washing.
 - (11) Dechlorinated swimming pool discharges.
 - (12) Springs.
 - (13) Uncontaminated groundwater.
 - (14) Water from crawl space pumps.
- C. In the event that the municipality determines that any of the discharges identified in Subsection **B** significantly contribute to pollution of waters of the commonwealth, or is so notified by DEP, the municipality will notify the responsible person to cease the discharge.

- D. Upon notice provided by the municipality under Subsection **C**, the discharger will have a reasonable time, as determined by the municipality, to cease the discharge, consistent with the degree of pollution caused by the discharge.
- E. Nothing in this section shall affect a discharger's responsibilities under state law.

§ 450-22. Prohibited connections.

The following connections are prohibited, except as provided in § **450-21B** above:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows any nonstormwater discharge including sewage, process wastewater and wash water to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and
- B. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system, which has not been documented in plans, maps or equivalent records, and approved by the municipality.

§ 450-23. Roof drains.

- A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in § **450-23B**.
- B. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the municipality.
- C. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

§ 450-24. Alteration of BMPs.

- A. No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program, without written approval of the municipality.
- B. No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement which would limit or alter the functioning of the BMP without the written approval of the municipality.

Article VIII. Enforcement and Penalties

§ 450-25. Public nuisance.

- A. The violation of any provision of this chapter is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

§ 450-26. Enforcement generally.

- A. Whenever the municipality finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the municipality may order compliance by written notice to the responsible person. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses and reporting;
 - (2) The elimination of prohibited connections or discharges;
 - (3) Cessation of any violating discharges, practices or operations;
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (5) Payment of a fine to cover administrative and remediation costs;
 - (6) The implementation of stormwater BMPs; and
 - (7) Operation and maintenance of stormwater BMPs.
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the municipality or designee, and the expense thereof shall be charged to the violator.
- C. Failure to comply within the time specified shall also subject such person to the penalty provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all other remedies available in law or equity.
- D. This chapter, or any part or portion thereof so designated by ordinance or resolution of the municipality, may be enforced by any entity or person duly authorized by ordinance or resolution of the municipality to enforce this chapter, including, without limitation, the performance of inspections, the issuance of notices of violation, and the issuance of citations.
[Added 5-22-2018 by Ord. No. 18-12]

§ 450-27. Suspension and revocation of permits and approvals.

- A. Any building, land development or other permit or approval issued by the municipality may be suspended or revoked by the municipality for:
- (1) Noncompliance with or failure to implement any provision of the permit;
 - (2) A violation of any provision of this chapter; or
 - (3) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
- B. A suspended permit or approval shall be reinstated by the municipality when:
- (1) The Municipal Engineer or designee has inspected and approved the corrections to the stormwater BMPs or the elimination of the hazard or nuisance; and/or
 - (2) The municipality is satisfied that the violation of the ordinance, law or rule and regulation has been corrected.
- C. A permit or approval which has been revoked by the municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this chapter.

§ 450-28. Violations and penalties.

- A. Any person convicted of a violation of any provision of this chapter by any Magisterial District Judge or court having jurisdiction of the case shall be subject to a fine of not more than \$1,000 and, on default of payment, up to 90 days' confinement in prison.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. In addition, the municipality, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

§ 450-29. 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 relevant judicial or administrative body according to law within the time period allowed.
- B. This chapter shall be effective on July 15, 2012, and shall remain in force until modified, amended or rescinded by the City of Jeannette, Westmoreland County, Pennsylvania.

Chapter 462. Streets and Sidewalks

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Sidewalk Snow and Ice Removal; Display of Merchandise

[Adopted 12-14-1954 by Ord. No. 54-21 (Article 735 of the 1977 Codification)]

§ 462-1. Removal of snow, ice and other hazardous substances.

[Added 11-29-1972 by Ord. No. 72-13]

- A. Responsibility for removal of snow and ice. The owner, occupant or tenant of every property fronting upon any street in the City is hereby required to remove or to cause to be removed from all of the sidewalks in front of or alongside of such property all snow or ice thereon fallen within 12 hours after the same has ceased to fall or to form.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. Responsibility for removal of certain substances. The owner, occupant or tenant of every property fronting upon any street in the City is hereby required to remove or to cause to be removed from all of the sidewalks in front of or alongside of such property any substance, other than snow or ice, that might impede, obstruct or render dangerous public travel upon such sidewalks within 24 hours after notice from the authorities of the City to remove the same.
- C. Responsibility of owners, occupants and tenants. The owner of a property shall be responsible for conforming to the requirements of Subsections **A** and **B** hereof where such property is occupied by such owner or is unoccupied or vacant or is a multiple-dwelling or multiple-business property designed for occupancy by more than one tenant. The tenant or occupant thereof shall be responsible in the case of a property occupied by such tenant or occupier only.
- D. City action. In any case where the owner, occupant or tenant fails, neglects or refuses to comply with any provision of Subsection **A** or **B** hereof within the time limit prescribed therein, the City

authorities may proceed immediately to clear all snow and/or ice or other substance from the sidewalk of such delinquent and, by the filing of liens and/or any other lawful means, to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under § **462-3**.

§ 462-2. Merchandise display.

- A. No person, firm or corporation shall display any goods, wares or merchandise of any kind or character on the sidewalks of the City unless such goods, wares or merchandise are at least 18 inches above the surface of the sidewalk and do not extend more than two feet beyond the building line onto the sidewalk.
- B. Nothing herein contained shall be construed to prohibit the use of the streets of the City by hucksters, milk dealers or other persons lawfully using the streets and sidewalks of the City for the sale and delivery of their wares.

§ 462-3. Violations and penalties.

[Added 11-29-1972 by Ord. No. 72-13; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. Any owner, occupant or tenant who fails to remove any snow, ice or other substance, as the case may be, as required by § **462-1** shall be punishable as set forth in Chapter **1**, Article **III**, General Penalty, of this Code. Such fine may be in addition to any expenses and additional amounts authorized by law and imposed in § **462-1D**.
- B. Any person, firm or corporation violating any provision of § **462-2** shall be fined not less than \$10 nor more than \$50.

Article II. Alley Paving Assessments

[Adopted 12-26-1963 by Ord. No. 63-15 (Article 913 of the 1977 Codification)]

§ 462-4. Amount based on front foot rule.

One-third of the cost of paving alleys within the City shall be assessed against properties and the owners of the properties abutting such alleys according to the front foot rule.

§ 462-5. Payment time; lien.

In case any assessments are not paid within five months from the completion of improvements, the City Solicitor is hereby authorized and directed either to file liens against the properties for the amount of assessment or, in his discretion, to enter an action of assumpsit against the owners of such properties on which assessments have not been paid.

Article III. Installation of Curbs and Cartways; Assessment of Costs for Improvements

[Adopted 7-12-1989 by Ord. No. 89-7]

§ 462-6. Owners assessed for costs.

When the unimproved streets are in an area that requires concrete curbing, the property owner will be assessed for the cost of concrete curbing and gutters and the City will undertake the paving of the cartway between established concrete curbing.

§ 462-7. Division of costs.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]

When the unimproved streets are in areas where wedge-type curbing is allowed, the overall cost of street improvements will be divided equally by the City and the adjoining property owners on the basis of 1/3 to the City and 1/3 to each property owner on each side of the street.

§ 462-8. Installation by property owners; grade.

When the property owners desire to install the concrete curb, the City Engineer shall set the grade of the street. The curb shall be installed under the direct personal supervision of the City Engineer.

§ 462-9. Applicability.

This article is intended to regulate only unimproved streets which are presently open and are presently part of the City road system.

§ 462-10. Excluded streets.

Any proposed street not currently open shall be excluded from the coverage of this article.

§ 462-11. Delinquent assessment payments; liens; action of assumpsit.

In the event any assessments are not paid within the calendar year following the improvements imposed herein (by December 31), the City Solicitor is hereby authorized and directed either to file a lien against the property for the amount of assessment or, at his discretion, to enter an action of assumpsit against the owner of such property on which assessment has not been paid in full.

Article IV. Basketball Hoops in Roadways

[Adopted 12-9-1998 by Ord. No. 98-13]

§ 462-12. Definitions.

The following definitions are hereby adopted for purposes of use and interpretation in this article:

BASKETBALL HOOP

A hoop, with or without a backboard, affixed to a pole, standard or any other device, whether temporary or permanent in nature, whose purpose is designed for use in the playing of basketball or other games related thereto.

PEDESTRIAN

A natural person of any age traveling on foot.

ROADWAY

That portion of a public highway improved, designed or ordinarily used for vehicular traffic.

SIDEWALK

That portion of a public street or right-of-way existing between the curblines and/or the lateral lines of a roadway and the exterior lines of the public street or right-of-way, either improved or unimproved, which is intended for use by pedestrians.

TRAFFICWAY/ALLEYWAY

The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or trafficway/alleyway, except devices used exclusively upon rails or tracks.

§ 462-13. Certain hoop locations specifically prohibited.

From the date of this article hereafter, no basketball hoop shall be erected within a City roadway, trafficway/alleyway or sidewalk, or upon a public utility pole.

§ 462-14. Hoops interfering with vehicles or pedestrians prohibited.

From the date of this article hereafter, no basketball hoop shall be erected or maintained that would interfere with the free movement of vehicular traffic or pedestrians upon a sidewalk or area designed or laid out to accommodate a sidewalk.

§ 462-15. Portable hoops prohibited in certain locations.

From the date of this article hereafter, no portable basketball poles and/or hoops shall be situated where same would cause play to take place on a roadway, trafficway/alley or sidewalk.^[1]

[1] *Editor's Note: Original Subsection 5, regarding the playing of any basketball or related game in a roadway, trafficway/alley or sidewalk, which immediately followed this section, was repealed 12-13-2006 by Ord. No. 06-07.*

§ 462-16. Notices of violation; summary citations.

Any person who maintains, constructs, erects or maintains any basketball hoop, whether fixed or portable, within any public roadway, trafficway/alleyway or sidewalk, or within the line of any municipal street or right-of-way therefor, shall be in violation of this article. Upon determination that such a violation has occurred, the Chief of Police of the City of Jeannette or any police officer designated to act thereunder shall give notice to the person responsible for the construction and/or maintenance of such basketball hoop that a violation of this article has occurred. Such notice shall provide said person a reasonable amount of time, not to exceed seven days, to correct the violation by removal of the basketball hoop and/or other structure to which it is affixed. If after the expiration of the time set forth in the aforesaid notice the violation still exists, a summary citation shall be issued and filed with a Magisterial District Judge having jurisdiction thereover, and such person responsible for the erection

and/or maintenance of the offending structure shall be guilty of a summary offense and subject to those fines and penalties set forth hereafter.^[1]

[1] *Editor's Note: Original Section 7, regarding penalties for playing basketball or related games in a roadway, trafficway/alley or sidewalk, which immediately followed this section, was repealed 12-13-2006 by Ord. No. 06-07.*

§ 462-17. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, firm or corporation found to be in violation of this article shall be subject to a summary citation and, upon conviction thereof before a Magisterial District Judge having jurisdiction over same, shall be subject to a fine of not more than \$1,000 and, in default thereof, shall be sentenced to a period of incarceration not to exceed 90 days.

Article V. Openings and Excavations

[Adopted 12-14-2016 by Ord. No. 16-09]

§ 462-18. Short title.

The short title of this article shall be and this article shall be hereinafter referred to as "The City of Jeannette Street Opening Ordinance."

§ 462-19. Definitions.

- A. The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

APPLICANT

Any person, corporation, partnership or business entity who makes application for a street opening permit.

CHIEF OF POLICE

The Chief of Police of the City of Jeannette or his authorized deputy or representative.

CITY

The City of Jeannette, County of Westmoreland, Commonwealth of Pennsylvania, acting through its Council and Mayor or other authorized representative.

CITY CLERK

The City Clerk or duly authorized deputy or representative.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

CITY ENGINEER

The Engineer of the City of Jeannette or his duly authorized representative.

CITY FOREMAN

The Foreman of the Street and Sanitation Crew of the City of Jeannette or his duly authorized representative.

DIRECTOR OF THE DEPARTMENT OF STREETS

The Council member of the City of Jeannette in charge of the Department of Streets or authorized deputy, representative or inspector.

EMERGENCY

Any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties and which calls for immediate action or remedy.

LANE

The distance from the curb to the center line of the roadway.

PENNDOT

The Commonwealth of Pennsylvania Department of Transportation.

PERMIT

A street opening permit issued to a permittee, which authorizes the permittee to engage in the opening of a street, alley or public right-of-way within the City of Jeannette, subject to the limitations of such permit and the terms of this article.

PERMITTEE

Any person, firm, association, partnership, corporation, public authority, public utility or any other entity who has been issued a street opening permit and has agreed to fulfill all the terms of this article.

PERSON

Includes any natural person, partnership, firm, association, public or private utility, corporation or authority created pursuant to an Act of the General Assembly. Whenever used in any section prescribing and imposing a penalty, the term "person," as applied to associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof.

SPOIL

Any and all waste materials, composition, concrete, asphalt, base or other fill or paving materials removed from the ground during the course of work performed under a street opening permit that it not intended for reuse at the excavation site.

STREET

Includes a public street, public easement, public right-of-way, public highway, public alley, public way, or public road accepted or maintained by the City, and shall include existing pavements, curbs, sidewalks and drainage structures.

- B. In this article, any reference in the singular shall also be deemed to include the plural, and references in the masculine shall be deemed to include the feminine and neutral terms.

§ 462-20. Street opening and paving permits.

A. Permit required.

- (1) Street opening permit. From and after the date of passage of this article, it shall be unlawful for any person or persons, firm, company, corporation or authority to cut, excavate or tear up any portion of any street, lane or alley of the City of Jeannette for any purpose whatsoever without first procuring a street opening permit from the City of Jeannette Department of Streets as same shall be issued through the City Clerk of the City of Jeannette.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]
- (2) Form and execution. Application for a street opening permit shall be in writing and on forms to be supplied by the City. Such form shall be completed, signed and verified by the person requesting such permit or, in the alternative, by a person duly authorized to act for and on behalf of a person, firm, corporation or authority for whose use and benefit the excavation or opening is to be made.

- (3) Emergency openings. Any person, utility, corporation, firm or authority maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances would pose a threat to the public health, safety and welfare and would demand that work be done immediately and that the permit could not reasonably and practically have been obtained beforehand. In the event an emergency opening occurs, the person, firm, company, corporation or authority making such excavation shall thereafter apply for a permit on the first regular business day upon which the City of Jeannette conducts business, and said permit shall be retroactive to the date that the work was commenced.
- (4) Applicability to state roads. To the extent possible, the provisions of this article shall apply to City streets and highways within the limits of the City of Jeannette over which the Commonwealth of Pennsylvania Department of Transportation exercises maintenance and/or control by virtue of the operation of statutes and regulations associated with same.

B. Permit fees.

- (1) Amount of fee. The charge or fee for street opening permits under this article shall be determined in accordance with the permit fee schedule duly ordained and adopted by the Council of the City of Jeannette and attached hereto as Exhibit A.^[1] The City Clerk or authorized agent shall, upon receipt of the properly completed application, determine the amount of the fee to be paid by the permittee. In the event the nature and extent of the work to be performed requires inspections, a reasonable permit fee shall be set by the City Engineer based upon the nature and extent of the work to be performed.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

[1] *Editor's Note: The permit fee schedule, as amended, is on file in the City's offices.*

- (2) Payment. The payment of any permit fee shall be made in certified funds to the Treasurer of the City of Jeannette at the time the permit is received. The permit fee may be paid in the form of cash, certified check, treasurer's check or cashier's check in the amount of such permit fee, made payable to the City of Jeannette.
 - (3) Deficient payments/violation of ordinance. If any payment made is less than sufficient to pay all fees and costs, the permittee shall, upon demand, pay to the City an amount equal to the deficiency. No permit shall be issued to the applicant until such time as the entire permit fee is paid. The failure to pay all or part of any permit fee shall be deemed a violation of this article and be subject to punishment as set forth hereafter. In addition, any person who causes a street opening permit to issue without the payment of all or a portion of such permit fee, or the posting of any bond or insurance certificate as hereafter required, shall likewise be deemed to be in violation of this article and subject to the penalties set forth herein.
 - (4) Inspection charges. In addition to the aforesaid permit fee, the City hereby establish and adopt that schedule of charges for inspections as may be incurred by the City in meeting the objectives and requirements of this article, a copy of such schedule being attached hereto as Exhibit B.^[2] The attached schedule shall be open to public inspection in the office of the City Clerk of the City of Jeannette and shall be made available upon demand.
- [2] *Editor's Note: Exhibit B is on file in the City's offices.*
- (5) Fees set by City Engineer. In the event the nature and scope of work requires the City Engineer to set a permit fee, the decision of the City Engineer as to the cost of work to be performed or repairs made under their direction pursuant to the provisions of this article shall be final and conclusive as to such cost.

C. Conditions and issuance of street opening permits.

- (1) Issuance by City Clerk. All street opening permits required in § 462-20A(1) of this article shall be issued by the City Clerk of the City of Jeannette or their deputy or authorized agent and shall be subject to those conditions set forth hereafter.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (2) Applicant responsible for all costs, expenses and fees. In addition to the payment of the permit fee set forth above, the applicant shall pay the cost and expense of all work, including the cost of labor, materials, equipment, engineering costs and inspection costs incurred by the City of Jeannette associated with the operation of this article.
- (3) Submission of bonds and plans of proposed improvements. As a condition to the issuance of the permit, the applicant shall file a bond in accordance with § **462-24B** of this article with the City Treasurer in an amount prescribed in such section, the form of which has been approved by the City Solicitor. The application for a street opening permit to excavate for the laying, relaying or repair of any gas and/or water mains, conduits or other such lines shall include a plan or sketch indicating the street proposed to be excavated and the location, kind and size of pipes to be laid, relayed or repaired. Plans and specifications for new mains and conduits shall be subject to the review and approval of the City Engineer at the time application for a permit is made. No plan shall be approved nor will backfill be authorized to proceed unless all lines have a minimum of two feet of cover for main lines and 18 inches of cover for customer service lines as measured from the top of the pipes or conduit to the subgrade of the paved or to be improved street. On all other streets, the amount of cover to be provided will be subject to approval by the City Engineer.
- (4) Approval by City Engineer. If the application for permit involves the excavation for the purpose of laying sanitary or storm sewer laterals, the applicant, or person duly authorized to act upon their or its behalf, shall first secure approval of same by the City Engineer and the Municipal Authority of the Westmoreland County, as the case may be.
- (5) Work to commence. Work for which a street opening permit has been issued shall commence within 10 days following the issuance of such permit. If not commenced within the ten-day time period, the permit shall automatically terminate. Permits thus terminated may be renewed upon the payment of an additional permit fee in an amount equal to the original permit fee required.
- (6) Completion of work within required time periods/extensions. Every permit shall contain a statement of the time period upon which the work is anticipated to be completed, and the street opening permit shall expire on the completion date. If the permittee is unable to complete the work described in such permit within the specified time, the permittee shall, prior to expiration of the permit, present a written request for an extension of time setting forth the reasons for the requested extension to the City Clerk. If in the opinion of the City Clerk such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (7) Revocation of permit/notice of violation/no notice for failure to obtain permit.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (a) Any permit may be revoked at any time by the City Clerk, after notice to the permittee, for:
 - [1] Violation of any condition of the permit or of any provision of this article;
 - [2] Violation of any provision of any other applicable ordinance or law relating to the work; and/or
 - [3] The existence of any condition or the doing of any act constituting or creating a nuisance, endangering the lives or property of others or otherwise creating a threat to the public health, safety and well-being.

- (b) With the exception of violations for failure to obtain a street opening permit where no such notice shall be given, a permittee may, at the sole discretion of the City Clerk, be granted a period of three days from the date of the notice of violation to correct the violation and to proceed with the diligent completion of the work originally authorized by the permit. Written notice of such violation containing an explanation of the nature and extent of the violation shall be served upon the permittee or their representative or agent engaged in the work at the site of same. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Such notice may be given either by personal delivery to the person or agent of the permittee engaged in the work at the site or, by certified or registered United States Mail addressed to the permittee. When any permit has been revoked and the work authorized by the permit has not been completed, the City may, at its discretion, elect to do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. In the event of such election, all expenses incurred by the City of Jeannette shall be recovered from the permittee, or their surety set forth hereafter, or other party who may be responsible for making such repairs, as the case may be.
- (8) Recordkeeping by City. The City Clerk, their deputy or authorized agent, shall keep a record of the permit application, the date of issuing such permit and of the place, character and extent of the excavation to be performed. Upon issuing any permit, the City Clerk shall forthwith notify the City Foreman, the Police Chief, the Fire Chief and any other appropriate emergency service provider of the place, character and extent of the proposed excavations.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]
- (9) Opening pavement less than five years old/additional fees. No permit shall be issued by the City Clerk which would allow an excavation or opening to be cut in a pavement less than five years old unless the applicant can clearly demonstrate that public health or safety require that the contemplated work be permitted or unless an emergency condition exists. If by special action of the City Clerk a permit is issued to a person to open any pavement less than five years old, an additional charge or penalty will be made for such opening; provided, however, that no such charge or penalty will be assessed in the event it is determined that the work is of an emergency nature. The additional charge or penalty shall be assessed in accordance with the schedule of permit fees attached hereto.^[3]
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]
^[3] *Editor's Note: The schedule of fees is on file in the City's offices.*

§ 462-21. Regulations governing work.

A. Limits of work.

- (1) Size of openings. When excavating in any street, lane or alley for the purpose of laying, relaying, taking up or repairing any gas, water, sewer or other pipes, mains or conduits, not more than 100 feet lineal measure or more than one City block shall be opened at one time.
- (2) Timely repair of openings. All streets, lanes and alleys excavated or torn up for the purpose of laying, relaying, taking up or repairing any water, sewer, gas, conduit or other pipes and appurtenances, and all test holes relating thereto, shall be immediately properly backfilled in accordance with the terms and conditions of this article.
- (3) Tunneling under streets. Tunneling under paved streets is prohibited unless specially authorized in the permit issued by the City Clerk. The foregoing notwithstanding, however, service lines, casings or conduits may be jacked or driven between openings, provided the permittee meets the following requirements:
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]
- (a) The permittee has submitted a detailed plan for review by the City Engineer, providing information as to how such jacking or driving operation is to be performed;

- (b) The City Engineer approves such plan and such plan becomes part of the applicant's permit; and
 - (c) The permittee agrees to assume full responsibility for damage to existing underground facilities and agrees to defend and hold the City of Jeannette harmless thereupon.
- (4) Display of permit at site. Every person making or supervising any excavation shall keep the street opening permit at the excavation site and exhibit same to any policemen or any other authorized representative of the City upon request. It shall be the duty of any such officer to report to the City Clerk the name of any person, firm, company, corporation or authority manning any excavation without such permit or who is violating or who has violated any of the provisions of this article. Upon receiving a report that a person or entity has made a street opening provided for in this article without obtaining such permit, the City Clerk or duly designated deputy or agent shall immediately issue a citation for violation of this article and shall cause the work to be stopped until such time that a permit under this article is obtained.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (5) Identification of person performing work. During the progress of any work taking place under this article, a sign shall be maintained at the excavation site, bearing the name of the public utility or contractor actually performing the work.
- (6) Daily work stoppages. During the course of any given day within which work under this article is being performed, the permittee, its agent and/or the contractor performing such work shall engage in daily work stoppages. Daily stoppage of work shall occur as follows:
- (a) Except for emergency repairs of utility facilities, work within the pavement or shoulder shall be stopped prior to peak traffic hours that may exist on a particular highway on a particular day and as specified in the permit;
 - (b) At the end of each workday, an opening in the right-of-way shall be closed in one of the following manners:
 - [1] By covering such opening with steel plates or bridging which are less than six feet in either length or width. The plates or bridging shall be extended a minimum of 18 inches from each edge of the opening and shall be secured in a safe manner.
 - [2] Such opening may be backfilled consistent with the terms of this article to the bottom elevation of the pavement or base course, or to the original surface elevation if outside the pavement and shoulder; provided, however, that said openings have the required protection under § **462-22D**, Work zone traffic control, of this article and an approved traffic control plan until the surface is restored to its former condition.
 - [3] At all times the permittee shall protect and secure its openings to provide for the safety of the travelling public, including motorists, bicyclists and pedestrians.
- (7) Storage of excavation materials. Materials either removed from the excavation site, including spoil, or materials used in conjunction with the work shall be the responsibility of the permittee and shall be disposed of as follows:
- (a) The permittee shall keep the improved area free of material which may be deposited by vehicles travelling upon or entering onto the highway during the performance of work authorized by the permit.
 - (b) The permittee is responsible for controlling dust conditions created by its own operations.
 - (c) Excess material, spoil and material that is not suitable for backfill shall be promptly removed and properly disposed of outside the right-of-way as the work progresses.

- (d) Other materials shall be stored so that there is no interference with the flow of highway traffic or drainage.
- (e) The permittee shall not close any portion of the pavement or shoulder to vehicular or pedestrian traffic for the primary purpose of storing material. If the permittee stores material on a sidewalk, pavement or shoulder, the permittee thereby acknowledges its obligation and commitment to repair or reconstruct the pavement and the shoulder, if damaged, to its former condition in a manner approved by the City Engineer. Under no circumstances shall delivered materials be stored overnight on the pavement.
- (f) In the event materials are stored on a sidewalk, the shoulder or pavement, the City Engineer may authorize the permittee to restore the sidewalk, pavement or shoulder from superficial surface damage by using a seal coat or service treatment.

B. Restoration of openings.

(1) Backfilling. An opening shall be backfilled by the permittee in accordance with the following:

- (a) The opening may first be backfilled with fine aggregate material or granular material to protect the facility, placed to a height not to exceed one foot over the top of the facility. If the material is compacted in not more than four-inch loose layers or as authorized by the City Engineer. To help protect its facility from future excavations, the permittee is encouraged to place a permanent, colored ribbon at least one foot above its facility. If the facility is nonmetallic, the permittee is also encouraged to place a metallic ribbon at a depth from which the ribbon can be sensed by typical metal-locating instruments.
- (b) The opening shall then be backfilled with select granular material, unless retained suitable material is authorized by the City Engineer, or other coarse aggregate material that may be specified in the permit. All backfilling shall be in compliance with the backfilling design drawing prepared by the City Engineer and attached hereto as Exhibit C unless otherwise specified by the City Engineer.^[1] Select granular material or other aggregate material will be required for use as backfill of openings in pavements, paved shoulders and improved (i.e., oil and chip) shoulders as well as unimproved (i.e., stabilized or earth surface) shoulders within three feet of the edge of the pavement. Retained suitable material will normally be authorized for use as backfill of openings outside shoulders and in unimproved shoulders more than three feet outside the edge of pavement and up to within three feet of the surface.

[1] *Editor's Note: Standard drawings for street and sidewalk construction, including Exhibit C, are on file in City Hall.*

(c) Backfill shall be compacted as follows:

- [1] General rule. Except as provided in Subsection **B(1)(c)[2]**, material shall be placed in loose layers not to exceed eight inches if vibratory compaction equipment is used or as authorized by the City Engineer. Each layer shall be thoroughly compacted to preclude subsidence.
- [2] Compaction outside pavement and shoulders. At least 15 days prior to the start of work, the applicant may submit its written compaction plan to the City Engineer, requesting backfill in an opening outside the pavement and shoulder to be placed in layers thicker than eight inches prior to compaction.
- [3] The compaction plan shall include full details on equipment, materials and work methods as well as the permittee's acknowledgment of its obligation and commitment to regularly monitor the restored surface until two years after the acknowledged completion of the permitted work and to promptly correct failure or subsidence of the highway. The City Engineer may condition approval of a

compaction plan on the execution of a bond, if a part of the opening is within the approved area.

- [4] Existing pavement elevation. Compaction shall be completed to the bottom elevation of the existing pavement.
- (d) The City Engineer may require the permittee to have material proposed for use as backfill and compacted material tested, at the expense of the permittee, for conformance to applicable gradation and compaction requirements.
- (e) Openings in the pavement or shoulder that are made as the result of emergency work may be immediately backfilled with excavated material that is treated with a recognized chemical soil stabilizer at a minimum rate of 100 pounds stabilizer per cubic yard of backfill, if the stabilized backfill is compacted under Subsection **B(1)(c)** above.
- (f) Test holes shall be backfilled as soon as safely possible with existing type material or other material authorized by the City Engineer and sealed under this article. The City Engineer may authorize test holes in the pavement or shoulder to be restored without a one-foot cutback of the surrounding surface.
- (2) Restoration of brick or unique surfaces. In the event the scope of work calls for excavation of a brick, cobblestone or other unique surface, then backfilling and the restoration of that surface shall be accomplished as follows:
- (a) At the time of application for a permit, the permittee shall submit a restoration plan for approval by the City Engineer;
- (b) Restoration of the surface shall be accomplished by the reuse of as much of the existing brick, cobblestone or original surface material as possible;
- (c) The restoration plan shall include the manner in which subsurface restoration and backfilling shall occur;
- (d) The City Engineer shall review the restoration plan prior to the issuance of the street opening permit and may modify the proposed restoration plan to ensure that the surface is properly restored;
- (e) No permit shall be issued for opening a brick, cobblestone or other unique surface without the prior approval of the applicant's restoration plan by the City Engineer.
- (3) Restoration of flexible base pavements. Base and surface restoration of flexible base pavements shall be performed under this subsection and as specified in the permit. Prior to replacement of the base course, one foot outside of each edge of the opening shall be sawed, in a neat straight line, to the top elevation of the existing aggregate subbase or stone base course, and the detached material shall be removed. Other surface opening methods, such as cutting, may be authorized if the methods result in the opened pavement having a neat straight vertical line.
- (a) Exposed vertical and horizontal surfaces shall be prepared under § 401.3(f) of PennDOT Publication No. 408.
- (b) The base course shall consist of bituminous concrete meeting the requirements of Section 305 of PennDOT Publication 408 or other base course material authorized by the City Engineer. The base course material shall have a minimum depth of five inches or a depth equal to the existing base course, whichever is greater.
- (c) If required, the binder course shall consist of ID-2 material meeting the requirements of Section 421 of PennDOT Publication 408. The binder course shall have a minimum

depth of two inches or a depth equal to the existing binder course, whichever is greater.

- (d) The wearing course shall consist of ID-2 material meeting the requirements of Section 420 of PennDOT Publication 408 or FJ-1 material meeting the requirements of Section 422 of PennDOT Publication 408. The wearing course shall have a minimum depth of 1 1/2 inch ID-2, or 1 inch FJ-1, or a depth equal to the existing wearing course, whichever is greater.
- (4) Restoration of plain or reinforced cement concrete pavements. Base and surface restoration of plain or reinforced cement concrete pavements shall be performed under this subsection and as specified in the permit. Drilling is not permitted where sawing or cutting is required.
 - (a) Prior to replacement of the pavement, one foot outside of each edge of the opening shall be sawed the full depth of pavement in a neat straight line. The detached material shall be removed without damaging the adjacent pavement. The use of a pavement breaker is prohibited. The permittee may partially saw cut the pavement to a depth of at least three inches and cut the remaining pavement with a jackhammer weighing no more than 90 pounds, if:
 - [1] The restored opening does not exceed six feet in either length or width.
 - [2] The restored opening is at least two feet from a pavement edge or joint.
 - [3] The highway average daily traffic (ADT) does not exceed 5,000 vehicles per 24-hour period.
 - (b) The replacement pavement shall consist of high early strength concrete equal in depth to the original concrete pavement or to a depth of eight inches, whichever is greater.
 - (c) On existing reinforced cement concrete pavements that are opened for more than six feet in either length or width, reinforcing steel, expansion tie bolts and load-transfer devices shall be placed in accordance with PennDOT Roadway Construction Standard RC-26 (relating to concrete pavement maintenance).
 - (d) The permittee may be required to restore the structural integrity of a damaged cement concrete pavement by:
 - [1] Replacing the opened pavement transversely the full lane width.
 - [2] Replacing the opened pavement longitudinally to a transverse joint or opening within six linear feet of the opening.
 - (e) The surface shall be restored as follows:
 - [1] After surface corrections have been completed and before the concrete becomes nonplastic, the surface shall be given a textured finish that matches the existing adjacent surface. The surface shall be cured under Section 501.3(k) of PennDOT Publication 408.
 - [2] Restoration of the binder and wearing courses of a cement concrete pavement which has a bituminous surface shall be done under Subsection **B(3)**, Restoration of flexible base pavements.
- (5) Shoulder restoration. Shoulder restoration shall be performed under this subsection and as specified in the permit.
 - (a) Paved shoulders. Paved shoulders shall be reconstructed and restored to a serviceable condition of the same type as existed before the start of work, under Section 651, 653,

654, 656, 657 or 658 of PennDOT Publication 408 and PennDOT Roadway Construction Standard RC-25.

- (b) Other shoulders. Other shoulders shall be restored as follows:
 - [1] The surface shall be restored with at least two inches of select granular material or as authorized by the City Engineer.
 - [2] If the length of the open shoulder exceeds 100 linear feet, the shoulder shall be graded, rolled and, unless excused, penetrated with bituminous material specified in Section 461 of PennDOT Publication 408 at a minimum rate of 0.20 gallon per square yard and chipped or lightly sanded to prevent tracking of oil onto the pavement.
 - (c) Outside existing shoulder. If the disturbed area extends outside the existing shoulder, the disturbed area outside the restored shoulder shall be properly graded, and a ditch line shall be constructed wherever necessary to maintain highway drainage.
- (6) Temporary pavement restoration. Permanent restoration of a pavement or paved shoulder shall be required immediately upon completion of the work specified in the permit. However, temporary restoration of a pavement or paved shoulder may be permitted by the City Engineer prior to permanent restoration under and subject to the following:
- (a) The base shall consist of compacted select granular material with a surface of two-inch bituminous material. If the existing pavement structure includes a course of subbase material, it shall be replaced to a depth equal to the existing course depth with material meeting the requirements of Section 350.2 of PennDOT Publication 408.
 - (b) Temporary pavement restoration shall be completed before traffic is allowed to travel on the disturbed area. The temporary pavement may be kept in place for up to six months or as specified in the permit, if it is properly maintained.
 - (c) The temporary pavement shall be removed and permanent restoration performed under Subsection **B(3), (4) or (5)**.
- (7) Historic District sidewalks. Notwithstanding anything to the contrary herein, sidewalks, including, without limitation, cement concrete sidewalks and driveway aprons and curbs, located in the City of Jeannette local historic district designated by the City of Jeannette in Ordinance 19-01^[2] shall be replaced in accordance with the following rules and specifications: [Added 1-10-2019 by Ord. No. 19-02]
- (a) Sidewalks and driveway aprons shall be replaced as follows:
 - [1] Materials:
 - [a] Concrete. Class AA concrete shall contain cement, coarse aggregate, and fine aggregate with a minimum of 3,500 pounds compressive strength per square inch at 28 days with fiber mesh or wire reinforcement.
 - [b] Water. Water shall be clean and free from salt, oil or organic substances. Water from local rivers, creeks or ditches shall not be used.
 - [c] Grassy pavers, asphalt, gravel or brick are unacceptable and shall not be used when replacing a new sidewalk or replacing a damaged sidewalk fronting Clay Avenue.
 - [d] Aggregate base 2A stone shall be used.
 - [e] Pre-molded expansion joint filler shall be used.

- [f] Two coats of concrete curing compound shall be applied.
 - [g] Curing and protective covers. For water cure, the concrete surface shall be kept wet. Covers of either burlap-backed white polyethylene sheeting or double thick of burlap shall be used.
- [2] Construction methods.
- [a] Subgrade preparation.
 - [i] The subgrade for sidewalks and driveways shall be excavated at a depth of 10 inches below and parallel with the finished surface of the sidewalk. The subgrade shall be thoroughly compacted by rolling or tamping before placing any stone base or concrete to 95% compaction.
 - [ii] Where tree roots are encountered, they shall be removed to a depth of one foot for the full width of the walk.
 - [iii] All soft and spongy places shall be removed and all depressions filled with 2A stone, which shall be thoroughly compacted in layers not exceeding six inches in thickness.
 - [b] Where existing sidewalks or driveway aprons are to be removed, they shall be removed for their entire depth and disposed of in a satisfactory manner.
- [3] Protection of subgrade. In no case shall sidewalk and driveway apron be placed on frozen or muddy subgrade. Frost crystals or mud caused by freezing and thawing shall be removed and replaced with suitable material at the permittee's expense or allowed to dry before placing sidewalk and driveway apron. If ruts are formed in the prepared subgrade, the subgrade shall be scarified and thoroughly compacted.
- [4] Grading of subgrade. Areas shall be uniformly graded within limits of grading. Finished surfaces shall be smoothed plus or minus 1/4 inch.
- [5] Subbase of sidewalk.
- [a] Aggregate consisting of 2A crushed stone shall be furnished.
 - [b] Subbase material shall not be placed on soft, muddy or frozen areas and not until irregularities in the prepared areas, including soft areas, have been corrected. Satisfactorily correct, by scarifying, reshaping and recompacting or by replacement, as required, unstable subbase conditions, including soft foundation areas which develop ahead of the base.
 - [c] String lines and straight edge shall be furnished and used to control the finished elevation and depth of the proposed subbase.
 - [d] Subbase beyond the edge of the sidewalk shall be completed.
 - [e] Spread material shall be compacted by means of approved equipment, such as a vibratory plate compactor, jumping jack compactor or BOMAG vibratory roller.
 - [f] The finished subbase depth shall be determined by cutting or digging holes to the full depth of the completed subbase.
- [6] Dimensions of sidewalk.
- [a] Sidewalk slabs shall have an area of not more than 16 square feet, five feet wide by five feet long, and the length of the slab shall be equal to the width;

providing, however, that where sidewalks are to be repaired the size of the slab replaced shall be of the same dimensions as those remaining in the old walk.

- [b] The minimum thickness of a sidewalk shall be four inches, except where it is crossed by a driveway, and then it shall be a minimum of six inches.
- [7] Alignment and grades. Sidewalks shall be constructed in conformance to the lines and grades shown on the standard drawing attached to this specification. Sidewalks shall have a uniform slope toward the curb of not less than 1/4 inch per foot. Refer to standard drawing.^[3]
 - [3] *Editor's Note: Standard drawings for street and sidewalk construction are on file in City Hall.*
- [8] Drainage. Any work or activities undertaken which change, alter or increase drainage from the property shall only be undertaken in compliance with the City ordinances which regulate stormwater and such drainage.
- [9] Forms. Forms used in construction of sidewalks shall be of wood or metal for full depth of the concrete, straight, free from warp, and of sufficient strength not to buckle under weight of wet concrete. They shall be staked securely enough to resist the pressure of the concrete without springing. If wood, they shall be nominal two-inch planks surfaced on the inside and the top; if of metal, they shall be thoroughly cleaned and oiled before concrete is placed against them. Forms that are worn, bent or damaged shall not be used. All work forms shall be thoroughly cleaned before being reused.
- [10] Placing concrete. No concrete shall be placed until the forms and subbase have been approved by the City Engineer. The subbase shall be thoroughly wetted, and the concrete shall be placed thereon in one course to the required depth.
- [11] Joints.
 - [a] Contraction joints shall be provided uniformly to separate the slab and shall be tooled in a straight line to a depth equal to at least 1/4 of the total slab thickness. The joint shall be not less than 1/8 inch nor more than 1/4 foot in width.
 - [b] A 1/2-inch pre-molded expansion joint filled with joint filler shall be placed between all sidewalks and adjoining backs of curbs and between the intersection of two sidewalks and between all sidewalks and driveways. Sidewalks constructed adjacent to buildings shall be separated from the building with a similar joint. The maximum distance between transverse expansion joints shall be 50 feet. The joint filler shall extend the full depth of the concrete and shall be 1/4 inch below the finished surface of the sidewalk.
- [12] Finishing. After the freshly-poured concrete has been brought to the established grade, it shall be floated with a wooden float to produce a surface free from irregularities. The final surface shall be obtained by troweling with a steel trowel or hand float and brushing lightly with a lightweight brush in a transverse direction so as to produce a uniform gritty surface of the proper texture. All edges and joints shall be rounded to 1/4 inch. Other finishes, such as a magnesium trowel finish, are acceptable. Some finishes will need approval, such as exposed aggregate finish, colored concrete finish, stained concrete finish or stamped concrete finish.
- [13] Cold weather pouring.
 - [a] Concreting operations shall not be undertaken or continued when the surrounding air temperature is below 40° F. or the local weather reports indicate the possibility of temperatures of 32° F. or lower within the ensuing 24 hours,

unless provisions are made to insulate or heat the concrete in a manner satisfactory to the City's authorized representative. In any event, the permittee shall plan and protect his work in a manner which will assure satisfactory results. Any concrete damaged by freezing shall be removed and replaced.

- [b] Concrete when deposited in the forms shall have a temperature of not less than 50° F. nor more than 90° F. The concrete shall be maintained at a temperature of not less than 50° F. for a period of at least 72 hours in case of normal concrete, or 24 hours when high early cement is used. Concrete shall not be deposited on a frozen subgrade.

[14] Curing and protection.

- [a] Adjacent surfaces shall be protected from contact with concrete curing and sealing compounds.
- [b] Surfaces shall be prepared in accordance with manufacturer's instructions. Clean concrete surfaces of dirt, dust, debris, oil, grease, bond breaker residue, curing compounds, laitance, paint and other contaminants. which could adversely affect concrete curing and sealing compound adhesion.
- [c] Materials shall be mixed in accordance with manufacturer's instructions. Incorporating air into materials during mixing shall be avoided.
- [d] Concrete curing and sealing compounds shall be applied in accordance with manufacturer's instructions. Concrete curing and sealing compounds shall be uniformly applied at application rate in accordance with manufacturer's instructions.
- [e] New vertical concrete surfaces. Concrete curing and sealing compounds shall be applied immediately after form removal.
- [f] Sealing and dustproofing. Second application of concrete curing and sealing compounds shall be applied in accordance with manufacturer's instructions to provide sealing and dustproofing of concrete surfaces.
- [g] Concrete curing and sealing compounds shall not be applied:
 - [i] Where treated surfaces will be covered with concrete or plaster.
 - [ii] On concrete slabs with inadequately drained subgrade.
 - [iii] On surfaces subject to hydrostatic water pressure.
 - [iv] With other floor sealers, treatments, bond breakers, or adhesives without prior site test to determine compatibility and adhesion.
- [h] Applied concrete curing and sealing compounds shall be protected from damage during construction.

- [15] Removal of forms and backfilling. After the concrete has set sufficiently, the forms shall be removed, and the spaces on both sides shall be backfilled with suitable earth, uniformly spread and compacted. The areas between the curb and sidewalk, and immediately back of the sidewalk, shall be left in a smooth, neat and workmanlike condition.

- [16] Protection of concrete. Immediately after the forms have been removed, traffic shall be excluded from crossing the concrete for a period of approximately seven days by erection and maintenance of suitable barricades. The permittee shall be responsible

for any damage resulting from traffic within the seven-day period, and he shall remove and replace any concrete damage as directed by the City's authorized representative.

[17] Removal of defective work. The City Engineer shall have the authority to and shall require the removal of any sidewalk or portion thereof laid under these specifications which does not conform to the requirements as set forth herein. Upon notification in writing by the City Engineer, the permittee shall take immediate action to correct the faulty work.

[18] Cleaning site. Prior to the acceptance of the work, all surplus and rejected material and unsightly objects, such as stones, stumps, limbs, roots, concrete, etc., shall be removed from the site and not be considered complete until all cleaning up has been done and the site is of a neat appearance with appropriate seeding, fertilizer, etc.

(b) Curbs shall be replaced as follows:

[1] Subgrade. The subgrade shall be excavated to the required depth (26 inches) below the finished surface in accordance with the plans, to the lines and grades established by the City Engineer. All soft and yielding material or other unsuitable material shall be removed and replaced with 2A stone; the subgrade shall be compacted thoroughly and finished to a firm, smooth surface. No curb shall be poured until the subgrade is approved by the City Engineer.

[2] Protection of subgrade. In no case shall curb be placed on frozen or muddy subgrade. Frost crystals or mud caused by freezing and thawing shall be removed and replaced with suitable material or allowed to dry before placing any curb. If ruts are formed in the prepared subgrade, the subgrade shall be scarified and thoroughly compacted.

[3] Forms. The forms shall be a metal of the necessary dimensions to construct the curb specified in the plans. Wood forms may be used where conditions make the use of metal forms impractical. The forms shall be set true to the line and grade established by the City Engineer and held rigidly in position so as to prevent leakage of mortar and springing out of line when the concrete is placed in them. The forms shall be true in line, free from warping or bending.

[4] Placing of concrete.

[a] The subgrade shall be moistened, and the concrete shall be placed in the forms and tamped sufficiently to bring the mortar to the surface, after which it shall be finished smooth and even by means of a float.

[b] The curb shall be constructed in place in uniform sections 10 feet in length, saw cut to a depth of two inches and have a width of 3/16 of an inch. Expansion joints of suitable material shall be provided at the points designated on the plans.

[5] Finishing.

[a] The edge of the curb shall be finished with an approved edging tool of 1/2-inch radius. Joints shall be similarly finished immediately after the templates have been removed.

[b] The front forms shall be left in place until the concrete has set sufficiently so that they can be removed without injury to the curbing. Upon the removal of the front forms, the concrete shall be rubbed down to a smooth and uniform finish, but no plastering will be allowed.

[c] No more concrete shall be laid than can be properly finished and covered during the daylight.

[6] Removing forms. Rear forms shall not be removed from freshly placed concrete until it has set for at least 12 hours. They shall be carefully removed and in such a manner as to prevent damage to the edges of the concrete.

[2] *Editor's Note: See Ch. 311, Historic District, of the Code.*

(8) Appurtenances to underground installations. Requirements relating to appurtenances to underground installations shall include:

(a) The top of every manhole, valve box or other access to the facility shall be at the same elevation as the surface in which it is located.

(b) The surface surrounding manhole covers located in paved shoulders shall be paved with four-inch bituminous concrete base course a distance of at least one foot around the structure to prevent washouts.

(c) A manhole, including those cast-in-place, shall be constructed in compliance with current industry standards and Section 713.2(c) of PennDOT Publication 408.

(9) Additional restoration. Additional restoration shall be required as follows:

(a) Disturbed portions of the highway, including, but not limited to, slopes and appurtenances and structures such as guide rails, curbs, signs, markings, drain pipes, driveways and vegetation shall be restored by the permittee to a condition at least equal to that which existed before the start of work authorized by the permit, if the restoration is consistent with the Roadway Construction Standards set forth herein. Additional restoration may also be required, upon written notification, to restore the structural integrity of the pavement or shoulder.

(b) If the permittee opens pavement having a bituminous concrete surface and the wearing course for such road surface is less than five years old, the permittee shall, in addition to the restoration conditions outlined in the permit and in this section, overlay the pavement in accordance with the following conditions:

[1] When a longitudinal opening longer than 100 linear feet has been made in the pavement, the permittee shall overlay the lanes in which the opening was made for the entire length of highway that was opened in a manner authorized by the City Engineer.

[2] When two or more transverse openings have been made within 100 linear feet of pavement, the permittee shall overlay lanes in which the openings were made for the entire length of highway between the openings in a manner authorized by the City Engineer.

[3] When four or more emergency openings have been made by the same permittee within 100 linear feet of pavement, the permittee shall overlay lanes in which the openings were made for the entire length of highway between the openings in a manner authorized by the City Engineer.

[4] If disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lane shall be saw cut or milled to a depth of 1 1/2 inch or the depth of the existing surface course, whichever is less, for the length of the opening to ensure a smooth joint, with proper elevation and cross section. A full-width overlay may be authorized on various highways instead of saw cutting or milling the disturbed lane.

- [5] If disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised with material and in a manner authorized by the City Engineer for the type of existing shoulder, so that the overlaid pavement and shoulder edges are at the same elevation.
- (c) Regardless of the age of the wearing course:
- [1] If more than 100 linear feet of longitudinal or transverse openings, or both, are made in the pavement, the City Engineer may require the permittee to overlay lanes in which the openings were made for the entire length of highway that was opened, if the City Engineer determines that the rideability or structural integrity of the pavement has been impaired by the openings.
- [2] If four or more openings are made by the same permittee within 100 linear feet of pavement, the City Engineer may require the permittee to restore the entire disturbed pavement between the openings by milling, planing or other authorized method and overlaying the entire disturbed pavement.
- (d) Aggregate used in a bituminous overlay wearing course shall comply with skid resistance level (SRL) criteria specified in PennDOT Design Manual, Part 2, Chapter 11.
- (e) If an opening is made in a bituminous concrete pavement within three feet from the edge of pavement or other longitudinal joint or opening, the surface restoration shall be extended to the edge of pavement or other longitudinal joint or opening.
- (f) At each end of an overlay, the permittee shall install a paving notch, under PennDOT Roadway Construction Standard RC-28, by milling, planing or other authorized method, and provide a minimum ten-foot transition.
- (g) The transition areas at each end of an overlay shall follow the contour of the surrounding surface.
- (h) When pavement markings on more than 100 linear feet of highway are covered or destroyed by the permitted work, including overlays, they shall be replaced with temporary pavement markings, under 67 Pa. Code § 203.72 (relating to temporary pavement markings) before opening the disturbed pavement to traffic. When the pavement surface is restored, pavement markings that were covered or destroyed shall be replaced in their former location.
- (10) Sealing. Restored openings in the pavement or paved shoulder shall be sealed under Section 401.3(j)(3) of Publication 408 in the case of bituminous concrete or Section 501.3(n) of PennDOT Publication 408 in the case of cement concrete.
- (11) Multiple openings by more than one permittee. In the event more than one utility company, permittee or contractor is excavating separately, and any portion of those excavations or patches resulting therefrom are within 100 feet of one another, then the road surface between such patches shall be milled and repaved under the direction of the City Engineer, with the costs of same prorated among the utility companies or permittees performing such excavation work.
- (12) Notice to commence backfilling. The permittee shall notify the City Foreman of their intentions to backfill at least 24 hours in advance of starting. The City Foreman shall be present during the backfilling operation and the pouring of any concrete slab or surface course. Failure to provide such notice or the failure of the permittee to have the backfilling and pouring of the concrete slab or permanent surface performed under the supervision of the City Foreman is a violation of this article, subject to the penalties prescribed herein. In addition, the failure to provide such notice and to obtain the supervision of the City Foreman may result in the removal of the backfill and slab and the performance of such work done over to the

satisfaction of the City Foreman. In the event it is necessary to remove and replace the improperly installed surface or backfill, all other street opening permits for such permittee shall be immediately suspended, and no further permits shall be issued to such permittee until the backfilling and permanent surface restoration work has been properly completed.

- (13) Settlement within five years of backfilling. Where an opening has been closed and a settlement occurs within five years from the date of the work, such settlement shall be considered to have been caused by faulty backfilling and shall constitute a violation of this article.

§ 462-22. Safety controls; street closings.

- A. Closings for general excavation/notice of closing. No portion of any street, lane or alley shall be or remain impassable for vehicular or pedestrian traffic by reason of any excavation for more than one week from the beginning of any work on same. The permittee shall notify the City of Jeannette Fire Department, Police Department, Street Department and Jeannette emergency management services of such closing at least 48 hours in advance of such proposed closing. Any extension of the street closing time without penalty must first be approved by the City Clerk or authorized deputy or representative.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. Closing for repairing mains, conduits, etc.; notice of closing. No portion of any street, lane or alley shall be or remain impassable for vehicular or pedestrian traffic by reason of any excavation for repairing mains, conduits or other pipes or appurtenances, or for laying or relaying new house connections for more than two days from the beginning of any work on same unless such approval is set forth in the street opening permit. The permittee shall notify the Jeannette Fire Department, Police Department, Street Department and Jeannette EMS at least 48 hours in advance of such proposed street closing. Any extension of the street closing time without penalty must first be approved by the City Clerk or authorized representative.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. Closings affecting intersections. No intersection of the streets, lanes or alleys of the City shall be or remain impassable for vehicular or pedestrian traffic for more than five hours during the work upon any excavation mentioned in this article. The permittee shall notify the Jeannette Fire Department, Police Department, Street Department and Jeannette EMS at least 48 hours in advance of such proposed street closing. Any extension of the street closing time mentioned in this article without penalty must first be approved by the Chief of Police, his deputy or authorized representative.
- D. Work zone traffic controls. Traffic in the work area subject to the street opening permit shall be controlled consistent with the general terms, conditions, requirements and provisions of 67 Pa. Code Chapter 212, Subchapter E, relating to work zone traffic controls, and meet the approval of the Chief of Police. The failure to employ work zone traffic controls consistent with 67 Pa. Code Chapter 212, Subchapter E or obtain approval of same by the Chief of Police shall be a violation of this article and subject to punishment hereunder.
- E. Storage of material on roadways. Material or spoil removed from excavations should be placed so as to occupy a minimum width of roadway. At street intersections, all spoils should be hauled away if possible, and any surplus not later needed shall be removed from the work site immediately. When excavation takes place in an outer lane, the permittee shall confine excavation and spoil within the outer lane by use of bin construction or toe boards so as to prevent spoil from spreading into and blocking another traffic lane. The permittee shall also provide a guardrail on the traffic side of any trench. When excavation is in the curb lane, the spoil shall be placed on the curb side after first covering any gutter to permit free flow of drainage. Boxing of any spoil placed on the sidewalk is essential. Under those circumstances, a guardrail shall be placed on the traffic side of the trench as well.

- F. Closing full width of street/detours. In the event it becomes necessary to close any portion of a street for the full width of travel thereby excluding all traffic from the area, the permittee shall obtain approval at least 24 hours in advance of the closing from the Chief of Police and the permittee shall set up proper detours at the direction of the Chief of Police. Length of closing a street to all traffic shall be subject to the limits of time specified in § 462-21A, B and C above.

