

The Code of Ordinance of the Borough of Northern Cambria

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BOROUGH OF NORTHERN CAMBRIA

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PART 1

JOB DESCRIPTIONS

A. Borough Secretary/Treasurer.

§1-101. General Definition.

1. The Borough Secretary/Treasurer is responsible for carrying out clerical, secretarial and administrative work and coordinating the administration of the Borough as defined by statute, ordinance, resolution and/or directive of Borough Council. The Borough Secretary/Treasurer serves as the "Chief Administrative Officer" of the Borough and is responsible for the supervision of administrative employees and for the proper recording, documenting and filing of all official acts of Borough Council as required in the Borough Code and other applicable laws. In addition, the Borough Secretary/Treasurer is responsible for the proper recording, documenting and record keeping of all financial transactions of the Borough.
2. This position involves responsibility for a variety of administrative functions including, but not limited to, preparation for meetings, minutes, ordinances, communications, publication of notices, agenda preparation, committee reports, reconciliation of bank records and operation of a computer. In addition, this position involves responsibility for a variety of financial functions including, but not limited to, bookkeeping and fund accounting, budgeting, cash management and investment, purchasing, insurance and employee benefits, payroll, grant administration and utility billing and collection. This position involves responsibility for financial oversight in all operating departments of the Borough, including general government, public works, police, code enforcement/building inspection, recreation and community development.
3. The Borough Secretary/Treasurer has overall responsibility for coordinating all functions assigned by Borough Council to ensure they are in conformance with Borough policies, directives, rules, regulations, resolutions, ordinances and the Borough Code. The Borough/Secretary administers all financial functions of the Borough and is accountable to Borough Council. The Secretary/Treasurer provides monthly financial statements to Borough Council that report on the status of the annual budget and account balances, including payroll and accounts payable for consideration and approval for payment by Borough Council.
4. Assignments are carried out with minimal supervision and require the exercise of discretion and judgment in implementing the directives of Borough Council. Work activities are performed under the general direction and supervision of the Borough Council with the President of Council serving as the chief point of contact with the Borough Secretary/Treasurer for purposes of accountability and communications.
5. All internal control policies promulgated by Council shall be part and parcel of each employee's job description as if the internal control operating procedures were incorporated in the job description.

(Ord. 2000-1, 1/3/2000, §1)

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§1-102. Examples of Work.

1. Organizes and administers programs, projects and services of the Borough, implements administrative policies, procedures, rules and regulations and serves as secretary to Borough Council.
2. Works under the direction and supervision of the President of Council to implement policies and directives of Council dealing with the management and administration of the Borough.
3. Prepares agendas for the Council and for Council committees, boards and commissions when necessary, notifies Borough Council members of meetings and relevant issues, prepares minutes and various reports and performs other administrative, secretarial and clerical duties as required or requested.
4. Attends all Council meetings to provide officials with correspondence, reporting on the budget and treasury and information on general departmental and operational activities, advises Borough Council on the efficiency and effectiveness of existing and proposed policies, plans, programs, projects, resolutions and ordinances and makes recommendations for improvement to Borough Council.
5. Develops and maintains a filing system to organize and preserve minutes, ordinances, resolutions, administrative policies and procedures, contracts, audits, budgets and other records as established by statute or local ordinance or resolution.
6. Prepares and administers the annual budget, including production of monthly budget reports, financial performance information on general governmental activities and account balances.
7. Maintains proper accounts of all Borough revenue and expenditure transactions on a timely basis, including depositing of Borough funds, payroll, accounts payable and receivables, investments, tax and service fee billing and collection, annually submits Borough accounts and related records to the auditors for the annual audit report.
8. Serves as purchasing officer who is responsible for preparation of bid specifications, including professional services and the handling of all bidding procedures upon authorization of Borough Council consistent with the Borough Code and other related laws.
9. Responsible for administering Borough contracts, insurance policies and employee benefits and pension plans.
10. Serves as personnel officer of the Borough, follows Borough Council hiring procedures and policies with final appointment being made by Borough Council, responsible for maintaining a confidential employee personnel file on each paid employee.

11. Authorizes payment of expenditures from Borough funds upon Council approval with required signatures already on Borough checks from the President of Council or Finance Chairperson in the absence of the Council President.
12. Administers all Federal, State and local grants received by the Borough and assures that complete and accurate records are kept and that status reports are filed on a timely basis.
13. Develops and maintains an effective procedure for responding to citizen complaints and requests for information from Council, other Borough officials and the general public.
14. Attends Borough Council committee meetings to serve as secretary to the committee and provide information on matters before such committee to make policy recommendations to Council.
15. Exercises budgetary and purchasing control and oversight responsibilities with all operating departments.
16. Performs other related work as required or requested.

(Ord. 2000-1, 1/3/2000, §1)

§1-103. Required Knowledge, Skills and Abilities.

1. Knowledge and experience working with the Borough Code and general municipal law.
2. Knowledge of proper use of English, spelling, punctuation and arithmetic.
3. Knowledge of office practices and procedures, including use of a computer.
4. Ability to take dictation, use recording equipment/devices, transcribe and type efficiently.
5. Ability to learn and administer a variety of laws, ordinances, resolutions, rules, regulations and operational procedures.
6. Knowledge and experience with fundamental bookkeeping and accounting procedures.
7. Knowledge and experience using a computerized financial management system, including accounting, budgeting, purchasing and utility billing software applications.
8. Knowledge and experience in budget preparation and administration, including the production of a Treasurer's and monthly budgetary report for Borough Council.

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9. Ability to maintain complex records, make arithmetic computations accurately and efficiently and to prepare accurate and complete reports and documents, including records of accounts and financial statements.
10. Ability to recognize, analyze and evaluate both administrative and financial problems and to make recommendations to Borough Council by providing direction and options to address the problem in a timely and logical manner.
11. Ability to communicate effectively both verbally and in writing.
12. Ability to establish and maintain an effective working relationship with Borough officials, associates and the general public with courtesy and tact.
13. Ability to exercise sound judgment in the administration of duties and responsibilities.
14. Ability to work independently of others and to meet established deadlines to submit required reports and forms and requested information.

(Ord. 2000-1, 1/3/2000, §1)

§1-104. Relevant Training and Experience.

1. Five to 10 years of relevant experience in municipal government in a clerical, secretarial and/or administrative capacity performing routine tasks including, but not limited to, bookkeeping and accounting, budgeting, purchasing, payroll and accounts payables is required.
2. Training and experience in transcription and typing.
3. Training and experience in the use of various office computer software applications.
4. An associate degree in public, nonprofit and/or business administration is optional.

(Ord. 2000-1, 1/3/2000, §1)

B. Assistant Borough Secretary/Treasurer

§1-111. General Definition.

1. The assistant Borough Secretary/Treasurer is responsible for carrying out clerical, secretarial and administrative work of the Borough as defined by statute, ordinance, resolution and/or directive of Borough Council as delegated by the Borough Secretary/Treasurer. The assistant Borough Secretary/Treasurer serves as the "assistant Chief Administrative Officer" of the Borough and is supervised by the Borough Secretary/Treasurer.
2. The assistant Borough Secretary/Treasurer is responsible for the proper recording, documenting and filing of all official acts of Borough Council as required in the Borough Code and other applicable laws as assigned by the Borough Secretary/Treasurer. In addition, the assistant Borough Secretary/Treasurer is responsible for the proper recording, documenting and record keeping of all financial transactions of the Borough as assigned by the Borough Secretary/Treasurer.
3. This position involves responsibility for a variety of administrative functions including, but not limited to, the Borough Secretary/Treasurer delegating any of the following responsibilities, preparation for meetings, minutes, ordinances, communications, publication of notices, agenda preparation, committee reports, reconciliation of bank records and operation of a computer.
4. In addition, this position involves responsibility for a variety of financial functions including, but not limited to, the Borough Secretary/Treasurer delegating any of the following responsibilities, bookkeeping and fund accounting, budgeting, cash management and investment, purchasing, insurance and employee benefits, payroll and grant administration. This position involves responsibility for financial oversight in all operating departments of the Borough, including general government, public works, police, code enforcement/building inspection, recreation and community development as assigned by the Borough Secretary/Treasurer.
5. The assistant Borough Secretary/Treasurer has responsibility for coordinating all functions assigned by the Borough Secretary/Treasurer to ensure they are in conformance with Borough policies, directives, rules, regulations, resolutions, ordinances and the Borough Code. The assistant Borough Secretary/Treasurer works with the Borough Secretary/Treasurer to administer all financial and administrative functions of the Borough, including the production of monthly financial statements that report on the status of the annual budget and account balances as well as payroll and accounts payable for consideration and approval for payment by Borough Council.
6. Assignments are carried out under the general supervision and direction of the Borough Secretary/Treasurer and require the exercise of discretion and judgment in carrying out assignments and in implementing the directives of the Borough Secretary/Treasurer and Borough Council. The assistant Borough Secretary/Treasurer

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is accountable to the Borough Secretary/Treasurer who serves as the immediate supervisor of all work activities. The assistant Borough Secretary/Treasurer will carry out the duties of Borough Secretary/Treasurer during the Secretary's temporary absence or disability.

7. All internal control policies promulgated by Council shall be part and parcel of each employee's job description as if the internal control operating procedures were incorporated in the job description.

(*Ord. 2000-1, 1/3/2000, §1*)

§1-112. Examples of Work.

1. Assists Borough Secretary/Treasurer to organize and administer programs, projects and services of the Borough as directed by the Borough Secretary/Treasurer, assists in the implementation of administrative policies, procedures, rules and regulations as directed by the Borough Secretary/Treasurer and serves as administrative assistant to the Borough Secretary/Treasurer.
2. Works under the direction and supervision of the Borough Secretary/Treasurer to implement policies and directives of Council dealing with the management and administration of the Borough.
3. Assists in the preparation of agendas for Borough Council and committees, boards and commissions when necessary, notifies Borough Council members of meetings and relevant issues, prepares minutes and various reports and performs other administrative, secretarial and clerical duties as required or requested by the Borough Secretary/Treasurer.
4. Attends all Council meetings as directed, advises Borough Secretary/Treasurer on the efficiency and effectiveness of existing and proposed policies, plans, programs, projects, resolutions and ordinances and makes recommendations for improvement to the Borough Secretary/Treasurer.
5. Develops and maintains a filing system to organize and preserve minutes, ordinances, resolutions, administrative policies and procedures, contracts, audits, budgets and other records as established by statute or local ordinance or resolution as directed by the Borough Secretary/Treasurer.
6. Assists the Borough Secretary/Treasurer in the preparation and administration of the annual budget, including production of monthly budget reports, financial performance information on general government activities and account balances.
7. Serves as appointed current Act 511 tax collector for the collection of earned income, occupation privilege, amusement and per capita taxes for the Borough and makes deposits on a timely basis as directed by the Borough Secretary/Treasurer.

8. Serves as administrative assistant to the Planning Commission and Zoning Hearing Board, including handling of correspondence, preparation and publication of meeting notices and supervision of all other legally required procedures of the Commission and the Board.
9. Oversees the proper maintenance of all Borough-owned property.
10. Responsible for maintaining a complete and up-to-date inventory of Borough-owned property.
11. Assists in the administration of all Federal, State and local grants received by the Borough and assures that complete and accurate records are maintained and that required status reports are filed on a timely basis as directed by the Borough Secretary/Treasurer.
12. Develops and maintains an effective procedure for responding to complaints and requests for information from Council, other Borough officials and the public.
13. Attends Council or committee meetings when requested to provide officials with financial reports on the budget, account balances and general departmental activities.
14. Oversees office janitorial employees and coordinates summer recreation programs.
15. Performs the duties of the Borough Clerk during the Clerk's temporary absence or disability.
16. Performs other related work as required or requested.

(Ord. 2000-1, 1/3/2000, §1)

§1-113. Required Knowledge, Skills and Abilities.

1. Knowledge and experience working with the Borough Code and general municipal law.
2. Knowledge of proper use of English, spelling, punctuation and arithmetic.
3. Knowledge of office practices and procedures, including use of a computer.
4. Ability to take dictation, use recording equipment/devices, transcribe and type efficiently.
5. Ability to learn and administer a variety of laws, ordinances, resolutions, rules, regulations and operational procedures.

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6. Knowledge and experience with fundamental bookkeeping and accounting procedures.
7. Knowledge and experience using a computerized financial management system, including accounting, budgeting, purchasing and utility billing software applications. Knowledge and experience in budget preparation and administration, including the production of a treasurer's and monthly budgetary report for Borough Council.
8. Ability to maintain complex records, make arithmetic computations accurately and efficiently and to prepare accurate and complete reports and documents, including records of accounts and financial statements.
9. Ability to recognize, analyze and evaluate both administrative and financial problems and to make recommendations to the Borough Secretary/Treasurer to address the problem in a timely and logical manner.
10. Ability to communicate effectively both verbally and in writing.
11. Ability to establish and maintain an effective working relationship with Borough officials, associates and the general public with courtesy and tact.
12. Ability to exercise sound judgment in the administration of duties and responsibilities.
13. Ability to meet established deadlines to submit required reports and forms and requested information.

(Ord. 2000-1, 1/3/2000, §1)

§1-114. Relevant Training and Experience.

1. Five to 10 years of relevant experience in municipal government in a clerical, secretarial and/or administrative capacity is required.
2. Training and experience in transcription and typing.
3. Training and experience in the use of various office computer software applications.
4. As associate degree in public, nonprofit and/or business administration is optional.

(Ord. 2000-1, 1/3/2000, §1)

C. Borough Clerk

§1-121. General Definition.

1. The Borough Clerk is responsible for carrying out clerical, secretarial and administrative activities associated with the billing and collection of water service fees, refuse collection fees and parking ticket violations as well as parking meter receipts. In addition, the Borough Clerk is responsible for depositing all water, refuse and parking monies into a Borough bank account as well as receipts from code enforcement inspection and building permit fees on a timely basis as directed by the Secretary/Treasurer of the Borough.
2. General policy decisions on the collection of service fees and parking receipts are made by Borough Council. The Borough Clerk is supervised by the Borough Secretary/Treasurer.
3. All internal control policies promulgated by Council shall be part and parcel of each employee's job description as if the internal control operating procedures were incorporated in the job description.

(Ord. 2000-1, 1/3/2000, §1)

§1-122. Examples of Work.

1. Responsible for the billing and collection of water service fees and the maintenance of complete and up-to-date records of all customer accounts on a timely basis.
2. Responsible for the billing and collection of refuse collection fees and the maintenance of complete and up-to-date records of all customer accounts on a timely basis.
3. Responsible for the proper accounting and depositing of all parking meter receipts paid into a Borough bank account on a timely basis.
4. Responsible for the proper accounting and depositing of all water, refuse, parking, code enforcement and building inspection fees paid into a Borough bank account on a timely basis.
5. Works under the direction and supervision of the Borough Secretary/Treasurer to implement policies and directives of Borough Council dealing with water, refuse collection, parking, code enforcement and building inspection services.
6. Develops and maintains an effective procedure for responding to customer complaints dealing with service delivery matters and customer billing and account inquiries relative to use, rate, interest and penalty.

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7. Develops and maintains an effective procedure for responding to requests for information from the Borough and assistant Borough Secretary/Treasurer, Council members, other Borough officials and the public.
8. Provide a report of receipts by type and record of deposits for all fees collected to the Borough Secretary/Treasurer on a monthly basis, including fees collected to date and balance left to collect for the calendar year.
9. Performs other related work as required or requested.

(Ord. 2000-1, 1/3/2000, §1)

§1-123. Required Knowledge, Skills and Abilities.

1. Knowledge and experience working with the Borough Code and general municipal law.
2. Knowledge of proper use of English, spelling, punctuation and arithmetic.
3. Knowledge of office practices and procedures, including use of a computer.
4. Ability to learn and administer a variety of laws, ordinances, resolutions, rules, regulations and operational procedures.
5. Knowledge and experience using a utility billing system both manual and automated.
6. Knowledge and experience maintaining a record keeping system of individual accounts and preparing a monthly report of fees collected for multiple activities.
7. Ability to maintain complex records, make arithmetic computations accurately and efficiently and to prepare accurate and complete reports and documents, including records of accounts and financial reports.
8. Ability to recognize administrative problems and make recommendations to the Borough Secretary/Treasurer to address the problem in a timely and logical manner.
9. Ability to communicate effectively both verbally and in writing.
10. Ability to establish and maintain an effective working relationship with Borough officials, associates and the general public with courtesy and tact.
11. Ability to exercise sound judgment in the performance of duties and responsibilities.
12. Ability to work independently of others and to meet established deadlines to submit required report and forms and requested information.

(Ord. 2000-1, 1/3/2000, §1)

§1-124. Relevant Training and Experience.

1. Five to 10 years experience in municipal government in a clerical, secretarial and/or administrative capacity performing routine tasks is required.
2. Training and experience in typing.
3. Training and experience in the use of various office computer software applications.
4. As associate degree in public, nonprofit and/or business administration is optional.

(Ord. 2000-1, 1/3/2000, §1)

D. Public Works Superintendent

§1-131. Alternate Titles.

Public Works Director, Public Works Supervisor, Public Works Administrator.

(Ord. 2000-1, 1/3/2000, §1)

§1-132. General Definition.

This is a highly responsible supervisory and administrative position in directing the Borough's Public Works Department. This position functions under the direction of Borough Council. It would be advantageous to have this position report to a chief administrative officer, such as a Borough Manager, to maintain an organizational structure where only one chief administrative officer would report to the multi-person Borough Council, with other major personnel reporting to the chief administrative officer.

(Ord. 2000-1, 1/3/2000, §1)

§1-133. Description of Work Duties and Responsibilities.

1. Plans, organizes, schedules, supervises, coordinates and controls the overall construction, operation and maintenance activities of the Public Works Department, including streets, alleys, curbs and bridges, storm drainage facilities, water system facilities, solid waste collection, snow and ice control, traffic signals, signs and markings, roadside facilities, parks and buildings.
2. Attends meetings of, act as liaison to, provide advice, assistance and guidance to and responds to information requests from other governmental units; in particular, Borough Council and the Water Authority.
3. Operates independently within the framework of broad overall regulations and program guidelines to achieve established goals and objectives. Work is reviewed primarily through evaluation of job performance and overall program effectiveness.
4. Prepares or assists in the preparation of a comprehensive annual program and budget, including revenue and expenditure estimates to be adopted by Borough Council as part of the Borough's annual budget. Monitors and controls expenditures in support of the established programs and budget.
5. Advises on the development of and implements established policies and standard operating procedures. Develops and implements additional detailed policies and procedures appropriate to area of responsibility.

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6. Plans and provides daily and weekly work schedules and sequences projects and activities for subordinates. Assigns tasks to appropriate personnel, explains work requirements, methods and procedures and equipment to be used. Follows progress of work through close supervision of subordinates, anticipating causes for delay and taking corrective action. Maintains adequate files, records, plans, etc. Directs and checks subordinates as to schedules, procedures, performance standards, safety, rules and regulations and contractual; and if necessary, accompanies them to the job site to participate in laying out and performing work.
7. Develops and implements a comprehensive safety program, including establishing policies and procedures, use of safety equipment, enforcement of regulations through review and inspections, conducting training sessions and recommending improvements and/or changes as need becomes apparent.
8. Establishes and maintains good public relations, communicating effectively with the public and effectively responding to their concerns. Identifies broad community interests and needs as they relate to public works, recommending required action or programs to meet the needs.
9. Represents the Borough at local and State conferences and meetings and through such activities, maintains an awareness of current and changing legislation, techniques and procedures. Attends training seminars, workshops or courses to keep abreast of new technology in construction, maintenance and operation of public works facilities and infrastructure.
10. From an operational standpoint, assists in the preparation and review of specifications, plans and drawings for equipment, materials and facilities to be procured or constructed. On public works contract work, primarily responsible for coordinating and overseeing performance and construction.
11. Conducts orientation of new public works employees on individual job responsibilities, safety and related methods and procedures. Assists in preparation and processing of personnel actions.
12. Establishes in-service training programs as needed or required to support established public works programs and services.
13. Maintains effective relations with the union and union personnel, following established procedures and policies of the contractual union agreement. Handles employee grievances and disciplinary action in accordance with established policy and the union agreement. Assists in the contract negotiations with the union.
14. Performs any other duties or tasks as required or assigned.

(Ord. 2000-1, 1/3/2000, §1)

§1-134. Required Knowledge, Skills and Abilities.

1. Thorough knowledge of laws and regulations, specifically of State and Federal regulatory agencies, regarding municipal public works.
2. Knowledge of the principles and practices of construction, materials and equipment.
3. Ability to apply knowledge to the resolution of technical and/or operation and maintenance problems.
4. Ability to plan, organize, schedule and control comprehensive operation, maintenance and construction programs.
5. Ability to effectively coordinate the activities of a number of subordinates engaged in varied public works activities and programs.
6. Ability to establish and maintain effective working relationships with subordinates, other Borough officials and employees, consultants, contractors and vendors.
7. Ability to deal effectively with the public and their needs and concerns.
8. Ability to establish effective union relations.
9. Ability to read, write, speak and understand the English language and to express ideas effectively, both orally and written.

(Ord. 2000-1, 1/3/2000, §1)

§1-135. Qualifications.

1. Five years of progressively responsible and diversified experience in construction, operation and maintenance activities similar to municipal public works, of which 3 years shall have been in a supervisory capacity of substantial responsibilities for personnel, material and equipment or an equivalent combination of experience and training.
2. Valid motor vehicle operator's license required.

(Ord. 2000-1, 1/3/2000, §1)

E. Assistant Public Works Superintendent

§1-141. Alternate Titles.

Assistant Public Works Director, Lead Laborer, assistant Public Works Supervisor, assistant Public Works Administrator to match the title of position to which this position reports.

(Ord. 2000-1, 1/3/2000, §1)

§1-142. General Definition.

1. Assists the Public Works Superintendent in planning, organizing, scheduling, supervising, coordinating and controlling the overall activities of the Public Works Department, including streets, alleys, curbs and bridges, storm drainage facilities, water system facilities, solid waste collection, snow and ice control, traffic signals, signs and markings, roadside facilities, parks and buildings as required or assigned, performing as a working assistant and operating as a crew leader.
2. Act for the Public Works Superintendent during periods of the incumbent's absence, in those capacities in which authority has been granted by the Public Works Superintendent and/or Borough Council.
3. Operates under the direction of the Superintendent and within the framework of broad overall regulations and program guidelines to achieve established goals and objectives. Work is review primarily through evaluation of job performance and completion for acceptability.
4. Assists the Superintendent in the preparation of a comprehensive annual program and budget, including revenue and expenditure estimates to be adopted by Borough Council as part of the Borough's annual budget. Assists in monitoring and controlling expenditures in support of the established programs and budget.
5. Implements established policies and standard operating procedures, assisting in development and implementation of additional detailed policies and procedures appropriate to area of responsibility.
6. Assists in assignment of tasks to appropriate personnel, explains work requirements, methods and procedures and equipment to be used. Supervises crews and work progress in support of completing assigned tasks and participates in laying out and performing work as necessary or required. Assists in maintaining adequate files, records, plans, etc.
7. Assists in developing and implementing a comprehensive safety program, including policies and procedures, use of safety equipment and enforcement of regulations. Assists in orientation of new public works employees on individual job responsibilities, safety and related methods and procedures.

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8. Maintains good public relations, communicating effectively with the public and effectively responding to their concerns.
9. Attends training seminars, workshops or courses to keep abreast of new technology in construction, maintenance and operation of public works facilities and infrastructure.
10. From an operational standpoint, assists in the review of specifications, plans and drawings for equipment, materials and facilities to be procured or constructed. On public works contract work, assists in coordinating and overseeing performance and construction.
11. Maintains effective relations with the union and union personnel, following established procedures and policies of the contractual union agreement. Assists in handling employee grievances and disciplinary action in accordance with established policy and the union agreement.
12. Performs any other duties or tasks as required or assigned.

(Ord. 2000-1, 1/3/2000, §1)

§1-144. Required Knowledge, Skills and Abilities.

1. Knowledge of laws and regulations, specifically of State and Federal regulatory agencies, regarding municipal public works.
2. Knowledge of the principles and practices of construction, materials and equipment.
3. Ability to apply knowledge to the resolution of operation and maintenance problems.
4. Ability to perform in a supervisory capacity, supervising, scheduling, coordinating and controlling personnel and work activities of a number of subordinates engaged in varied public works programs and tasks.
5. Ability to establish and maintain effective working relationships with Borough officials and other employees.
6. Ability to deal effectively with the public and their needs and concerns.
7. Ability to establish effective union relations.
8. Ability to follow instructions, ability to read, write, speak and understand the English language.

(Ord. 2000-1, 1/3/2000, §1)

§1-145. Qualifications.

1. Three years of progressively responsible and diversified experience in construction, operation and maintenance activities similar to municipal public works, of which 1 year shall have been in a supervisory capacity as supervisor or crew leader or an equivalent combination of experience and training.
2. Valid motor vehicle operator's license required.

(Ord. 2000-1, 1/3/2000, §1)

F. Public Works Laborer

§1-151. Definition.

This position works as a crew member or crew leader, under daily supervision receiving instructions on activities to be performed to accomplish assigned tasks. This position functions under the direction of the Public Works Superintendent or the assistant Superintendent. Work is reviewed daily and upon completion for acceptability.

