

Code of the Borough of White Haven

COUNTY OF LUZERNE
COMMONWEALTH OF PENNSYLVANIA

SERIAL NO. 1

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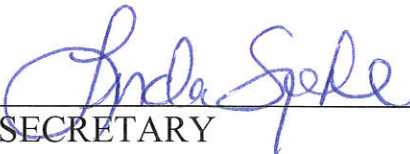
CODE OF ORDINANCES WHITE HAVEN BOROUGH

Luzerne County, Pennsylvania

This Code of Ordinances has been enacted, ordained, adopted and approved by White Haven Borough Council, on this 27th day of August, 20 12. This Code of Ordinances shall take effect immediately upon its adoption.

By signing below, the Secretary of White Haven Borough does hereby attest, verify and confirm that the Code of Ordinances, as attached, is the complete Code of Ordinances as adopted by White Haven Borough Council.

WHITE HAVEN BOROUGH



SECRETARY

INTRODUCTION TO THE CODE OF ORDINANCES

Part 1

Use and Construction of Code

§101. How Code is Designated and Cited. The provisions embraced in the following parts, chapters, and sections shall constitute and be designated the “Code of Ordinances, Borough of White Haven, Pennsylvania,” and may so be cited.

§102. Section Headings; Citations. The bolded headings of sections in this Code, and citations included at the end of sections, are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of those sections, or as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of those sections, including the citations, are amended or reenacted.

§103. Effect of Repeal of Ordinances. The repeal of an ordinance shall not affect any penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed.

§104. Severability of Parts of Code. It is declared to be the intention of Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any section, paragraph, sentence, clause or phrase of this Code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Code.

§105. Amendment to Code; Effect of New Ordinances; Amendatory Language. All ordinances passed after enactment of this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When later ordinances repeal any chapter, section or subsection or any portion thereof, those repealed portions may be excluded from this Code by omission from reprinted pages.

(a) Amendments to any provision of this Code may be made by amending any provision by specific reference to the section of this Code in substantially the following language: “§ ____ of the Code of Ordinances of the Borough of White Haven is amended to read as follows: (Set out new provisions in full.)

(b) When Council desires to enact an ordinance of a general and permanent nature on a subject not previously contained in this Code, which Council desires to incorporate into the Code, a section in substantially the following language may be made a part of the ordinance: “§ ____ . It is the intention of the Council, and it is ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Borough of White Haven, Pennsylvania and the sections of this ordinance may be re-numbered to accomplish that intention.”

(c) All sections, articles, chapters or provisions of this Code desired to be repealed shall be specifically repealed by chapter, part, sections, or subsections as the case may be.

§106. Altering Code. It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions of this Code, or to alter or tamper with this Code in any manner whatsoever which will cause the Code of Ordinances of the Borough of White Haven, Pennsylvania to be misrepresented. Any person violating this section shall be subject to the penalty provided in Section 107 of this Part.

§107. General Penalty. Whenever in this Code or in any ordinance of the Borough any act is prohibited or is made or declared to be unlawful, where no specific penalty is provided for that act, the violator of any such provision of this Code or ordinance shall, upon conviction, for every such violation, be sentenced to pay a fine of not more than \$300 and costs of prosecution; or in default of payment of fine and costs, to undergo imprisonment for not more than 30 days. Each day the violation continues shall constitute a separate offense.

§108. Filing with Secretary; Supplementation. A certified copy of this Code shall be kept on file in the office of the Borough Secretary. It shall be the duty of the Secretary, or someone duly authorized by the Secretary, to insert in their designated places all amendments or ordinances which indicate the intention of Council to make them a part of the Code when they have been printed or reprinted in page form, and to extract from the Code all provisions which may be from time to time repealed by Council. This copy of the Code shall be available to all persons desiring to examine the Code, and the copy on file shall be considered the official Code of the Borough of White Haven.

Part 2

Terms and Conditions

As used in this Code of Ordinances, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive. Singular words shall include the plural, masculine words shall include the feminine and neuter.