§ 462-23. Proposed street improvements; effect upon utilities.

- A. Utility repair or replacement as part of overall improvement project. In the event of an overall street improvement, the City Foreman shall give reasonable notice to all public utility companies operating in the City of the intention of the City to pave or improve a certain street and notify the utility company that they will have 30 days from the mailing date of such notice to lay, renew, repair or extend all underground facilities. The time for such laying, renewing, repair or extension of facilities may be extended upon written request to the City Engineer and the approval by the City Engineer of same. The extension or repair of service lines to a point outside the line of the proposed pavement is required to be available for structures which may be built on lots vacant as well as service lines to structures already in existence. The City may, after notice to all companies affected and in the event that an affected company fails or refuses to comply with such notice, refuse a future permit to such company to open the affected street except in the case of emergency openings to make repairs. At the time of the emergency opening, if an investigation by the City Engineer indicates that the existing condition of the pipes or conduits needing repairs is due to such company's failure to lay, renew, repair or extend its underground facilities, then same shall constitute a violation of this article and be subject to punishment hereunder.
- B. Enlargements or improvements to existing systems. In adopting this article, the City recognizes that, due to land use changes, certain enlargements or improvements of the underground systems may become necessary on both improved and unimproved streets. Proposed changes to existing underground systems or proposed new lines or conduits shall be submitted to the City Engineer for approval.
- C. Abandoned facilities or systems. Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street, or the use thereof, is abandoned, the person or company owning, using, controlling or having any interest therein shall notify the City Engineer in writing of the intent to abandon. Such notice shall give in detail the location, depth and size of the structure to be abandoned. If the facts warrant the removal of the abandoned structure, the person owning such structure shall be notified by the City Engineer, and such person shall remove such structure at their expense within a time period to be prescribed by the City Engineer. The failure to remove such structure within the time limitation imposed by the City Engineer shall constitute a violation of this article and be punishable hereunder.

§ 462-24. Liability insurance and bonding requirements.

- A. Certificate of insurance.
- (1) Worker's compensation and liability insurance required. Along with its application for a street opening permit, the applicant shall submit a certificate of insurance indicating that it carries worker's compensation insurance and is otherwise insured against claims for damages for personal injury and property loss which may arise from or out of the performance of the work, whether such performance is by the applicant, their subcontractor or any one directly or indirectly employed by the applicant. Such insurance shall include protection against liability arising from completed operations. The amount of coverage shall be prescribed by the City Engineer in accordance with the nature of the risks involved; provided, however, that the liability insurance for bodily injury in effect shall be in an amount not less than \$100,000 for each person and \$300,000 for each accident and for property damage in an amount not less

than \$50,000. The failure of the applicant to provide such certifications shall be grounds for denying any permit.

- (2) Annual insurance certificates for certain public entities. Local municipal authorities and public utilities who regularly perform work within the City may file with the Chief of Police, on or before the 15th day of January each year, a certificate of insurance providing the minimum coverages set forth above. The City shall accept such certificate as proof of coverage for all regular work performed by such authority or utility during the calendar year, provided the local municipal authority or public utility shall certify that such insurance shall be in place for the calendar year in which it is given. Nothing in this paragraph shall be deemed or construed to limit the ability of the City Engineer to require higher coverage limits if the scope of the work performed warrants same.

B. Bonds.

- (1) Bonds required.

- (a) Each applicant, at the time of issuance of a street opening permit, shall provide the City with the following bonds:

- [1] When the permittee is a franchised utility, a corporate continuing bond from year to year in a minimum amount of \$20,000; and

- [2] When the permittee is not a franchised utility or government agency, a cash bond in an amount to be determined by the City Engineer, said amount to be equivalent to the City Engineer's estimate of all costs, fees and expenses necessary for the performance of the work and in meeting compliance requirements with the provisions of this article.

- (b) The City Engineer may require a higher bond of a franchised utility in the event he determines that the scope of the work requires same.

- (2) Failure to perform/notice/execution on bonds by City. Whenever the City Clerk shall find that a permittee has failed to perform any term or condition of any permit, he shall give written notice of such failure to the permittee and to the surety of the bond posted. Such notice shall state the failure of performance, the work necessary to be done, the estimated cost thereof and the period of time deemed by the City Clerk to be reasonably necessary for the completion of such work and when such work shall recommence. In the event the nonperformance has not been cured within the time period set forth in such notice, then the City may perform such work at the expense of the permittee and surety and may execute upon the surety's bond to recover the costs and expenses of same. Any payment by the surety's bond shall not absolve the surety or the permittee from any further liability resulting from the permittee's failure to perform the work. If a cash bond has been posted, notice of nonperformance as provided above shall be given to the permittee and, if compliance is not had within the time specified, the City Clerk shall proceed without delay, and without further notice or proceedings whatsoever, to use the cash deposited, or any portion of such deposit, to cause the required work to be performed. In the event the cash deposit is insufficient to cover the costs of the completion of the work, the City may, at its option, pursue any remedy at law or in equity to collect the balance of completion costs from the permittee or any other person responsible for the work. In the event the balance of such cash deposit is sufficient to cover the cost of the completion of the work, any remaining balance shall be returned to the permittee, or to its successors or assigns, after deducting the cost of the work.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (3) Interference with work or work sites/penalties. No person shall interfere with or obstruct the ingress or egress to or from any such premises by an authorized representative or agent of any surety or of the City when engaged in completing the work required to be performed under the permit or in complying with the terms or conditions thereof. Any attempt by any

person or entity to interfere with or obstruct work performed under this article shall be in violation thereof and subject to those penalties set forth herein.

§ 462-25. Violations and penalties; fines and remedies.

- A. Fines. Whoever violates any of the provisions of this article shall be guilty of a summary offense and, upon conviction thereof, be subject to the payment of a fine of not more than \$1,000 together with any costs of suit. Each day that a violation continues shall constitute a separate summary offense. Failure to pay any fine imposed for a violation of this article shall result in the incarceration of the failing party for a period of not less than 90 days.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. All remedies cumulative. Any and all remedies set forth herein for violations of this article are cumulative. Nothing contained herein shall be deemed or construed to limit or restrict the ability of the City to pursue any action, act law or in equity, to enforce the terms of this article, remedy violations thereof, or correct deficient work or conditions at its discretion.

§ 462-26. Severability.

No effect on remaining provisions. If any section, subsection, sentence, clause, phrase or a portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

§ 462-27. Repealer.

Specific ordinances repealed/construction. This article specifically repeals City of Jeannette Ordinance No. 98-02 and Ordinance No. 02-03 and any and all other ordinances or parts of ordinances inconsistent herewith. In the event the terms and provisions of this article are inconsistent with any other ordinance within the City of Jeannette, the provisions of this article shall be deemed to be controlling.

Chapter 471. Taxation

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Earned Income Tax

[Adopted 11-16-1966 by Ord. No. 66-21 (Article 343 of the 1977 Codification)]

§ 471-1. Definitions.

The following terms shall have, for the purpose of this article, the meanings herein set forth:

ASSOCIATION

A partnership, limited partnership or any other unincorporated group of two or more persons.

BUSINESS

An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit, whether by a person, partnership, association or any

other entity.

CORPORATION

A corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other state, territory, foreign country or dependency.

CURRENT YEAR

The calendar year for which the tax is levied.

DOMICILE

The place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

EARNED INCOME

Salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or in property; not including, however, wages or compensation paid to persons on active military service, periodic payments for sickness and disability other than regular wages received during a period of sickness, disability or retirement or payments arising under workers' compensation acts, occupational disease acts and similar legislation or payments commonly recognized as old-age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment or payments commonly known as public assistance, or unemployment compensation payments made by any governmental agency or payments to reimburse expenses or payments made by employers or labor unions for wage and salary supplemental programs, including, but not limited to, programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement.

EMPLOYER

A person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one or more persons for a salary, wage, commission or other compensation.

INCOME TAX OFFICER or OFFICER

The person, public employee or private agency designated by the governing body to collect and administer the tax on earned income and net profits.

NET PROFITS

The net income from the operation of a business, profession or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession or other activity, but without deduction of taxes based on income.

NONRESIDENT

A person, partnership, association or other entity domiciled outside the taxing district.

PERSON or INDIVIDUAL

A natural person.

PRECEDING YEAR

The calendar year before the current year.

RESIDENT

A person, partnership, association or other entity domiciled in the taxing district.

SUCCEEDING YEAR

The calendar year following the current year.

TAXPAYER

A person, partnership, association or any other entity required hereunder to file a return of earned income or net profits or to pay a tax thereon.

§ 471-2. Imposition of tax.

- A. The following taxes are hereby imposed for general City purposes:
- (1) One-half of one percent on all salaries, wages, commissions and other compensation and earned income earned during the year of 1967, beginning January 1, 1967, and ending December 31, 1967, by residents.
 - (2) One-half of one percent on all salaries, wages, commissions and other compensation and earned income earned during the year of 1967, beginning January 1, 1967, and ending December 31, 1967, by nonresidents for work done or services rendered in the City.
 - (3) One-half of one percent on all the net profits earned during the year of 1967, beginning January 1, 1967, and ending December 31, 1967, of businesses, professions and other activities conducted by residents.
 - (4) One-half of one percent on all the net profits earned during the year of 1967, beginning January 1, 1967, and ending December 31, 1967, of businesses, professions and other activities conducted in the City by nonresidents.
- B. The taxes levied under Subsection **A(1)** and **(2)** of this section shall relate to and be imposed upon earned income and compensation paid by an employer or on his behalf to any person who is employed by or renders services to him. The taxes levied under Subsection **A(3)** and **(4)** of this section shall relate to and be imposed upon the net profits of any business, profession or enterprise carried on by any person or owner or proprietor, either individually or in association with some other person or persons.
- C. Such taxes shall be levied with respect to the earned income and net profits earned during the current calendar year or for the taxpayer fiscal year beginning in the current year, for which the tax is levied, and the tax shall continue in force on a calendar year or taxpayer fiscal year basis, without annual reenactment, unless the rate is subsequently changed.

§ 471-3. Additional imposition rate under Act 205 of 1984, the Pension Standard and Recovery Act.

[Added 11-30-2010 by Ord. No. 10-08; amended 11-25-2013 by Ord. No. 13-02; 11-19-2014 by Ord. No. 14-07; 12-10-2014 by Ord. No. 14-10; 11-30-2015 by Ord. No. 15-06]

- A. The special, additional earned income tax for pension fund recovery purposes in the amount of 0.85% for residents and 0% for nonresidents and is hereby imposed on:
- (1) All salaries, wages, commissions and other compensation earned on and after January 1, 2016 by residents of the City of Jeannette; and on
 - (2) All salaries, wages, commissions and other compensation earned on and after January 1, 2016 by nonresidents of the City of Jeannette for work done or services performed or

rendered in the City of Jeannette; and on

- (3) The net profits earned on and after January 1, 2016 of businesses, professions or other activities conducted by such residents; and on
 - (4) The net profits earned on and after January 1, 2016 of businesses, professions or other activities conducted in the City of Jeannette by nonresidents.
- B. The tax levied under both Subsection **A(1)** and **(2)** above shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to any person who is employed by or renders services to him. The tax levied under both Subsection **A(3)** and **(4)** above shall relate to and be imposed on the net profits of any business, profession or enterprise carried on by any person as owner or proprietor either individually or in association with some other person or persons.
- C. The additional tax levied above shall not be shared by the School District or any other governmental entity, and nonresidents shall be given credit for the amount of earned income tax paid to the municipality in which they reside.
- D. Said additional tax shall first be levied, collected and paid with respect to the salaries, wages, commissions and other compensation earned from and after January 1, 2016, and with respect to the net profits of businesses, professions or other activities earned during the 2016 calendar year; provided, however, that where the fiscal year of the business, profession or other activity differs from the calendar year, the tax shall be applied to that part of the net profits for the fiscal year as shall be earned from and after January 1, 2016.

§ 471-4. Designation of Income Tax Officer.

[Added 1-7-1977 by Ord. No. 77-1]

The Southwest Regional Tax Bureau is hereby designated as Income Tax Officer and receiver of the taxes imposed by this article. It shall collect all such taxes, shall furnish a receipt for their payment and shall keep a record showing the amount received by it from each taxpayer under this article and the date of each receipt. The Southwest Regional Tax Bureau is empowered to prescribe rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this article, subject to the approval of the City Solicitor. Such rules and regulations shall be inscribed by the Southwest Regional Tax Bureau in a book kept for that purpose, a copy being forwarded to the City Clerk and open to the inspection of the public.

§ 471-5. Declaration and payment of tax.

- A. Net profits.
- (1) Every taxpayer making net profits shall pay to the Income Tax Officer an annual payment of tax due on or before April 15 of the succeeding year for the period beginning January 1 and ending December 31 of the current year.
 - (2) However, the taxpayer shall have the right on or before April 15 of the current year to make and file with the Officer, on a form prescribed or approved by the Officer, a declaration of his estimated net profits during the period beginning January 1 and ending December 31 of the current year and pay to the Officer in four equal quarterly installments the tax due thereon as follows: the first installment at the time of filing the declaration, and the other installments on or before June 15 of the current year, September 15 of the current year, and January 15 of the succeeding year, respectively.

- (3) Any taxpayer who first anticipates any net profit after April 15 of the current year shall also have the right to make and file the declaration hereinabove required on or before June 15 of the current year, September 15 of the current year, or December 31 of the current year, whichever of these dates next follows the date on which the taxpayer first anticipates such net profit, and pay to the Officer in equal installments the tax due thereon on or before the quarterly payment dates which remain after the filing of the declaration.
- (4) Where the taxpayer files a declaration of estimated net profits and quarterly payments of tax due on such profits, every taxpayer shall, on or before April 15 of the succeeding year, make and file with the Officer on a form prescribed or approved by the Officer a final return showing the amount of net profits earned during the period beginning January 1 of the current year and ending December 31 of the current year, the total amount of tax due thereon and the total amount of tax paid thereon. At the time of filing the final return, the taxpayer shall pay to the Officer the balance of tax due or shall make demand for refund or credit in the case of overpayment.

Any taxpayer may, in lieu of paying the fourth quarterly installment of his estimated tax, elect to make and file with the Officer on or before January 31 of the succeeding year, the final return as hereinabove required.
- (5) The Officer is authorized to provide by regulation for the making and filing of adjusted declarations of estimated net profits and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required anticipates additional net profits not previously declared or finds that he has overestimated his anticipated net profits.
- (6) Every taxpayer who discontinues business prior to December 31 of the current year shall, within 30 days after the discontinuance of business, file his final return as hereinabove required and pay the tax due.

B. Earned income.

- (1) Annual earned income tax return. Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the Officer on a form prescribed or approved by the Officer a final return showing the amount of earned income received during the period beginning January 1 of the current year and ending December 31 of the current year, the total amount of tax due thereon, the amount of tax paid thereon, the amount of tax thereon that has been withheld pursuant to the provisions relating to the collection at source and the balance of tax due. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall demand for refund or credit in the case of overpayment.
- (2) Earned income not subject to withholding. Every taxpayer who is employed for a salary, wage, commission or other compensation and who received any earned income not subject to the provisions relating to collection at source shall:
 - (a) Make and file with the Officer, on a form prescribed or approved by the Officer, an annual return setting forth the aggregate amount of earned income not subject to withholding from him during the period beginning January 1 and ending December 31 of the current year and such other information as the Officer may require and pay to the Officer the amount of tax shown as due thereon on or before April 15 of the succeeding year; or may
 - (b) Make and file with the Officer, on a form prescribed or approved by the Officer, a quarterly return on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, setting forth the aggregate amount of earned income not subject to withholding by him during the three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year, and December 31 of the current year, respectively, and subject to the tax, together with such other information as the Officer may require. Every taxpayer making such return shall, at the time of filing thereof, pay to the Officer the amount of tax shown as due thereon.

§ 471-6. Collection at source.

- A. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, who has not previously registered, shall, within 15 days after becoming an employer, register with the Income Tax Officer his name and address and such other information as the Officer may require.
- B. Deductions.
- (1) Every employer having an office, factory, workshop, branch, warehouse or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation shall deduct, at the time of payment thereof, the tax imposed by this article on the earned income due to his employ or employees and shall, on or before April 30 of the current year, July 31 of the current year, October 31 of the current year, and January 31 of the succeeding year, file a return and pay to the Officer the amount of taxes deducted during the preceding three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year, and December 31 of the current year, respectively. Such return, unless otherwise agreed upon between the Officer and employer, shall show the name and social security number of each such employee, the earned income of such employee during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employee, the total earned income of all such employees during such preceding three-month period, and the total tax deducted therefrom and paid with the return.
- (2) Any employer who, for two of the preceding four quarterly periods has failed to deduct the proper tax, or any part thereof, or has failed to pay over the proper amount of tax to the taxing authority, may be required by the Officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the Officer on or before the last day of the month succeeding the month for which the tax was withheld.
- C. On or before February 28 of the succeeding year, every employer shall file with the Officer:
- (1) An annual return showing the total amount of earned income paid, the total amount of tax deducted, and the total amount of tax paid to the Officer for the period beginning January 1 of the current year and ending December 31 of the current year.
- (2) A return withholding statement for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year, setting forth the employee's name, address and social security number, the amount of earned income paid to the employee during such period, the amount of tax deducted, the political subdivisions imposing the tax upon such employee, and the amount of tax paid to the Officer. Every employer shall furnish two copies of the individual return to the employee for whom it is filed.
- D. Every employer who discontinues business prior to December 31 of the current year shall, within 30 days after the discontinuance of business, file the returns and withholding statements hereinabove required and pay the tax due.
- E. Except as otherwise provided in Section 9 of Act 511,^[1] every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for payment of the taxes which he was required to withhold to the extent that such taxes have not been recovered from the employee.

[1] *Editor's Note: See the Local Tax Enabling Act, now 53 P.S. § 6924.101 et seq.*

- F. The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or from complying with the requirements of this article relating to the filing of declarations and returns.

§ 471-7. Powers and duties of Officer; bond.

- A. It shall be the duty of the Officer to collect and receive the taxes, fines and penalties imposed by this article. It shall also be his duty to keep a record showing the amount received by him from each person or business paying the tax and the date of such receipt.
- B. Each Officer, before entering upon his official duties, shall give and acknowledge a bond to the City. If the City by resolution designates any bond previously given by the Officer as adequate, such bond shall be sufficient to satisfy the requirements of this subsection.
- (1) Each bond shall be joint and several with one or more corporate sureties, which shall be surety companies authorized to do business in this commonwealth and duly licensed by the Insurance Commissioner of this commonwealth.
 - (2) Each bond shall be conditioned upon the faithful discharge by the Officer, his clerks, assistants and appointees of all trusts confided in him by virtue of his office, upon the faithful execution of all duties required of him by virtue of his office, upon the just and faithful accounting or payment over, according to law, of all moneys and all balances thereof paid to, received or held by him by virtue of his office and upon the delivery to his successor or successors in office of all books, papers, documents or other official things held in right of his office.
 - (3) Each bond shall be taken in the name of the City and shall be for the use of the City and for the use of such other person or persons for whom money shall be collected or received, or as his or her interest shall otherwise appear, in case of a breach of any of the conditions thereof by the acts or neglect of the principal on the bond.
 - (4) The City or any person may sue upon the bond in its or his own name for its or his own use.
 - (5) Each such bond shall contain the name or names of the surety company or companies bound thereon. The City shall fix the amount of the bond at an amount equal to the maximum amount of taxes which may be in the possession of the Officer at any given time.
 - (6) The City may, at any time, upon cause shown and due notice to the Officer, and his surety or sureties, require or allow the substitution or the addition of a surety company acceptable to the City for the purpose of making the bond sufficient in amount, without releasing the surety or sureties first approved from any accrued liability or previous action on such bond.
 - (7) The City shall designate the custodian of the bond required to be given by the Officer.
- C. The Officer charged with the administration and enforcement of the provisions of this article is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the reexamination and correction of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to make refunds in case of overpayment, for any period of time not to exceed six years subsequent to the date of payment of the sum involved, and to prescribe forms necessary for the administration of this article. No rule or regulation of any kind shall be enforceable unless it has been approved by ordinance or resolution by Council. A copy of such rules and regulations currently in force shall be available for public inspection.
- D. The Officer shall refund, on petition of and proof by the taxpayer, earned income tax paid on the taxpayer's ordinary and necessary business expenses to the extent that such expenses are not

paid by the taxpayer's employer.

- E. The Officer and agents designated by him are hereby authorized to examine the books, papers and records of any employer or of any taxpayer or of any person whom the Officer reasonably believes to be an employer or taxpayer in order to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every employer and every taxpayer and every person whom the Officer reasonably believes to be an employer or taxpayer is hereby directed and required to give to the Officer, or to any agent designated by him, the means, facilities and opportunity for such examination and investigations as are hereby authorized.
- F. Any information gained by the Officer, his agents or by any other official or agent of the City as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the ordinance or resolution shall be confidential, except for official purposes and except in accordance with a proper judicial order or as otherwise provided by law.
- G. The Officer is authorized to establish different filing, reporting and payment dates for taxpayers whose fiscal years do not coincide with the calendar year.

§ 471-8. Compensation of Officer.

The Income Tax Officer shall receive such compensation for his services and expenses as determined by Council. In the case of a single collector established pursuant to subsection (b) of Section 10 of Act 511, the taxing jurisdictions shall share in the compensation and expenses of a single officer according to the proportionate share that the total annual collections for each jurisdiction bears to the total annual collection for all political subdivisions in a single collector district, except that, with the agreement of 2/3 of all participating political subdivisions, a different manner of sharing may be substituted.

§ 471-9. Suit for collection.

- A. The Officer may sue in the name of the City for the recovery of taxes due and unpaid under this article.
- B. Any suit brought to recover the tax imposed by this article shall be begun within three years after such tax is due or within three years after the declaration or return has been filed, whichever date is later; however, this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:
 - (1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under provisions of this article, there shall be no limitation.
 - (2) Where an examination of the declaration or return filed by any person, or of other evidence relating to such declaration or return in the possession of the officer, reveals a fraudulent evasion of taxes, there shall be no limitation.
 - (3) In the case of substantial understatement of tax liability of 25% or more, and no fraud, suit shall be begun within six years.
 - (4) Where any person has deducted taxes under the provisions of this article and has failed to pay the amounts so deducted to the Officer, or where any person has willfully failed or omitted to make the deductions required by this section, there shall be no limitation.
 - (5) This section shall not be construed to limit the governing body from recovering delinquent taxes by any other means provided by law.
- C. The Officer may sue for recovery of an erroneous refund, provided such suit is begun within two years after making such refund, except that the suit may be brought within five years if it appears

that any part of the refund was induced by fraud or misrepresentation of material fact.

§ 471-10. Interest and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

If for any reason the tax is not paid when due, interest at the rate of 15% per annum prorated on the amount of the tax shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

§ 471-11. Distress and sale of goods and chattels of taxpayer.

A. In addition to other methods of collection provided by this article and the laws of the commonwealth, including Act 511,^[1] every Officer shall have power in case of the neglect or refusal of any person, copartnership, association or corporation to make payment of the amount of any tax due by him, after two months from the date of the tax notice, to levy the amount of such tax, any penalty due thereon and costs, not exceeding costs and charges allowed constables for similar services by distress and sale of the goods and chattels of such delinquent, wherever situate or found, upon giving at least 10 days' public notice of such sale by posting 10 written or printed notices and by one advertisement in a newspaper of general circulation published in the county.

[1] *Editor's Note: See the Local Tax Enabling Act, now 53 P.S. § 6924.101 et seq.*

B. No failure to demand or collect any taxes by distress and sale of goods and chattels shall invalidate any return made or lien filed for nonpayment of taxes or any tax for the collection of taxes.

§ 471-12. Collection of delinquent taxes from employers, etc.

The Officer shall demand, receive and collect from all corporations, political subdivisions, associations, companies, firms or individuals employing persons owing delinquent earned income taxes or whose wife owes delinquent earned income taxes, or having in possession unpaid commissions or earnings belonging to any person or persons owing delinquent earned income taxes, or whose wife owes delinquent earned income taxes, upon the presentation of a written notice and demand under oath or affirmation, containing the name of the taxable or the husband thereof and the amount of tax due. Upon the presentation of such written notice and demand, it shall be the duty of any such corporation, political subdivision, association, company, firm or individual to deduct from the wages, commissions or earnings of such individual employees, then owing or that shall within 60 days thereafter become due, or from any unpaid commissions or earnings of any such taxable in its or his possession, a sum sufficient to pay the respective amount of the delinquent earned income taxes and cost, shown upon the written notice or demand, and to pay the same to the Officer within 60 days after such notice has been given. Such corporation, political subdivision, association, firm or individual shall be entitled to deduct from the moneys collected from each employee the costs incurred from the extra bookkeeping necessary to record such transactions, not exceeding 2% of the amount of money so collected and paid over to the Officer. Upon the failure of any such corporation, political subdivision, association, company, firm or individual to deduct the amount of such taxes or to pay the same over to the Officer, less the cost of bookkeeping involved in such transaction, as herein provided, within the time hereby required, such corporation, political subdivision, association, company, firm or individual shall forfeit and pay the amount of such tax for each such taxable whose taxes are not withheld and paid over, or that are withheld and not paid over, together with a penalty of 10% added thereto, to be recovered by an action of assumpsit in a suit to be instituted by the Officer or by the proper authorities of the City as debts of like amount are now by law recoverable, except that such person shall not have the benefit of any stay of execution or exemption law.

§ 471-13. Collection of delinquent taxes from commonwealth.

Upon presentation of a written notice and demand under oath or affirmation to the State Treasurer or any other fiscal officer of the state, or its board, authorities, agencies or commissions, it shall be the duty of the State Treasurer or officer to deduct from the wages then owing, or that shall within 60 days thereafter become due to any employer, a sum sufficient to pay the respective amount of the delinquent earned income taxes and costs shown on the written notice. The same shall be paid to the Officer of the City within 60 days after such notice has been given.

§ 471-14. Applicability.

This article shall not apply to any person or property as to whom or which it is beyond the legal power of Council to impose the tax or duties herein provided for.

§ 471-15. Conformance with Act 511.

This article is governed by the terms and provisions of the Local Tax Enabling Act of 1965 known as Act 511, as approved on December 31, 1965, and effective on January 1, 1966, by the General Assembly of the Commonwealth of Pennsylvania.^[1]

[1] *Editor's Note: See now 53 P.S. § 6924.101 et seq., the renumbered and readopted Local Tax Enabling Act.*

§ 471-16. Effective date.

This article shall become effective 30 days from the time or date of its final enactment, but nothing herein contained shall be construed to impose a tax on any salaries, wages, commissions and other compensation and earned income and net profits earned or received before January 1, 1967.

§ 471-17. Violations and penalties.

A. Any person who fails, neglects or refuses to make any declaration or return required by this article; any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects or refuses to deduct or withhold the tax from his employees; any person who refuses to permit the officer or any agent designated by him to examine his books and any papers, and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$2,500 for each offense and reasonable costs and, in default of payment of said fine and costs, to imprisonment for not more than six months, pursuant to 53 P.S. § 6924.509(j)(1).

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

B. Any person who divulges any information which is confidential under the provisions of this article shall be fined not more than \$500 for each offense.^[1]

[1] *Editor's Note: See 72 P.S. § 731.*

C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this article.

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

Article II. Real Estate Transfer Tax

[Adopted 12-30-1976 by Ord. No. 76-13 (Article 349 of the 1977 Codification); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 471-18. Imposition of tax.

The City of Jeannette adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1/2 of 1%.

§ 471-19. Administration.

The tax imposed under § **471-18** and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511, as amended, known as "The Local Tax Enabling Act," 53 P.S. § 6924.101 et seq., provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the City of Jeannette, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 471-20. Interest.

Any tax imposed under § **471-18** that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153) (53 P.S. § 7101 et seq.), as amended, known as "The Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. § 806), as amended, known as "The Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

Article III. Business Privilege Tax

[Adopted 12-30-1976 by Ord. No. 76-12 (Article 353 of the 1977 Codification)]

§ 471-21. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

BUSINESS

- A. Means 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 Jeannette office or place of business.
- B. Does not include the following: the business of any political subdivision, any employment for a wage or salary, any business upon which the power to levy a tax is withheld by law.

CITY

The City of Jeannette.

COLLECTOR OF BUSINESS PRIVILEGE TAX or COLLECTOR

The Southwest Regional Tax Bureau.

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

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 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. Gross receipts shall be computed in accordance with the taxpayer's method of accounting.

GROSS RECEIPTS

Includes both cash and credit transactions.

GROSS RECEIPTS 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.

PERSON

Includes 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.

TAX YEAR

The twelve-month period from January 1 to December 31.

TEMPORARY, SEASONAL OR ITINERANT BUSINESS

Any business that is conducted at one location for less than 60 consecutive calendar days.

§ 471-22. Imposition and rate of tax.

Every person engaging in any business in the City beginning on February 1, 1977, and annually thereafter, shall pay an annual tax at the following rates:

- A. Wholesale vendors or dealers in goods, wares and merchandise at the rate of 1/2 of a mill on each dollar of volume of gross annual receipts.
- B. All other persons at the rate of 2/3 mill on each dollar of volume of gross annual receipts.

§ 471-23. Returns.

Every person subject to this tax shall, on or before April 30, July 31, October 31 and January 31 of each year, commencing April 30, 1977, file a return under oath or affirmation with the Collector. Such return shall be on a form prepared by the Collector, approved by the City Solicitor, and shall indicate the gross receipts of such vendor taxable under this article during the previous three-month period ending, respectively, on March 31, June 30, September 30 and December 31, provided that:

- A. It shall be presumed that all receipts are a proper measure of this tax until established otherwise, and the burden of proving that any payment or consideration received by any person subject to the tax hereby imposed is excludable from gross receipts shall be upon the person who received such payment or consideration.
- B. Any person who files a declaration under oath or affirmation prior to February 28, 1977, and prior to January 31 of each year thereafter, stating that the amount of tax due to the City for the forthcoming year in his estimation will not exceed the sum of \$50, then, upon approval of such declaration by the Collector, such person shall omit quarterly returns and file one return for the ensuing year prior to January 31 of the following year. No penalty or interest shall be assessed against such person for failure to file a quarterly return once such declaration has been filed and approved. The Collector may grant or withhold such approval, in its sole discretion.
- C. Every person subject to the payment of the tax imposed by this article who engages in a business which is temporary, seasonal or itinerant by its nature shall, within 20 days from the day he completes such business, file a return with the Collector, 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 in the amount of the tax due.

§ 471-24. Registration.

Every person subject to the tax imposed by this article shall forthwith register with the City Clerk and set forth his name, address, business address and nature of the business activity in which he is engaged; such registrations shall be made on or before February 28, 1977. Any person hereafter who engages in a business subject to the tax imposed by this article shall register with the City Clerk within 30 days after commencement of such business. Any person who engages in a temporary, seasonal or itinerant business shall register with the City Clerk prior to the commencement of such business. The City Clerk shall provide the Collector with a copy of all registrations on a quarterly basis.

§ 471-25. Due date of tax; interest and penalties.

- A. The tax levied hereunder shall be due and payable on or before the dates specified herein for the filing of returns, whether or not a return is filed and whether or not the return filed correctly states the amount of gross receipts or the amount of tax due.
- B. If any return required under this article is not filed when due, the person responsible for such return shall, in addition to the tax and interest due, pay a penalty of 10% of the amount of tax due.

- C. If any tax imposed under this article is not paid when due, interest shall be added thereto at the rate of 6% per annum, in addition to any penalties herein provided.

§ 471-26. Duties of Collector.

- A. It shall be the duty of the Collector to collect and receive the taxes, fines and penalties imposed by this article and to keep a record showing the amount received, the person paying the same, and the date of such receipt.
- B. The Collector is hereby charged with the administration and enforcement of the provisions of this article and is hereby ordered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions 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, provided that all such rules and regulations are approved by the City Solicitor. Any person aggrieved by any decision of the Collector shall have the right to appeal to the Court of Common Pleas, as in other cases provided.
- C. The Collector, or its authorized agents, 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.

§ 471-27. Recovery of taxes and penalties.

All taxes, together with all penalties and interest imposed thereon, shall be recoverable by the Collector as other debts of like amounts are recoverable.

§ 471-28. Confidential nature of information.

Any information gained by the Collector or by any other official or agent of the City as a result of any returns, investigations, hearings or verifications required or authorized by this article 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 article.

§ 471-29. Saving clause.

[Amended 12-30-1976 by Ord. No. 76-12]

- A. Nothing contained in this article shall be construed to empower the City to levy and collect the 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 article shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the commonwealth, the decision of the court shall not affect nor impair the right to impose the taxes, or the validity of the taxes so imposed, upon other persons as herein provided.

§ 471-30. Effective date.

The provisions of this article shall become effective February 1, 1977.

§ 471-31. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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 Collector or his authorized agent is requested, shall be fined as set forth in Chapter 1, Article III, General Penalty, of this Code for each offense.

Article IV. Mechanical Device Tax

[Adopted 6-11-1980 by Ord. No. 80-9]

§ 471-32. Establishment of tax.

Pursuant to the authority granted to the City of Jeannette by the Local Tax Enabling Act of the Commonwealth of Pennsylvania, Act No. 511 of December 31, 1965, as amended, there is hereby established a mechanical device tax.

§ 471-33. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

COLLECTOR

The Treasurer of the City of Jeannette.

GAME OF SKILL

Any device other than a "jukebox" which, upon the insertion of a single coin, slug, token plate or disc, per each play or player, may be operated for use as a game, entertainment or amusement, in which the score is determined by the manual dexterity of the player whether or not registering a score and whether or not a prize is offered. This definition does not include any gambling device or mechanism that has been judicially determined to be a gambling device.

[Amended 4-22-1981 by Ord. No. 81-8]

JUKEBOX

Any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into a slot, crevice or other opening, operates or may be operated for the emission of song, music or similar amusement.

[Amended 4-22-1981 by Ord. No. 81-8]

MECHANICAL DEVICE

For purposes of this article, "mechanical device" shall only include and mean a jukebox or game of skill.

[Amended 4-22-1981 by Ord. No. 81-8]

PERSON

Any natural person, association, copartnership, firm or corporation.

B. The singular includes the plural, and the masculine includes the feminine and neuter.

§ 471-34. Levy of tax.

[Amended 4-22-1981 by Ord. No. 81-8; 12-30-1981 by Ord. No. 81-18; 12-8-2010 by Ord. No. 10-10]
A tax is hereby imposed for general City purposes under the authority of the Local Tax Enabling Act, approved December 31, 1965 (Act No. 511), upon the privileges of using for profit within the City any jukebox or mechanical device and machines or games of skill. Such tax shall be payable by the person owning such device. Such tax shall be payable in a single lump sum at an annual rate of \$300 per machine or unit fee.

§ 471-35. Exemptions.

[Added 4-22-1981 by Ord. No. 81-8]

All other mechanical devices, except jukeboxes and games of skill, are hereby exempt from coverage under this article.

§ 471-36. Payment of tax.

The tax imposed under this article shall be payable to the City Treasurer immediately after installation. No deduction or refund of any tax payable under this article shall be granted in the case of any tax payable for less than a full calendar year or when any device is destroyed, stolen, sold or otherwise disposed of or transferred after the payment of such tax. However, in the case of the substitution of any device by another device in the same class, the use of which is taxable under this article, no additional tax shall be paid, provided that the total number of devices of the same class in use upon the premises remains no greater than that upon which such tax was paid.

§ 471-37. Certificates and seals.

A. Procurement of certificates; contents. The Treasurer shall procure, at the expense of the City, a sufficient number of certificates, upon each of which the following information shall be printed or inserted:

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (1) The name of the City.
- (2) The number of the certificate.
- (3) The name and address of the person paying the tax.
- (4) The year for which the tax has been paid.
- (5) The date on which the tax has been paid.
- (6) The type of device for which the tax has been paid.
- (7) The amount of tax paid.

B. Issuance of certificate and seal. Whenever any tax has been paid under this article, the Collector shall prepare in duplicate a certificate as herein prescribed. The original of this certificate, to which the City Seal shall be affixed, shall be given to the person paying such tax, and the duplicate shall be kept on file by the Collector. The Collector shall also procure and give to each person paying such tax a seal, to be affixed to each device for the use of which such tax has been paid. The seal shall indicate the year for which the tax has been paid, the type of device and the certificate number.

C. Loss, defacement or destruction. In the case of loss, defacement or destruction of any original certificate or seal, the person to whom such certificate or seal was issued shall apply to the

Collector, who may issue a new certificate or seal in replacement thereof, upon payment of a fee as set from time to time by City Council, and who shall amend the duplicate of the certificate first issued in case a new certificate has been issued.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- D. Change in location or personnel. In case of the removal to another location in the City of any establishment in which any device for the use of which a tax has been paid under this article, or in case of a change in the identity of the person operating or owning any such establishment, the person operating such establishment shall report such fact within five days of such change in location or personnel, and the Collector shall immediately amend the certificate and duplicate certificate.
- E. Removal of devices. Before the removal of any device from any establishment, the person operating such establishment shall remove the seal issued under this article from such device. Such seal may be affixed to any other device of the same class used.

§ 471-38. Delinquency; penalty.

If any tax levied pursuant to this article is not paid when due, a penalty of 10% of the amount of tax due and unpaid shall be added thereto.

§ 471-39. Confidentiality of information.

Any information gained by the Collector or any other official or agent of the City, as a result of any returns, investigations or verifications required or authorized by this article, shall be confidential, except for official purposes and except in accordance with proper judicial order or as otherwise provided by law. No person shall make any disclosure of any information contrary to the provisions of this section.

§ 471-40. Recoverability of moneys.

All taxes imposed by this article, together with all penalties, interest and costs, shall be recoverable by the City Solicitor as debts of like amount are by law recoverable.

§ 471-41. Disposition of moneys.

All taxes, interest and penalties collected or recovered by the Collector or any other City officer or person for or in behalf of the City shall be paid into the City treasury as general revenue to be used for general revenue purposes.

§ 471-42. Administrative expenses.

All expenses incurred in the administration of this article shall be paid by the City.

§ 471-43. Application of tax.

This article shall not apply to any person or property as to whom or which it is beyond the legal power of Council to impose the tax or duties herein provided for.

§ 471-44. Severability.

If any sentence, clause or section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this article. It is hereby declared to be the intent of Council that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§ 471-45. Continuation of tax.

The tax hereby imposed shall continue in force on a calendar-year basis without annual reenactment, pursuant to the provisions of the Local Tax Enabling Act, approved December 31, 1965 (Act No. 511).

[1]

[1] *Editor's Note: See the Local Tax Enabling Act, now 53 P.S. § 6924.101 et seq.*

§ 471-46. Violations and penalties.

- A. No person shall neglect, fail or refuse to furnish complete and correct returns, or to pay over any tax levied by this article at the time required, or knowingly make any incomplete, false or fraudulent return, or do or attempt to do anything whatever to avoid the payment of the whole or any part of the tax imposed under this article.
- B. Whoever violates or fails to comply with any of the provisions of this article shall be fined as set forth in Chapter 1, Article III, General Penalty. Such fine or penalty shall be in addition to any penalty imposed by any other section of this article.

Article V. Discounts and Penalties

[Adopted 2-17-1982 by Ord. No. 82-4]

§ 471-47. Annual date of tax bill.

City taxes on real estate shall be billed by the City Treasurer on or about March 1 of each calendar year.

§ 471-48. Discount.

A 2% discount shall be given if said taxes are paid in full on or before April 30 of the calendar year.

§ 471-49. Annual payment due date.

Property taxes shall be payable at the face amount if payment is made in full on or before June 30 of the calendar year.

§ 471-50. Penalty for late payment.

A 10% penalty shall be imposed upon property taxes which remain due and payable as of July 1 of the calendar year.

Article VI. Local Services Tax

[Adopted 12-12-2007 by Ord. No. 07-09]

§ 471-51. Definitions.

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

COLLECTOR or TAX COLLECTOR

The person appointed by the Council of the City of Jeannette to collect the local services tax levied by this article and to administer the provisions thereof.

CORPORATION

Any corporation or joint-stock association, organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other state, territory or foreign country or dependency.

EMPLOYER

Any individual, partnership, association, corporation, governmental body or unit or agency of any other entity who or that employs one or more persons on a salary, wage, commission or other compensation basis.

NONRESIDENT

An individual, fiduciary, partnership or other entity domiciled outside the City of Jeannette.

OCCUPATION

Any enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, association or any other entity, whereby any wage, salary, commission or other compensation is earned.

PERSON

A natural person, partnership, association, corporation or fiduciary. Whenever used in any clause prescribing or imposing a penalty, the term "person," as applied to associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof.

RESIDENT

An individual, partnership, association or other entity domiciled in the City of Jeannette.

SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION

Includes salaries, wages, commissions, bonuses, incentive payments, fees and tips that may accrue or be received by an individual for services rendered, whether directly or through an agent and whether in cash or in property, but shall not include periodic payments for sick or disability benefits and those commonly recognized as old-age benefits, retirement pay, or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment, nor public assistance or unemployment compensation payments, nor any wages or compensation paid by the United States to any person for active service in the Army, Navy or Air Force of the United States, nor any bonus or additional compensation paid by the United States or the Commonwealth of Pennsylvania or any other state for such service.

TAXPAYER

A person required hereunder to file a return on earnings or net profits or to pay a tax thereon. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 471-52. Imposition and rate.

- A. A local services tax is hereby levied at the maximum amount authorized by the State Legislature, which is currently \$52 per year, for any of the following purposes:

- (1) Emergency services, which shall include emergency medical services, police services and/or fire services.
 - (2) Road construction and/or maintenance.
 - (3) Reduction of property taxes.
 - (4) Property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S.A. Ch. 85 Subch. F (relating to homestead property exclusion).
 - (5) The City shall use no less than 25% of the funds derived from the local services tax for emergency services.
- B. The tax levied under Subsection **A** shall relate to and be imposed:
- (1) Upon all nonresidents who hold an occupation in the City of Jeannette; and
 - (2) Upon all residents who hold an occupation in the City of Jeannette.
- C. Those persons that are subject to the tax pursuant to this article, but earn less than \$12,000 annually, shall be exempted therefrom upon the filing of an affidavit with their employer that they anticipate earning less than such stated amount due to seasonal employment or otherwise.
- (1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the office of the City Treasurer and with the person's employer, affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than \$12,000 in the calendar year for which the exemption certificate is filed. In the event the City of Jeannette is utilizing a tax collection officer to collect such taxes, the City Treasurer shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the local services tax. Upon receipt of the exemption certificate and until otherwise instructed by the City Treasurer or except as required by Subsection **C(2)** hereafter, the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The Department of Community and Economic Development shall develop and make available to political subdivisions and employers uniform exemption certificates required by this clause.
 - (2) With respect to a person who claimed an exemption for a given calendar year from the local services tax, upon notification to an employer by the person or by the City that the person has received earned income and net profits from all sources within that political subdivision equal to or in excess of \$12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within that political subdivision in an amount equal to or in excess of \$12,000 in that calendar year, an employer shall withhold the local services tax from the person under Subsection **C(3)**.
 - (3) If a person who claimed an exemption for a given calendar year from the local services tax becomes subject to the tax for the calendar year under Subsection **C(2)** above, the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under Subsection **C(2)**, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per-payroll amount due for that first payroll period. The amount of tax withheld per-payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the

event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the City may pursue collection under this Act.

- (4) Except as provided in Subsection **C(2)** above, it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.

D. The following persons shall be exempt from the payment of the local services tax imposed herein:

- (1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total 100% permanent disability.
- (2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year.
- (3) For purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

§ 471-53. Collection at source.

- A. Every employer who employs one or more persons on a salary, wage, commission or other compensation basis whose earnings are subject to the tax imposed by this article shall deduct the amount of tax levied by this article from the salaries, wages or compensation paid to the employee from the first payment made each year as measured from the enactment of this article, from January 1 of each year thereafter, and from the date of hiring for each employee hired subsequent to the enactment hereof.
- B. The tax shall be paid to the Collector on a form furnished, if any, and/or shall include the employee's home address and social security number.

§ 471-54. Designate Collector.

The Council of the City of Jeannette shall designate a tax collector by resolution, and the compensation of such Collector shall be fixed by the Council by resolution. The Collector shall collect and receive all taxes imposed by this article; furnish receipts for their payment; keep records showing amounts received by him from all taxpayers and the dates of such receipts; and keep such other records as may be from time to time required by the Council of the City of Jeannette.

§ 471-55. Powers of Collector.

The Tax Collector is hereby charged with the enforcement of the provisions of this article and is authorized and empowered as follows:

- A. To administer and enforce the provisions of this article and all rules and regulations prescribed, adopted and promulgated by the Council of the City of Jeannette relating to the enforcement and administration hereof, and consistent with such rules and regulations shall have the power and authority to reexamine and correct any and all returns filed hereunder, and to compute, settle, resettle and discharge all taxes hereby levied.

- B. The Collector or any agent or employee of the City of Jeannette, authorized in writing by the Collector, is hereby authorized and empowered to examine the books, papers and records of any employer or taxpayer in order to verify the accuracy of any return made or, if no return was made, to ascertain the tax imposed by this article. Every such employer or taxpayer is hereby directed and required to give to the said Collector or a duly authorized agent or employee of the City of Jeannette, the means, facilities and opportunity for such examination and investigations as are hereby authorized. The Collector is hereby authorized to examine any person under oath concerning any income which was or should have been returned for taxation and, to this end, may compel the production of books, papers and records and the attendance of all persons before him, whether as parties or witnesses, who he believes to have knowledge of such income.
- C. Any information gained by the Collector or any authorized agent or employee of the City of Jeannette, as a result of any returns, investigations, hearings, or verification, required or authorized by this article, shall be confidential, except for official purposes and except where disclosure of the contents thereof is required by proper judicial order or decree, or as otherwise provided by law, and any person or agent who divulges any information so obtained shall, upon conviction thereof, be subject to a fine or penalty not exceeding \$600, and costs for each offense, or to undergo imprisonment for not more than 30 days for the nonpayment of such fine or penalty and costs.

§ 471-56. Additional regulations authorized.

The Council for the City of Jeannette shall be empowered from time to time to adopt by resolution additional rules and regulations pertaining to this article, including, but not limited to regulations for the processing of refund claims for overpaid local services taxes for any calendar year. The regulations shall be consistent with 53 Pa.C.S.A. § 8425 (relating to refunds of overpayments) and 53 Pa.C.S.A. § 8426 (relating to interest on overpayment). Refunds made within 75 days of a refund request or 75 days after the last day the employer is required to remit the local services tax for the last quarter of the calendar year under Section 9 of this Act, whichever is later, shall not be subject to interest imposed under 53 Pa.C.S.A. § 8426. The City shall only provide refunds for amounts overpaid in a calendar year that exceed \$1.

§ 471-57. Interest and penalty for late payment.

All taxes imposed by this article remaining unpaid after they become due shall bear interest at the rate of 6% per year, and the persons upon whom said taxes are imposed shall be further liable to a penalty of 1/2 of 1% of the amount of the unpaid tax for each month or fraction of a month during which the tax remains unpaid.

§ 471-58. Recovery.

All taxes imposed by this article, together with all interest and penalties accruing thereon, shall be recoverable by the City of Jeannette as other debts of like amounts are recoverable.

§ 471-59. Violations and penalties.

Any violator of any provision of this article shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600 and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this article continues shall constitute a separate offense.

§ 471-60. Applicability.

The tax imposed by this article shall not apply to any person as to whom it is beyond the legal power of the City of Jeannette to impose the tax or duties herein provided.

§ 471-61. Severability.

If any sentence, clause or section of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this article. It is hereby declared to be the intent of the City of Jeannette that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not be included herein. Any ordinance or any part of any ordinance conflicting with the provisions of this article be and the same is hereby repealed so far as the same affects this article.

§ 471-62. Effective date.

The article and the tax herein levied shall be effective for 2008 and on a continuing annual basis, unless the rate of said tax is subsequently changed.

Chapter 483. Transient Merchants

[HISTORY: Adopted by the City Council of the City of Jeannette 11-30-1999 by Ord. No. 99-9. Amendments noted where applicable.]

§ 483-1. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

TRANSIENT BUSINESS

Shall mean and include selling, offering for sale, canvassing, soliciting or taking of orders, either by sample or otherwise, of any goods, wares or merchandise, on either a wholesale or retail basis, upon any of the streets, sidewalks, alleys, roads, or from house to house within the City of Jeannette, Westmoreland County, Pennsylvania; provided, however, that the term "transient business" shall not apply to farmers selling their own produce or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products, or to the sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose. The phrase "transient merchant," as used in this chapter, shall mean and include any natural person, association, partnership, firm or corporation engaging in or desiring to engage in a transient business within the City of Jeannette.

B. In this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 483-2. License applications.

Before any natural person, association, partnership, firm or corporation shall engage in a transient business within the City of Jeannette, he shall first make application to the City Clerk for a license. If such person shall also be required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. Upon such application, such person shall give his name; address; a recent photograph of himself; his previous criminal record, if any; the name of the person for whom he works, if any; the type of goods, wares and merchandise he wishes to peddle; the length of time for which he wishes to be licensed; the type of vehicle he uses, if any, together with its

license and registration numbers; and the number of helpers he has working with him, provided that, where a person makes application for a license for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper, and every such person shall carry such license on his person at all times while engaged in peddling in the City of Jeannette. A separate licensing fee shall be charged or assessed for each license issued.

§ 483-3. Certain days and times prohibited.

No person licensed as a transient merchant under this chapter shall engage in a transient business within the City of Jeannette at any time on Saturdays or Sundays or upon any day of the week before 9:00 a.m. or after 5:00 p.m.

§ 483-4. Fee required.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No license shall be issued under this chapter until the proper fee shall be paid to the City Clerk, which fee shall be for the use of the City of Jeannette. The fee for such license shall be as set by City Council and be in an amount per month, or fractional portion thereof, during which the transient wholesale and/or retail business is continued or conducted.

§ 483-5. Issuance of license.

Upon making application therefor and paying the proper fee, as herein specified, a license shall be issued to such transient merchant. Such license shall contain the information required to be given upon the application therefor. Every transient merchant, or their helpers, shall at all times when engaged in the transient business in the City of Jeannette carry such license upon his person and shall exhibit such license, upon request, to all police officers, City officials and citizens. No transient merchant shall engage in selling any product not mentioned upon such license. No license issued under this chapter shall be transferable from one person to another.

§ 483-6. Fixed location prohibited.

No person licensed as a transient merchant under this chapter, or his helpers, shall occupy any fixed location upon any of the roads, streets, alleys or sidewalks of the City of Jeannette for the purpose of his transient business, with or without any stand or counter.

§ 483-7. Recordkeeping.

The City Clerk shall keep a record of all licenses issued under this chapter, and the City police shall make themselves familiar with all licenses issued, and the City police shall supervise the activities of any holders of such licenses.

§ 483-8. Suspension of license.

The Mayor of the City of Jeannette is hereby authorized to suspend any license issued under this chapter when he deems such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this chapter, or for giving false information upon any application for a license hereunder.

§ 483-9. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any natural person, association, partnership, firm or corporation violating any of the provisions of this chapter shall be guilty of a summary offense and, upon conviction thereof before a Magisterial District Judge having jurisdiction over same, be sentenced to pay a fine of not more than \$500 and, in default, imprisonment to the extent permitted by law for the punishment of summary offenses.

§ 483-10. Severability.

All of the provisions of this chapter shall be severable. If any provision shall be deemed unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this chapter. In such event, the remaining provisions of this chapter shall continue in full force and effect.

Chapter 494. Utilities

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

Article I. Utility Poles

[Adopted 4-5-1897 by Ord. No. 53 (Article 313 of the 1977 Codification)]

§ 494-1. License fee.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, firm or corporation using any public street, lane or alley for the purpose of placing or having in place any utility pole for any purpose whatever shall pay a license fee as set by the City Council from time to time per year for each and every pole so placed. The license fee shall be paid on or before July 1 of each year.

§ 494-2. Report of unpaid fees.

In case of neglect or refusal of any person, firm or corporation to pay the utility pole license fee, the City Clerk shall, within 14 days after July 1 of each year, certify the unpaid license fee to the City Solicitor, who shall proceed to collect the same by due process of law without delay. Within three months, the Solicitor shall report to Council on his collections of such unpaid license fees and the names of the persons, firms or corporations still delinquent and the amount unpaid.

§ 494-3. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, firm or corporation failing to comply with the provisions of this article shall be punishable as set forth in Chapter 1, Article III, General Penalty, of this Code.

Article II. Location of Wires

[Adopted 12-10-1957 by Ord. No. 57-31 (Article 925 of the 1977 Codification)]

§ 494-4. Location of certain wires.

No person, firm, copartnership, association or corporation, who or which are owners of any buildings situated along Clay Avenue, between Second Street and Ninth Street in the City, shall knowingly or wantonly permit utility wires to enter the front of any of such buildings, and owners of the buildings are hereby required to have the utility service entrances changed from the front to the rear of the buildings.

§ 494-5. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every person, copartnership, association, firm or corporation violating any provision of this article shall be punishable as set forth in Chapter 1, Article III, General Penalty, of this Code. Each day during which such violation continues shall constitute a separate offense.

Chapter 507. Vacant and Abandoned Property

[HISTORY: Adopted by the City Council of the City of Jeannette 10-12-2016 by Ord. No. 16-04. Amendments noted where applicable.]

§ 507-1. Applicability and scope.

This chapter shall be applicable to all abandoned real property and every vacant building and structure located within the geographical confines of the City of Jeannette, Westmoreland County, Pennsylvania, that has been vacant for more than 60 consecutive days 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, nonprofit or for-profit person.

§ 507-2. Definitions.

