

The Code of Ordinances of the Borough of Emporium

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CODE OF ORDINANCES
of the
BOROUGH OF EMPORIUM
Cameron County, Pennsylvania

Published by Authority of the Borough

Adopted
October 4, 1993

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CONTENTS

Municipal Officialsv
Forewordvii
Fee Resolution.ix
Adopting Ordinance.xi

Chapter 1 Administration and Government 1
Chapter 2 Animals 35
Chapter 3 Bicycles. 41
Chapter 4 Buildings 47
Chapter 5 Code Enforcement. 55
Chapter 6 Conduct 57
Chapter 7 Fire Prevention and Fire Protection 65
Chapter 8 Flood Plain Regulations 71
Chapter 9 Grading and Excavating. 73
Chapter 10. Health and Safety 75
Chapter 11. Housing 87
Chapter 12. Libraries 91
Chapter 13. Licenses, Permits and General Business
Regulations. 95
Chapter 14. Mobile Homes and Mobile Home Parks.107
Chapter 15. Motor Vehicles and Traffic.109
Chapter 16. Parks and Recreation.147
Chapter 17. Planned Residential Development151
Chapter 18. Sewers and Sewage Disposal.153
Chapter 19. Signs and Billboards.169
Chapter 20. Solid Waste173
Chapter 21. Streets and Sidewalks183
Chapter 22. Subdivision and Land Development.197
Chapter 23. Swimming Pools.199
Chapter 24. Taxation, Special201
Chapter 25. Trees225
Chapter 26. Water233
Chapter 27. Zoning.235

Appendix:

A. Annexation of TerritoryA- 3
B. Bond Issues and LoansA- 5
C. Franchises and ServicesA- 9
D. Governmental and Intergovernmental Affairs.A-11
E. Plan ApprovalA-19
F. Public PropertyA-21
G. Sewers.A-23
H. Streets and SidewalksA-25
I. WaterA-37
J. Zoning; Prior Ordinances.A-39

Key to the Disposition of All Ordinances

Index

OFFICIALS
of the
BOROUGH OF EMPORIUM
County of Cameron,
Pennsylvania

ELECTED OFFICIALS

Mayor - Bruno A. Carnovale

Council

President - James A. Slasarick

Members - Joseph M. Fragale

- Rick Bauer

- LuAnn Reed

- Donald D. Reed

- Bernal D. Olivett

- James P. Gurrigan

Tax Collector - R. Michelle Brown

APPOINTED OFFICIALS

Manager - Robert J. Aversa

Secretary/Treasurer - Robert J. Aversa

Street Foreman - Timothy Leydig

Police Chief - Allen H. Neyman

Engineer - E & M Engineers

Solicitor - Edwin. W. Thompkins, III

FOREWORD

History

This comprises the codification of the Ordinances of the Borough of Emporium. The Borough of Emporium was originally settled in January, 1811, and was incorporated as a Borough on October 13, 1864.

The Code of Ordinances of the Borough was prepared by Penns Valley Publishers and adopted by the Borough Council on October 4, 1993 by Ordinance Number 412.

Organization

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

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

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

Schedule of Fees

Subject	Fees
CHAPTER 3 - BICYCLES	
Annual License Fee (3, §104)	\$1.00
Building Permit	\$35.00
Driveway Permit	\$15.00
CHAPTER 13 - LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS	
Entertainment Productions License (13, §101)	\$50.00 per calendar year
Peddler's License (13, §101)	\$100.00 per week or fraction thereof
Solicitor's License (13, §101)	\$100.00 per week or fraction thereof
Transient Retail Business License (13, §101)	\$200.00 per month or fraction thereof
CHAPTER 21 - STREETS AND SIDEWALKS	
Borough Streets Opening Permit (21, §203)	\$75.00
Unauthorized Use Permit	\$75.00
CHAPTER 24 - TAXATION, SPECIAL	
Amusement Device License	\$0.00
Amusement Device Tax Certificate	\$0.00
Replacement	\$0.00
CHAPTER 25 - SHADE TREES	
Removal Fee (25, §101)	\$100.00
Planting Fee (25, §101)	\$25.00
CHAPTER 27 - ZONING	
Appeal Application (27, §1405)	\$100.00 Minimum Residential
	\$150.00 Minimum Commercial/Industrial
Conditional Use Application (27, §1303)	\$100.00 Minimum Residential
	\$150.00 Minimum Commercial/Industrial
Filing Fee for Change of Classification (27, §1509)	
Not more than 25 parcels (or 10 acres)	\$100.00 Commercial/Industrial Minimum Residential

Subject	Fees
Each additional property	\$150.00 Minimum Commercial/Industrial
Additional property not subdivided into lots of less than 1 acre	\$3.00
Occupancy Permit (27, §1505)	\$5.00
Examination of Completed Structure	\$10.00

ORDINANCE NO. 412

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

The Borough of Emporium hereby ordains:

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

Chapter 1.	Administration and Government
Chapter 2.	Animals
Chapter 3.	Bicycles
Chapter 4.	Housing
Chapter 6.	Conduct
Chapter 7.	Fire Prevention and Fire Protection
Chapter 10.	Health and Safety
Chapter 11.	Housing
Chapter 12.	Libraries
Chapter 13.	Licenses, Permits and General Business Regulations
Chapter 15.	Motor Vehicles and Traffic
Chapter 16.	Parks and Recreation
Chapter 18.	Sewers and Sewage Disposal
Chapter 19.	Signs and Billboards
Chapter 20.	Solid Waste
Chapter 21.	Streets and Sidewalks
Chapter 24.	Taxation, Special
Chapter 25.	Trees
Chapter 27.	Zoning

Appendix:

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

Key to the Disposition of All Ordinances

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

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

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

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

A. Consolidations

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
15, Entire Chapter	Motor Vehicles	17 22 72 198 232 290 338 361 380 385 386 389 396
20, Part 1	Solid Waste	337
		Rules and Regulations with effective dates of: 4/1/1972 4/1/1974 1/1/1977 6/1/1979 5/2/1983 4/1/1985

B. Revisions

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
1, 4, 401-403	Firemen's Relief Association	96
2, 1, 101-108	Dogs Running at Large	178
6, 2, 201-205	Alcoholic Beverages	365

7,	1,	101-103	Fireworks	99
10	1	101-118	Property Maintenance	316
13,	1	101-109	Transient Retail Merchant	285
13,	1	111-114	Transient Amusements	285
24,	3,	301-317	Realty Transfer Tax	349

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

A. New Enactments

<u>Chapter,Part,Section</u>	<u>Short Title</u>
4 1, 101-109	Dangerous Structures
7 2, 201-205	Smoke Detectors
11 1, 101-107	Tenant Report
15, Entire Chapter	Motor Vehicles
18, 2, 214	Rentals, Charges and Discharge Reg- ulations; Enforcement
25, 201	Shade Tree Regulations

B. Amendments

<u>Chapter,Part,Section</u>	<u>Short Title</u>	<u>Ordinance No.</u>
1, 1, 123	Shade Tree Commission	173
1, 7, 701	Councilman; Compensation	404, \$1
1, 7, 711	Mayor; Salary	404, \$2
1, 8, 813	Borough Manager; Qualifi- cations	240, \$3
1, 8, 814	Manager's Bond	240, \$4
3, 1, 104	Bicycles	260
3, 1, 111	Issuance of License	260
6, 1, 104	Curfew; Exceptions	402, \$4
13, 2, 201	Amusement Device Fee; Short Title	350, \$1
13, 2, 203	Imposition of Fee	350, \$3; 396, \$1
13, 2, 204	Seal	350, \$4
13, 2, 205	Certificate	350, \$5
13, 2, 206	Penalties	350, \$6
18, 1, 101	Sewer Connections	270
18, 2, 201	Sewer Rentals	268
18, 2, 203	Computation of Sewer Rental and Charges	268
18, 2, 205	Time and Method of Payment	268
21, 2, 203	Street Openings	314
27, 13, 1303; 14, 1404; 15, 1505, 1508	Zoning	264

C. Repeals

<u>Ord. No.</u>	<u>Short Title</u>
20	Railroad Crossings
32, §11	Fire Department
50	Utility Pole
71	Explosives
83	Explosives
84	Places of Amusement
94	Opening of State Highways
97	Fuel Pumps and Tanks
114	Borough Solicitor
127	Solid Fuel
184	Opening of State Highways
272	Consumption of Alcohol by Minors
276	Compulsory Retirement
288	Disorderly Conduct
329	Appointed Officials
350, §§8,10	Amusement Device Tax; Distress and Authority

Section 6. Adoption of Standard Codes by Reference. As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

<u>Chapter, Part</u>	<u>Short Title</u>
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Section 7. Land Use Code Amendments. The Borough's Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

A. New Provisions. The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

<u>Chapter, Part, Section</u>	<u>Subject</u>
27, 14, 1405	Parties Appellant Before the Board
27, 14, 1406	Time Limitations
27, 14, 1407	Jurisdiction
27, 15, 1509	Procedure for Landowner Curative Amendments
27, 15, 1510	Procedure for Borough Curative Amendments
27, 15, 1513	Causes of Action
27, 15, 1514	Enforcement Notice

B. Revised Provisions. The following provisions of the Code are revised, the text of which indicates deletions by ~~strike-through~~ and additions by underline, and are summarized as follows:

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
27, 2, 201	Definitions	264, §201
27, 13, 1303	Fees	264, §1303
27, 14, 1401	Zoning Hearing Board	264, §1401
27, 14, 1402	Hearings	264, §1402, §1403
27, 14, 1403	Powers	264, §1404
27, 14, 1404	Filing Fees	264, §1405; 326, §2
27, 15, 1501	Appointment and Power of Zoning Officer	264, §1501
27, 15, 1505	Record of Certificate; Charges	264, §1505
27, 15, 1508	Enactment of Zoning Ordinance Amendments	264, §1508
27, 15, 1515	Enforcement Remedies	264, §1513

C. Repealed Provisions. The following provisions of the Code are repealed, the text of which is indicated by strike-through, and are summarized as follows:

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
27, 14, 1405	Appeal to Court	264, §1406

Section 8. Procedural Changes. The following minor procedural changes have been made to existing Borough ordinances:

- A. grammatical and spelling errors have been corrected where necessary;
- B. minor changes have been made to correct obsolete terms and usages;
- C. the penalty provisions have been revised where necessary to comply with the Pennsylvania Borough Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 9. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter _____, Part _____, Section _____, Subsection _____ is hereby repealed in its entirety."

Section 10. Responsibility for Code of Ordinances. It shall be the responsibility of the Borough Secretary to maintain an up-to-date certified copy of the code of ordinances. This copy shall be the official copy of the Borough's Code of Ordinances and shall be available for public inspection.

Section 11. Penalties. It shall be unlawful for anyone to change, alter, or tamper with the code of ordinances in any manner which will intentionally misrepresent the laws of the Borough. Whosoever shall violate this section shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days.

Section 12. Severability of Parts of Codification. It is hereby declared to be the intention of Borough Council that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any section, paragraph, sentence, clause or phrase of this code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 4th day of
October, 1993.

BOROUGH OF EMPORIUM

By: s/s David J. McManigle
President of Council

ATTEST:

s/s David J. Greene
Secretary

EXAMINED AND APPROVED this 5th day of
October, 1993.

By: s/s Bruno A. Carnovale
Mayor