1. Borough and/or Municipality - means White Haven Borough, Luzerne County, Pennsylvania.
2. Building Inspector – means the official of the Borough appointed to administer and enforce the applicable Building Code of the Borough.
3. Code Enforcement Officer – means the Borough official whose duties include enforcement and administration of the Code of Ordinances except when a Police Officer is designated as the official enforcement authority.
4. Commonwealth – means the Commonwealth of Pennsylvania
5. Comprehensive Plan – means the most recent comprehensive Plan, and any amendments thereto, as adopted by the Governing Body.
6. County – means Luzerne County, Pennsylvania, and shall include the words “the county” or “this county”.
7. County Planning Commission – means the Luzerne County Planning Commission.
8. Council or Borough Council – means the Borough Council of White Haven, Luzerne County, Pennsylvania.
9. Department of Environmental Protection (DEP) – means the Pennsylvania Department of Environmental Protection or, when applicable Environmental Protection Agency (EPA). Where appropriate, the term may also be used as a designation of the Administrator or other duly authorized official of said agency.
10. Environmental Protection Agency (EPA) – means the Pennsylvania Department of Environmental Protection or, when applicable Department of Environmental Protection. Where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
11. Governing Body – means the Borough Council of White Haven, Luzerne County, Pennsylvania.

12. He, His, Him, or Her - means and indicates the singular and plural number, as well as, male, female, and neuter gender.
13. Individual – means a natural person, male or female.
14. Limits – means the corporate limits or legal boundary of the Borough of White Haven
15. Mayor – means the Mayor of the Borough of White Haven.
16. Minor – means a person under the age of eighteen (18) years.
17. Municipality and/or Borough – means White Haven Borough, Luzerne County, Pennsylvania.
18. Name of Officer – Whenever the name of an officer is given it shall be construed as though the words “of the Borough of White Haven” were added.
19. Nontechnical and Technical Words – includes words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to that meaning.
20. Oath – shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”
21. Official Map – means the Municipal Map adopted by Ordinance conclusively showing the location of the lines of existing and proposed public street, watercourses, and public grounds including the widening, narrowing, extension, diminution, opening or closing of the same, for the entire municipality.
22. Or, and – “Or” may be read as “and” and “and” may be read “or” if the sense requires it.
23. Other officials or officers – Whenever reference is made to officers, agencies or departments by title only, such as “secretary,” “treasurer,” “solicitor,” “engineer,” or “tax collector,” they shall mean the officers, agencies or departments of the Borough of White Haven.
24. Owner - means one or more persons, jointly or separately, in who is vested all or part of the legal title to real property, or all or part of the beneficial ownership and right to present use and enjoyment of the real property, including a mortgage holder in possession of a dwelling unit or commercial unit.

- (a) A Person who, alone or jointly or severally with others:

(1) shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof; or

(2) shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(b) This includes any person who has charge, care, or control over any premises as:

(1) an agent, officer, fiduciary, or employee of the owners;

(2) the committee, conservator, or legal guardian of an owner who is incompetent, a minor or otherwise under a disability;

(3) a trustee, elected or appointed, or a person required by law to act as a trustee, other than a trustee under a deed of trust to secure the payment of money; or

(4) an executor, administrator, receiver, fiduciary, officer appointed by any court, attorney-in-fact, or other similar representative of the owner of his or her estate. This does not include a lessee, a sublessee or other person who merely has the right to occupy or possess a premises.

(c) For purposes of this Ordinance this term also includes a Landlord

25. Planning Commission – means the Planning Commission of the Borough of White Haven.

26. Police Officer – means an officer of the Borough authorized to administer and enforce certain provisions of the Code of Ordinances, except when a Code Enforcement Officer is designated as the official enforcement authority.

27. Public Hearing – means a formal meeting held pursuant to public notice by the Governing Body, intended to inform and obtain public comment, prior to taking action on a particular subject. This term also includes hearings to be held by the Zoning Hearing Board or Uniform Construction Code Appeal Board when appropriate.

28. Person and Applicant - shall mean any natural person, partnership, firm, unincorporated association, corporation, municipal authority, or other entities; whenever used in any clause prescribing or imposing a fine or penalty of imprisonment in default thereof, the terms applied to a partnership shall mean all partners thereof, as applied to

unincorporated associations shall mean all members thereof and as applied to corporations shall mean all officers or directors thereof.

29. Right-of-Way – means a defined and designated area for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or alley, and including both cartway and shoulders.

30. Sedimentation – means the depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

31. State – means the Commonwealth of Pennsylvania.

32. Street – means any public street, avenue, road, square, alley, highway, or other public place located in the Borough and established for the use of vehicles, but shall not include State Highways.