For the purposes of this chapter, where terms are not defined such terms shall have ordinarily accepted meanings such as the context implies. As used in this chapter, the following words and phrases shall have the meanings indicated unless the context clearly indicates a different meaning:

ABANDONED

Deserted or discarded for more than 180 days.

ABANDONED REAL PROPERTY

Any real property, including but not limited to one or more vacant buildings or structures, without respect to occupancy or vacancy, that is subject to a mortgage and is either: a) in default on such mortgage, for which a mortgagee has obtained a judgment in foreclosure; b) in default on such mortgage and subject to an application or proceeds for a tax deed or pending tax claim bureau or tax assessor sale for unpaid property taxes; c) in default on such mortgage and subject to an application or proceedings for a sheriff sale for unpaid claims, debts or obligations; or d) in default on such mortgage and has been transferred to a mortgagee by 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.

CELLAR

A room typically used for storage that is located in the basement of a building and is not used for commercial, industrial or residential purposes.

COMMERCIAL BUILDING

A building that is used, or partially used, for commercial business activities, including, but not limited to, stores, offices, schools, churches, gymnasiums, libraries, museums, hospitals, clinics, warehouses and jails.

COMMERCIAL BUSINESS

Any business that relates to the exchange of goods or services.

DISCARDED

Cast aside as useless or undesirable.

GARBAGE

The animal or vegetable waste resulting from the handling, preparation, cooking and the consumption of food.

GROUND FLOOR

Any occupied floor of a building with direct access to grade that is located less than one story above or less than one story below grade, provided that no portion of a floor that constitutes a cellar as defined in this chapter shall constitute a "ground floor."

HABITABLE

Livable; with reference to this chapter, a structure with a hard roof and sides that is equipped with heat, electricity, water service, sewage service and functional plumbing, and is capable of being lived in without undue risk to human health and safety.

INDUSTRIAL BUILDING

Property or design for, or used by, companies or persons for manufacturing, warehousing or assemblage of components.

INDUSTRIAL BUSINESS

Any business that relates to the production or manufacture of goods.

NOTICE

Written notice of a violation, pursuant to First Class Mail, to the last known address of the owner of the property in question.

OCCUPIED

Any building or structure where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) of a permanent nontransient business, or any combination of the same.

OWNER

Any person:

- A. Having a legal or equitable interest in a property;
- B. Having a legal interest in a property recorded in the official records of the state, county or municipality as holding title to the property; or
- C. Otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON

An individual, corporation, partnership, financial institution, bank, credit union, savings and loan company, investment firm, government agency, government authority, municipal corporation or any other group acting as a unit.

PROPERTY

Any portion of unimproved or improved real estate located within the City of Jeannette, which includes the buildings or structures located on it regardless of condition.

PUBLIC NUISANCE

- A. Any building, structure or property which, because of physical condition, use or occupancy, is considered to be an attractive nuisance to minors or uninvited persons.
- B. Any building or structure which, because it is dilapidated, unsanitary, unsafe, insect- or vermin-infested or lacking in the facilities and equipment required by the ordinances of Jeannette City and has been designated by the City as a public nuisance.
- C. Any structure which is a fire hazard, a structural hazard, or is otherwise dangerous to the safety of any persons or any property.
- D. Any building or structure which lacks or has rendered inoperable fire protection systems as required by the applicable codes and ordinances.
- E. Any structure from which water, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective, so that the property creates a hazard to neighboring properties.
- F. Any building or structure which, for reason of neglect or lack of maintenance, has become a place for the accumulation of refuse, a haven for insects, rodents and other vermin.
- G. Any building or structure which, as a result of its dilapidated, unsanitary, unsafe, insect- or vermin-infested condition, creates damage or a risk of damage to a neighboring property.

REFUSE

Materials that are abandoned, discarded or destined for recycling. The term includes rubbish, garbage, scrap metal, tires, appliances, vehicles, general trash, construction/demo debris, etc.

RUBBISH

Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, construction/demo debris and other similar materials.

STOREFRONT

Any facade located on the ground floor of a commercial building having one or more storefront windows.

STOREFRONT WINDOW

Any window of any commercial building that permits an unobstructed public view into the interior of the building from any immediately adjacent street, sidewalk or right-of-way.

STRUCTURES

Constructed objects. For purposes of this chapter, the term includes, but is not limited to, buildings, sheds, garages, swimming pools and recreational facilities.

VACANT

A building or structure, or portion thereof, shall be deemed to be vacant if no person or persons currently conducts a lawfully licensed business there, or lawfully resides in or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) or owner-occupants or tenant(s) on a permanent nontransient basis.

VACANT BUILDING

A property or structure, or portion thereof, that is unoccupied for more than 60 days or has been the subject of:

- A. A mortgage foreclosure action or notice;
- B. A bankruptcy sale or notice;
- C. A delinquent tax sale or notice; or
- D. A mortgage foreclosure action where the title to the property has been retained by the beneficiary of a deed or trust involved in the foreclosure or transferred under a deed in lieu of foreclosure/sale.

VACANT STOREFRONT

A storefront shall be deemed vacant if no person or persons currently conducts a lawfully licensed business there.

WINDOW

An opening in a building that has a glass casement for permitting natural light into a building.

WINDOW DISPLAY

A visual representation of information or graphics for viewing by the public in a window.

WINDOW SIGN

A sign that is painted on, applied, attached to a window, or that is located within the interior of a structure and that is plainly visible and is erected, constructed or maintained for the primary purpose of being viewed from the exterior of that structure.

§ 507-3. Purpose and enforcement.

- A. The purpose of this chapter requiring the registration of all vacant and abandoned buildings and structures and the payment of registration fees is to assist the City of Jeannette in protecting the public health, safety and welfare; to monitor the number of vacant buildings in the City; to assess the effects of the condition of those buildings on nearby businesses in the neighborhoods in which they are located particularly in light of fire and safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers; and to require of the owners of such vacant buildings their registration and payment of related fees; and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this chapter are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the ordinances of the City of Jeannette and all relevant codes and/or regulations adopted therein.
- B. Administration and enforcement of this chapter shall remain under the sole control of the Fire Chief. The Fire Chief and/or designee shall have the authority to institute summary criminal proceedings as a means of enforcement of this chapter and shall, when acting within the scope of employment hereunder, have the powers of a police office to the City; provided, however, that under no circumstances shall they have the power to arrest.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 507-4. Registration.

- A. An owner shall register a vacant property with the City of Jeannette Fire Department on a form or forms provided by the City and pay the appropriate registration fee.
- B. Registration shall contain:
 - (1) The name of the owner(s) of the property;

- (2) The direct street/office mailing address of the owner(s) (no post office box addresses are allowed);
 - (3) A direct contact name and phone number for the owner(s);
 - (4) The local property management company responsible for the security, maintenance and marketing of the property;
 - (5) The date of vacancy; and
 - (6) Any other information deemed necessary by the City of Jeannette Fire Department.
- C. Registration fees shall not be prorated.
- D. Properties subject to registration under this chapter shall remain under the registration fee requirement for as long as they remain vacant.
- E. Each vacant building or structure shall be registered with the City within 180 days of the date such building or structure becomes a vacant building or structure, and annually thereafter by July 15 for each subsequent calendar year if such building or structure continues to be a vacant building or structure during each subsequent calendar year, until such time as such building or structure ceases to be a vacant building or structure.

§ 507-5. Registration fee schedule.

The registration fee shall be established by resolution of the Council of the City of Jeannette. The fee structure is based on the number of years the building, storefront, or portion thereof, has been vacant under its current ownership.^[1]

[1] *Editor's Note: The schedule of current fees is on file in the City's offices.*

§ 507-6. Waiver of fees.

A waiver may be granted for the current year if the following conditions are met:

- A. All local municipal fees are paid in full;
- B. A good faith effort is shown to rent, sell or lease the space. Good faith efforts include contracts with realtors, newspaper ads, window signs or other methods, provided that the effort is actually likely to generate interest in the property and the owner is actually willing to rent, sell or lease;
- C. Pricing is consistent with other similar buildings;
- D. The building is in compliance with all City of Jeannette codes and ordinances and is habitable; or
- E. Other good cause as determined by a majority vote of Council.

§ 507-7. Duty to amend registration statement.

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the new owner, his/her representative, or agent for the same to notify the City of Jeannette Fire Department in writing within 30 days of the occurrence of such change.

§ 507-8. 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 Westmoreland 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.
- B. 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 acknowledgment of the local agent of the requirements, responsibilities, and obligations under the ordinance.
- C. 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 chapter on behalf of such owner or interest holder. With such designation, a local agent shall be responsible for providing the City and the Fire Department 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 structure, and responding to any emergency associated with the abandoned property or vacant building or structure affecting the public health, safety or welfare.
- D. A part owner and interest holder and each respective local agent shall be jointly and severally responsible for compliance with ordinances of the City and the laws of the Commonwealth of Pennsylvania as applied to the abandoned property or vacant building or structure.

§ 507-9. Inspections.

An inspection must be completed within 60 days of the initial registration. In addition, an annual inspection of a registered vacant building shall be performed by the City of Jeannette Fire Department to determine if it complies with the minimum requirements, as determined by the Fire Chief, or applicable property maintenance code, building code and/or fire prevention code. If violations of these codes are identified, the City of Jeannette Fire Department shall issue a notice of violation as per the requirements of those codes and give notice to the owner to comply with the codes with a time to cure. If the violations are not corrected within the time given, the property may be declared a public nuisance. These annual inspections must occur within 60 days of the anniversary date of the initial registration date. Inspection costs will be determined by the City of Jeannette.

§ 507-10. Failure to appear for inspection.

If the owner or his/her representative cannot be available at the proposed time, said owner or representative shall provide no less than 24 hours' written notice to the City of Jeannette Fire Department. Upon failure to give such written notice, or upon failure to gain entry, an administrative fee of \$50 will be assessed against the owner or representative of the owner. For each rescheduling beyond the second rescheduling, an administrative fee of \$100 shall be assessed in all cases. Failure to pay administrative fees shall, at the discretion of the City of Jeannette Fire Department, constitute a violation of this or the applicable code, including but not limited to Chapter **372**, Property Maintenance, of the Code of the City of Jeannette. Failure of an owner or his/her responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

§ 507-11. Complaint inspections.

Nothing in the chapter shall preclude City of Jeannette Fire Department from performing an inspection upon receipt of a complaint of violation of the ordinances of the City of Jeannette existing at the

building or structure. Said inspections shall be in accord with the applicable codes and ordinances and regulations and policies established by the City of Jeannette.

§ 507-12. Maintenance requirements.

- A. Properties subject to registration under this chapter shall be kept free of weeds, high grass, dry brush, dead vegetation, trash, garbage, junk, debris, rubbish, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law), discarded personal items, including but not limited to furniture, clothing, large and small appliances, printed material, vehicle or vehicle parts, or any other items that give the appearance that the property is abandoned; and
- B. The property shall be maintained free of graffiti, tagging or similar markings.
 - (1) Visible front, side and rear yards shall be landscaped and maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark, or artificial turf sod. Landscaping does not include weeds, gravel, broken concrete, asphalt, plastic sheeting, indoor-outdoor carpet or any similar material unless approved by the City.
 - (2) Pools and spas shall be kept in working order so the water remains clear and free of larvae, pests, pollutant and debris, or drained and kept dry. In either case, a property with a pool or spa must comply with the minimum security fencing requirements of Chapter **372**, Property Maintenance, of the Code of the City of Jeannette.
 - (3) Adherence to this chapter does not relieve any property owner of any obligations set forth in any other ordinance of the City of Jeannette, including but not limited to Chapter **372**, Property Maintenance, of the Code of the City of Jeannette.
 - (4) A property owner required to register a property under this chapter is hereby given 30 days to comply with these maintenance requirements.

§ 507-13. Security requirements.

- A. Properties subject to registration under this chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons, vermin and any other pests.
- B. Secure manner includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow an uninvited person to access the interior of the property and/or structure(s). In the case of broken windows, securing means the re-glazing or boarding of the window.
- C. If the property has been condemned, the property shall be posted with the name and 24-hour contact phone number of the owner and local property management company. The posting shall be no less than eight inches by 11 inches and shall be of a font that is legible, written in English, and shall contain, along with the name, the City of Jeannette vacant properties registration number, a 24-hour contact number, and the words "this property managed by" and "to report problems or concerns call . . ." The posting shall be placed on the interior of the window facing the street to the front of the property or, if no such area exists, on an area of sufficient size to support the posting in a location that is visible to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of, and printed with, weather-resistant materials.

§ 507-14. Requirements for vacant storefronts.

Responsibility for compliance with this chapter includes any person owning, leasing, maintaining or otherwise in possession or control of any vacant storefront located within the City of Jeannette or any owner of the property upon which the vacant storefront is located.

§ 507-15. Maintenance.

The vacant storefront of a commercial building located in the City of Jeannette shall be maintained in good condition, kept neat, clean, secure, free of graffiti, and lighted.

§ 507-16. Window display requirement.

In order to improve the appearance of vacant storefronts and improve overall security, any vacant storefront that is located within the City of Jeannette shall, not more than 60 business days after the date on which the ground-floor premises first becomes vacant, contain a window display or other form of decorative screen in each of the storefront windows. A variety of window displays are acceptable, provided they have a professional appearance, achieve a desired coverage of 60% to 100% and are not offensive to the general public. The Fire Department of the City of Jeannette shall approve all window displays.

§ 507-17. Signage.

Handwritten signs are not permitted. Professionally made window signs and real estate signs are permitted, provided they meet the requirements of Chapter **550**, Zoning, of the Code of the City of Jeannette. Not more than three square feet of informational signage, such as real estate signs or contact information, may be placed in a vacant ground-floor window. Larger professional signs that function as the window display are permitted.

§ 507-18. Violations and penalties.

A. Any person who violates or permits the violation of any provision of this chapter shall, upon conviction in a summary proceeding, be subject to a fine of not more than \$1,000 and costs of the prosecution for each offense or imprisonment not to exceed 90 days, or both fine and imprisonment.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

B. Any fines collected as a result of a violation of any provision of this chapter shall be placed in the general fund of the City of Jeannette.

§ 507-19. Severability.

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

Chapter 520. Vehicles and Traffic

[HISTORY: Adopted by the City Council of the City of Jeannette as indicated in article histories. Amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - 2018 City of Jeannette Truck Route Map 

Attachment 2 - Excess Maintenance Road Protection and Repair Agreement 

Article I. Administration and Enforcement

[Adopted as Article 515 of the 1977 Codification]

§ 520-1. Definitions.

Words and phrases, when used in this chapter, shall have the meanings ascribed to them in the Vehicle Code of Pennsylvania,^[1] as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning. In this chapter, the singular shall include the plural, and the masculine shall include the feminine.

[1] *Editor's Note: See 75 Pa.C.S.A. § 101 et seq.*

§ 520-2. Manner of adopting permanent traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the City.

§ 520-3. Experimental regulations.

Council may from time to time temporarily designate places upon the highways in the City where, for a period of not more than six months, specified traffic or parking regulations, prohibitions or restrictions shall be in force and shall cause such locations to be designated by proper signs and markings. Such regulations, prohibitions and restrictions shall be just as effective as if they had been specified by this chapter. No person shall violate any such regulation, prohibition or restriction or remove, injure, destroy or deface any sign or marking erected under this section. The purpose of this section is to allow for the testing and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the City regulating traffic and parking.

§ 520-4. Emergency regulations.

- A. The Chief of Police, subject to approval of the Mayor, shall have the following powers to regulate traffic and parking temporarily; and:
 - (1) In the case of fire, flood, snow, storm or other emergency, to establish temporary traffic and parking regulations.
 - (2) In the case of emergency or to facilitate public works or, in the case of the conduct of parades and public events, to restrict or prohibit parking or traffic in limited areas for periods of not more than one week.
- B. Such temporary and emergency regulations shall be enforced by the police in the same manner as permanent regulations. No person shall operate a vehicle in violation of any such regulation.

§ 520-5. Compliance; enforcement.

- A. The police officers of the City shall enforce the provisions of this chapter.
- B. No person shall fail to comply with any lawful order, signal or direction of a police officer. Police officers shall have the power and authority to direct vehicles to proceed in a direction other than

that in which the operator intended to proceed lawfully for the purpose of avoiding or relieving traffic congestions during emergencies and to enforce temporary restrictions incident to street repairs or improvements.

- C. No person shall fail to comply with the indications of any official traffic control devices unless otherwise directed by a police officer.

§ 520-6. Impounding of vehicles; redemption.

- A. Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any highway, bridge or causeway and is illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.
- (2) When any vehicle other than a pedalcycle:
 - (a) Is inoperable and is left unattended on public property for more than 48 hours;
 - (b) Has remained illegally on public property for a period of more than 48 hours;
 - (c) Is without a valid registration plate or certificate of inspection or title and is left unattended on or along a highway; or
 - (d) Has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.
- (3) When report has been made that the vehicle has been stolen or taken without the consent of its owner.
- (4) When the person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.
- (5) When the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before an issuing authority without unnecessary delay.
- (6) When the vehicle is in violation of Section 3353 of the state Vehicle Code (relating to prohibitions in specified places) except for overtime parking.^[1]

[1] *Editor's Note: See 75 Pa.C.S.A. § 3353.*

- B. Any vehicle removed under authority of Subsection **A(2)** hereof shall be ordered into storage and/or disposed of as provided under Section 3352 and Chapter 73 of the state Vehicle Code.^[2] Any other vehicle removed under authority of this section shall be ordered into storage, and the Police Department shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the Police Department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges. If any vehicle is not claimed, the vehicle shall be disposed of as provided in accordance with applicable state law provisions.

[2] *Editor's Note: See 75 Pa.C.S.A. § 101 et seq.*

- C. No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage by the owner or operator shall constitute prima facie evidence that it was so removed by the owner or operator.

§ 520-7. Violations and penalties.

Whoever violates any provision of this Chapter **520**, Vehicles and Traffic, for which no other penalty is provided shall be fined \$25.

Article II. Traffic Control Map and Files

[Adopted as Article 521 of the 1977 Codification]

§ 520-8. Traffic Control Map.

- A. There is hereby established a Traffic Control Map to show at all times the City's current:
- (1) Through streets;
 - (2) Stop intersections;
 - (3) Yield right-of-way intersections;
 - (4) One-way streets and alleys;
 - (5) Loading zones;
 - (6) Prohibited and restricted parking areas;
 - (7) Parking meter zones;
 - (8) Prohibited and restricted turns;
 - (9) Truck routes; and
 - (10) Street sweeping zones.
- B. The Traffic Control Map shall be prepared and kept on file in the Police Department, and it shall be maintained by the Police Department. The Traffic Control Map existing as of the date of passage of this chapter is hereby incorporated as a part of the Traffic Code.

§ 520-9. Traffic Control File.

- A. There is hereby established a Traffic Control File, which shall be prepared and kept up-to-date by the Police Department and maintained in the Police Department office. The file shall constitute the permanent and official record of the traffic control designations provided in § **520-8**, which are established subsequent to adoption of the Traffic Control Map.
- B. The Traffic Control File shall include the following information:
- (1) Type of traffic control designation;
 - (2) Complete description of the street or area affected;

- (3) Number of the ordinance authorizing designation;
- (4) Effective date of such ordinance;
- (5) Date proper signs and markings were erected; and
- (6) Date recorded upon Traffic Control Map.

§ 520-10. Truck route map.

[Added 4-12-2018 by Ord. No. 18-06]

The City hereby adopts the Truck Route Map attached hereto and incorporated herein as Exhibit A as the revised Truck Route Map for the City of Jeannette, which revised Truck Route Map shall be a component of the Traffic Control Map of the City of Jeannette.^[1] The City's Traffic Control Map shall be revised and updated to include the revised Truck Route Map and all existing traffic signs, signals, zones, designations, and maps presently existing and not otherwise amended herein.

[1] *Editor's Note: Exhibit A, the 2018 revised Truck Route Map, is an attachment to this chapter.*

§ 520-11. Amendments.

Amendments to the Traffic Control Map and the Traffic Control File shall be made by ordinance of Council, as provided in § 520-2. Upon the effective date of such legislation and upon the erection of proper signs and markings giving notice thereof, amendments shall be in full force and effect. All such amendments shall be recorded on the official Traffic Control Map and the official Traffic Control File.

Article III. Traffic Regulations

[Adopted as Article 527 of the 1977 Codification]

§ 520-12. One-way street violation.

No person shall operate a vehicle on any highway designated lawfully for one-way traffic other than in the direction established thereon for vehicular traffic, as indicated by authorized traffic control devices.

§ 520-13. Stop intersection violation.

No person operating a vehicle approaching a stop intersection at which a lawfully authorized stop sign has been erected shall fail to come to a full stop at a clearly marked stop line or, if none, before entering a crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering.

§ 520-14. Speed limit violation.

No person shall operate a vehicle in any area where lawfully authorized traffic control devices limit the maximum speed at a rate of speed greater than the maximum speed indicated on such traffic control devices.

§ 520-15. Turn violation.

No person operating a vehicle in any highway area where lawfully authorized traffic control devices prohibit or restrict turns shall make any turning movement in violation of such traffic control devices.

§ 520-16. U-turns prohibited.

No person operating a vehicle shall make a U-turn upon any highway or at any intersection in the City.

§ 520-17. Use of local highways by commercial vehicles.

[Amended 4-12-2018 by Ord. No. 18-06]

- A. Use of local highways. No person shall operate a vehicle exceeding a gross weight of five tons upon any highway in the City other than a State route, except those local highways designated as truck routes and except when such operation is necessary to load or unload property, to go to or from the usual place of storage of such vehicle or to perform any other legitimate business or act other than passage through the City. Operators of vehicles so deviating from either a state route or a designated truck route within the City shall confine such deviation to that required in order to accomplish the purpose of the departure.
- B. Local permits and conditions.
- (1) Upon application and for good cause, the City Clerk may issue a local permit authorizing an applicant to move a vehicle exceeding a gross weight of five tons, an oversize vehicle, or an overweight vehicle, or combination of vehicles, upon local highways; which local permit shall otherwise comply with Pennsylvania Department of Transportation laws and regulations.
 - (2) The City Clerk may grant a permit for a single or round trip or for such period of time, not to exceed one year, as the City Clerk, in his or her discretion and with the advice of the City Engineer and City Solicitor, or for the duration of any construction project. The City Clerk may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The City Clerk shall require the applicant to enter into an excess maintenance road protection and repair agreement in a form substantially similar to the agreement attached hereto and incorporated herein^[1] and to post a bond or other security necessary to compensate the City for any damage to a roadway or road structure.

[1] *Editor's Note: The sample excess maintenance road protection and repair agreement is an attachment to this chapter.*
 - (3) For each such permit, the City Clerk shall charge an amount set by ordinance or resolution of the City Council, and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay an amount set by ordinance or resolution of the City Council.
 - (4) Signs may be posted indicating such limitations to apprise drivers of the limitations imposed by this section. No driver shall disobey the instructions indicated on any such sign.
 - (5) Violation of any of the limitations, terms or conditions of the permit granted by the City Clerk or the excess maintenance road protection and repair agreement shall be cause for immediate revocation or suspension of such permit and denial of request for any future permit. Such violations shall also subject the violator to the penalty prescribed by § 520-18.

§ 520-18. Violations and penalties.

- A. Whoever violates any provision of this article for which no other penalty is provided shall be fined \$25.
- B. Whoever violates § **520-14** shall be fined \$35 and, if convicted of exceeding the maximum speed limit by more than five miles per hour, shall be fined an additional \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.
- C. Whoever violates § **520-17** pertaining to overweight truck usage of certain roads is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Article IV. Parking Regulations Generally

[Adopted as Article 533 of the 1977 Codification]

§ 520-19. Limited and prohibited parking.

Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a police officer or official traffic control device, and when signs are erected lawfully giving notice thereof, no person shall park a vehicle:

- A. At any time upon any highway or portion thereof or other public property designated as a prohibited parking area.
- B. Longer than the time permitted nor during specified hours when parking is prohibited upon any highway or portion thereof or other public property designated as a limited parking area.
- C. Council hereby directs that the five parking spaces on the easterly side of South Second Street, adjacent to City Hall, shall be available to taxpayers, elected and appointed City officials, subject to the following conditions:
[Added 8-3-1988 by Ord. No. 88-12]
 - (1) Users of the parking spaces must be on City business within City Hall.
 - (2) The user shall be limited to 15 minutes' free parking.
 - (3) Violation of this section shall be treated as a parking violation and subject the user to a fine.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 520-20. Inoperable vehicles.

[Added 7-11-1961 by Ord. No. 61-8]

No person shall park any motor vehicle upon any street, avenue, alley, road or other public way within the City that is without current registration plates, serviceable storage battery, current inspection sticker or incapable of being operated legally and immediately in the event of a local or national emergency.

§ 520-21. Commercial vehicles in residential districts.

[Added 4-15-1970 by Ord. No. 70-7]

- A. No person, firm or corporation shall park or cause to be parked any truck, tractor, trailer, boat trailer, house trailer, tow truck or other commercial motor vehicle upon any street or alley in any district that has been defined by the City Zoning Ordinance as a residential district.^[1]
[1] *Editor's Note: See Ch. 550, Zoning, of this Code.*
- B. Trucks with a maximum gross weight of less than 7,000 pounds are exempted from the provisions of this section.

§ 520-22. Commercial vehicles in public parking areas.

[Added 4-13-1950 by Ord. No. 233; amended 9-13-2006 by Ord. No. 06-05]

- A. For purposes of this section, the terms set forth hereafter shall have the following meanings:

EQUIPMENT

Any tractor, backhoe, front-end loader or any other similar piece of heavy equipment, excavation equipment or machinery not principally designed for the transportation of persons along the highways of this commonwealth.

PARK or CAUSE TO BE PARKED

The standing of a motor vehicle except a police or fire department vehicle or ambulance, whether occupied or not, other than for the actual loading or unloading of same or in obedience to traffic regulations, signs or signals.

TRAILER

Any device capable of being hooked to and hauled by a truck or other vehicle, or capable of self-propulsion, including but not limited to a tractor-trailer, commercial transportation trailer, house trailer, boat trailer, a transportable home, camper, open-air pull trailer used for the hauling of equipment and/or materials or any other similar device used or employed to haul or transport materials, property, equipment or people.

TRUCK

Any motor vehicle having a gross weight in excess of 7,000 pounds and/or any motor vehicle designed principally for commercial purposes, including but not limited to a tractor-trailer, tow truck, panel truck, box truck or other commercial motor vehicle.

- B. From and after the effective date of this section, it shall be unlawful for any person, firm, corporation or entity to park or cause to be parked any truck, trailer or equipment, as defined herein, upon any public street or alley within the City of Jeannette.
- C. Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$50.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- D. Each day that a violation exists shall constitute a separate and distinct defense without the issuance of subsequent citations.
- E. The terms and provisions of this section are severable. In the event any term or provision of this section is determined to be void or invalid by a court of competent jurisdiction, then the remaining terms and provisions shall continue in full force and effect as if the void or invalid provision had never been a part hereof.

§ 520-23. Street sweeping zones.

[Added 2-21-1973 by Ord. No. 73-1]

- A. There are hereby established upon certain streets "street sweeping zones," where parking shall be prohibited at particular times.
- B. The Chief of Police is hereby authorized to designate temporary street sweeping zones, provided that the same be prominently posted 24 hours prior to the prohibition of parking on the same.
- C. All streets so designated as street sweeping zones shall be posted with signs, either temporary or permanent, indicating the days and hours during which times parking shall be prohibited.
- D. No person shall park a vehicle in a street sweeping zone when parking is prohibited.

§ 520-24. Parking restrictions.

[Added 4-9-2008 by Ord. No. 08-01]

- A. No parking Ellsworth Avenue on the left side from Harrison Avenue to Green Street traveling north.
- B. No parking on Henry Street between Mary Street and Jane Street left side traveling south to north.
- C. Changing permit parking on Lewis Avenue to no parking on left side of Lewis from Cedar to Hickory traveling north to south.
- D. Parking restricted to south side only on Brickell Avenue between Second and Third Street.
- E. Parking restricted to south side only on Wood Street from North First Street to Margaret Street.

§ 520-25. Violations and penalties.

[Added 4-13-1950 by Ord. No. 233; 7-11-1961 by Ord. No. 61-8; 4-15-1970 by Ord. No. 70-7]

- A. Whoever violates any provision of this article for which no other penalty is provided shall be fined not more than \$50.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. Whoever violates § **520-20** shall be fined not more than \$25.
- C. Whoever violates § **520-21** shall be fined not less than \$1 nor more than \$50. Each day of violation shall constitute a separate offense.
- D. Whoever violates any provision of § **520-22** shall be fined not more than \$5.
- E. Whoever violates § **520-23** shall be fined not more than \$10.
[Added 2-21-1973 by Ord. No. 73-1; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Article V. Parking Meter Zones; Restricted Parking

[Adopted 4-9-1997 by Ord. No. 97-3]

§ 520-26. Parking meter zones.

- A. The following streets and portions thereof, located within the Central Business District of the City of Jeannette, are hereby designated as "parking meter zones":

Name of Street	Location
Clay Avenue	Between South Second Street and South Ninth Street
South Second Street	Between McGee Avenue and Bullitt Avenue
South Third Street	Between McGee Avenue and Bullitt Avenue
South Fifth Street	Between McGee Avenue and Bullitt Avenue
South Sixth Street	Between McGee Avenue and Bullitt Avenue
South Seventh Street	Between McGee Avenue and Bullitt Avenue
South Fourth Street	Between McGee Avenue and Chambers Avenue
South Eighth Street	Between Clay Avenue and Bullitt Avenue
McGee Avenue	Between South Third Street and South Seventh Street
Bullitt Avenue	Between Columbia Court and Cuyler Avenue
South side of McGee Avenue	From South Second Street east to a one-way alleyway running parallel to South Second Street behind Jeannette City Hall

- B. The following off-street lots, and portions thereof, in the City of Jeannette are hereby designated as "parking meter zones":
- (1) That lot at the corner of South Third Street and Clay Avenue; and
 - (2) That lot located on the easterly side of South Sixth Street approximately 1/2 block from the intersection of Clay Avenue and South Sixth Street.

§ 520-27. Designation of spaces, operating hours and rate charges.

- A. The City of Jeannette shall cause parking spaces, approximately 20 feet in length, to be marked by lines on the curb or pavement, or by other appropriate means, within the aforesaid parking meter zones in order to designate the spaces within which vehicles may be lawfully parked. At the side of each space so marked, the City of Jeannette shall erect a parking meter or other metering device which will indicate the duration of the legal parking period; the time when such period has expired; the maximum duration of the legal parking period; the rate or charge for said parking period; and the hours and days during which such charges and rates shall be in effect.
- B. In addition, the City hereby designates spaces within the two aforesaid off-street parking lots as "permit parking spaces" and shall issue permits, to be purchased by the public, for the use of same.
- (1) Of those spaces existing within the off-street lot at the intersection of South Third Street and Clay Avenue, not more than 30 of such spaces shall be designated as "permit parking spaces" and, accordingly, shall not be metered.
 - (2) Of those spaces within the off-street lot along South Sixth Street referenced above, not more than 30 of those spaces shall be designated as "permit parking spaces," which shall not be metered.
 - (3) The exact spaces to be designated in the aforesaid off-street lots as "permit parking spaces" shall be determined by the City Engineer and City Foreman and shall be so marked and labeled.
 - (4) The aforesaid "permit parking spaces" shall be leased on a month-to-month basis at rates set forth in the rate schedule attached hereto as Exhibit "A" and incorporated into this article by

reference thereto.^[1]

[1] *Editor's Note: The Parking Meter Rate Schedule is on file in the City's offices..*

- C. All parking meters shall operate from the hours of 10:00 a.m. to 4:00 p.m., Monday through Friday. The maximum parking period on any meter shall not be in excess of 2 hours.
- D. The rate or charge on the meters shall be as set forth in the parking rate schedule set forth in Exhibit "A" attached hereto and incorporated into this article by reference.^[2]
[2] *Editor's Note: The Parking Meter Rate Schedule is on file in the City's offices..*

§ 520-28. Parking violations.

- A. It shall be unlawful and a violation of this article to park any motor vehicle across any line or marking designated as a parking space or to park said vehicle in any way that same shall not be wholly or entirely within a parking space as designated by said lines or markings.
- B. It shall be unlawful and a violation of this article for the owner or owners or operator of any motor vehicle to enter any such metered parking space without depositing a coin or coins of the United States of America in the denominations and/or amounts as specified on each parking meter.
- C. It shall be unlawful and a violation of this article for the owner, owners or operator of any motor vehicle to permit such vehicle to remain in any parking space within a designated parking meter zone for a longer period than indicated on said parking meter as the maximum legal parking limit, irrespective of the number of coins deposited in said meters.
- D. It shall be unlawful and a violation of this article for the owner or owners or operator of any motor vehicle to park in a space designated as a permit parking space within any of the off-street lots designated above within the parking meter zone either without a permit therefor or with a permit that has expired.
- E. It shall be unlawful and a violation of this article to deposit or cause to be deposited in any parking meter a slug, device, foreign currency or any other metal, metallic or other substitute of any nature and kind for a coin of the United States of America.
- F. It shall be unlawful and a violation of this article for any person to deface, tamper with, damage, open, break, destroy or impair the usefulness of any parking meter installed under the terms of this article.
- G. It shall be unlawful and a violation of this article for any vehicle to remain parked or the owner, owners or operators of any vehicle to cause to remain parked in a metered parking space after time paid for on such meter has expired (i.e., overtime parking).
- H. In addition to the violations set forth herein, except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a police officer or official traffic control device, it shall be unlawful and a violation of this article for any person to stop, stand or park a vehicle:
 - (1) On the roadway side of any vehicle already stopped or parked at the edge or curb of a street;
 - (2) On a sidewalk;
 - (3) Within an intersection;
 - (4) Within a crosswalk;
 - (5) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic

control devices;

- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks;
- (9) In the area between roadways of a divided highway, including any crossovers;
- (10) At any place where official signs prohibit stopping or parking;
- (11) To stand or park a vehicle in front of a public or private driveway;
- (12) To stand or park a vehicle within 15 feet of a fire hydrant;
- (13) To stand or park a vehicle within 20 feet of a crosswalk at an intersection;
- (14) To stand or park a vehicle within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the site of a roadway;
- (15) To stand or park a vehicle within 20 feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within 75 feet of the entrance;
- (16) To stand or park a vehicle on a limited access highway unless authorized by official traffic control devices;
- (17) To stand or park a vehicle at any place where official signs prohibit standing;
- (18) To park a vehicle within 50 feet of the nearest rail or railroad crossing; and
- (19) To stand, stop or park a vehicle in violation of those provisions set forth in Section 3354 of the Pennsylvania Motor Vehicle Code (75 Pa.C.S.A. § 3354).
- (20) To stand, stop or park a vehicle in any no parking zone designated by the School District of the City of Jeannette.
[Added 4-9-2003 by Ord. No. 03-04]

§ 520-29. Payment of costs and fees.

- A. The coins required by this article to be deposited in said parking meters, together with the costs and expenses associated with permits for permit parking spaces are hereby levied and assessed to provide for the proper regulation and control of traffic upon the streets of the City of Jeannette and the proper supervision and regulation of parking on the streets of the City of Jeannette to better promote and protect the general public health, safety and welfare.
- B. Permits for permit parking spaces at the aforesaid off-street parking lots may be purchased by an individual, corporation, partnership or firm from the City Clerk on a monthly basis. Such purchase shall occur on or before the last day of the month preceding that for which the permit is effective. The monthly rate for such permit is set forth in the rate schedule attached hereto as Exhibit "A" and incorporated herein by reference, regardless of the number of days in the month for which such permit is purchased.^[1]

[1] *Editor's Note: The Parking Meter Rate Schedule is on file in the City's offices..*

C. Any corporation, partnership, sole proprietor, firm or other entity conducting a business or other commercial enterprise within the Central Business District of the City of Jeannette, as same is depicted in the Zoning Map of the City of Jeannette, shall be eligible to purchase tokens for the benefit of their patrons to be used in payment of tickets issued for expired meter violations within the City of Jeannette. This "token" system is designed to stimulate business activity within the Central Business District. No property owner within the Central Business District shall be able to purchase said tokens for the benefit of residential occupants of any apartment or other residential setting within the Central Business District, and the purchase of said tokens is confined to those individuals or entities conducting business within the Central Business District. The operation of an apartment building for residential purposes shall not be considered "conducting business" for purpose of this article.

(1) Tokens may be purchased at a price per token as same is set forth in the rate schedule attached hereto as Exhibit "A" and incorporated into this article;^[2]

[2] *Editor's Note: The Parking Meter Rate Schedule is on file in the City's offices..*

(2) Tokens may be purchased by any individual or entity conducting business within the Central Business District from the City Clerk of the City of Jeannette in blocks of 20 tokens, the cost of said tokens to be payable to the City Clerk at the time of purchase;

(3) Upon presentation by an individual of a ticket issued to the owner, owners or operator of a vehicle for overtime parking at a parking meter, and provided that the ticket is presented on the same day of the violation, the merchant, individual or entity may provide such individual with a token for payment of such ticket;

(4) The person to whom such ticket is issued shall then have the responsibility of depositing such token in the envelope provided for expired/overtime meter fines and delivering same to either the City Clerk of the City of Jeannette or placing same in any courtesy box designated by the City to be the depository of parking meter tickets;

(5) The City of Jeannette shall accept such token as payment in full of any ticket issued for an expired/overtime parking meter; provided, however, that such token is received on or before 12:00 midnight on the date of the violation;

(6) Nothing in this article shall be deemed or construed to alleviate the responsibility of the owner, owners or operator of any vehicle to which an expired parking meter ticket is issued from responsibility for the payment of same;

(7) No token shall be accepted as payment of any other ticket, fine or violation other than that for an expired/overtime parking meter and only if such token is used to pay an expired/overtime parking meter ticket before 12:00 midnight on the day such violation occurs.

§ 520-30. Violations and penalties.

A. Any person, firm or corporation violating the provisions of this article or aiding, abetting or assisting in the violation of this article shall, upon conviction before a Magisterial District Judge having jurisdiction, be subjected to a fine in accordance with the Schedule of Fines for particular violations attached and incorporated herein by reference thereto.^[1]

[1] *Editor's Note: The Schedule of Fines is on file in the City's offices.*

B. Any parking ticket or fine heretofore issued under this article, if not paid within a period of 20 days from the date of the violation, shall be subject to collection through the issuance of a summary citation against the owners, owner or operator of the vehicle against which such citation was issued.

C. Booting of vehicles:

- (1) This subsection is enacted as an enforcement procedure for protection of the public peace, safety and welfare and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, and for the protection of public rights in the use of City streets and thoroughfares;
- (2) Definitions. For the purpose of this subsection, the following terms shall have the meanings indicated:

BOOT

A device consisting of metal clamps or jaws and a padlocking device, which, when attached to the wheel of a motor vehicle, prevents the vehicle from being driven.

VEHICLES

All automobiles, trucks, truck tractors, trailers and other vehicles of any kind.

- (3) Any vehicle found on any public street, public parking lot or public garage of the City of Jeannette having charged against the owner or owners thereof five or more unpaid summonses, tickets, citations or other process for motor vehicle traffic or parking violations issued with an eighteen-month period, charging that such vehicle was parked, stopped or standing in violation of any law or ordinance of the City of Jeannette, shall be deemed a public nuisance, and any agent of the City assigned to traffic duty is hereby authorized to:
 - (a) Remove or cause to be removed such vehicle at the expense of the owner or owners of such vehicle or at the expense of the habitual violator; or
 - (b) Immobilize for up to 72 hours by means of applying a boot and then to remove such vehicle or cause to be removed, at the sole cost and expense of the habitual violator. In any case involving the immobilization of a vehicle pursuant to this subsection, a notice shall be placed on such vehicle in a conspicuous manner sufficient to warn that any attempt to move such vehicle may result in damage thereto.
- (4) The registered owner or owners of a vehicle having against it five or more outstanding summonses, tickets, citations or other process shall be presumed to be the owner or owners at the time summonses, tickets, citations or other process were in fact issued and shall be severally responsible for the offenses and the impoundment or immobilization except where the use of the vehicle was secured by the operator without the operator's consent.
- (5) It shall be the duty of the City of Jeannette Police Department to safely keep any impounded vehicle until such vehicle shall have been repossessed by the owner or person legally entitled to possession thereof or otherwise disposed of as provided in this subsection. The City of Jeannette Police Department shall keep an accurate record of the description of such vehicle, including the name of the officer from whom such vehicle was received; the officer employed to tow or have delivered the same to said pound or authorized garage; the date and time when received; the place where found, seized or taken possession of; and make and color of the car, style or body, kind of power, motor number, serial number, number of cylinders, year built, state license number, if any; equipment and general description of the condition; the name and address of the person redeeming said vehicle; the date of redemption; and the manner and date of disposal of said vehicle in case the same shall not be redeemed, together with the cost of outstanding summonses and the towing and storage charges. The record shall be in the form prescribed by the City.
- (6) Vehicles immobilized or impounded pursuant to this subsection shall be released to their lawful owner or person entitled to possession upon a showing of adequate evidence of a right of its possession and upon paying all accrued fines and costs for each outstanding unpaid summons or depositing of the collateral required for their appearance before a Magisterial District Judge having jurisdiction to answer to each violation for which there is an outstanding

or otherwise unsettled traffic violation notice or warrant and, in addition thereto, the charges for immobilizing, towing and storage.

- (7) Whenever any vehicle so impounded shall remain unclaimed by the owner or owners for a period of 30 days from the day notice to the owner or owners was mailed, it shall be the duty of the City Clerk of the City of Jeannette to sell such vehicle at public auction to the highest bidder for cash; the time and place of such sale to be published at least once in a newspaper of general circulation in the City not less than 10 days nor more than 15 days from expiration of said 30 days. If any such vehicle shall remain unsold for a period of 180 days or is in such condition as to be unsalable, then such vehicle may be sold for salvage or be subject to such disposition of said vehicle as shall be economical for the City.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

(8) Charges.

- (a) The City Clerk is hereby authorized to impose and collect a charge as set from time to time by City Council to cover the costs of immobilization of vehicles. A notice of this charge shall be given on the warning notice placed on each immobilized vehicle as provided in Subsection **C(3)(b)**.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (b) The City Clerk is hereby authorized to impose and collect charges for towing and storing impounded vehicles as set by the City Council.

(9) Payment under protest.

- (a) Payment of immobilization, towing and storage charges, unless made under protest, shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid;
- (b) If the immobilization, towing and impounding charges are paid under protest, the offender shall be entitled to a hearing before a Magisterial District Judge having jurisdiction. The defendant shall be proceeded against and receive such notice as is provided by the Commonwealth of Pennsylvania Vehicle Code in other cases of summary offenses and shall have the same rights of appeal and waiver of hearing. If the Judge acquits the defendant, the City shall, within five days, refund to the defendant the amount of immobilization, towing and storage charges paid by him or in his behalf.

- D. Notwithstanding the foregoing, any person who defaces, tampers with, damages, opens, willfully breaks or destroys or impairs the usefulness of any parking meter installed under the terms of this article, upon conviction thereof, shall be subjected to a fine of not more than \$1,000 together with the costs of prosecution and, in default thereof, shall undergo imprisonment in the County jail for a period not to exceed 90 days.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 520-31. Provisions for establishment of handicapped parking areas.

[Added 6-9-2004 by Ord. No. 04-06]

- A. Any person with a disability or a severely disabled veteran may make application to the City of Jeannette for the creation of a reserved parking space at or near their place of residence.
- B. Any individual requesting the creation of a reserved parking space shall complete an application for same, in a form to be determined by the City, and submit same to the Chief of Police of the City of Jeannette for review.

- C. The application submitted by any person seeking the creation of a handicapped parking space shall include, at a minimum, the following:
- (1) A report from a physician licensed to practice medicine in the Commonwealth of Pennsylvania detailing the nature and extent of the applicant's, or other occupant of the applicant's household, physical condition that is alleged to require the creation of a reserved parking space;
 - (2) A statement as to whether the applicant has access to off-street parking at or near their residence;
 - (3) A statement as to whether the applicant is a licensed driver in the Commonwealth of Pennsylvania (proof of a current and valid driver's license shall be required and attached to the application);
 - (4) A statement as to whether the applicant owns an automobile bearing a current registration and insurance (copies of such registration and insurance are required to be attached to the application);
 - (5) A statement as to whether there are any other facilities constructed within the applicant's residence that are designed to accommodate the disability claimed to be suffered;
 - (6) The name and address of the applicant;
 - (7) The name and address of the person whose disability forms the basis for the application;
 - (8) The address at which the handicapped parking space is requested to be created; and
 - (9) Any other information required by the Chief of Police to make a determination whether the request should be granted.
- D. The Chief of Police of the City of Jeannette shall review and, where deemed appropriate, cause the creation of such space on the public roadway within the City of Jeannette as close as possible to the disabled person's place of residence and direct the placement of a sign indicating:
- (1) That such space is reserved for a person with a disability or severely disabled veteran;
 - (2) That no parking is allowed there by others; and
 - (3) That any unauthorized person parking in such area will be subject to a fine and may be towed.
- E. In the event the Chief of Police determines the applicant is entitled to the creation of the parking area referenced herein, he shall issue a permit for the creation of such space to the applicant, whereupon the applicant shall pay a fee of \$50 to cover the cost and expense associated with the construction of the sign and creation of the space referenced herein. In the event the Chief of Police denies the application for the creation of a handicapped parking space, he shall notify the applicant accordingly. The applicant may then take an appeal within 10 days of receipt of that determination to the Council of the City of Jeannette regarding the denial of the request for the creation of such space.
- F. In determining the applicant's eligibility for the creation of such handicapped parking space, the Chief of Police shall consider, among other things, the following factors:
- (1) The nature and extent of the applicant's disability or the disability of another person in the household that serves as a basis for the application;
 - (2) The presence of other available off-street parking for the applicant's vehicle;

- (3) The proximity of the residence at which the space is to be created to other handicapped parking spaces in existence on the street upon which the appellant resides;
- (4) The presence of other individuals within the applicant's household who do not suffer from a disability and who have the ability to operate motor vehicles;
- (5) Whether the applicant or disabled person is a licensed driver;
- (6) Whether the applicant or disabled person is the owner of a registered and insured automobile within the Commonwealth of Pennsylvania; and
- (7) Any other factors that the Chief of Police deems appropriate under the circumstances.

G. Handicapped parking permits.

- (1) Any permit issued for a handicapped parking space hereunder shall be valid for a period of two years and shall be subject to renewal by the submission of an application for the renewal of same in the same form as for the issuance of a new permit hereunder. Such application for renewal shall contain the same information as that required for a new application. A renewal application fee as set from time to time by the City Council shall be charged at the time such renewal application is submitted for administrative costs and expenses incurred by the City in the renewal process. The Chief of Police of the City of Jeannette may, following review of the application for renewal:

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (a) Reissue the permit for a handicapped parking space;
 - (b) Relocate the space already created; or
 - (c) Deny the request for the re-creation of such space.
- (2) The Chief of Police may at any time revoke or cause the removal of any handicapped parking area whenever: a) the applicant and/or disabled person no longer occupies the premises for which the space is issued; and/or b) the disability of the person for which the permit is issued ends.

H. All persons who have an existing handicapped parking area erected for the benefit of themselves or any person occupying any structure within the City of Jeannette shall be and are hereby required to complete, consistent with the terms of this article, an application for renewal of such existing handicapped parking area within six months following the date of this article's enactment. The failure to make application for renewal within the time limitations prescribed in this article shall result in the removal of such person's current handicapped parking space.

I. It shall be unlawful for any person to violate the handicapped parking provisions of this article. Any person violating the handicapped parking area provisions of this article relating to the application, renewal or maintenance of handicapped parking spaces shall be guilty of a summary offense and, upon conviction before a Magisterial District Judge having jurisdiction over same, be sentenced of a fine of not more than \$1,000 and, in default of payment thereof, be sentenced to the maximum period of imprisonment provided for summary offenses under Pennsylvania law. Any person who otherwise improperly parks or causes to be parked a vehicle in a handicapped parking space without an appropriate permit for same, or who otherwise causes an obstruction in such area, shall be guilty of a summary offense and, upon conviction thereof before a Magisterial District Judge having jurisdiction over same, shall be punishable as set forth 75 Pa.C.S.A. § 3354(f).

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 520-32. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. However, nothing in this article shall be deemed or construed to repeal, in whole or in part, any permit parking area or no-parking zone previously designated by the City of Jeannette as same.

Article VI. Permit Parking

[Adopted 12-9-1998 by Ord. No. 98-11]

§ 520-33. Parking permitted for vehicles with permit only.

[Amended 7-14-1999 by Ord. No. 99-4; 12-11-2002 by Ord. No. 02-09; 10-14-2009 by Ord. No. 09-04; 11-8-2018 by Ord. No. 18-19; 4-11-2019 by Ord. No. 19-07]

The following portions of roadways existing within the City of Jeannette are hereby established as areas where parking shall be permitted only to vehicles exhibiting a permit to be issued by the City of Jeannette:

Name of Street	Side	Location
Brickell Avenue	West	From North 8th Street to North 6th Street
Jefferson Avenue	West	From Spruce Street to Broad Street
Locust Street	Both	From Lowry Avenue to Jefferson Avenue
Michigan Avenue	East	From Broad Street to Locust Street
Michigan Avenue	East	From Park Street to Vine Street
North 3rd Street		From Harrison Avenue to Mellon Avenue
Washington Avenue	Both	From Locust Street to Park Street
Washington Avenue	West	From Park Street to Vine Street

§ 520-34. No-parking zones.

The following portions of streets situate within the City of Jeannette are hereby established as no-parking zones, with such no-parking zones to be specifically indicated by the erection of signs designating same:

Name of Street	Side	Location
Broad Street	North	From Lewis Avenue to Jefferson Avenue
Broad Street	South	From Jefferson Avenue to Westmoreland Avenue
Broad Street	South	From Lowry Avenue to Jefferson Avenue
East Broad Street [Added 8-21-2018 by Ord. No. 18-16]	North	From Lowry Avenue to the first unnamed fifteen-foot alley east of Lowry Avenue (such unnamed alley being between Lowry Avenue and Washington Avenue)
Hacker Avenue Added 6-13-2019 by Ord. No. 19-08]	Northeast	From North First Street to South Good Street
Jefferson Avenue	East	From Broad Street to Spruce Street
Lewis Avenue [Added 11-8-2018 by Ord. No. 18-19]	East	From Hickory Street to Chambers Avenue

Name of Street	Side	Location
Lewis Avenue	East	From Park Street to Vine Street
Lewis Avenue [Added 11-8-2018 by Ord. No. 18-19]	West	From Locust Street to Chambers Avenue
Spruce Street	South	From Jefferson Avenue toward Lewis Avenue terminating at an alleyway running parallel between Jefferson and Lewis Avenue

§ 520-35. Issuance of parking permits.

Permits for parking within the aforesaid designated permit parking areas shall be issued by the Chief of Police or his designee. Such permit shall only be issued to residents of the City of Jeannette residing on property abutting a permit parking area.

§ 520-36. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person parking a vehicle without a permit in an area designated as a "permit parking area" shall be guilty of a summary offense and, upon conviction thereof, shall be subject to a fine of not more than \$50 and, in default of payment thereof, shall be subject to a period of incarceration as determined by a Magisterial District Judge having jurisdiction over same. Any person parking a vehicle in an area designated as a no-parking area shall be guilty of a summary offense and, upon conviction thereof, shall be subject to a fine of not more than \$50 and, in default of payment thereof, shall be sentenced to a period of incarceration as may be determined by a Magisterial District Judge having jurisdiction over same.

Chapter 528. Vehicles, Junked or Inoperable

[HISTORY: Adopted by the City Council of the City of Jeannette 7-11-2001 by Ord. No. 01-03. Amendments noted where applicable.]

§ 528-1. Title.

This chapter shall be known as the "City of Jeannette Junk and Unusable Vehicle Parking Ordinance".

§ 528-2. Definitions.

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

JUNK

Any unused, inoperable, stripped, junked, wrecked or disassembled to the extent same is inoperable piece of machinery, implements, equipment and/or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured.

JUNK VEHICLE

Any "motor vehicle," as defined hereafter, that is without a current registration, serviceable storage battery, current inspection sticker and/or is physically incapable of being operated legally and immediately upon the roadways within the City of Jeannette or Commonwealth of Pennsylvania.

MOTOR VEHICLE

Any motor vehicle as defined by the Pennsylvania Motor Vehicle Code (75 P.S. § 101 et seq.), as amended, and shall be deemed to include, but not be limited to, any vehicle of whatsoever nature and kind which is self-propelled, except one which is propelled solely by human power, or that may otherwise be subject to licensing, inspection and/or registration under the laws of the Commonwealth of Pennsylvania.

PARK, PARKING or PARKED

The parking, stopping, standing or storage of any motor vehicle subject to registration, inspection and/or licensing by the Commonwealth of Pennsylvania, whether occupied or not, or while engaged in the process of loading or unloading, or while stopped in obedience to traffic regulations or traffic signs or signals. Neither this definition nor this chapter shall apply to police or fire department vehicles or ambulances which are stopped temporarily for purposes of providing aid, assistance or protection of the public.

VEHICLE UP ON JACKS

The unsheltered or unsupervised storage of any motor vehicle upon a jack, blocks or other form of elevation device on public or private property within the corporate limits of the City of Jeannette such that any one or more wheel(s) of said vehicle do not touch the ground. For the purposes of this subsection, "storage" shall mean leaving a vehicle on a jack, blocks or other form of elevation device, the same being unsheltered or unsupervised, for a period in excess of 24 hours.

§ 528-3. Prohibitions.