(Ord. 2000-1, 1/3/2000, §1)

§1-152. Job Duties and Responsibilities.

1. Operates vehicles and equipment including, but not limited to, dump trucks, snow and ice control equipment, backhoes, front-end loaders, graders, street sweepers, solid waste collection vehicles, rollers, utility trucks, compressors, air hammers, compactors, chain saws, brush chippers, tractors, mowers, etc., as required or assigned according to individual abilities.
2. Services and maintains assigned equipment as required and reports all other needed maintenance or repairs to supervisor.
3. Performs semiskilled work in support of the Public Works Department. Duties are varied and diversified, involving operation of vehicles and equipment, use of hand tools, small power tools and other manual labor as required or assigned.
4. When assigned as crew leader, directs and works with the crew as to procedures, safety and equipment use, in support of the crew effort to complete the assigned task.
5. Adheres to established safety program by using proper safety equipment, following all rules and regulations, attending training sessions and making recommendations for improvements or changes as need becomes apparent.
6. Assists in public relations by effectively relating to the public and their concerns and, when necessary, referring to supervisor.
7. Performs other duties and tasks as required or assigned.

(Ord. 2000-1, 1/3/2000, §1)

§1-153. Required Knowledge, Skills and Abilities.

1. Ability to operate a dump truck.

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2. Ability to operate other vehicles and equipment or demonstrated potential and ability to learn.
3. Ability to use power and hand tools and physically fit to do manual labor activities associated with public works tasks.
4. Ability to service and maintain assigned equipment as required.
5. Ability to follow instructions, ability to read, write, speak and understand the English language.
6. Ability to maintain harmonious and effective working relationships with other employees.

(Ord. 2000-1, 1/3/2000, §1)

§1-154. Qualifications.

1. One year experience in vehicle and equipment operation and maintenance particularly as it relates to municipal public works or an equivalent combination of experience and training.
2. Must possess a valid motor vehicle operator's license. A commercial driver's license (CDL) will be required for operation of any vehicle rated for such license.

(Ord. 2000-1, 1/3/2000, §1)

G. Borough Solicitor

§1-161. Duties of Solicitor; Outside Counsel.

1. The Borough Solicitor, when directed or requested so to do by Council or the Mayor, shall prepare or approve such bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the Borough or any department thereof may be a party, he shall commence and prosecute all actions brought by the Borough for or on account of any of the estates, rights, trusts, privileges, claims or demands as well as defend all actions or suits against the Borough, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances or accounts of the Borough, or any department thereof, may be brought in question before any court in the Commonwealth and shall do every professional act incident to the office which he may be authorized or required to do by the Council or the Mayor. He shall, whenever required, furnish the Council, or committees thereof, the Mayor or the head of department with his opinion, in writing, upon any question of law which may be submitted by any of them in their official capacities.
2. In the case of a legal dispute between the Mayor and Council or in any other case where representation of the Mayor and Council by the Borough Solicitor would create a conflict of interest for the Borough Solicitor, the Mayor is authorized to employ outside counsel at Borough expense, not to exceed \$2,500 in any 12 months period, to perform necessary legal services.

(Ord. 2000-1, 1/3/2000, §1)

PART 2

CREATION OF POLICE DEPARTMENT

§1-201. Establishment of Department.

A Police Department is hereby established in and for the Borough of Northern Cambria and the appointment of policemen by the Borough Council, subject to any applicable civil service provisions in the law, is hereby authorized.

(Ord. 2000-1, 1/3/2000, §1)

§1-202. Composition.

The Police Department shall be composed of a Chief of Police and such subordinate officers and patrolmen as have been or may be appointed by the Borough Council, from time to time. The appointment of subordinate officers shall be subject to applicable civil service provisions in the law.

(Ord. 2000-1, 1/3/2000, §1)

PART 3

ESTABLISHMENT OF COMPENSATION FOR MAYOR

§1-301. Compensation.

The salary of the Mayor of the Borough of Northern Cambria shall be \$600 per annum, payable in equal monthly installments.

(Ord. 2000-1, 1/3/2000, §1)

PART 4
ESTABLISHMENT OF COMPENSATION OF MEMBERS OF THE
BOROUGH COUNCIL

§1-401. Compensation.

The compensation to members of the Borough Council shall be \$50 per month.

(Ord. 2000-1, 1/3/2000, §1)

PART 5

CREATION OF RECREATION BOARD

§1-501. Creation of Board; Membership.

There is hereby created a Recreation Board in and for the Borough of Northern Cambria. The Board shall consist of five persons to be appointed by the Borough Council for such terms as shall permit no more than two terms to expire in any one calendar year.

(Ord. 2000-1, 1/3/2000, §1)

§1-502. Appointments; Terms of Office.

The members of the Board shall be appointed by the Borough Council for terms of 5 years, in such order that at least one member's term shall expire annually. The aforesaid appointments for a specified term notwithstanding, a Board member may stay in office until a successor qualifies or is appointed, or the Borough Council may remove any member of the Board, at the pleasure of the Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

§1-503. Service Without Pay; Vacancies.

The members of the Board shall serve without pay and vacancies in such Board, occurring otherwise than by the expiration of a term, shall be filled by the Borough Council for the unexpired term in the same manner as original appointment.

(Ord. 2000-1, 1/3/2000, §1)

§1-504. Officers and Directors of Recreation.

The Recreation Board shall elect its own chairman and secretary and any other officers deemed necessary, to serve for a period of 1 year.

(Ord. 2000-1, 1/3/2000, §1)

§1-505. Annual Budget.

The Recreation Board, at such times as directed by the Borough Council, shall annually submit for approval to the Borough Council a proposed budget for the ensuing year, setting forth all proposed expenditures, salaries and programs. The Recreation Board shall not

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in any manner obligate the Borough of Northern Cambria for the payment of any municipal funds until the same is appropriated by the Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

§1-506. Restrictions on Authority of Board.

The Recreation Board shall exercise the authority granted herein over any recreation place acquired hereafter or now existing, unless otherwise specified by the Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

PART 6

CREATION OF PLANNING COMMISSION

§1-601. Creation of Commission.

A Borough Planning Commission to be composed of five members, appointed as provided by law (53 P.S. §10202), is hereby created in and for the Borough of Northern Cambria. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Borough planning agencies; provided, the Planning Commissions previously created in and for the former Borough of Barnesboro and the former Borough of Spangler shall constitute the tenure of any of the members thereof; but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Borough planning commissions in effect at the time of the happening of the said vacancy.

(Ord. 2000-1, 1/3/2000, §1)

PART 7

RECOGNITION OF FIREMEN'S RELIEF ASSOCIATION

§1-701. Recognition of Firemen's Relief Association.

1. The following associations are hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough of Northern Cambria.

Hope Volunteer Fire Company

Spangler Volunteer Fire Company

The above named association(s) have been formed for the benefit of their members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named associations of the Borough of Northern Cambria are designated the proper association(s) to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(*Ord. 2000-1, 1/3/2000, §1*)

§1-702. Certification to Auditor General.

The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough of Northern Cambria. Such certification shall be on forms prescribed by the Auditor General.

(*Ord. 2000-1, 1/3/2000, §1*)

§1-703. Annual Appropriation.

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of the Act of December 18, 1984, No. 205, §701 *et seq.* as hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(*Ord. 2000-1, 1/3/2000, §1*)

PART 8

ESTABLISHMENT OF BOARD OF HEALTH

§1-801. Health Administration.

The administration of the health laws and ordinances in the Borough of Northern Cambria shall be enforced by a Board of Health and/or a Health Officer.

(Ord. 2000-1, 1/3/2000, §1)

§1-802. Board of Health.

A Board of Health is hereby established in and for the Borough of Northern Cambria. It shall be composed of five members, one of whom shall be a practicing physician for at least 2 years. The members of the Board shall be appointed by the Borough Council for a term of 5 years, staggered in such a way that the term of one member shall expire at the end of each year. The aforesaid appointments for a specified term notwithstanding, a Board member may stay in office until a successor qualifies or is appointed, or the Borough Council may remove any member of the Board, at the pleasure of the Borough Council. The members of the Board of Health shall serve without compensation. They shall severally take and subscribe to the oath of office prescribed by law and shall annually organize by electing a president who must be, and a secretary who need not be, a member of the Board. Members of the Board of Health need not give bond in order to assume office.

(Ord. 2000-1, 1/3/2000, §1)

§1-803. Powers of the Board of Health.

The Board of Health shall have the power and its duty shall be to supervise the enforcement of the health laws of the Commonwealth as well as regulations of the State Department of Health and all health ordinances in the Borough of Northern Cambria in accordance with law. In addition, the Board of Health shall function as a Board of Appeals for all appeals of the decisions of the Health Officer taken under the health ordinances of the Borough of Northern Cambria. Notwithstanding, however, that Borough Council shall continue to control all funds for Board of Health and the Board of Health shall have no account or accounts with any banking institution in its name. In addition, the budget of and any and all expenditures of the Board of Health shall be only upon the prior approval of the Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

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§1-804. Secretary to Board of Health.

The secretary of the Board of Health shall perform the duties required by law and shall receive such compensation as may be provided, from time to time, by the Board of Health subject to the appropriations of the Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

§1-805. Health Officer.

The Board of Health, with the approval of Borough Council, shall appoint a Health Officer who shall have been certified by the State Department of Health in accordance with the regulations of the Department (28 Pa. Code §11.1). Such Health Officer shall have the powers and perform the duties provided by the applicable law. All official actions shall be performed in the name and under the signature of the Health Officer.

(Ord. 2000-1, 1/3/2000, §1)

PART 9

INSURANCE CERTIFICATES

§1-901. Appointment of Designated Official.

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

(Ord. 19B, 5/10/2004, §I)

§1-902. Municipal Certificate.

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 building/structure located within the Borough of Northern Cambria (hereinafter the "Municipality") where the amount recoverable for the fire loss to the building/structure under all policies exceeds \$7,500, unless the named insured or Insuring Agent is furnished by the Borough Treasurer with a municipal certificate pursuant to §508(B) of Act 98 of 1992, as amended by Act 93 of 1992, as amended by Act 93 of 1994 (40 P.S. §68(c)(d), and the provisions of this Part.

(Ord. 19B, 5/10/2004, §II)

§1-903. Issuance of Certificate.

Where pursuant to §508(B)(1)(I) of Act 98 of 1992, as amended by Act 93 of 1994 (40 P.S. §638(b)(2)(i), the Borough Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the Insuring Agent shall pay the claim of the named insured; provided, however, that if the loss 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 structure, the following procedures must be followed:

- A. The Insuring Agent shall transfer from the insurance proceeds to the designated officer of the Borough in the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim. This Section to be applied to such that if the claim is \$15,000 or less, the amount transferred to the Borough shall be \$2,000; or

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- B. If at the time of a proof of loss agreed to between the names insured and the Insuring Agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the Insuring Agent shall transfer to the Borough from the insurance proceeds the amount specified in the estimate.
- C. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure.
- D. After the transfer, the named insured may submit a contractor's signed estimate of the 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 Borough in excess of the estimate to the named insured if the Borough has not commenced to remove, repair or secure the building or other structure.
- E. Upon receipt of proceeds under this Part, the Borough shall do the following:
 - (1) The designated officer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the Borough. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing of the building or any proceedings related thereto; and
 - (2) It is the obligation of the Insuring Agent when transferring the proceeds to provide the Borough with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured that the proceeds under this subsection shall be followed; and
 - (3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Borough and the required proof of such completion received by the designated officer and if the Borough has not incurred any costs for repairs, removal or securing, the funds shall be returned to the named insured. If the Borough has incurred costs for the repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Borough shall transfer the remaining funds to the named insured; and

- (4) To the extent that interest is earned on proceeds held by the Borough pursuant to this Section and not returned to the named insured, such interest shall belong to the Borough. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time the proceeds are returned.

- F. Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Borough and the named insured from entering into an agreement that permits the transfer of funds to the named insured where some other reasonable disposition of the damaged property has been negotiated.

(Ord. 19B, 5/10/2004, §III)

§1-904. Fees.

Council may, by resolution, adopt procedures and regulations to implement Act 98 of 1992, as amended by Act 93 of 1994, and this Part, and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992, as amended by Act 93 of 1994, and this Part, including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

(Ord. 19B, 5/10/2004, §IV)

§1-905. Penalty.

Any owner of property, any named insured or any Insuring Agent or company/entity who violates this Part shall be subject to a penalty of up to \$1,000 per violation.

(Ord. 19, 5/10/2004, §V)

PART 10

ESTABLISHMENT OF CIVIL SERVICE COMMISSION

§1-1001. Civil Service Commission.

A Civil Service Commission is hereby established in and for the Borough of Northern Cambria.

(Ord. 2000-1, 1/3/2000, §1)

§1-1002. Rules and Regulations.

The rules and regulations of the Civil Service Commission shall be as follows:

- A. The Commission shall consist of three Commissioners who shall be qualified electors of the Borough and shall be appointed by the Borough Council initially to serve for the terms of 2, 4 and 6 years and as terms therefore after expire shall be appointed for terms of 6 years.
- B. Any vacancy occurring in any Commission for any reason whatsoever shall be filled by the Borough Council for the unexpired term within the period of 30 days after such vacancy occurs.
- C. Each member of the Commission before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform their official duties with fidelity, together with such loyalty oaths as is prescribed and required by law.
- D. The Civil Service Commissioners shall receive no compensation.
- E. The Civil Service Commission will conduct its business in accordance with Borough Code of the Commonwealth of Pennsylvania.
- F. The Commission shall have power to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this Part and shall be governed thereby. Before any such rules and regulations are in force the same shall be first approved by the Council of the Borough. When such rules and regulations have been so approved, they shall not be annulled, amended or added to without the approval of said Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

PART 11

CREATION OF SHADE TREE COMMISSION

§1-1101. Creation of Commission; Membership; Powers, Duties and Obligations.

The Borough Council of Northern Cambria Borough hereby creates a Shade Tree Commission, to be composed of three residents of the Borough, who shall be appointed by the Borough Council and shall serve without compensation for their terms of office and with all the rights, powers, duties and obligations provided for by law.

(Ord. 2000-1, 1/3/2000, §1)

§1-1102. Appointments; Term of Office.

The members of the Commission shall be appointed by the Borough Council for terms of 5 years; provided, for the first members of said Commission, one member shall be appointed for a term of 3 years, one for a term of 4 years and one for a term of 5 years. On the expiration of the term of any commissioner, a successor shall be appointed by the Borough Council to serve for a term of 5 years. Vacancies in the office of commissioner shall be filled by the Borough Council for the unexpired term; and, provided further, that the Shade Tree Commission previously created in and for the said Borough shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission hereafter occurring, shall be filled in the manner and for the term provided in the law governing Borough Shade Tree Commission in effect at the time of the happening of said vacancy.

(Ord. 2000-1, 1/3/2000, §1)

§1-1103. Express Authority of Shade Tree Commission.

The collection of assessments, the filing of liens, the levying of taxes and the collection of penalties, whether by the Commission or on behalf of the Borough, are expressly authorized as provided for in the law.

(Ord. 2000-1, 1/3/2000, §1)

§1-1104. Rules and Regulations Authorized; Penalty for Violation.

The Commission is hereby authorized to prescribe such rules and regulations and to impose such penalties for the violation of same, as it may deem necessary and proper; provided, that the rules and regulations are approved by the Borough Council and are not in conflict with other ordinances of the Borough.

(Ord. 2000-1, 1/3/2000, §1)

ADMINISTRATION AND GOVERNMENT

§1-1105. Annual Report.

The Shade Tree Commission shall report annually to the Borough Council on all transactions and expenses for the preceding fiscal year.

(Ord. 2000-1, 1/3/2000, §1)

PART 12

POLICE PENSION PLAN

§1-1201. Establishment of Police Pension Plan.

There is hereby established in accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, approved the 29th day of May, 1956, P.L. 1804, known as Act No. 600, its amendments and supplements, a Police Pension Plan (the "Plan") for the benefit of all full-time members of the police force of the Borough of Northern Cambria (the "Borough"). The Plan shall be known as the "Borough of Northern Cambria Police Pension Plan."

(Ord. 2001-7, 12/10/2001, §1)

§1-1202 Revenue Sources.

The Plan shall be funded in the following order:

- A. By payments made to the Borough by the State Treasurer representing a distribution of General Municipal Pension System State Aid.
- B. By a monthly payroll deduction charge against each full-time member of the police force in accordance with §1-1212.
- C. When necessary, by annual appropriations made by the Borough.
- D. By gifts, grants, devises or bequests granted and received by the Borough for the benefit of the Plan.

(Ord. 2001-7, 12/10/2001, §2)

§1-1203. Administration.

The Borough Council of the Borough shall administer the Plan established by this Subpart by such regulations as shall, from time to time, be necessary for the effective maintenance of the Plan. Provided, that no regulation shall be contrary to the statutes of the Commonwealth pursuant to which this Plan is established. The Borough Council is hereby authorized and empowered to execute and deliver on behalf of the Borough agreements, investment contracts and such other documents as shall be necessary and proper to effectuate and implement the Plan hereby established.

(Ord. 2001-7, 12/10/2001, §3)

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§1-1204. Expenses of Administration.

All reasonable expenses incident to the functioning of the Plan including, but not limited to, fees of accountants, counsel, actuaries and other specialists and other costs of administering the Plan, may be paid from assets of the Plan.

(Ord. 2001-7, 12/10/2001, §4)

§1-1205. Normal Retirement Eligibility.

All full-time police officers shall participate in the Plan from the date of full-time employment and shall be eligible to retire upon completion of 25 years of full-time service in the police force and ;upon attaining the age of 55 years, whichever shall be later. Such members as are retired shall be subject to service, from time to time, as a police officer, in cases of riot, tumult or preservation of the public peace until unfitted for such service, when they may be finally discharged by reason of age or disability.

(Ord. 2001-7, 12/10/2001, §5)

§1-1206. Military service Credit.

Any member of the police force who has been a regularly appointed police officer of the police force for a period of at least 6 months and who, thereafter, shall enter into the military service of the United States, shall have credited to his or her employment record for pension or retirement benefits, all of the time spent in such military service, if such member returns or has heretofore returned to his employment within 6 months after separation from military service.

(Ord. 2001-7, 12/10/2001, §6)

§1-1207. Normal Retirement Benefits.

Upon attaining eligibility for retirement benefits pursuant to §1-1205, a police officer shall receive a monthly pension, payable for life, equal to one half of his or her average monthly salary for the last 36 months of employment prior to his or her retirement. Such monthly retirement benefits shall be computed as the sum of:

- A. Any pension benefits from pension plans heretofore established by a private organization or association for the members of the police force, but only to the extent that the Commonwealth of Pennsylvania or any of its municipalities shall have contributed to such pension plan monies raised by taxation.
- B. Benefits from the Plan established pursuant to this Subpart to the extent necessary to bring the total benefits in any month up to one half of the aforesaid monthly average salary.

The term "salary," as used in this Section and in this Subpart, shall mean all compensation for which payroll deductions have been required and withheld for payment into the Plan. It is the intent of the Borough that the pension benefits to be paid under this Subpart shall be consistent with the statutory and decisional law of the Commonwealth at the time a police officer is first entitled to receive such benefits. Furthermore, average monthly salary shall exclude any single sum or extraordinary payments made which are not directly attributable to active employment during the 36 month averaging period including, but not limited to, payment for accumulated sick or vacation leave, payment of a longevity bonus, or payment of a back pay damage award. Pension Plan payroll deductions inadvertently withheld from these earnings shall be refunded.

(*Ord. 2001-7, 12/10/2001, §7*)

§1-1208. Vested Benefits.

1. Under the provisions of such benefit, should a full-time police officer, before completing normal retirement age and service requirements (§1-1235) but after having completed 12 years of total full-time service, for any reason cease to be employed as a full-time police officer of the Borough, he or she shall be entitled to vest his or her retirement benefits by filing with the Borough within 90 days of the date he or she ceases to be a full-time police officer, a written notice of his or her intention to vest. Upon reaching the date which would have been his or her superannuation retirement date (§1-1235) if he or she had continued to be employed as a full-time police officer, he or she shall be paid a partial superannuation retirement allowance determined by applying the percentage his or her years of service bears to the years of service which he or she would have rendered had he or she continued to work until his or her superannuation retirement date to the gross pension determined in accordance with §1-1237, using however, the monthly average salary during the appropriate period prior to his or her termination of employment. Such pension or retirement benefits for any month shall be the sum of subsections (A) and (B) of §1-1237 of this Subpart to the extent necessary to bring the total benefits in any month up to his or her partial superannuation retirement allowance as outlined herein.
2. If a member elects to vest his benefit but dies prior to the commencement thereof, the member's survivor will be paid a survivor benefit equal to 50% of the vested pension benefit that would have been paid to the deceased member. If no survivor exists, the beneficiary of such deceased member shall be entitled to a refund of the member's accumulated contributions in accordance with §1-1209.

(*Ord. 2001-7, 12/10/2001, §8; as amended by Ord. 2003-13, 3/17/2003*)

§1-1209. Refunds/Death Benefit.

Any full-time police officer who, for any reason whatsoever, shall be ineligible to receive a pension after having contributed to the Plan established pursuant to the provisions of this Subpart, shall, immediately upon discontinuance of his or her employment, be entitled to a refund of all such monies paid by him or her into the Plan plus interest compounded annually at the rate of 3%. If such discontinuance is due to death, such money shall be paid to his or her designated beneficiary or, in the absence thereof, to his or her estate. If any such former police officer after having received a refund of contributions and interest as aforesaid is re-employed as a full-time police officer, he or she shall be reinstated as a participating member of the Plan and receive credit for past service upon re-contributing to the Plan the amount of the refund of contributions and interest received by him or her when employment terminated plus additional interest compounded annually at 3% from the date of the refund until the date of repayment.

(Ord. 2001-7, 12/10/2001, §9)

§1-1210. Survivors Benefit.

1. The Plan hereby prescribes that if a member who is eligible to receive or is receiving retirement benefits, dies, a survivor benefit shall be paid to the surviving spouse or if no spouse survives, or if he or she survives and subsequently dies, then the child or children under the age of 18 years or if attending college, under or attaining the age of 23 years in the case of a child or children, in the amount of 50% of the pension the member was receiving or would have been receiving had he been retired at the time of his death. Payments to the surviving children should be paid in equal shares. Payments to survivors shall commence the first day of the month following the deceased member's date of death. Notwithstanding anything to the contrary, if anyone receives benefits under this Section, no other benefits shall be payable from the Plan.
2. The phrase "attending college" shall mean the eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of seven credit hours per semester.
3. The pension for the family of a member who is killed in service shall be 100% of the member's salary at the time of death. The term "salary" as used herein shall mean the compensation earned by the member in the 12 months immediately preceding the date of death, or such lesser period if applicable.

(Ord. 2001-7, 12/10/2001, §10; as amended by Ord. 2003-13, 3/17/2003)

§1-1211. Disability Benefit.

1. The Plan shall provide for the payment of a disability pension benefit to a police officer who has incurred a total or permanent disability while in the performance of his or her duties as a police officer and which disability has been declared “service connected.” The disability payment shall be payable monthly commencing on the first day of the month coinciding with or next following the date the police officer has been declared permanently and totally disabled. The disability benefit shall cease at the earliest of the following dates:
 - A. The date of the police officer’s death.
 - B. The date the permanent disability ceases.
2. The Borough shall determine the existence, cause, continuance and cessation of a permanent disability, from time to time, on a basis precluding individual selection and without discrimination among persons in like circumstances. If the Borough and police officer’s physicians shall disagree that the police officer has a permanent disability, a third physician agreed by both the Borough and the police officer, shall render an opinion which shall be binding on both the Borough and the police officer. Disability shall mean a permanent condition of physical or mental impairment due to which a police officer is unable to perform the usual and customary duties of a police officer and which in the opinion of a physician acceptable to the Borough is reasonably expected to continue to be permanent for the remainder of the police officer’s lifetime.
3. Such police officer shall be entitled to receive in lieu of, and not in addition to the normal monthly retirement benefits, a monthly disability pension equal to 50% of the average monthly salary of such police officer during the 36 months of employment next preceding the date of occurrence of such disability, or such shorter period as necessary. Any member who receives benefits for the same injuries under the Social Security Act (49 Stat. 620, 42 U.S.C. 301 *et seq.*) shall have his Plan disability benefits offset or reduced by the amount of such Social Security benefit.

(*Ord. 2001-7*, 12/10/2001, §11; as amended by *Ord. 2003-13*, 3/17/2003)

§1-1212. Member Contribution.

1. A police officer must pay into the Plan an amount equal to not less than 5% nor more than 8% of his or her salary. Where the police officer is included in an agreement under the Social Security Act of 1935, the contribution rate shall be 5%. If the Plan provides for a Social Security offset (a set percentage of the primary insurance amount of Social Security is subtracted from the retirement allowance), the police officers’ contribution rate is reduced, on the portion of the salary on which Social Security contributions are payable, by subtracting 3% of the offset percentage from the required 5% contribution rate.

ADMINISTRATION AND GOVERNMENT

2. The Borough of Northern Cambria may, on an annual basis, by ordinance or resolution, reduce or eliminate payments into the Plan by members. The reduction or elimination of member contributions shall not permit the return of contributions or any interest or fund earnings to be made to members while actively employed as a police officer.