(a) Arterial. Arterials are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are also designed for medium to heavy volumes at moderately high speeds with restricted vehicular access to abutting properties.

(b) Collector Street. Collector streets are designed to carry a moderate volume of traffic between local streets and arterials, and provide only limited vehicular access to the abutting properties.

(c) Local Street. Local streets provide direct access to abutting properties and provide routes to collector streets

(d) Cul-De-Sac – A minor or local street with a single common ingress and egress and with a turnaround located at its end.

(e) Dead End Street – A street with a single common ingress and egress.

(f) Limited Access – A street designed to carry a high volume of traffic and usually designated as an expressway, freeway, highway or boulevard. Owners or occupants of abutting property normally have no expressed or legal right to access to or from the same.

33. Zoning Officer – means an administrative officer authorized to administer the literal terms and provisions of the Zoning Ordinance, and wherever permitted the provisions of this Code.

34. Zoning Ordinance – means the Zoning Ordinance of the Borough of White Haven of 1973, as amended.

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5. Revocation of Permit
6. Penalties/Enforcement

6. Transient Retail Business

1. Definitions
2. License required to engage in Transient Retail Business
3. Application for License
4. Investigation; Issuance or Refusal of License
5. Custody, Display and Exhibit of License
6. Prohibited Acts
7. Certain Practices constitutes Nuisances
8. Suspension or Revocation of License
9. Penalties

17. MOBILE HOMES AND MOBILE HOME PARKS

1. Trailer Park Regulations

1. Trailer Parks and Trailers
2. Mobile Homes and Prefab Homes
3. Violations and Penalties

18. MOTOR VEHICLES AND TRAFFIC

1. General Regulations

1. Definitions
2. Manner of Adopting Permanent Traffic and Parking Regulations and Emergency Regulations
3. Temporary and Emergency Regulations
4. Experimental Regulations
5. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events
6. Authority of Police Officers

2. Traffic Regulations

1. Maximum Speed Limits established on Certain Streets
2. Maximum Speed Limits established on Certain Bridges and Elevated Structures
3. Maximum Speed Limits established on Hazardous Grades
4. Traffic Signals at Certain Intersections
5. Intersections where Turn prohibited on Red Signal
6. One-way Streets established
7. Turning at Certain Intersections Prohibited or Restricted
8. No-passing Zones established
9. Through Highways established
10. Stop Intersections established

11. Yield-right-of-way Intersections established
12. Vehicle Weight Limits established
13. Truck Traffic Restricted on Certain
14. Size and Weight Restrictions on Bridges
15. Snowmobile Roads designated
16. Regulation of Traffic on Privately Owned Business Lots which are held open to Public as Business Invitees
17. U-turns prohibited at Certain Locations

3. Snow Ban

1. Short Title
2. Definitions
3. Snow Emergencies
4. Parking during Snow Storm and Snow Removal on Streets not designated as Snow Emergency Routes or on all Borough Streets during the Snow Storms in which a Snow Emergency has not been declared
5. Constrictive Parking Prohibited
6. Removal, Impounding and Return of Vehicles
7. Administration
8. Severability
9. Inconsistencies
10. Penalty

4. Parking Regulations

1. Vehicles to be parked within Marked Spaces
2. Angle parking required on Portions of Certain Streets
3. Parking prohibited at All Times in Certain Locations
4. Parking prohibited in certain Locations, Certain Days and Hours
5. Parking Time limited in Certain Locations, Certain Days and Hours
6. Special Purpose Parking Zones established; parking otherwise prohibited
7. Penalty for Violation
8. Temporary and Emergency Regulations

5. On-Street Metered Parking

[Reserved for Future Regulations]

6. Off-Street Metered Parking

[Reserved for Future Regulations]

7. Removal and Impounding of Certain Vehicles

1. Applicability and Scope
2. Authority to Remove and Impound
3. Designation of Approved Storage Garages; Bonding; Towing and Storage
4. Notification of Removal and Impounding
5. Effect of Payment of Towing and Storage Charges
6. Records of Removed and Impounded Vehicles
7. Restrictions upon Removal of Vehicles

8. Pedestrians

1. Pedestrians to obey Traffic Signals
2. Pedestrian-Control Signal Locations Established
3. Locations where Pedestrians may cross Street only in Crosswalk
4. Penalty for Violation