- A. From and after the effective date of this chapter, it shall be unlawful for any person to park, stop, stand or store any motor vehicle upon any street, avenue, alleyway, road or other public way within the City of Jeannette, Westmoreland County, Pennsylvania, that is without a current registration, serviceable storage battery, current inspection sticker and/or that is physically incapable of being operated legally and immediately upon the roadways within the City of Jeannette or Commonwealth of Pennsylvania.
- B. From and after the effective date of this chapter, it shall be unlawful for any person to permit or maintain the unsheltered storage of any motor vehicle upon private property within the City of Jeannette that is without a current registration, serviceable storage battery, current inspection sticker and/or that is physically incapable of being operated legally and immediately upon the roadways within the City of Jeannette or Commonwealth of Pennsylvania.
- C. From and after the effective date of this chapter, it shall be unlawful for any person to maintain or engage in the unsheltered storage of any "junk," as same is defined above, upon any street, avenue, alleyway, road or other public way within the City of Jeannette, Westmoreland County, Pennsylvania, at any time or upon private property within the corporate limits of the City for a period of 24 hours or more (except in places where a junkyard is regularly conducted and permitted).
[Amended 5-9-2007 by Ord. No. 07-04]
- D. From and after the effective date of this chapter, it shall be unlawful for any person to engage in or maintain the unsheltered or unsupervised storage of any vehicle up on jacks, as defined above, within the corporate limits of the City of Jeannette.

§ 528-4. Violations and penalties.

[Amended 5-9-2007 by Ord. No. 07-04; at time of adoption of Code (Ch. 1, General Provisions, Art. I)]

- A. Any person, firm or corporation who maintains or engages in the placement of any junk or junk vehicle, or who stops, stands or stores any such junk or junk vehicle upon any street, avenue,

alleyway, road or other public way within the corporate limits of the City of Jeannette contrary to the terms of this chapter shall be deemed in violation of the terms and provisions of this chapter and shall be guilty of a summary offense. Upon conviction of such summary offense before a Magisterial District Judge of the Commonwealth of Pennsylvania having jurisdiction over same, such person, firm or corporation shall be sentenced to pay a fine of not more than \$1,000, together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for a period of not more than 90 days in the County jail. Each day's violation shall constitute a separate offense, and notice to the offender shall not be necessary in order to constitute such an offense.

- B. Any person, firm or corporation who maintains or engages in the maintenance of any junk, junk vehicle or vehicle up on jacks upon private property within the corporate limits of the City of Jeannette contrary to the terms of this chapter shall be deemed in violation of the terms and provisions of this chapter and shall be guilty of a summary offense. Upon conviction of such summary offense before a Magisterial District Judge of the Commonwealth of Pennsylvania having jurisdiction over same, such person, firm or corporation shall be sentenced to pay a fine of not more than \$1,000 together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for a period of not more than 90 days in the County jail. Each day's violation shall constitute a separate offense, and notice to the offender shall not be necessary in order to constitute such an offense.

§ 528-5. Declaration of public nuisance and abatement of nuisances.

- A. In addition to being a violation of this chapter subject to summary citations set forth above, from and after the date of this chapter the unsheltered storage of junk, junk automobiles or vehicles up on jacks for a period of 24 hours or more within the corporate limits of the City of Jeannette, Westmoreland County, Pennsylvania, regardless of whether same are within the public rights-of-way or upon private property, shall be deemed a nuisance, dangerous to the public health, safety and well-being.

[Amended 5-9-2007 by Ord. No. 07-04]

- B. In the event of the deemed existence of such public nuisance, the owner, owners, tenants, lessees and/or occupants of any parcel of real estate within the corporate limits of the City of Jeannette upon which the unsheltered storage of such junk, junk vehicle or vehicle up on jacks is stored, the owner or owners of the aforesaid vehicle or junk, or the owner, owners, tenants, lessees and/or occupants of any parcel of real estate abutting a public street, avenue, alleyway, road or other public way upon which such junk, junk vehicle or vehicle up on jacks is maintained shall be jointly and severally responsible for the abatement of the nuisance created by such unsheltered storage or maintenance and, upon notification by the City of Jeannette, shall promptly remove such junk, junk vehicle or vehicle up on jacks to a completely enclosed building or buildings authorized for the use or storage of same within the corporate limits of the City of Jeannette, or otherwise remove such junk, junk vehicle or vehicle up on jacks to a location outside corporate limits of the City of Jeannette.

- C. The notice to abate the nuisance described in the foregoing paragraph shall be given by the City to each and/or every individual, firm or corporation referenced above, shall prescribe the manner in which abatement is to occur, and shall be served upon such individual, firm or corporation as follows:

[Amended 5-9-2007 by Ord. No. 07-04]

- (1) Where the junk vehicle, junk or vehicle up on jacks is located within the public roadways, alleyways or other public rights-of-way of the City of Jeannette, the individual, firm or corporation shall be given 24 hours' notice to abate such nuisance by posting such notice directly on the junk vehicle, junk or vehicle up on jacks;

(2) Where the junk, junk vehicle or vehicle up on jacks is situate upon private property, such individual, firm or corporation owning the vehicle, as well as the owner of the private property upon which the junk, junk vehicle or vehicle up on jacks is situate, shall be given 48 hours' notice to abate such nuisance by certified mail, return receipt requested. In the event such certified mail is returned, refused or unclaimed, such notice shall be sent by regular mail to such individual, firm or corporation referenced above at their last known address.

D. In addition to the fines and penalties imposed by summary citation set forth above, any person, firm or corporation who fails to comply with the terms of a notice of abatement within the time period described therein shall be in violation of the terms and provisions of this chapter and shall be guilty of an additional summary offense for failure to so comply. Upon conviction of such summary offense before a Magisterial District Judge of the Commonwealth of Pennsylvania having jurisdiction over same, such person, firm or corporation shall be sentenced to pay a fine of not more than \$1,000 together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for a period of not more than 90 days in the County jail. Each day's failure to abate a nuisance after the abatement deadline set forth in same shall constitute a separate offense, and notice to the offender shall not be necessary in order to constitute such separate offense.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

E. In addition to the penalties provided herein through the use of summary citations, the City of Jeannette shall have the right and privilege to remove any junk, junk vehicle or vehicle up on jacks to a location of its selection for storage. The City shall notify the last known owner or owners of such junk, junk vehicle or vehicle up on jacks, or the owner of private property upon which such junk, junk vehicle or vehicle up on jacks is situate, or the owner, tenant, occupant or persons otherwise responsible for the maintenance of such nuisance, that such junk, junk vehicle or vehicle up on jacks has been removed and that same has been placed in storage and that same shall be sold after the expiration of 30 days if removal and storage charges are not paid by the responsible owner or owners. In the event such personalty has been placed in storage by the City of Jeannette, said personalty may be sold by the City of Jeannette for payment of removal and storage charges. In the event that, at the time of such sale, any outstanding fines, costs or expenses resulting from summary proceedings referenced above are due and owing, then the City may apply amounts received in excess of the removal and storage charges to the payment of such fines and costs. If the proceeds of such sale are insufficient to pay the costs of removal and storage or any fines referenced above, the individuals referenced above, either jointly, severally or individually, shall be liable to the City of Jeannette for the balance of costs and expenses of removal, together with any additional fines, costs or expenses that may be imposed. If the proceeds of such sale are in excess of the costs and expenses associated with removal and any and all fines imposed under this chapter have been paid, then the balance of such proceeds shall be paid to those individuals referenced above or deposited in the City treasury for their use and benefit.

F. Notwithstanding any of the provisions set forth above, the City of Jeannette may file a municipal claim against the real estate owned by any person convicted through summary proceedings for violating this chapter to recover the costs of removal and storage, excess costs relating to same and any other amounts provided herein.

§ 528-6. Severability.

The provisions of this chapter are severable. In the event any part, portion, term or condition of this chapter is found to be unconstitutional, unenforceable or invalid by any court of competent jurisdiction, then the remaining terms, conditions, portions and provisions of this chapter shall remain in full force and effect.

Chapter 550. Zoning

[HISTORY: Adopted by the City Council of the City of Jeannette 10-11-2017 by Ord. No. 17-07. Amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Table of Permitted Land Uses 

Attachment 2 - Table of Permitted Sign Types and Regulations 

Attachment 3 - Zoning Map 

Article I. Title, Purpose and Jurisdiction

§ 550-1. Title.

An ordinance of the City of Jeannette, County of Westmoreland, Commonwealth of Pennsylvania, repealing the prior ordinance and permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, alteration, and use of structures; the areas and dimensions of land to be occupied by uses and structures; the density of population and intensity of use; the protection of natural features; creating zoning districts and establishing the boundaries thereof; and providing for the administration, amendment and enforcement of the ordinance, including the imposition of penalties.

§ 550-2. Authority.

This chapter shall be ordained and enacted by the City Council of the City of Jeannette, County of Westmoreland, by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act No. 247, as amended.^[1]

[1] *Editor's Note: See 53 P.S. § 10101 et seq.*

§ 550-3. Short title.

This chapter shall be known and may be cited as "The City of Jeannette Zoning Ordinance." It is also hereafter referred to as "Zoning Ordinance" and "ordinance."

§ 550-4. Purpose and community development objectives.

This chapter has been prepared in accordance with the Jeannette Comprehensive Development Plan, with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the purpose of promoting public health, safety and general welfare according to the following objectives:

- A. Allow for mixed uses where appropriate, especially residential living on the upper floors of businesses.
- B. Develop clean, attractive gateways and corridors to greet residents and visitors to the City of Jeannette.
- C. Reduce blight and spur reinvestment in the existing building stock.
- D. Strengthen the connections between downtown and the surrounding neighborhoods.
- E. Stimulate commercial development within the City.
- F. Allow for new innovative and productive uses, such as "pop-up" businesses.

- G. Guide the design of the public realm in key districts to ensure quality, visually attractive development that becomes a significant asset to the community.
- H. Require appropriate buffers and transitions between uses of greatly different intensity to protect property owners.
- I. Require best practices for the design of highway-oriented development, including access management.
- J. Encourage future redevelopment of industrial sites within the City.
- K. Ensure safe and efficient bicycle and pedestrian movement throughout the City.
- L. Protect and enhance the City's natural features, open space, and historic resources.
- M. Facilitate administration and enforcement of the City's regulations.
- N. Provide for the orderly and beneficial expansion and development of wireless communications facilities while minimizing the negative impacts to the surrounding neighborhoods and areas.
[Added 3-14-2019 by Ord. No. 19-05]

§ 550-5. Interpretation.

In interpreting and applying the provisions in this chapter, they shall be held to be the minimum requirements adopted for the promotion of the health, safety and the general welfare of the City and its citizens. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance or regulation shall be controlling. Where any typographical errors or omissions are found, the interpretation shall be in accordance with the overall intent of the requirement of that article or subsection.

§ 550-6. Severability.

It is hereby declared to be the intent of the City Council that:

- A. If a court of competent jurisdiction declares any provision, clause, sentence or word of this chapter to be invalid or ineffective, in whole or in part, such decision shall be limited to those provisions that are expressly stated to be invalid or ineffective. All other provisions of this chapter shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this chapter to any lot, building or other structure, or tract of land to be invalid or ineffective, in whole or in part, such decision shall be limited to the person, property or situation immediately involved in the controversy. The application of any such provision to other persons, property or situations shall not be affected.

Article II. Zoning Districts

§ 550-7. Zoning districts established.

The City is hereby divided into zoning districts of different types, each type being of such number, shape, kind and area and of such common unity of purpose and adaptability of use that is deemed most suitable to carry out the objectives of this chapter and the Comprehensive Plan.

§ 550-8. Enumeration of zoning districts.

The City is hereby divided into 11 districts, as follows:

TN	Traditional Neighborhood
MR	Mixed Residential
CT	Commercial Transition
UC	Urban Center
CC	Commercial Corridor
RC	Regional Commercial
D	Downtown
IC	Institutional Campus
II	Industrial Innovation
HI	Heavy Industrial
NC	Neighborhood Commercial

§ 550-9. Zoning Map.

- A. The boundaries of districts shall be shown on the map attached to and made part of this chapter. Said map will be known as the "City of Jeannette Zoning Map, 2017." The Zoning Map shall be kept on file and available for examination at City Hall.^[1]

[1] *Editor's Note: A copy of the Zoning Map is an attachment to this chapter.*

- B. Boundaries. Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Map, the following rules shall apply:
- (1) Where district boundaries are indicated as approximately coinciding with the center lines of street, highways, railroad lines or streams, such center lines shall be construed to be such boundaries.
 - (2) Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.
 - (3) Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.
 - (4) The abandonment of streets shall not affect the location of such district boundaries.
 - (5) When the Zoning Officer cannot definitely determine the location of a district boundary by center lines, lot lines, or by the scale or dimensions stated on the Zoning Map, he or she shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the intentions and purposes set forth in all relevant provisions of this chapter.
 - (6) Where one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification; and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership.

§ 550-10. Traditional Neighborhood District (TN).

- A. Purpose. To preserve the existing low-density single-family neighborhoods in Jeannette. Located on the periphery of the City, these neighborhoods afford the greatest protection from intrusive land uses as a result of natural or man-made barriers. Various nonresidential uses that complement a residential neighborhood, including schools, community centers, religious institutions, and parks, are permitted.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table TN-1: Residential Structures			
		Single-Family	Duplex
Lot	Minimum width (feet)	50	70
	Minimum area/maximum density (square feet)	5,000	5,000
Minimum setbacks	Front yard (feet)	10	10
	Side yard (feet)	5	5
	Rear yard (feet)	30	30
Development	Maximum coverage (percent)	40%	50%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories

Table TN-2: Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	10
	Side yard (feet)	10
	Rear yard (feet)	30
Development	Maximum coverage (percent)	75%
	Maximum height	35 feet or 3 stories

- F. Setbacks.
 - (1) Setbacks are as shown in Table TN-1: Residential Structures and Table TN-2: Nonresidential Structures.
 - (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
 - (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
 - (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.

- (5) All residential construction shall substantially conform in street orientation to adjacent interior lot homes.
- G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:
 - (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
 - (7) Pools are subject to the accessory use provisions herein and subject to the requirements of the Uniform Construction Code.
- H. Landscaping and screening. See Article VI, Landscaping and Screening.
- I. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-11. Mixed Residential District (MR).

- A. Purpose. To preserve the residential neighborhoods consisting of denser single-family development, including duplexes and townhomes, on smaller lots. In most cases, this district serves as a buffer between Traditional Neighborhood Districts and commercial districts. Various nonresidential uses that complement a residential neighborhood, including schools, community centers, religious institutions, and parks, are permitted.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table MR-1: Residential Structures					
		Single-Family	Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	30	40	16	80

Table MR-1: Residential Structures					
		Single-Family	Duplex	Townhouse	Multifamily
	Minimum area/maximum density	4,000 square feet	4,000 square feet	16 d.u./acre	35 d.u./acre
Minimum setbacks	Front yard (feet)	10	10	10	10
	Side yard (feet)	5	5	10	10
	Rear yard (feet)	30	30	25	25
Development	Maximum coverage (percent)	40%	50%	60%	60%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	45 feet or 4 stories

Table MR-2: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	10
	Side yard (feet)	10
	Rear yard (feet)	30
Development	Maximum coverage (percent)	75%
	Maximum height	35 feet or 3 stories

F. Setbacks.

- (1) Setbacks are as shown in Table MR-1: Residential Structures and Table MR-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
- (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
- (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory

structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.

- (4) No accessory structures shall be permitted within a public right-of-way.
- (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
- (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- (7) Pools are subject to the accessory use provisions herein and subject to the requirements of the Uniform Construction Code.

H. Landscaping and screening. See Article **VI**, Landscaping and Screening.

I. Parking, loading and internal roadways. See Article **VII**, Parking, Loading and Internal Roadways.

J. Signs. See Article **VIII**, Signs.

K. Grading and drainage. See Article **IX**, Stormwater Management, Drainage, Grading.

§ 550-12. Commercial Transition District (CT).

A. Purpose. To foster appropriate transition areas that buffer between residential uses and higher impact land uses, which may include smaller retailers and service providers that cluster at key intersections or locate on the ground floor within more prominent multifamily buildings. This district is concentrated in areas surrounding core Downtown or Commercial Corridor Districts. Various nonresidential uses that complement a commercial transition neighborhood, including schools, community centers, religious institutions, and parks, are permitted.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

B. Permitted land uses. See § **550-21**, Permitted land uses.

C. Special exception uses. See § **550-21**, Permitted land uses.

D. Conditional uses. See § **550-21**, Permitted land uses.

E. Lot provisions.

		Single-Family	Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	30	40	16	80
	Minimum area/maximum density	4,000 square feet	4,000 square feet	30 d.u./acre	100 d.u./acre
Minimum setbacks	Front yard (feet)	0	0	0	10
	Side yard (feet)	5	1	5	10
	Rear yard (feet)	30	20	10	10

Table CT-1: Residential Structures					
		Single-Family	Duplex	Townhouse	Multifamily
Development	Maximum coverage (percent)	40%	65%	70%	75%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	115 feet or 10 stories

Table CT-2: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	10
	Rear yard (feet)	30
Development	Maximum coverage (percent)	75%
	Maximum height	45 feet or 4 stories

F. Setbacks.

- (1) Setbacks are as shown in Table CT-1: Residential Structures and Table CT-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
- (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
- (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
- (4) No accessory structures shall be permitted within a public right-of-way.
- (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.

(6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.

H. Landscaping and screening. See Article **VI**, Landscaping and Screening.

I. Parking, loading and internal roadways. See Article **VII**, Parking, Loading and Internal Roadways.

J. Signs. See Article **VIII**, Signs.

K. Grading and drainage. See Article **IX**, Stormwater Management, Drainage, Grading.

§ 550-13. Urban Center District (UC).

A. Purpose. To accommodate the redevelopment and reuse of part of the former Zion manufacturing site and some surrounding parcels. This district is intended to accommodate a mix of commercial, residential and public uses that together foster an active pedestrian-oriented area.

B. Permitted land uses. See § **550-21**, Permitted land uses.

C. Special exception uses. See § **550-21**, Permitted land uses.

D. Conditional uses. See § **550-21**, Permitted land uses.

E. Site plan approval requirements. Site plan review and approval by the Planning Commission is required for all new development in this district. Prior to submitting an application for a zoning permit, the applicant must obtain site plan approval from the Planning Commission. The application to the Planning Commission shall be accompanied by plans and other materials necessary to address the general and specific requirements of this chapter. The minimum requirements shall include the following:

(1) Seven copies of a site layout plan drawn to scale, showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. The site layout plan shall be prepared by and contain the seal of a professional engineer, land surveyor or landscape architect licensed in the Commonwealth of Pennsylvania.

(2) The following information shall be provided on the site layout plan:

(a) Statement as to the proposed use of the building or land. A description of proposed residential, institutional, retail, consumer uses, businesses and offices, or other uses.

(b) The location, dimensions and arrangements of all open spaces, yards and buffer yards, including methods to be employed for any required buffering and screening.

(c) The location, size and height of any proposed signs.

(d) The location and dimension of sidewalks and all other areas to be devoted to pedestrian use.

(e) Provisions to be made for treatment and disposal of wastewater, water supply and stormwater.

(f) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, and all necessary traffic improvements for safe on-site ingress or egress, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.

- (g) Description of methods to be employed in controlling any noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards.
 - (h) Any other data deemed necessary by the Planning Commission to enable it to determine the compliance of the proposed development with the terms of this chapter.
- (3) The site layout plan must be accompanied by a statement describing how the development is:
- (a) In accordance with the City's community development objectives.
 - (b) Suitable for the property and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

F. Lot provisions.

Table UC-1: Residential Structures				
		Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	40	16	100
	Minimum area/maximum density	3,000 square feet	30 d.u./acre	150 d.u./acre
Minimum setbacks	Front yard (feet)	0	0	0
	Side yard (feet)	0	0	0
	Rear yard (feet)	10	10	10
Development	Maximum coverage (percent)	100%	100%	100%
	Maximum height	100 feet or 9 stories	100 feet or 9 stories	100 feet or 9 stories

Table UC-2: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	0
	Rear yard (feet)	10
Development	Maximum coverage (percent)	100%
	Maximum height	100 feet or 9 stories

G. Setbacks.

- (1) Setbacks are as shown in Table UC-1: Residential Structures and Table UC-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.

- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
 - (5) All construction shall substantially conform in street orientation to adjacent structures.
- H. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:
- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article **III**, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- I. Landscaping and screening. See Article **VI**, Landscaping and Screening.
- J. Parking, loading and internal roadways. See Article **VII**, Parking, Loading and Internal Roadways. Supplemental regulations for this district are as follows:
- (1) Off-street parking shall be located to the side and rear of buildings in order to maintain street frontage for pedestrian connections and circulation. On sites with multiple buildings, parking is allowed in front of or between buildings that are interior to the site.
 - (2) Application requests for a reduction in the number of required off-street parking spaces as the result of shared parking will be considered. The City will consider parking availability and proximity to transit during the site plan review process.
 - (3) The amount of required off-street parking shall be reduced by one space for each on-street parking space adjacent to the development.
 - (4) The number of surface parking spaces shall not exceed 125% of the minimum required, excluding dedicated residential spaces and parking structures.
- K. Signs. See Article **VIII**, Signs.
- L. Grading and drainage. See Article **IX**, Stormwater Management, Drainage, Grading.
- M. Supplemental regulations.
- (1) High-rise buildings (five stories). The base of high-rise buildings (equivalent to the first three floors above street grade) must be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment.
 - (2) First-floor retail required. In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building over 100,000 square feet must devote a minimum of 50% of the net first-floor area to retail activities which promote a visual relationship to the

street and encourage movement and activity at street level. Retail activity refers to any use which encourages street-level activity in the building beyond the normal business day and is in addition to the daily work activities of the building tenants.

- (a) Any expansion of an existing building which results in more than 100,000 square feet of new floor area must also comply with this requirement unless the new floor area is all in a vertical expansion which results in no new street-level floor area. The minimum 50% area will be computed on the new street-level floor area only.
 - (b) The term "retail" includes not only sales of merchandise at retail but will also be construed to mean personal and business services, eating, drinking and entertainment establishments, galleries, and similar uses.
 - (c) 50% of the square footage of a hotel lobby may be counted towards the required retail space.
 - (d) For the purpose of this subsection, net floor area does not include stairways, elevator shafts, elevator lobbies, restrooms, mechanical areas, security areas, or service areas. It is strongly encouraged but not mandated that all street-level retail tenants which have sidewalk frontage be furnished with direct access to the sidewalk in addition to any other access that may be provided. If individual entrances are provided to street-level retail tenants which have sidewalk frontage, the required retail floor area may be reduced by 5% of the net floor area for each separate entrance up to a maximum of five entrances.
- (3) Utility lines. All utility lines along all project street frontages must be placed underground in projects over 100,000 square feet.

§ 550-14. Commercial Corridor District (CC).

- A. Purpose. To allow for more intensive commercially heavy corridors through the neighborhoods of Jeannette. The majority of commercial land uses fall in this land use category, located primarily around the downtown area and adjacent to higher density residential neighborhoods.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table CC-1: Residential Structures		
		Multifamily
Lot	Minimum width (feet)	100
	Minimum area/maximum density	100 d.u./acre
Minimum setbacks	Front yard (feet)	10
	Side yard (feet)	10
	Rear yard (feet)	10
Development	Maximum coverage (percent)	75%
	Maximum height	65 feet or 5 stories

Table CC-2: Mixed and Nonresidential Structures		
		All Building Types

Table CC-2: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	50
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	10
	Rear yard (feet)	20
Development	Maximum coverage (percent)	100%
	Maximum height	45 feet or 4 stories

F. Setbacks.

- (1) Setbacks are as shown in Table CC-1: Residential Structures and Table CC-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
- (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
- (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
- (4) No accessory structures shall be permitted within a public right-of-way.
- (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
- (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.

H. Landscaping and screening. See Article VI, Landscaping and Screening.

I. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.

J. Signs. See Article VIII, Signs.

K. Grading and drainage. See Article IX, Stormwater Management, Drainage and Grading.

§ 550-15. Regional Commercial District (RC).

- A. Purpose. To allow for commercial development along a highway corridor to provide retail, services and other amenities to residents and visitors throughout the region. Commercial development that provides pedestrian access and facilities is encouraged, along with the use of appropriate building materials, architectural detail, massing, lighting and landscaping criteria to maintain compatibility with the character of Jeannette.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table RC-1: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	80
	Minimum area/maximum density	100 d.u./acre
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	5
	Rear yard (feet)	10
Development	Maximum coverage (percent)	80%
	Maximum height	65 feet or 5 stories

- F. Site development standards.
 - (1) Primary access to any individual commercial establishments must be from the street or sidewalk and not from inside lobbies and hallways.
 - (2) Sidewalks must be installed along the perimeter of the lot. A minimum four-foot landscaped buffer shall be installed between the sidewalk and right-of-way.
 - (3) A maximum of two driveway curb cuts are permitted on the longest lot line. A maximum of one driveway curb cut is permitted on all other lot lines.
- G. Setbacks.
 - (1) Setbacks are as shown in Table RC-1: Mixed and Nonresidential Structures.
 - (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
 - (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
 - (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
 - (5) All construction shall substantially conform in street orientation to adjacent structures.
- H. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- I. Landscaping and screening. See Article VI, Landscaping and Screening.
 - J. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
 - K. Signs. See Article VIII, Signs.
 - L. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-16. Downtown District (D).

- A. Purpose. To stimulate an active, vibrant traditional business district in Jeannette. Larger structures with regional commercial land uses are appropriate, but big-box retail is not appropriate in this district. The boundaries of this district are meant to foster a concentrated focus for the economic revitalization of Jeannette's commercial core. A variety of retail and service uses are permitted, with mixed-use and multi-tenant buildings strongly encouraged.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Site plan approval requirements. Site plan review and approval by the Planning Commission is required for all new development in this district. Prior to submitting an application for a zoning permit, the applicant must obtain site plan approval from the Planning Commission. The application to the Planning Commission shall be accompanied by plans and other materials necessary to address the general and specific requirements of this chapter. The minimum requirements shall include the following:
 - (1) Seven copies of a site layout plan drawn to scale, showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. The site layout plan shall be prepared by and contain the seal of a professional engineer, land surveyor, or landscape architect licensed in the Commonwealth of Pennsylvania.
 - (2) The following information shall be provided on the site layout plan:

- (a) Statement as to the proposed use of the building or land. A description of proposed residential, institutional, businesses and offices, retail consumer uses, or other uses.
 - (b) The location, dimensions and arrangements of all open spaces, yards, and buffer yards, including methods to be employed for any required buffering and screening.
 - (c) The location, size and height of any proposed signs.
 - (d) The location and dimension of sidewalks and all other areas to be devoted to pedestrian use.
 - (e) Provisions to be made for treatment and disposal of wastewater, water supply and stormwater.
 - (f) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, and all necessary traffic improvements for safe on-site ingress or egress, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - (g) Description of methods to be employed in controlling any noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards.
 - (h) Any other data deemed necessary by the Planning Commission to enable it to determine the compliance of the proposed development with the terms of this chapter.
- (3) The site layout plan must be accompanied by a statement describing how the development is:
- (a) In accordance with the City's community development objectives.
 - (b) Suitable for the property and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

F. Lot provisions.

Table D-1: Residential Structures		
		Multifamily
Lot	Minimum width (feet)	16
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	0
	Rear yard (feet)	10
Development	Maximum coverage (percent)	100%
	Maximum height	100 feet or 9 stories

Table D-2: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	16
	Minimum area/maximum density	None
Minimum setbacks	Front yard	None
	Side yard	None
	Rear yard	None

Table D-2: Mixed and Nonresidential Structures		
		All Building Types
Development	Maximum coverage (percent)	100%
	Maximum height	100 feet or 9 stories

G. Setbacks.

- (1) Setbacks are as shown in Table D-1: Residential Structures and Table D-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a rear lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

H. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
- (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
- (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
- (4) No accessory structures shall be permitted within a public right-of-way.
- (5) Accessory structures shall not be located closer than five feet to the rear property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
- (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.

I. Landscaping and screening. See Article VI, Landscaping and Screening.

J. Parking, loading and internal roadways.

- (1) Within the Downtown District, there are no minimum off-street parking requirements. However, if off-street parking is provided, the standards included in Article VII, Parking, Loading and Internal Roadways, shall apply.
- (2) The loading and internal roadway regulations of Article VII shall apply to all new development.

K. Signs. See Article VIII, Signs.

L. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-17. Institutional Campus District (IC).

- A. Purpose. To preserve land for essential community functions, such as public education facilities, health care facilities, nursing homes and similar uses. These uses are permitted as conditional with emphasis given to mitigating the impact they create on surrounding residential neighborhoods. Daily activities within the district attract visitors from throughout the region, and consideration should be given to access and egress to limit nonlocal traffic through nearby residential areas. In addition, buffering and screening should be used to mitigate any other impacts of institutional activity, including areas dedicated to community institution operation and maintenance.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

		Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	40	16	80
	Minimum area/maximum density	4,000 square feet	16 d.u./acre	35 d.u./acre
Minimum setbacks	Front yard (feet)	10	10	10
	Side yard (feet)	5	10	10
	Rear yard (feet)	20	25	25
Development	Maximum coverage (percent)	50%	60%	60%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories	45 feet or 4 stories

		All Building Types
Lot	Minimum width (feet)	80
	Minimum area/maximum density	4,000 square feet
Minimum setbacks	Front yard (feet)	30
	Side yard (feet)	30
	Rear yard (feet)	30
Development	Maximum coverage (percent)	60
	Maximum height	45 feet or 4 stories

- F. Setbacks.
 - (1) Setbacks are as shown in Table IC-1: Accessory Residential Structures and Table IC-2: Mixed and Nonresidential Structures.
 - (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.

- (3) HVAC mechanical units may be located no closer than 10 feet to a side lot line.
 - (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:
- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Table IC-1 and Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- H. Landscaping and screening. See Article VI, Landscaping and Screening.
- I. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-18. Industrial Innovation District (II).

- A. Purpose. To preserve space for the industrial economic and employment generators that are predominantly located in enclosed structures with minimal impact to surrounding properties. Daily activities within the district attract visitors from throughout the region, and surface parking lots may be common. Consideration should be given to access management, loading and service area screening, and the use of open space and landscaping to foster a positive pedestrian environment.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table II-1: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	80

Table II-1: Mixed and Nonresidential Structures		
		All Building Types
	Minimum area/maximum density	15,000 square feet
Minimum setbacks	Front yard (feet)	20
	Side yard (feet)	15
	Rear yard (feet)	15
Development	Maximum coverage (percent)	80%
	Maximum height	65 feet or 5 stories

F. Setbacks.

- (1) Setbacks are as shown in Table II-1: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than 10 feet to a side lot line.

G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) No accessory structures shall be permitted within a public right-of-way.
- (2) Accessory structures shall not be located closer than 20 feet to the rear and side property lines, unless otherwise indicated in this chapter.
- (3) Accessory structures shall not exceed 18 feet in height from grade.

H. Landscaping and screening. See Article **VI**, Landscaping and Screening.

I. Parking, loading and internal roadways. See Article **VII**, Parking, Loading and Internal Roadways.

J. Signs. See Article **VIII**, Signs.

K. Grading and drainage. See Article **IX**, Stormwater Management, Drainage, Grading.

§ 550-19. Heavy Industrial District (HI).

A. Purpose. To preserve space for heavier industrial facilities that are more intensive than light industries and that cannot be contained indoors for the most part. The impact of this land use on surrounding properties and neighborhoods is greater than Industrial Innovation District land uses. Landscaped or naturalized areas along the perimeter of the district should be used to provide a buffer to less intense residential, commercial and employment districts, limiting impacts on property values and quality of life.

B. Permitted land uses. See § **550-21**, Permitted land uses.

C. Special exception uses. See § **550-21**, Permitted land uses.

D. Conditional uses. See § **550-21**, Permitted land uses.

E. Lot provisions.

Table HI-1: Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	100
	Minimum area/maximum density	30,000 square feet
Minimum setbacks	Front yard (feet)	20
	Side yard (feet)	30
	Rear yard (feet)	30
Development	Maximum coverage (percent)	80%
	Maximum height	65 feet or 5 stories

F. Setbacks.

- (1) Setbacks are as shown in Table HI-1: Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage, or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than 20 feet to a side lot line.

G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) No accessory structures shall be permitted within a public right-of-way.
- (2) Accessory structures shall not be located closer than 20 feet to the rear and side property lines, unless otherwise indicated in this chapter.
- (3) Accessory structures shall not exceed 18 feet in height from grade.

H. Landscaping and screening. See Article **VI**, Landscaping and Screening.

I. Parking, loading and internal roadways See Article **VII**, Parking, Loading and Internal Roadways.

J. Signs. See Article **VIII**, Signs.

K. Grading and drainage. See Article **IX**, Stormwater Management, Drainage, Grading.

§ 550-20. Neighborhood Commercial District (NC).

[Added 12-26-2017 by Ord. No. 17-10]

- A. Purpose. Commercial development that is well-defined within a neighborhood, providing retail, services and other amenities primarily to surrounding residents. Neighborhood Commercial Districts must be compatible with adjacent residential areas and contribute to neighborhood character, viability and attractiveness. Institutional and cultural uses, including schools, churches and community centers, as well as multifamily residential uses, may also be permitted.
- B. Permitted land uses. See § **550-21**, Permitted land uses.
- C. Special exception uses. See § **550-21**, Permitted land uses.
- D. Conditional uses. See § **550-21**, Permitted land uses.

E. Lot provisions.

Table NC-1: Residential Structures				
		Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	40	16	80
	Minimum area/maximum density	4,000 square feet	16 d.u./acre	100 d.u./acre
Minimum setbacks	Front yard (feet)	10	10	10
	Side yard (feet)	5	10	10
	Rear yard (feet)	20	25	10
Development	Maximum coverage (percent)	50%	60%	70%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories	45 feet or 4 stories

Table NC-2: Mixed and Nonresidential Structures		
		All Uses
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard	None
	Side yard	None
	Rear yard (feet)	20
Development	Maximum coverage (percent)	100%
	Maximum height	45 feet or 4 stories

F. Setbacks.

- (1) Setbacks are as shown in Table NC-1: Residential Structures and Table NC-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
- (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.

- (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
 - (7) Pools are subject to the accessory use provisions herein and subject to the requirements of the Uniform Construction Code.
- H. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- I. Landscaping and screening. See Article VI, Landscaping and Screening.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-21. Permitted land uses.

The permitted land uses table is included as an attachment to this chapter.

Article III. General Development and Performance Standards

§ 550-22. Purpose.

The conditions, standards, requirements and notes set forth in Article II, Zoning Districts, and otherwise prescribed by this chapter are established as the basic height, bulk, area, lot coverage, and density regulations for the City. Except as provided in this chapter, no building or structure shall be erected, enlarged, altered, changed or otherwise modified on a lot unless such building, structure or modification conforms to the regulations of the district in which it is located. This article outlines other requirements not specified elsewhere in this chapter and exceptions to certain standards already established.

§ 550-23. General exceptions.

- A. Height exceptions. In all districts, spires, church steeples, chimneys, cooling towers, flag poles, elevator bulkheads, fire towers, scenery lofts, transmission lines or towers and distribution poles and lines, radio and television aerials, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
- B. Setback exceptions.
- (1) All new construction will conform to the clearly prevailing setback pattern of developed lots within the block fronting on the same street, even when the prevailing front-yard setbacks

differ from those required in the zoning district. When an unimproved lot is situated between two lots with existing front-yard setbacks that differ from those required in the zoning district, then the front-yard setback may be adjusted to a depth equal to whichever of the front-yard setbacks is closest to meeting the district requirement.

- (2) Lots abutting more than one street shall provide the required front yards along every street, except where the applicant proves to the satisfaction of the Code Enforcement Officer that the provision of a smaller setback will conform with the clearly prevailing yard pattern on existing developed lots fronting on the same street. Corner lots shall have two front yards and two side yards; provided, however, that if the corner lot has only three sides, it shall have two front yards and one side yard. Where the lot abuts an alley, it shall not be required to provide a front yard along such alley.
- (3) An accessory structure less than 150 square feet in area and under 10 feet in height can be placed in the rear yard a minimum of five feet from any side or rear lot line, provided the accessory structure is at least 10 feet from a principal structure.

C. Projections into required setbacks.

- (1) Fire escapes and uncovered ramps designed in accordance with the American with Disabilities Act (ADA) standards may extend or project into a required setback.
- (2) Patios and uncovered decks less than 30 inches in height above grade at any point may extend no closer than five feet to any adjacent property line in rear and side yards.

D. Yard, building setbacks, and open space exceptions. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure.

§ 550-24. General requirements.

- A. Licensing. All facilities requiring local, state or federal licenses and/or permits to operate must present proof of such licenses and/or permits in order to receive zoning approval.
- B. Structures on a lot. In TN, MR and CT Districts, only one principal building and its accessory structures may be located on a lot.
- C. Storage of recreational vehicles and similar equipment. The outdoor storage or parking of any recreational vehicle or similar equipment shall be prohibited for a period of greater than 48 hours in the TN, MR and CT Districts, except where expressly permitted by other provisions of this chapter, unless the following minimum conditions are met:
 - (1) All such vehicles or equipment shall be placed within a completely enclosed building or carport or located behind the front face of the principal structure, but no closer than five feet to any side or rear lot line.
 - (2) Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit, and the vehicle or equipment is owned or leased by the occupant.
 - (3) Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas.
- D. Junk and junk vehicles. Junk and junk vehicles must be stored within a garage or other enclosed structure or otherwise fully screened from public view. This provision does not apply to a vehicle under active repair parked upon the driveway of a residentially zoned property not having a

garage, provided the owner has notified the Zoning Officer in writing of the owner's intent to actively repair the vehicle and the repairs are completed within 30 days of the notification.

E. Temporary business.

- (1) A permit shall be required for the operation of any temporary business.
- (2) Vehicles and pedestrians must be able to safely enter and exit the location where the temporary business will be located.
- (3) Nothing in the proposal will violate any provisions of this article or any other City law or ordinance.

F. Sewage systems. Any occupied residential or commercial building intended for continuous or periodic habitation must be connected to the public sewage system or have an on-lot private sewage system.

§ 550-25. Performance standards.

All uses shall comply with the requirements of this article. In order to determine whether a proposed use will conform to the requirements of this article, the City Council, Zoning Officer or Zoning Hearing Board may require the opinion of a qualified consultant, whose costs for services shall be borne by the applicant.

A. Air and water quality.

- (1) Discharges of substances into the air shall be subject to the standards established by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.
- (2) Water discharges shall be subject to the standards established by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and the Pennsylvania Fish and Boat Commission. No land development shall be approved by the Planning Commission or City Council until the necessary permits from the Pennsylvania Department of Environmental Protection's State Water Pollution Control Program have been applied for.
- (3) Upon notification by an individual or party of a possible air- or water-pollution discharge, the Code Enforcement Officer will contact the DEP. DEP will conduct all necessary testing and will make recommendations.
- (4) No use in any zoning district may discharge any waste contrary to the provisions of the state law governing discharges of radiological, chemical or biological wastes into the air or surface or subsurface waters.
- (5) No use in any zoning district may discharge into the sanitary sewage treatment facilities any waste that cannot be adequately treated by biological means.

B. Electrical disturbances and radioactivity. No activities which permit radioactivity beyond the property line shall be permitted. No activity shall cause electrical disturbance adversely affecting radio or television equipment in the vicinity.

C. Flammable and explosive materials.

- (1) Fire-protection and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is conducted.

- (2) All activities involving and all storage of flammable and explosive material shall be provided with adequate safety devices against the hazards of fire and explosion and adequate firefighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania. All buildings, structures and activities within such buildings and structures shall conform to the fire protection regulations of the City.

D. Glare.

- (1) Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- (2) No excessive direct or sky-reflected glare shall be permitted, whether from floodlights or other sources, which shall be visible from adjoining public rights-of-way or adjacent lots when viewed by a person standing on ground-level or driving a motor vehicle.

E. Noise. Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except that fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

F. Odors. No malodorous gas or matter shall be permitted which shall be obnoxious, toxic or offensive to a nonallergenic person of ordinary sensitivity on any adjoining lot or property.

G. Vibrations. Vibrations detectable without instruments on neighboring property in any district shall not be permitted.

H. Lighting.

- (1) Light fixtures shall be compatible with the style of building and may include: attached or detached, soffit, up light or down light, and tree lighting.
- (2) The light source shall be concealed and shall not be visible from any street right-of-way.
- (3) Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see.
- (4) Lighting fixtures shall not exceed 20 feet in height above parking areas.
- (5) Lighting fixtures shall not be less than nine feet or more than 15 feet in height above the sidewalk in pedestrian areas.
- (6) All entrances and exits to buildings used for nonresidential or mixed-use purposes and open to the general public, and all entrances in multifamily residential buildings shall be adequately lighted to ensure the safety of persons and the security of the building.

§ 550-26. Accessory uses and structures.

The following regulations shall apply to accessory structures in all zoning districts.

A. Private swimming pools.

- (1) Any aboveground swimming pool that is 24 inches or more in depth must comply with the Uniform Construction Code.
- (2) Swimming pools accessory to a dwelling and all structures appurtenant thereto shall be located at least 10 feet from any property line. Swimming pools shall not be permitted in the

front yard.

- (3) Swimming pools shall be fully enclosed with a fence at least six feet high. Any gate shall be locked and self-latching.

B. Fences.

- (1) The finished side of the fence shall face the street or adjacent property.
- (2) Fences in residential and commercial districts must be no greater than six feet unless otherwise excepted in this chapter (see Article IV, Supplemental Regulations).
- (3) Fences in industrial districts must be no greater than 10 feet.
- (4) Fences in the front yard of residential districts must be no greater than four feet.

§ 550-27. Safety and vision.

- A. Streets. At street intersections, any obstruction (including vegetation) to sight lines at elevations above three feet of the crown of the adjacent roadway shall not be placed or maintained within a fifteen-foot clear vision triangle from the street right-of-way or from the edge of paving.
- B. Curb cuts, lanes and driveways. At curb cuts, lanes and driveways, any obstruction (including vegetation) to sight lines at elevations above three feet of the crown of the adjacent roadway shall not be placed or maintained within a fifteen-foot clear vision triangle from the street right-of-way or from the edge of paving.

§ 550-28. Outdoor storage.

- A. Outdoor storage and merchandising permitted. Outdoor storage is not permitted by any commercial or industrial establishment existing in conformance with this chapter, except where explicitly specified (see Article IV, Supplemental Regulations).
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. Outdoor storage enclosures. Outside storage is permitted in storage enclosures designed and located in accordance with standards set forth in this subsection. The enclosure:
 - (1) Must obscure stored items from public view;
 - (2) Must be located at the side or rear of the premises it serves;
 - (3) Must be constructed on a permanent surface designed and equipped to facilitate proper drainage;
 - (4) May not be constructed in areas reserved for off-street parking or landscaping;
 - (5) May not obstruct the vision of drivers of vehicles entering or exiting the premises it serves; and
 - (6) May not encroach on a public right-of-way or adjacent private property.
- C. Permanent outdoor displays. Permanent outdoor displays for outdoor merchandising shall conform to the following standards:
 - (1) The display must be located within a permanent enclosure placed on a permanent surface designed and equipped to facilitate proper drainage;

- (2) The enclosure must be in a location that will not obstruct the vision of drivers of vehicles entering or exiting the business for which it is constructed. Permanent outdoor display enclosures may be of such a design as to permit maximum visibility of their contents but shall be constructed in accordance with applicable provisions of the City's building code within the setback area;
 - (3) The display enclosure may not be located in areas reserved for off-street parking or landscaping; and
 - (4) The display enclosure may not encroach upon a public right-of-way or on adjacent private property.
- D. Temporary outdoor displays. Merchandise may be displayed temporarily or on a seasonal basis if in compliance with the following requirements:
- (1) Businesses which display merchandise during business hours but store the merchandise in their premises or in a permitted outdoor storage enclosure after business hours need not construct a permanent enclosure for outdoor display. The merchandise may also be displayed within the front-yard setback area of the business premises.
 - (2) Not more than two portable merchandising racks or pallets may be located beyond four feet of the building.
 - (3) All portable display racks or pallets shall be stored within the building in which the business is located or within a permitted outdoor storage enclosure after business hours.
 - (4) Display racks prohibited in certain areas. Portable display racks or pallets may not be placed in areas reserved for off-street parking or landscaping or placed in such a manner as to encroach upon a public right-of-way or adjacent private property. The displays shall not obstruct the vision of drivers entering or exiting the premises served.

§ 550-29. Wireless communications facilities.

[Added 3-14-2019 by Ord. No. 19-05]

- A. General and specific requirements for non-tower wireless communications facilities.
- (1) The following regulations shall apply to all non-tower wireless communications facilities, including, without limitation, all non-tower wireless communications facilities located within a public right-of-way:
 - (a) Permitted as an accessory use in certain zones subject to regulations. Non-tower wireless communications facilities are permitted as an accessory use in certain zones, as provided in § 550-21, subject to the restrictions and conditions prescribed below and subject to applicable permitting by the City.
 - (b) Nonconforming wireless support structures. Non-tower wireless communications facilities shall be permitted to co-locate upon nonconforming tower-based wireless communications facilities and other nonconforming structures. Co-location of wireless communications facilities upon existing tower-based wireless communications facilities is encouraged even if the tower-based wireless communications facilities are nonconforming as to use within a zoning district.
 - (c) Standard of care. Any non-tower wireless communications facilities 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, and National Electrical Code. Any wireless

communications facilities 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.

- (d) Wind and ice. All non-tower wireless communications facilities structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to industry standards.
- (e) Aviation safety. Non-tower wireless communications facilities shall comply with all federal and state laws and regulations concerning aviation safety.
- (f) Interference. Non-tower wireless communications facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (g) Radio frequency emissions. Non-tower wireless communications facilities shall not, by itself or in conjunction with other wireless communications facilities, 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.
- (h) Removal. In the event that the use of non-tower wireless communications facilities 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 wireless communications facilities, or portions of wireless communications facilities, shall be removed as follows:
 - [1] All abandoned or unused wireless communications facilities and accessory equipment shall be removed within 180 calendar days of the cessation of operations at the site unless a time extension is approved by the City.
 - [2] If the wireless communications facilities or accessory facility are not removed within 180 calendar days of the cessation of operations at a site, or within any longer period approved by the City, the wireless communications facilities and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the wireless communications facilities.
- (i) Insurance. Each person that owns or operates non-tower wireless communications facilities shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower wireless communications facilities.
- (j) Indemnification. Each person that owns or operates non-tower wireless communications facilities shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower wireless communications facilities. Each person that owns or operates non-tower wireless communications facilities shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of non-tower wireless communications facilities. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities,

damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- (k) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - [1] Non-tower wireless communications facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - [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 activities shall utilize nothing less than the best available technology for preventing failures and accidents.

- (2) The following regulations shall apply to all co-located non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached and/or fall under the Pennsylvania Wireless Broadband Collocation Act^[1] (WBCA), including, without limitation, all such co-located non-tower wireless communications facilities located within a public right-of-way:
 - (a) Building permit required. Wireless communications facilities applicants proposing the modification of existing tower-based wireless communications facilities shall obtain a building permit from the City. In order to be considered for such permit, the wireless communications facilities applicant must submit a permit application to the City in accordance with applicable permit policies and procedures.
 - (b) Timing of approval for applications that fall under the Pennsylvania Wireless Broadband Collocation Act. Within 30 calendar days of the date that an application for non-tower wireless communications facilities is filed with the City, the City shall notify the wireless communications facilities applicant in writing of any information that may be required to complete such application. Within 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 wireless communications facilities applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the wireless communications facilities applicant to provide the information shall not be counted toward the City's 60-calendar-day review period. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.
 - (c) Accessory equipment. Ground-mounted accessory equipment greater than three cubic feet shall not be located within 50 feet of a lot in residential use.
 - (d) 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 and inspections related thereto for approval of non-tower wireless communications facilities or \$500, whichever is greater, up to the maximum amount of \$1,000. Such permit fees shall not include and shall be in addition to any public right-of-way access fee, attachment fee, inspection and monitoring fee, or any other recurring fee assessed by the City.

[1] *Editor's Note: See 53 P.S. § 11702.1 et seq.*

- (3) The following regulations shall apply to all non-tower wireless communications facilities that do substantially change the wireless support structure to which they are attached and/or do not fall under the Pennsylvania Wireless Broadband Collocation Act, including, without limitation, all such non-tower wireless communications facilities located within a public right-of-way:

- (a) Noncommercial usage exemption. City residents utilizing satellite dishes, citizen and/or band radios, and antennas for the purpose of maintaining television, phone and/or Internet connections at their respective residences shall be exempt from the regulations enumerated in this section.
- (b) Prohibited on certain structures. No non-tower wireless communications facilities shall be located on single-family detached residences, single-family attached residences, twin-homes, duplexes, or any residential accessory structure.
- (c) Historic buildings. No non-tower wireless communications facilities may be located upon any property or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places.
- (d) Timing of approval for applications that do not fall under the Pennsylvania Wireless Broadband Collocation Act. Within 30 calendar days of the date that an application for non-tower wireless communications facilities is filed with the City, the City shall notify the wireless communications facilities applicant in writing of any information that may be required to complete such application. Within 60 calendar days for small wireless communications facilities, or 90 calendar days for non-small wireless communications facilities, of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the wireless communications facilities applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the wireless communications facilities applicant to provide the information shall not be counted toward the City's 60-calendar-day review period.
- (e) 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 wireless communications facilities and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these wireless communications facilities provisions. The wireless communications facilities applicant and/or owner of the wireless communications facilities shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (f) 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 and inspections related thereto for approval of non-tower wireless communications facilities or \$500, whichever is greater. Such permit fees shall not include and shall be in addition to any public right-of-way access fee, attachment fee, inspection and monitoring fee, or any other recurring fee assessed by the City.
- (g) Development regulations. Non-tower wireless communications facilities shall be located or co-located on existing wireless support structures, such as existing buildings or tower-based wireless communications facilities, subject to the following conditions:
 - [1] The total height of any wireless support structure and mounted wireless communications facilities shall not exceed 20 feet above the maximum height permitted in the underlying zoning district.
 - [2] In accordance with industry standards, all non-tower wireless communications facilities applicants must submit documentation to the City justifying the total height of the non-tower wireless communications facilities. Such documentation shall be analyzed on an individual basis.
 - [3] If the wireless communications facilities applicant proposes to locate the accessory equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

[4] A security fence of eight feet 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.

(h) Design regulations. Non-tower wireless communications facilities shall employ stealth technology and be treated to match the wireless support structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the wireless communications facilities applicant shall be subject to the approval of the City.

(i) Removal, replacement and modification.

[1] The removal and replacement of non-tower wireless communications facilities and/or accessory equipment for the purpose of upgrading or repairing the wireless communications facilities is permitted, so long as such repair or upgrade does not substantially change the overall size of the wireless communications facilities or the number of antennas.

[2] Any material modification to a wireless communications facility shall require notice to be provided to the City and possible supplemental permit approval to the original permit or authorization.

(j) Inspection. The City reserves the right to inspect any wireless communications facilities to ensure compliance with the provisions of this chapter and any other provisions found within the Third Class City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a wireless communications facilities is located at any time, upon reasonable notice to the operator, to ensure such compliance.

B. General and specific requirements for all tower-based wireless communications facilities.

(1) The following regulations shall apply to all tower-based wireless communications facilities, including, without limitation, all non-tower wireless communications facilities located within a public right-of-way:

(a) Standard of care. Any tower-based wireless communications facilities 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, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based wireless communications facilities 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) Conditional use authorization required. Tower-based wireless communications facilities are permitted in certain zoning districts by conditional use and at a height necessary to satisfy their function in the wireless communications facilities applicant's wireless communications system. No wireless communications facilities applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The wireless communications facilities applicant shall demonstrate that the antenna/tower/pole for the tower-based wireless communications facilities is the minimum height necessary for the service area.

[1] Prior to the City's approval of a conditional use authorizing the construction and installation of tower-based wireless communications facilities, it shall be incumbent upon the wireless communications facilities applicant for such conditional use approval to prove to the reasonable satisfaction of the City that the wireless

communications facilities applicant cannot adequately extend or infill its communications system by the use of equipment installed on existing structures, such as utility poles or their appurtenances, and other available structures. The wireless communications facilities applicant shall further demonstrate that the proposed tower-based wireless communications facilities must be located where it is proposed in order to serve the wireless communications facilities applicant's service area and that no other viable, less-intrusive alternative location exists.