(*Ord. 2001-7*, 12/10/2001, §12; as amended by *Ord. 2003-13*, 3/17/2003)

§1-1213. Inalienability of Pension Payments Nontransferable.

To the extent permitted by law, the assets of the Plan and the pension payments herein provided for, shall not be subject to attachment, execution, levy, garnishment or other legal process and shall be payable only to the police officer's designated beneficiary and shall not be subject to assignment or transfer.

(*Ord. 2001-7*, 12/10/2001, §13)

§1-1214. Prior Plans.

Any nonactive or former full-time police officer previously employed by the former Boroughs of Barnesboro and Spangler whose retirement and pension rights are vested by virtue of any previous action or ordinance of the former Boroughs of Barnesboro and Spangler establishing a police pension plan shall be governed by the terms and conditions of said prior pension plan.

(*Ord. 2001-7*, 12/10/2001, §14)

§1-1215. Amendments.

The Borough reserves the right to amend at any time, in whole or in part, any or all of the provisions of this Subpart. However, no such amendment shall authorize or permit any assets of the Plan to be used or diverted to purposes other than for the exclusive benefit of the members, their beneficiaries or their estates.

(*Ord. 2001-7*, 12/10/2001, §15)

PART 13

NON-UNIFORMED EMPLOYEES PENSION PLAN

§1-1301. Non-Uniformed Employees Pension Plan.

The Non-Uniformed Employees Pension Plan is on file and may be seen at the Borough Office.

(*Ord. 5*, 4/9/2001; as amended by *Ord. 14*, 6/9/2003)

PART 14**ATTORNEY FEES; COLLECTION OF BOROUGH CLAIMS****§1-1401. Borough Claims.**

All Borough claims which may herein after be lawfully imposed, assessed or liened on any property in this Commonwealth and all such claims heretofore lawfully imposed or assessed within 6 months before the passage of Act 1 of 1996, said Act amending Act of May 16, 1923 (P.L. 207, No. 153), and not yet liened, in the manner and to the extent hereinafter set forth, shall be and are hereby declared to be a lien on said property, together with all charges, expenses and fees incurred in the collection of any delinquent account, including reasonable attorney fees added thereto for failure to pay promptly, and said liens shall arise when lawfully paid and satisfied out of the proceeds of any judicial sale of said property, before any other obligation, judgment, claim, lien or estate with which the said property may become charged, or for which it may become liable, save and except only the costs of the sale and of the writ upon which it is made and the taxes imposed or assessed upon said property.

(Ord. 2000-1, 1/3/2000, §1)

§1-1402. Reasonable Attorney Fees.

Council of the Borough of Northern Cambria, from time to time, shall establish a reasonable attorney fees schedule which shall be in an amount sufficient to compensate attorneys who undertake collection and representation of the Borough of Northern Cambria in actions involving claims arising under or pursuant to the aforesaid Municipal Claim and Tax Lien Law, the Act of May 16, 1923, as amended. It is hereby established that reasonable attorney fees for collection of said Borough claims shall be set at \$___ per hour plus reimbursement of all costs incurred by said attorney for collection of the Borough claim. Cost reimbursement shall include, but not be limited to, monies advanced by the attorney for postage, filing fees, copying or reproduction of document fees, title searches or title determinations, telephone charges and facsimile charges. Facsimile costs are hereby set at \$___ for the first facsimile page which shall include the cover page and \$___ for each additional page. The hourly rate of \$125 per hour plus the amount of cost reimbursed to the attorney which are not recoverable as court costs shall constitute the amount of attorney fees to be assessed.

(Ord. 2000-1, 1/3/2000, §1)

§1-1403. Time Records.

The Solicitor or any other attorney at law retained by the Borough of Northern Cambria or is appointed delinquent tax collector to collect tax claims or Borough claims shall be required to keep time records together with itemized costs incurred.

(Ord. 2000-1, 1/3/2000, §1)

ADMINISTRATION AND GOVERNMENT

§1-1404. Notice.

At least 30 days prior to the assessing or imposing attorney fees in connection with the collection of a delinquent Borough claim or tax, the Borough of Northern Cambria, by United States certified mail, postage prepaid, shall give notice to the owner of the property as follows:

- A. The aforesaid notice shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the Borough of Northern Cambria and the County office responsible for assessment and revision of taxes.
- B. If within 30 days of mailing the aforesaid notice hereinafter required, if the certified mail is refused or unclaimed, or the return receipt mail is refused or unclaimed, or the return receipt is not received, then at least 10 days prior to the assessing or imposing the attorney fees in connection with the collection of the delinquent account, the Borough of Northern Cambria shall, by United States first class mail, mail to the owner the notice hereinafter set forth.

(Ord. 2000-1, 1/3/2000, §1)

§1-1405. Information Required in the Notice.

The aforesaid notice is required to be mailed to the owner prior to the imposing or assessing attorney fees in connection with the collection of delinquent accounts and said notice shall include the following information:

- A. A statement of the Borough's intent to impose or assess attorney fees within 30 days of mailing the notice pursuant to §1-1404 of this Part or within 10 days of mailing of the notice pursuant to §1-1404(B) of this Part if the original notice is refused, unclaimed or returned.
- B. The manner in which the imposition or assessment of attorney fees may be avoided by the property owner by payment of the delinquent account.

(Ord. 2000-1, 1/3/2000, §1)

§1-1406. Judgment.

Subsequent to the Writ of Scire Facias and if no affidavit of defense is filed within the time designated, judgment may be entered and damages assessed by the Prothonotary by default, for want thereof and such assessment shall include a fee for the collection to the Borough of Northern Cambria's attorney or to the plaintiff's attorney in accordance with the aforesaid Act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim

and Tax Lien Law, amended December 19, 1990 (P.L. 1990, No. 199), and as amended by Act No. 1 of 1996, which provides that when a judgment is entered for a tax claim or a municipal claim in the Prothonotary's office, that the judgment entered and the damages assessed by the Prothonotary will include a fee for collection to plaintiff's attorney.

(*Ord. 2000-1*, 1/3/2000, §1)

§1-1407. Evidence.

Pursuant to the aforesaid Municipal Claim and Tax Lien Law, tax claims and municipal claims are *prima facie* evidence of the facts averred therein in all cases. The averments in both tax and municipal claims shall be conclusive evidence of the facts averred therein, except in the particulars in which those averments shall be specifically denied by the filing of an affidavit of defense, or an amendment thereof duly allowed. A compulsory nonsuit, upon trial, shall be equivalent to a verdict for the defendant, whether the plaintiff appears or not. If plaintiff recovers a verdict, upon trial, in excess of the amount admitted by the defendant in his affidavit of defense or pleading, plaintiff shall be entitled to attorney fees for collection in accordance with this Part.

(*Ord. 2000-1*, 1/3/2000, §1)

PART 15

TAX COLLECTOR CERTIFICATIONS

§1-1501. Duties of Tax Collector.

1. The duly elected Tax Collector for the Borough of Northern Cambria shall be and is hereby authorized and appointed as a Borough officer to issue tax certifications and duplicate bills upon request by the general public, property owners and other interested parties with regard to the status of said Borough taxes as may be necessary from time to time.
2. The duly elected Tax Collector for the Borough of Northern Cambria, in the process of preparing and issuing tax certifications and duplicate bills, shall be entitled to assess and collect a fee in an amount as established, from time to time, by resolution of the Borough Council.
4. The duly elected Tax Collector for the Borough of Northern Cambria shall and is hereby authorized to assess, collect and retain such fees as are herein established or hereinafter revised, amended or altered, from time to time, by resolution of the Borough Council as compensation for providing such additional service.

(Ord. 2000-1, 1/3/2000, §1)

CHAPTER 2

ANIMALS

PART 1

PROHIBITING DOGS RUNNING AT LARGE

- §2-101. Definitions
- §2-102. Appointment and Duties of Dog Warden
- §2-103. Unlawful to Allow Dogs to Run at Large
- §2-104. Seizing of Dogs
- §2-105. Licensed Dogs
- §2-106. Unlicensed Dogs
- §2-107. Dangerous Dogs
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PART 2

ANIMAL NOISE CONTROL

- §2-201. Intent and Purpose
- §2-202. Noise Disturbance
- §2-203. Exceptions
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PART 3

CONTROL OF ANIMAL DEFECATION

- §2-301. Animal Defecation on Public and Private Property Restricted
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PART 4

REGULATING KEEPING OF CERTAIN ANIMALS

- §2-401. Definitions
- §2-402. Certain Animals and Fowl Prohibited
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- §2-404. Household Pets
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PART 1

PROHIBITING DOGS RUNNING AT LARGE

§2-101. Definitions

As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER - when applied to the proprietorship of a dog, includes every person having a right of property in such dog and every person who keeps or harbors such dog or has it in his care and every person who permits such dog to remain on or about any premises occupied by him.

RUNNING AT LARGE - being upon any public highway, street, alley, park or any other public land or upon property of another person other than the owner and not being accompanied by or under the control of the owner or any other person having custody of said dog.

(Ord. 2000-1, 1/3/2000, §1)

§2-102. Appointment and Duties of Dog Warden.

A Dog Warden shall be appointed by Borough Council to serve during its pleasure. Such dog warden along with the police shall have concurrent responsibility for the enforcement of this Part and of the Dog Law, 3 P.S. §459-101 *et seq.*; provided, that, he shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough of Northern Cambria.

(Ord. 2000-1, 1/3/2000, §1)

§2-103. Unlawful to Allow Dogs to Run at Large.

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough of Northern Cambria.

(Ord. 2000-1, 1/3/2000, §1)

§2-104. Seizing of Dogs.

The dog warden or any police officer or constable may seize any dog found at large in Northern Cambria Borough. Such dogs are to be impounded in a licensed kennel.

(Ord. 2000-1, 1/3/2000, §1)

ANIMALS

§2-105. Licensed Dogs.

The Chief of Police shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in 5 days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with the Dog Law, 3 P.S. §459-302.

(*Ord. 2000-1, 1/3/2000, §1*)

§2-106. Unlicensed Dogs.

Unlicensed dogs that are seized shall be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the Dog Law, 3 P.S. §459-303.

(*Ord. 2000-1, 1/3/2000, §1*)

§2-107. Dangerous Dogs.

1. A dog determined to be dangerous under the Dog Law, 3 P.S. §459-502A, shall be restrained or otherwise kept in accordance with Article VI-A of the Dog Law, 3 P.S. §459-501A *et seq.*
2. Dogs may be killed only in accordance with the requirements of §501 of the Dog Law, 3 P.S. §459-501, and otherwise, said dogs must be detained and delivered to the police or State dog warden. While detained, said dog must be treated in a humane manner.

(*Ord. 2000-1, 1/3/2000, §1*)

§2-108. Penalties.

1. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough as well as reasonable fees for keeping the animal in a kennel as fixed pursuant to a resolution of the Borough Council.
2. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment, to imprisonment for a term not to exceed 30 days.

(*Ord. 2000-1, 1/3/2000, §1*)

PART 2

ANIMAL NOISE CONTROL

§2-201. Intent and Purpose.

The Borough Council of the Borough of Northern Cambria, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound with the Borough.

(Ord. 2000-1, 1/3/2000, §1)

§2-202. Noise Disturbance.

It shall be illegal within the Borough for any person or persons to own, possess, harbor or control any animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for ½ hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that, at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

(Ord. 2000-1, 1/3/2000, §1)

§2-203. Exceptions.

This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133.

(Ord. 2000-1, 1/3/2000, §1)

§2-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment, to imprisonment for a term not to exceed 30 days.

(Ord. 2000-1, 1/3/2000, §1)

PART 3

CONTROL OF ANIMAL DEFECATION

§2-301. Animal Defecation on Public and Private Property Restricted.

No person having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Northern Cambria, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street, or park or upon the grounds of any public park or public area or upon any private property other than the property of the owner of such animal.

(Ord. 2000-1, 1/3/2000, §1)

§2-302. Disposal of Animal Feces.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e., defecation or urination in any area other than the private property of the owner of such dog or other animal, as prohibited in §2-301 shall be required to immediately remove any feces from such surface and either:

- A. Carry same away for disposal in a toilet.
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

(Ord. 2000-1, 1/3/2000, §1)

§2-303. Dogs Accompanying Blind or Handicapped Person Exempted.

The provisions of §§2-301 and 2-302 hereof shall not apply to a guide dog accompanying any blind persons or to a dog used to assist any other physically handicapped person.

(Ord. 2000-1, 1/3/2000, §1)

§2-304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 or to imprisonment for a term not to exceed 30 days.

(Ord. 2000-1, 1/3/2000, §1)

PART 4

REGULATING KEEPING OF CERTAIN ANIMALS

§2-401. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ANIMAL - any domestic animal or fowl, any wild animal or any household pet.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes or normally or ordinarily kept as a household pet.

HOUSEHOLD PET - any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

PERSON - any person, firm, partnership, association or corporation.

SMALL ANIMAL - any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse or chinchilla and any wild or domestic fowl such as a chicken, turkey, goose, duck or pigeon (excepting homing pigeons).

WILD ANIMAL - any animal, including bird, fowl or reptile not normally or ordinarily domesticated, not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes or not capable of being kept as a household pet.

In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.

(Ord. 2000-1, 1/3/2000, §1)

§2-402. Certain Animals and Fowl Prohibited.

It shall be unlawful for any person to keep any hoofed animals including, but not limited to, horses, cattle, pigs, hogs, camels, deer, bison (buffalo) or similar hoofed animals. All species of chickens (fowl) are also prohibited within the confines of the Borough of Northern Cambria.

(Ord. 2000-1, 1/3/2000, §1; as amended by Ord. 1/7/2002)

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§2-403. Keeping of Animals Regulated.

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this Section:

- A. Large animals shall be confined in quarters no part of which shall be closer than 100 feet from the exterior limits of any dwelling or of any property line.
- B. Small animals shall be kept confined in quarters no part of which shall be closer than 25 feet from the exterior limits of any dwelling or of any property line.
- C. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large and such enclosure shall be of a size and construction conducive to the animal's health and adequate sanitary drainage facilities shall be provided.
- D. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.
- E. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

(Ord. 2000-1, 1/3/2000, §1)

§2-404. Household Pets.

It shall be unlawful for any person to keep any household pet, except as provided in this Section:

- A. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation to ensure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.
- B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §2-403 of this Part, insofar as the same applies to small animals, shall be applicable to the keeping of such household pets.

(Ord. 2000-1, 1/3/2000, §1)

§2-405. Violation of State Law.

Any violation of this Part that would also violate any State law shall be prosecuted under that State law and not under this Part.

(Ord. 2000-1, 1/3/2000, §1)

§2-406. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600 and, in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 2000-1, 1/3/2000, §1)

CHAPTER 3

BICYCLES

PART 1

REGULATION OF BICYCLES

- §3-101. Definition
- §3-102. License Required
- §3-103. Application for License; Inspection of Pedalcycles
- §3-104. License Fee; Renewal; Transfer; License Tag
- §3-105. Mutilation or Alteration of Registration or Frame Number Prohibited
- §3-106. Sale, Transfer or Dismantling of Registered Pedalcycles
- §3-107. Rental of Pedalcycles
- §3-108. Regulations for Operation of Pedalcycles
- §3-109. Penalties

PART 1
REGULATION OF BICYCLES

§3-101. Definition.

A pedalcycle, as used in this Part, shall mean any vehicle powered solely or primarily by human powered pedals.

(Ord. 2000-1, 1/3/2000, §1)

§3-102. License Required.

It shall be unlawful for any person or persons to operate or use a bicycle or similar pedalcycle upon any of the streets, alleys or public thoroughfares of the Borough of Northern Cambria without first obtaining a license therefor and having said bicycle properly registered and tagged.

(Ord. 2000-1, 1/3/2000, §1)

§3-103. Application for License; Inspection of Pedalcycles.

Application for a license shall be made and kept by the Chief of Police upon forms provided for that purpose, said forms to contain the name, date of birth and address of the owner, together with a description of the pedalcycle, plus the number on the frame of the pedalcycle for which issued, sufficient for identification thereof. Before licensing a pedalcycle, it must appear to the Chief of Police that the applicant is the owner of said pedalcycle or that he is entitled to possession thereof and no pedalcycle shall be registered or licensed, nor shall any license be renewed as hereinafter provided, until inspected, examined and found to be in a safe mechanical condition. Inspection of pedalcycles may be done by the Chief of Police.

(Ord. 2000-1, 1/3/2000, §1)

§3-104. License Fee; Renewal; Transfer; License Tag.

1. The annual license fee to be paid for each pedalcycle shall be a fee as determined, from time to time, by the Borough Council pursuant to resolution, special notice of which shall be published in a newspaper of general circulation in and about the Borough of Northern Cambria. Any license granted hereunder shall be effective until next June 1, when the same shall expire and must be renewed annually thereafter for the current license fee determined by the Borough Council. Licenses may be transferred without charge when the ownership of said pedalcycle is transferred. Upon application and satisfactory evidence of the loss of a tag, a new tag may be issued upon payment of the current yearly license fee. The license tag

BICYCLES

granted shall be displayed on the pedalcycle at all times, attached to the frame in the rear directly under the seat of the pedalcycle in a manner that is plainly visible.

2. The Chief of Police shall keep a record of:
 - A. The number of each registration.
 - B. Date issued.
 - C. Name and address of person to whom issued.
 - D. The make and number of each pedalcycle frame.
 - E. A record of all pedalcycle registration fees collected.

(Ord. 2000-1, 1/3/2000, §1)

§3-105. Mutilation or Alteration of Registration or Frame Number Prohibited.

It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the registration tag or frame number of any pedalcycle.

(Ord. 2000-1, 1/3/2000, §1)

§3-106. Sale, Transfer or Dismantling of Registered Pedalcycles.

1. Within 10 days after the sale, transfer or dismantling of any registered pedalcycle, such information shall be reported by the person in whose name the pedalcycle was registered. Such a person may have the identification tag or plate of his former pedalcycle transferred to another pedalcycle owned by him without payment of an additional fee upon proper registration of such pedalcycle.
2. Every person engaged in the business of buying or selling new or second hand pedalcycles shall make a report within 5 days of every pedalcycle purchased or sold by such dealer including:
 - A. The name and address of the person from whom purchased or to whom sold.
 - B. A description of such pedalcycle by name or make.
 - C. The frame number thereof.
 - D. The number of the identification plate, if any, found thereon.

(Ord. 2000-1, 1/3/2000, §1)

§3-107. Rental of Pedalcycles.

A rental agency shall not rent or offer any pedalcycle for rent, unless the pedalcycle is licensed and a license plate is attached thereto as provided herein.

(Ord. 2000-1, 1/3/2000, §1)

§3-108. Regulations for Operation of Pedalcycles.

In addition to compliance with the Vehicle Code of the Commonwealth of Pennsylvania regarding the equipment, parking and operation of pedalcycles, it shall be unlawful for any person or persons to operate or use a pedalcycle upon the streets, alleys or public thoroughfares of the Borough of Northern Cambria in violation of any of the following regulations:

- A. No pedalcycle shall be operated, unless it is in a safe mechanical condition and in good working order at all times.
- B. It shall be unlawful for anyone to tow or draw any coaster, sled, person on roller skates, toy vehicles or any other similar vehicle when operating such pedalcycle on any street, alley or public thoroughfare in the Borough of Northern Cambria; and further, it shall be unlawful for the operator of any pedalcycle to be towed on his or her pedalcycle by any other vehicle.
- C. No rider of a pedalcycle shall remove both hands from the handle-bars, nor feet from the pedals, nor practice any acrobatic stunts or fancy riding on any street, alley or public thoroughfare in the Borough of Northern Cambria.
- D. No pedalcycle or motor-powered bicycle or mini-bike or any other such vehicle shall be ridden or operated at any time upon private property without the permission of the property owner.

(Ord. 2000-1, 1/3/2000, §1)

§3-109. Penalties.

Any person who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$10, plus costs.

(Ord. 2000-1, 1/3/2000, §1)

CHAPTER 4

BUILDINGS

(Reserved to accommodate future enactments)

CHAPTER 5

CODE ENFORCEMENT

PART 1

BOCA NATIONAL BUILDING CODE, BOCA NATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, BOCA NATIONAL FIRE PREVENTION CODE AND NATIONAL ELECTRIC CODE

A. Adoption

§5-101. Adoption of BOCA National Building Code, BOCA National Property Maintenance Code, International Plumbing Code, International Mechanical Code, BOCA National Fire Prevention Code and National Electric Code

B. BOCA National Building Code

§5-111. Modification Made in the BOCA National Building Code

C. BOCA National Property Maintenance Code

§5-121. Modifications Made in the BOCA National Property Maintenance Code

D. International Plumbing Code

§5-131. Modifications Made in the International Plumbing Code

E. International Mechanical Code

§5-141. Modification Made in the International Mechanical Code

F. BOCA National Fire Prevention Code

§5-151. Modifications Made in the BOCA National Fire Prevention Code

G. National Electric Code

§5-161. Modifications Made in the National Electric Code

H. Effective Date

§5-171. Date of Adoption

I. Enforcement.

§5-181. Enforcement

PART 1

**BOCA NATIONAL BUILDING CODE, BOCA NATIONAL PROPERTY
MAINTENANCE CODE, INTERNATIONAL PLUMBING CODE,
INTERNATIONAL MECHANICAL CODE, BOCA NATIONAL FIRE
PREVENTION CODE AND NATIONAL ELECTRIC CODE**

A. Adoption.

§5-101. Adoption of the BOCA National Building Code, BOCA National Property Maintenance Code, International Plumbing Code, International Mechanical Code, BOCA National Fire Prevention Code and National Electric Code.

1. **Applicable Codes.** There are hereby adopted in their entirety, by the Borough, the following codes, copies of which are on file in the office of the Borough, as amended through the effective date of adoption of this Part, save and except such portions as are hereinafter deleted, modified or amended.
 - A. The BOCA National Building Code, Thirteenth Edition, 1996, as published by the Building Officials and Code Administrators International, Inc., and all subsequent editions as revised and issued every 3 years.
 - B. The BOCA National Property Maintenance Code, Fifth Printing, 1996, as published by the Building Officials and Code Administrators International, Inc., and all subsequent editions as revised and issued every 3 years.
 - C. The International Plumbing Code, First Printing, 1997, as published by the Building Officials and Code Administrators International, Inc., (BOCA), International Code Council (ICC), Southern Building Code Congress International, Inc., (SBCCI) and the International Conference of Building Officials and all subsequent editions as revised and issued every 3 years.
 - D. The International Mechanical Code, Third Printing, 1996, as published by the Building Officials and Code Administrators International, Inc., (BOCA), International Code Council (ICC), Southern Building Code Congress International, Inc., (SBCCI) and the International Conference of Building Officials, Inc., and all subsequent editions as revised and issued every 3 years.
 - E. The BOCA National Fire Prevention Code, Tenth Edition, 1996, as published by the Building Officials and Code Administrators International, Inc., and all subsequent editions as revised and issued every 3 years.
 - F. The National Electrical Code (NEC) (NFPA 70-1996), 1996 Edition, as published by the National Fire Protection Association and all subsequent editions as revised and issued every 3 years.

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2. **Effective Date of Enactment.** The provisions set forth in this Part shall take effect on the date of adoption of this Part in accordance with the Borough Code of Pennsylvania.
3. **Administration and Enforcement.** Except where stated otherwise, all of the administration and enforcement procedures of the International Codes shall apply to all codes listed in subsections (1)(A) through (1)(D) of this Section.
4. **Code Enforcement Officer.** Code Enforcement Officer shall perform the duties enumerated and shall have charge of all matters pertaining to the strength and safety of buildings and building materials.

(Ord. 2000-1, 1/3/2000, §1)

B. BOCA National Building Code.

§5-111. Modifications Made in the BOCA National Building Code.

1. Insertions.

A. Section 100.1, "Title." Where the term "name of jurisdiction" is used, it shall mean the Borough of Northern Cambria.

B. Section 3408.2, "Applicability." The date referred to in this Section is as follows
_____.

2. Revisions. The following Sections of the BOCA National Building Code are revised to read as follows:

A. Section 105.7, "Department Records." An official record shall be kept of all business and activities of the Office of the Code Official and all such records shall be open to the public for inspection (during business hours), except that no individual, owner, operator or other person shall be subject to the unwarranted invasion of privacy and except that all evidence of information obtained in the course of any inspection shall be considered privileged information and shall be kept confidential. Such evidence or information shall not be disclosed except as may be necessary in the judgment of the Code Official for the proper and effective administration and enforcement of the provisions of this Part and shall not otherwise be made public without the consent of the owner, occupant, operator or other person in charge of the unit, structure or premises inspected.

B. Section 108.1, "Action on Application." The Code Official shall examine or cause to be examined all applications for permits and amendments thereto. If the applications or the plans do not conform to the requirements of all pertinent laws, he shall reject such application, in writing, stating the reason therefore. If he is satisfied that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, he shall issue a permit therefore as soon as practicable. Such action regarding the issuance or rejection of the permit; however, shall be taken within 90 days in accordance with Act 170, 1976.