9. Handicapped Parking Zones; Criteria and Fees

1. Findings
2. Submission of Application for On-street Handicapped Parking Space
3. Review of Applications by Police Committee; Recommendations to Council; Approval or Rejection
4. Continuing review by Chief of Police; Action by Council
5. Criteria for creation of Handicapped Parking Spaces

6. Application Fee; Fee for Erection and Maintenance of Sign
7. Erection and Location of Signs
8. Authority of Council to establish other Handicapped Parking Areas

19. PARKS AND RECREATION

1. Establishment of Parks and Recreation Places

1. Definitions
2. Park Hours
3. Prohibited Conduct
4. Fishing
5. Reservation for Specific Uses
6. Authorization to Promulgate Additional Rules
7. Authority to Close Areas
8. Enforcement
9. Repealer
10. Severability
11. Penalties

2. Authority to Make Regulations

1. Authority to make Regulations
2. Penalty for Violation

3. Liquor and Alcoholic Beverages

1. Restrictions on Public Transportation and Use
2. Permit required for Transportation, Possession or Consumption in Park or Playground
3. Application for Permit
4. Information on Application
5. Late Applications may be considered by Council
6. Time Limit for Consideration by Council and for Notifying Applicant of Denial of Permit
7. Conditions for Grant of Permit
8. Hours Permit in Effect
9. Alternate Permits
10. Copies of Permits furnished Certain Official
11. Revocation of Permits
12. Custody of Permit
13. Permit Holder to comply with Applicable Laws and Ordinances, and with Conditions of Permit
14. Penalty for Violation

20. PUBLIC RECORDS

1. Access Policy

1. Purpose
 2. Public Records
 3. Public-Record's Officer
 4. Inspection
 5. Requests
 6. Fees
 7. Redaction
 8. Response
 9. Appeal Process
 10. Other Applicable Policies
 11. Repealer
- Schedule "A" Fees Request Form

21. PUBLIC SAFETY

1. Police Department Organization, Powers and Duties

1. Police Department Established; Classification and Number of Members
2. Supervision over Police Department
3. Status of Existing Police Force
4. Appointment of Special Policemen by Mayor
5. Regular Full-time Police Officer
6. Part-time Police Officer

7. Special Police Officer
8. Chief of Police
9. Classifications of Officers Subordinate to Chief of Police
10. Powers of Borough Police
11. Directives and Reporting Manual
12. Police authorized to use Electronic Speed Timing Devices

2. Enforcement Procedures and Forms

1. Authority to Issue Citation or File Criminal Complaint
2. Notice of Violation
3. Interpretation of Provisions on Notice of Violation
4. Curative Provision Application to Ordinance Prosecution in General

3. Intergovernmental Cooperation Agreement

1. Intergovernmental Cooperation Agreement with Dennison Township
2. Billing
3. Services
4. Adoption
5. Repealer
6. Severability

4. Drug Task Force

1. Authority to enter into Municipal Police Cooperative Agreement
2. Legal Authority for Agreement
3. Purposes and Objectives
4. Conditions and Terms as set out in Agreement
5. Duration of Agreement; Termination by any Municipality

5. Terms of Agreement

1. Adoption Agreement
2. Intention to participate in Municipal Drug Task Force
3. Intergovernmental Cooperative Activities Authorized
4. Utilization of Services of Borough Police Force
5. Establishment of Procedures
6. Term and Duration of Agreement
7. Region wide Coordination of Police Activities Authorized
8. Revenue Sources
9. Organizational Structure
10. Management of Real Personal Property
11. Responsibility for Borough Employees

22. SEWER AND WATER

1. Holding Tanks

1. Purpose
2. Definitions
3. Rights and Privileges Granted
4. Rules and Regulations
5. Rules and Regulations to be in Conformity with Applicable Laws, Ordinances, Rules and Regulations
6. Rates and Charges
7. Exclusiveness of Rights and Privileges
8. Duties of Owners of Improved Property
9. Abatement of Nuisances
10. Penalty for Violation

2. Dissolution of Sewer and Water

1. Preamble
2. No Legal Interest Established

3. Water Shortage

1. Existence of Shortage

2. Prohibited Used of Water
3. Enforcement
4. Penalty

23. SOLID WASTE

1. Solid Waste Storage, Collection and Disposal

1. Definitions
2. Scope of Ordinance
3. Designated Collector only to make Collections from Certain Units; Exception
4. Award of Contract; Content of Contract; Contractor's Bond
5. Preparation of Refuse for Collection; Placement for Collection
6. Payment for Cost of Collection and Disposal; Fees
7. Prohibited Acts
8. Copies of Private Refuse Collection Contracts Furnished Borough
9. Severability
10. Penalty for Violation