- [2] The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the wireless communications facilities applicant, the power in watts at which the wireless communications facilities applicant transmits, and any relevant related tests conducted by the wireless communications facilities applicant in determining the need for the proposed site and installation.
 - [3] The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based wireless communications facilities comply with all state and federal laws and regulations concerning aviation safety.
 - [4] Where the tower-based wireless communications facilities are located on a property with another principal use, the wireless communications facilities applicant shall present documentation to the City that the owner of the property has granted an easement for the proposed wireless communications facilities and that vehicular access will be provided to the facility.
 - [5] The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based wireless communications facility complies with all applicable provisions of the chapter.
- (c) Notice. Upon submission of an application for tower-based wireless communications facilities and the scheduling of the public hearing upon the application, the wireless communications facilities applicant shall mail notice to all owners of every property within 1,000 feet of the proposed facility. The wireless communications facilities applicant shall provide proof of the notification to the City.
 - (d) Engineer inspection. Prior to the City's issuance of a permit authorizing construction and erection of tower-based wireless communications facilities, a structural engineer registered in Pennsylvania shall issue to the City a written certification of the proposed wireless communications facilities' ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunications Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings or, at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.
 - (e) Visual appearance and land use compatibility. Tower-based wireless communications facilities shall employ stealth technology which may include the tower portion to be painted silver or another color approved by the City or shall have a galvanized finish. All tower-based wireless communications facilities and accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The City shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees

existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

- (f) Co-location and siting. An application for new tower-based wireless communications facilities shall demonstrate that the proposed tower-based wireless communications facilities cannot be accommodated on an existing or approved structure or building or sited on land owned and maintained by the City. The City may deny an application to construct new tower-based wireless communications facilities if the wireless communications facilities applicant has not made a good faith effort to mount the commercial communications antenna(s) on an existing structure. The wireless communications facilities applicant shall demonstrate that it contacted the owners of tall structures, buildings and towers within a 1/4-mile radius of the site proposed, sought permission to install an antenna on those structures, buildings and towers and was denied for one of the following reasons:
 - [1] The proposed antenna and accessory equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - [2] The proposed antenna and accessory equipment would cause radio frequency interference with other existing equipment for that existing building, structure or tower, and the interference cannot be prevented at a reasonable cost.
 - [3] Such existing buildings, structures or towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - [4] A commercially reasonable agreement could not be reached with the owner of such building, structure or tower.
- (g) Permit required for modifications. To the extent permissible under applicable state and federal law, any wireless communications facilities applicant proposing the modification of existing tower-based wireless communications facilities which increases the overall height of such wireless communications facilities shall first obtain a permit from the City. To the extent permissible under law, nonroutine modifications shall be prohibited without a permit.
- (h) Gap in coverage. A wireless communications facilities applicant for a tower-based wireless communications facilities must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of wireless communications facilities being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage or capacity shall be a factor in the City's decision on an application for approval of tower-based wireless communications facilities.
- (i) Additional antennas. As a condition of approval for all tower-based wireless communications facilities, the wireless communications facilities applicant shall provide the City with a written commitment that it will allow other service providers to co-locate antennas on tower-based wireless communications facilities where technically and economically feasible. To the extent permissible under state and federal law, the owner of a tower-based wireless communications facilities shall not install any additional antennas without obtaining the prior written approval of the City.
- (j) Wind and ice. Any tower-based wireless communications facilities structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to industry standards.

- (k) Height. Any tower-based wireless communications facilities shall be designed at the minimum functional height. The maximum total height of a tower-based wireless communications facilities which is not located in the public right-of-way shall not exceed 100 feet, as measured vertically from the ground level to the highest point on the structure, including antennas and subsequent alteration. Tower-based wireless communications facilities in excess of 100 feet shall be permitted, provided that the applicant demonstrates to the satisfaction of the City that the tower-based wireless communications facilities are the minimum height required to provide an acceptable signal. Minimum setbacks shall be increased 50 feet for each additional 25 feet in height or fraction thereof over 100 feet. Under no circumstance shall a tower-based wireless communications facilities structure be higher than 200 feet, as measured vertically from the ground level to the highest point.
- (l) Accessory equipment. Either a one single-story wireless communications equipment building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications antenna(s) space on the tower-based wireless communications facility greater than 40 feet in height.
- (m) Interference. No tower-based wireless communications facilities shall interfere with public safety communications or the reception of broadband, television, radio or other communications services enjoyed by occupants of nearby properties.
- (n) Maintenance. The following maintenance requirements shall apply:
 - [1] Tower-based wireless communications facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - [2] Such maintenance shall be performed to ensure the upkeep of the wireless communications facilities in order to promote the safety and security of the City's residents and utilize the best available technology for preventing failures and accidents.
- (o) Radio frequency emissions. Tower-based wireless communications facilities shall not, by themselves or in conjunction with other wireless communications facilities, 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.
- (p) Historic buildings or districts. Tower-based wireless communications facilities shall not be located upon a property and/or on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places.
- (q) Signs. Tower-based wireless communications facilities shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the wireless communications facilities shall be those required by the FCC or any other federal or state agency.
- (r) Lighting. No tower-based wireless communications facilities shall be artificially lighted, except as required by law. If lighting is required, the wireless communications facilities applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The wireless communications facilities applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the City Clerk.

- (s) Noise. Tower-based wireless communications facilities shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Third Class City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (t) Aviation safety. Tower-based wireless communications facilities shall comply with all federal and state laws and regulations concerning aviation safety.
- (u) Retention of experts. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application for approval of tower-based wireless communications facilities and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The wireless communications facilities applicant and/or owner of the wireless communications facilities shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation regarding these activities.
- (v) Timing of approval. Within 30 calendar days of the date that an application for tower-based wireless communications facilities is filed with the City, the City shall notify the wireless communications facilities applicant in writing of any information that may be required to complete such application. All applications for tower-based wireless communications facilities shall be acted upon within 90 calendar days for small wireless communications facilities, or 150 calendar days for non-small wireless communications facilities, of the receipt of a fully completed application for the approval of such tower-based wireless communications facilities, and the City shall advise the wireless communications facilities applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the wireless communications facilities applicant to provide the information shall not be counted toward the 90- or 150-calendar-day review period.
- (w) Nonconforming uses. Nonconforming tower-based wireless communications facilities 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 section.
- (x) Removal. In the event that use of tower-based wireless communications facilities 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 wireless communications facilities or portions of wireless communications facilities shall be removed as follows:
 - [1] All unused or abandoned tower-based wireless communications facilities and accessory facilities shall be removed within 180 calendar days of the cessation of operations at the site unless a time extension is approved by the City.
 - [2] If the wireless communications facilities and/or accessory facility is not removed within 180 calendar days of the cessation of operations at a site, or within any longer period approved by the City, the wireless communications facilities and accessory equipment may be removed by the City and the cost of removal assessed against the owner of the wireless communications facilities.
 - [3] Any unused portions of tower-based wireless communications facilities, including antennas, shall be removed within 180 calendar days of the time of cessation of operations. The City must approve all replacements of portions of tower-based wireless communications facilities previously removed.
- (y) 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 and inspections related thereto for approval of tower-based wireless communications facilities or \$500,

whichever is greater. Such permit fees shall not include and shall be in addition to any public right-of-way access fee, attachment fee, inspection and monitoring fee, or any other recurring fee assessed by the City.

- (z) FCC license. Each person that owns or operates tower-based wireless communications facilities over 40 feet in height shall submit a copy of its current FCC license, including the name, address and emergency telephone number for the operator of the facility.
 - (aa) Insurance. Each person that owns or operates tower-based wireless communications facilities greater than 40 feet in height shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based wireless communications facilities. Each person that owns or operates tower-based wireless communications facilities 40 feet or less in height shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering tower-based wireless communications facilities.
 - (bb) Indemnification. Each person that owns or operates tower-based wireless communications facilities shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based wireless communications facilities. Each person that owns or operates tower-based wireless communications facilities shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of tower-based wireless communications facilities. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
 - (cc) Engineer signature. All plans and drawings for tower-based wireless communications facilities shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
 - (dd) Financial security. Prior to receipt of a zoning permit for the construction or placement of tower-based wireless communications facilities, the wireless communications facilities applicant shall provide to the City a performance bond in the amount of \$20,000 to guarantee the removal of the tower-based wireless communications facilities. Said financial security shall remain in place until the tower-based wireless communications facilities are removed.
- (2) The following regulations shall additionally apply to tower-based wireless communications facilities located outside any public right-of-way:
- (a) Development regulations.
 - [1] Tower-based wireless communications facilities shall not be located in, or within 50 feet of, an area in which utilities are primarily located underground.
 - [2] Tower-based wireless communications facilities are permitted outside any public right-of-way in certain zoning districts, as provided in § 550-21.

- [3] Sole use on a lot. Tower-based wireless communications facilities shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size requirements of this section. Contiguous properties can be combined to meet the minimum acreage requirements if the properties being combined are under the same ownership.
- [4] Combined with another use. Tower-based wireless communications facilities may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - [a] The existing use of the property may be any permitted use in the applicable district and need not be affiliated with the wireless communications facilities.
 - [b] Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based wireless communications facilities and guy wires, the equipment building, security fence, and buffer planting if the proposed wireless communications facilities is greater than 40 feet in height.
 - [c] Minimum setbacks. The minimum distance between the base of tower-based wireless communications facilities and any adjoining property line or street right-of-way line shall equal 110% of the proposed height of the tower-based wireless communications facilities unless it is demonstrated to the reasonable satisfaction of the City that in the event of failure the wireless communications facilities are designed to collapse upon themselves within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants. All tower-based wireless communications facilities shall be set back from any residential property line or public right-of-way a minimum distance of 200 feet.

(b) Design regulations.

- [1] The wireless communications facilities shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the stealth technology chosen by the wireless communications facilities applicant shall be subject to the approval of the City.
- [2] To the extent permissible by law, any height extensions to an existing tower-based wireless communications facilities shall require prior approval of the City.
- [3] Any proposed tower-based wireless communications facilities shall be designed structurally, electrically and in all respects to accommodate both the wireless communications facilities applicant's antennas and comparable antennas for future users.
- [4] Any tower-based wireless communications facilities over 40 feet in height shall be equipped with an anticlimbing device, as approved by the manufacturer.

(c) Surrounding environs.

- [1] The wireless communications facilities applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the wireless communications facilities structure shall be preserved to the maximum extent possible.
- [2] The wireless communications facilities applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation

of the tower-based wireless communications facilities and anchors for guy wires, if used.

(d) Fence/screen.

[1] A security fence of eight feet in height shall completely surround any tower-based wireless communications facilities greater than 40 feet in height, as well as guy wires, or any building housing wireless communications facilities equipment.

[2] The landscaping shall consist of a screen of evergreen trees planted eight feet on center, each at least four feet in height, and staggered in two rows, located along the perimeter of the security fence. Existing vegetation shall be preserved to the maximum extent possible.

(e) Accessory equipment.

[1] Ground-mounted accessory equipment associated or connected with tower-based wireless communications facilities shall be placed underground or screened from public view using stealth technologies, as described above.

[2] All accessory equipment, utility buildings and accessory structures 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.

(f) Access road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based wireless communications facilities. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the wireless communications facilities owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.

(g) Parking. For each tower-based wireless communications facilities greater than 40 feet in height, there shall be two off-street parking spaces.

(h) Inspection. The City reserves the right to inspect any tower-based wireless communications facilities to ensure compliance with this chapter and any other provisions found within the Third Class City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which wireless communications facilities are located at any time, upon reasonable notice to the operator, to ensure such compliance.

Article IV. Supplemental Regulations

§ 550-30. Purpose.

The purpose of this article is to provide a process for allowing certain authorized uses in the City that require a higher level of scrutiny before they are permitted. Conditional uses and special exceptions shall meet specific criteria and standards to ensure they are compatible with and do not adversely impact surrounding areas.

§ 550-31. Procedure for use by conditional use or special exception.

See Article **XII**, Conditional Uses and Special Exceptions.

§ 550-32. General requirements and standards for all conditional uses and special exceptions.

The City Council or Zoning Hearing Board, as applicable, shall grant a conditional (C) use or special exception (SE) only if it finds adequate evidence that any proposed development will meet all of the following general requirements, as well as any specific requirements and standards listed in this article. Any proposed use and location must be:

- A. In accordance with the Comprehensive Plan and consistent with the spirit, purposes and intent of this article.
- B. In the best interests of the City and the public welfare.
- C. Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- D. Designed to minimize impacts to street traffic and safety by providing adequate access and egress to protect streets from undue congestion and hazard.
- E. In conformance with all applicable requirements of this article.
- F. The City Council or Zoning Hearing Board may attach such other reasonable conditions and safeguards, in addition to those expressed in this article, as it may deem necessary to implement the purpose of this chapter.

§ 550-33. Specific standards for conditional uses and special exceptions.

- A. The criteria for conditional uses and special exceptions are listed below.

- (1) Alcohol sales.

Use Category	Districts
Conditional	NC, CC, D

- (a) Applicants shall be licensed by the Pennsylvania Liquor Control Board and must comply with all state and federal regulations.
- (b) Operating hours shall be limited to 9:00 a.m. to 9:00 p.m. Where Pennsylvania Liquor Control board regulations concerning operating hours differ from the ones in this chapter, the more restrictive regulations shall be followed.
- (c) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.
- (d) Ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.

- (2) Assisted living facility.
-

Use Category	Districts
Conditional	CC, D

(a) Any applicant for an assisted living facility or personal care home must provide the following prior to receiving approval:

[1] A parking plan acceptable to the City that meets all parking requirements, including number of spaces, layout, landscaping, and buffering. The parking plan shall demonstrate that sufficient parking is available to accommodate overlapping shifts of employees.

[2] A traffic study acceptable to the City evaluating traffic impacts to surrounding streets and intersections as well as proposed mitigation of impacts that cause an unacceptable decline in levels of service.

[3] Copies of all licenses or permits required by local, state and federal agencies.

(b) An outdoor landscaped sitting area shall be provided. The sitting area shall not be located on slopes of 5% or greater nor shall it be adjacent to parking lots, detention basins, or collector or arterial streets unless adequate screening is provided.

(3) Automotive repair.

Use Category	Districts
Special exception	NC

(a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on residential character or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.

(b) All repair work shall be conducted indoors.

(c) All vehicles stored outdoors must have current insurance and registration.

(d) Any vehicles stored outdoors shall be kept on an improved paved or gravel surface.

(e) Vehicles may be stored outdoors for no longer than 90 days, unless available for sale.

(f) All automotive parts and tools shall be stored indoors.

(g) An automotive repair use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:

[1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or

[2] A masonry wall or similar solid wall with a minimum height of six feet; or

[3] A wooden privacy fence with a minimum height of six feet.

(h) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(4) Automotive sales.

Use Category	Districts
Special exception	CT

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on residential character or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.
- (b) Any vehicles stored outdoors shall be operational and shall be kept on an improved paved or gravel surface.
- (c) Vehicles may be stored outdoors for no longer than 90 days, unless available for sale.
- (d) All automotive parts shall be stored indoors.
- (e) An automotive sales use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:
 - [1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or
 - [2] A masonry wall or similar solid wall with a minimum height of six feet; or
 - [3] A wooden privacy fence with a minimum height of six feet.
- (f) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(5) Automotive washing.

Use Category	Districts
Special exception	NC

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on residential character or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.
- (b) An automotive sales use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:
 - [1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or
 - [2] A masonry wall or similar solid wall with a minimum height of six feet; or
 - [3] A wooden privacy fence with a minimum height of six feet.
- (c) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected

from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(6) Bail bond.

Use Category	Districts
Special exception	NC

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on residential character or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.

(7) Bar/lounge.

Use Category	Districts
Conditional	CC
Special exception	CT

- (a) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.
- (b) Operations shall be discontinued between 2:30 a.m. and 6:00 a.m.
- (c) All lighting shall be shielded and reflected away from streets and adjoining properties.
- (d) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- (e) Ingress, egress and internal traffic circulation on the site shall be designed to ensure safety and minimize congestion.

(8) Bed-and-breakfast.

Use Category	Districts
Special exception	TN, MR, CT, UC, D

- (a) Bed-and-breakfasts shall be allowed only in single-family detached residential dwellings. No modification to the external appearance of the building (except for fire and safety requirements), which would alter its residential character, shall be permitted.
- (b) Accommodations for overnight lodging at a bed-and-breakfast shall be limited to no more than five guest rooms. The guest rooms shall be rented to overnight guests on a daily basis.
- (c) Accommodations at a bed-and-breakfast may include breakfast or brunch prepared on the premises for guests and included in the charge for the room.
- (d) Special occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.
- (e) Catered food service from a licensed facility is permitted without additional licensing requirements.
- (f) No cooking facilities shall be provided or permitted in individual guests rooms.

- (g) Bed-and-breakfasts shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall retain proof of certification of occupancy from the Department and all other applicable building, safety and fire codes of the federal, state or local government.

(9) Community garden.

Use Category	Districts
Special exception	D

- (a) A minimum four-foot-wide, clearly marked, entrance path shall be provided from the public right-of-way to the garden.
- (b) A permanent sign, including but not limited to the name and contact information of the party responsible for the garden, shall be posted at the primary entry path adjacent to the public right-of-way. The sign shall comply with the requirements of Article VIII, Signs.
- (c) The site shall be designed and maintained to effectively handle all drainage on site.
- (d) Refuse storage areas shall be provided and screened to enclose all refuse generated from the garden. Refuse storage areas shall be set back at least 10 feet from the front lot line and five feet from side lot lines. Refuse shall be removed from the site at least once a week.
- (e) Any fences shall not exceed six feet in height, shall be at least 50% open if they are taller than four feet, and shall be constructed of wood or ornamental metal.

(10) Tower-based wireless communications facilities and communications equipment buildings.
[Amended 3-14-2019 by Ord. No. 19-05]

Use Category	Districts
Conditional	II, HI

- (a) All tower-based wireless communications facilities and communications equipment buildings shall comply with the requirements of § 550-29, Wireless communications facilities, and such other requirements of this chapter as may be applicable.

(11) Convenience storage.

Use Category	Districts
Special exception	TN, MR, CT, UC, D

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on the character of the area or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.

(12) Detention facility.

Use Category	Districts
Conditional	II

- (a) Detention facilities must not be located within 1,000 feet from an educational facility. This does not prohibit the provision of on-site education programs and activities for inmates.

- (b) Detention facilities must be set back a minimum of 50 feet from all lot lines.
- (c) An applicant for an educational facility is required to submit the following:
 - [1] A parking and access plan demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
 - [2] A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [3] A lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
 - [4] A written description explaining the site design and security measures which will be implemented to ensure that the peace and safety of the surrounding area shall not be disturbed or impaired.

(13) Drive-through facility.

Use Category	Districts
Special exception	CT, D

- (a) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- (b) Ingress, egress and internal traffic circulation on the site shall be designed to ensure safety and minimize congestion.

(14) Dwelling, duplex.

Use Category	Districts
Special exception	TN

- (a) Based on the characteristics of the proposed use and its development, the proposal is consistent with the character of the area.
- (b) The proposed use will not significantly alter the overall character of the area.

(15) Educational facilities (all).

Use	Use Category	Districts
Educational facilities, college/university	Conditional	UC, CC, RC, D, IC, II
Educational facilities, primary/secondary	Conditional	TN, MR, CT, UC, NC, CC
Educational facilities, vocational	Conditional	CC, D, IC, II, HI

- (a) In TN, MR and CT Districts, the educational facility shall be set back 25 feet from all lot lines.
- (b) Passenger dropoff and pickup areas shall be provided and arranged so that traffic queuing does not occur on local streets and students do not have to cross traffic lanes on or adjacent to the site.

- (c) All off-street parking lots shall be located to the side or rear of the educational facility, shall be paved, and shall be screened from adjoining residential properties.
- (d) An applicant for an educational facility is required to submit the following:
 - [1] A parking and access plan demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
 - [2] A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [3] A lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
 - [4] A written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(16) Entertainment, outdoor.

Use Category	Districts
Special exception	D

- (a) Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m.
- (b) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- (c) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (d) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise, glare and other visual impacts.

(17) Equipment repair.

Use Category	Districts
Special exception	II

- (a) All operations shall be conducted within an enclosed building, and doors and windows shall remain closed during hours of normal operation if there are residences within 500 feet of the use.
- (b) All repair work shall be conducted indoors.
- (c) All equipment stored outdoors must have current insurance and registration, if applicable.
- (d) Any equipment stored outdoors shall be kept on an improved paved or gravel surface.
- (e) Equipment may be stored outdoors for no longer than 90 days, unless available for sale.
- (f) All equipment parts and tools shall be stored indoors.

- (g) An equipment repair use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:
 - [1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or
 - [2] A masonry wall or similar solid wall with a minimum height of six feet; or
 - [3] A wooden privacy fence with a minimum height of six feet.
- (h) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.
- (i) Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- (j) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.

(18) Equipment sales.

Use Category	Districts
Special exception	II

- (a) Any equipment stored outdoors shall be operational and shall be kept on an improved paved or gravel surface.
- (b) Equipment may be stored outdoors for no longer than 90 days, unless available for sale.
- (c) All equipment parts shall be stored indoors.
- (d) An equipment sales use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:
 - [1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or
 - [2] A masonry wall or similar solid wall with a minimum height of eight feet; or
 - [3] A wooden privacy fence with a minimum height of eight feet.
- (e) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.
- (f) Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- (g) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.

(19) Food preparation, general.

Use Category	Districts
--------------	-----------

Use Category	Districts
Conditional	NC, CC

- (a) The proposed use shall not have nuisance impacts from noise, odor and vibrations greater than usually generated by uses allowed by right in the zone.
- (b) The proposed use shall not significantly alter the overall character of the area.
- (c) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(20) Food preparation, limited.

Use Category	Districts
Special exception	D

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on the character of the area or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.
- (b) The proposed use shall not have nuisance impacts from noise, odor and vibrations greater than usually generated by uses allowed by right in the zone.
- (c) The proposed use shall not significantly alter the overall character of the area.
- (d) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(21) Government offices.

Use Category	Districts
Conditional	IC

- (a) An applicant for a government facility in the IC District is required to submit the following:
 - [1] A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [2] A parking and access plan based on the results of the traffic study demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.

(22) Hospital services.

Use Category	Districts
Conditional	UC, CC, RC, D, IC, II

- (a) Hospital services must be licensed by the appropriate state agency.
- (b) Patient dropoff and pickup areas shall be provided and arranged so that traffic queuing does not occur on local streets and patients do not have to cross traffic lanes on or adjacent to the site.
- (c) All off-street parking lots shall be located to the side or rear of the facility, shall be paved, and shall be screened from adjoining residential properties.
- (d) An applicant for a hospital services facility is required to submit the following with the conditional-use permit application:
 - [1] A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [2] A parking and access plan based on the results of the traffic study, demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.

(23) Kennels.

Use Category	Districts
Special exception	CC, HI

- (a) The operator or owner of any kennel shall hold all current state and local licenses and permits for the location, activity and number of animals so specified.
- (b) Applicants shall provide a written description explaining how the facility will comply with all requirements in Chapter **188**, Animals, Article **II**, Possession and Control, as amended, of the Code of the City of Jeannette.
- (c) Any exterior area where animals exercise or are otherwise exposed shall be enclosed by a solid fence at least eight feet in height. The fenced area must meet all setbacks and be located a minimum of 50 feet from all property lines.
- (d) No kennel may be established within 1/2 mile of an existing kennel.
- (e) A plan for management of animal wastes shall be submitted with the special exception use application.

(24) Live/work unit.

Use Category	Districts
Special exception	D, HI

- (a) The proposed use shall not have nuisance impacts from noise, odor and vibrations greater than usually generated by uses allowed by right in the zone.
- (b) The proposed use shall not significantly alter the overall character of the area.
- (c) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(25) Maintenance and service facilities.

Use Category	Districts
Conditional	II

- (a) All operations shall be conducted within an enclosed building, and doors and windows shall remain closed during hours of normal operation if there are residences within 500 feet of the use.

(26) Manufacturing, heavy.

[Added 5-10-2018 by Ord. No. 18-08]

Use Category	Districts
Conditional	UC

- (a) All production, manufacturing, fabrication, assembly, processing, packaging and testing activities must be in a fully enclosed facility.
- (b) All buildings, parking lots, tanks and accessory uses abutting any residential property or use must provide one of the following screening methods along each side, rear or front of the transitional yard or street that abuts such residential property or use or along any abutting street on which a residential property or use is located.
- [1] A landscape buffer 30 feet wide, planted with 10 large shade trees and five perennial shrubs per 50 lineal feet of the transitional yard.
- [2] A decorative masonry wall or similar solid wall with a minimum height of six feet.
- [3] A privacy fence constructed of vinyl or other similar nondestructive decorative materials with a minimum height of six feet.
- (c) No exterior storage of product or material shall be permitted unless it is in a fully-screened area with a gate and complies with one of the following methods.
- [1] A decorative masonry or similar solid wall with a height to shield the sight of the product or material from view from the street level of adjoining property.
- [2] A privacy fence with a height to shield the sight of the product or material from view from the street level of adjoining property.
- (d) All lighting shall be shielded and directed away from streets and adjoining properties.
- (e) Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion. No parking, stacking, staging of delivery and supply trucks shall be allowed on public streets.
- (f) Refuse storage and dumpsters areas shall be provided and screened to enclose all refuse and containers and shall be set back at least 10 feet from any property line.
- (g) All towers, stacks and antennas shall be located so the height shall not be greater than the minimum distance between the base and the edge of the parcel of land on which it is located.
- (h) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise, glare and other visual impacts.

- (i) The transportation supply system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors shall include street designations, access to arterials, truck impacts, connectivity, on-street parking impacts, access restrictions, neighborhood impacts, transit circulation and safety.
- (j) Applicant shall provide copies of all licenses or permits required by local, state and federal agencies.

(27) Manufacturing, light.

Use Category	Districts
Conditional	UC

- (a) The proposed use shall not have nuisance impacts from noise, odor and vibrations greater than usually generated by uses allowed by right in the zone.
- (b) All operations shall be conducted within an enclosed building, and doors and windows shall remain closed during hours of normal operation if there are residences within 500 feet of the use.
- (c) No outdoor storage is permitted.
- (d) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.
- (e) Based on the characteristics of the proposed use and its design, the proposal is consistent with the character of the area.
- (f) The proposed use will not significantly alter the overall character of the area.
- (g) The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(28) Nursing facility, skilled. See requirements for assisted living facilities.

Use Category	Districts
Special exception	CT, UC, IC

(29) Oil and gas extraction.

Use Category	Districts
Conditional	HI

- (a) All oil and gas extraction must comply with any applicable local, state and federal laws.
- (b) The applicant shall submit evidence that all required application materials have been submitted to the Pennsylvania Department of Environmental Protection.
- (c) The applicant shall submit cross sections of the proposed access where it meets City streets.

- (d) The applicant shall submit site distance measurements for access, whether proposed or existing.
- (e) The applicant shall submit a plan showing the access route (of City or state roads) over which heavy equipment will travel to the site.
- (f) The applicant shall meet all current minimum driveway site distance standards and shall demonstrate that the point of access to any City street will not cause the erosion of mud or debris onto said street.
- (g) The applicant shall post all necessary street bonding as approved by the City Engineer.

(30) Place of worship.

Use Category	Districts
Conditional	UC, D

- (a) In TN, MR and CT Districts, the place of worship shall be set back 10 feet from all lot lines.
- (b) An applicant for a place of worship shall be required to submit the following:
 - [1] A traffic study for places of worship seating 25 people or more. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [2] A parking and access plan based on the results of the traffic study, demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
- (c) All off-street parking lots shall be located to the side or rear of the place of worship, paved and screened from adjoining residential properties.

(31) Personal services.

Use Category	Districts
Special exception	D, IC

- (a) In the Institutional Campus District, the business shall be operated only between the hours of 8:00 a.m. and 10:00 p.m. No deliveries shall occur before 7:00 a.m. or after 10:00 p.m.
- (b) The proposed use shall not significantly alter the overall character of the area.
- (c) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(32) Postal facility.

Use Category	Districts
Conditional	D

- (a) Buildings shall be similar to existing buildings in the area in architectural design, features and construction materials.

(33) Public safety facility.

Use Category	Districts
Conditional	CT, UC, NC, IC

- (a) An applicant for a public safety facility shall be required to demonstrate that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
- (b) An applicant for a public safety facility must provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(34) Railroad facilities.

Use Category	Districts
Conditional	HI

- (a) Access drives to the facilities shall be improved with a dust-free, all-weather surface for its entire length.
- (b) All railroad rights-of-way and facilities must be maintained per Chapter **372**, Property Maintenance, Article I, of the Code of the City of Jeannette.
- (c) Property owners must provide a list of facility maintenance, property and emergency management contacts to the City on an annual basis.
- (d) In TN, MR and CT Districts, public utility vehicles shall not be parked on public streets or driveways visible from the right-of-way.
- (e) An applicant for a railroad facility shall be required to submit the following:
 - [1] A parking and access plan demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
 - [2] A lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
 - [3] A written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(35) Recreation, indoor (private).

Use Category	Districts
Special exception	IC, II

- (a) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (b) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected

from any negative impacts, including, but not limited to, litter, loitering and noise.

(36) Recreation, indoor (public).

Use Category	Districts
Conditional	CC, D
Special exception	II

- (a) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (b) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(37) Recreation, outdoor (private).

Use Category	Districts
Conditional	BRC
Special exception	UC, RC, IC

- (a) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (b) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.
- (c) Operating hours shall be from 9:00 a.m. to 10:00 p.m.

(38) Recreation, outdoor (public).

Use Category	Districts
Conditional	CC
Special exception	IC

- (a) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (b) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise, and glare.
- (c) Operating hours shall be restricted to 9:00 a.m. to 10:00 p.m.

(39) Residential treatment.

Use Category	Districts
Conditional	CC

- (a) Facilities shall comply with the provisions of Section 621 of the Pennsylvania Municipalities Planning Code.^[1]

[1] *Editor's Note: See 53 P.S. § 10621, Prohibiting the Location of Methadone Treatment Facilities in Certain Locations.*

- (b) The appearance of the facility must be consistent with the character of the surrounding uses and development.
- (c) The facility and its operations must not pose an unreasonable safety threat to nearby uses and residents.
- (d) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (e) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, noise.
- (f) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(40) Service station.

[Added 4-12-2018 by Ord. No. 18-05]

Use Category	Districts
Conditional	RC

- (a) All fuel-dispensing units or service stations abutting any residential property or use must provide one of the following screening methods along each side, rear or front yard:
 - [1] A landscape buffer 10 feet wide, planted with four large shade trees and five perennial shrubs per 50 feet of the transitional yard.
 - [2] A decorative masonry wall or similar solid wall with a minimum height of six feet.
 - [3] A privacy fence constructed of vinyl or other similar nondestructive decorative materials with a minimum height of six feet.
- (b) No exterior product displays or sales will be allowed; this will include but not be limited to food, drink dispensing, oils, lubricants, auto accessories, plant or gardening items; all products shall be stored and sold indoors. No product installation or repair is permitted.
- (c) The exterior sale and display of portable propane tanks is allowable in appropriate secured cabinets.
- (d) All lighting shall be shielded and reflected away from streets and adjoining properties.
- (e) Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- (f) Refuse storage and dumpster areas shall be provided and screened to enclose all refuse and containers. This area shall be set back 10 feet from any property line.
- (g) The proposed use shall not significantly alter the overall character of the area. Buildings, canopies and signage shall be similar to existing residential buildings of the area in architectural design, features and construction material.
- (h) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected

from any negative impacts, including, but not limited to, litter, loitering, noise, lighting, glare and other visual impacts.

- (i) Applicant shall provide copies of all licenses or permits required by local, state and federal agencies.

(41) Transportation terminal. An applicant for a transportation terminal shall be required to submit the following:

Use Category	Districts
Conditional	CC, RC, D, II

- (a) A parking and access plan, demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
- (b) A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
- (c) A lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (d) A written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.

(42) Utilities, major.

Use Category	Districts
Conditional	II

- (a) The structure(s) shall be screened from view by fencing and shrubs or evergreens planted around the exterior of the fence.
- (b) Access drives to the structure shall be improved with a dust-free, all-weather surface for its entire length.
- (c) Property owners must provide a list of facility maintenance, property and emergency management contacts to the City on an annual basis.
- (d) In TN, MR and CT Districts, public utility vehicles shall not be parked on public streets or driveways visible from the right-of-way.
- (e) Applicant shall provide a written description and lighting plan, demonstrating that adequate exterior lighting and other security measures will be provided.
- (f) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.

Article V. Nonconforming Uses

§ 550-34. Purpose.

It is the intent of this chapter to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their expansion or an increase in the degree of nonconformity. This article details special regulations pertaining to existing nonconforming uses, lots, structures and signs.

§ 550-35. Nonconforming use limitations.

- A. It is recognized that there may exist within the districts established by this chapter and subsequent amendments lots, structures, signs and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. In many cases such uses are declared by this chapter to be incompatible with permitted uses in the districts involved.
- B. Nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this chapter and upon which actual building construction has been diligently conducted.

§ 550-36. Nonconforming lots.

- A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any existing single lot of record at the effective date of this chapter or any subsequent amendment. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- B. Where such a nonconforming lot does not meet the minimum area or width requirements, or both, the front setback shall conform to the clearly prevailing setback pattern of developed lots within the same block fronting the same street. When an unimproved lot is situated between two lots with existing principal buildings that each have front-yard setbacks that do not meet the setback required in that district, then the front-yard setback may be set at a depth equal to whichever lot is closest to meeting the district requirement, provided that in no case shall a front yard be reduced by more than 50% of the required front yard for that district.

§ 550-37. Nonconforming structure used for permitted use.

A lawfully existing structure, which contains a permitted use but does not comply with the other requirements of this chapter for the zoning district in which it is located, may be continued but shall be subject to the regulations below. In such cases, however, the failure to meet landscaping or screening requirements shall not be considered a nonconformity.

- A. Enlargement, repair, alteration. A nonconforming structure may be enlarged, maintained, repaired or structurally altered, provided no such enlargement, maintenance, repair or structural alteration shall create any additional nonconformity or increase the degree of the existing nonconformity of such structure.
- B. Reconstruction. In the event a nonconforming structure is destroyed by any means to an extent of less than 60% of its replacement costs, exclusive of the foundation, the structure may be reconstructed on the same foundation, provided the reconstruction is begun within 365 days of the date it was destroyed.

- C. Relocation. Should a nonconforming structure be moved for any distance for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§ 550-38. Nonconforming use of structure or land.

A nonconforming use of a structure or land may be continued so long as otherwise lawful but shall be subject to the regulations below.

- A. Expansion. Nonconforming uses or structures shall not be expanded or extended except as permitted by the Zoning Hearing Board. Consideration shall be given to the deleterious effect on neighboring properties within the district in addition to the effect of the expansion on the City as a whole. The Zoning Hearing Board may allow limited enlargement and extension of the use and structure based on normal growth characteristics and the City's community development objectives.
- B. Ordinary repair and maintenance. Ordinary maintenance and repairs, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing, shall be permitted, provided these actions shall not be deemed to authorize any violation of the other parts of this article. Nothing in this chapter shall be deemed to prevent the strengthening of a structure or the restoration of a structure to a safe condition, except for a damaged or destroyed structure subject to the reconstruction provision of this article, in accordance with an order of the Code Enforcement Officer.
- C. Structural alteration. No structural alteration shall be made unless the entire structure and the use shall thereafter conform to the regulations for the district in which they are located. However, nothing in this chapter shall be construed to prevent owners of nonconforming residential structures the right to perform structural alterations which do not increase the number of dwelling units within the nonconforming residential structure or enlarge its exterior dimension.
- D. Damage or destruction. In the event a structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed to an extent of less than 60% of the replacement cost of the entire structure, exclusive of foundation, it shall be reconstructed only in conformity with the regulations for the district in which it is located. Moreover, no repairs or restoration shall be permitted unless a building permit is obtained and restoration actually begun within one year of the date of such destruction and is diligently pursued to completion.
- E. Moving. Should a nonconforming use of land or structure be moved, in whole or in part, for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after being moved.
- F. Change. A nonconforming use shall not be changed to any use other than the same use or a use permitted in the district in which the land is located. When a nonconforming use has been changed to a permitted use, it shall not thereafter be changed to a nonconforming use.
- G. Discontinuance. A nonconforming use which is hereafter discontinued for any reason, and remains such for a continuous period of one year, shall not thereafter be reestablished. Such location shall thereafter be occupied by a use which conforms to the regulations for the district in which it is located.
- H. Nonconforming accessory use. A nonconforming accessory use shall not continue to remain after the principal use to which it is accessory has been destroyed, relocated or abandoned.

§ 550-39. Nonconforming signs.

Nonconforming signs shall be regulated by the provisions of Article **VIII**, Signs.

§ 550-40. Burden of establishing nonconforming status.

The burden of establishing legal, preexisting nonconforming use status rests on: the property owner or party seeking to continue the nonconforming use or occupancy; any person applying for a building permit or zoning permit; or any other person asserting such status. Such persons shall provide sufficient proof in a form acceptable to the Code Enforcement Officer of the following:

- A. The date of construction of the building or structure or the date the use was established;
- B. The continuous operation of the nonconforming use; and
- C. Such other proof as may be deemed necessary by the Code Enforcement Officer to verify legal, nonconforming status.

Article VI. Landscaping and Screening

§ 550-41. Purpose.

It is the intent of this article to encourage the preservation of existing trees and vegetation; to identify landscape standards and plant classifications; to reduce radiant heat from surfaces and conserve energy; to provide shade; to reduce wind and air turbulence; to minimize potential nuisances such as the transmission of noise, dust, odor, litter and glare of automobile headlights; to provide visual buffering and the separation of spaces; to enhance the beautification of the City; to reduce the amount of impervious surface; to reduce stormwater runoff; to safeguard and enhance property values and protect public and private investment; and to protect the public health, safety and general welfare.

§ 550-42. Applicability.

These landscape regulations shall apply to all new multifamily developments consisting of more than two residential units, all new commercial, and all new industrial development. Previously approved development need not comply unless new site development approval is being sought.

§ 550-43. Preservation of existing vegetation.

Existing vegetation shall be retained and maintained whenever possible so as to permit such vegetation to contribute to landscaping requirements. Such retained vegetation may receive partial or total credit towards planting requirements within the buffer. This requirement does not preclude vegetation lost in the construction of those improvements shown on a subdivision or site plan.

§ 550-44. General landscape design standards.

- A. The spacing and placement of plants shall be adequate and appropriate for the typical size, shape and habit of the plant species at maturity.
- B. Proposed trees and understory trees shall be centered horizontally and minimally:
 - (1) Two feet from walkways, curbing and other impervious pavements when planted in a tree well or continuous planter.
 - (2) Three feet from walkways, curbing and other impervious pavements when planted in a continuous swale.

- (3) Five feet from streetlights, underground utilities, utility meters and service lines, fences, walls and other ground-level obstructions.
 - (4) Six feet from porch eaves and awnings and similar overhead obstructions associated with the ground level of buildings.
 - (5) Eight feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.
- C. Proposed trees shall be a minimum height of 10 feet and/or three inches in caliper.
 - D. Proposed understory trees shall be a minimum of eight feet in height and/or 2.5 inches in caliper.
 - E. Proposed shrubs shall be of a five-gallon container minimum. Shrubs shall be 18 inches to 24 inches minimum clearance from any sidewalk or pavement edge at the lot line.
 - F. Bare and exposed ground on the site and/or in landscaped areas shall be covered with live plant materials and/or mulch, except for naturally occurring landscape features typically lacking in vegetation, such as rock outcroppings.
 - G. Artificial plants or turf are prohibited.
 - H. Any constructed water features, such as fountains, streams and ponds, that operate with water recirculation systems shall be designed to prevent seepage and leaks.
 - I. Buffers and screening elements shall be used to screen parking areas from public view, to screen service yards and other places that are unsightly.

§ 550-45. Landscape construction standards.

- A. All plant materials shall meet with the minimum container size, class and other requirements outlined in American Standard for Nursery Stock (ANSI Z60.1-2014) published by the American Nursery and Landscape Association (ANLA) or other local nursery association standards.
- B. The soil structure of planting strips shall be protected from compaction with a temporary construction fence. Standards of access, excavation, movement, storage and backfilling of soils in relation to the construction and maintenance of deep utilities and manholes shall be specified.
- C. The topsoil within the construction area's limits of disturbance shall be removed, stored and amended as recommended by a landscape soils test.
- D. Wind erosion shall be mitigated and controlled through dust abatement and similar practices during the period of site work and construction.
- E. Landscape soils that have been compacted during construction activities shall be loosened and aerated to a depth of at least six inches before planting.
- F. Plants shall have normal, well-developed branches and vigorous root systems.
- G. Temporary spray irrigation systems may be used to establish seeded areas for grass and ground cover.

§ 550-46. Maintenance of landscaping and screening.

- A. All grass and vegetation shall be lightly fertilized to avoid fertilizer pollution to groundwater, streams and ponds.

- B. No disturbed ground shall be left exposed. Turfgrass and other approved and appropriate ground covers or mulch shall cover all nonpaved and nonbuilt developed areas.
- C. It shall be the responsibility of the property owner(s) or his/her assigned agent(s) to:
 - (1) Maintain and keep all screening and fencing in good condition at all times;
 - (2) Maintain landscaping by keeping turfgrass lawns properly mowed and edged, plants properly pruned and disease-free, and planting beds mulched, groomed and weeded, except in areas of naturally occurring vegetation and undergrowth; and
 - (3) Replace any required planting(s) which are significantly damaged, removed, infested, disease-ridden or dead within one year or the next planting season, whichever occurs first.

§ 550-47. Buffering and screening requirements.

- A. Any new nonresidential building that abuts a residential property shall provide either:
 - (1) A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard between the nonresidential and residential uses; or
 - (2) A masonry wall or similar solid wall with a minimum height of six feet between the nonresidential and residential uses; or
 - (3) A wooden privacy fence with a minimum height of six feet between the nonresidential and residential uses.
- B. Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, utility buildings, and structures shall be screened from view of abutting properties and streets using plantings, fences and other methods. Shared use and designated areas for clustered garbage dumpsters shall be required.
- C. Garbage dumpsters shall be fully screened on three sides with solid walls a minimum of six feet high with a solid front gate six feet high, which shall be kept closed. Trash compactors shall be enclosed to minimize noise.

§ 550-48. Parking lot landscaping standards.

The following landscape requirements applied to parking lots are intended to screen parking areas from the street, prevent large expanses of unbroken paving, and provide shade to cool paved areas during the hot summer months.

- A. General provisions.
 - (1) Parking lots with four spaces or less are exempt from the requirements of this article. If only four spaces are required per this chapter and the applicant chooses to provide more parking, then the requirements of this article shall apply.
 - (2) All remaining unpaved areas of the parking lot shall be grassed or planted in ground cover, unless otherwise specified.
- B. Design standards for interior landscaping for all new multifamily and nonresidential developments.
 - (1) All rows of parking spaces, when a lot contains 20 or more parking spaces, shall be provided a terminal island with concrete curbs and at least 130 square feet of area to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping.

- (2) At least one tree planting is required for every 5,000 square feet of paved parking area.
- (3) Landscaped islands with concrete curbs and at least 130 square feet of area shall be provided every 15 spaces or less within a row of spaces for nonresidential developments. Planting islands should be evenly spaced throughout the parking lot to consistently shade paved areas. Islands shall be utilized where needed to control vehicular circulation and define major drives.
- (4) To prevent cars from parking too close to trees or damaging shrubs, an extended curb or wheel stop must be provided. Planting islands parallel to parking spaces must be a minimum of five feet wide to allow car doors to swing open.

§ 550-49. Maintenance of sewer line rights-of-way.

In order to preserve and protect the sewer line rights-of-way throughout the City, the following regulations shall apply to any and all landscaping proposed within the boundaries of such rights-of-way.

- A. No trees of any type shall be permitted within a sewer line right-of-way in the City. Furthermore, once a sewer line right-of-way has been cleared of roots and other intrusion caused by previously planted trees and landscaping, it shall be the responsibility of the property owner to pay for any future corrective action required by the City to preserve the integrity of the sewer line.
- B. No structures shall be constructed within the sewer line right-of-way.
- C. Grass, flower gardens, bushes with a height of no greater than three feet and fences with a height of no greater than three feet may be placed within the sewer line right-of-way. The property owner shall be responsible for any costs associated with the removal of such items should the need for removal become necessary as determined by the City.
- D. All vegetation planted within a sewer line right-of-way, with the exception of grass, shall be maintained a distance of at least 10 feet away from manholes and lampholes.
- E. No manhole, lamphole, or discharge pipe shall be intentionally covered with any material, including but not limited to grass, leaves, branches, dirt, gravel, asphalt or concrete. The property owner shall be responsible for the cost of removal of these items.

Article VII. Parking, Loading and Internal Roadways

§ 550-50. Purpose.

The purpose of this article is to provide standards for parking, loading and internal roadways to accommodate permitted land uses and promote the safe and efficient movement of vehicular traffic.

§ 550-51. General provisions.

- A. Requirements.
 - (1) No more than two driveways are permitted on any residential lot.
 - (2) Parking on residential properties is permitted in the side and rear yards only. In the event that a portion of a driveway located in the front yard leads to a garage located in a side or rear yard, parking is also permitted in said portion of the driveway.

- (3) The maximum curb cut width is 36 feet.
- (4) For all new development, off-street parking shall be provided for all uses of land and structures, as well as for any expansion or change of such uses in accordance with the requirements of this article, unless otherwise indicated in this chapter.
- (5) For all new development, off-street loading space shall be provided for all commercial and industrial uses as well as for any expansion of such uses or change in use requiring the regular delivery or shipping of goods, merchandise or equipment to the site by trucks, in accordance with the requirements of this article.
- (6) Required parking areas shall be available for the parking of operable vehicles of residents, customers and employees and shall not be used for the storage of vehicles or materials, or for the parking of vehicles used for loading or unloading, or in conducting the use.
- (7) Required loading spaces shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials, or to meet off-street parking requirements, or in conducting the use.

B. Methods of providing required parking and loading spaces.

- (1) All required parking or loading space shall be located on the same zoning lot as the principal use(s) it serves, except as provided below.
- (2) In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this article may be provided by satellite parking. Required parking for use(s) on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to certification by the City Council, if the following requirements have been met:
 - (a) The use being served by the off-site parking shall be a permitted principal use, as provided for in this chapter, in the zoning district within which the zoning lot containing such parking is located; and
 - (b) The off-site parking spaces shall be located within 300 feet walking distance of a public entrance to the structure or zoning lot containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the use being served; and
 - (c) The continued availability of off-site parking spaces necessary to meet the requirements of this article shall be ensured by an appropriate condition that the continued validity of the zoning permit shall be dependent upon the permit holder's continued ability to provide the requisite number of parking spaces.

C. Combined parking. Up to 1/2 of the parking spaces required for one use may be used to satisfy the parking requirements for a second use on the same zoning lot, subject to certification by the City Council, provided that the peak usage of the parking facility by one use will be at different times than the peak usage of the second use.

§ 550-52. Parking design standards.

A. Design requirements.

- (1) For all new development, all parking spaces and associated vehicle accommodation areas shall meet the following minimum design requirements:
 - (a) All parking spaces and vehicle accommodation areas shall be surfaced with asphalt, concrete, stone, bricks or permeable pavers, which shall be maintained in a safe,

sanitary and neat condition. The following situations are exempted from this requirement:

- [1] A parking lot used only for occasional use. "Occasional use" is a use that occurs on two or fewer days per week.
 - [2] When a proposed development is temporary in nature, the City Council may exempt the development from the paved parking requirements. The duration of the exception shall not exceed 180 calendar days and shall be included as a condition of the approved zoning permit.
- (2) In the Regional Commercial District, parking spaces shall be located in the side or rear yard, under the principal building, or interior to the block.
 - (3) Except for single-family and two-family dwellings or for attendant parking, each parking space shall be arranged so that any vehicle may be parked and removed without moving another vehicle.
 - (4) Except for single-family and two-family dwellings, parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.
 - (5) No off-street parking space or vehicle accommodation area shall be located within a public right-of-way.
 - (6) Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, sidewalks or adjacent properties by means of walls, curbs, wheelstops or other appropriate means.
 - (7) No stacking lane required for vehicles awaiting service shall be located such that it creates interference with the use of the abutting street(s) or with travel lanes or aisles of the vehicle accommodation area.
 - (8) The size of vehicle accommodation areas shall be provided so that parking and backing up can be accomplished in one continuous maneuver.
 - (9) Parking facilities shall be designed to connect with similar facilities on adjacent zoning lots, where appropriate, to eliminate the need to use abutting street(s) for cross movements.
 - (10) Except for single-family dwellings and two-family dwellings, all parking spaces shall be delineated with painted lines.
 - (11) Parking lots shall be sloped not less than 0.5% nor more than 6% toward a storm drain if the lot is paved. When the slope extends downhill from the edge of a parking lot, the edge shall be protected by a curb or stop bar. Stormwater on a paved lot shall be collected in the lot and directed to a storm inlet or a recognized drainageway or watercourse.
 - (12) Parking lots shall be set back from side and rear property lines at least two feet and from front lot lines at least five feet.
 - (13) Where a parking lot designed for more than eight vehicles abuts residential properties, the parking lot shall be screened along the common property line by a hedge, fence or wall of not less than five feet in height. In lieu of the hedge, fence or wall screen, the City Council may approve a natural change in grade along property lines as the required screening.
 - (14) See Article VI, Landscaping and Screening, for additional parking lot landscaping standards.

B. Parking lot surface standards.

- (1) Where parking is provided for 10 or fewer vehicles on a lot, the parking area surface shall not be less than 4.5 inches of well-choked and compacted crushed limestone or slag base course.
 - (2) Where parking is provided for more than 10 vehicles on a lot, the parking area surface shall consist of a one- or two-layer bituminous course of not less than two inches in depth provided and placed in accordance with PennDOT specifications or equivalent concrete surfacing. This requirement shall not apply to parking surfaces in industrial districts.
 - (3) If a parking pad located on a residential lot is paved with an impervious surface, the area of the parking pad shall be counted in the maximum lot coverage calculation.
- C. Design standards for handicapped parking spaces. Where parking is provided, accessible parking spaces shall be provided in compliance with the Pennsylvania Uniform Construction Code. Single-family dwellings and two-family dwellings are exempt from these requirements.

§ 550-53. Minimum off-street parking requirements.

A. Off-street parking.

- (1) Off-street parking spaces required for all land uses identified in this chapter are included in Tables 1 and 2, Off-Street Parking Requirements, in this section.
- (2) When calculating the number of required off-street parking spaces, fractions shall be rounded up to the nearest whole number.
- (3) For purposes of this article, the number of employees shall be the number of persons employed on the largest shift.
- (4) In the case of a land use classification not listed in Table 1: Off-Street Parking Requirements, Nonresidential, the minimum parking space requirement shall be determined by the City Council. In making such determinations, the City Council shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the use, and studies of minimum parking space requirements for such use in other jurisdictions.
- (5) A reduction of up to 20% of the minimum number of required parking spaces may be permitted through the granting of a variance by the Zoning Hearing Board, if, based on substantial evidence in the record of its proceedings, the Board finds that compliance with the full minimum off-street parking space requirements of this article would not be warranted for the particular use(s) and site.