C. Section 112.3.1, "Fee Schedule." At the time of application for a building permit, the applicant shall pay an appropriate fee. A schedule of said fees for single and two-family residences, multi-family, commercial, industrial, demolition, signs, plumbing, electrical, mechanical and fire prevention shall be established by resolution of the Borough Council. The Borough Council may, from time to time, review the fee schedule and revise the schedule whenever it is felt necessary. All revisions of the fee schedule shall be made by resolution.

D. Section 116.4, "Violation Penalties." Any person or member of a partnership or corporation who shall violate the provisions of this Part or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, repair or demolish a building or structure in violation of an approved plan or directive

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of the Code Official or of a permit or certificate issued under the provisions of this Part shall be guilty of an offense and sentenced to pay a fine of not more than \$1,000 nor less than \$25 and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall be deemed a separate offense, except for such work as that person is directed to perform to remove a violation or unsafe condition.

- E. Section 117.2, "Unlawful Continuance." The penalty referred to in this Section shall be the same as the penalty for other violations as specified in revised §116.4.
 - F. Section 121.2.1, "Qualifications." Each member shall have some knowledge of building construction or related activities.
3. **Additions.** The following Sections are hereby added to the BOCA National Building Code:
- A. Section 110.4, "Determination by Code Official." When the owner or agent is unable to obtain the release required in §110.1, the Code Official shall inspect the site for which application has been made to determine that the utility service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.
 - B. Section 104.8, "Delegation of Authority." The Borough of Northern Cambria may enter into agreement with the Cambria-Somerset Council of Governments whereby the Council of Governments shall be authorized to administer and enforce the provisions of this Part and such other ordinances relating to building regulations as set forth under terms of the agreement.
 - C. Section 108.10, "Other Permits Required." At the time of filing an application for a building permit, the applicant shall present evidence that he has obtained all necessary permits, licenses, approvals and/or variances as may be required under the laws of the Borough and the Commonwealth.
 - D. Section 3310.6, "Party Wall Remains Exposed." In the case of an existing party wall or an existing exposed wall which is structurally sound and which is not intended to be used by the person causing the demolition and further, that the surface of the said wall is to remain exposed, such person causing the demolition shall preserve, at his own expense, the party or exposed wall by ensuring that the exposed surfaces shall be made permanently waterproof by the application of stucco, briquette, gunite or other approved noncombustible material.
 - E. Section 3307-4, "Protection." When, in the opinion of the Code Official, the cleaning and/or repairing of exterior building walls will result in the dispersion of harmful materials or odors, he shall require that proper measures are taken to prevent such an occurrence.

(Ord. 2000-1, 1/3/2000, §1)

C. BOCA National Property Maintenance Code.

§5-121. Modifications Made in the BOCA National Property Maintenance Code.

1. Insertions.

- A. Section PM-100.1, "Title." Where the term "name of jurisdiction" is used, it shall mean the Borough of Northern Cambria.
- B. Section PM-106.2, "Penalty." Any person who shall violate a provision of this code shall, upon conviction thereof, be sentenced to a fine of not less than \$25 nor more than \$1,000 and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- C. Section PM-304.15, "Insect Screens." The dates referred to in this Section are to be April 1 and October 1, respectively.
- D. Section PM-602.2.1, "Heat Supply." The dates referred to in this Section are to be October 1 and June 1, respectively.
- E. Section PM-602.3, "Nonresidential Structures." The dates referred to in this Section are to be October 1 and June 1, respectively.

2. Revisions. The following Sections of the BOCA National Property Maintenance Code are revised to read as follows:

- A. Section PM-105.1, "General." It shall be the duty and responsibility of the Code Official of the Borough and/or his authorized representative to enforce the provisions of this Part and of the Property Maintenance Code herein adopted.

3. Additions. The following Sections are hereby added to the BOCA National Property Maintenance Code:

- A. Section PM-106.4, "Special Conditions." Where, in the course of his enforcement duties, the Code Enforcement Officer finds a recurring existing condition in the existing structures of the Borough which constitutes a violation in the strict provisions or application of this Part which violation if corrected would not substantially serve to further the purpose of this Part in protecting the public health, safety and welfare and where the elimination of said violation would constitute a practical difficulty or unnecessary hardship because of the special conditions existing in the Borough, said Code Enforcement Officer shall advise and inform the Board of Appeals of the presence of such special conditions. In providing such advice and information,

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the Code Enforcement Office shall give consideration to the special physical characteristics of existing older dwellings in the Borough which might require extensive structural alterations to conform with the strict provisions or application of this Part.

- B. Section PM-304.19, "Means of Egress." Every dwelling unit shall have one or more approved means of egress, with minimum head room of 6 feet 6 inches, leading to safe and open space at ground level and every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress with minimum head room of 6 feet 6 inches, leading to safe and open space at ground level, as required by the laws of this State and this Borough.
- 4. **Deletions.** The following Sections are hereby deleted in their entirety from the BOCA National Property Maintenance Code:
 - A. Section PM-303.4, "Weeds."

(Ord. 2000-1, 1/3/2000, §1)

D. International Plumbing Code.

§5-131. Modifications Made in the International Plumbing Code.

1. Insertions.

- A. Section P-100.1, "Title." Where the term "name of the jurisdiction" is used it shall mean the Borough of Northern Cambria.
- B. Section P-304.3, "Public Systems Available." The distance referred to in this Section shall be 200 feet.
- C. Section P-309.4, "Freezing." The depth referred to in this Section is to be 4 feet below grade.
- D. Section P-309.5, "Sewer Depth." The depth referred to in this Section is to be 36 inches and 36 inches, respectively.

2. Revisions. The following Sections of the International Plumbing Code are revised to read as follows:

- A. Section P-106.7, "Department Records." The records referred to in this Section shall be maintained in accordance with the provisions of §5-111(2)(A) of this Part.
- B. Section P-109.1, "Action of Applications." All applications for plumbing permits shall be processed in accordance with the provisions §5-111(2)(B) of this Part.
- C. Section P-113.2, "Fee Schedule." All fees for plumbing permits shall be paid in accordance with the provisions of §5-111(2)(C) of this Part.
- D. Section P-116.4, "Violation Penalties." All penalties shall be in accordance with §5-111(2)(D) of this Part.
- E. Section P-117.2, "Unlawful Continuance." The penalty referred to in this Section shall be the same as the penalty for other violations as specified in §5-111(2)(D) of this Part.
- F. Section P-121.2.1, "Qualifications." Each member shall have some knowledge of building construction or related activities.

3. Additions. The following Sections are hereby added to the International Plumbing Code:

- A. Section P-123.0, "Regulation of Plumbing." No person, firm or corporation shall engage in the practice of the work as prescribed by this Section within the Borough unless technically qualified to perform such activities in a competent manner. The Code Enforcement Officer shall require that all

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applicants for inspection of the proposed work has been made to an organization (hereinafter referred to as the "approved organization") with the payment of all inspection fees and charges of such organization being borne by the applicant. In addition, technical qualifications shall be demonstrated by the person, firm or corporation by submittal of the following information to the Code Official:

- (1) A statement describing the training course or courses completed.
 - (2) A statement adequately describing the work experience of the person, firm or corporation.
 - (3) A statement describing any licenses received from the State, County or any municipality.
- B. Section P-108.3, "Existing Drainage Nuisance." Any surface or roof drainage which creates a structural or health hazard or any other nuisance to the owners or occupants of adjacent premises or to the public by reason of discharge into, onto or across any adjacent building, premise or public thoroughfare, shall be abated by the owners of the improperly drained area and the Code Official shall require the drainage to be disposed of in accordance with the provisions of the plumbing code.

(Ord. 2000-1, 1/3/2000, §1)

E. International Mechanical Code.

§5-141. Modifications Made in the International Mechanical Code.

1. Insertions.

- A. Section M-100.1, "Title." Where the term "name of jurisdiction" is used, it shall mean the Borough of Northern Cambria.

2. Revisions.

- A. Section M-106.7, "Department Records." The records referred to in this Section shall be maintained in accordance with the provisions of §5-111(2)(A) of this Part.
- B. Section M-109.1, "Action on Application." All applications for mechanical permits shall be processed in accordance with the provisions of §5-111(2)(A) of this Part.
- C. Section M-113.3, "Fee Schedule." All fees for mechanical permits shall be paid in accordance with the provisions of §5-111(2)(C) of this Part.
- D. Section M-116.4, "Violation Penalties." All penalties shall be in accordance with §5-111(2)(D) of this Part.
- E. Section M-117.2, "Unlawful Continuance." The penalty referred to in this Section shall be the same as the penalty for other violations as specified in §5-111(2)(D) of this Part.
- F. Section M-121.2.1, "Qualifications." Each member shall have some knowledge of building construction or related activities.

3. Additions. The following Sections are hereby added to the International Mechanical Code:

- A. Section 122.0, "Regulation of Mechanical." No person, firm or corporation shall engage in the practice of the work as prescribed by this Section within the Borough unless technically qualified to perform such activities in a competent manner. The Code Enforcement Officer shall require that all applicants for inspection of the proposed work has been made to an organization (hereinafter after referred to as the "approved organization") with the payment of all inspection fees and charges of such organization being borne by the applicant. In addition, technical qualification shall be demonstrated by the person, firm or corporation by submittal of the following information to the Code Official:
 - (1) A statement describing the training course or courses completed.
 - (2) A statement adequately describing the work experience of the person, firm or corporation.

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- (3) A statement describing any licenses received from the State, County or any municipality.
- B. Section M-120.2.1, "Discharge." No chimney or vent may cause discharge which interferes with the normal use of adjacent properties by permitting or causing excess smoke, soot, cinders, fly ash, noxious or offensive fumes, gases or odors to be discharged into the air or to be carried off the premises.
- 4. **Deletions.** The following Section is hereby deleted from the International Mechanical Code:
 - A. Section M-113.2, "Periodic Inspections."

(Ord. 2000-1, 1/3/2000, §1)

F. BOCA National Fire Prevention Code.

§5-151. Modifications Made in the BOCA National Fire Prevention Code.

1. Insertions.

- A. Section F-101.1, "Title." Where the term "name of jurisdiction" is used, it shall mean the Borough of Northern Cambria.

2. Revisions. The following Sections of the BOCA National Fire Prevention Code are revised to read as follows:

- A. Section F-106.7, "Department Records." The records referred to in this Section shall be maintained in accordance with the provisions of §5-111(2)(A) of this Part.
- B. Section F-107.8, "Payment of Fees." All fees for permits shall be paid in accordance with the provisions of §5-111(2)(C) of this Part.
- C. Section F-112.3, "Penalty for Violations." All penalties shall be in accordance with §5-111(2)(D) of this Part.
- D. Section M-113.2.1, "Qualifications." Each member shall have some knowledge of building construction or related activities.

3. Additions. The following Sections are hereby added to the BOCA National Fire Prevention Code:

- A. Section F-107.3.1, "Action on Applications." All applications for permits shall be processed in accordance with the provisions of §5-111(2)(B) of this Part.
- B. Section M-114.0, "Regulation of Fire Prevention." No person, firm or corporation shall engage in the practice of the work as prescribed by this Section with the Borough unless technically qualified to perform such activities in a competent manner. The Code Enforcement Officer shall require that all applicants for inspection of the proposed work has been made to an organization (hereinafter referred to as the "approved organization") with the payment of all inspection fees and charges of such organization being borne by the applicant. In addition, technical qualification shall be demonstrated by the person, firm or corporation by submittal of the following information to the Code Official:
 - (1) A statement describing the training course or courses.
 - (2) A statement adequately describing the work experience of the person, firm or corporation.
 - (3) A statement describing any licenses received from the State, County or any municipality.

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4. **Deletions.** The following Section is hereby deleted from the BOCA National Fire Prevention Code:

- A. Section F-109.0, "Fire Investigations."

5. **Establishment of Limits.**

- A. Section F-3003.2, "Storage." The limits referred to shall be as follows:

Within the corporate limits of the Borough of Northern Cambria.

(Ord. 2000-1, 1/3/2000, §1)

G. National Electric Code.

§5-161. Modifications Made in the National Electric Code.

1. Administration and Enforcement.

- A. **Administration and Enforcement.** Except where stated otherwise in this Part, the administration and enforcement of the National Electric Code herein referred to shall be carried out in accordance with the provisions of the BOCA National Building Code, Article 1.
- B. **Electrical Certificate of Approval.** All applicants shall, within 30 days of the completion of the building, structure or premises, obtain an electrical certificate of approval from the Office of Code Enforcement. Said certificate shall be issued upon receipt by the Code Enforcement Officer of proof that the "Approved Electrical Organization" has made an inspection of the applicant's building, structure or premises and that the electrical wiring conforms with the applicable provisions of the National Electrical Code. Whenever the inspection of the "Approved Electrical Organization" shows that the provisions of the National Electrical Code have not been complied with, said organization shall so inform the Code Enforcement Officer. The Code Enforcement Officer shall then notify the applicant of the steps which must be taken to achieve compliance with the National Electrical Code before the electrical certificate of approval can be issued. Failure to comply shall be sufficient reason for notification of the electric utility company to disconnect or refuse to connect electrical power to the premises.
- C. **Inspection of Existing Electrical Wiring and Apparatus.** In order to provide safety against existing hazards of defective electrical wiring and apparatus, the Code Enforcement Officer and/or his authorized representative, including the "approved electrical organization" referred to above, shall, when requested by proper authority or when public interest so requires, cause inspections to be made of any premises in the Borough to ensure that the existing electrical wiring and apparatus is not defective or unsafe. The Code Enforcement Officer shall notify the owner of the premises of any unsafe or defective conditions which are found and shall require discontinuance or correction of such conditions in accordance with the National Electric Code.
- D. **Exemptions.** This Part shall not apply to the following electrical work:
 - (1) Minor repair work such as repairing or replacing fuses, switches, receptacles, lamps or lighting fixtures.
 - (2) The connection of portable electrical appliances to previous approved permanent receptacles.

2. Additions. The following Sections are hereby added to the National Electric Code:

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- A. **Means of Appeal.** All matters concerning electrical appeals should be heard by the Board of Appeals as referred to in §124.0 of the BOCA National Building Code.
- B. **Fee Schedule.** All fees for permits shall be paid in accordance with the provisions of §5-111(2)(C) of this Part.
- C. **Penalty for Violation.** All penalties shall be in accordance with §5-111(2)(D) of this Part.
- D. Article 90-9, "Regulation of Electric Work." No person, firm or corporation shall engage in the practice of the work as prescribed by this Section within the Borough unless technically qualified to perform such activities in a competent manner. The Code Enforcement Officer shall require that all applicants for inspection of the proposed work has been made to an organization (hereinafter referred to as the "approved organization" with the payment of all inspection fees and charges of such organization being borne by the applicant. In addition, technical qualifications shall be demonstrated by the person, firm or corporation by submittal of the following information to the Code Official:
 - (1) A statement describing the training course or courses completed.
 - (2) A statement adequately describing the work experience of the person, firm or corporation.
 - (3) A statement describing any licenses received from the State, County or any municipality.

(Ord. 2000-1, 1/3/2000, §1)

H. Effective Date

§5-171. Date of Adoption.

The date of adoption of the BOCA National Building Code, BOCA National Property Maintenance Code, International Plumbing Code, International Mechanical Code, BOCA National Fire Prevention Code and National Electric Code, adopted in this Part, shall be the date of adoption by the former Barnesboro Borough Council of the predecessor of this enactment, *Ord. 432-A*, on July 27, 1998, or such prior time the Borough Council for either the former Borough of Barnesboro or former Borough of Spangler adopted a code which was a predecessor to one of the codes adopted herein.

(*Ord. 2000-1*, 1/3/2000, §1)

I. Enforcement.

§5-181. Enforcement.

1. The above recital clauses are herein established and set forth as though contained fully and completely in this place.
2. The Northern Cambria Borough Code Enforcement Officer and/or any Northern Cambria Police Officer is/are authorized on behalf of Council of the Borough of Northern Cambria to enforce the “civil” ordinances of the Borough of Northern Cambria which contain land use regulations and/or provide for fees for Borough services and/or regulate and/or prohibit certain activities within the confines of the Borough.
3. Nothing contained herein shall prohibit the Northern Cambria Borough Code Enforcement Officer, in addition to the penalties provided in the aforesaid civil ordinances, to take such other action as is permitted at law and/or in equity to enforce and/or prescribe prohibited activities by injunction or other equitable relief in the Court of Common Pleas.
4. The Northern Cambria Borough Code Enforcement Officer shall not have any enforcement powers as to any ordinances which involve the Criminal Statutes of the Commonwealth of Pennsylvania.

(Ord. 2001-1, 1/3/2000, §1; as added by Ord. 11/10/2003)

CHAPTER 6

CONDUCT

PART 1

PROHIBITION OF DISORDERLY CONDUCT

- §6-101. Disorderly Conduct Prohibited
- §6-102. Penalty for Violation

PART 2

PROHIBITION OF CONSUMPTION AND POSSESSION OF INTOXICANTS IN PUBLIC PLACES

- §6-201. Definitions
- §6-202. Consumption
- §6-203. Possession
- §6-204. Exceptions
- §6-205. Penalty

PART 3

ESTABLISHMENT OF CURFEW

- §6-301. Short Title
- §6-302. Purposes and Findings
- §6-303. Definitions
- §6-304. Curfew for Minors
- §6-305. Exceptions
- §6-306. Parental Responsibility
- §6-307. Police Procedures
- §6-308. Penalties
- §6-309. Construction
- §6-310. Continuing Evaluation

PART 4

PROHIBITION OF THROWING OBJECTS IN STREETS

- §6-401. Prohibited Acts
- §6-402. Penalties

PART 5

PROHIBITION OF DISCHARGING A FIREARM

- §6-501. Discharge of Firearms Prohibited
- §6-502. Use of Air Rifles, Bow and Arrows or Similar Devices Restricted
- §6-503. Exceptions
- §6-504. Penalties for Violation

PART 1

PROHIBITION OF DISORDERLY CONDUCT

§6-101. Disorderly Conduct Prohibited.

Disorderly conduct, as defined in §5503 of the Crimes Code, 18 Pa.C.S.A. §5503, is hereby prohibited with the Borough of Northern Cambria. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof he:

- A. Engages in fighting or threatening, or in violent or tumultuous behavior.
- B. Makes unreasonable noise.
- C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

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

(Ord. 2000-1, 1/3/2000, §1)

§6-102. Penalty for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to 30 days.

(Ord. 2000-1, 1/3/2000, §1)

PART 2

PROHIBITION OF CONSUMPTION AND POSSESSION OF INTOXICANTS IN PUBLIC PLACES

§6-201. Definitions.

Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

ALCOHOLIC BEVERAGES - any spirits, wine, beer, ale or other liquid containing more than ½% of alcohol by volume which if fit for beverage purposes.

CONTAINER - any bottle, can or other vessel in which alcoholic beverages are contained.

(Ord. 2000-1, 1/3/2000, §1)

§6-202. Consumption.

No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare or other public property within the Borough of Northern Cambria, nor shall any person consume any alcoholic beverage within 5 feet of any public way or thoroughfare while on a private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent or other party in lawful possession thereof.

(Ord. 2000-1, 1/3/2000, §1)

§6-203. Possession.

No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thoroughfare or other public property within the Borough of Northern Cambria, nor shall any person possess any container of alcoholic beverage within 5 feet of any public way or thoroughfare while on a private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent or other person in lawful possession thereof.

(Ord. 2000-1, 1/3/2000, §1)

CONDUCT

§6-204. Exceptions.

Provided however, that the provisions of §§6-202 and 6-203 above shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in §6-201 hereof; and provided further, that the provisions of said §§6-202 and 6-203 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee.

(Ord. 2000-1, 1/3/2000, §1).

§6-205. Penalty.

Whosoever violates any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment to be imprisoned for a period not to exceed 30 days.

(Ord. 2000-1, 1/3/2000, §1)

PART 3

ESTABLISHMENT OF A CURFEW

§6-301. Short Title.

This Part shall be known and may be cited as "Curfew Ordinance."

(*Ord. 2000-1*, 1/3/2000, §1)

§6-302. Purposes and Findings.

This Part repeals the Former Territory of the Borough of Barnesboro Curfew Ordinance's *Ord. 235-A* and *Ord. 352-A*, and the Former Territory of the Borough of Spangler Curfew Ordinances *Ord. 59*, *Ord. 78*, *Ord. 184*, and *Ord. 184-A*, and in so doing, repealing the same to bring the Borough law into accordance with prevailing community standards, the Constitution of the United States and of Pennsylvania and of the Act of Assembly with regards to the conduct of minors on streets at night, and to incorporate into the law the prevailing standards of conduct in the community as enforced and taught in the homes of the community, internalized and adhered to throughout the history of the community, all for the benefit of the community, its minor residents, the same being in furtherance of the acceptance of family responsibility and for the public good, safety and welfare, including the following:

- A. Northern Cambria Borough is an established residential community in Cambria County whose boundaries and population has been relatively stable and fixed since the beginning of its history as a community. The Borough is almost exclusively residential in nature, located in a farming area with a small commercial center consisting of several blocks in length and patronized exclusively by the residents of the community and surrounding areas. With the exception of the summer months, when the community park with its swimming pool, is available for swimming, picnicking and other athletic activities, there is basically no recreational facilities and no commercial facilities devoted primarily to the recreational needs of juveniles in the community. Because of the lack of recreational facilities and of the natural desires of young people to associate with other of their own age, there has been in the past, a tendency on the part of juveniles to assemble in groups on the streets of the commercial area in the community. In the past, because of lack of recreational facilities and the boredom of inactivity, such groups have been, on numerous occasions, noisy and mischievous to a degree that this has been a threat to the peace and quiet of the community, particularly during the school vacation months.
- B. It is the intent of Council in recognizing the natural desires of the juveniles of the community to associate with each other and the lack of adequate recreational facilities for the juvenile community, to permit and provide for reasonable use of its streets and sidewalks for the purpose of social activity and

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peaceful assembly and at the same time recognize that all residents of the community have rights of peaceful security on the streets and in their homes.

- C. The Borough Council, in providing for the right of peaceful assembly of juvenile residents of the community and of the rights of peaceful security of the adult community on the streets and in their homes, also wishes to incorporate into its regulations regarding the use of its streets, the principle of parental responsibility. It is an accepted premise of the Council that there exists a parental responsibility for the conduct of their children outside of their home environment and of the community's right to compel the exercise of this responsibility and to impose legal sanctions where it is not appropriately exercised.

(Ord. 2000-1, 1/3/2000, §1)

§6-303. Definitions.

For the purpose of this Part the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

BOROUGH - the Borough of Northern Cambria, Cambria County, Pennsylvania.

MINOR - any person under the age of 18, or in equivalent phrasing often herein employed, any person 17 or less years of age.

PARENT - any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in *loco parentis* or as a person to whom legal custody has been given by order of court.

REMAIN - to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregation of groups (or of interacting minors) total four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined in §6-305 so that this is not a mere prohibitory or presence type curfew ordinance. More and more exceptions become available with increasing years and advancing maturity as appropriate in the interest of reasonable regulation which is intended by use of the meaningful phrase "be or remain" found constitutional in *Baker v. Borough of Steelton, 17 Dauph. 17 (1912)*, a decision properly classified in *Thistlewood v. Trial Magistrate for Ocean City, 204 A.2d 688, 691 (Md. 1964)*, as relating to a curfew ordinance of the "remaining" type.

STREET - a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right-of-way including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term street applied irrespective of what it be called or formally named, whether alley, avenue, court, road or otherwise.

TIME OF NIGHT - the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the Borough, *prima facie* the time then observed in the Borough administrative offices and police station.

YEAR OF AGE - continues from one birthday, such as the 17th to (but not including the day of) the next, such as the 18th birthday, making it clear that 17 or less years of age is herein treated as equivalent to the phrase "under 18 years of age," the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken thought that 18 years olds might be involved. Similarly, for example, 11 or less years of age means "under 12 years of age."

(Ord. 2000-1, 1/3/2000, §1)

§6-304. Curfew for Minors.

It shall be unlawful for any person 17 or less years of age (under 18) to be or remain in or upon the streets within the Borough of Northern Cambria at night during the period ending at 6 a.m. and beginning:

- A. At 10 p.m. for minors birth to 15 years of age; and,
- B. At 12 midnight for minors 16 and 17 years of age.

(Ord. 2000-1, 1/3/2000, §1)

§6-305. Exceptions.