2. Collection and Recycling of Certain Material

1. Definitions
2. Borough of White Haven Recycling Program
3. Public Notices
4. Fees
5. Penalties for Violations
6. Repealer
7. Severability

3. Licensing of Solid Waste Collectors

1. Short Title
2. Definitions
3. Licensing of Collectors

24. STREETS AND SIDEWALKS

1. Snow and Ice Removal from Sidewalks

1. Definitions
2. Responsibility for Removal of Snow and Ice; Time Limit
3. Responsibility for Removal from Roofs
4. Depositing of Snow and Ice Restricted
5. Authority for Borough to Remove at Expense of Defaulting Owner, Occupant or Tenant of Property
6. Repealer
7. Severability
8. Penalty for Violation

2. Regulation of Original Construction and Repair of Sidewalks

1. Construction and Repair Required
2. Supports under Sidewalks and Curbs
3. Conformity to Line and Grade
4. Notice to Do Work
5. Inspection
6. Municipality May Do Work and Collect Costs
7. Emergency Repairs
8. Construction and Repair Done on Owner's Initiative without Notice
9. Repealer
10. Severability
11. Penalty

3. Regulation of Construction and Improvement of Streets and Highways

1. Regulations on Construction and Width of Streets
2. Manner of Assessment of Work Costs
3. Time Limit for Payment of Assessments
4. Collection of Delinquent Assessments of Installments

5. Installment Payment Procedure
6. Property Owners to Lay Branch Pipes and Connect with Sewer, Water and Gas Lines before Street Improvement
7. Authority for Borough to do Work and Collect Cost, Plus 10%, from Defaulting Property Owner
8. Repealer
9. Severability

4. Regulation of Curb Cuts and Construction of Driveways

1. Width of Driveways
2. Permit Required
3. Fee
4. Sidewalk not to be disturbed
5. Rectification of Improper Work
6. Repealer
7. Severability
8. Penalty

5. Restriction for Driving Vehicles over Curbs and Sidewalks

1. Procedure for Driving on Curbs on Sidewalks
2. Report Required of Damage to Curbs or Sidewalks
3. Repealer
4. Severability
5. Penalty

6. Prohibition on Befouling Streets

1. Proper Operation of Vehicles
2. Befouling of Streets Unlawful
3. Repealer
4. Severability
5. Penalty

7. Prohibition of Obstruction of Sidewalk by Vendors

1. Applicability
2. Restrictions on Sidewalk Sales
3. Illegal to Obstruct Sidewalks
4. Repealer
5. Severability
6. Penalty

8. Restriction on placement of Structures on or over Sidewalks and Streets

1. Restrictions on Construction around Sidewalks and Streets
2. Authority to remove Illegal Construction and Collect Cost
3. Repealer
4. Severability
5. Penalty

9. Permit to Store Building Materials on Streets

1. Definitions
2. Permit Requirements for Storage of Building Materials
3. Repealer
4. Severability
5. Penalty

10. Requirement of Safety Measures during Sidewalk Construction

1. Safety Precautions to be used during Sidewalk Construction
2. Temporary Bridges during Excavation
3. Approval
4. Repealer
5. Severability
6. Penalty

11. Prohibiting Vehicle Repair on Streets

1. Definitions
2. Motor Vehicle Repairs Prohibited
3. Maintenance of Motor Vehicles Prohibited
4. Storage of Motor Vehicle Parts Prohibited
5. Repealer
6. Severability
7. Penalty

12. Prohibiting Street Obstructions

1. Finding and Purpose
2. Definitions
3. Obstructing of Cartways Prohibited
4. Authority to Remove and Impound
5. Designation of Approved Storage Areas; Bonding; Storage
6. Payment of Removal and Storage Charges
7. Reclamation Costs
8. Records of Objects removed and impounded
9. Restrictions upon Removal of Objects
10. Repealer
11. Severability
12. Penalty

13. Dedication of Streets and Sidewalks

1. Acceptance and dedication of streets in the Woodhaven Development
2. Dedication of Abandoned Portions of Legislative Route 40118