Table 1: Off-Street Parking Requirements, Nonresidential [Amended 3-14-2019 by Ord. No. 19-05]	
Land Use	Minimum Off-Street Parking Requirement
AGRICULTURE	
Community garden	None
Indoor crop production	1 space per employee
CIVIC	
Cemetery	None
Communications equipment building	1 space
Detention facility	1 per 2,000 square feet

**Table 1: Off-Street Parking Requirements, Nonresidential
[Amended 3-14-2019 by Ord. No. 19-05]**

Land Use	Minimum Off-Street Parking Requirement
Educational facilities, college/university	1 space per 50 square feet of classroom space, plus 1 space per each 300 square feet of office space
Educational facilities, primary/secondary	K-8: 1 space per employee plus 1 space per 4 students; 9-12: 1 space per employee plus 1 space per 3 students
Educational facilities, vocational	1 space per 50 square feet of classroom space plus 1 space per each 300 square feet of office space
Essential services	None
Government offices	3 spaces per 1,000 square feet of GFA plus 1 per employee
Hospital services	3 spaces per bed
Library	1 space per each 250 square feet of GFA
Maintenance and service facilities	1 space per 300 square feet of GFA
Military installations	1 per 500 square feet of GFA
Museum	1 space per each 250 square feet of GFA
Non-tower wireless communications facilities	None
Place of worship	1 space per 4 fixed seats plus 1 space per 60 square feet of the main assembly where no fixed seats are used
Postal facilities	3 spaces per 1,000 square feet of GFA
Public safety facility	1 space per 500 square feet of GFA plus 1 space per emergency vehicle
Railroad facilities	1 space per employee
Recreation, indoor (public)	1 space per 1,000 square feet of indoor area
Recreation, open space	None
Recreation, outdoor (public)	15 spaces per acre of outdoor area
Tower-based wireless communications facilities	None
Transitional housing	1 space per every 4 beds plus 1 space per employee
Transportation terminal	1 space per each 600 square feet of GFA
Utilities, major	1 space per employee
COMMERCIAL	
Adult business	3 spaces per 1,000 square feet of GFA
Alcohol sales	3 spaces per 1,000 square feet of GFA
Alternative financial services	3 spaces per 1,000 square feet of GFA
Art gallery	3 spaces per 1,000 square feet of GFA
Assisted living facility	1 space per 4 beds and 1 space per employee
Automotive, rentals	1 space per rental vehicle plus 1 space per employee

**Table 1: Off-Street Parking Requirements, Nonresidential
[Amended 3-14-2019 by Ord. No. 19-05]**

Land Use	Minimum Off-Street Parking Requirement
Automotive, repair	2 spaces per bay plus 1 space per each employee
Automotive, sales	1 space per 150 square feet of indoor display area plus 1 space per each 1,500 square feet of outdoor display area plus 1 space per employee
Automotive, washing	1 space per employee plus 4 spaces per stall
Bail bond services	3 spaces per 1,000 square feet of GFA
Bar/lounge	1 space per 100 square feet of GFA
Bed-and-breakfast	2 spaces plus 1 space per guest room
Blood plasma center	1 space per 300 square feet of GFA
Building maintenance services	1 space per 300 square feet
Clinic, medical or dental	1 space per exam room plus 1 space per employee
Clinic, veterinary	1 space for every exam room plus 1 space per employee
Club or lodge	1 space for each 4 persons at maximum capacity
Communications services	None
Consumer repair services	1 space per 300 square feet
Convenience storage	1 space per 2,000 square feet
Day-care services, general	1 space per employee plus 1 space per 5 clients
Day-care services, limited	1 space per employee plus 1 space per 5 clients
Drive-through facility	1 space per employee
Employee recreation, lunch, health care	No additional off-street parking permitted
Entertainment, indoor	1 space per 300 square feet of indoor area
Entertainment, outdoor	1 space per 2,000 square feet of gross site area
Equipment repair	2 spaces per bay plus 1 space per employee
Equipment sales	2 spaces per 1,000 square feet of GFA and 1 space per employee
Family day care home	None
Food preparation, general	1 space per 300 square feet
Food preparation, limited	1 space per 250 square feet
Food sales	3 spaces per 1,000 square feet of GFA
Food truck	None
Forestry	None
Funeral services	1 space per 3 persons at maximum capacity
Home-based business, no-impact	No additional off-street parking permitted

**Table 1: Off-Street Parking Requirements, Nonresidential
[Amended 3-14-2019 by Ord. No. 19-05]**

Land Use	Minimum Off-Street Parking Requirement
Home occupation	No additional off-street parking permitted
Hotel	1 space per guest room plus 1 space for each 100 square feet of banquet, assembly meeting, or restaurant seating area
Kennels	1 space per 250 square feet
Laundry services	3 spaces per 1,000 square feet of GFA
Live/work unit	2 spaces
Mixed-use structure	Sum of all uses, computed separately
Motel	1 space per guest room plus 1 space for each 100 square feet of banquet, assembly meeting, or restaurant seating area
Nursing facility, skilled	1 space per 4 beds and 1 space per employee
Pawnshop	3 spaces per 1,000 square feet of GFA
Personal services	1 space per 250 square feet of GFA
Pet services	1 space per 250 square feet of GFA
Plant nursery	1 space per 400 square feet of sales and display area
Printing and publishing	1 space per employee
Professional offices	3 spaces per 1,000 square feet of GFA plus 1 per employee
Recreation, indoor (private)	1 space per 1,000 square feet of indoor area
Recreation, outdoor (private)	15 spaces per acre of outdoor area
Residential treatment	1 space per employee plus 1 space per 4 residents
Restaurant, general	1 space per 3 seats plus 1 space per 2 employees
Restaurant, limited	1 space per 3 seats plus 1 space per 2 employees
Retail sales, convenience	3 spaces per 1,000 square feet of GFA
Retail sales, general	3 spaces per 1,000 square feet of GFA
Salvage yard	1 space per employee
Service station	1 space per 4 pumps
Sidewalk dining	None
Solar energy production	1 space per employee
Substance abuse treatment facility	1 space per employee plus 1 space per 4 residents
Wind energy production	1 space per employee
INDUSTRIAL	
Industrial park	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 10 customer/visitor spaces
Manufacturing, custom	1 space per employee

**Table 1: Off-Street Parking Requirements, Nonresidential
[Amended 3-14-2019 by Ord. No. 19-05]**

Land Use	Minimum Off-Street Parking Requirement
Manufacturing, heavy	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces
Manufacturing, light	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces
Mineral, extraction	1 space per employee
Oil and gas extraction	1 space per employee
Warehousing and distribution, general	1 space per employee
Warehousing and distribution, limited	1 space per employee

Table 2: Off-Street Parking Requirements, Residential

Land Use/District	Minimum Off-Street Parking Requirement
RESIDENTIAL	
Dwelling, accessory	
All districts	No additional off-street parking required
Dwelling, duplex	
Traditional Neighborhood	1 space per dwelling unit
Mixed Residential	1 space per dwelling unit
Commercial Transition	1 space per dwelling unit
Neighborhood Commercial	1 space per dwelling unit
Dwelling, multifamily	
Mixed Residential	0.5 space per dwelling unit
Commercial Transition	0.5 space per dwelling unit
Urban Center	0.5 space per dwelling unit
Neighborhood Commercial	0.5 space per dwelling unit
Commercial Corridor	1 space per dwelling unit
Downtown	No additional off-street parking required for multifamily uses in mixed-use structures. For new residential-only structures, 0.5 space per dwelling unit
Institutional Campus	0.5 space per dwelling unit
Dwelling, single-family	
Traditional Neighborhood	2 spaces per dwelling unit
Mixed Residential	1 space per dwelling unit
Commercial Transition	1 space per dwelling unit
Dwelling, Townhouse	
Mixed Residential	1 space per dwelling unit
Commercial Transition	1 space per dwelling unit
Neighborhood Commercial	1 space per dwelling unit
Institutional Campus	1 space per dwelling unit

Table 2: Off-Street Parking Requirements, Residential	
Land Use/District	Minimum Off-Street Parking Requirement
Garage, private	
All districts	Not applicable
Group Home	
All districts	No additional off-street parking required
Halfway House	
All districts	1 space per 3 bedrooms plus 1 space per employee
Outdoor storage shed, private	
All districts	No additional off-street parking required
Outdoor storage shed, temporary	
All districts	No additional off-street parking required
Swimming pool, private	
All districts	No additional off-street parking required

B. Parking space dimensions.

- (1) An off-street parking space shall include a rectangular area with a length of 20 feet and a width of nine feet, exclusive of access drives, aisles, ramps, columns or outdoor work areas. Such space shall have a minimum vertical clearance of eight feet.
- (2) A motorcycle parking space shall include a rectangular area with a length of eight feet and a width of four feet. Such space shall have a minimum vertical clearance of eight feet.
- (3) Parking aisles between parking spaces shall be required to comply with the standards contained in Table 3: Dimensions and Angles of Parking Spaces, below.

Table 3: Dimensions and Angles of Parking Spaces		
Parking Angle (degrees)	Aisle Width (feet)	Aisle Traffic Flow
45°	13	One-way
60°	16	One-way
90° or angled parking opening onto two-way aisles	20	Two-way
Parallel	12	One-way

C. Loading space design standards.

- (1) Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with Table 4: Required Loading Spaces, in this section, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery.
- (2) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area given the nature of the development.
- (3) All loading spaces and associated vehicle accommodation areas shall meet the following minimum design requirements:

- (a) Off-street loading spaces shall be located and arranged so that a semitrailer truck shall be able to gain access to and use such spaces by means of one continuous parking maneuver beginning at a public right-of-way.
 - (b) All loading spaces and vehicle accommodation areas shall be surfaced with asphalt or concrete, which shall be maintained in a safe, sanitary and neat condition.
 - (c) No loading space shall be located so that a vehicle using such space intrudes on travel lanes, walkways, public or private streets, sidewalks or adjacent properties. The exception to this requirement is a change of use locating within an existing structure in a nonresidential district.
 - (d) Each required off-street loading space shall have a minimum width of 12 feet, a minimum length of 55 feet, and a vertical clearance of 14 feet above finished grade of the space.
- (4) In the Regional Commercial District, loading and delivery facilities must be separate from customer parking and pedestrian areas and must be oriented towards the rear of the site.
- (5) The minimum number of off-street loading spaces required by this article is specified in Table 4: Required Loading Spaces.

Land Use	Floor Area (square feet)	Number of Loading Spaces Required
Manufacturing, distribution, wholesaling, storage, and similar uses	5,000 to 25,000	1
	25,001 to 60,000	2
	60,001 to 100,000	3
	Each 50,000 above 100,000	1
Retail establishments and similar uses	5,000 to 60,000	1
	60,001 to 100,000	2
	Each 20,000 above 100,000	1

§ 550-54. Exemptions and adjustments.

The following exemptions and adjustments to the parking requirements of this article shall be reviewed by the City Council for approval or denial:

- A. Whenever there exists a lot with one or more structures on it, constructed before the effective date of this chapter, and a change in use that does not involve any enlargement of a building is proposed for such lot, and the parking requirements that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practically be used for parking, then the developer need only comply with the requirements to the extent that parking space is practically available on the lot where the development is located.
- B. The minimum number of spaces required may be adjusted by the City Council when it has been determined that the reductions are necessary to preserve a healthy tree or trees with a twelve-inch or greater diameter from being damaged or removed and where the site plan provides for the retention of said tree or trees.

Article VIII. Signs

§ 550-55. Purpose.

It is the intent of this article to authorize the use of signs whose types, sizes and arrangements are compatible with their surroundings; preserve the natural beauty of the area; protect existing property values in both residential and nonresidential areas; prevent endangering the public safety; express the identity of the community as a whole or individual properties or occupants; legible in the circumstances in which they are seen and appropriate to traffic safety. These regulations are designed and intended to prevent over-concentration, improper placement, and excessive height, bulk and area of signs.

§ 550-56. Permit requirements and application.

- A. It is unlawful for any person to erect, construct, enlarge, alter, move or convert any sign in the City or cause the same to be done without first obtaining a zoning permit for each sign.
- B. Applications for a sign permit shall be made in writing to the City Council and shall be accompanied by such information as may be required to assure compliance with these regulations and all other appropriate ordinances and regulations of the City.
- C. Sign permits shall be issued for the life of the sign or any shorter period, as stated on the approved permit application. However, any permit may be revoked at any time by the City Council upon finding that the sign violates any provision of this article or that the permittee made false representations in securing the permit.
- D. No person shall erect, construct or maintain any sign upon any property, structure or building without the prior written consent of the owner or person entitled to possession of the property, structure or building, or his authorized representative. The written consent must accompany the sign permit application.
- E. Every sign permit issued shall become null and void if installation is not commenced within 180 days from the date of such permit.

§ 550-57. Exemptions from permitting requirements.

The following signs shall be exempt from the permit requirements of this article, except as they may interfere with traffic safety or in any other way become a public safety hazard.

- A. Memorial plaques or historic markers or other similar signs which are engraved or a permanent component of a building, monument, tombstone or other similar structure.
- B. Public information signs.
- C. Street number signs indicating the address of a building or structure and not exceeding one square foot in area.
- D. Temporary signs, provided that a temporary sign shall be displayed for a period not to exceed 30 days per calendar year.
- E. Signs erected by the City, county or PennDOT.

§ 550-58. General standards.

- A. Prohibitions.

- (1) No sign shall be erected in such a manner or location that would obstruct vision, ingress and/or egress, or interfere with safe traffic flow.
 - (2) No sign shall be located so as to block doors, operable windows or fire escapes, or access to them, nor shall a sign be attached to a fire escape.
 - (3) No sign shall extend vertically past the roofline of the building upon which the sign is located.
 - (4) No sign shall project over a street, alley or driveway, nor be closer than two feet from the closest perpendicular edge of the curb or paved edge of any such vehicular way.
- B. Sign height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: 1) existing grade prior to the construction; or 2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of land at the principal entrance to the principal structure on the lot, whichever is lower.
- C. Computation of maximum total permitted sign area. The permitted sum of the area of all individual signs shall be permitted in accordance with the Table of Permitted Sign Types and Regulations.^[1] Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building or wall area frontage on that street.
- [1] *Editor's Note: The Table of Permitted Sign Types and Regulations is included as an attachment to this chapter.*
- D. Sign placement. Signs shall be subject to the placement requirements in the Table of Permitted Sign Types and Regulations^[2], but in no event shall any sign be placed in a position that will obstruct the view of motorists or cause any other danger to motorists or pedestrians within a public right-of-way or on adjoining lots; nor shall any sign be placed within the clear vision triangle required to be maintained at all street intersections, driveway and accessway entrances onto public streets. All signs shall be set back within the buildable area of the site, except as noted in the Table of Permitted Sign Types and Regulations.^[3]
- [2] *Editor's Note: The Table of Permitted Sign Types and Regulations is included as an attachment to this chapter.*
- [3] *Editor's Note: The Table of Permitted Sign Types and Regulations is included as an attachment to this chapter.*
- E. Design, construction, and maintenance. All signs shall be designed, constructed and maintained in accordance with the Uniform Construction Code and in conformance with this chapter at all times.
- F. Prohibited signs. Unless specifically noted otherwise in this article, the following signs shall be prohibited in all zoning districts:
- (1) Signs located within or extending into any City right-of-way unless placed by a government entity.
 - (2) Signs affixed to trees, utility poles, fences or equipment.
 - (3) Illuminated signs in residential districts.
 - (4) Roof signs.

- (5) Signs illuminated by a flashing, pulsating or intermittent source.
- (6) Signs with moving parts.
- (7) Signs illuminated by strings of bare bulbs or lighted in such a manner as to cause glare on adjacent streets or properties.
- (8) Signs that obstruct sight within a clear vision triangle.
- (9) Any sign determined to be unsafe or insecure or that is erected in violation of the provisions of this chapter.

G. Sign lighting standards.

- (1) Signs should be illuminated externally from concealed light fixtures, and the illumination shall be directed only to the sign face to minimize light spillover beyond the edges of the sign face.
- (2) No sign lighting shall be installed in a manner or of such a brightness as to create excessive glare on adjacent property or uses such that such lighting inhibits the use and enjoyment of the adjacent property or uses.
- (3) Signs with intermittent or flashing light sources are not permitted.

H. Signs permitted in individual zoning districts.

- (1) All signs shall be subject to the time, place and manner regulations found in the Table of Permitted Sign Types and Regulations.^[4]

[4] *Editor's Note: The Table of Permitted Sign Types and Regulations is included as an attachment to this chapter.*

- (2) In addition to the regulations in said table, all freestanding signs, except for temporary signs, shall comply with the following limitations and requirements:
 - (a) A freestanding sign shall have no more than two sign faces; and
 - (b) The area immediately surrounding the base and support structure of the sign shall be landscaped.

§ 550-59. Types of signs.

A. Band signs.

- (1) All nonresidential uses are permitted one band sign on each first-story facade.
- (2) The following band sign construction types are permitted:
 - (a) Cut-out letters. Letters shall be individually attached to the wall or on a separate background panel and shall be externally illuminated.
 - (b) Flat panel. Letters shall be printed or etched on same surface as the background, which is then affixed to the wall and externally illuminated.
 - (c) Channel letters. Each letter shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent or solid to create a backlit halo effect.
- (3) Height and width shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background.

- (4) Band signs shall not be wider than 90% of the width of the building facade or tenant space.
- (5) Band signs shall not project vertically above the roofline.
- (6) Band signs may be illuminated from dusk to dawn or during hours permitted by the Lighting Ordinance. External lights shall be shielded from direct view to reduce glare.
- (7) Neon may be permitted on band signs only with Planning Commission approval. No other internal lighting shall be permitted.
- (8) Electrical raceways, conduits and wiring shall not be exposed. Internal lighting elements shall be contained completely within the sign assembly or inside the wall.
- (9) Band signs should be placed where the architectural features suggest the best placement for signage. They should be vertically aligned with the center of an architectural feature, such as a storefront window, entry portal, or width of a bay or overall retail space. They shall not interrupt or obscure these features or cause visual disharmony.
- (10) Where multiple band signs are present on a single building (i.e., for retail tenants in a shopping center), signage shall be coordinated in terms of scale, placement, colors and materials.

B. Canopy signs.

- (1) The following variations of awnings, with or without sign bands, are permitted:
 - (a) Fixed or retractable awnings.
 - (b) Shed awnings.
 - (c) Dome awnings.
- (2) Signage shall be limited to the valance of the awning or the vertical portion of a dome awning.
- (3) No portion of an awning shall be lower than eight-foot clearance from grade.
- (4) Awnings shall not extend beyond the width of the building or tenant space, nor encroach above the roofline or the story above.
- (5) The height of the valance shall not exceed 12 inches.
- (6) Awning signs shall not be internally illuminated or backlit.

C. Display cases.

- (1) Each outdoor display case shall not exceed six square feet. Theaters are permitted outdoor display cases up to nine square feet.
- (2) Outdoor display cases may be externally or internally illuminated.
- (3) Theaters may be permitted larger outdoor display cases with Zoning Officer approval.
- (4) Outdoor display cases shall not be attached to shopfront windows.

D. Marquee signs.

- (1) Marquees shall be located only above the principal entrance of a building.
- (2) No marquee shall be wider than the entrance it serves, plus two feet on each side thereof.

- (3) No portion of a marquee shall be lower than ten-foot clearance from grade.
- (4) Marquee signs may encroach into the public frontage up to four feet and shall clear the sidewalk by at least 10 feet.
- (5) Columns or posts may be used as supports for marquees that are eight feet deep or more.
- (6) All marquees, including anchors, bolts, supporting rods and braces, shall be constructed of noncombustible materials and shall be designed by a structural engineer and approved by the Code Enforcement Officer.
- (7) Marquee components and materials may vary. Anchors, bolts and supporting rods should be limited to the interior of the marquee.
- (8) Message boards shall be permitted as part of marquees, but only for the marquee on the front principal lot line.
- (9) A band sign shall be permitted above a marquee.

E. Monuments.

- (1) Monument signs shall be a maximum of 40 square feet per sign face with a maximum of two sign faces.
- (2) The sign face of a monument sign shall not be elevated from ground level more than two feet, measured to the bottom of the sign face, except where the sign sits on a foundation, the width of which shall be equal to or greater than the width of the sign face width, constructed of solid materials such as stone, masonry, brick or other like materials, and the bottom of the sign face shall rest on the foundation.
- (3) Changeable copy/lettering and LED signs are permitted, provided that they do not comprise more than 50% of the total sign area.
 - (a) All LED sign images, messages and graphics displayed on the sign face must be static. Animation and video displays are prohibited.
 - (b) The transition from one static display on the LED sign face to another must be instantaneous without any special effects, including but not limited to flashing, spinning, revolving transition methods, scrolling from left to right or top to bottom, slot machine, splice, mesh, radar, kaleidoscope, spin, star wipe, or any other animated transition.
- (4) Plantings shall be included around monument signs.
- (5) Monument signs shall be placed no closer than five feet to the closest property line and 18 inches from an abutting street right-of-way line.

F. Outdoor advertising structure.

- (1) Location.
 - (a) Outdoor advertising structures along primary roads are subject to the regulations at 67 Pa. Code § 445.4. Where regulations within this chapter are more restrictive than the state regulations, the chapter regulations shall supersede such provisions.
 - (b) Outdoor advertising structures are permitted only in the Regional Commercial District.
 - (c) Outdoor advertising structures shall not be erected within 500 feet of the boundary line of any TN, MR or CT District.

- (d) Outdoor advertising structures shall maintain a lateral minimum spacing between any existing or proposed outdoor advertising structure of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the outdoor advertising structure which is parallel to the center line of the roadway to which the outdoor advertising structure is oriented.
 - (e) No advertising structure shall be located closer than 10 feet to any public street right-of-way.
 - (f) The minimum side and rear yard requirements applying to a principal structure as set forth within the zoning district in which the outdoor advertising structure is to be located shall apply to each outdoor advertising structure.
 - (g) No outdoor advertising structure shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or nonresidential structure or limit or reduce the light and ventilation requirements.
 - (h) No outdoor advertising structure shall be erected over any sidewalk or public right-of-way.
 - (i) Outdoor advertising structures shall not be part of a roof or wall, nor shall they be mounted on the roof, wall or other part of a building or any other structure.
- (2) Size and height.
- (a) An outdoor advertising structure shall have no more than two sign faces per outdoor advertising structure, which may be placed back-to-back or in a V-shaped configuration having an interior angle of 90° or less.
 - (b) The dimensions of the gross surface area of the outdoor advertising structure sign face shall not exceed 20 feet in total height or 25 feet in total length, provided that the total allowable gross surface area for the sign face is not exceeded.
 - (c) An outdoor advertising structure shall have a maximum height above the surface of the roadway from which it is intended to be viewed of 40 feet.
- (3) Construction methods.
- (a) An outdoor advertising structure shall have a maximum of one vertical support, being a maximum of three feet in diameter or width and without additional bracing or vertical supports.
 - (b) An outdoor advertising structure sign face shall be independently supported and shall have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Outdoor advertising structures constructed with galvanized metal shall not be painted.
 - (c) The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one-hundred-mile-per-hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the City with the application for a conditional use.
 - (d) The base shall be installed using a foundation and footings approved by the City Engineer for the type of construction proposed.
 - (e) The entire base of the outdoor advertising structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of a minimum height of three feet, placed in such a manner as to screen the foundation of the structure.

- (f) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- (g) No bare cuts shall be permitted on a hillside.
- (h) All cuts or fills shall be permanently seeded or planted.
- (i) An outdoor advertising structure with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of 1.5 upon the adjoining property.
- (j) Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time.
- (k) No outdoor advertising structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazards to traffic, aircraft or other properties.
- (l) The use of colored lighting shall not be permitted.

G. Projecting signs.

- (1) Projecting signs may be double-sided.
- (2) Projecting signs shall be permitted only for uses that have a principal entrance on the first story.
- (3) Nonresidential uses shall be permitted one projecting sign where its principal frontage line is no more than five feet from the facade. Nonresidential uses that have a secondary frontage line that is no more than two feet from the facade shall be permitted one additional projecting sign on that facade.
- (4) Projecting signs may encroach into the public frontage up to four feet and shall clear the sidewalk by at least eight feet.
- (5) Projecting signs shall not encroach above the roofline nor above the bottom of the second-story window.
- (6) Mounting hardware, such as supports and brackets, may be simple and unobtrusive or highly decorative, but shall complement the design of the sign, the building, or both.
- (7) For buildings with multiple signs, mounting hardware or sign shapes, sizes and colors shall be coordinated.

H. Sandwich boards.

- (1) Sidewalk signs shall consist of freestanding, double-sided temporary signs placed at the entrance to a use in a primarily pedestrian environment.
- (2) Sidewalk signs shall be removed at the close of business each day.
- (3) One sidewalk sign shall be permitted for each business.
- (4) Sidewalk signs shall not exceed 42 inches in height or 26 inches in width.
- (5) Sidewalk signs shall be moved inside during high winds or other weather conditions that might pose a hazard to public safety.

I. Shingle signs.

- (1) Shingle signs may be double-sided.
- (2) Shingle signs shall be permitted only for uses that have a principal entrance on the first story.
- (3) Nonresidential uses shall be permitted one shingle sign where its principal frontage line is no more than five feet from the facade. Uses that have a secondary frontage line that is no more than two feet from the facade shall be permitted one additional shingle sign on that facade.
- (4) A building may have both the prescribed number of projecting signs and the same number of shingle signs.
- (5) Shingle signs shall not encroach above the roofline nor above the bottom of the second-story window. Shingle signs may encroach into the public frontage up to two feet and shall clear the sidewalk by at least eight feet.
- (6) Mounting hardware, such as supports and brackets, may be simple and unobtrusive or highly decorative, but shall complement the design of the sign, the building, or both.
- (7) For buildings with multiple signs, mounting hardware or sign shapes, sizes, and colors shall be coordinated.

J. Signplates.

- (1) Signplates shall consist of either a panel or individual letters applied to a building wall within 10 feet of an entrance to the building.
- (2) One signplate shall be permitted per address.
- (3) Signplates shall not exceed three square feet.
- (4) Signplates shall be constructed of durable materials.

K. Window signs.


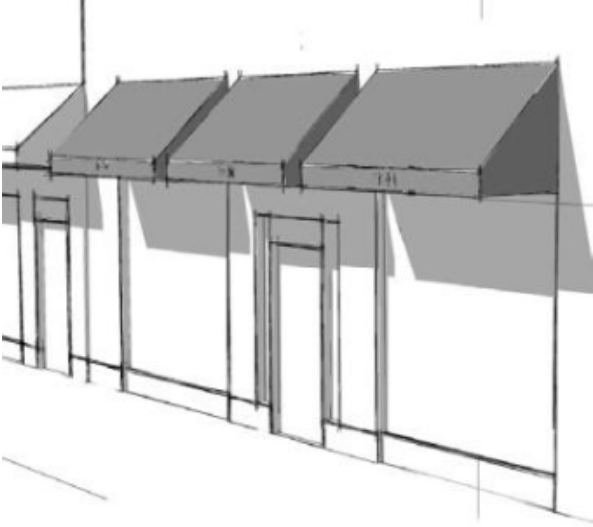
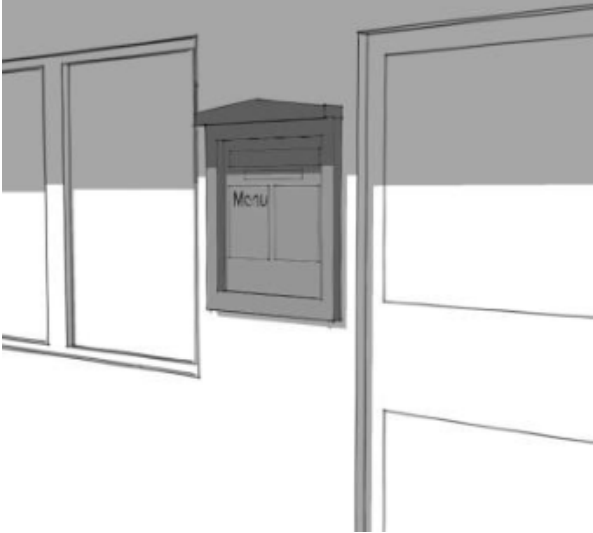
- (1) Only the following window sign types shall be permitted:
 - (a) Vinyl applique letters applied to the window. Appliques shall consist of individual letters or graphics with no visible background.
 - (b) Letters painted directly on the window.
 - (c) Hanging signs that hang from the ceiling behind the window.
 - (d) Neon signs.
 - (e) Door signs applied to or hanging inside the glass portion of an entrance doorway.
- (2) Window signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays.
- (3) Window signs shall be no larger than 25% of the total area of the window onto which they are applied. Sign area shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background.
- (4) Letters on window signs shall be no taller than eight inches.


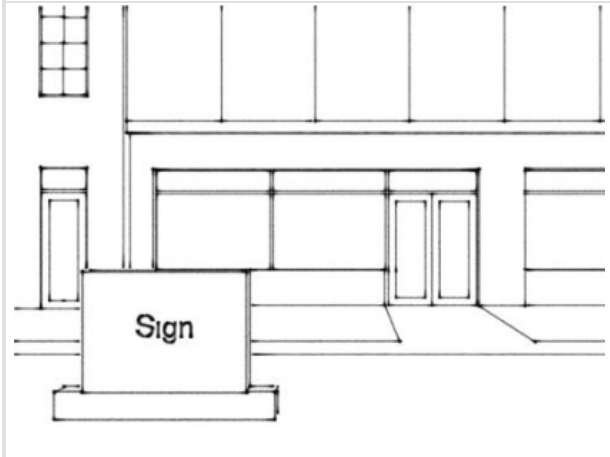
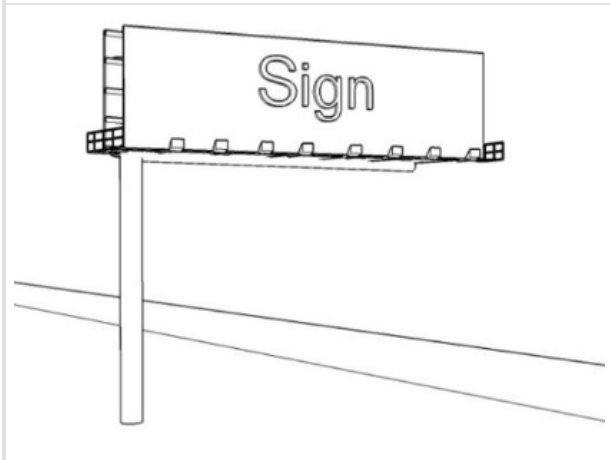
L. Yard signs. One single- or double-post yard sign for each use is permitted, provided it is set back at least six feet from the frontage line, does not exceed six square feet excluding posts, and does

not exceed six feet high including posts, measured from the yard at the post location.

M. Temporary signs and banners. Temporary signs of all types may be approved by the Code Enforcement Officer for a thirty-day period only.

N. Illustrations of sign types.

Example	Sign Type
	Band
	Canopy
	Display Case

Example	Sign Type
 An architectural sketch showing a building facade. A large, dark, rectangular sign is mounted above the entrance, extending over the roofline. The sign has the word "SIGN" written on it in a simple, sans-serif font. The building has a modern design with large windows and a flat roof.	Marquee
 An architectural sketch of a building with a large glass entrance. In front of the building, there is a rectangular sign on a low, wide base. The sign has the word "Sign" written on it in a simple, sans-serif font.	Monument
 An architectural sketch of a tall, thin pole supporting a large, rectangular sign. The sign has the word "Sign" written on it in a simple, sans-serif font. The sign is mounted on a horizontal structure that appears to be a billboard or advertising sign.	Outdoor Advertising Sign

Example

Sign Type



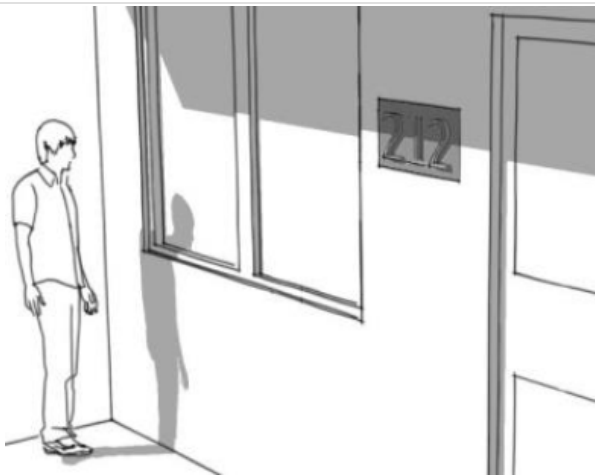
Projecting





Sandwich Board



Shingle



Signplate

Example	Sign Type
	Window
	Yard Sign
<p>Illustrations: SmartCode Signs Module, Mark Reener and Matt Wanamaker, Brown & Reener Urban Design (License: open source).</p>	

§ 550-60. Nonconforming signs.

- A. Normal maintenance of a nonconforming sign may occur, including any necessary repairs and alterations that do not enlarge, extend or intensify the nonconformity.
- B. No structural alteration, enlargement, relocation or extension shall be made of a nonconforming sign except when the alteration will eliminate the nonconforming condition.
- C. No conforming sign shall be erected on the same premises as an existing nonconforming sign until the nonconforming sign has been removed or changed to a conforming sign. However, for multi-occupant land uses, the fact that one particular establishment therein has a nonconforming sign will not prohibit a different establishment therein from erecting a conforming sign on the same premises.
- D. A nonconforming sign shall be made to conform to the requirements of this article whenever there is a change in the use of the building which the sign serves, or whenever the building or structure which the sign serves is externally expanded or remodeled.
- E. Whenever the use of a nonconforming sign, or the use which the sign serves, has been discontinued for a period of six consecutive calendar months, or whenever it is evident that there is a clear intent on the part of the owner to abandon the use of a nonconforming sign or the use which the sign serves, then the sign thereafter shall be made to conform with the provisions of this article or be removed by the City at the expense of the owner.

- F. If a nonconforming sign is damaged or destroyed by any means to the extent of 50% or more of its replacement value at the time of the damage or destruction (based on prevailing costs), then the sign thereafter shall be restored to conform to the provisions of this article. However, if the damage or destruction is less than 50% of the replacement value, then the sign may thereafter be restored to its original condition, so long as restoration or repair of the sign is completed within 90 days after the date of damage or destruction. The repaired or reconstructed sign shall be made to conform to the Uniform Construction Code in force at the time of the repair or reconstruction.

Article IX. Stormwater Management, Drainage, Grading

[1] *Editor's Note: See also Ch. 450, Stormwater Management, of the Code of the City.*

§ 550-61. Purpose.

It is the intent of this article to set minimum standards for managing stormwater and the actions of grading and drainage of property within the City to protect life and property from loss due to poor development. The regulations herein are meant as minimum standards to safeguard persons, to protect property, to maintain the present level of ecology, and to promote the public welfare within Jeannette and its watersheds.

§ 550-62. Applicability.

- A. This chapter applies to any earth disturbance activities regulated by the City and all stormwater runoff entering into the City's storm sewer system from lands within the boundaries of the City.
- B. Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This article shall operate in coordination with those parallel requirements; the requirements of this article shall be no less restrictive in meeting the purposes of this article than state law.
- C. This article 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 and this article, the more restrictive shall apply.

§ 550-63. General requirements for stormwater management.

- A. An application for any new development within the City shall be accompanied by a stormwater management plan indicating how stormwater will be collected and removed from the property. Such stormwater management plan shall be in accordance with any and all duly ordained requirements established by the Pennsylvania Storm Water Management Act (Act 167 of 1978, as amended).^[1]

[1] *Editor's Note: See 32 P.S. § 680.1 et seq.*

- B. All earth disturbance activities regulated by the City shall be designed, implemented, operated and maintained to meet the purposes of this article through erosion and sediment control during the earth disturbance activities (e.g., during construction) and water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance.
- C. All best management practices used to meet the requirements of this article shall conform to the state water quality requirements and any more stringent requirements as determined by the City. The Pennsylvania Department of Environmental Protection Bureau of Watershed Management

document entitled "Pennsylvania Stormwater Best Management Practices Manual" shall be used to conform to these requirements.

§ 550-64. General performance standards.

The following provisions shall be considered the overriding performance standards against which all proposed stormwater control measures shall be evaluated:

- A. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:
 - (1) To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities; or
 - (2) To manage the volume, quality, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.
- B. The Stormwater Management Plan for the development site must consider all the stormwater runoff flowing over the site, including flow from areas upgradient to the site.
- C. The stormwater volume of runoff from all disturbed areas of the development site shall be 100% retained on site for all storm events up to and including the two-year storm.
- D. Where no subsurface storm drainage system is available and/or where large areas are to be covered with structures and paved surfaces, developers shall provide stormwater management facilities on their properties of sufficient capacity to hold the flow from the fifty-year storm of record (4.47 inches in 24 hours) for release at the ten-year rate (3.35 inches in 24 hours). The City Council may request assistance from the Westmoreland Conservation District in determining the need for and the adequacy of proposed stormwater management facilities.
- E. No discharge of toxic or hazardous materials shall be permitted into any stormwater management system.

§ 550-65. Stormwater control method design standards.

- A. Applicants shall select runoff control techniques or a combination of techniques which are most suitable to control stormwater runoff from the development site. All controls must be subject to approval of the City Engineer. The City Engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this article.
- B. The stormwater management practices to be used in developing a stormwater management plan for a particular site shall be selected according to the following order of preference:
 - (1) On-site infiltration of runoff.
 - (2) Flow attenuation by use of open-vegetated swales and natural depressions.
 - (3) Stormwater detention/retention structures.
- C. The applicant shall consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event that such conditions are identified on the site, the City Engineer may require in-depth

studies by a registered geotechnical engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.

- D. For industrial or commercial sites, where it is possible that toxic or hazardous substances may come into contact with stormwater runoff, pretreatment of the first 0.5 inch of runoff over areas where industrial and commercial operations take place shall be provided. Pretreatment shall include means for separating light and heavy nonaqueous phase liquids from the stormwater before the stormwater is conveyed to the general stormwater management facility(ies).

§ 550-66. Grading.

- A. Evidence of permit approval(s) required by all agencies having jurisdiction over earthmoving activities must be presented prior to the City issuance of any permit. Examples of such other approvals include, but are not limited to, earth disturbance permit(s) from the Pennsylvania Department of Environmental Protection and soil erosion and sedimentation control plan approval(s) from the Westmoreland Conservation District.
- B. Earth movement shall result in finished grades that do not exceed two horizontal to one vertical unless a report prepared and certified by a professional engineer licensed in the Commonwealth of Pennsylvania indicates that specific steeper slopes in a particular location will not compromise the stability of the completed slope or areas above or below it.
- C. Topsoil shall be removed and stockpiled before the start of grading. Graded slopes shall be planted with a fast-catching grass cover as soon as grading is completed.
- D. Where fill is used, it shall be placed in layers not exceeding eight inches in depth, thoroughly compacted, and keyed in to undisturbed earth at the edges of the fill. Fill shall be considered any material that has been brought to or moved on the site.
- E. For any development where site grading is proposed, the application submitted to the City Council shall include a cross-section drawing or drawings through the property to illustrate the proposed grading, indicating the steepness of the proposed and existing slopes.

Article X. General Administration and Enforcement

§ 550-67. Zoning Officer.

The provisions of this chapter shall be administered and enforced by the Zoning Officer. The Zoning Officer shall be appointed by the City Council. It shall be the duty of the Zoning Officer, and he/she is hereby given the power and authority to:

- A. Receive and examine all applications for zoning permits.
- B. Review zoning permit applications for compliance with the provisions of this chapter, all other applicable ordinances, and with all federal, state, county and local laws and regulations which are relevant to the subject property.
- C. Process zoning permit applications for all permitted uses and issue permits only where there is compliance with the provisions of this chapter, with other City ordinances, and with the laws and regulations of the county, commonwealth and federal governments.
- D. Receive applications for conditional uses, curative amendments, and zoning amendments, and forward them to the Planning Commission, City Council, the Westmoreland County Planning Department, or other appropriate bodies.

- E. Receive applications for variances and forward these applications to the Zoning Hearing Board for action thereon.
- F. Following the refusal of a permit, receive applications for interpretation, appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
- G. Conduct investigations to determine compliance or noncompliance with the terms of this chapter. The Zoning Officer or his/her representative may enter any property within the City, provided that the property owner receives prior notification.
- H. Enforce the provisions of this chapter by the issuance of enforcement notices or by other means. Such written orders shall be served personally or by registered mail upon the persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this chapter.
- I. Institute civil enforcement proceedings as a means of enforcement when acting with the approval or direction of City Council.
- J. Maintain the Official Zoning Map showing the current zoning classifications of all land in the City.
- K. Keep a permanent record of all plans and applications for permits and all permits issued, with notations as to special conditions attached thereto.
- L. Revoke any order or zoning permit issued under mistake of fact or contrary to the law or the provisions of this chapter.
- M. Enlist the assistance of other municipal agents and agencies in performing these responsibilities.
- N. Present relevant facts, records and similar information to the Planning Commission, City Council, Westmoreland County Planning Department, or City Zoning Hearing Board upon request.

§ 550-68. Zoning permits.

- A. Requirement for a zoning permit. No use shall be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed or removed, and no building used or occupied or changed in use until a zoning permit has been secured from the Zoning Officer. In addition, a zoning permit shall be required prior to any of the following:
 - (1) Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged or otherwise altered, regardless of requirements for issuance of a building permit.
 - (2) Change in use of any building or structure, or portion thereof.
 - (3) Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a permit.
 - (4) Change in use or expansion of a nonconforming use or structure, or portion thereof.
- B. Application requirements. All applications for zoning permits shall be made to the Zoning Officer in writing on forms furnished by the City and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this chapter. Whenever the use involves a new building or structure or alterations to an existing building or structure, an application for a zoning permit shall be made prior to application for a building permit. When no construction is involved, application for a zoning permit and a certificate of occupancy, pursuant to the Pennsylvania Uniform Construction Code, as amended, may be made simultaneously at any time prior to the use or occupancy of the land, building or structure.

- (1) Applications shall be made in writing by the owner, tenant with owner's written permission, purchaser under contract of sale, or authorized agent for the owner and shall include the name and address of the applicant and contractor and the site location on which construction is proposed.
 - (2) Each application shall stipulate the proposed use of the land, building or structure. If more than one use is proposed or existing, the application shall include tabulation and description of all uses on the property and a brief description of the proposed work and the estimated cost.
 - (3) The application shall include a site layout plan indicating the location, dimensions, height and relation to property and street lines of proposed buildings or structures and all existing buildings or structures. The site layout plan shall be prepared and certified by a registered professional engineer, land surveyor, or landscape architect licensed in the Commonwealth of Pennsylvania.
- C. Permit issuance. No zoning permit shall be issued until the Zoning Officer has determined that the proposed use of land, the proposed tenant or occupant, or the existing or proposed building or structure complies with the provisions of the applicable zoning district and other provisions of this chapter. The issuance of a zoning permit does not permit construction or occupancy of a building or structure. A certificate of occupancy is also required pursuant to the Pennsylvania Uniform Construction Code, as amended. In case of refusal of the Zoning Officer to issue a permit, the applicant shall be advised in writing of the reasons for denial and of his or her rights of appeal to the Zoning Hearing Board.
- D. Application fees. All applicants shall pay to the City at the time of application a fee in the amount established in the fee schedule adopted by resolution of the City Council. In the event an application requires a request to City Council for consideration of a conditional use or to the Zoning Hearing Board for consideration of a variance or appeal of a decision of the Zoning Officer, each applicant shall pay to the City the appropriate application fee in the amount established in the fee schedule.

§ 550-69. Enforcement notice.

- A. The Zoning Officer is hereby authorized and directed, in the name of the City, to enforce the provisions of this chapter and to institute civil enforcement proceedings as provided in this chapter when acting within the scope of his or her employment.
- B. If it appears that a violation of this chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided herein. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred.
- C. An enforcement notice shall state at least the following:
- (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 that have not been met, citing in each instance the applicable provisions of the ordinance.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) The recipient of the notice has the right to appeal to the Zoning Hearing Board in writing within 10 calendar days.

- (6) Failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation.

§ 550-70. Enforcement remedies.

- A. Any person, partnership or corporation who or which has violated any of the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the City, shall pay a judgment of not less than \$200 and not more than \$500 plus all court costs plus reasonable attorneys' 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 the violation continues shall constitute a separate violation.
- B. The Court of Common Pleas, upon petition of the defendant, 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 herein 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.

Article XI. Amendments and Appeals

§ 550-71. Power of amendment.

- A. City Council may from time to time amend this chapter, including the Official Zoning Map.
- B. Proposals for amendment, supplement, change or modification or repeal may be initiated by the City Council on its own motion, the Westmoreland County Planning Department, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the City's community development objectives.

§ 550-72. Public hearing prior to amendment.

- A. All zoning amendments shall first be submitted to the Planning Commission for review and comment at a duly advertised public meeting.
[Amended 12-26-2017 by Ord. No. 17-10]
- B. The Planning Commission shall forward its recommendation on any zoning amendment to the City Council for action.
- C. Before voting on the enactment of any amendment, the City Council shall hold a public hearing pursuant to public notice. Public notice shall be published once for two consecutive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of hearing, the particular nature of the matter to be considered at the hearing, and the full text of the amendment or a brief summary setting forth the general provisions in reasonable detail. The first publication shall be published no more than 60 days and the second publication not less than

seven days from the date of the hearing. Procedures relating to the publication, advertisement, and availability of proposed amendments shall be in accordance with Section 610 of the Pennsylvania Municipalities Planning Code, as amended. If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the City at points deemed sufficient by the City along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. All notification requirements of the Pennsylvania Municipalities Planning Code shall be met.

- D. If after any public hearing held upon an amendment the proposed amendment is changed substantially or is revised to include land previously not affected by it, City Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment. In the event substantial amendments are made in the proposed ordinance or amendment before voting upon enactment, City Council shall, at least 10 days prior to enactment, readvertise in one newspaper of general circulation in the City a brief summary setting forth all the provisions in reasonable detail, together with a summary of the amendments.

§ 550-73. Submission to Westmoreland County Planning Department.

- A. In the case of an amendment other than one prepared by the Westmoreland County Planning Department, City Council shall submit each such amendment to the Westmoreland County Planning Department at least 30 days prior to the hearing in order to provide the Westmoreland County Planning Department an opportunity to submit recommendations.
- B. Within 30 days after enactment, a copy of the adopted amendment to the Zoning Ordinance shall be forwarded to the Westmoreland County Planning Department.

§ 550-74. Proposals by curative amendment.

- A. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment first to the Planning Commission for review and a recommendation to the City Council, with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Municipalities Planning Code, as amended. City Council shall commence a hearing thereon within 60 days of the request, as provided in Section 609.1 of the Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the Westmoreland County Planning Commission, and notice of the hearing thereon shall be given as provided by the Municipalities Planning Code, as amended.
- B. Procedures for the public hearing as set forth on Section 609.1 of the Municipalities Planning Code, as amended, shall be followed.
- C. If the City determines that its zoning ordinance or any portion thereof is substantially invalid, it shall follow the procedures as set forth in Section 609.2 of the Municipalities Planning Code, as amended.

§ 550-75. Private petition for amendment.

- A. Every private application for amendment to this chapter shall first be presented to the City with the required filing fee as set forth by resolution of City Council and shall set forth the following where relevant:

- (1) The applicant's name and address and his representative and the interest of every person represented in the application.
 - (2) A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and tax parcel numbers, names of owners, and street addresses of the areas to be rezoned.
 - (3) A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
 - (4) Information that may be needed by the City to evaluate the proposed amendment. The City may require any surveys, studies or impact assessments it deems necessary in order to evaluate the proposed zoning change, including but not limited to the following:
 - (a) Property surveys prepared by a land surveyor licensed in Pennsylvania.
 - (b) Traffic impact, addressing the pedestrian, vehicular, school bus, and truck traffic to be generated; routes to be used; access points; potential conflict points; proposed improvements, including street paving, widening, crosswalks, traffic-calming devices, signals, signs, school bus stops, delivery routes, and sidewalks or pedestrian improvements.
 - (c) Natural resources and environmental impact.
 - (d) Parking impact considering the number of new parking spaces required; their location; impact of new use on current parking supply and demand; and hours of peak demand.
 - (5) The proposed changes to the text of the Zoning Ordinance.
- B. All zoning amendments or changes shall be consistent with the adopted City community development objectives, in accordance with Section 603(j) of the Pennsylvania Municipalities Planning Code. A change shall not be enacted unless the proposed change is consistent with or until the City community development objectives are amended in a manner that resolves the inconsistency.

§ 550-76. Appeals to court.

The procedures set forth in Article X-A, Appeals to Court, of the Pennsylvania Municipalities Planning Code, as amended, shall constitute the exclusive mode for securing review of any decision rendered pursuant to this chapter or deemed to have been made under this chapter.

Article XII. Conditional Uses and Special Exceptions

§ 550-77. Applicability.

- A. City Council shall have the power to approve a conditional use when this chapter specifically requires the obtaining of such approval. Only uses that are specifically identified as conditional uses in § **550-21**, Permitted land uses, and included in this chapter will be eligible for conditional use approval.
- B. The Zoning Hearing Board shall have the power to approve a special exception use when this chapter specifically requires the obtaining of such approval. Only uses that are specifically identified as special exceptions in § **550-21** and included in this chapter will be eligible for special exception approval.

§ 550-78. Criteria for approval.

A. Conditional uses and special exception uses.

- (1) In granting a conditional use or special exception use, the City Council or Zoning Hearing Board, as applicable, shall make findings of fact consistent with the provisions of this chapter. The City Council or Zoning Hearing Board shall not approve a conditional use except in conformance with the conditions and standards outlined in this chapter. In granting a conditional use, Council or 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 implement the purposes of this chapter, the City's community development objectives, and the Pennsylvania Municipalities Planning Code.
- (2) The City Council or Zoning Hearing Board, as applicable, shall grant a conditional use or special exception use only if it finds adequate evidence that any proposed use submitted will meet all of the following general requirements as well as any specific requirements and standards listed in Article IV, Supplemental Regulations. The City Council or Zoning Hearing Board, as applicable, shall require that any proposed use and location be:
 - (a) In accordance with the City's community development objectives.
 - (b) Suitable for the property, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity. Such characteristics as the proposed hours of operation, the activities to be conducted, and the number of people to be assembled or to use the premises at any one time shall be considered.
 - (c) In conformance with all applicable requirements of this chapter and all other City ordinances, including all requirements of the County Subdivision and Land Development Ordinance.
 - (d) Able to be established with guaranteed adequate parking and access arrangements to protect people, streets and parking areas from congestion and hazard, as demonstrated by submitted studies and reports.
- (3) City Council or the Zoning Hearing Board, as applicable, may require the submission of studies identifying the impact of the proposed development on traffic, parking, environmental conditions, stormwater or aesthetics.

B. Application requirements.

- (1) The applicant shall make a written request first to the Planning Commission for a public hearing to be held on the application. The Planning Commission shall review the application and make and forward a recommendation to the City Council or Zoning Hearing Board, as applicable. The City Council or Zoning Hearing Board shall hold a public hearing to consider the recommendation of the Planning Commission.
- (2) The application shall be accompanied by plans and other materials necessary to address the general and specific requirements of this chapter. The minimum requirements shall include the following:
 - (a) Five copies of a site layout plan drawn to scale, showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. The site layout plan shall be prepared by and contain the seal of a professional engineer, land surveyor, or landscape architect licensed in the Commonwealth of Pennsylvania.

- (b) The following information shall be provided on the site layout plan with the conditional use or special exception application:
- [1] Statement as to the proposed use of the building or land. A description of proposed residential, institutional, businesses and offices, retail, consumer uses, or other uses.
 - [2] The information regarding natural resource protection requirements as required by this chapter.
 - [3] The location, size, arrangement and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting.
 - [4] The location, dimensions and arrangements of all open spaces, yards and buffer yards, including methods to be employed for any required buffering and screening.
 - [5] The location, size and height of any proposed signs.
 - [6] The location and dimension of sidewalks and all other areas to be devoted to pedestrian use.
 - [7] Provisions to be made for treatment and disposal of wastewater, water supply and stormwater.
 - [8] The location, size, arrangement and capacity of all areas to be used for motor vehicle access, and all necessary traffic improvements for safe on-site ingress or egress, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - [9] Description of methods to be employed in controlling any noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards. The environmental standards contained in this chapter and in other City ordinances shall be utilized as the reference for applicable standards.
 - [10] Any other data deemed necessary by the City Council to enable it to determine the compliance of the proposed development with the terms of this chapter.

C. Application procedures.

- (1) All applications for conditional use or special exception approvals shall be in writing on standard forms prescribed by the Planning Commission and accompanied by the fee established by resolution of the City Council.
- (2) The Planning Commission shall hold a hearing upon the request, commencing no later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time.
- (3) The Planning Commission shall conduct a public hearing and make decisions in accordance with the procedures set forth in this chapter and the Pennsylvania Municipalities Planning Code for conditional uses.
- (4) The Planning Commission may impose whatever conditions regarding layout, circulation, design, parking and other zoning controls it deems necessary to ensure that a proposed development will secure the objectives of this chapter and protect the health, safety and welfare of the City.
- (5) For conditional uses, the recommendation of the Planning Commission, including any findings of fact and conclusions of law, shall be forwarded to the City Council for a public hearing and action on the matter.

- (6) For special exceptions, the recommendation of the Planning Commission, including any findings of fact and conclusions of law, shall be forwarded to the Zoning Hearing Board for a hearing and action on the matter.

§ 550-79. Expiration of conditional uses and special exceptions.

A conditional use shall expire if the applicant fails to obtain a zoning permit within 365 days of the date of the granting of the conditional use; provided, however, that:

- A. If the subject matter of the conditional use requires either a subdivision or land development, the conditional use shall expire if the applicant fails to file the required subdivision or land development plan within 365 days of the granting of the conditional use. The applicant shall have 180 days after the final plans of the subdivision or land development are approved and recorded to obtain a zoning permit; and
- B. The City Council or Zoning Hearing Board, as applicable, may grant one extension of time for a period not to exceed 365 days if the landowner or his agent requests such an extension and if good cause for the extension is shown.

§ 550-80. Presumption as to performance standards.

[Added 7-17-2018 by Ord. No. 18-13]

Various provisions of Article IV, Supplemental Regulations, require that an applicant provide a written description explaining the measures which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts. In relation to each such provision, with respect to any matter that is addressed in § 550-25, Performance standards, including, without limitation, noise, odors, vibration and lighting, if the applicant provides plans demonstrating that its proposed use complies with the performance standards in § 550-25 applicable to such matter, then, notwithstanding any provision of this chapter to the contrary, it shall be presumed that the applicant has satisfied its obligation to explain the measures which will be implemented to ensure that adjacent properties will be adequately protected from any negative impact relating to such matter.

§ 550-81. Licenses and permits.

[Added 7-17-2018 by Ord. No. 18-13]

With respect to any provision of this chapter which requires that an applicant for a conditional use approval provide to the City copies of all licenses or permits required by local, state and federal agencies, such requirement shall be deemed to mean that, as a condition to a conditional use approval, the applicant shall be required to provide to the City, as soon as available, copies of the licenses or permits required by local, state and federal agencies with respect to the proposed use.

Article XIII. Zoning Hearing Board

§ 550-82. Establishment of Board.

- A. A Zoning Hearing Board is established in order that the objectives of this chapter may be more fully and equitably achieved and to provide a means for competent interpretation of this chapter.
- B. Membership and terms of office.
 - (1) The Zoning Hearing Board shall consist of three residents of the City, appointed by resolution of the City Council. The terms of office shall be three years and shall be so fixed that the term

of office of one member shall expire each year. At the adoption of this chapter, Zoning Hearing Board members shall continue in office pursuant to their current terms. Board members shall hold no other City office. Any member of the Board may be removed for cause by City Council upon written notice and charges after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as those for original appointments.

- (2) The City Council may appoint, by resolution, from one to three residents to serve as alternate members of the Board for three-year terms. Alternates shall hold no other City office. Alternates may participate in any proceeding or discussion of the Board but shall not be entitled to vote or to be compensated unless designated by the Chairperson to sit on the Board in order to provide a quorum. Designation of alternates to sit on the Board shall be made case by case in rotation according to declining seniority among all alternates.

§ 550-83. Procedures.

- A. Officers. The Board shall elect from its own membership a Chairperson and Vice Chairperson, who shall serve annual terms as such and may succeed themselves. The Board may make, alter and rescind rules and forms for its procedures consistent with the provisions of the Pennsylvania Municipalities Planning Code, as amended, and this chapter.
- B. Hearings. Public notice shall be given of all hearings consistent with the Municipalities Planning Code. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board.
- C. Records and decisions. The Board shall keep a record of its proceedings and official actions, which shall be filed in the City Hall and shall be a public record.
- D. Interpretation. Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any questions:
 - (1) Involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary if there is uncertainty; and
 - (2) Where it is alleged there is error in any order, requirement, decision or determination in the enforcement of this chapter, including an order made by the Zoning Officer requiring an alleged violation to stop, cease and desist.

§ 550-84. Variances.

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of the Pennsylvania Municipalities Planning Code, the Board may prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided 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 property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

- (3) That such unnecessary hardship has not been created by the applicant;
 - (4) That a variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - (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 at issue.
- B. In granting any variance, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

§ 550-85. Challenge to validity of Zoning Ordinance or Map.

The Board shall hear challenges and appeals, as delineated in the Municipalities Planning Code, as amended. The Board shall take evidence and make a record of such proceedings. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record for appeal to the court.