1. In the following exceptional cases a minor on a Borough street during the nocturnal hours for which §6-304 is intended to provide the maximum limits or regulation (and a clear general guide for minors, their parents and their fellow-citizens) shall not, however, be considered in violation of this Part:
 - A. When accompanied by a parent of such minor.
 - B. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

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- C. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering, to communication center personnel, at the Borough office, where and by whom high priority messages to the Mayor are regularly received, a written communication, signed by such minor and countersigned, if practicable, by a parent of such minor with their home address and telephone number, addressed to the Mayor of the Borough, specifying when, where and in what manner said minor will be on the streets at night (during hours then this Part is otherwise applicable to said minor) in the exercise of a First Amendment right specified in such communication.
- D. In case of reasonable necessity but only after such minor's parent has communicated to the Borough police station personnel the fact establishing such reasonable necessity relating to specified streets at a designated time for a described purpose, including points of origin and destination. A copy of such communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of such parent and minor, shall be admissible evidence.
- E. When the minor is on the sidewalk if the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.
- F. When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity, or an activity of a religious or other voluntary association of which prior notice, indicating the place and probable time of termination, has been given, in writing, and duly filed for immediate reference by, the Chief of Police or the officer assigned by him on duty at the police station, thus encouraging (here as in other exceptional situations) conduct on the part of minors involved in such activities and striking a fair balance for any somewhat conflicting interests.
- G. When authorized, by special permit from the Mayor, carried on the person of the minor thus authorized, as follows:
 - (1) When normal or necessary night-time activities of a minor, particularly a minor well along the road to maturity, may be inadequately provided for by other provisions of this Part, then recourse may be had to the Mayor of the Borough, either for a regulation as provided in subsection (H) or for a special permit as the circumstances warrant.
 - (2) Upon the Mayor's finding of necessity for the use of the streets to the extent warranted by a written application (as judicially approved in *People v. Walton*, 161 P. 2d 498, 502-503, Cal. App. 1945) signed by a minor and by a parent of such minor, if feasible, stating:
 - (a) The name, age and address of such minor.

- (b) The name, address and telephone number of a parent thereof.
 - (c) The height, weight, sex, color of eyes and hair and other physical characteristics of such minor.
 - (d) The necessity which requires such minor to remain upon the streets during the curfew hours otherwise applicable; and,
 - (e) The street or route and the beginning and ending of the period of time involved by date and hour, the Mayor may grant a permit, in writing, for the use by such minor of such streets at such hours as in the Mayor's opinion may reasonably be necessary. In an emergency this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Mayor, or if available, to the police officer authorized by the Mayor to act on his behalf in an emergency, at the police station.
- H. When authorized, by regulation issued by the Mayor, in other similar cases of reasonable necessity, similarly handled but adapted to normal or necessary night-time activities of more minors then can readily be dealt with on an individual special permit basis. Normally such regulation by the Mayor permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than 30 minutes beyond the time for termination of such activity and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this Part.
- I. When the minor carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or re-issued not more than 45 days previously, signed by the Chief of Police and briefly identifying the minor, the addresses of his home and of his place of employment and his hours of employment.
- J. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. From excess of caution, this clearly exempts bona fide interstate movement through the Borough, particularly on normal routes such as Route 219. This also exempt interstate travel beginning or ending in the Borough.
- K. When the minor is 17 years of age, if and when the Mayor shall have determined, by formal rule first reported to Borough Council, spread upon its minutes and so reported in the press, finding the facts as to the extent (minimal) of juvenile delinquency in such age group permitting such rule, currently, in the best interests of said minors and of the Borough, finding the facts as to a sufficient degree of maturity of those thus within 1 year of adulthood and finding that this Part should be relaxed as an incentive to and

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recognition of approaching maturity, then the Mayor by such formal rule, covering a period of time designated therein or until rescission thereof not exceeding 1 year from the date thereof, may take appropriate action excepting designated minors, minors in a defined group or area, or all minors (as the current facts may warrant) 17 years of age at that date or attaining 17 years of age during the period that such formal rule is and remains in effect.

2. Each of the foregoing exceptions, and their several limitations such as provisions for notification, are severable, as hereinafter provided but here reemphasized; and additional, also severable, exceptions broadening with the progress toward maturity of minors enrolled respectively in elementary, junior high and high schools, will be considered by Council as warranted by future experience illuminated by the view of student government associations, school personnel, citizens, associations, ward, precinct and neighborhood spokesmen, parents, officers and persons in authority concerned positively with minors as well as with juvenile delinquency.

(Ord. 2000-1, 1/3/2000, §1)

§6-306. Parental Responsibility.

It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be or remain upon any Borough street under circumstances not constituting an exception to or otherwise beyond the scope of this Part. The term "knowingly" include knowledge which a parent should reasonable be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, *a fortiori*, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

(Ord. 2000-1, 1/3/2000, §1)

§6-307. Police Procedures.

A policeman of the Borough, upon find or having attention called to any minor on the streets in *prima facie* violation of this Part, normally shall take the minor to the Borough police station, where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under Constitutional safeguards, or relevant facts, and to centralize responsibility in the police officer there and then on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus making available experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a policeman on the street shall in the first instance use his best judgement in determining age.

- A. Police procedures shall constantly be refined in the light of experience and may provide, *inter alia*, that the policeman may deliver to a parent thereof a minor under appropriate circumstances, for example, a minor of tender age near home whose identity and address may readily be ascertained or are known.

- B. In any event such policeman shall, within 24 hours, file a written report with the Chief of Police, or shall participate to the extent of the information for which he is responsible in the preparation by himself and the officer involved in such case and in the filing of such report within 24 hours.
- C. When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor may be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may be temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.
- D. In the case of a first violation by a minor, the Chief of Police shall by certified mail, send to a parent written notice of said violation with a warning that any subsequent violation will result in full enforcement of this Part, including enforcement of parental responsibility and of applicable penalties.

(Ord. 2000-1, 1/3/2000, §1)

§6-308. Penalties.

Prevailing community standards and the real internalization thereof or interpersonal sanctions therefore that in practice count for much, as to when minors should be off the streets, reflected in this Part, are hereby undergirded with the following legal sanctions:

- A. If, after the warning notice pursuant to §6-307 of a first violation by a minor, a parent violates §6-306 (in connection with a second violation by said minor), this shall be treated as a first offense by the parent. For such first parental offense, a parent shall be fine \$5 plus costs and for each subsequent offense by a parent, the fine shall be increased by and additional \$5, e.g., \$10 plus costs for the second, \$15 plus costs for the third offense. A district justice upon finding a parent guilty, shall sentence the parent to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
- B. Any minor who shall violate any of the provisions of this Part more than three times, proceedings shall be taken under the Juvenile Act, 11 P.S. §50-101 *et seq.*, before the Juvenile Court for the treatment, supervision and rehabilitation of such minor.

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- C. A like procedure, before the Juvenile Court authorities, shall be followed in any case where the imposing of a fine or fines upon a parent shall not be effective, or where for any other reason the provisions of this Part cannot be made effective by the imposing of penalties under this Section.

(Ord. 2000-1, 1/3/2000, §1)

§6-309. Construction.

Severability is intended throughout and within the provisions of this Part. If any provision, including *inter alia*, any exception, part, phrase or term or the application thereof to any person or circumstances shall not be affected thereby and validity of this Part in any and all other respects shall not be affected thereby. From excess of caution, the Mayor is authorized to give advisory opinions, in writing, or immediately reduced to writing, which shall be binding and shall be adhered to by the policy, until the ordinance is amended in such respect, interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters addressed to him at the Borough office, questioning as ambiguous, as having a potentially chilling effect on Constitutional rights specifically invoked or as otherwise invalid, in all three categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of said three categories. Borough Council does not intend a result that is absurd, impossible of execution or unreasonable. It is intended that this Part be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction intended and shall be given. Council does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

(Ord. 2000-1, 1/3/2000, §1)

§6-310. Continuing Evaluation.

Borough Council will continue its evaluation and updating of this Part:

- A. Accordingly, there shall be compiled and informally reported to Borough Council through effective channels (such as the normal monthly distribution by the Borough Secretary/Treasurer, to each Councilman, the Mayor and the Borough Solicitor, of noteworthy material) all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the Mayor's special permits and the Mayor's regulations hereinbefore authorized and the Mayor's advisory opinions, for consideration by the appropriate committee and by Borough Council in further updating and continuing evaluation of this Part.
- B. For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the Mayor and relevant committees of Borough Council through their respective chairmen in coordinated efforts shall work with existing, and may organize, voluntary groups and shall stimulate

volunteer leadership, in programs of research and of action dealing constructively on neighborhood and local bases with juvenile delinquency and the prevention, control or containment thereof, in all its ramifications and with practicable steps toward the good life and a better life for minors 17 or less years of age and with the working of this Part, community-wise and in individual cases, as one much needed legal tool toward that end as well as for continuing present protection of minors and of other persons and of property and other interests, important to the welfare of the people of the Borough.

(Ord. 2000-1, 1/3/2000, §1)

PART 4

PROHIBITION OF THROWING OBJECTS IN STREETS

§6-401. Prohibited Acts.

The throwing, kicking or knocking of any ball, snowballs, stones or any other missile upon or into any of the public streets, alleys or sidewalks in the Borough of Northern Cambria is hereby prohibited.

(Ord. 2000-1, 1/3/2000, §1)

§6-402. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment, to imprisonment for a term not to exceed 30 days.

(Ord. 2000-1, 1/3/2000, §1)

PART 5

PROHIBITION ON DISCHARGING A FIREARM

§6-501. Discharge of Firearms Prohibited.

Except in necessary defense of person and property and except as provided in §6-503 of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough of Northern Cambria.

(Ord. 2000-1, 1/3/2000, §1)

§6-502. Use of Air Rifles, Bow and Arrows or Similar Devices Restricted.

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow or similar device or any implement that is not a firearm but which a pellet of any kind with a force that can reasonable be expected to cause bodily harm, at any place with the Borough of Northern Cambria, except as provided in §6-503 of this Part and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police, as evidenced by a license issued by the Chief of Police, upon application and upon payment of a fee by the applicant in an amount as established, from time to time, by Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

§6-503. Exceptions.

This Part shall not apply to:

- A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.
- B. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organizations.
- C. Any law enforcement officers when used in the discharge of their official duties.

(Ord. 2000-1, 1/3/2000, §1)

§6-504. Penalties for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment, to imprisonment for a term not to exceed 30 days.

(Ord. 2000-1, 1/3/2000, §1)

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

PART 1

RESTRICTING OPEN BURNING

- §7-101. Open Burning Prohibited
- §7-102. Burning Exceptions
- §7-103. Standard Operating Procedures
- Appendix A. Open Burning Permit

PART 2

RECOGNITION OF VOLUNTEER FIRE COMPANIES

- §7-201. Recognition
- §7-202. Authority
- §7-203. Authorized Activities of the Fire Company
- §7-204. Authorized Activities of Member of the Fire Company
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PART 3

FIREWORKS DISPLAY PERMITS

- §7-301. General Provisions
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PART 4

SMOKE DETECTORS

- §7-401. Smoke Detectors Required
- §7-402. Smoke Detectors Required in Multi-Unit Rental Properties
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- §7-411. Penalties

PART 1

RESTRICTING OPEN BURNING

§7-101. Open Burning Prohibited.

1. No person shall burn any garbage, rubbish, food, lumber, wood, rags, oil, gasoline, kerosene or similar substances within the confines of the Borough of Northern Cambria by means of open fire.
2. No person shall make or maintain or assist in making or maintaining any bonfires or outdoor fires within the confines or boundaries of the Borough unless complying with all the rules and regulations established by the Borough Council.
3. The Borough Council is herewith by virtue of this Part, empowered to establish reasonable rules and regulations with regard to the burning of materials not prohibited herein above.
4. The igniting of fire crackers and the discharge of firearms within the Borough are prohibited as outlined by State law.
5. Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 2000-1, 1/3/2000, §1)

§7-102. Burning Exceptions.

1. To prevent or abate a fire hazard.
2. For the purpose of instructing personnel in fire fighting. (After Department of Environmental Protection permission is granted, a Borough permit will be issued.)
3. For the prevention and control of disease or pests.
4. For recreational or ceremonial purposes.
5. For cooking food.
6. Permit can be requested for sole purpose of burning brush/trees due to the clearing of land. (Code Officer has the right to determine if these conditions are met.)

(Ord. 2000-1, 1/3/2000, §1)

FIRE PREVENTION AND FIRE PROTECTION

§7-103. Standard Operating Procedures.

1. Request in writing from burner.
2. Reviewed and voted on at monthly Council meeting (majority approval.)
3. If approved, Secretary issues permit.
4. Three copies are made:
 - A. One to burner.
 - B. One to Code Officer.
 - C. One to Borough files.

(The Code Officer is responsible for inspecting burn site and ensuring that regulations are followed.)

(Ord. 2000-1, 1/3/2000, §1)

APPENDIX A
OPEN BURNING PERMIT

Issue Date: _____ Permit No.: _____

Date of Burning: _____ Expires: _____

Reason for Burning: _____

Name: _____

Address: _____

Telephone No.: _____

Borough of Northern Cambria open burning regulations:

1. Sufficient water and personnel shall be present on the premises prior to ignition of the fire.
2. Burn site should be attended to at all times.
3. Burning shall not begin before sunrise and must be extinguished on or before 6:00 p.m. the same day.
4. Other regulations may apply

Inspecting Officer

Date

This Permit is nontransferable

(Ord. 2000-1, 1/3/2000, §1)

PART 2

RECOGNITION OF VOLUNTEER FIRE COMPANIES

§7-201. Recognition.

The purpose of this Part is to recognize the Fire Company as an official fire company of the Borough and to state additional authorized activities for fire fighters for workers' compensation purposes.

(Ord. 2000-1, 1/3/2000, §1)

§7-202. Authority.

The Hope Volunteer Fire Company and Spangler Volunteer Fire Company are hereby given all power, so far as the Borough has power to grant the same, to enact such rules and regulations for the management and government of individual members thereof as shall be necessary for the proper maintenance and control of said Volunteer Fire Company. Neither the grant of the aforesaid power nor the recognition set forth in §7-201 shall be construed as constituting the Hope Volunteer Fire Company or Spangler Volunteer Fire Company as an agent, department or employee of the Borough of Northern Cambria except insofar as such effect is provided under the provisions of the Act of June 2, 1915, P.L. 736, No. 338, known as the "Pennsylvania Workmen's Compensation Act," or the Act of November 26, 1978, P.L. 1399, No. 330, known as the "Political Subdivision Tort Claims Act."

(Ord. 2000-1, 1/3/2000, §1)

§7-203. Authorized Activities of the Fire Company.

1. The Fire Company recognized by the Borough is hereby authorized to provide such services to the Borough as may be necessary for the protection of property and persons situate therein, which include by way of example and not of limitation, the extinguishment of fires and prevention of loss of life and property from fire, automobile accidents, medical emergencies, hazardous materials incidents and other dangerous situations.
2. The Fire Company may also provide nonemergency and public service functions such as, again by way of example and not of limitation, removing water from property after storms and assisting in the removal, abatement and prevention of damage or injury to persons or property, whether through natural causes or manmade situations.

FIRE PREVENTION AND FIRE PROTECTION

3. The Fire Company may also conduct and participate in such training activities and drills, either within or outside of the Borough, as may be deemed necessary by the officers of the Fire Company to maintain proficiency in providing service.
4. The Fire Company may also respond to calls and provide services to municipalities outside of the Borough pursuant to mutual aid agreements.
5. The Fire Company may also engage in fund raising activities, ceremonies, parades, fairs and any other activity authorized by any officer of the Fire Company and in which fire companies in Cambria County, Pennsylvania, usually engage.

(Ord. 2000-1, 1/3/2000, §1)

§7-203. Authorized Activities of Members of the Fire Company.

In addition to actually participating in the activities of the Fire Company as authorized above, or in going to or returning from any such activity, the members of Fire Company recognized by the Borough are also authorized to do the following things:

- A. Engage in any type of drill, training, ceremony, practice, test or parade when duly called for or authorized by an officer or officers of the Fire Company.
- B. Engage in fund raising activities for the Fire Company, when authorized by an officer or officers of the company.
- C. Engage in the performance of any duty or activity authorized by any officer of the recognized Fire Company.

(Ord. 2000-1, 1/3/2000, §1)

§7-205. Officers.

The members of the Hope Volunteer Fire Company and Spangler Volunteer Fire Company may elect from their number such officers as may be provided by the bylaws of the fire company.

(Ord. 2000-1, 1/3/2000, §1)

§7-206. Control of Equipment and Funds.

All appropriations made by the Borough to or for the use of said fire companies, whether of money or property and all equipment purchased by the Borough of Northern Cambria for the fire company shall continue to be the property of the Borough. None of the fire apparatus or equipment so belonging to the Borough shall be permanently removed from the Borough without consent of the Borough Council thereof.

(Ord. 2000-1, 1/3/2000, §1)

PART 3

FIREWORKS DISPLAY PERMITS

§7-301. General Provisions.

1. **Scope.** The manufacture of fireworks is prohibited within the Borough of Northern Cambria. The display or discharge of fireworks shall comply with the requirements of this Part.
2. **Permit Required.** A permit shall be obtained from the Code Enforcement Officer for the display or discharge of fireworks.
3. **Permit Applications.** Application for permits shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out herein.
4. **Definition.**
 - A. The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances, or , except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, aerial fireworks or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing an explosive substance.
 - B. The term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing 25 hundredths grain or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion and toy pistol paper caps which contain less than 20 hundredths of explosive mixture, the sale and use of which shall be permitted at all times, nor shall the term "fireworks" include toy cannons which operate on the principle of mixing calcium carbide, weighing less than 1/10 of an ounce and water in the reservoir of the cannon in which ignition results upon the creation of a spark.

(Ord. 2000-1, 1/3/2000, §1)

FIRE PREVENTION AND FIRE PROTECTION

§7-302. Display and Discharge.

1. **General.** It shall be a violation of this Part for any person to store or use or explode any fireworks, except as provided in the rules and regulations issued by the fire official for the granting of permits for supervised public displays of fireworks by the Borough, fair associations, amusement parks and other organizations. Every such display shall be handled by a competent operator approved by the Code Enforcement Officer. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the Code Enforcement Officer will not be a hazard to property or endanger any person.
2. **Bond for Display.** The permittee shall furnish a bond in an amount deemed adequate by the Borough Council but not less than \$500, conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, the permittee's agent, employees or subcontractors.
3. **Disposal of Unfired Fireworks.** Unfired fireworks and trash that remain after the display is concluded shall be immediately disposed of in a safe manner approved by the Code Enforcement Officer.
4. **Seizure of Fireworks.** The fire official shall seize, take, remove or cause to be removed at the expense of the owner, all stock of fireworks offered or exposed for display, stored or held in violation of this Part.

(Ord. 2000-1, 1/3/2000, §1)

§7-303. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and, in default of payment, to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 2000-1, 1/3/2000, §1)

PART 4
SMOKE DETECTORS

§7-401. Smoke Detectors Required.

In all occupied dwellings located within the Borough of Northern Cambria, it shall be mandatory to have not less than one automatic Underwriters Laboratories listed smoke detection device, properly installed and maintained, which, when activated provides an audible alarm adequate to warn the occupants therein of possible fire emergency, on each separate level of said dwelling, not including basements or attics which are not used by the occupants as living quarters.

(Ord. 2000-1, 1/3/2000, §1)

§7-402. Smoke Detectors Required in Multi-Unit Rental Properties.

In all multi-unit residential rental properties it shall be mandatory to have not less than one automatic Underwriters Laboratories listed smoke detection device as set forth in §7-401 herein above, in each and every rental unit, regardless of whether or not there may be more than one rental unit on each floor of the rental unit. Additionally, it shall be mandatory to have a sufficient number of automatic Underwriters Laboratories listed smoke detection devices, properly installed and maintained, in the common hallways of residential rental units, which, when activated would provide an audible alarm adequate to warn the occupants of each and every rental unit of a possible fire emergency.

(Ord. 2000-1, 1/3/2000, §1)

§7-403. Smoke Detectors Required in Commercial Properties.

In all commercial dwellings located within the Borough which are used for the transaction of business or the rendering and/or receiving of professional services it shall be mandatory to have not less than one automatic Underwriters Laboratories listed smoke detection device as stated hereinabove installed on each floor, including basement areas used in the conduct of business.

(Ord. 2000-1, 1/3/2000, §1)

§7-404. Fire Extinguishers Required in Rental Properties.

Each owner of residential rental property shall be required to provide one fire extinguisher with an ABC rating to be firmly attached to the wall in an accessible location of each rental unit and one in each common hallway of the apartment dwelling.

(Ord. 2000-1, 1/3/2000, §1)

FIRE PREVENTION AND FIRE PROTECTION

§7-405. Fire Extinguishers Required in Commercial Properties.

Each owner of commercial property shall be required to provide one fire extinguisher with an ABC rating on each level of the commercial property to be firmly attached to the wall in an accessible location.

(Ord. 2000-1, 1/3/2000, §1)

§7-406. Responsibilities of Owner.

It shall be the responsibility of the owner of the premises to purchase, install and maintain each smoke detection device and/or fire extinguisher mandated herein.

(Ord. 2000-1, 1/3/2000, §1)

§7-407. Installation.

All installations of smoke detector devices and/or fire extinguishers mandated herein shall be done in accordance with manufacturers recommendations and the latest applicable standards including, but not necessarily limited to, the current additions of the National Fire Codes issued by the National Fire Protection Association.

(Ord. 2000-1, 1/3/2000, §1)

§7-408. Compliance for Residential Buildings.

The mandates of this Part pertaining to owner occupied residential dwellings shall be effective in 180 days following the passage of this Part.

(Ord. 2000-1, 1/3/2000, §1)

§7-409. Compliance for Commercial and Residential Rental Properties.

The mandates of this Part pertaining to commercial property and residential rental units shall be effective in 90 days following the passage of this Part.

(Ord. 2000-1, 1/3/2000, §1)

§7-410. Responsibilities of Code Enforcement.

It shall be the responsibility of the Borough Code Enforcement Officer to check for violations of this Part by checking conformance during daylight hours after having given reasonable notice to the property owner or at any reasonable time in the event of an

emergency situation. The Code Enforcement Officer is hereby permitted to enlist the assistance of the Spangler Fire Company, its officers member, in carrying out the provisions of this Part and to assist the residents of the Borough in any way possible in their compliance with this Part.

(Ord. 2000-1, 1/3/2000, §1)

§7-411. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, shall be upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day of violation of this Part beyond the date of compliance issued to a property owner by the Code Enforcement Officer or his/her delegate from the Hope Fire Company and the Spangler Fire Company shall be deemed a continuing violation and a separate penalty shall be accessible thereon.

(Ord. 2000-1, 1/3/2000, §1)

CHAPTER 8

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PART 1

**TERRITORY FORMERLY OF THE BOROUGH OF BARNESBORO
FLOODPLAIN REGULATIONS**

A. GENERAL PROVISIONS.

§8-101. Intent.

The intent of this Part is to:

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

(Barnesboro Ord. 385-A, 6/19/1989, Art. I, §1.00)

§8-102. Applicability.

- 1. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless a building permit has been obtained from the building permit officer.
- 2. A building permit shall not be required for minor repair to building or structures, provided that no structural changes or modifications are involved.

(Barnesboro Ord. 385-A, 6/19/1989, Art. I, §1.01)

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§8-103. Abrogation and Greater Restriction.

This Part supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Part, the more restrictive shall apply.
(*Barnesboro Ord. 385-A*, 6/19/1989, Art. I, §1.02)

§8-104. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free of flooding or flood damages. This Part shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

(*Barnesboro Ord. 385-A*, 6/19/1989, Art. I, §1.04)

B. Administration.

§8-111. Building Permits Required.

Building permits shall be required before any construction or development is undertaken within any area of the Borough.

(Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.00)

§8-112. Issuance of Building Permit.

1. The building permit officer shall issue a building 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.
2. Prior to the issuance of any building permit, the building permit officer shall review the application to determine if all other necessary governmental permits required by State and Federal laws have been obtained by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended), the Pennsylvania Dam and Encroachments Act (Act 1978-325, as amended), the Pennsylvania Clean Streams Act (Act 1937-394, as amended), U. S. Clean Water Act §404, 33 U.S.C. §1934. No permit shall be issued until this determination has been made.
3. No encroachment, alteration or improvement of any kind shall be made to any watercourses until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway management. [*Ord. 2000-1*]

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Borough prior to any alteration or relocation of any watercourse. [*Ord. 2000-1*]

(Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.01; as amended by Ord. 2000-1, 1/3/2000, §1)

§8-113. Application Procedures and Requirements.

1. Application for such a building permit shall be made, in writing, to the building permit officer on forms supplied by the Borough. Such application shall contain the following:
 - A. Name and address of applicant.
 - B. Name and address of owner of land on which proposed construction is to occur.
 - C. Name and address of contractor.

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- D. Site location.
 - E. Listing of other permits required.
 - F. Brief description of proposed work and estimated cost.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain areas, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the building officer to determine that:
- A. 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.
 - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - D. Applicants shall file the following minimum information plus any other pertinent information as may be required by the building permit officer to make the above determination.
 - (1) A completed building permit application form.
 - (2) A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less showing the following:
 - (a) North arrow, scale and date.
 - (b) Topographic contour lines, if available.
 - (c) All property and lot lines, including dimension and the size expressed in acres or square feet.
 - (d) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.
 - (e) The location of all existing streets, drives and other access ways.
 - (f) The location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the flood way and the flow of the 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 National Geodetic Vertical Datum of 1929.
 - (b) The elevation of the 100 year flood.
 - (c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other associated with a 100 year flood.
 - (d) Detailed information concerning any proposed floodproofing measures.
- (4) The following data and documentation:
 - (a) Documentation, certified by a registered professional engineer or architect, to show the cumulative effect of any proposed development within an AE Area/District, when combined with all other existing and anticipated developments, will not increase the elevation of the 100 year flood more than 1 foot at any point.
 - (b) A document, certified by a registered professional engineer or architect, which states that the proposed construction of development has been adequately designed to withstand the 100 year flood elevations, pressures, velocities, impact and uplift forces associated with the 100 year flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
 - (c) Detailed information needed to determine compliance with §8-144, "Development Which May Endanger Human Life," including:
 - 1) The amount, location and purchase of any materials or substances 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 structures to prevent leaks or spills of the dangerous materials or substances listed in §8-144 during a 100 year flood.
 - (d) The appropriate component of the Department of Environmental Protection Planning Module for Land Development. [*Ord. 2000-1*]
 - (e) 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. [*Ord. 2000-1*]

(*Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.02; as amended by Ord. 2000-1, 1/3/2000, §1*)

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§8-114. Review by County Conservation District.