14. Road Occupancy

1. Short Title
2. Definitions
3. Permit Required
4. General Requirements
5. Design Requirements
6. Special Requirements
7. Issuance of Building and Zoning Permits
8. Fee Schedule
9. Enforcement
10. Violations and Penalties
11. Applicability
12. Effective Date
13. Repealer

25. STORMWATER ORDINANCE

1. General Provisions

1. Short Title
2. Statement of Findings
3. Purpose
4. Statutory Authority
5. Applicability
6. Repealer
7. Severability
8. Compatability with Other Requirements

2. Definitions

3. Stormwater Management (SWM) Standards

1. General Requirements (Level 1 – Level 4)
2. Exemptions (Level 1 – Level 4)
3. Volume Controls (Level 3 & Level 4)
4. Rate Controls (Level 4)

5. Additional Design Criteria for SWM Facilities (Level 4)
6. Calculation Methodology (Level 4)
7. Water Quality Requirements

4. Stormwater Management (SWM) Site Plan Requirements (Level 4)

1. Plan Requirements
2. Plan Submission
3. Plan Review
4. Modification of Plans
5. Resubmission of Disapproved SWM Site Plans
6. Authorization to Construct and Term of Validity
7. As-Built Plans, Completion Certificate and Final Inspection
8. Modification of Ordinance Standards

5. Operation and Maintenance

1. Responsibilities of Developers and Landowners
2. O&M Agreements

6. Fees and Expenses

1. General
2. Post Construction SWM Facility Inspection Fund
3. Financial Guarantee

7. Prohibitions

1. Prohibited Discharges and Connections
2. Roof Drains
3. Alterations of SWM BMP's
4. Municipal Stormwater Maintenance Fund
5. Post-Construction Maintenance Inspections

8. Enforcement and Penalties

1. Right-of-Entry
2. Inspection
3. Enforcement
4. Suspension and Revocation
5. Penalties
6. Appeals

9. References

10. Adoption

1. Severability
2. Repealer
3. Effective Date

- Appendix A – Standard Operation and Maintenance (O&M) Agreement (Level 4)
- Appendix B - Stormwater Management Permit Application (Level 1 – Level 4)
- Appendix C.1 – Disconnected Impervious Area (DIA) & Worksheet (Level 2 – Option 1)
- Appendix C.2 – Rainspout Disconnection from Sanitary Sewer Systems (Level 1 – 4)
- Appendix D – Projects Meeting Requirements in Section 303 Subsection B (Level 3)
- Appendix E – Stormwater Management for Small Projects (Level 2 – Option 2)
- Appendix F.1 – Stormwater Management District map (Level 4)
- Appendix F.2 – Fee Schedule (Level 1 – Level 4)

26. SUBDIVISION AND LAND DEVELOPMENT

1. General Provisions

1. Title
2. Authority
3. Objectives
4. Application of the Ordinance
5. Status of Pending Subdivision and Land Development Applications

6. Status of Approved Subdivision or Land Applications
7. Phased Development Exceeding Five Years
8. Resubdivision of Land
9. Interpretation
10. Modification of Required Standards
11. Fees
12. General Enforcement
13. Administrative Functions
14. Violations and Penalties
15. Amendment Procedure
16. Appeals to Court
17. Conflict with Other Ordinances
18. Severability

2. Definitions

1. General Interpretation

3. Procedural Requirements

1. Review and Approval Process
2. Submission of Plans and Applications
3. Distribution of Plans
4. County Planning Commission Review
5. Public Hearing
6. Installation or Guarantee of Required Improvements
7. Procedural Methods in rendering Decisions
8. Recording of Final Plan
9. Phasing Major Subdivision Plans

4. Preliminary Plan

1. Initial Review
2. Review by Luzerne County Planning Commission
3. Planning Commission Review and Recommendation
4. Review and Approval/Disapproval of Plan
5. Preliminary Plan Drafting Standards
6. Preliminary Plan Existing Conditions
7. Preliminary Plans Proposed Development
8. Additional Material Submitted with Preliminary Plan

5. Final Plan

1. Submission and Review Procedure
2. Planning Commission Review and Recommendation
3. Review and Approval/Disapproval of Plan
4. Final Plan Drafting Standards
5. Final Plan Requirements
6. Additional Material Submitted with Final Plan

6. Minor Subdivision/Land Development

1. Only Final Plan Required
2. Submission Procedure
3. Distribution of Plan
4. Drafting Standards for Minor Plans
5. Requirements for Minor Plans
6. Information to be submitted with Plan
7. Recording of Plan