- A. Actions of the Board in exercising power. In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with law and the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination. Written notice of such decision shall be given forthwith to all interested parties.
- B. General rules and procedures for appeals and applications.
- (1) Any appeal from the ruling of the Zoning Officer concerning the enforcement and interpretation of the provisions of this chapter shall be filed with the Zoning Hearing Board within 30 calendar days after the date of the Zoning Officer's adverse decision.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (2) All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Zoning Hearing Board.
 - (3) All appeals and applications shall refer to the specific provisions of this chapter involved.
- C. Eligible appellants. Appeals to the Zoning Hearing Board may be taken by any person aggrieved or affected by any provisions of this chapter or by any decision, including any order to stop, cease and desist issued by the Zoning Officer in enforcing the provisions of this chapter.
- D. Notice of hearings. Upon the filing with the Zoning Hearing Board of an application for a variance, interpretation of this chapter or other appeal, the Board shall hold a public hearing within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time, and:
- (1) Provide public notice published each week for two 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 seven days from the date of the hearing.
 - (2) Give written notice to the applicant, the Zoning Officer, persons whose properties adjoin or are across public roads from the property in question or are within 100 feet of the property in question, and to any person who has made timely request for same.

- (3) Conspicuously post a written notice of said hearing on the affected tract of land at least one week prior to the hearing.
- E. Fees. The applicant for any hearing before the Zoning Hearing Board shall, at the time of making application, pay to the Zoning Officer a fee in accordance with the fee schedule adopted by resolution of the City Council.
 - F. Expiration of variances. A variance shall expire if the applicant fails to obtain a zoning permit within 365 days of the date of the granting of the variance; provided, however, that:
 - (1) If the subject matter of the use constitutes either a subdivision or land development, the variance shall expire if the applicant fails to file the required subdivision or land development plan within 365 days of the granting of the variance. The applicant shall have 180 days after the final plans of the subdivision or land development are approved and recorded to obtain a zoning permit; and
 - (2) The Zoning Hearing Board may grant one extension of time for a period not to exceed 365 days if the landowner or his agent requests such an extension and if good cause for the extension is shown.

Article XIV. Definitions

§ 550-86. Word usage.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them within this section. If not defined in this section, or within other sections of this chapter, terms used in this chapter shall have the meanings provided in any standard dictionary or American Planning Association publication, as determined by the City Council.

§ 550-87. Terms defined.

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

ABANDONMENT

The relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the nonconforming use of the property for a period of one year.

ABUTTING

Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

ACCESS

The way or means by which pedestrians or vehicles approach, enter or exit property.

ACCESSORY EQUIPMENT

Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term "accessory equipment" includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

[Added 3-14-2019 by Ord. No. 19-05]

ACCESSORY STRUCTURE

See "structure, accessory."

ACCESSORY USE

See "use, accessory."

ADDITION

Any increase in the gross floor area of a structure or use, including those in which the building footprint is not enlarged.

ADJACENT

See "abutting."

ADMINISTRATIVE/BUSINESS OFFICES

See "professional offices."

ADULT BOOKSTORE

An establishment having more than 10 square feet of floor area devoted to stock-in-trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, or an establishment with a segment or section devoted to the sale or display of such material. See also "adult business."

ADULT BUSINESS

An adult bookstore, adult video store, adult motion-picture theater, or adult entertainment establishment, as defined in this chapter. Also known as a "sexually-oriented business."

ADULT ENTERTAINMENT

An establishment used for presenting persons depicting, showing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter. See also "adult business."

ADULT MOTION-PICTURE THEATER

An establishment used for presenting motion-picture material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, for observation by patrons thereto. See also "adult business."

ADULT VIDEO STORE

An establishment having more than 10 square feet of floor area devoted to its stock-in-trade, videotapes or compact discs which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical area, as defined in this chapter, or an establishment with a segment or section devoted to the sale or display of such material. See also "adult business."

ADVERSE IMPACT

A negative consequence for the physical, social or economic environment resulting from an action or project.

AGENT OF OWNER

Any person who can show written proof that he has authority to act on behalf of a property owner.

ALCOHOL SALES

A use that provides sales of beer and wine for off-site consumption.

ALLEY

A right-of-way dedicated to public use, other than a street, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches. Also known as "service drive." An alley shall not be considered adequate as the sole access for a parcel of land. See also "street."

ALTERATION, INCIDENTAL

A change or replacement in the parts of a building or other structure, such as:

- A. Alteration of interior partitions to improve a nonconforming residential building, provided no additional dwelling units are created thereby.
- B. Alteration of interior partitions in all other types of buildings or structures.
- C. A minor addition on the exterior of a residential building to provide an uncovered porch or patio.
- D. Making windows or doors in exterior walls.
- E. Strengthening the load-bearing capacity in not more than 10% of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.
- F. Replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits.

ALTERATION, STRUCTURAL

A change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

ALTERNATIVE FINANCIAL SERVICES

Use of a site for a check-cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, or a credit access business.

AMATEUR RADIO ANTENNA

An amateur radio station licensed by the Federal Communications Commission, including equipment such as but not limited to a tower or alternative tower structure supporting a single radiating antenna platform and other equipment. Also called "ham radio antenna."

AMENDMENT, CURATIVE

An amendment to the Zoning Ordinance made to the City Council by a property owner who desires to challenge on substantive grounds the validity of this chapter which prohibits or restricts the use or development of land in which the property owner has an interest.

AMENDMENT, REZONING

An amendment to the Zoning Map to effect a change of the designated land use district on a parcel of land.

AMENDMENT, TEXT

An amendment or revision to the text of this chapter.

AMENITY

Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g., swimming pool, walking trails, bicycle trails, lakes, tennis courts, picnic areas, playgrounds), views, landscaping, etc.^[1]

ANTENNA AND COMMUNICATIONS ANTENNA

Any system of equipment, switches, wires, cables, power sources, rods, discs, panels, flat panels, dishes, whips, shelters, cabinets or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities as defined below.

[Added 3-14-2019 by Ord. No. 19-05]

APARTMENT

See "dwelling, multifamily."

APEX

The highest point of a sign as measured from the point on the ground where its structure is located or, if no sign structure is present, from the point on the ground directly below the sign itself.

APPLICANT

A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

AREA

The total area within the property lines of a project or lot, excluding external streets.

AREA, BUILDABLE

The area of a lot remaining after the minimum setback and open space requirements of the Zoning Ordinance have been met.

ART GALLERY

Use of a site for the display or sale of art.

ASSISTED LIVING FACILITY

A long-term residence facility exclusively for persons 60 years or older, and which shall include common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly and the provision of social services for residents, which must include at least two of the following: meals, transportation, housekeeping, linen services and organized social services. Also called "retirement home" or "convalescent home."

ATTIC

The space between the ceiling beams of the top story and the roof rafters.

AUTOMOTIVE RENTALS

The rental of automobiles, noncommercial trucks, trailers or recreational vehicles, including incidental parking and servicing of vehicles.

AUTOMOTIVE REPAIR

Use of a site for the repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts.

AUTOMOTIVE SALES

Use of a site for the sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing.

AUTOMOTIVE WASHING

Use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light-duty equipment.

AWNING

An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached. See also "sign, canopy."

BAIL BOND SERVICES

Use of a site by a licensed bail bond surety to provide bail bond services.

BAR/LOUNGE

Premises used primarily for sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASEMENT

That portion of a building that is partly or completely below grade.

BED-AND-BREAKFAST

A dwelling in which, for compensation, lodging containing not more than six guest rooms and, for no extra charge, breakfast is provided to the guests. This use does not include rooming houses or boardinghouses.

BERM, EARTHEN

A natural or man-made earthen mound in excess of two feet in vertical height, designed to shield or buffer properties from adjoining uses, highways, noise, or to control the direction of surface water flow.

BEST MANAGEMENT PRACTICE (BMP)

Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated earth disturbance activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this chapter. BMPs include but are not limited to infiltration, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters, and detention basins.

BIKEWAY

A pathway used for bicycling, walking and other recreation.

BILLBOARD

See "sign, outdoor advertising."

BLOCK

Property having frontage on both sides of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting and intercepting street and railroad right-of-way, waterway or other barrier (including an alley between zoned areas).

BLOOD PLASMA CENTER

A walk-in facility where the donation or sale of blood and/or plasma is taken and distributed for use in medical or other similar products. This does not include blood banks in which primarily whole blood is extracted from donors and used, transferred or sold or blood banks that are accessory to an existing medical use.

BOARDINGHOME

See "hotel/motel."

BUFFER

A strip of land, a fence, a wall or a border of trees, etc., between one land use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use from another.

BUFFER STRIP

Land area used to visibly separate one use from another or to shield or block noise, light or other nuisances. A strip may be required to include fencing, berms, shrubs and/or trees. Also called a "buffer yard."

BUILD-TO LINE

An alignment established a certain distance from the front property line to a line along which the building shall be built.

BUILDABLE AREA

See "area, buildable."

BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING AREA

A percentage referring to that portion of a lot covered only with principal and accessory structures.

BUILDING FOOTPRINT

The outline of the total area of a lot covered by a building's perimeter.

BUILDING HEIGHT

The vertical distance of a building measured from the average grade level at the front line of the building to the highest point of the roof if the roof is flat or mansard, or to the average level between the eaves and the highest point of the roof if the roof is of any other type. Height calculation shall not include chimneys, spires, towers, elevator and mechanical penthouses, radio antennas, and similar projections.

BUILDING LINE

A line on a lot, generally parallel to property lines and located a sufficient distance from the property lines to provide the minimum setbacks required by this chapter. Building lines establish the area within which buildings are permitted and do not necessarily correspond with the location of any existing structures or other improvements.

BUILDING MAINTENANCE SERVICES

The provision of maintenance and custodial services to firms rather than individuals.

BUILDING WALL

An exterior load-bearing or non-load-bearing vertical structure that encompasses the area between the final grade elevation and eaves of the building, and is used to enclose the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

BUILDING, ACCESSORY

See "structure, accessory."

BUILDING, DETACHED

A building having no structural connection with another building.

BUILDING, FRONT LINE OF

The line of the face of the building nearest the front lot line.

BUILDING, NONCONFORMING

See "structure, nonconforming."

BUILDING, PRINCIPAL

A building in which is conducted the main use of the lot on which the building is situated.

BULK REQUIREMENTS

Standards that control the height, density and location of structures.

BUSINESS

Engagement in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices or recreational and amusement enterprises for profit. See also "establishment."

CANDLE

A measure of light intensity. A candle is equal to 1/60 of the luminous intensity per square centimeter of a blackbody radiating at the temperature of solidification of platinum (2.046° Kelvin).

CANOPY

An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than one

stanchion. A canopy is comprised of a rigid structure over which a covering is attached. See also "sign, canopy," "awning" and "sign, awning."

CARPORT

An accessory roofed structure attached or unattached to the primary structure or building for the purpose of providing shelter for one or more motor vehicles or recreational vehicles. Includes canopies and sheds.

CEMETERY

Land used, or intended to be used, for burying the human dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

CENTER WALK

A dedicated walking aisle, typically raised, between the cars, running the length of the parking aisle.

CHANNEL LETTERS

Removable letters that fit into channels on a sign or marquee.

CLEAR VISION TRIANGLE

An area of unobstructed vision at street intersections between 2 1/2 and eight feet above the street pavement and within a triangular area at the street corner, which area is bounded by:

- A. The street property lines of the corner lot and a line connecting points 20 feet distant from the intersection of the property lines of such lot; or
- B. The curblines of an intersection and a line connecting points 40 feet distant from the corner of the intersection, such corner determined by projecting the curblines out to a specific point, whichever is the lesser.

CLEAR-CUTTING

Removal of an entire stand of trees, shrubs and other vegetative ground covering.

CLEARANCE

The height above the walkway or other surface, if specified, of the bottom edge of an element.

CLINIC, MEDICAL OR DENTAL

An establishment providing dental, medical, chiropractic, physical therapy, psychiatric or surgical services exclusively on an outpatient basis, including but not limited to emergency treatment and diagnostic services.

CLINIC, VETERINARY

A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. This use shall not include the boarding or training of animals, except for medical purposes, and shall not provide outdoor runs or kennels. Also referred to as "animal hospital."

CLUB OR LODGE

Provision of meeting, recreational or social facilities by a private or nonprofit association, primarily for use by members and guests.

CODE ENFORCEMENT OFFICER

The individual or firm appointed or hired by the City to administer and enforce the provisions of this chapter.

CO-LOCATION

The placement or installation of new wireless communications 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 communications facilities if approved by the municipality. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound.

[Added 3-14-2019 by Ord. No. 19-05]

COMMON AREA

Any portion of a development that is not part of a lot or tract and is designed for the common use of the development. These areas include green open spaces and may include such other uses as parking lots and pedestrian walkways. Maintenance of such areas is not the responsibility of City government and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.^[2]

COMMUNICATIONS EQUIPMENT BUILDING

An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 25 square feet.

COMMUNICATIONS SERVICES

The provision of broadcasting or information relay services through electronic and telephonic mechanisms, but excludes major utility facilities.^[3]

COMMUNICATIONS TOWER, HEIGHT OF

The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

COMMUNITY DEVELOPMENT OBJECTIVES

A statement provided by the governing body of a municipality with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources; and any other factors that the municipality believes relevant in describing the purposes and intent of the Zoning Ordinance.

COMMUNITY GARDEN

The growing or harvesting of food crops or ornamental crops on an agricultural basis by a group of individuals for personal or group use, consumption or donation.

CONSISTENCY

An agreement or correspondence between matters being compared which denotes a reasonable rational, similar connection or relationship.

CONSUMER REPAIR SERVICES

Provision of repair services to individuals or households rather than firms.

CONVENIENCE STORAGE

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access.

COUNCIL

The City Council of Jeannette, Westmoreland County, Pennsylvania.

COUNTY

Westmoreland County, Pennsylvania.

COVENANT

A restriction on the use of land set forth in a written document or plat. The restriction runs with the land and is binding upon subsequent owners of the property.

DAY-CARE SERVICES, GENERAL

The provision of daytime care for more than six but not more than 20 persons. Such a facility must meet all the licensing requirements of the Pennsylvania Department of Human Services.

DAY-CARE SERVICES, LIMITED

The provision of daytime care for six persons or less. Such a facility must meet all the licensing requirements of the Pennsylvania Department of Human Services. See also "family day-care home."

DECK

An accessory structure, without a roof, directly adjacent to a principal structure or building, which is elevated at least six inches above grade. See also "patio."

DENSITY

The total number of dwelling units situated on or to be developed on a lot divided by the total lot area. The total lot area shall be calculated by taking the gross acreage and subtracting surface water, undevelopable lands (e.g., wetlands) and the area in rights-of-way for streets and roads.

DENSITY BONUS

The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective (e.g., public open spaces, plazas, art, landscaping, etc.).

DETENTION

The slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

DETENTION BASIN

A basin designed to detain stormwater runoff by having a controlled discharge system.

DETENTION FACILITY

Provision by a public agency of licensed housing and care for legally confined individuals.

DEVELOPER

Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT

- A. Any man-made change to improved or unimproved land, including but not limited to the construction, reconstruction, conversion, structural alteration, relocation, enlargement or use of any structure or parking area;
- B. Any mining, excavation, dredging, filling, grading, drilling or any land disturbance; or
- C. Any use or extension of the use of the land.

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.

DISABILITY

A physical or mental impairment that substantially limits one or more major life activities.

DISCONTINUANCE

The ceasing of a nonconforming use of a structure or land. For nonresidential uses, this includes the removal of inventory and/or equipment from the premises, ceasing of all business activity, and/or the failure to renew required licenses, including business licenses. For residential uses, this includes the discontinuation of utility service, the removal of interior furnishings, and/or vacating of the premises.

DISTRIBUTED ANTENNA SYSTEMS (DAS)

Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

[Added 3-14-2019 by Ord. No. 19-05]

DRAINAGE

- A. Surface water runoff;
- B. The removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development; or
- C. The means for preserving the water supply and the prevention or alleviation of flooding.

DRIVE-THROUGH FACILITY

Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY

A private roadway providing access for vehicles to a parking space, loading space, garage, dwelling or other structure.

DRIVEWAY, COMMON

A driveway shared by adjacent property owners and privately owned and maintained.

DWELLING

A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes. See also "building."

DWELLING UNIT

A single unit providing complete, independent living facilities for a single housekeeping unit. In no case shall a motor home, trailer, hotel or motel, lodging house or boardinghouse, automobile, tent or portable building be considered a dwelling unit. Dwelling units are contained within single-family, garage apartment, multifamily residential structures, and mixed-use structures.

DWELLING, ACCESSORY

A dwelling unit added to an existing residential property or constructed entirely within the existing built envelope of an existing residential structure or existing and authorized auxiliary structure on the same lot.

DWELLING, DUPLEX

A detached building containing two dwelling units attached side by side, with separate entrances and separated by an unpierced party wall or containing two dwelling units, one above the other, each having a separate entrance.

DWELLING, MOBILE HOME

A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the federal mobile home construction and safety standards and rules and regulations promulgated by the U. S. Department of Housing and Urban Development. For the purposes of this chapter, mobile homes are classified as "dwelling, single-family."

DWELLING, MODULAR HOME

Any structure that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installed on a building site and designed for long-term residential use and is certified as meeting the standards contained in the Uniform Construction Code. For the purposes of this chapter, modular homes are classified as "dwelling, single-family."

DWELLING, MULTIFAMILY

A freestanding building containing more than two dwelling units, whether they have direct access to the outside or access to a common building entrance. These include:

A. GARDEN APARTMENT

An apartment located within a structure containing at least four dwelling units and not exceeding four stories in height; sometimes designed around courtyards or common green spaces; often having private balconies or patios; and frequently exhibiting different facades and design features between structures in a garden apartment complex.

B. APARTMENT HOUSE

A structure consisting of a series of single-story dwelling units clustered on a floor about a central elevator or corridor; each series consisting of one story being stacked one upon the other.

DWELLING, SINGLE-FAMILY

A freestanding building designed solely for occupancy by one family for residential purposes as a single housekeeping unit.

DWELLING, SINGLE-FAMILY ATTACHED

See "dwelling, duplex" and "dwelling, townhouse."

DWELLING, TOWNHOUSE

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light and ventilation.

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.

EASEMENT

A right-of-way granted by a property owner to the use of the land by the public, a corporation, or persons for such specific purposes as the construction of utilities, drainageways and roadways, passage over which is guaranteed by the property owner to the grantee.

EDUCATIONAL FACILITIES, COLLEGE/UNIVERSITY

Licensed institution of higher learning that offers a course of study designed to culminate in the issuance of a degree in accordance with Pennsylvania Department of Education standards.

EDUCATIONAL FACILITIES, PRIMARY/SECONDARY

Licensed school offering instruction at K-12 levels in accordance with Pennsylvania Department of Education standards.

EDUCATIONAL FACILITIES, VOCATIONAL

A specialized instructional establishment that provides on-site training of business, commercial and/or trade skills.

ELEVATION

A. A vertical distance above or below a fixed reference level; or

B. A flat scale drawing of the front, rear or side of a building.

EMERGENCY

A condition that: 1) constitutes a clear and immediate danger to the health, welfare or safety of the public; or 2) has caused or is likely to cause facilities in the public rights-of-way to be unusable and result in loss of the services provided.

[Added 3-14-2019 by Ord. No. 19-05]

EMPLOYEE RECREATION, LUNCH, HEALTH CARE

The provision of a recreational, health care or dining facility for use by employees of a business that is located on property reserved by the business for future expansion.

ENLARGEMENT

An addition to the floor area of an existing building, an increase in the size of any other structure or an increase in that portion of a tract of land occupied by a permitted use.

ENTERTAINMENT, INDOOR

Predominantly spectator entertainment uses conducted within an enclosed building.

ENTERTAINMENT, OUTDOOR

Predominantly spectator entertainment uses conducted in open or partially enclosed or screened facilities.

EQUIPMENT COMPOUND

An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

[Added 3-14-2019 by Ord. No. 19-05]

EQUIPMENT REPAIR

Repair of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar heavy equipment.

EQUIPMENT SALES

The sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance and servicing.

EROSION

The process by which the ground surface is worn away by the action of water, gravity, ice, or a combination thereof, or the detachment and movement of soil or rock fragments.

EROSION AND SEDIMENT CONTROL

Measures undertaken to minimize the removal by water action of soil uncovered in the process of development and the depositing of the soil in nearby streams or on adjacent roads or properties. Prior to preliminary or final plan approval of any subdivision or land development, the applicant shall prepare and submit a soil erosion and sedimentation control plan to the Westmoreland Conservation District.

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 or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined in this chapter.

ESTABLISHMENT

An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

EXCAVATION

Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

EXTENSION

An increase in the amount of floor area used for permitted use within an existing building.

FACADE

That portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.

FACADE, PRINCIPAL

Exterior walls of a building which are adjacent to or front on a public street, park or plaza. There may be more than one principal facade on a building.

FAMILY

An individual or any group of persons living together in a dwelling unit, using common cooking facilities and bearing the generic character of a family as a relatively permanent household.

FAMILY DAY-CARE HOME

A child day-care facility located in a home in which four to six children who are not related to the caregiver receive child care. Such a facility must meet all the licensing requirements of the Pennsylvania Department of Human Services.

FCC

Federal Communications Commission.
[Added 3-14-2019 by Ord. No. 19-05]

FENCE

An artificially constructed barrier erected to enclose, screen or separate areas; an accessory use.

FILL

Uncontaminated, non-water-soluble, nondecomposable, inert solid material. The term includes soil, rock, stone, dredged material, used asphalt, and brick, block or concrete from construction and demolition activities that is separated from other wastes and recognizable as such. The term does not include materials placed in or on the waters of the commonwealth unless otherwise authorized. Also called "clean fill."

FLOOD

A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD-FRIDGE

The portion of the one-hundred-year floodplain outside the floodway and as defined by the most recent Flood Insurance Rate Map (FIRM).

FLOODWAY

The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge a one-hundred-year flood and as defined on the Flood Insurance Rate Map (FIRM).

FLOOR AREA, GROSS

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

FLOOR AREA, GROSS LEASABLE

The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line

of joint partitions and from outside wall faces.

FOOD PREPARATION, GENERAL

Production of prepared food for wholesale distribution.

FOOD PREPARATION, LIMITED

Production of prepared food for wholesale distribution. Excludes the on-site slaughter of animals and the commercial production of ice.

FOOD SALES

The retail sale of food or household products for home consumption.

FOOD TRUCK

A temporary food service establishment that is a vehicle-mounted food service establishment designed to be readily movable.

FOOTCANDLE

A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

FORESTRY

The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Christmas tree farms and landscaping activities associated with residential, business, industrial or commercial structures shall not be considered forestry activities.

FRONTAGE

The front lot line of a parcel that abuts a public right-of-way.

FRONTAGE, STORE

- A. The length of a front store facade; or
- B. The length of a front building facade.

FUNERAL SERVICES

Use of a site for the preparation of human dead for burial or arranging or managing funerals.

GARAGE, PRIVATE

An accessory enclosed building for the storage of one or more vehicles. No business, occupation or service is permitted to be carried out within a private garage that is an accessory structure to a dwelling, except as may be allowed as a home occupation.

GAS STATION

See "service station."

GOVERNING BODY

The City Council of the City of Jeannette, Westmoreland County, Pennsylvania.

GOVERNMENT OFFICES

Provision of offices or administrative, clerical or public contact services, together with incidental storage and maintenance of necessary vehicles, all of which are owned, leased or operated by a unit of government.

GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of a building.

GRADE, ESTABLISHED STREET

The elevation of the center line of a street.

GRADE, PERCENTAGE OF

The rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance.

GRADING

The act of excavation or filling, or a combination of the two, or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.

GROSS FLOOR AREA

See "floor area, gross."

GROSS LEASABLE FLOOR AREA

See "floor area, gross leasable."

GROUND COVER

Materials covering the ground surfaces, including but not limited to evergreen or broadleaf plants that do not attain a mature height of more than one foot, rocks and gravel, and mulch. Sod and seed shall also be considered ground cover.

GROUND FLOOR

The first floor of a building other than a basement.

GROUP HOME

Family-based facility providing twenty-four-hour care in a protected living arrangement for not more than six residents with disabilities, as defined by the Federal Fair Housing Act.

HALFWAY HOUSE

A residential facility owned or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for not more than 16 individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

HARDSHIP, UNNECESSARY

A hardship by reason of exceptional lot shape, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.

HEATING UNITS

Exterior heating units that may burn coal, wood or corn and are customarily used by residential dwelling units to warm the interior of the structure; an accessory structure.

HEIGHT

See "building height."

HISTORICAL SITE/MARKER

A site, building, structure or object designated as historic on a national, state or local register. Also, the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure, and designated as historic on a national, state or local register.

HOME-BASED BUSINESS, NO-IMPACT

A commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The commercial activity must satisfy all eight of the following requirements:

- A. The activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The activity 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.
- E. The activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

HOME OCCUPATION

An occupation carried on within a dwelling unit by the residents of the home which is clearly secondary to the use as a residential dwelling and is distinct from a "home-based business, no-impact."

HORTICULTURE

The growing of horticultural or floricultural specialties, including flowers, shrubs, and trees intended for ornamental or landscaping purposes, but excluding retail sales.

HOSPITAL SERVICES

Use of a site for the provision of medical, psychiatric or surgical services on an inpatient basis, and includes ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees and visitors.

HOTEL

An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars and recreational facilities.

HOUSEHOLD

A family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. See also "family."

HVAC

Heating, venting and air conditioning unit; an accessory use.

IMPERVIOUS SURFACE

Surfaces that do not absorb water.

IMPROVEMENT

Any man-made, immovable item that becomes part of, placed on or is affixed to real estate.

INDOOR CROP PRODUCTION

The raising and harvesting indoors of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.

INDUSTRIAL PARK

A planned, coordinated development of a tract of land designed to contain two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

INFILTRATION

The flow or movement of water through the interstices or pores of a soil or other porous medium; the absorption of liquid by the soil.

JUNK

All scrap copper, brass, lead or any other nonferrous metal; discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles or parts of such vehicles; machinery or appliances; iron, steel or other scrap ferrous materials; discarded glass, tinware, plastic or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

JUNK VEHICLE

Any automobile, off-road vehicle, recreational vehicle or vehicle outside of a building which is either fully enclosed or enclosed on three sides that is not licensed, registered or inspected, and where any one or more of the following conditions are found to exist:

- A. The automobile or vehicle is not in full complete and safe working condition sufficient to pass state vehicle inspection;
- B. The automobile or vehicle does not presently have a current state inspection sticker displayed in its proper location;
- C. The automobile or vehicle does not presently have a state registration plate and sticker displayed in its proper location;
- D. The automobile or vehicle is being stored for the purpose of selling parts therefrom; or
- E. The automobile or vehicle is being stored for the purpose of resale as junk and/or scrap metal or for resale of materials from within the automobile or vehicle.

JUNKYARD

See "salvage yard."

KENNELS

The boarding and care of dogs, cats or similar small animals.

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; or

- (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. Subdivision of land requires submission to Westmoreland County for review and approval.

LANDOWNER

The legal or beneficial owner or owners 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 is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPED AREA

A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas include, but are not limited to, natural areas, buffers, streetscapes, lawns and plantings.

LANDSCAPED BUFFER

An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of one land use on the other.

LANDSCAPING

Open area devoted primarily to trees, grass, shrubs or plants to soften building lines, provide shade and generally produce a pleasing visual effect of the premises. As complementary features, fountains, pools, screens, decorative lighting, sculpture or outdoor furnishings may be placed within the area.

LAUNDRY SERVICES

The provision of laundering, dry cleaning, or dyeing services other than those classified as personal services.

LIBRARY

A public facility for the use of literary, musical, artistic or reference materials.

LIVE/WORK UNIT

A residential occupancy, by a single housekeeping unit, of one or more rooms or floors in a building, which includes:

- A. Cooking space and sanitary facilities in conformance with local building codes; and
- B. Adequate working space accessible from the living area reserved for, and regularly used by, one or more persons residing therein.

LOADING SPACE

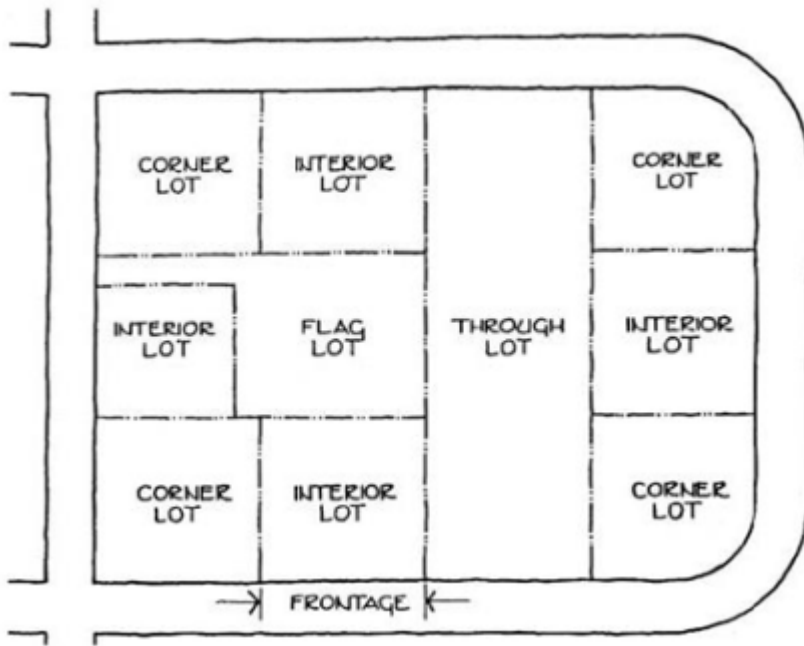
An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise, materials or persons, and which has ingress and egress upon a street, alley or other appropriate means of access.

LOGO

The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers, or any other use of graphics or images other than the sequential use of letters and numbers.

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.



Source: A Glossary of Zoning Development and Planning Terms, Davidson and Dolnick, APA publication, 1999.

LOT AREA

The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT COVERAGE

A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking structures, driveways, roads, sidewalks and any area of concrete or asphalt.

LOT DEPTH

The distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines at right angles to the front lot line every 10 feet and averaging the length of these lines.

LOT FRONT

The side of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the building or of the principal entrance, if building orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, the Code Enforcement Officer shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

LOT LINE

The property line bounding a lot.

LOT LINE, FRONT

The lot line separating a lot from the street.

LOT LINE, REAR

- A. The lot line that is opposite and most distant from the front lot line; or
- B. The rear lot line of an irregular or triangular lot shall be a line entirely within the lot at least 10 feet long and parallel to and most distant from the front lot line.

LOT LINE, SIDE

Any lot line which is not a front lot line or a rear lot line.

LOT OF RECORD

See "lot."

LOT WIDTH

The distance between the side lot lines of a lot at the building line.

LOT, BUILDING

A parcel of land that was legally existing at the time of adoption of this chapter or is legally created through subdivision thereafter, upon which a building or structure may be erected in accordance with all relevant provisions in this chapter (including variance provisions, if applicable). Parcels of land that are created in violation of any provision of the Westmoreland County Subdivision and Land Development Ordinance shall not be eligible for the issuance of permits to build any structure upon.

LOT, CORNER

A lot located at the junction of two or more intersecting streets, having an interior angle of less than 135°, with a boundary line bordering on two of the streets.

LOT, FLAG

A polygonal-shaped lot with the appearance of a frying pan or flag and staff, in which the handle is most often used as the point of access. The handle, when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required lot area or delineating the minimum required building envelope.

LOT, INTERIOR

A lot other than a corner lot.

LOT, IRREGULAR

A lot of such shape or configuration that technically meets the area, frontage and width-to-depth requirements of the chapter but has unusual elongations, angles, and curvilinear lines.

LOT, NONCONFORMING

A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

LOT, THROUGH

A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage lots."

LUMEN

A unit of measure of the quantity of light that falls on an area of one square foot, every point of which is one foot from the source of one candle. A light source of one candle emits a total of 12.57 lumens.

LUMINAIRE

A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

MAINTENANCE AND SERVICE FACILITIES

The provision of maintenance, repair, vehicular or equipment servicing, material storage, or similar activities, and includes equipment service centers and similar uses having characteristics of commercial services, contracting or industrial activities.

MANUFACTURING, CUSTOM

The on-site production of goods by the use of hand tools, domestic mechanical equipment not exceeding five horsepower, or a single kiln not exceeding 12 kilowatts, and the incidental sale of those goods.

MANUFACTURING, HEAVY

An establishment engaged in manufacturing, 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, or an industrial establishment having the potential to produce noise, dust, glare, odors or vibration beyond its property line.

MANUFACTURING, LIGHT

Manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, entirely within an enclosed building. Includes incidental storage, sales, and distribution of the products.

MARQUEE

A roof-like structure that cantilevers from the wall of a building over its principal entrance, that has no vertical supports other than the wall from which it cantilevers, and that provides a wall surface at least four feet high, generally constructed for purposes of containing a sign. See also "sign, marquee."

MERCHANDISING

The offering of goods for sale or rental to the general public.

MILITARY INSTALLATIONS

The provision of military facilities by the federal or state government.

MINERAL EXTRACTION

The use of a site for on-site extraction of surface or subsurface mineral products or natural resources.

MIXED-USE STRUCTURE

A building which contains dwellings located above the ground floor of an institutional, civic or commercial use. Where a mixed-use structure is permitted by this chapter within a particular district, the ground-floor retail uses are also permitted.

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 of mobile homes.

MODIFICATION OF MODIFY

The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure, or the improvement, upgrade or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

[Added 3-14-2019 by Ord. No. 19-05]

MONOPOLE

Wireless communications facilities or a site that consists of a single pole structure, designed and erected on the ground or on top of a structure to support communications antennas and connecting appurtenances.

[Added 3-14-2019 by Ord. No. 19-05]

MOTEL

A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

MUNICIPALITIES PLANNING CODE (MPC)

The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended.

MUNICIPALITY

The City of Jeannette, Westmoreland County, Pennsylvania.

MUSEUM

A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

NONPROFIT ORGANIZATION

Any person(s), partnership, association, corporation or other group legally established under federal and state law whose activities are conducted for unselfish, civic or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY

Wireless communications facilities located on existing structures, such as, without limitation, buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed wireless communications facilities.

[Added 3-14-2019 by Ord. No. 19-05]

NURSING FACILITY, SKILLED

Provision of bed care and inpatient services for persons requiring regular medical attention. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental illness, or communicable disease. Also known as "nursing home."

OFFICIAL ZONING MAP

The Zoning Map for the City of Jeannette adopted by this chapter pursuant to the Municipalities Planning Code.

OIL AND GAS EXTRACTION

The operation of extracting or removing oil and gas from beneath the surface of the ground.

OIL CHANGE FACILITY

See "service station."

OPEN SPACE

See "recreation, open space."

ORGANIZATION, CHARITABLE/FRATERNAL/SOCIAL

A facility for administrative, meeting or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members and guests.

OUTDOOR DISPLAY ENCLOSURE, PERMANENT

A structure, container or device of a permanent nature, designed in conformance with applicable provisions of the City Building Code, and used to display merchandise for sale.

OUTDOOR DISPLAY, PERMANENT

Merchandising by display on a continuous, year-round basis.

OUTDOOR DISPLAY, TEMPORARY

Seasonal or intermittent merchandising by display on less than a continuous, year-round basis.

OUTDOOR STORAGE SHED, PRIVATE

A permanent accessory structure used for the storage of materials or equipment outside of a principal residential structure on a lot and located on the same lot as the principal residential structure.

OUTDOOR STORAGE SHED, TEMPORARY

A nonpermanent structure used for the temporary storage of materials or equipment for no more than 30 days unless otherwise approved by the City Council. Includes portable on-demand structures (PODS®).

PARAPET

The portion of a wall which extends above the roofline.

PARCEL

A single lot, or a grouping of old lots acquired by a single deed, and considered as one buildable lot for zoning purposes. Parcels that consist of a grouping of lots acquired by a single deed may be subdivided for purposes of creating more buildable parcels, provided all regulations contained within this chapter and the Westmoreland County Subdivision and Land Development Ordinance are adhered to.

PARKING AISLE

The clear space for either one- or two-way traffic movement or maneuvering between rows of parking stalls.

PARKING SPACE

A space in a garage or parking area not less than nine feet wide and 18 feet long with seven feet in clearances, reserved for the parking of only one automobile.

PARKING SPACE, HANDICAP

A space in a garage or parking area not less than 13 feet wide and 18 feet long, reserved exclusively for an automobile registered with the state with handicapped license plates or displaying an official state-issued handicapped placard. Such parking spaces are subject to all Uniform Construction Code requirements.

PARKING STRUCTURE

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking and underground or under-building parking areas.

PARKING, OFF-STREET

An area wholly outside any public right-of-way, constructed to accommodate the parking of vehicles as required by this chapter.

PARKING, ON-STREET

The parking storage space for a vehicle that is located within the street right-of-way.

PARKING, RESTRICTED ACCESSORY

A parking lot, whether free or for compensation, and available for private use or as an accommodation for clients or customers, that is the sole use of a parcel and provides parking accessory to a use on a separate parcel.

PATIO

An accessory structure consisting of a level surfaced area directly adjacent to a principal building or structure, without walls or a roof. A patio may be constructed of any material or combination of materials and is typically constructed at grade level or slightly higher. See also "deck" and "porch."

PAVED SURFACE AREA

Ground surface covered with cobblestones, clay-fired bricks, concrete pre-cast paver units, poured concrete with or without decorative surface materials, blacktop or other asphalt or rubber mixture, which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

PAWNSHOP

The lending of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of the property.

PENNANT

Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string or pole, usually in series, and which is designed to move in the wind.

PERMIT, BUILDING

A document issued by the City attesting that all requirements of the Pennsylvania Uniform Construction Code have been met, thereby allowing the approved work to commence in conformance with the permit.

PERMIT, OCCUPANCY

Authorization issued by the Code Enforcement Officer, attesting that the proposed use or reuse of a lot or structure is in accordance with this chapter and may legally occur.

PERMIT, ZONING

A document issued by the City, attesting that all requirements of this chapter have been met, thereby allowing the approved work to commence in conformance with the permit.

PERSON

An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PERSONAL SERVICES

Establishments primarily engaged in providing individual services generally related to personal needs or informational, instructional, personal improvement, and similar services of a nonprofessional nature.

PERVIOUS SURFACE

A surface that presents an opportunity for precipitation to infiltrate into the ground.

PLACE OF WORSHIP

A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with the primary purpose. Includes church, synagogue, temple, mosque or other such place for worship and religious activities.

PLANT NURSERY

A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site or outdoors in containers. Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "structure, accessory").

PLAT

The map or plan of a subdivision or land development, whether preliminary or final.

PLAZA

An open space that may be improved, landscaped or paved, usually surrounded by buildings or streets.

PORCH

An accessory structure, typically elevated above grade, consisting of a covered projection from the main wall of a building entrance or exit that may or may not use columns or other ground supports for structural purposes.

POSTAL FACILITIES

The provision of postal services and includes post offices, bulk mail processing, and sorting centers operated by the United States Postal Service.

POSTING

The placement of a notice upon a sign on a property calling public attention to proposed changes in the zoning designation of the property or to a request for a variance, special exception permit, or conditional use permit, and indicating the date, time and place of the public hearing at which such matter will be heard.

PRESERVATION or PROTECTION

When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRINTING AND PUBLISHING

The bulk reproduction, printing, cutting or binding of written or graphic material.

PROFESSIONAL OFFICES

The provision of professional or consulting services in the fields of law, medicine, architecture, design, engineering, accounting or similar professions. Includes the provision of executive, management or administrative services.

PUBLIC HEARING

A formal meeting held pursuant to public notice by the City Council, intended to inform and obtain public comment prior to taking action in accordance with this chapter.

PUBLIC IMPROVEMENT

Any improvement, facility or service, together with its associated public site or right-of-way necessary to provide transportation, drainage, public utilities, cable television, or similar essential services.

PUBLIC NOTICE

Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC SAFETY FACILITY

The provision of public safety and emergency services.

PUBLIC SPACE

Any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a unit of government.

RAILROAD FACILITIES

The provision of railroad yards, equipment-servicing facilities, or terminal facilities.

RECREATION, INDOOR (PRIVATE)

Recreational use conducted within an enclosed building for economic gain.

RECREATION, INDOOR (PUBLIC)

Recreational use conducted within an enclosed building for the general public and not for economic gain.

RECREATION, OPEN SPACE

Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

RECREATION, OUTDOOR (PRIVATE)

Recreational use conducted in open, partially enclosed, or screened facilities for economic gain.

RECREATION, OUTDOOR (PUBLIC)

Recreational use conducted in open, partially enclosed, or screened facilities for the general public and not for economic gain.

RECREATIONAL VEHICLE (RV)

A vehicle built on a single chassis and designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, houseboats and campers as well as the trailer used to transport such vehicles.

RECYCLING CENTER

A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junkyards or wrecking yards.

REPAIR or MAINTENANCE

An activity that restores the character, scope, size or design of a serviceable area, structure or land use to its previously existing, authorized and undamaged condition. Activities that change the character, size or scope of a project beyond the original design and drain, dredge, fill, flood or otherwise alter additional regulated wetlands are not included in this definition.

REPLACEMENT

The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

[Added 3-14-2019 by Ord. No. 19-05]

RESIDENTIAL TREATMENT

A residential facility providing twenty-four-hour supervision, counseling or treatment for residents needing regular medical attention.

RESTAURANT, GENERAL

The use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use.

RESTAURANT, LIMITED

The use of a site for the preparation and retail sale of food and beverages and excludes the sale of alcoholic beverages for on-premises consumption.

RETAIL SALES, CONVENIENCE

The sale or rental of commonly used goods and merchandise for personal or household use, excluding uses classified more specifically in this section.

RETAIL SALES, GENERAL

Any retail trade use characterized by the sale of bulky items, outside display or storage of merchandise or equipment. Also includes the sale of house plants or other nursery products entirely within a building.

RETAINING WALL

A wall or terraced combination of walls used to retain more than 18 vertical inches of material and not used to support, provide a foundation for, or provide a wall for a building or structure.

RETENTION SYSTEM

A stormwater facility that is designed to accept runoff from a developed site and discharge it at a limited rate when the runoff rate into the system drops below the limited rate. A specified volume is stored indefinitely (retained) until it is displaced by runoff from another storm.

REZONING

See "amendment, rezoning."

RIGHT-OF-WAY

A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

RUNOFF

The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to a water body, such as a river, stream, pond, or reservoir.

SALVAGE YARD

The storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse in their original forms.

SATELLITE DISH

See "communications antenna."

SCHOOL

See "educational facilities."

SCHOOL DISTRICT

The Jeannette City School District.

SCREEN

See "berm," "buffer" or "fence."

SERVICE STATION

The provision of fuel, lubricants, parts and/or accessories, or incidental services to motor vehicles.

SETBACK

The minimum distance by which any building or structure must be separated from a property line.

SETBACK, FRONT

The minimum allowable distance from the front property line to the closest point of the foundation of a building or projection thereof.

SETBACK ON CORNER LOTS, FRONT

The front setback of a corner lot shall be measured from the side of the property designated as the front. On a corner lot, the front setback shall be designated on the same street as for the other structures fronting that street.

SETBACK, REAR

The shortest distance between the building line and the rear property line.

SETBACK, SIDE

The shortest distance between the building line and the side property line.

SHED AWNING

An awning with two short sides in addition to the main canopy.

SHRUB

A woody plant usually greater than three feet but less than 20 feet tall that generally exhibits several erect, spreading or prostrate stems and has a bushy appearance.

SIDEWALK DINING

A portion of an eating or drinking place located on a public sidewalk that provides waiter or waitress service and is either an enclosed or unenclosed sidewalk cafe, as defined. No portion of a sidewalk cafe shall be used for any purpose other than dining and circulation therein; an accessory use.

SIGN

Any device, including but not limited to letters, words, numerals, figures, emblems, pictures or any part or combination of these used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

SIGN COPY

Any word, letter, number or emblem affixed to the sign surface either permanently or in removable form.

SIGN FACE

The area of a sign on which the copy is placed.

SIGN, ABANDONED

A sign and/or supporting structure which no longer identifies a bona fide business conducted or product sold on the premises. A sign shall be deemed abandoned when these conditions have been in existence for a period exceeding 90 consecutive calendar days.

SIGN, ANIMATED

A sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, AWNING

See "awning" and "sign, canopy."

SIGN, BACK-TO-BACK

Two or more integrally connected signs facing in opposite directions and separated by not more than two feet.

SIGN, BANNER

A temporary sign with or without characters, letters, illustrations or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

SIGN, BUILDING

A sign attached to any part of a building.

SIGN, BUILDING MARKER

A sign indicating the name of a building and date and incidental information about its construction. Such sign typically is cut into a masonry surface or made of bronze or other permanent material, and is not regulated under this chapter.

SIGN, CANOPY

A sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. See also "canopy."

SIGN, CHANGEABLE COPY

Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

SIGN, CONSTRUCTION

A sign bearing the names of contractors, architects, engineers and the like, or advertising promotions, price ranges and similar information, which is placed at a construction site that has received development plan approval from the City.

SIGN, DIRECTIONAL

An on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as "enter," "exit:" and "one-way."

SIGN, DIRECTORY

A ground or building sign that lists tenants or occupants of a building or project with unit numbers, arrows or other directional information.

SIGN, ELECTRONIC SCROLLING MESSAGE

A sign with a fixed or changing display/message composed of a series of lights, wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, EXTERNALLY ILLUMINATED

A sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it.

SIGN, FLASHING

A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects.

SIGN, FREESTANDING

A sign that is attached to, erected on, or supported by some structure (such as a post, mast, frame or other structure), or attached directly to the ground, that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support.

SIGN, INTERNALLY ILLUMINATED

A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign or which is attached to the face of the sign and is perceived as a design element of the sign.

SIGN, MARQUEE

A sign attached to or mounted on a marquee. See also "marquee."

SIGN, MENU-BOARD

An accessory sign providing items and prices associated with a drive-through window and located in very close proximity to the drive-through window.

SIGN, MONUMENT

A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

SIGN, NEON

A sign containing glass tube lighting in which gas and phosphors are used in combination to create a colored light.

SIGN, NONCONFORMING

A sign lawfully erected and maintained prior to the effective date of this chapter that does not conform with the requirements of this chapter.

SIGN, OFF-PREMISES

A sign identifying or advertising a business, person, activity, goods, services or products not located on the premises where the sign is installed and maintained. Includes billboards and outdoor advertising signs.

SIGN, ON-PREMISES

A sign identifying or advertising a business, person, activity, goods, services, or products located on the premises where the sign is installed and maintained.

SIGN, OUTDOOR ADVERTISING

A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of messages not appurtenant to the use of products sold on, or the sale or lease of, the property on which it is displayed. Also known as a "billboard."

SIGN, POLE

A sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the sign face is six feet or more above the grade. Also called a "pylon sign."

SIGN, POLITICAL

A temporary sign attracting attention to political candidates or issues, expressing support for or against a candidate for public office or an issue, but bearing no commercial message.

SIGN, PORTABLE

A temporary sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; and balloons used as signs.

SIGN, POST AND PANEL

A sign consisting of one or more panels which are supported between two posts and which is permanently placed in the ground.

SIGN, PROJECTING

A sign mounted on the building facade, projecting at a 90° angle.

SIGN, REAL ESTATE

A temporary sign advertising real property for sale or for lease.

SIGN, ROOF

A sign erected, constructed, and maintained above the eaves of a building.

SIGN, SANDWICH BOARD

A two-sided sign not permanently attached to the ground or some type of permanent structure; a sign connected to or located on A- or T-frames; a two-sided sign attached to boards.

SIGN, SHINGLE

A sign suspended from and located entirely under a covered porch, covered walkway, or an awning.

SIGN, SPECIAL EVENT

A temporary sign advertising or announcing a special community-wide event or activity conducted by, or sponsored by, or on behalf of, a unit of local government, a charitable organization, or a nonprofit corporation.

SIGN, TEMPORARY

A sign that is used only for a brief period and is not permanently mounted.

SIGN, TRAFFIC

A sign indicating federal, state or city regulations for automobile, truck, bicycle or pedestrian movement.

SIGN, V-TYPE

For purposes of computing surface area, a "v-type sign" is two separate signs if the angle between the two outer surfaces is less than 60°; otherwise, the wings shall be considered one sign.

SIGN, VALANCE

The portion of an awning that hangs perpendicular to the sidewalk.

SIGN, WALL

A sign painted on or attached to and extending not more than six inches from an exterior wall in a parallel manner.

SIGN, WINDOW

A sign that is applied to the inside of glassed areas of a building.

SIGNBAND

The horizontal signage area on a valance or marquee.

SIGNPLATE, BUILDING

A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

SITE

A lot, tract or parcel of land considered as one land unit for purposes of this chapter. For a single-family dwelling, the site shall be the subdivided lot on which it is located. For multifamily projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For vacant land, the site shall be all of the adjoining vacant land under single ownership. For single-occupancy, nonresidential properties, the site shall be the subdivided lot that is occupied. For multiple-occupancy properties, the site shall be all land included under the original site plan or subdivision plan approval under this chapter.

SITE PLAN

A plan depicting the proposed development of a property, in terms of the location, scale and configuration of buildings and other features, containing all the required information under the site plan review section of this chapter.

SLOPE

The vertical change of an area of land divided by the horizontal change, measured as a percentage.

SMALL WIRELESS COMMUNICATIONS FACILITIES

Wireless communications facilities that: 1) are mounted on structures 50 feet or less in height including their antennas; 2) are mounted on structures no more than 10% taller than other adjacent structures; or 3) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater; where each antenna is no more than three cubic feet in volume; where all other wireless equipment associated with the facilities is no more than 28 cubic feet in volume; where the facilities do not require antenna structure registration under FCC regulations; and where the facilities do not result in human exposure to radio-frequency radiation in excess of the safety standards in applicable FCC regulations.

[Added 3-14-2019 by Ord. No. 19-05]

SOLAR ENERGY PRODUCTION

The generation of electrical power through the utilization of photovoltaic cells, typically building-integrated, nonmechanical semiconductor devices that convert sunlight into direct-current electricity.

SPECIAL EXCEPTION

See "use, special exception."

SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy; or
- C. Fondling, erotic display or erotic touching of human genitals, pubic region, buttocks or breasts, even if completely and opaquely covered.

SQUARE

Open spaces that may encompass up to an entire block, located at the intersection of important streets, and set aside for civic purposes, with landscaping consisting of paved walks, lawns, trees and civic buildings.

STACKING LANE

An area for temporary queuing of motor vehicles.

STATE

The Commonwealth of Pennsylvania.

STEALTH TECHNOLOGY

Camouflaging methods applied to wireless communications facilities and accessory equipment, 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 antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs and light poles.

[Added 3-14-2019 by Ord. No. 19-05]

STORAGE

The placing or depositing of equipment, materials or inventory in a storage enclosure for safekeeping, pending further use.

STORAGE, ENCLOSED

Storage that is completely screened from view by walls and a roof.

STORM FREQUENCY

The average interval, in years, over which a storm event of a given precipitation volume can be expected to occur.

STORMWATER

That portion of precipitation which runs over the land.

STORMWATER DETENTION

Any storm drainage facility that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

STORMWATER MANAGEMENT

Any stormwater management technique, apparatus or facility that controls or manages the path, storage or rate of release of stormwater runoff. Such facilities may include storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.

STORY

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STREET

Includes street, avenue, drive, boulevard, road, highway, freeway, parkway, lane, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET CENTER LINE

The center of the existing street right-of-way, or where such cannot be determined, the center of the traveled cartway.

STREET FRONTAGE

The distance for which a lot line adjoins a public or private street from one lot line intersecting said street to the furthest lot line intersecting the same street.

STREET LINE

The dividing line between the street right-of-way and the lot as shown on the records of the Recorder of Deeds for Westmoreland County, Pennsylvania.

STREET, ARTERIAL

A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

STREET, COLLECTOR

A street which primarily collects traffic from local streets and feeds it to the arterial network. Collector streets provide circulation within neighborhood areas.

STREET, CUL-DE-SAC

A street with a single common ingress and egress and with a turnaround at the end.

STREET, DEAD-END

A local street open at one end only and without a special provision for vehicles turning around.

STREET, PRIVATE

Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public.

STRUCTURE

Anything built, constructed or erected which requires location on the ground or attachment to something located on the ground.

STRUCTURE, ACCESSORY

A subordinate structure detached from but located on the same lot as a principal structure. The use of an accessory structure must be accessory to the use of the principal structure or building.

STRUCTURE, DETACHED

A structure with no vertical common or party wall with another structure.

STRUCTURE, NONCONFORMING

A structure or part of a structure manifestly not designed to comply with the applicable use or extent-of-use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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. Subdivision of land requires submission to Westmoreland County for review and approval.

SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

The Subdivision and Land Development Ordinance of Westmoreland County, Pennsylvania, as subsequently amended.

SUBSTANCE ABUSE TREATMENT FACILITY

An outpatient facility used for the treatment of alcohol or other substance abuse. Such a facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, or place of worship that has been established prior to such facility. Includes methadone treatment facilities.

SUBSTANTIAL DAMAGE

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

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. Includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIALLY CHANGE OR SUBSTANTIAL 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 20 feet, whichever is greater, except that the mounting of the proposed wireless communications facility 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.

[Added 3-14-2019 by Ord. No. 19-05]

SWALE

An elongated, natural or man-made depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct stormwater flows into primary drainage channels and allow some of the stormwater to infiltrate into the ground surface.

SWIMMING POOL, PRIVATE

An accessory structure consisting of a swimming pool and/or wading pool, including buildings necessary or incidental thereto, for the exclusive use by members of a single-family household and not open to the general public.