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

(Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.03)

§8-115. 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 Building Permit Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Borough Engineer, etc.) for review and comment.

(Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.04)

§8-116. Changes.

After the issuance of a building permit by the building permit officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the building permit officer. Requests for any such change shall be in writing and shall be submitted by the applicant to the building permit officer for consideration.

(Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.05)

§8-117. Placards.

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

(Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.06)

§8-118. Start of Construction.

Work on the proposed construction and/or development shall begin within 6 months and shall be completed within 12 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the building permit officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of pilings 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 building permit officer to approve such a request.

(Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.07)

§8-119. Inspection and revocation.

1. During the construction period, the building permit officer 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 Borough laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
2. In the discharge of his duties the building permit officer shall have the authority to enter any building, structures, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part.
3. In the event the building permit officer discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the building permit officer shall revoke the building permit and report such fact to the Borough Council for whatever action it considers necessary.
4. A record of all such inspections and violations of this Part shall be maintained.

(Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.08)

§8-120. Fees.

Applications for a building permit shall be accompanied by a fee, payable to the Borough based upon the estimated cost of the proposed construction as determined by the building permit officer at the rates as established, from time to time, by resolution of Borough Council.

(Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.09; as amended by Ord. 2000-1, 1/3/2000, §1)

§8-121. Enforcement.

1. **Notices:** Whenever the building permit officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part or of any regulation adopted pursuant thereto, the building permit officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - A. Be in writing.
 - B. Include a statement of the reasons for its issuance.

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- C. Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires.
 - D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
 - E. Contain an outline or remedial action which, if taken, will effect compliance with the provisions of this Part.
2. **Penalties:** Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the building permit officer or any other authorized employee of the Borough shall be guilty of an offense and upon conviction, shall pay a fine to the Borough of not less than \$25 or more than \$1,000 plus costs of prosecution. In default of such payment, such person shall be imprisoned in County prison for a period not to exceed 30 days. Each day during which any violation of this Part continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this Part may be declared by the Council to be a public nuisance and abatable as such. [*Ord. 2000-1*]

(*Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.10; as amended by Ord. 2000-1, 1/3/2000, §1*).

§8-122. Appeals.

- 1. Any persons aggrieved by any action or decisions of the building permit officer involving the administration of the provisions of this Part may appeal to the Council. Such appeal must be filed, in writing, within 30 days after the decision or action of the building permit officer.
- 2. Upon receipt of such appeal the Council shall set a time and place within not less than 10 days nor 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.
- 3. Any persons aggrieved by any decisions of the Council may seek relief therefrom by appeal to court as provided by the laws of this Commonwealth, including the Pennsylvania Floodplain Management Act.

(*Barnesboro Ord. 385-A, 6/19/1989, Art. II, §2.11*)

C. Identification of Floodplain Areas.

§8-131. Identification.

The identification of a floodplain area shall be those areas of Northern Cambria Borough, which are subject to the 100 year flood, as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Borough by the Federal Emergency Management Agency (FEMA) dated September 15, 1989, or the most recent revision thereof.

(Barnesboro Ord. 385-A, 6/19/1989, Art. III, §3.00)

§8-132. Description of Floodplain Areas/Districts.

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

- A. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which 100 year elevations have been provided in this FIS.
- B. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which 100 year flood elevations have been provided. For these areas, elevations and flood ways, information from other Federal, State or other acceptable sources shall be used when available. Where other acceptable information is not available the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. In lieu of the above, the Borough 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 to the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted to sufficient detail to allow a thorough technical review by the Borough.

(Barnesboro Ord. 385-A, 6/19/1989, Art. III, §3.02)

§8-133. Changes in Identifications of Area.

The identified floodplain area may be revised or modified by the Council 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 Federal Insurance Administration (FIA).

(Barnesboro Ord. 385-A, 6/19/1989, Art. III, §3.02)

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§8-134. Boundary Disputes.

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

(Barnesboro Ord. 385-A, 6/19/1989, Art. III, §3.04)

D. Technical Provisions

§8-141. General.

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Borough.
2. Within any flood way area, no new construction or development shall be permitted that would cause any increase in the 100 year flood elevation.
3. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the elevation of the 100 year flood more than 1 foot at any point.
4. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.
5. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be 1 ½ feet or more above the 100 year flood elevation.
6. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be 1½ feet or more above the 100 year flood elevation or be floodproofed up to that height.

Any nonresidential structure or part thereof, having a lowest floor (including basement) which is not elevated to at least 1½ feet above the 100 year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corp. of Engineers (June 1972) or 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.

7. Enclosed areas below the lowest floor (including basement) are prohibited.

(Barnesboro Ord. 385-A, 6/19/1989, Art. IV, §4.00)

§8-142. Special Requirement for the AE Area/District.

Within any AE Area/District no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development when combined

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with all other existing and anticipated development will not increase the elevation of the 100 year flood more than 1 foot at any point.

(Barnesboro Ord. 385-A, 6/19/1989, Art. IV, §4.01)

§8-143. Design and Construction Standards.

The following 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, unless substantiated data justifying steeper slopes are submitted to and approved by the building permit officer.
- (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 drainage of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems.

- (1) All new or replacement water and sanitary sewer facilities and systems shall be located designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (3) No part of any onsite 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.

- 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 1 foot below the regulatory flood elevation.
- F. **Storage.** All materials that are buoyant, flammable, explosive or in times of flooding could be injurious to a human, animal or plant life and not listed in the §8-144, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.
- G. **Placement of Buildings and Structures.** All buildings and structures shall be designed located and constructed so as to minimize obstruction of the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- H. **Anchoring.**
 - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation collapse or lateral movement.
 - (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. **Floors, Walls and Ceilings.**
 - (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring perpendicular to the flooring grain without causing structural damage to the building.
 - (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant variety."
 - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water resistant and will withstand inundation.
 - (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water resistant material.
- J. **Paints and Adhesives.**
 - (1) Paints or other finishes used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" quality.

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- (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" quality.
- (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 3 feet above the 100 year 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 flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(Barnesboro Ord. 385-A, 6/19/1989, Art. IV, §4.02)

§8-144. Development Which May Endanger Human Life.

- 1. Any new or substantially improved structure which:
 - A. Will be used for the production or storage of any of the following dangerous materials or substances; or,
 - B. 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,
 - C. Will involve the production storage or use of any amount of radioactive substances shall be prohibited within any identified floodplain area. 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) Phosphorous.
- (13) Potassium.
- (14) Petroleum products (gasoline, fuel oil, etc.).
- (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.

(Barnesboro Ord. 385-A, 6/19/1989, Art. IV, §4.03)

§8-145. Special Requirements for Manufactured Homes.

1. Where permitted within any identified floodplain area all manufactured homes and additions thereof shall be:
 - A. Placed on a permanent foundation.
 - B. Elevated so that the lowest floor of the manufactured home is 1½ feet or more above the elevation of the 100 year flood.
 - C. Anchored to resist flotation, collapse or lateral movement.

(Barnesboro Ord. 385-A, 6/19/1989, Art. IV, §4.04)

E. Special Activities.

§8-151. General.

The following activities shall be prohibited within any identified floodplain area.

- A. The commencement of any of the following activities or the construction, enlargement or expansion of any structure used or intended to be used for any of the following activities:
 - (1) Hospitals.
 - (2) Nursing homes.
 - (3) Jails or prisons.
- B. The commencement of or any construction of a new manufactured home park or manufactured home subdivision or substantial improvement to an existing mobile home park or mobile home subdivision.

(Barnesboro Ord. 385-A, 6/19/1989, Art. V, §5.00)

F. Existing Structures in Identified Floodplain Areas.

§8-161. Existing Structures.

The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures. However when an improvement is made to any existing structure the provisions of §8-162 shall apply.

(Barnesboro Ord. 385-A, 6/19/1989, Art. VI, §6.00)

§8-162. Improvements.

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

- A. No expansion or enlargement of an existing structure shall be allowed within any flood way area that would cause any increase in the elevation in the 100 year flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any AE area that would together with all other existing and anticipated development, increase the 100 year flood elevation more than 1 foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value shall constitute substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.
- D. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(Barnesboro Ord. 385-A, 6/19/1989, Art. VI, §6.01)

G. Variances

§8-171. General.

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

(Barnesboro Ord. 385-A, 6/19/1989, Art. VII, §7.00)

§8-172. Variance Producers and Requirements.

Requests for variances shall be considered by the Borough in accordance with the following:

- A. No variance shall be granted for any construction, development, use or activity within any flood way area that would cause any increase in the 100 year flood elevation.
- B. No variance shall be granted for any construction, development, use or activity within any AE areas that would, together with all other existing and anticipated development, increase the 100 year flood elevation more than 1 foot at any point.
- C. No variance shall be granted for any of the requirements pertaining specifically to development prohibited by Part 1E, "Special Activities," or to §8-144, "Development Which May Endanger Human Life."
- D. If granted a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health safety and welfare and to achieve the objectives of this Part.
- F. Whenever a variance is granted the Borough shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Borough shall consider, but not be limited to, the following:
 - (1) That there is good and sufficient cause.

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- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
- (3) That the granting of the variance will:
 - (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense.
 - (b) Nor create nuisances, cause fraud on, or victimize the public or conflict with any other applicable State statute or regulations or local ordinance or regulation.

H. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual or biennial report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

(Barnesboro Ord. 385-A, 6/19/1989, Art. VII, §7.01)

H. Definitions

§8-181. General.

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

(Barnesboro Ord. 385-A, 6/19/1989, §8.00)

§8-182. Specific Definitions.

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

BASEMENT - any area of the building having its floor subgrade (below ground level) on all sides.

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

CONSTRUCTION - the construction, reconstruction, renovation, repair extension, expansion, alteration or relocation of a building or structure including the placement of manufactured homes.

DEVELOPMENT - any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

FLOOD - a temporary inundation of normally dry land areas.

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.

FLOOD WAY - the designated area of a floodplain required to carry and discharge water of a given magnitude. For the purpose of this Part the flood way shall be capable of accommodating a flood of the 100 year magnitude.

LOWEST FLOOD - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a buildings lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Part.

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MANUFACTURED HOME - a transportable single-family dwelling intended for permanent occupancy, offices or place of assembly contained in one or more sections built on a permanent chassis which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

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 change of any structural beam or bearing support, or the removal or the 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, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

ONE HUNDRED YEAR FLOOD - a flood that, on the average is like to occur once every 100 years (i.e., that has one chance of occurring each year, although the flood may occur in any year).

REGULATORY FLOOD ELEVATION - the 100 year flood elevation plus a freeboard safety factor of 1½ feet.

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

STRUCTURE - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and other similar items.

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

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement to a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- A. Before the improvement or repair is started, or;
- B. If the structure has been damaged and is being restored, before the damage occurred.

(Barnesboro Ord. 385-A, 6/19/1989, §8.01)

PART 2

TERRITORY FORMERLY OF THE BOROUGH OF SPANGLER FLOODPLAIN REGULATIONS

A. General Provisions

§8-201. Intent.

The intent of this Part is to:

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

(Spangler Ord. 287, 11/11/1985, Art. 1, §1.00)

§8-202. Applicability.

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

(Spangler Ord. 287, 11/11/1985, Art. 1, §1.01)

§8-203. Abrogation and Greater Restrictions.

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

(Spangler Ord. 287, 11/11/1985, Art. 1, §1.02)

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§8-204. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages. This Part shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

(Spangler Ord. 287, 11/11/1985, Art. 1, §1.04)

B. Administration

§8-211. Building Permits Required.

Building permits shall be required before any construction or development is undertaken within any area of the Borough.

(Spangler Ord. 287, 11/11/1985, Art. II, §2.00)

§8-212. Issuance of Building Permit.

1. The building permit officer shall issue a building 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.
2. Prior to the issuance of any building permit the building permit officer shall review the application for permit to determine if all other necessary government permits required by State and Federal Laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended), the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended), the Pennsylvania Clean Streams Act (Act 1937-394, as amended), the U. S. Clean Water Act §404, 33 U.S.C. §1334. No permit shall be issued until this determination has been made.
3. 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 Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Protection. [*Ord. 2000-1*]

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified by the Borough prior to any alteration or relocation of any watercourse. [*Ord. 2000-1*]

(Spangler Ord. 287, 11/11/1985, Art. II, §2.01; as amended by Ord. 2000-1, 1/3/2000, §1)

§8-213. Application Procedures and Requirements.

1. Application for such a building permit shall be made, in writing, to the building permit officer on forms supplied by the Borough. Such application shall contain the following:
 - A. Name and address of applicant.
 - B. Name and address of owner of land on which proposed construction is to occur.
 - C. Name and address of contractor.
 - D. Site and location.

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- E. Listing of other permits required.
 - F. Brief description of proposed work and estimated cost.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within the identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the building permit officer to determine that:
- A. 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.
 - B. All utilities and facilities such as sewer, gas electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - D. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in §8-252) as may be required by the building permit officer to make the above determination.
 - (1) A completed building permit application form.
 - (2) A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
 - (a) North arrow, scale and date.
 - (b) Topographic contour lines, if available.
 - (c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (d) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.
 - (e) The location of all existing streets, drives and other access ways.
 - (f) The location of any existing bodies of water or watercourses, identified floodplain areas and, if available, information pertaining to the flood way 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 flood elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - (b) The elevation of the 100 year flood.
 - (c) If available, information concerning flood depths, pressures, velocities, impact and other factors associated with a 100 year flood.
 - (d) Detailed information concerning any proposed floodproofing measures.
- (4) Detailed information needed to determine compliance with §8-242(F), "Storage" and §8-243, "Development Which May Endanger Human Life," including:
 - (a) The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
 - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §8-243 during a 100 year flood.
- (5) The appropriate component of the Department of Environmental Protection "Planning Module for Land Development." [*Ord. 2000-1*]
- (6) 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. [*Ord. 2000-1*]

(*Spangler Ord. 287, 11/11/1985, Art. II, §2.02; as amended by Ord. 2000-1, 1/3/2000, §1*)

§8-214. 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 building permit officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Borough Engineer, etc.) for review and comment.

(*Spangler Ord. 287, 11/11/1985, Art. II, §2.03*)

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§8-215. Changes.

After the issuance of a building permit by the building permit officer, no change of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the building permit officer. Requests for any such change shall be in writing and shall be submitted by the applicant to building permit officer for consideration.

(Spangler Ord. 287, 11/11/1985, Art. II, §2.04)

§8-216. Placards.

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

(Spangler Ord. 287, 11/11/1985, Art. II, §2.05)

§8-217. Start of Construction.

Work on the proposed construction and/or development shall begin within 6 months and shall be completed within 12 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the building permit officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subservice 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 building permit officer to approve such a request.

(Spangler Ord. 287, 11/11/1985, Art. II, §2.06)

§8-218. Inspection and Revocation.

1. During the construction period, the building permit officer 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 Borough laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
2. In the discharge of his duties, the building permit officer shall have the authority to enter any building structure, premises or development in the identified flood prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part.

3. In the event the building permit officer discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the building permit officer shall revoke the building permit and report such fact to the Borough Council for whatever action it considers necessary.
4. A record of all such inspections and violations of this Part shall be maintained.

(*Spangler Ord. 287, 11/11/1985, Art. II, §2.07*)

§8-219. Fees.

Applications for a building permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed construction as determined by the building permit officer as established, from time to time, by resolution of Borough Council.

(*Spangler Ord. 287, 11/11/1985, Art. II, §2.08; as amended by Ord. 2000-1, 1/3/2000, §1*)

§8-220. Enforcement.

1. **Notices.** Whenever the building permit officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulation adopted pursuant thereto, the building permit officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - A. Be in writing.
 - B. Include a statement of the reasons for its issuance.
 - C. Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires.
 - D. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
 - E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.
2. **Penalties.** Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the building permit officer or any other authorized employee of the Borough shall be guilty of an offense and, upon conviction, shall pay a fine of not less than \$25 nor more than \$1,000 plus costs of prosecution. In default of such payment of said fees and costs, such person shall be imprisoned for a period not to exceed 30

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days. Each day during which any violation of this Part continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this

Part may be declared by the Borough Council, to be a public nuisance and abatable as such. [*Ord. 2000-1*]

(*Spangler Ord. 287, 11/11/1985, Art. II, §2.09; as amended by Ord. 2000-1, 1/3/2000, §1*)

§8-221. Appeals.

1. Any person aggrieved by an action or decision of the building permit officer concerning the administration of the provisions of this Part, may appeal to the Council. Such appeal must be filed, in writing, within 30 days after the decision or action of the building permit officer.
2. Upon receipt of such appeal the Council shall set a time and place within no less than 10 nor 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.
3. Any person aggrieved by any decision of the Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth, including the Pennsylvania Floodplain Management Act.

(*Spangler Ord. 287, 11/11/1985, Art. II, §2.10*)

C. Identification of Floodplain Areas

§8-231. Identification.

The identified floodplain area shall be any area of the Borough of Spangler, subject to the 100 year flood, which is identified as Zone A on the most recent Flood Insurance Rate Map (FIRM) issued by Federal Emergency Management Agency (FEMA) dated August 13, 1976.

(Spangler Ord. 287, 11/11/1985, Art. III, §3.00)

§8-232. Determination of the 100 Year Flood Elevation.

For the purpose of this Part, the 100 year flood elevation shall be used as the basis for regulation. To determine the 100 year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of date, where available, shall be used, such as:

- A. Corps of Engineers floodplain information reports.
- B. U. S. Geological Survey flood prone quadrangles.
- C. U.S.D.A., Soil Conservation Service, County Soil Surveys (Alluvial Soils) or P. L. 566, Flood Information.
- D. Pennsylvania Department of Environmental Protection Flood Control Investigations. [*Ord. 2000-1*]
- E. Known highwater marks from past floods.
- F. Other sources.

In lieu of the above, the Borough 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 Borough.

(Spangler Ord. 287, 11/11/1985, Art. III, §3.01; as amended by Ord. 2000-1, 1/3/2000, §1)

§8-233. Changes in Identification of Area.

The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision.

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However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

(Spangler Ord. 287, 11/11/1985, Art. III, §3.02)

§8-234. Boundary Disputes.

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

(Spangler Ord. 287, 11/11/1985, Art. III, §3.03)

D. General Technical Requirements

§8-241. General.

1. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Borough.
2. Within any identified floodplain area, 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. [*Ord. 2000-1*]
3. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any residential structure shall be 1½ feet or more above the 100 year flood elevation.
4. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be 1½ feet or more above the 100 year flood elevation or be floodproofed up to that height.

Any nonresidential structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this Part. Additional information may be obtained from the publication entitled "Floodproofing Regulations" (U. S. Army Corps of Engineers, June 1972).

(*Spangler Ord. 287*, 11/11/1985, Art. IV, §4.00; as amended by *Ord. 2000-1*, 1/3/2000, §1)

§8-242. 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 unless substantiated data justifying steeper slopes are submitted to, and approved by, the building permit officer.

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- (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 and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - (3) No part of any onsite 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.
- 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 more than 1 foot below the regulatory flood elevation.
- F. **Storage.** All materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal, or plant life and not listed in §8-243, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.
- G. **Placement of Buildings and Structures.** All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- H. **Anchoring.**
 - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

- (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings.

- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water resistant" variety.
- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. Paints and Adhesives.

- (1) Paints or 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.) 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 3 feet above 100 year 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 mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

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- M. **Fuel Supply Systems.** All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(*Spangler Ord. 287, 11/11/1985. Art. IV, §4.01*)

§8-243. Development Which May Endanger Human Life.

1. In accordance with the Pennsylvania Floodplain 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: [*Ord. 2000-1*]
 - A. Will be used for the production or storage of any of the following dangerous materials or substances.
 - B. 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.
 - C. 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.
2. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subsection (1) above, shall be:
- A. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the 100 year flood.
 - B. Designed to prevent pollution from the structure or activity during the course of a 100 year flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry flood proofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps of Engineers, June, 1972) or with some other equivalent watertight standard.

(Spangler Ord. 287, 11/11/1985, Art. IV, §4.02)

§8-244. Special Requirements for Mobile Homes.

1. Where permitted within any identified floodplain area, all mobile homes and additions thereto shall be:
- A. Anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974) (ANSI A119.3-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:
 - (1) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.

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- (2) Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate locations for units 50 feet or more in length and four additional ties per side for units less than 50 feet in length.
- (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

B. Elevated in accordance with the following requirements:

- (1) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be 1½ feet or more above the elevation of the 100 year flood.
 - (2) Adequate surface drainage is provided.
 - (3) Adequate access for a hauler is provided.
 - (4) Where pilings are used for elevation, the lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than 10 feet apart, reinforcement shall be provided for pilings that will extend for 6 feet or more above the ground level.
2. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for mobile home parks.

(Spangler Ord. 287, 11/11/1985, Art. IV, §4.03)

E. Activities Requiring Special Permits

§8-251. General.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified flood plain area unless a special permit has been issued by the Borough. [*Ord. 2000-1*]

- 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 mobile home park or mobile home subdivision or substantial improvement to an existing mobile home park or mobile home subdivision.

(*Spangler Ord. 287, 11/11/1985, Art. V, §5.00; as amended by Ord. 2000-1, 1/3/2000, §1*)

§8-252. Application Requirements for Special Permits.

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

- A. A written request including a completed building 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 1 inch being equal to 100 feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of 2 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 access ways and parking areas, with information concerning widths, pavement types and construction and elevations.

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- (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 manmade features affecting, or affected by, the proposed activity or development.
 - (6) The location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations and information concerning the flow of water including direction and velocities.
 - (7) The location of all proposed buildings, structures, utilities and any other improvements.
 - (8) Any other information which the Borough 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 100 year flood.
 - (4) Detailed information concerning any proposed flood proofing measures.
 - (5) Cross-section drawings for all proposed streets, drives, other access ways and parking areas showing all rights-of-way and pavement widths.
 - (6) Profile drawings for all proposed streets, drives and vehicular access ways including existing and proposed grades.
 - (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) Certificate from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year 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 100 year 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 100 year flood elevations 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 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows.
- (6) The appropriate component of the Department of Environmental Protection, "Planning Module for Land Development." [*Ord. 2000-1*]
- (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. [*Ord. 2000-1*]
- (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-16. [*Ord. 2000-1*]
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.

(*Spangler Ord. 287, 11/11/1985, Art. V, §5.01; as amended by Ord. 2000-1, 1/3/2000, §1*)

§8-253. Application Review Procedures.

Upon receipt of an application for a special permit by the Borough, the following procedures shall apply in addition to those of subpart B:

- A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.

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- B. If an application is received that is incomplete, the Borough shall notify the applicant, in writing, stating in what respect the application is deficient.
- C. If the Borough decides to disapprove an application it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Borough 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 5 working days after the date of approval. [*Ord. 2000-1*]
- E. Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Borough. [*Ord. 2000-1*]
- F. If the Borough does not receive any communication from the Department of Community and Economic Development during the 30 day review period, it may issue a special permit to the applicant. [*Ord. 2000-1*]
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval and the Borough shall not issue the special permit. [*Ord. 2000-1*]

(*Spangler Ord. 287, 11/11/1985, Art. V, §5.02; as amended by Ord. 2000-1, 1/3/2000, §1*)

§8-254. Special Technical Requirements.

- 1. In addition to the requirements of Part 2, 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 Part 2D or in any other code, ordinance or regulation the more restrictive provision shall apply.
- 2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - (1) The structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the 100 year flood elevation.
 - (2) The lowest floor elevation will be at least 1½ feet above the 100 year flood elevation.

- (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.

- B. Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.

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, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community and Economic Development. [*Ord. 2000-1*]

(*Spangler Ord. 287, 11/11/1985, Art. V, §5.03; as amended by Ord. 2000-1, 1/3/2000, §1*)

F. Existing Structures in Identified Floodplain Areas

§8-261. General.

Structures existing in any identified floodplain area prior to the enactment of this Part may continue to remain, provided that:

- A. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or flood proofed to the greatest extent possible.

(Spangler Ord. 2878, 11/11/1985, Art. VI, §6.00)

G. Variances

§8-271. General.

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

(Spangler Ord. 287, 11/11/1985, Art. VII, §7.00)

§8-272. Variance Procedures and Conditions.

Requests for variances shall be considered by the Borough in accordance with the procedures following:

- A. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Part 2E) or to §8-243, "Development Which May Endanger Human Life."
- B. If granted, a variance shall involve only the least modification necessary to provide relief.
- C. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Part.
- D. Whenever a variance is granted the Borough shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
- E. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will:
 - (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.