7. Assurances for Completion of Improvements

1. Installation or Guarantee of Improvements
2. Types of Financial Guarantee
3. Review by Municipal Solicitor
4. Amount of Financial Security

5. Required Time Period for Completion
6. Phasing of Developments
7. Release of Portions of Financial Security
8. Financial Security for Maintenance of Dedicated Improvements
9. Financial Security for Improvements under Jurisdiction of a Public Utility of Municipal Authority
10. Issuance of Permits when Financial Security has been posted
11. Completion of Required Improvements
12. Responsibility of Applicant upon Disapproval of Improvements
13. Applicant's Right to Contest Action
14. Remedies to Effect Completion of Improvements
15. Reimbursement of Consulting Fees
16. Procedure for Disputes over Consulting Fees

8. Design Standards and Required Improvements

1. Application
2. General Standards
3. Site Suitability for Development
4. Monuments and Markers
5. Residential Blocks
6. Residential Lots
7. Streets – General Requirements
8. Street Names
9. Street Lighting
10. Street Signs
11. Traffic Control Signs
12. Construction of Streets and Dead-End Streets
13. Dead-End Streets (Permanent)
14. Access to Arterial Streets
15. Intersection
16. Design Standards for Residential Streets
17. Horizontal Visibility
18. Cul-de-sac Streets
19. Bridges and Stream Crossings
20. Sidewalks
21. Curbs and Gutters
22. Driveway Entrances
23. Erosion and Sedimentation Control
24. Water Supply Facilities
25. Centralized Water System
26. On-Lot Water System
27. Sewage Disposal Facilities
28. Centralized Sewers
29. On-Lot Sewage Disposal System
30. Storm Water Drainage
31. Utilities
32. Nonresidential Subdivision and Land Development
33. Table of Design Standards
34. Table of Required Improvements

9. Fee Schedule for Subdivision and Land Development Applications

1. Major Subdivision
2. Minor Subdivision
3. Major Land Development
4. Additional Fees

27. TAXATION

1. Occupational Privilege Tax

1. Definitions
2. Levy
3. Amount of Tax

4. Duty of Employers
5. Returns
6. Dates for Determining Tax Liability and Payment
7. Individuals engaged in more than one Occupation
8. Self-employed Individuals
9. Employers and Self-employed Individuals Residing beyond the Corporate Limits of the Borough
10. Administration of Tax
11. Suits for Collection
12. Validity
13. Saving Clause
14. Fine and Penalty
15. Effective Date and Duration

2. LST Tax

[Reserved for Possible Future Adoption of a Local Service Tax]

28. TREES

1. Shade Tree Commission; Trees

1. Definitions
2. Shade Tree Commission
3. Compensation of Members
4. Duties and Responsibilities of
5. Administration of Commission; Quorum
6. Authorized Species of Street Trees
7. Planting Requirements
8. Public Tree Care
9. Tree Topping
10. Pruning; Corner Clearance
11. Removal of Stumps
12. Interference with Commission
13. License and Bond required for Arborists; Insurance
14. Review of Commission by Borough Council
15. Repealer
16. Severability
17. Violations and Penalties

2. Regulation of Planting and Maintaining Trees along Public Ways

1. Definitions
2. Restrictions on Planting and Growing of Certain Trees
3. Clearance above Street and Sidewalk
4. Removal and Trimming of Trees
5. Repealer
6. Severability
7. Penalties

29. ZONING

1. General Provisions

1. Short Title.
2. Application.
3. Purposes
4. Statement of Community Development Objectives.
5. Interpretation and Validity.
6. Effective Date.
7. Enactment.