SWIMMING POOL, PUBLIC

See "recreation, indoor" and "recreation, outdoor."

TENT

Any structure, enclosure or shelter which is constructed of canvas or pliable material supported in any manner except by air or the contents it protects.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY

Any structure that is used for the primary purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers, and monopoles.

[Added 3-14-2019 by Ord. No. 19-05]

TRANSITION LINE

A line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection such as a molding or balcony.

TRANSITIONAL HOUSING

Shelter provided to no more than eight individuals for a period as long as 24 months and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

TRANSPORTATION TERMINAL

The provision of a facility for the loading, unloading or interchange of passengers, baggage or incidental freight or package express between modes of transportation.

UNDERSTORY TREE

Trees that grow in the shade of taller trees.

UNIFORM CONSTRUCTION CODE

Pennsylvania's statewide building code, sometimes referred to as "UCC."

USE

Any purpose for which a building or other structure on a tract of land may be maintained or occupied; or any activity, occupation, business, or operation carried on in a building or other structure or on a tract of land.

USE, ACCESSORY

A land use that is:

- A. Customary and incidental to the principal use located on the same lot;
- B. Subordinate in area, extent and purpose to the principal use;
- C. Contributes to the comfort, convenience or necessity of the principal use; and
- D. Located on the same lot and in the same zoning district as the principal use.

USE, CONDITIONAL

A land use, which, because of special requirements or characteristics, may be permitted in a particular zoning district only upon showing that such use in a specified location will comply with and conform to all the conditions and standards for the location or operation of such use as specified in this chapter as authorized by the City Council.

USE, EXISTING

The use of a lot or structure at the time this chapter was enacted.

USE, NONCONFORMING

A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

USE, PERMITTED

A use allowed in a zoning district and which, upon review, has been determined to comply with the provisions of this chapter.

USE, PRINCIPAL

The primary use of any lot.

USE, PUBLIC

A use by an agency or department of the City, county, state or federal government. This shall also include buildings and premises used in the operation of the public use.

USE, SPECIAL EXCEPTION

A permission or approval granted to use land in a zoning district for a purpose other than that generally permitted outright in the district. The permission, or special exception, is granted by the Zoning Hearing Board in accordance with the standards contained in this chapter, provided generally that the specific application of the use would not prove injurious to the public interest.

UTILITIES, LOCAL

The use of a site for the provision of services that are necessary to support the development in the area and involve only minor structures, including lines and poles.

UTILITIES, MAJOR

The provision of generating plants, electrical switching facilities or primary substations, refuse collection or disposal facilities, water or wastewater treatment plants, or similar facilities.

VARIANCE

A deviation from the terms of this chapter.

VIEWSHED

The area within view from a defined observation point.

WALL, EXTERIOR

A vertical structural component of a building, which encloses habitable or usable space; a parapet extending not more than 12 inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.

WAREHOUSING AND DISTRIBUTION, GENERAL

Open-air storage, distribution or handling of materials or equipment. This use includes monument or stone yards, grain elevators, and open storage yards.

WAREHOUSING AND DISTRIBUTION, LIMITED

The provision of wholesaling, storage or warehousing services within an enclosed structure.

WATERSHED

The entire region or area drained by a river or other body of water, whether natural or artificial. A designated watershed is an area delineated by the Pennsylvania DEP and approved by the Environmental Quality Board, for which counties are required to develop watershed stormwater management plans.

WBCA

Pennsylvania Wireless Broadband Collocation Act (53 P.S. § 11702.1 et seq.).
[Added 3-14-2019 by Ord. No. 19-05]

WETLAND

Those areas that are inundated and saturated by surface water 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.

WIND ENERGY PRODUCTION

The generation of electrical power through the use of a turbine apparatus to convert the kinetic energy of wind into rotational, mechanical and electrical energy.

WIRELESS

Transmissions through the airwaves, including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite or radio signals.
[Added 3-14-2019 by Ord. No. 19-05]

WIRELESS COMMUNICATIONS FACILITY

The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.
[Added 3-14-2019 by Ord. No. 19-05]

WIRELESS COMMUNICATIONS FACILITY APPLICANT

Any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right-of-way or other City-owned land or property.
[Added 3-14-2019 by Ord. No. 19-05]

WIRELESS SUPPORT STRUCTURE

A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, that could support the placement or installation of wireless communications facilities if approved by the municipality.
[Added 3-14-2019 by Ord. No. 19-05]

YARD

An open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by the Uniform Construction Code, on the lot on which a building is situated. See also "setback."

ZERO LOT LINE

The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONING DISTRICT

A specifically delineated area or district within the corporate limits of the City, for which the requirements governing use, placement, spacing, size, lot dimensions, and bulk of buildings and premises are uniform.

ZONING HEARING BOARD

ZONING MAP

See "Official Zoning Map."

ZONING OFFICER

See "Code Enforcement Officer."

- [1] *Editor's Note: The definition of "antenna," which immediately followed this definition, was repealed 3-14-2019 by Ord. No. 19-05.*
- [2] *Editor's Note: The definition of "communications antenna," which immediately followed this definition, was repealed 3-14-2019 by Ord. No. 19-05.*
- [3] *Editor's Note: The definition of "communications tower," which immediately followed this definition, was repealed 3-14-2019 by Ord. No. 19-05.*

Derivation Table

Chapter DT. Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1977 Code have been included in the 2020 Code, or the reason for exclusion.

§ DT-1. Derivation Table of 1977 Code to 2020 Code

- NCM = Not Code material (legislation is not general or permanent in nature).
- REP = Repealed effective with adoption of Code; see Ch. 1, Art. I.
- NI = Not included in Code but saved from repeal.
- NLP = New legislation is pending.

Chapter/Title from 1977 Code	Location in 2020 Code
Part One - Administrative Code	
Title One - General Provisions	
Art. 101, Codified Ordinances	
101.01-101.03, 101.05, 101.06	NLP
101.04	Ch. 1, Art. II
101.99	Ch. 1, Art. III
Title Three - Legislative	
Art. 111, Council	NCM
Art. 113, Ordinances and Resolutions	NLP
Title Five - Offices and Departments	
Art. 121, Executive Departments	Omitted
Art. 123, Mayor	NCM
Art. 125, Clerk	Omitted
Art. 127, Treasurer	NCM
Art. 129, Engineer	Ch. 106
Art. 131, Solicitor	Omitted
Art. 133, Controller	NCM

Chapter/Title from 1977 Code	Location in 2020 Code
Art. 135, Police Department	
135.01	Ch. 97
135.02	Repealed by Ord. No. 97-15
135.03	See now Ch. 81 , Art. I
Art. 137, Fire Department	Ch. 35
Art. 139, General Employment Provisions	
139.01, Social Security	Superseded by federal law
139.02, Bonds	Ch. 72 , Art. I
Title Seven - Authorities, Boards and Commissions	
Art. 151, Planning Commission	Ch. 89
Art. 153, Recreation Board	Ch. 122
Art. 155, Shade Tree Commission	REP
Art. 157, Municipal Authorities (a synopsis)	Ch. 12
Art. 159, Board of Health	Ch. 44
Part Three - Business Regulation and Taxation Code	
Title One - Business Regulation	
Art. 305, Peddlers and Solicitors	Repealed by Ord. No. 99-9
Art. 309, Transient Retail Merchants	Repealed by Ord. No. 99-9
Art. 313, Utility Poles	Ch. 494 , Art. I
Art. 317, Circuses and Carnivals	REP
Title Three - Taxation	
Art. 331, General Provisions	Superseded by Ord. 82-4
Art. 335, Residence Tax (not codified)	Omitted
Art. 339, Assessments	NCM
Art. 343, Earned Income Tax	Ch. 471 , Art. I
Art. 347, Occupation Privilege Tax	Superseded by Ord. No. 07-09
Art. 349, Real Estate Transfer Tax	Ch. 471 , Art. II
Art. 353, Business Privilege Tax	Ch. 471 , Art. III
Part Five - Traffic Code	
Art. 515, Administration and Enforcement	Ch. 520 , Art. I
Art. 521, Traffic Control Map and File	Ch. 520 , Art. II
Art. 527, Operation of Vehicles	Ch. 520 , Art. III
Art. 533, Parking Generally	Ch. 520 , Art. IV
Art. 539, Parking Meters	Superseded by Ord. No. 97-3
Art. 545, Bicycle Licensing	REP
Part Seven - General Offenses Code	
Art. 705, Animals and Fowl	Repealed by Ord. No. 98-8
Art. 711, Disorderly Conduct	Repealed by Ord. No. 06-04
Art. 717, Fireworks	REP
Art. 723, Junk Storage	Superseded by Ord. No. 17-04
Art. 729, Minors	Ch. 246

Chapter/Title from 1977 Code	Location in 2020 Code
Art. 735, Offenses Relating to Sidewalks	Ch. 462 , Art. I
Art. 741, Pornography	REP
Art. 747, Safety and Sanitation	Superseded by Ord. No. 17-04
Art. 753, Weeds	Superseded by Ord. No. 17-04
Part Nine - Streets, Utilities and Public Services Code	
Title One - Street and Sidewalk Construction and Repair	
905, Street Excavations	Repealed by 98-02
909, Sidewalks and Driveways	REP
913, Alley Paving Assessments	Ch. 462 , Art. II
Title Three - Utilities	
925, Utilities Generally	Ch. 494 , Art. II
929, Sewer Regulations	Ch. 414 , Art. I
933, Sewer Charges	REP
Title Five - Other Public Services	
947, Garbage and Rubbish Collection	Repealed by Ord. No. 96-3
Part Eleven - Health and Sanitation Code	
Omitted	
Part Thirteen - Planning and Zoning Code	
Repealed by Ord. No. 84-04; see now Ch. 550 , Ord. No. 17-07	
Part Fifteen - Fire Prevention Code	
Art. 1507, BOCA Fire Prevention Code	Superseded by Ord. No. 96-4
Art. 1513, Service Stations	REP
Art. 1519, Open Burning	Superseded by Ord. No. 01-04
Part Seventeen - Building and Housing Code	
Art. 1705, Code Enforcement	REP
Art. 1711, BOCA Basic Building Code	Repealed by Ord. No. 03-03
Art. 1717, National Electrical Code	Superseded by Ord. No. 04-05
Art. 1723, BOCA Basic Plumbing Code	Superseded by Ord. No. 04-05
Art. 1729, Sanitation Code	REP
Art. 1735, Housing: Property Maintenance Code	Repealed by Ord. No. 12-02
Art. 1741, Nonresidential Property Maintenance Code	Repealed by Ord. No. 12-02

Disposition List

Chapter DL. Disposition List

The following is a chronological listing of legislation of the City of Jeannette adopted since the 1977 publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was Ord. No. 19-09, adopted September 12, 2019.

§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
Ord. No. 90	2-22-1907	Amusements: Theatrical Exhibitions, Vaudeville, Musical Amusements, Circuses	REP
Ord. No. 56-1	2-14-1956	Solid Waste: Collection and Disposition	Repealed by Ord. No. 96-3
Ord. No. 57-31	12-10-1957	Installation of Telephone and Telegraph Utility Service	NCM
Ord. No. 61-10	9-13-1961	Board of Health: Board of Health Established	Superseded by Ord. No. 66-24
Ord. No. 76-11	12-15-1976	Gasoline Sales	REP
Ord. No. 79-1	1-23-1979	Food Establishments: Inspection and Licensing of Public Eating and Drinking Places	superseded by Ord. No. 06-06
Ord. No. 79-2	1-23-1979	Vehicles and Traffic: Permit Parking	Superseded by Ord. No. 98-11
Ord. No. 79-3	1-23-1979	Parking Authority	Dissolved by Ord. No. 00-8
Ord. No. 79-4	2-26-1979	Street Vacation	NCM
Ord. No. 79-5	2-26-1979	Declaration of Condemnation of Land	NCM
Ord. No. 79-6	3-27-1979	Fire Department Amendment	Ch. 35
Ord. No. 79-7	4-10-1979	Vehicles and Traffic: Parking Meter Zones Amendment	Superseded by Ord. No. 97-3
Ord. No. 79-8	4-24-1979	General Obligation Bond	NCM
Ord. No. 79-9	5-30-1979	General Obligation Bond	NCM
Ord. No. 79-10	5-30-1979	Pensions: Firemen's Pension Plan	Superseded by Ord. No. 02-12
Ord. No. 79-11	6-12-1979	Zoning Map Amendment	NCM
Ord. No. 79-12	9-25-1979	Providing Assessment of Property Improvement	NCM
Ord. No. 79-13	12-11-1979	Adopting County Assessment Law	NCM
Ord. No. 79-14	12-11-1979	Vehicles, Junked Amendment	Repealed by Ord. No. 01-03
Ord. No. 80-1	1-9-1980	Tax Rate for 1980	NCM
Ord. No. 80-2	1-9-1980	Salary Rates for 1980	NCM
Ord. No. 80-3	2-13-1980	Rental Property: Tenant Registration	REP
Ord. No. 80-4	2-13-1980	Street Vacation	NCM
Ord. No. 80-5	3-13-1980	Pensions: Firemen's Pension Plan Amendment	Superseded by Ord. No. 02-12
Ord. No. 80-6	3-24-1980	Solid Waste: Collection of Garbage Amendment	Repealed by Ord. No. 96-03
Ord. No. 80-7	5-14-1980	Street Vacation	NCM
Ord. No. 80-8	5-14-1980	Solid Waste: Liability for Garbage Collection Fees Amendment	REP
Ord. No. 80-9	6-11-1980	Taxation: Mechanical Device Tax	Ch. 471 , Art. IV

Enactment	Adoption Date	Subject	Disposition
Ord. No. 80-10	6-11-1980	Sewers And Sewage Disposal: Sewer Charges Amendment	Ch. 414 , Art. I
Ord. No. 80-11	6-11-1980	Street Vacation	NCM
Ord. No. 80-12	6-25-1980	Sewers And Sewage Disposal: Sewer Charges Amendment	Ch. 414 , Art. I
Ord. No. 80-13	7-9-1980	Authorizing Cable Rate Increase	NCM
Ord. No. 80-14	7-9-1980	Sewers And Sewage Disposal: Sewer Charges Amendment	Ch. 414 , Art. I
Ord. No. 80-16	8-1-1980	Sewers And Sewage Disposal: Sewer Charges Amendment	Ch. 414 , Art. I
Ord. No. 80-17	12-17-1980	Solid Waste: Collection of Garbage Amendment	Repealed by Ord. No. 96-03
Ord. No. 80-18	12-17-1980	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 81-1	1-6-1981	Tax Rate for 1981	NCM
Ord. No. 81-2	1-6-1981	Salary Rates for 1981	NCM
Ord. No. 81-3	1-21-1981	Salaries and Compensation: City Treasurer Amendment	NCM
Ord. No. 81-4	9-24-1980	Increasing Indebtedness	NCM
Ord. No. 81-5	2-18-1981	Street Name Change	NCM
Ord. No. 81-6	3-4-1981	Recreation Board Amendment	Ch. 122
Ord. No. 81-7	4-8-1981	Salaries Amendment	NCM
Ord. No. 81-8	4-22-1981	Taxation: Mechanical Device Tax Amendment	Ch. 471 , Art. IV
Ord. No. 81-9	4-22-1981	Streets and Sidewalks: Opening and Excavations Amendment	Repealed by Ord. No. 98-2
Ord. No. 81-10	9-16-1981	Appointment of Police Pension Fund Trustee	NCM
Ord. No. 81-11	10-21-1981	Street Vacation	NCM
Ord. No. 81-12	10-21-1981		No Copy (duplicate of Ord. No. 81-11)
Ord. No. 81-13	11-4-1981	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 81-14	11-4-1981	Zoning Hearing Board Amendment	Superseded by Ord. No. 84-04
Ord. No. 81-15	12-30-1981	Accepting Assessment of City Property	NCM
Ord. No. 81-16	12-30-1981	Tax Rate for 1982	NCM
Ord. No. 81-17	12-30-1981	Appointment of Fire Pension Fund Trustee	NCM
Ord. No. 81-18	12-30-1981	Taxation: Mechanical Device Tax Amendment	Ch. 471 , Art. IV
Ord. No. 82-1	1-20-1982	Sewers And Sewage Disposal: Sewer Charges Amendment	Ch. 414 , Art. I
Ord. No. 82-2	1-20-1982	Utility Fee Exonerations	NCM
Ord. No. 82-3	2-3-1982	Salary Rates for 1983	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 82-4	2-17-1982	Taxation: Discounts and Penalties	Ch. 471 , Art. V
Ord. No. 82-5	3-23-1982	Solid Waste: Collection of Garbage Amendment	Repealed by Ord. No. 96-03
Ord. No. 82-6	5-5-1982	Amusements: Mechanical and Electronic Games	Ch. 180 , Art. I
Ord. No. 82-7	5-5-1982	Pennsylvania Local Government Investment Trust	NCM
Ord. No. 82-8	6-16-1982	Granting Variance	NCM
Ord. No. 82-9	8-18-1982	Street Vacation	NCM
Ord. No. 82-10	8-18-1982	Street Vacation	NCM
Ord. No. 82-11	9-15-1982	Street Vacation	NCM
Ord. No. 82-12	10-20-1982	Vehicles and Traffic: Restricted Weight Limits Amendment	NI; see Ch. 520 , Art. II
Ord. No. 82-13	10-20-1982	Property Maintenance: Basic Property Maintenance Code Adopted	Repealed by Ord. No. 96-08
Ord. No. 82-14	10-20-1982	Fire Prevention: Firefighting and Fire Prevention Regulations	REP
Ord. No. 82-15	11-24-1982	Street Vacation	NCM
Ord. No. 82-16	12-22-1982	Tax Rate for 1983	NCM
Ord. No. 82-17	12-22-1982	Street Vacation	NCM
Ord. No. 83-1	2-2-1983	Salary Rates for 1983	NCM
Ord. No. 83-2	2-16-1983	Street Vacation	NCM
Ord. No. 83-4	12-14-1983	Street Vacation	NCM
Ord. No. 83-5	12-14-1983	Street Vacation	NCM
Ord. No. 83-6	12-14-1983	Street Vacation	NCM
Ord. No. 84-1	1-3-1984	Tax Rate and Appropriations for 1984	NCM
Ord. No. 84-2	2-15-1984	Street Vacation	NCM
Ord. No. 84-3	2-15-1984	Street Vacation	NCM
Ord. No. 84-4	3-7-1984	Zoning	Repealed by Ord. No. 17-07
Ord. No. 84-5	3-7-1984	Salary Rates for 1984	NCM
Ord. No. 84-6	4-4-1984	Salaries and Compensation: Deputy Tax Collector	NCM
Ord. No. 84-7	4-4-1984	Street Vacation	NCM
Ord. No. 84-8		Property Maintenance: Basic Property Maintenance Code Amended	Repealed by Ord. No. 96-08
Ord. No. 84-9	8-15-1984	Street Vacation	NCM
Ord. No. 84-10	9-5-1984	Sewer And Sewage Disposal: Sewer Charges Amendment	Ch. 414 , Art. I
Ord. No. 84-11	9-5-1984	City Controller Amendment	NCM
Ord. No. 84-12	9-19-1984	Solid Waste: Collection of Garbage Amendment	Repealed by Ord. No. 96-03

Enactment	Adoption Date	Subject	Disposition
Ord. No. 85-1	3-20-1985	Street Vacation	NCM
Ord. No. 85-2	6-5-1985	Salary Rates for 1985	NCM
Ord. No. 85-3	7-3-1985	Transfer of Franchise	NCM
Ord. No. 85-4	10-21-1985	Salaries and Compensation Amendment: Treasurer	NCM
Ord. No. 85-5	11-27-1985	Vehicles and Traffic: Parking Meter Zones Amendment	Superseded by Ord. No. 97-3
Ord. No. 85-6	12-23-1985	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 86-1	2-19-1986	Approving Collective Bargaining Agreement With Jeannette Policemen	NCM
Ord. No. 86-2	5-7-1986	Approving Collective Bargaining Agreement With Teamsters Local Number 30	NCM
Ord. No. 86-3	7-2-1986	Sewers And Sewage Disposal: Sewer Charges Amendment	Ch. 414, Art. I
Ord. No. 86-4	7-2-1986	Solid Waste: Collection of Garbage Amendment	Repealed by Ord. No. 96-03
Ord. No. 86-5	7-2-1986	Salary Rates for 1986	NCM
Ord. No. 86-6	7-16-1986	Authorizing Cable Rate Increase	NCM
Ord. No. 86-7	8-6-1986	Vehicles and Traffic: Weight Limits Amendment	NI; see Ch. 520 , Art. II
Ord. No. 86-8	10-15-1986	Authorizing Volunteer Fire Force Referendum	NCM
Ord. No. 86-9	11-26-1986	Approving Collective Bargaining Agreement With Jeanette Paid Firemen	NCM
Ord. No. 86-10	11-26-1986	Approving Work Rules for All Employees	NCM
Ord. No. 86-11	12-23-1986	Tax Rate and Appropriations for 1987	NCM
Ord. No. 87-1	1-7-1987	Salary Rates for 1987	NCM
Ord. No. 87-2	1-21-1987	Approving Collective Action Plan Regarding Sewer System	NCM
Ord. No. 87-3	2-1-1987	Authorizing Borrowing	NCM
Ord. No. 87-4	3-18-1987	Open Burning Amendment	Repealed by Ord. No. 01-04?
Ord. No. 87-5	4-1-1987	Fixing Property Boundaries	NCM
Ord. No. 87-6	4-1-1987	Fixing Property Boundaries	NCM
Ord. No. 87-7	5-6-1987	Granting Temporary Tax Exemption	NCM
Ord. No. 87-8	5-6-1987	Taxation: LERTA (expired)	NCM
Ord. No. 87-9	6-10-1987	Sewers And Sewage Disposal: Sewer Charges Amendment	Ch. 414, Art. I

Enactment	Adoption Date	Subject	Disposition
Ord. No. 87-10	6-24-1987	Streets and Sidewalks: Installation of Curbs and Cartways; Assessment of Costs for Improvements	Superseded by Ord. No. 89-7
Ord. No. 87-11	9-16-1987	Pensions: Police Pension Amendment	Superseded by Ord. No. 00-10
Ord. No. 87-12	9-24-1987	Street Vacation	NCM
Ord. No. 87-13	10-7-1987	Adopting Pension Plan Funding Standards	NCM
Ord. No. 87-14	11-25-1987	Street Vacation	NCM
Ord. No. 87-15	12-22-1987	Tax Rate and Appropriations for 1988	NCM
Ord. No. 87-16	12-22-1987	Solid Waste: Collection of Garbage Amendment	Repealed by Ord. No. 96-03
Ord. No. 87-17	12-22-1987	Sewers And Sewage Disposal: Sewer Charges Amendment	Ch. 414 , Art. I
Ord. No. 88-1	3-2-1988	Police Department Amendment	Ch. 97
Ord. No. 88-2	3-2-1988	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 88-3	4-20-1988	Salary Rates for 1988	NCM
Ord. No. 88-4	5-4-1988	Salaries Amendment	NCM
Ord. No. 88-5	5-4-1988	Fees: Solid Waste Special Pick-Up Rates	NCM
Ord. No. 88-6	8-3-1988	Vehicles and Traffic: Speed Limit Amendment	NI; see Ch. 520 , Art. II
Ord. No. 88-7	8-3-1988	Vehicles and Traffic: One-Way Traffic	NI; see Ch. 520 , Art. II
Ord. No. 88-8	8-3-1988	Vehicles and Traffic: One-Way Traffic	NI; see Ch. 520 , Art. II
Ord. No. 88-9	8-3-1988	Street Vacation	NCM
Ord. No. 88-10	8-3-1988	Street Vacation	NCM
Ord. No. 88-11	8-3-1988	Streets and Sidewalks: Installation of Curbs and Cartways; Assessment of Costs for Improvements Amendment	Superseded by Ord. No. 89-7
Ord. No. 88-12	8-3-1988	Vehicles and Traffic: Parking Spaces Amendment	Ch. 520 , Art. IV
Ord. No. 88-13	9-7-1988	Vehicles and Traffic: One-Way Traffic	NI; see Ch. 520 , Art. II
Ord. No. 88-14	9-21-1988	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 88-15	10-19-1988	Guaranty Agreement	NCM
Ord. No. 88-16	12-21-1988	Tax Rate and Appropriations for 1989	NCM
Ord. No. 89-1	1-4-1989	Salaries and Compensation Amendment: Treasurer	NCM
Ord. No. 89-2	2-15-1989	Salary Rates for 1989	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 89-3	2-15-1989	Street Name Change	NCM
Ord. No. 89-4	2-15-1989	Disorderly Conduct Amendment	Repealed by Ord. No. 96-6
Ord. No. 89-5	4-5-1989	Fire Department Amendment	Ch. 35
Ord. No. 89-6	5-3-1989	Street Vacation	NCM
Ord. No. 89-7	7-12-1989	Streets and Sidewalks: Installation of Curbs and Cartways; Assessment of Costs for Improvements Amendment	Ch. 462 , Art. III
Ord. No. 89-8	7-12-1989	Alcoholic Beverages	Ch. 169
Ord. No. 89-9	9-6-1989	Street Vacation	NCM
Ord. No. 89-10	9-20-1989	Transferring Franchise	NCM
Ord. No. 89-11	9-20-1989	Bicycles and Skateboards: Central Business District Restrictions	Ch. 197 , Art. I
Ord. No. 89-12	9-20-1989	Street Acceptances	NCM
Ord. No. 89-13	9-20-1989	Street Vacation	NCM
Ord. No. 89-14	9-20-1989	Guaranty Agreement	NCM
Ord. No. 89-15	11-1-1989	Salaries Amendment	NCM
Ord. No. 89-16	12-20-1989	Tax Rate and Appropriations for 1990	NCM
Ord. No. 90-1	9-2-1990	Solid Waste: Collection of Garbage Amendment	Repealed by Ord. No. 96-03
Ord. No. 90-2	3-7-1990	Street Vacation	NCM
Ord. No. 90-3	7-11-1990	Fees: Permits and Licenses	NI
Ord. No. 90-4	9-5-1990	Solid Waste: Required Separation of Recyclable Materials	Ch. 443 , Art. I
Ord. No. 90-5	9-5-1990	Vehicles and Traffic: One-Way Traffic Amendment	NI; see Ch. 520 , Art. II
Ord. No. 90-6	9-5-1990	Vehicles and Traffic: Speed Limit Harrison Avenue	NI; see Ch. 520 , Art. II
Ord. No. 90-7	10-3-1990	Joining Pennsylvania Municipal Retirement System	Superseded
Ord. No. 90-8	10-17-1990	Salaries Amendment	NCM
Ord. No. 90-9	12-19-1990	Bicycles and Skateboards: Protective Head Gear Required	Ch. 197 , Art. II
Ord. No. 90-10	12-19-1990	Vehicles and Traffic: Left-Turn Permitted	NI; see Ch. 520 , Art. II
Ord. No. 90-11	12-19-1990	Tax Rate for 1991	NCM
Ord. No. 90-12	12-19-1990	Taxation: Mechanical Device Tax Amendment	Repealed by Ord. No. 97-12
Ord. No. 90-13	12-19-1990	Joining Pennsylvania Municipal Retirement System	Superseded
Ord. No. 91-1	2-20-1991	Solid Waste: Collection of Garbage Amendment	Repealed by Ord. No. 96-03
Ord. No. 91-2	4-3-1991	Vehicles and Traffic: One-Way Traffic	NI; see Ch. 520 , Art. II

Enactment	Adoption Date	Subject	Disposition
Ord. No. 91-3	4-17-1991	Planning Commission Amendment	Repealed by Ord. No. 15-09
Ord. No. 91-4	4-17-1991	Pensions: Non-Uniformed Employees Pension Plan Amendment	Superseded
Ord. No. 91-5	6-12-1991	Municipal Drug Task Force Agreement	NCM
Ord. No. 91-6	7-17-1991	Eminent Domain	NCM
Ord. No. 91-7	9-18-1991	Salaries Amendment	NCM
Ord. No. 91-8	9-18-1991	Salaries Amendment	NCM
Ord. No. 91-9	11-13-1991	Salaries Amendment	NCM
Ord. No. 91-10	11-26-1991	Tax Incremental Financing	NCM
Ord. No. 91-11	12-23-1991	Tax Rate for 1992	NCM
Ord. No. 91-12	12-23-1991	Salaries Amendment	NCM
Ord. No. 91-13	12-23-1991	Vehicles and Traffic: Parking Meter Zones Amendment	Repealed by Ord. No. 97-3
Ord. No. 92-1	2-24-1992	Vehicles and Traffic: Parking Fines	Repealed by Ord. No. 97-3
Ord. No. 92-2	2-24-1992	Taxation: Lerta Amendment (expired 2002)	NCM
Ord. No. 92-3	6-16-1992	Open Burning Amendment	Repealed by Ord. No. 01-04
Ord. No. 92-4	6-24-1992	Salaries Amendment	NCM
Ord. No. 92-5	6-24-1992	Guaranty Agreement	NCM
Ord. No. 92-6	11-18-1992	Building Construction: BOCA Basic Building Code Amendment	Repealed by Ord. No. 03-03
Ord. No. 92-7	12-21-1992	Tax Rate and Appropriations for 1993	NCM
Ord. No. 93-1	4-14-1993	Salaries Amendment	NCM
Ord. No. 93-2	4-14-1993	Salaries Amendment	NCM
Ord. No. 93-3	6-9-1993	Zoning Map Amendment	NCM
Ord. No. 93-4	6-9-1993	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 93-5	12-22-1993	Tax Rate and Appropriations for 1994	NCM
Ord. No. 94-1	3-16-1994	Incurring Nonelectoral Debt	NCM
Ord. No. 94-2	6-15-1994	Salaries Amendment	NCM
Ord. No. 94-3	7-13-1994	Recreation Board Amendment	Ch. 122
Ord. No. 94-4	9-14-1994	Street Vacation	NCM
Ord. No. 94-5	11-16-1994	Establishing Street Lines and Grades	NCM
Ord. No. 94-6	11-16-1994	Establishing Street Lines and Grades	NCM
Ord. No. 94-7	12-21-1994	Tax Rate and Appropriations for 1995	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 95-1	5-17-1995	Street Improvements	NCM
Ord. No. 95-2	5-17-1995	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 95-3	6-28-1995	Street Vacation	NCM
Ord. No. 95-4	12-6-1995	Salary Rates for 1995	NCM
Ord. No. 95-5	12-20-1995	Tax Rate and Appropriations for 1996	NCM
Ord. No. 95-6	12-20-1995	Street Vacation	NCM
Ord. No. 96-1	1-3-1996	Street Improvements	NCM
Ord. No. 96-2	1-17-1996	Insurance: Fire Loss Claims	Ch. 319 , Art. I
Ord. No. 96-3	9-11-1996	Solid Waste: Collection and Disposition	Ch. 443 , Art. II
Ord. No. 96-4	6-12-1996	Fire Prevention: Adoption of Standards	REP
Ord. No. 96-5	8-1-1996	Street Vacation	NCM
Ord. No. 96-6	9-11-1996	Disorderly Conduct, Loitering and Prowling	Repealed by Ord. No. 06-04
Ord. No. 96-7	10-9-1996	Vehicles, Junked Amendment	Repealed by Ord. No. 01-03
Ord. No. 96-8	10-9-1996	Property Maintenance: BOCA Basic Property Maintenance Code Amended	Repealed by Ord. No. 12-02
Ord. No. 96-9	10-16-1996	Street Improvements	NCM
Ord. No. 96-10	12-11-1996	Salary Rates for 1996	NCM
Ord. No. 96-11	12-31-1996	Participation in Penn Prime Workers' Compensation Trust	NCM
Ord. No. 96-12	12-31-1996	Tax Rate and Appropriations for 1997	NCM
Ord. No. 96-13	12-31-1996	Street Vacation	NCM
Ord. No. 97-1	2-12-1997	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 97-2	2-12-1997	Salaries Amendment	NCM
Ord. No. 97-3	4-9-1997	Vehicles and Traffic: Parking Meter Zones	Ch. 520 , Art. V
Ord. No. 97-4	5-21-1997	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 97-5	6-18-1997	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 97-6	7-30-1997	Floodplain Management	Superseded by Ord. No. 11-02
Ord. No. 97-7	7-30-1997	Street Vacation	NCM
Ord. No. 97-8	8-13-1997	Fire Prevention: Adoption of Standards Amendment	REP
Ord. No. 97-9	8-13-1997	Street Vacation	NCM
Ord. No. 97-10	8-20-1997	Salary Rates for 1997	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 97-12	11-12-1997	Taxation: Mechanical Device Tax Amendment	Repealed by Ord. No. 10-10
Ord. No. 97-13	12-10-1997	Tax Rate and Appropriations for 1998	NCM
Ord. No. 97-14	12-10-1997	Salary Rates for 1998	NCM
Ord. No. 97-15	12-10-1997	Police Department Amendment	Ch. 97 (REPS 64-10, 71-6)
Ord. No. 98-1	2-17-1998	Incurring Nonelectoral Debt	NCM
Ord. No. 98-2	4-8-1998	Streets and Sidewalks: Street Openings, Excavations and Pavement Cuts	Repeals Ord. 59-20; Repealed by Ord. No. 16-09
Ord. No. 98-3	7-8-1998	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 98-4	6-15-1998	Guaranty Agreement	NCM
Ord. No. 98-5	7-22-1998	Street Improvement	NCM
Ord. No. 98-6	7-8-1998	Street Improvement	NCM
Ord. No. 98-7	9-9-1998	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 98-8	11-4-1998	Animals: Nuisances; Running at Large	REP
Ord. No. 98-9	12-9-1998	Tax Rate and Appropriations for 1999	NCM
Ord. No. 98-11	12-9-1998	Vehicles and Traffic: Permit Parking	Ch. 520 , Art. VI
Ord. No. 98-12	12-9-1998	Vehicles and Traffic: One-Way Traffic Amendment	NI; see Ch. 520 , Art. II
Ord. No. 98-13	12-9-1998	Streets and Sidewalks: Basketball Hoops in Roadways	Ch. 462 , Art. IV
Ord. No. 99-1	2-10-1999	Acquisition of Properties	NCM
Ord. No. 99-2	6-9-1999	Acquisition of Properties	NCM
Ord. No. 99-3	7-14-1999	Salary Rates for 1999	NCM
Ord. No. 99-4	7-14-1999	Vehicles and Traffic: Permit Parking Amendment	Ch. 520 , Art. VI
Ord. No. 99-5	9-8-1999	Emergency Services Reimbursement	Ch. 26
Ord. No. 99-6	10-13-1999	Acquisition of Properties Amendment	NCM
Ord. No. 99-7	11-10-1999	General Obligation Notes	NCM
Ord. No. 99-8	12-22-1999	Tax Rate and Appropriations for 2000	NCM
Ord. No. 99-9	11-30-1999	Transient Merchants	Ch. 483
Ord. No. 00-1	1-17-2000	Street Extension	NCM
Ord. No. 00-2	4-27-2000	Street Improvement	NCM
Ord. No. 00-3	5-10-2000	Fire Prevention: Adoption of Standards Amendment	REP

Enactment	Adoption Date	Subject	Disposition
Ord. No. 00-4	5-10-2000	Property Maintenance: BOCA Basic Property Maintenance Code Amended	Repealed by Ord. No. 12-02
Ord. No. 00-5	5-10-2000	Salary Rates for 2000	NCM
Ord. No. 00-6	6-14-2000	Fees: Permits and Licenses Amendment	NI
Ord. No. 00-7	6-14-2000	Disorderly Conduct Amendment	Repealed by Ord. No. 06-04
Ord. No. 00-8	6-14-2000	Parking Authority Dissolved	Repealer only (REPS 54-8)
Ord. No. 00-9	8-30-2000	Street Vacation	NCM
Ord. No. 00-10	12-27-2000	Pensions: Police Pension Plan Amendment	Ch. 81 , Art. I
Ord. No. 00-11	12-27-2000	Tax Rate and Appropriations for 2001	NCM
Ord. No. 00-12	12-27-2000	Acquisition of Properties	NCM
Ord. No. 00-13	1-10-2001	Pensions: Nonuniformed Employees Pension Plan	Superseded by Ord. No. 10-01
Ord. No. 01-1	4-11-2001	Tax Exoneration	NCM
Ord. No. 01-02	5-9-2001	Salary Rates for 2001	NCM
Ord. No. 01-03	7-11-2001	Vehicles, Junked or Inoperable	Ch. 528
Ord. No. 01-04	7-11-2001	Burning, Open	Ch. 215
Ord. No. 01-05	10-10-2001	Municipal Claims and Liens: Attorneys' Fees for Delinquent Accounts	Ch. 334 , Art. I
Ord. No. 01-06	12-12-2001	Tax Rate and Appropriations for 2002	NCM
Ord. No. 01-07	12-12-2001	Salary Rates for 2002	NCM
Ord. No. 01-08	12-12-2001	Street Improvements	NCM
Ord. No. 01-09	12-27-2001	Street Vacation	NCM
Ord. No. 02-01	4-11-2002	Vehicles and Traffic Regulation Amendment	NI; see Ch. 520 , Art. II
Ord. No. 02-02	8-14-2002	Demolition of Buildings	Ch. 255
Ord. No. 02-03	6-12-2002	Streets and Sidewalks: Street Openings, Excavations and Pavement Cuts Amendment	Repealed by Ord. No. 16-09
Ord. No. 02-04	7-31-2002	Construction Codes, Uniform: Adoption of Standards	Superseded by Ord. No. 03-03
Ord. No. 02-05	10-9-2002	Street Improvements	NCM
Ord. No. 02-06	10-9-2002	Street Improvements	NCM
Ord. No. 02-07	11-13-2002	Sexually Oriented Businesses	Ch. 422
Ord. No. 02-08	12-30-2002	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 02-09	12-11-2002	Vehicles and Traffic: Permit Parking Amendment	Ch. 520 , Art. VI
Ord. No. 02-10	12-30-2002	Guaranty Agreement	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 02-11	12-30-2002	Tax Rate and Appropriations for 2003	NCM
Ord. No. 02-12	12-30-2002	Pensions: Firemen's Pension Plan Amendment	Ch. 81 , Art. II
Ord. No. 02-13	12-30-2002	Vehicles and Traffic: Metered Parking Fines Amendment	Ch. 520 , Art. V
Ord. No. 03-01	3-12-2003	Guaranty Agreement	NCM
Ord. No. 03-02	4-9-2003	Demolition of Buildings Amendment	Ch. 255
Ord. No. 03-03	4-9-2003	Construction Codes, Uniform: Adoption of Standards	REP
Ord. No. 03-04	4-9-2003	Vehicles and Traffic: Parking Meter Zones; Restricted Parking Amendment	Ch. 520 , Art. V
Ord. No. 03-05	6-11-2003	Tax Rate and Appropriations for 2003	NCM
Ord. No. 03-06	6-11-2003	Street Acceptance	NCM
Ord. No. 03-07	8-13-2003	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 03-08	8-13-2003	Taxation: Collection of Delinquent Residence Taxes	REP
Ord. No. 03-09	9-10-2003	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 03-10	9-10-2003	Parks and Recreation Areas	Ch. 346
Ord. No. 04-01	1-5-2004	Tax Rate and Appropriations for 2004	NCM
Ord. No. 04-02	3-10-2004	Salary Rates for 2004	NCM
Ord. No. 04-03	5-12-2004	Property Maintenance: BOCA Basic Property Maintenance Code Amended	Repealed by Ord. No. 12-02
Ord. No. 04-04	5-12-2004	Street Vacation	NCM
Ord. No. 04-05	6-9-2004	Construction Codes, Uniform: Administration and Enforcement of UCC	Ch. 237 , Art. I
Ord. No. 04-06	6-9-2004	Vehicles and Traffic: Parking Meter Zones; Restricted Parking Amendment	Ch. 520 , Art. V
Ord. No. 04-07	6-9-2004	Rental Property: Occupancy Licenses	Superseded by Ord. No. 15-04
Ord. No. 04-08	7-14-2004	Fees: Police Reports	NI
Ord. No. 04-09	7-14-2004	Street Improvements	NCM
Ord. No. 04-10	10-13-2004	Pensions: Police Pension Plan Amendment	NI, see Ch. 81 , Art. I
Ord. No. 04-11	9-13-2004	Acquisition of Property	NCM
Ord. No. 04-12	10-13-2004	Pensions: Police Pension Plan Amendment	NI, see Ch. 81 , Art. I

Enactment	Adoption Date	Subject	Disposition
Ord. No. 04-13	11-10-2004	Intergovernmental Cooperation Agreements: Condemnation, Eminent Domain and Flood Protection	NCM
Ord. No. 04-14	11-10-2004	Acquisition of Property	NCM
Ord. No. 04-15	12-8-2004	Emergency Services Reimbursement Amendment	Superseded by Ord. No. 17-01
Ord. No. 04-16	12-30-2004	Tax Rate and Appropriations for 2005	NCM
Ord. No. 05-01	2-9-2005	Municipal Claims and Liens: Delinquent Payments Required for Issuance of Permits	Ch. 334 , Art. II
Ord. No. 05-02	2-9-2005	Fire Prevention: Adoption of Standards Amendment	REP
Ord. No. 05-03	2-9-2005	Municipal Claims and Liens: Attorney's Fees for Delinquent Accounts Amendment	Ch. 334 , Art. I (attachment only)
Ord. No. 05-04	4-13-2005	Salary Rates for 2005	NCM
Ord. No. 05-05	4-13-2005	Solid Waste: Collection of Garbage Amendment	Repealed by Ord. No. 12-04
Ord. No. 05-06	6-8-2005	Vehicles and Traffic Regulation Amendment	NI; see Ch. 520 , Art. II
Ord. No. 05-07	7-13-2005	Officers and Employees: Political Activity by Civil Service Employees	Ch. 72 , Art. II
Ord. No. 05-08	7-13-2005	Vehicles and Traffic Regulation Amendment	NI; see Ch. 520 , Art. II
Ord. No. 05-09	12-29-2005	Tax Rate and Appropriations for 2006	NCM
Ord. No. 06-01	4-4-2006	Pensions: Police Pension Plan Amendment	NI, see Ch. 81 , Art. I
Ord. No. 06-02	7-12-2006	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 06-03	6-14-2006	Salary Rates for 2006	NCM
Ord. No. 06-04	9-13-2006	Peace and Good Order: Disorderly Conduct; Loitering and Prowling	Ch. 354 , Art. I
Ord. No. 06-05	9-13-2006	Vehicles and Traffic: Parking of Trucks, Trailers and Equipment on Streets Amendment	Ch. 520 , Art. IV
Ord. No. 06-06	9-13-2006	Food-Handling Establishments	REP
Ord. No. 06-07	12-13-2006	Streets and Sidewalks: Basketball Hoops in Roadways Amendment	Ch. 462 , Art. IV
Ord. No. 07-01	1-8-2007	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 07-02	1-8-2007	Tax Rate and Appropriations for 2007	NCM
Ord. No. 07-03	3-14-2007	Salary Rates for 2007	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 07-04	5-9-2007	Vehicles, Junked or Inoperable Amendment	Ch. 528
Ord. No. 07-05	9-12-2007	Street Vacation	NCM
Ord. No. 07-06	10-1-2007	Vehicles and Traffic Regulation Amendment	NI; see Ch. 520 , Art. II
Ord. No. 07-07	12-12-2007	Salary Rates for 2008	NCM
Ord. No. 07-08	12-12-2007	Tax Rate and Appropriations for 2008	NCM
Ord. No. 07-09	12-12-2007	Taxation: Local Services Tax	Ch. 471 , Art. VI
Ord. No. 08-01	4-9-2008	Vehicles and Traffic: Parking Restrictions Amendment; Traffic Direction Restrictions Amendment	Ch. 520 , Art. IV ; NI, see Ch. 520 , Art. II
Ord. No. 08-02	6-11-2008	Animals: Restrictions at Public Events	Ch. 188 , Art. I
Ord. No. 08-03	11-12-2008	Blighted Property	Ch. 206
Ord. No. 09-01	1-14-2009	Tax Rate and Appropriations for 2009	NCM
Ord. No. 09-02	1-14-2009	Records: Open Records Policy	Ch. 115 , Art. I
Ord. No. 09-03	5-13-2009	Tax Rate and Appropriations for 2009	NCM
Ord. No. 09-04	10-14-2009	Vehicles and Traffic: Permit Parking Amendment	Ch. 520 , Art. VI
Ord. No. 09-05	12-23-2009	Authorizing Condemnation of Property	NCM
Ord. No. 09-06	12-30-2009	Salary Rates for 2009	NCM
Ord. No. 10-01	3-10-2010	Pensions: Municipal Employees Retirement Plan	Repealed by Ord. No. 19-09
Ord. No. 10-02	2-24-2010	Tax Rate and Appropriations for 2010	NCM
Ord. No. 10-03	4-4-2010	Fire Prevention: Adoption of Standards Amendment	REP
Ord. No. 10-04	4-14-2010	Fire Prevention: Adoption of Standards Amendment	REP
Ord. No. 10-05	5-26-2010	Zoning Amendment	Repealed by Ord. No. 17-07
Ord. No. 10-06	9-8-2010	Salary Rates for 2010	NCM
Ord. No. 10-07	9-8-2010	Animals: Possession and Control	Ch. 188 , Art. II
Ord. No. 10-08	11-30-2010	Taxation: Earned Income Tax Amendment	Ch. 471 , Art. I
Ord. No. 10-09	12-8-2010	Tax Rate and Appropriations for 2011	NCM
Ord. No. 10-10	12-8-2010	Taxation: Mechanical Device Tax Amendment	Ch. 471 , Art. IV
Ord. No. 10-11	12-8-2010	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 10-13	12-13-2010	Increasing Indebtedness	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 11-01	3-9-2011	Salary Rates for 2011	NCM
Ord. No. 11-02	2-9-2011	Floodplain Management	Ch. 297
Ord. No. 11-03	12-29-2011	Tax Rate and Appropriations for 2012	NCM
Ord. No. 12-01		Salary Rates for 2012	NCM
Ord. No. 12-02	4-11-2012	Property Maintenance: Adoption of Standards	Repealed by Ord. No. 18-18
Ord. No. 12-03	7-11-2012	Stormwater Management	Ch. 450
Ord. No. 12-04	9-12-2012	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 12-05	12-27-2012	Tax Rate and Appropriations for 2013	NCM
Ord. No. 13-01	9-24-2013	Incurring Nonelectoral Debt	NCM
Ord. No. 13-02	11-25-2013	Taxation: Earned Income Tax Amendment	Ch. 471 , Art. I
Ord. No. 13-03	12-30-2013	Tax Rate and Appropriations for 2014	NCM
Ord. No. 13-04	12-11-2013	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 13-05	12-30-2013	Salary Rates for 2014	NCM
Ord. No. 14-01	3-12-2014	Salaries Amendment	NCM
Ord. No. 14-02	4-21-2014	Manager	Repealed by Ord. No. 18-03
Ord. No. 14-03	4-21-2014	Pensions: Firemen's Pension Plan Amendment	Ch. 81 , Art. II
Ord. No. 14-04	6-11-2014	Election Question Regarding Volunteer Fire Protection	Defeated 07/09/2014
Ord. No. 14-05	7-9-2014	Pensions: Police Pension Plan Amendment	NI, see Ch. 81 , Art. I
Ord. No. 14-06	9-10-2014	Salaries and Compensation Amendment	NCM
Ord. No. 14-07	11-19-2014	Taxation: Earned Income Tax Amendment	Ch. 471 , Art. I
Ord. No. 14-09	12-2014	Tax Rate and Appropriations for 2015	NCM
Ord. No. 14-10	12-10-2014	Taxation: Earned Income Tax Amendment	Ch. 471 , Art. I
Ord. No. 15-01	1-14-2015	Tax Rate and Appropriations for 2015	NCM
Ord. No. 15-02	2-11-2015	Alarm Systems: False Alarms	Ch. 163 , Art. I
Ord. No. 15-03			Defeated
Ord. No. 15-04	7-12-2015	Rental Property: Occupancy Licenses and Regulations	Ch. 387 , Art. I
Ord. No. 15-05	10-14-2015	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II

Enactment	Adoption Date	Subject	Disposition
Ord. No. 15-06	11-30-2015	Taxation: Earned Income Tax Amendment	Ch. 471 , Art. I
Ord. No. 15-07	12-21-2015	Tax Rate and Appropriations for 2016	NCM
Ord. No. 15-08	12-21-2015	Salary Rates for 2016	NCM
Ord. No. 15-09	12-21-2015	Planning Commission Amendment	Ch. 89
Ord. No. 16-01	3-9-2016	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 16-02	3-9-2016	Officers and Employees: City Controller Amendment	NCM
Ord. No. 16-03	4-13-2016	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 16-04	10-12-2016	Vacant and Abandoned Property	Ch. 507
Ord. No. 16-05	10-12-2016	Pensions: Municipal Employees Retirement Plan	Repealed by Ord. No. 19-09
Ord. No. 16-06	10-12-2016	Pensions: Firemen's Pension Plan Amendment (adding Drop)	NI, see Ch. 81 , Art. II
Ord. No. 16-07	12-14-2016	Tax Rate and Appropriations for 2017	NCM
Ord. No. 16-08	12-14-2016	Salary Rates for 2017	NCM
Ord. No. 16-09	12-14-2016	Streets and Sidewalks: Opening and Excavations	Ch. 462 , Art. V
Ord. No. 16-10	12-14-2016	Salaries and Compensation: Mayor and Council Amendment	NCM
Ord. No. 17-01	1-11-2017	Emergency Services Reimbursement Amendment	Ch. 26
Ord. No. 17-02	1-11-2017	Salaries Amendment	NCM
Ord. No. 17-03	1-11-2017	Fees: Permits and Licenses Amendment	NI
Ord. No. 17-04	2-8-2017	Property Maintenance: Quality of Life Violations	Ch. 372 , Art. II
Res. No. 17-01	3-8-2017	Comprehensive Plan	NCM
Ord. No. 17-05	8-9-2017	Salaries Amendment	NCM
Ord. No. 17-06	8-9-2017	Intergovernmental Cooperation: Redevelopment Authority Projects	NCM
Ord. No. 17-07	10-11-2017	Zoning	Ch. 550
Ord. No. 17-08	12-19-2017	Tax Rate and Appropriations for 2018	NCM
Ord. No. 17-09	12-19-2017	Salary Rates for 2018	NCM
Ord. No. 17-10	12-26-2017	Zoning Amendment	Ch. 550
Ord. No. 18-01	2-8-2018	Budget for 2018	NCM
Ord. No. 18-02	1-11-2018	Tax Rates for 2018 Amendment	NCM
Ord. No. 18-03	3-20-2018	Manager Repealer	Repealer only
Ord. No. 18-04	3-20-2018	Burning, Open Amendment	Ch. 215
Ord. No. 18-05	4-12-2018	Zoning Amendment	Ch. 550

Enactment	Adoption Date	Subject	Disposition
Ord. No. 18-06	4-12-2018	Vehicles and Traffic: Traffic Control Map and Files Amendment; Traffic Regulations Amendment	Ch. 520 , Art. II ; Ch. 520 , Art. III
Ord. No. 18-07	4-12-2018	Solid Waste: Collection and Disposition Amendment	Ch. 443 , Art. II
Ord. No. 18-08	5-10-2018	Zoning Amendment	Ch. 550
Ord. No. 18-09	4-24-2018	Vehicles and Traffic: One-Way Traffic	NI; see Ch. 520 , Art. II
Ord. No. 18-10	4-24-2018	Vehicles and Traffic: Parking Regulations	Ch. 520 , Art. V
Ord. No. 18-11	5-10-2018	Alarm Systems: False Alarms Amendment	Ch. 163 , Art. I
Ord. No. 18-12	5-22-2018	Stormwater Management Amendment	Ch. 450
Ord. No. 18-13	7-17-2018	Zoning Amendment	Ch. 550
Ord. No. 18-14	7-12-2018	Bottle Clubs	Ch. 210
Ord. No. 18-15	7-17-2018	Rental Property: Occupancy Licenses and Regulations Amendment	Ch. 387 , Art. I
Ord. No. 18-16	8-21-2018	Vehicles and Traffic: Permit Parking Amendment	Ch. 520 , Art. VI
Ord. No. 18-17	11-8-2018	Street Vacation	NCM
Ord. No. 18-18	11-8-2018	Property Maintenance: Adoption of Standards	Ch. 372 , Art. I
Ord. No. 18-19	11-8-2018	Vehicles and Traffic: Permit Parking Amendment	Ch. 520 , Art. VI
Ord. No. 18-20	12-13-2018	Vehicles and Traffic: Traffic Control Map and Files Amendment	NI, see Ch. 520 , Art. II
Ord. No. 18-21	12-26-2018	Tax Rate for 2019	NCM
Ord. No. 19-01	1-10-2019	Historic District	Ch. 311
Ord. No. 19-02	1-10-2019	Streets and Sidewalks: Opening and Excavations Amendment	Ch. 462 , Art. V
Ord. No. 19-03	7-11-2019	Pensions: Firemen's Pension Plan Amendment	NI, see Ch. 81 , Art. II
Ord. No. 19-04	3-14-2019	Property Maintenance: Quality of Life Violations Amendment	Ch. 372 , Art. II
Ord. No. 19-05	3-14-2019	Zoning Amendment	Ch. 550
Ord. No. 19-06	3-14-2019	Nuisances	Ch. 340
Ord. No. 19-07	4-11-2019	Vehicles and Traffic: Permit Parking Amendment	Ch. 520 , Art. VI
Ord. No. 19-08	6-13-2019	Vehicles and Traffic: Permit Parking Amendment	Ch. 520 , Art. VI
Ord. No. 19-09	9-12-2019	Pensions: Municipal Employees Retirement Plan	Ch. 81 , Art. III