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- (b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

- F. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.

(Spangler Ord. 287, 11/11/1985, Art. VII, §7.01)

H. Definitions

§8-281. General.

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

(Spangler Ord. 287, 11/11/1985, Art. VIII, §8.00)

§8-282. Specific Definitions.

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

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

CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

DEVELOPMENT - any manmade change to improve or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

FLOOD - a temporary inundation of normally dry land areas.

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.

FLOOD PROOFING - 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.

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, soil, waste, vent or similar piping electric wiring or mechanical or other work affecting public health or general safety.

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MOBILE HOME - a transportable, single family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

MOBILE HOME PARK - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.

OBSTRUCTION - any wall, dam wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or flood prone area, which may impede, retard or change the direction of the flow of water either on itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

ONE HUNDRED YEAR FLOOD - a flood that, on the average, is likely to occur once every 100 years (i.e., that has 10% chance of occurring each year, although the flood may occur in any year).

REGULATORY FLOOD ELEVATION - the 100 year flood elevation plus a freeboard safety factor of 1½ feet.

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

STRUCTURE - anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, mobile homes and other similar items.

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

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- A. Before the improvement or repair is started.
- B. If the structure has been damaged, and is being restored, before the damage occurred.

(Spangler Ord. 287, 11/11/1985, Art. VIII, §8.00)

CHAPTER 9

GRADING AND EXCAVATION

(Reserved to accommodate future enactments)

GRADING AND EXCAVATING

CHAPTER 10
HEALTH AND SAFETY

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MAXIMUM SOUND LEVELS

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- §10-102. Loud, Boisterous or Unseemly Noise or Disturbance Prohibited
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- §10-301. Prohibiting the Utilization of Parts/Detached Parts of Motor Vehicles

PART 1

MAXIMUM SOUND LEVELS

§10-101. Definition.

The word "person" as used in this Part shall mean any natural person, partnership, firm, association, organization or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 2000-1, 1/3/2000, §1)

§10-102. Loud, Boisterous or Unseemly Noise or Disturbance Prohibited.

No person within the Borough shall willfully make or cause to be made any loud, boisterous or unseemly noise or disturbance, to the annoyance of any other person; provided, that nothing contained in this Section shall restrict or limit the normal use to be made of parks, recreation places, playing fields and playgrounds in the Borough.

(Ord. 2000-1, 1/3/2000, §1)

§10-103. Advertising Any Goods, Wares or Merchandise Prohibited.

No person shall make or cause to be made or permit to be made any noise of any kind by crying, calling or shouting or by means of any whistle, rattle, gong, horn, drum or similar mechanical device for the purpose of advertising any goods, wares or merchandise or of attracting the attention or inviting the patronage of any person to any business whatsoever, in the Borough.

(Ord. 2000-1, 1/3/2000, §1)

§10-104. Loud Sounds or Noises for Commercial Purposes Prohibited.

No person in the Borough shall, for commercial purposes or in connection with any commercial enterprise, erect or locate any device or apparatus in front of or on the exterior of the premises owned or occupied by him which, by mechanical or electrical means, emits any loud sounds or noises that the provisions of this Section shall not apply, in time of emergency, to an announcement or broadcast of any current event of public interest.

(Ord. 2000-1, 1/3/2000, §1)

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§10-105. Noise Limitations.

1. No person shall operate or cause or allow to be operated upon the premises owned or occupied by such person, within the Borough, any gas engine, gasoline engine, motorcycle, motorbike, truck, automobile, snowmobile or steam engine with an exhaust or any compressor, or any other machinery or mechanical device of any kind whatsoever making a noise that shall be offensive to any of the inhabitants of the Borough. Any person operating any such engine or machine or mechanical device shall cause the exhaust therefrom to be so muffled, controlled or insulated that it shall make no noise that will be offensive to any of the inhabitants of the Borough.
2. No person shall permit his dog or dogs to bark so as to cause a disturbance, noise or annoyance of any other person.

(Ord. 2000-1, 1/3/2000, §1)

§10-106. Nuisance in Fact.

1. The Borough Council finds as a fact that the operation of an engine brake on a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake, adversely affects the public health, safety and welfare of the residents of the Borough is a nuisance in fact.
2. **Prohibited Act.** No gasoline powered or diesel powered motor vehicle shall be operated on the streets, roads, alleys or highways within the Borough, in said operation, as engine brake, without exhaust mufflers or with defective or inoperable exhaust mufflers, permitting excessive noise to be created by said motor vehicle.
3. **Exceptions for Emergencies.** This Section shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of the Borough, other motor vehicle operators, pedestrians and the operator and passengers of the motor vehicle involved in said emergency situation.
4. **Penalties.** Any person, firm, corporation or organization violating any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation of this part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2000-1, 1/3/2000, §1)

PART 2
EMERGENCY COSTS RECOVERY

§10-201. Short Title.

This Part shall be known and cited as the “Borough of Northern Cambria Emergency Costs Recovery Ordinance.”

(Ord. 2000-1, 1/3/2000, §1)

§10-202. Declaration of Purpose and Findings.

The "Borough of Northern Cambria Emergency Costs Recovery Ordinance" is adopted for the purpose of promoting the health, safety and welfare of the citizens within the Borough of Northern Cambria, Cambria County, Pennsylvania. The Borough Council finds that the Hope Volunteer Fire Company and Spangler Volunteer Fire Company provide valuable emergency services, including fire protection to the persons of this Borough. These services promote the welfare of the Borough, preserve the health and lives of persons and protect property from damage and destruction. The continued financial stability of these fire companies is of paramount importance to the members of the Borough. Hope Volunteer Fire Company and Spangler Volunteer Fire Company are required to respond to an increasing number of emergency incidents or false alarms. The costs of such responses, as well as the costs for the purchase and maintenance of fire company equipment and supplies, has increased because of increased responses to emergency calls for accidents on State and Federal highways in the Borough and compliance requirements for new State and Federal regulations. It is necessary, therefore, for the fire companies financial viability that these fire companies charge a fee for their response to an emergency incident or false alarm.

(Ord. 2000-1, 1/3/2000, §1)

§10-203. Definitions.

This following words and phrases, when used in this Part, shall have the meanings indicated hereinbelow, except where the context clearly indicates or expressly requires a different meaning:

EMERGENCY INCIDENT – an occurrence involving a risk of harm and/or eminent threat to private or public property, life or potential threat to the environment or public health or safety including, but not limited to, the following:

- (1) Unfriendly fires, i.e., fires that are not under the control of the property owner or occupant, or fires that threaten adjacent property.
- (2) Vehicle accidents where there is a report of injuries.

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- (3) Vehicle accidents where petroleum or hazardous materials or chemicals are spilled or released or where there is a threat of such spillage or release.
- (4) Vehicle accidents where traffic control is required.
- (5) The occurrence of a building, well, trench or sinkhole collapse requiring rescue efforts or otherwise threatening life, property or the environment.
- (6) The release or spillage of petroleum or hazardous materials or chemicals.
- (7) The occurrence of any incident within the Borough which requires traffic control requested by the Borough, fire personnel or the State Police.

EMERGENCY SERVICE COSTS – all direct and indirect cost expenses incurred/expended by the Hope Volunteer Fire Company and the Spangler Volunteer Fire Company in connection with any emergency incident including, but not limited to, the following:

- (1) The reasonable hourly value of volunteer personnel, as determined by the appropriate fire chief, taking into account the funds expended to train and properly equip such volunteer, times the number of hours worked by each such volunteer, less 1 hour in response to any emergency incident.
- (2) The costs of all nonreusable materials and all contaminated or consumed materials utilized in connection with any emergency incident.
- (3) The costs of all equipment, calculated by estimating the number of hours of the useful life of such equipment and dividing same into the replacement costs plus the maintenance costs of said equipment and then multiplying the result by the number of hours such equipment was “in service” in response to any emergency incident.
- (4) The administrative costs of recording, keeping, information processing, assembling and transmitting a bill of costs.

FALSE ALARMS – any oral, electronic or mechanical communication to Hope Volunteer Fire Company or Spangler Volunteer Fire Company indicating that a fire or other emergency incident warranting immediate action by a fire company(s) has occurred or is occurring. This shall include a communication made to the County Control Center if the content of the communication is then forwarded to said fire company(s). A false alarm shall not include any activation of an alarm system due to any malfunction caused by a violent, natural catastrophic condition, including electrical storms or power outage or conditions beyond the alarm owner or user. Notwithstanding the foregoing, an accidental activation of an alarms system shall constitute a false alarm when caused by the negligence of the alarm owner or user or their agents or others permitted on the property of the alarm owner or user.

RESPONSIBLE PARTY/PARTIES – the following persons or business entities shall, for the purpose of this Part, be deemed responsible parties:

- (1) The owner and/or operator of a motor vehicle involved in an emergency accident.
- (2) The owner and/or occupant of real property on which an emergency incident occurs.
- (3) The owner of petroleum or hazardous material or chemicals involved in an emergency incident.
- (4) Any person(s) and/or legal entity, or entities, found to be legally responsible in any court of competent jurisdiction for the causation of any emergency incident.

(Ord. 2000-1, 1/3/2000, §1)

§10-204. Right of Recovery.

In the event that Hope Volunteer Fire Company or Spangler Volunteer Fire Company responds to an emergency incident or false alarm, the fire company(s) may charge the responsible party/parties a fee for its emergency service costs, in accordance with this Part and the responsible party/parties shall be liable to said fire company(s) for such fee. The rights and obligations created herein are in addition to any other causes of action or remedies which the fire company(s) may have against the responsible party/parties. This Section does not exclude, derogate or otherwise impair a fire company(s) common law and statutory rights of action.

(Ord. 2000-1, 1/3/2000, §1)

§10-205. Compliance With Approved Fee Schedule; Review by Borough Council

The emergency service costs billed to the responsible party/parties must be in compliance with the fee schedule approved, from time to time, by resolution of the Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

§10-206. Billing; Institution of Suit.

Hope Volunteer Fire Company or Spangler Volunteer Fire Company shall send the responsible party/parties an itemized bill for its emergency service costs within 45 days after an emergency incident or false alarm. If the responsible party/parties fail to pay the bill within 60 days thereafter, then the fire company(s) may file suit in any court of competent jurisdiction to recover the outstanding amount, plus interest from the date of billing, costs, attorney fees and a 10% penalty.

(Ord. 2000-1, 1/3/2000, §1)

PART 3

UTILIZATION OF PARTS/DETACHED PARTS OF MOTOR VEHICLES

§10-301. Utilization of Parts/Detached Parts of Motor Vehicles.

1. The above set forth recitals are incorporation into this Part as though same were set forth fully and completely herein.
2. The temporary or permanent storage and/or sale of items in/from detached parts of vehicles, including trailers which are commonly known as/included as tractor-trailers or truck beds or other such/similar parts of vehicles is hereby and hereafter prohibited in the Borough of Northern Cambria.
3. Nothing contained herein shall prohibit temporary local deliveries and transportation from locations in the Borough of Northern Cambria, including those areas of the Borough zoned Industrial, Commercial and Agricultural Districts. This exclusion also includes the utilization of dumpsters in conjunction with construction, renovation and/or demolition work.
4. The provisions of this Part shall be severable, and if any of the provisions or Sections shall be declared unconstitutional or illegal by a court of competent jurisdiction, the decision of such court shall not affect the validity of the remaining provisions or Sections of this Part. It is hereby declared to be the legislative intent that this Part would have been adopted has such illegal or unconstitutional provision(s) not been included herein.
5. This Part repeals any Sections or parts of any existing ordinance(s) of the Borough of Northern Cambria deemed/found to be inconsistent with any of the provisions hereof. This Part shall not repeal any Section, part or clause of the Borough's Zoning Ordinance, the provisions of which shall be effective in addition to or in lieu of any publications set forth herein.
6. Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this Part shall, upon conviction, be sentenced to pay a fine not to exceed the maximum fine of \$600 plus costs of prosecution and, in default of payment of such costs and prosecution, imprisonment for a term not exceeding 30 days; provided, however, that if the district justice determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fine or costs in installments and over such periods of time as the district justice deems to be just. Further, nothing contained herein shall prohibit the Borough of Northern Cambria from bringing whatever action, in law and/or equity, it deems necessary to remedy any violation(s) hereof.

(Ord. 2004-24, 9/13/2004)

CHAPTER 11

HOUSING

(Reserved to accommodate future enactments)

CHAPTER 12

LIBRARIES

PART 1

RECOGNITION OF PUBLIC LIBRARY

- §12-101. Recognition
- §12-102. Authority

PART 1

RECOGNITION OF PUBLIC LIBRARY

§12-101. Recognition.

The purpose of this Part is to recognize the Northern Cambria Library Association as the official public library of the Borough. The Commonwealth of Pennsylvania has enacted the "Library Code," the Act of June 14, 1961, P.L. 334, as amended through July 1, 1999. The Act provides for the establishment and support of public libraries.

(Ord. 2000-1, 1/3/2000, §1)

§12-102. Authority.

1. The Northern Cambria Library Association is hereby given all power, so far as the Borough has power to grant the same, to enact such rules and regulations for the management and government of individual members thereof as shall be necessary for the proper maintenance and control of said library. Neither the grant of the aforesaid power nor the recognition as set forth in §12-101 shall be construed as constituting the Northern Cambria Library Association as an agent, department or employee of the Borough of Northern Cambria.
2. The Northern Cambria Library Association assumes the responsibility for all assets of the former Spangler Library Association and the Barnesboro Public Library.
3. The Northern Cambria Library Association shall give free library service to the residents and taxpayers as provided in §415 of the Library Code. The Borough agrees to assist in the maintenance of the Northern Cambria Library Association.

(Ord. 2000-1, 1/3/2000, §1)

CHAPTER 13
LICENSES, PERMITS AND GENERAL
BUSINESS REGULATIONS

PART 1

LICENSE AND REGULATION OF MECHANICAL AMUSEMENT DEVICES

- §13-101. License Required for Certain Electronic or Mechanical Devices
- §13-102. License Application
- §13-103. Investigation of Application; Transfer Prohibited
- §13-104. Gambling Devices not Licensed
- §13-105. License Fee
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- §13-701. Definitions
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PART 1

LICENSE AND REGULATION OF MECHANICAL AMUSEMENTS

§13-101. License Required for Certain Electronic or Mechanical Devices.

1. **Mechanical or Electronic Amusement Machine or Apparatus.** From and after the passage and enactment of this Part, no person or persons, firm or corporation shall at any time have in his, her, its or their possession within the Borough of Northern Cambria any mechanical or electronic device, machine or apparatus whatsoever for the playing of games, amusement or entertainment which are played through the insertion therein of a coin or any metal disk, slug or token whatsoever, without first having procured a license therefor as hereinafter provided.
2. **Juke Boxes or Other Similar Musical Devices.** No person or persons, firm or corporation shall at any time have in her, her, its or their possession within the Borough of Northern Cambria any juke box, music box, phonographs or other similar musical device, machine or apparatus which are played through the insertion therein of a coin or any metal disk, slug or token whatsoever, without first having procured a license therefor as hereinafter provided in this Part.

(Ord. 2000-1, 1/3/2000, §1)

§13-102. License Application.

Any person or persons, firm or corporation desiring to procure a license, as provided in §13-101, shall apply therefor, in writing, to the Chief Administrative Officer. Said application shall set forth the name or names, the residence or residences of the person or persons, firm or corporation so applying, together with the present and previous occupation of the applicant or applicants and the length of residence at the present address of the applicant and at the previous place of residence, the name of the owner of the premises upon which the aforesaid machines are to be used and installed and if the owner of the premises is not the applicant, then the applicant shall set forth the length of time for which the premises has been leased. The applicant shall also set forth the manufacturer and nature of the machines to be installed and used. The information hereby required shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.

(Ord. 2000-1, 1/3/2000, §1)

§13-103. Investigation of Application; Transfer Prohibited.

No license shall be granted until a period of 7 days shall have elapsed from the date of application, during which time the officials or employees of the Borough may, at their discretion, investigate the facts set forth in the application. No license shall be transferable.

(Ord. 2000-1, 1/3/2000, §1)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

§13-104. Gambling Devices not Licensed.

Nothing in this Part shall in any way be construed to authorize, license or permit any gambling device whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law or that may be contrary to any present or future laws of the Commonwealth of Pennsylvania.

(Ord. 2000-1, 1/3/2000, §1)

§13-105. License Fee.

1. No license shall be issued until an annual fee shall have been paid to the Chief Administrative Officer. The amount of the fee shall be set, from time to time, by resolution of the Borough Council. Each license shall expire on December 31 of each year.
2. License fees shall not be prorated but shall remain the same for the whole or portion of any 1 year.
3. The Chief of Police, or any other officer the Borough Council may designate, may in his discretion, put a lead (or any other type) seal upon any device for which no license fee has been paid and when the proper license fee has been paid for such sealed device, said seal shall be removed by the Chief of Police or other designated officer of the Borough.
4. While said unlicensed device is under seal as aforesaid, the owner, proprietor, manager or person in charge of the place where said device is located shall be responsible for the device and for any unlawful use thereof while such mechanical device is unlicensed.

(Ord. 2000-1, 1/3/2000, §1)

§13-106. Issuance of License.

Upon payment of the license fee, the Chief Administrative Officer shall issue a metal disc or plate setting forth the number of the license for each machine. Such disc or plate shall be attached and fastened to the respective machine or device so that the same shall be clearly observable and readable.

(Ord. 2000-1, 1/3/2000, §1)

§13-107. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$600 and, in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 2000-1, 1/3/2000, §1)

PART 2

LICENSE OF CERTAIN AMUSEMENTS

§13-201. Definitions.

DANCE HALL - any room, place or space in which a public dance, as defined herein, is held.

PERSON - any natural person, partnership, association, firm or corporation.

PUBLIC DANCE - any dance or ball to which admission may be had by payment of a fee or by purchase, possession or presentation of a token or ticket or in connection with which a charge is made for the care of clothing or other property or any dance to which the public generally may gain admission with or without the payment of a fee. In this Part the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 2000-1, 1/3/2000, §1)

§13-202. License Required.

No person shall operate or conduct in the Borough of Northern Cambria any billiard room, pool room, bowling alley, shooting gallery, dance hall or theater without first obtaining and holding a current license therefor from the Chief Administrative Officer. All such licenses shall be issued for a period of 1 year beginning and ending on January 1 of each year.

(Ord. 2000-1, 1/3/2000, §1)

§13-203. License and Application Fees.

Every person desiring any license as required by the preceding Section of this Part shall make application to the Chief Administrative Officer therefor, at the same time paying the application fee set by the Borough Council, pursuant to a resolution and, upon issuance of such license, shall pay the appropriate license fee established also pursuant to resolution.

(Ord. 2000-1, 1/3/2000, §1)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

§13-204. Prorating of Annual License Fee.

If any person shall begin to engage in any business or activity for which an annual license is hereby required, on or after the first day of January in any year and, shall promptly make application for such license, a fee equal to ½ of the yearly fee established pursuant to resolution for such class of license shall be charged.

(Ord. 2000-1, 1/3/2000, §1)

§13-205. Inspections.

Any business or activity licensed under this Part shall be subject to inspection by the appropriate officials of the Borough.

(Ord. 2000-1, 1/3/2000, §1)

§13-206. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$600 and, in default of payment, to undergo imprisonment for a term not to exceed 30 days.

(Ord. 2000-1, 1/3/2000, §1)

PART 3

PERMIT FOR TRANSIENT AMUSEMENTS

§13-301. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

AMUSEMENT RIDE - any device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement including, but not limited to, merry-go-rounds, ferris wheels, roller coasters which may be permanently or temporarily installed or used in the Borough.

CARNIVAL or CIRCUS - an itinerant enterprise consisting principally of temporary amusement structures and/or mechanical rides.

PERSON - any natural person, partnership, firm or corporation.

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

(Ord. 2000-1, 1/3/2000, §1)

§13-302. Permit and Fees Required.

1. It shall be unlawful for any person to hold or conduct a circus or carnival, at any location within the Borough of Northern Cambria, or to operate any amusement ride therein without first having obtained a permit therefor from the Chief Administrative Officer for which a fee for the use of the Borough shall be paid as established, from time to time, by resolution of the Borough Council; provided, that no separate permit shall be required for any amusement ride that shall be a part of any carnival that shall be authorized under this Part.
2. At the discretion of the Borough Council the permit fee may be remitted in the case of a circus or carnival the proceeds of which are applied to purely charitable uses or in the case the application for such permit shall have been made by and on behalf of any organization connected with the Borough government or with any public school district.

(Ord. 2000-1, 1/3/2000, §1)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

§13-303. Rejection of Permits; Appeals.

1. The Chief Administrative Officer shall refuse to grant a permit in any case where the owner of such circus or carnival or the operator of any amusement ride, as the case may be, fails or refuses to present an official inspection affidavit prepared by a qualified inspector in accordance with the Amusement Ride Inspection Act (4 P.S. §407) and the regulations of the Amusement Ride Safety Board (7 Pa.Code §139.1 *et seq.*) along with a certificate of insurance as required by §414 of that same Act.
2. If any permit shall be denied an appeal from such denial may be made by the applicant or by the person to whom such permit had been issued, as the case may be, to the Borough Council within 10 days of rejection, but no portion of a permit fee shall be refunded in case of suspension or revocation. Such hearing shall be conducted within 30 days of the appeal and a decision rendered by the Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

§13-304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment, to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 2000-1, 1/3/2000, §1)

PART 4

SOLICITING, CANVASSING AND PEDDLING

§13-401. Definitions; Exceptions.

1. The word “soliciting” or “canvassing” as used in this Part shall mean the seeking or taking of contracts or orders for any goods, wares, services, merchandise, subscriptions or contributions without prior invitation from the owner or occupant or by entering in or upon any of the streets or sidewalks or from house to house or by visitation to private residences without prior invitation from the owner or occupant or by entering in or upon private property within the Borough of Northern Cambria for such purpose(s); and, shall further mean the acts of seeking or taking without prior invitation from the owner or occupant of contracts or orders from home or other building repairs, improvements or alterations and, also the seeking or taking without prior invitation from the owner or occupant of orders or contracts for any mechanical, electrical, plumbing, heating or other device or equipment for house, home or building or other building improvements or repair, upon or from the places aforesaid within the said Borough.
2. The word “peddling” as used in this Part shall mean the selling or offering for sale of any goods, wares, services or merchandise for immediate delivery which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon or along any of the streets or sidewalks, or upon any land located in the Borough of Northern Cambria, or from house to house or by visitation to private residences. provided that, the words “soliciting,” “peddling” and “canvassing” shall not apply to:
 - A. Farmers seeking or taking orders for the sale of their own products;
 - B. To persons under the age of 16 years who take orders for and deliver newspapers, greeting cards, candy, magazines and similar items, or who represent Boy Scouts, Girl Scouts, schools or school organizations and like established groups.
 - C. Any honorably discharged soldier, sailor or marine of the military service who complies with the Act of Assembly of the Commonwealth of Pennsylvania of 1867, April 8, P.L. 50, as amended, who procures from the Prothonotary of the proper county a certificate in pursuance of the Act of Assembly.
 - D. The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- E. Persons, corporations, partnerships and associations, their agent or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 644, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes.
- F. Any person or entity taking orders for merchandise from dealers or merchants for re-sale to an ultimate consumer.
- G. To any person who is a member of a religious or church affiliated organization and who is disseminating religious material and/or seeking contributions only from among members of the same organization or as a part of his doctrinal religious practice.
- H. Any person or entity having an established business in the in the Borough of Northern Cambria and who has been engaged in such business for at least 2 years continuously immediately preceding the date of adoption of this Part, may engage/continue to engage in soliciting, peddling or canvassing out of/from the current location of said business, as to merchandise/inventory normally involved in the/its business.

However, any person(s) or entity(ies) who are, as above set forth, exempt from obtaining a license for soliciting, peddling and/or canvassing, under this Part, must furnish to the Borough identification and credentials relative to representation of the organization for which such individual is soliciting, peddling and/or canvassing. Upon approval, such individual, upon the payment of a \$5 fee, shall receive a badge/button signifying such approval. (The aforesaid \$5 fee is refundable upon the return of such badge/button to the Borough Secretary.

- 3. "Solicitor" or "canvasser" as used in this Part, means any person who shall engage in soliciting or canvassing as hereinabove defined.
- 4. "Peddler" as used in this Part, means any person who shall engage in peddling as hereinabove defined.
- 5. "Person" as used in this Part, means any natural person, association, partnership, firm, organization or corporation.
- 6. In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 2004-23, 9/13/2004, §1)

§13-402. License Required.

No person shall engage in soliciting or canvassing or peddling in the Borough of Northern Cambria without first having taken out a license as herein provided.

(Ord. 2004-23, 9/13/2004, §2)

§13-403. License Application.