2. Definitions

1. Rules of Ordinance Construction.
2. Definition of Terms.

3. Establishments of Zoning Districts
 1. Zoning District Classifications.
 2. Zoning Map
 3. Interpretation of Zoning District Boundaries
 4. Lots Divided by Zoning District Boundaries.
4. Basic District Regulations
 1. Zoning District Dimensional Regulations.
 2. Permitted Uses and Special Exception Uses.
 3. "R-1" Residential, Single-Family.
 4. "R-2" Residential, Two-Family.
 5. "R-3" Residential, Multi-Family.
 6. "C-1" Commercial, Neighborhood.
 7. "C-2" Commercial, Downtown.
 8. "C-3" Commercial, General.
 9. "I-1" Industrial, Light.
 10. "I-2" Industrial, Heavy.
 11. "O-1" Open Space.
5. Nonconforming Lots, Uses and Structures
 1. Nonconforming Lots of Record.
 2. Continuation of Nonconformities.
 3. Change of Nonconforming Uses.
 4. Enlargement or Expansion of Nonconforming Uses and Structures.
 5. Restoration of Nonconforming Uses and Structures.
 6. Abandonment.
 7. Reversion.
 8. Change of ownership.
 9. Registration of Nonconforming Uses, Structures and Lots.
6. General Regulations
 1. Attached Accessory Structures
 2. Unattached Accessory Structures.
 3. Residential Units for Care of Relatives.
 4. Swimming Pools.
 5. Structures Allowed in Yards and Open Areas.
 6. Exceptions to Height Limitations.
 7. Exemption from Yard Requirement for the Enclosure of any Structure
 8. Required Access.
 9. Visibility at Intersections Streets and Private Driveways.
 10. Corner Lot Restriction.
 11. Fences and Walls.
 12. Exemption-Public Utilities.
 13. Road or Highway Occupancy Permit.
 14. Mobile Homes.
 15. Number of Principal Uses or Structures on a Lot.
 16. Screens and Buffers.
 17. Outdoor Lighting.
 18. Composting.
 19. Home Gardening, Nurseries and Greenhouses.
 20. Non-Commercial Satellite Dishes and Standard Antennas.
7. Parking and Loading Regulations
 1. Off-Street Parking.
 2. Off-Street Loading Spaces.
 3. Access Drives.

4. Fire Lanes.

8. Supplemental Regulations

1. Applicability
2. Adult Use
3. Animal Hospital and Kennel
4. Assisted Living Facilities, Nursing Homes or Personal Care Centers
5. Auto Related Activities
6. Bed and Breakfast
7. Boarding or Rooming Houses
8. Bulk Fuel Storage
9. Compressor Stations
10. Contractor's Storage Yards
11. Child Care Facilities
12. Communication Antennas and Equipment Buildings
13. Communications Towers
14. Drive Through Facilities
15. Dwellings Above or in Combination with Commercial Establishments
16. Forestry and Timber Harvesting
17. Group Home
18. Home Occupations
19. Junk Yards, Automobile Dismantling Plants and Automobile Salvage Yards
20. Mineral Extraction (except for Oil or Gas Operations)
21. Mobile Home/Manufactured Home Parks
22. Motels and Hotels
23. No-Impact Home Based Business
24. Oil and Gas Operations
25. Outdoor Storage
26. Place of Worship
27. Processing Plants
28. Public Utility Buildings and Structures
29. Self-Storage Facilities
30. Shopping Center
31. Solid Waste Facility (Including Landfills, Solid Waste Transfer Facilities and Solid Waste-to- Energy Facilities)
32. Trucking Facilities
33. Warehouse and Distribution Facilities
34. Water (Ground and Spring) Withdrawal
35. Wind Mills (Stand-Alone and Wind Farms)
36. Solar Energy Systems (Minor and Major)

9. Sign Regulations

1. Type and Use of Signs.
2. Construction Types.
3. Permitted Signs by Zoning District.
4. Area, Height and Setback Requirements.
5. Setback for Freestanding Signs.
6. Signs Related to Nonconforming Uses.
7. Area computation of Signs.
8. Prohibited Signs.

10. Enforcement and Administration

1. Zoning Officer.
2. Zoning Permit
3. Certificate of Zoning Compliance.
4. Temporary Permits.

5. Enforcement Procedures.
6. Schedule of Fees, Charges and Expenses.
7. Amendment Procedure.

11. Zoning Hearing Board and Other Administrative Proceedings

1. Membership of Board.
2. Alternate Members
3. Removal of Members.
4. Organization of Board.
5. Expenditures for Services.
6. Hearings.
7. Mediation Option.
8. Jurisdiction of Zoning Hearing Board.
9. Variances.
10. Special Exceptions.
11. Conditional Uses
12. Initial Determination to be Made by the Zoning Officer
13. Appellant Before the Zoning Board
14. Appeals to Court

EXHIBITS

30. ZONING MAP

1. Amendment to Zoning Map
 1. Extension of Downtown Commercial
 2. Further Extension of Downtown Commercial
 3. Susquehanna Street
2. Zoning Map