1. Every person desiring to engage in soliciting, canvassing or peddling in the Borough shall first make application to the Secretary of the Borough for a license. If such person shall also be required to obtain a license from any County office, he shall, on making such application, exhibit a valid County license. The application shall be upon a blank provided by the Borough Secretary and shall contain at least the following information, verified under oath or affirmation:
 - A. Full name of the applicant and local address, if any;
 - B. Permanent address and telephone number;
 - C. Name, address and telephone number of employer or a statement that such applicant is self-employed;
 - D. The nature of the goods, wares, services or merchandise offered for sale;
 - E. A statement as to whether or not the applicant has ever been convicted of a crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed;
 - F. The type and license number of the vehicle(s) to be used, if any;
 - G. Upon request, the applicant shall furnish a photograph. Where a person makes application for himself and one or more helpers, all applicable persona information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him and an individual license shall be required for each helper. No license under this Part shall be transferable from one person to another.
 - H. The location(s) in the Borough from or out of or at which such soliciting, canvassing, peddling, selling or delivery shall be made/effectuated.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

2. It is hereby provided that any person or entity having an established business in the Borough of Northern Cambria and who has been engaged in such business for at least 2 years continuously immediately preceding the date of adoption of this Part and desire to set up and temporarily sell and/or conduct additional business/business at a different/temporary location in the Borough, shall not be required to pay any license fee, nor obtain a license as provided herein, but shall register their name, address, type of business and temporary location at which business is to be conducted with the Secretary of said Borough and shall pay a fee of \$10 as to each registration. Upon such registration and approval, such person/entity shall be issued a badge/button signifying such approval. However, any person or entity failing to so register or who is rejected from such registration by such Council of the Borough of Northern Cambria for good and sufficient reason shall be subject to all the provisions of this Part and to all fines and penalties as herein provided.

(Ord. 2004-23, 9/13/2004, §3)

§13-404. Issuance of License.

No license shall be issued under this Part until a period of 72 hours has elapsed from the time the application has been filed with the Secretary in order to give the Secretary, Borough Police and Council, or its designated agent, sufficient time to make proper investigation before issuing the license.

(Ord. 2004-23, 9/13/2004, §4)

§13-405. Investigation.

Borough Council and its agent(s), the Borough Police and/or Secretary, during the 72 hours following the application shall investigate the applicant to determine whether it is against the interest of the Borough, or possess a threat for significant detriment as to public health, safety and/or morals of the community, residents of the Borough to issue a license. A decision shall be reached within said 72 hours of the time application.

(Ord. 2004-23, 9/13/2004, §5)

§13-406. License Fee.

No license shall be issued under this Part until the sum of \$500 shall be paid to the Township Secretary, and it shall be for the use of the Borough. A separate application shall be filed and a separate license fee shall be paid by each person who shall actually conduct the soliciting or peddling, and shall apply where an employer desires to secure licenses for his employees, agents or servants.

(Ord. 2004-23, 9/13/2004, §6)

§13-407. License Term; New License.

The license granted pursuant to this Part shall be valid for a period of 60 days after the date of such license and, upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting, canvassing or peddling, he shall be required to file a new application for a license and pay a new license fee. Such licenses may be issued, in advance, for consecutive 60 day periods, not exceed two in number, upon payment, in advance, of the \$500 license fee for each 60 day period.

(Ord. 2004-23, 9/13/2004, §7)

§13-408. License Exhibition.

Such license, when issued, shall state, *inter alia*, the products to be sold or services to be rendered by the licensee. Every solicitor, peddler or canvasser shall at all times, when engaged in soliciting, peddling or canvassing in the Borough, carry such license upon his person and shall exhibit it upon request to all Police Officers, Borough officials and citizens. No solicitor, peddler or canvasser shall engage in selling any product or service not mentioned on such license.

(Ord. 2004-23, 9/13/2004, §8)

§13-409. Hours.

No person licensed as a solicitor, peddler or canvasser under this Part, shall engage in soliciting, peddling or canvassing on any day of the week before 9 a.m. or after 8 p.m. During the time of the year when Eastern Standard Time is effective, the aforesaid hours shall be Eastern Standard Time and during the time of the year when Daylight Savings Time is effective, the aforesaid hours shall be Daylight Savings Time.

(Ord. 2004-23, 9/13/2004, §9)

§13-410. Parking Vehicle on Street; Littering.

No person licensed as a solicitor, peddler or canvasser under this Part shall place or deposit any refuse upon any of the streets, highways or alleys of the Borough. No such person shall maintain or keep a street or curbside market by parking any vehicle upon any street or alley in the Borough for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity. Nothing contained herein shall absolve such person from paying any fee/meter parking for parking in the Borough.

(Ord. 2004-23, 9/13/2004, §10)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

§13-411. Fixed Location Prohibited.

No person licensed as a solicitor, peddler or canvasser under this Part shall occupy any fixed location upon any of the sidewalks of the street, highways, alleys or sidewalks of the Borough, including those in front of private residences for the purpose of soliciting or peddling or canvassing with or without any stand or counter without the prior approval of Borough Council. Further, nothing contained herein shall prohibit the Borough Council for cause, from subsequently prohibiting on-going business activity continuing at such location.

(Ord. 2004-23, 9/13/2004, §11)

§13-412. Crying Wares, Using Noisemakers Prohibited.

No person licensed as a solicitor, peddler or canvasser under this Part shall hawk or cry his wares or services upon any of the streets or sidewalks of the Borough, nor shall he use any loud speaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

(Ord. 2004-23, 9/13/2004, §12)

§13-413. Record of License.

The Secretary shall keep a record of all licenses issued under this Part and the Chief of Police and/or Police Officer(s) of the Northern Cambria Borough Police Department shall apply daily for a list of licenses issued hereunder since the previous day. The Chief of Police and/or Police Officer(s) of the Northern Cambria Police Department shall supervise the activities of all holders of such licenses and the Chief of Police shall make a report thereof each month to Borough Council.

(Ord. 2004-23, 9/13/2004, §13)

§13-414. License Suspension; Appeals Therefrom.

Any license issued under this Part may be suspended at any time by the Secretary of Borough Council and/or Borough Council for violation of any of the provisions of this Part,

or for giving false information on any application for a license hereunder, or for the applicant or licensee having been convicted of a crime involving moral turpitude after issuance of such license or for the licensee having been convicted of any felony or misdemeanor involving dishonesty, fraud or moral turpitude under any law of the Commonwealth of Pennsylvania or any ordinance of the Borough. Appeals from any suspension may be made to Borough Council at any time within 10 days after such suspension. No part of the license fee shall be refunded to any person whose license shall be been suspended.

(Ord. 2004-23, 9/13/2004, §14)

§13-415. Penalty.

Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this Part shall, upon conviction, be sentenced to pay a fine not to exceed the maximum fine of \$600 plus costs of prosecution and, in default of payment of such costs and prosecution, imprisonment for a term not exceeding 30 days; provided, however, that if the district justice determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the district justice deems to be just.

(Ord. 2004-23, 9/13/2004, §17)

PART 5

LICENSE AND REGULATION OF JUNKYARDS

§13-501. Definitions.

JUNK - any discarded material or article such as is not ordinarily disposed of as rubbish or refuse and shall include, but not be limited to, scrap metal and scrapped motor vehicles and shall not include any garbage or other organic waste or any paper, rubbish, rags or other flammable article or material.

JUNK or SALVAGE DEALER - any person, as herein defined, who shall engage in the business of buying, selling and dealing with junk and/or salvage.

MOTOR VEHICLE - any automobile, truck, tractor, bus, livery or conveyance powered by any type of engine or motor, intended to be utilized in the transportation of people, property or material of any kind or the pulling, pushing or hauling of the same or the pulling, pushing or hauling of trailers or other means of conveying people, property or material. The definition of "motor vehicle" as set forth herein shall include, but shall not be limited to, the definition of "motor vehicle," "vehicle," "truck," "trailer," "bus," "tractor" or "conveyance," as set forth in the Motor Vehicle Code of the Commonwealth of Pennsylvania.

PERSON - any natural person, partnership, firm, corporation or incorporation. In this Part the singular shall include the plural and the masculine shall include the feminine and the neuter.

SALVAGE - any discarded or purchased motor vehicles or parts thereof.

(Ord. 2000-1, 1/3/2000, §1)

§13-502. Regulation of Storage or Possession of Motor Vehicles.

1. No person owning or possession any motor vehicles shall abandon or permit to be abandoned any motor vehicle within the limits of the Borough.
2. No person shall abandon or permit the abandonment or suffer the abandonment of any motor vehicle on any real property owned or leased by such person.
3. A motor vehicle shall be considered abandoned:
 - A. If the said motor vehicle shall be permitted to stand or remain outside of any garage or other totally enclosed building for a period in excess of 48 hours without having affixed thereto the then current registration plate or plates assigned to the said motor vehicle; or,

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- B. If the said motor vehicle shall be permitted to stand or remain outside of any garage or other totally enclosed building for a period in excess of 3 days, whether or not the said motor vehicle shall have affixed thereto the then current registration plate or plates assigned to the said motor vehicle, except that the provisions of this subsection shall not be deemed to apply to any motor vehicle bearing then current registration plate or plates assigned to the said motor vehicle and bearing a current inspection sticker of the Commonwealth of Pennsylvania, or if the said motor vehicle is titled in any other jurisdiction and said jurisdiction provides for the regular inspection of motor vehicles a current inspection sticker of said jurisdiction being displayed and which motor vehicle is in active use, active use being defined as the over the road operation of said motor vehicle at least once every 3 days or for a distance of 50 miles a month.
- C. Nothing herein contained shall be constructed to prevent any person or persons operating any commercial garage, vehicle repair shop, gasoline station or new or used car dealership from allowing or permitting motor vehicles to stand on any real property owned or leased by them if said motor vehicles are being held for repair, service, sale, resale or storage as part of the ordinary or usual business operations of said concerns.

4. **Penalties.**

- A. Any person who shall violate any of the provisions of this Section shall, upon conviction thereof, be sentenced to pay a fine of \$100 plus costs for a first offense and for a second or subsequent offense to pay a fine of not less than \$200 nor more than \$600 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days, or both.
- B. Each separate instance of violation hereof or each separate day during which any motor vehicle shall remain abandoned in violation of this Section shall constitute a separate offense.
- C. In addition to any other penalties herein provided, the Borough shall be empowered to remove any abandoned motor vehicle from its place of abandonment and lodge the same in any commercial motor vehicle storage garage or compound and, at any time following 30 days after abandoning of said motor vehicle, to deliver the same to any junkyard, metal processor, salvage yard or to otherwise dispose of said motor vehicle, except that said vehicle shall only be disposed of after the passage of 15 days from the mailing of a notice by certified mail to the owner of said vehicle at said owner's last known address of intention to remove said vehicle.
- D. In addition to any other provisions of this Section, the Borough shall have the right to demand and collect from the owner of said vehicle all sums actually expended for towing, removal or storage of any abandoned motor vehicle.

(Ord. 2000-1, 1/3/2000, §1)

§13-503. Licensing and Regulation of Junkyards, Salvage Yards or Other Places Used and Maintained for the Collection, Storage and Disposal of Second-Hand Motor Vehicles and Parts Removed Therefrom or other Used or Second-Hand Good and Materials.

1. No person shall engage in business as a junk dealer or salvage dealer in the Borough without first having obtained a license from the Chief Administrative Officer for which license a fee in an amount to be established, from time to time, by resolution of Borough Council for each and every calendar year, such fee to be for the use of the Borough. Such license shall be renewed annually on or before the first day of January of each year; provided, in any case where a junk dealer or a salvage dealer's business shall be established in the Borough on or after the first day of July in any year, the license fee payable by such junk or salvage dealer for the remained of such year shall be at $\frac{1}{2}$ the yearly rate.
2. The license provided for in subsection (1) shall be issued by the Chief Administrative Officer after application shall have been made therefor by the person desiring to be licensed and said application having been reviewed and approved by the Borough Council.
 - A. Such license shall state the name of the person to whom said license is issued and it shall describe the premises from which such business is to be operated.
 - B. The name of the licensed junk or salvage dealer and the number of the license under which he operates shall be placed in a conspicuous place on the outside of every vehicle used for business purposes by such dealer.
3. No person licensed under this Section shall, by virtue of one license, keep more than one place of business within the Borough for the purpose of buying, selling or dealing in junk or salvage. Nor shall any such person engage in business as a junk dealer or salvage dealer in any place other than the place designated upon his license. Nor shall any such person or any other person operate upon any of the streets or roadways of the Borough whether from a vehicle or upon foot as a scavenger or an itinerant buyer or seller of junk or salvage.
4. No licensed issued under this Part shall be transferrable from one person to another person except when the ownership of a licensed premises shall change. In any such case the new owner shall apply for a transfer of such license to him and shall pay a transfer fee to be established, from time to time, by resolution of Borough Council.
5. Every junk or salvage dealer shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase or receipt of any junk or salvage, a description of every article or material purchased or received by him, the date and hour of such purchase or receipt and the person from whom such article or material was purchased or received. Such book and all junk or salvage purchased, received or handled by any junk or salvage dealer shall at all times be subject to the inspection of the Chief of Police or any other officer of the Borough Police Department.

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6. Every junk and/or salvage dealer, licensed under this Part, shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk or salvage received by him and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.
7. Every junk and/or salvage dealer, licensed under this Part, shall constantly maintain the licensed premises in the manner prescribed by this Section, as follows:
 - A. All open junkyards, salvage yards and open storage areas shall be completely obscured from surrounding property by a solid screen not less than 6 feet in height.
 - B. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents or vermin.
 - C. No garbage or other organic waste and no paper, rubbish, rags or other flammable articles or materials shall be stored in/on such premises.
 - D. Whenever any motor vehicle shall be received in such premises as junk and/or salvage, all gasoline and oil shall be drained and removed therefrom and none shall be permitted to remain upon the premises.
 - E. The manner of storage and arrangement of junk and/or salvage shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for firefighting purposes.
8. No public street, alley, roadway or part thereof within the Borough shall be used by any person, licensed or not licensed under this Part, for the parking, storing or displaying of any second-hand motor vehicles or parts thereof, junk or salvage for the purpose of trade or resale.
9. **Penalties.** Any person who shall violate any of the provisions of this Section shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of the provisions of this Section continues shall constitute a separate offense.

(Ord. 2000-1, 1/3/2000, §1)

§13-504. Authority to Enforce and Inspect.

1. The Borough Council hereby appoints and constitutes the Northern Cambria Borough Police Department as official inspectors under this Section with authority to enforce the provisions contained herein.

2. The police department must inspect all such licensed dealers premises and records during reasonable business hours and file a report of such inspection with the Mayor.

(Ord. 2000-1, 1/3/2000, §1)

PART 6

SEXUALLY ORIENTED BUSINESSES

§13-601. Offenses Defined.

No person knowing the obscene character of the materials involved shall, within the Borough of Northern Cambria:

- A. Display or cause or permit the display of any obscene materials or explicit sexual materials as defined in §13-604 of this Part in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, transportation facility or other public thoroughfare.
- B. Sell, lend, distribute, exhibit, give away or show any obscene materials to any person 18 years of age or younger or offer to sell, lend, distribute, exhibit or give away or show or have in his possession with intent to sell, lend, distribute, exhibit or give away or show any obscene materials to any person 18 years of age or younger or knowingly advertise any obscene materials in any manner.
- C. Design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials.
- D. Write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom or by what means any obscene materials can be purchased, obtained or had.
- E. Produce, present or direct any obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity.
- F. Hire, employ, use or permit any person, including a minor, child/children to do or assist in doing any act or thing mention in this Section.

(Ord. 2000-1, 1/3/2000, §1)

§13-602. Admission to Show.

No person shall exhibit for monetary consideration to any other person or sell an admission ticket or pass to any other person or admit any other person to premises whereon there is exhibited a motion picture show, live performance or any other presentation which, in whole or in part, depicts nudity, sexual excitement, sexual conduct or sadomasochistic abuse.

(Ord. 2000-1, 1/3/2000, §1)

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§13-603. Definitions.

As used in this Part, the following words or phrases shall have the following meanings:

COMMUNITY - for the purpose of applying the "contemporary community standards" in this Part, community means the Borough of Northern Cambria.

CONTROLLED SUBSTANCE - a drug, substance or immediate precursor as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780.104) or any amendments thereto.

DRUG PARAPHERNALIA - any object, devices, instruments, apparatus or contrivances whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under the laws of Pennsylvania.

HEAD SHOP - any business, the operation, of which involves the sale, lease, trade, gift or display for sale of any and all types of drug paraphernalia.

IMMEDIATE PRECURSOR - a substance which under the regulations of the Pennsylvania Department of Health is a principle compound commonly used or produced primarily for use and, which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled substance.

KNOWING - having general knowledge of or reason to know or a belief or ground for belief which warrants further inspection or inquiry of, the character and content of any material described therein which is reasonably susceptible of examination by the defendant.

MASSAGE - any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, cream, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration of any gratuity therefor.

MASSAGE PARLOR - any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage.

MINOR - any person under the age of 18 years.

NUDITY - the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernible turgid state.

OBSCENE MATERIALS - any literature, including any book, magazine, pamphlet, newspaper, storypaper, comic book or writing and any figure, visual representation or image, including any drawing, photograph, picture or motion picture, if:

- (1) The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest.
- (2) The subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this Section.
- (3) The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

SADOMASOCHISTIC ABUSE - flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SEXUAL CONDUCT - patently offensive representations, descriptions or renditions of ultimate sexual acts, normal or perverted, actual or simulated and patently offensive representations, descriptions or renditions of masturbation, excretory functions and lewd exhibition of the genitals. As used in §13-604, sexual conduct means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or if such person be a female, breasts.

SEXUAL EXCITEMENT - the condition of human male or female genitals when in a state of sexual stimulation or arousal.

TRADITIONALLY EXCLUSIVE USE - a use which is primary and inherent as opposed to secondary and incidental and is associated with certain knowledge or beliefs derived from statements of contemporary persons and handed down through a considerable period of time.

TRANSPORTATION FACILITY - any conveyance, premises or place used for or in connection with public passenger transportation, whether by motor vehicle or any other method, including buses and railroad and bus terminals and stations.

(Ord. 2000-1, 1/3/2000, §1)

§13-604. Dissemination to Minors.

No person shall knowingly disseminate by sale, loan or otherwise explicit sexual materials to a minor. "Explicit sexual materials," as used in this Section means materials which are obscene or:

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- A. Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors.
- B. Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in subsection (A) or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

(Ord. 2000-1, 1/3/2000, §1)

§13-605. Prohibited Businesses.

The following businesses shall be prohibited throughout the Borough of Northern Cambria:

- A. The operation of a business which has obscene materials or explicit sexual materials as defined above as a substantial or significant portion of its stock in trade or which exhibits motion picture shows, live performances or any other presentations which, in whole or in part, depict nudity, sexual excitement, sexual conduct or sadomasochistic abuse.
- B. The operation of any massage parlor in which any of the following activities are carried on:
 - (1) The treatment of any person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be given to inspection by police. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath or registered physical therapist, chiropractor or in a regularly established and licensed hospital or sanitarium.
 - (2) The massage of, or physical contact with, the sexual or genital parts of one person by any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus or perineum of any person or the vulva or breasts of a female.
 - (3) The failure to conceal with a fully opaque covering the sexual or genital parts of the body of any person.

- C. The operation of any business which involves, in whole or in part, the sale, lease, trade, gift or display for sale of any and all types of drug paraphernalia as defined herein.
- D. Any adult business, activity or use similar to or of the same general nature as certain of the uses listed above. This Section shall include, but shall not be limited to, rap centers, nude wrestling studios, sensitivity centers and escort bureaus all of which exclude minors by virtue of age as patrons thereof.

(Ord. 2000-1, 1/3/2000, §1)

§13-606. Injunction.

The Council of the Borough of Northern Cambria may institute/cause to be instituted proceedings in the equity in the Court of Common Pleas of Cambria County when any person violates or clearly is about to violate this Part for the purpose of enjoining such violation. The Court shall issue an injunction only after written notice and hearing and only against the defendant to the action. The court shall schedule and conduct a hearing on the matter in accordance with the laws of the Commonwealth and Rules of Court. Notice of such hearing shall be given to the person or persons whose conduct is sought to be enjoined. Any action may be taken in lieu of or in addition to any other action authorized and taken under this Part and/or the laws of the Commonwealth of Pennsylvania.

(Ord. 2000-1, 1/3/2000, §1)

§13-607. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2000-1, 1/3/2000, §1)

PART 7
BOARD OF HEALTH

§13-701. Definitions.

For purposes of this Part the following terms shall have the meanings given herein:

BOARD of HEALTH - the duly constituted Board of Health of the Borough of Northern Cambria.

BOROUGH - Borough of Northern Cambria.

FOOD - all articles used for food or drink whether simple, mixed or compound and all substances or ingredients used in the preparation thereof.

HEALTH OFFICER - the duly appointed Health Officer of the Borough of Northern Cambria.

ITINERANT RESTAURANT - a restaurant, as defined herein, operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

RESTAURANT - any restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, drug store or convenience store serving food, as defined herein, and all other eating or drinking establishments as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

STATE REGULATIONS - all regulations pertain to health promulgated by the Pennsylvania Depart of Health, Department of Environmental Protection and other Commonwealth agencies and any interpretations of those regulations.

(Ord. 2000-1, 1/3/2000, §1)

§13-702. Permits Required; Posting and Locations; Appeal Procedure.

1. It shall be unlawful for any person to operate a restaurant or itinerant restaurant in the Borough who does not possess a nonrevoked permit from the Health Officer. Such permit shall be posted in a conspicuous place on the business premises.
2. Such a permit may be temporarily suspended by the Health Officer upon violation of any of the terms of this Part. The Health Officer may revoke a permit after the aggrieved party has had the opportunity for a hearing before the Health Officer.

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3. Any person aggrieved by action taken by the Health Officer concerning permits shall have the right to appeal to the Borough Board of Health within 30 days of the action taken. Such appeal shall be made, in writing, setting forth with specificity the action taken by the Health Officer and the reasons for the appeal.

(Ord. 2000-1, 1/3/2000, §1)

§13-703. Permit Fee.

Each person operating a restaurant or itinerant restaurant must annually pay to the Borough a fee in an amount as established, from time to time, by resolution of Borough Council for the issuance of a health permit. The permit fee shall be used to defray the costs involved in conducting the inspection and the salary of the Health Officer. This permit shall be in a form designed by the Borough Chief Administrative Officer and be issued under seal of the Borough and signature of the Health Officer. The Health Officer shall assist the Borough Chief Administrative Officer in the collection of fees and the issuance of permits under this Section.

(Ord. 2000-1, 1/3/2000, §1)

§13-704. Inspection of Restaurants and Itinerant Restaurants.

At least twice in each calendar year, the Health Officer shall inspect every restaurant and itinerant restaurant in the Borough and if the Health Officer discovers any violation, the Officer shall give the premises notice, in writing, of the violation. Thereafter, the Health Officer shall make an additional inspection after the lapse of such time as deemed necessary for the defect to be remedied and this inspection shall be used in determining compliance with abating the violation. Any violation of the same item on such additional inspection shall be deemed a violation of this Part and shall be grounds for the Health Officer to revoke the health permit and proceed with the penalty provision of this Part.

(Ord. 2000-1, 1/3/2000, §1)

§13-705. Inspections by Health Officer.

All inspections conducted by the Health Officer shall be done in accordance with State regulations which are incorporated by reference herein and shall control. Any violation of State regulations shall be deemed to be a violation of this Part.

(Ord. 2000-1, 1/3/2000, §1)

§13-706. Emergency Procedures.

When suspicion arises as to the possibility of transmission of infection in any restaurant or itinerant restaurant or any violation of this Part, the Health Officer is authorized to require any of the following measures:

- A. Additional inspections.
- B. Immediate closing of premises concerned until no further danger of disease outbreak exists in the opinion of the Health Officer.
- C. Adequate medical examination of employees with such laboratory examination as may be indicated.
- D. Any other action deemed by the Health Officer as necessary.
- E. Any person aggrieved by the action of the Health Officer taken pursuant to this Section shall have the same right of appeal as provided for in §13-702 herein.

(Ord. 2000-1, 1/3/2000, §1)

§13-707. Penalty.

Any person, partnership, association or corporation who shall fail, neglect or refuse to comply with the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2000-1, 1/3/2000, §1)

CHAPTER 14
MOBILE HOMES AND MOBILE HOME PARKS

PART 1

MOBILE HOME REGULATIONS

A. Former Territory of the Borough of Barnesboro.

- §14-101. Definitions
- §14-102. Parking Prohibited
- §14-103. Standing Prohibited
- §14-104. Parking Limited
- §14-105. Occupancy Limited
- §14-106. Foundation Required
- §14-107. Placement of Mobile Homes
- §14-108. Property Line Requirements
- §14-109. Approval of Borough
- §14-110. Penalties

B. Former Territory of the Borough of Spangler.

- §14-121. Definitions
- §14-122. Parking Prohibited
- §14-123. Standing Prohibited
- §14-124. Parking Limited
- §14-125. Occupancy Limited
- §14-126. Foundation Required
- §14-127. Placement of Mobile Homes
- §14-128. Property Line Requirements
- §14-129. Approval of Borough
- §14-130. Penalties

PART 1

MOBILE HOME REGULATIONS

A. Former Territory of the Borough of Barnesboro.

§14-101. Definitions.

1. Unless otherwise expressly stated, the following terms shall have, for the purpose of this Part, the meanings respectively indicated:

MOBILE HOME - any structure intended for, or capable of, human habitation, with or without wheels, and also capable of being driven, propelled, transported or towed from place to place, regardless of under what name or title it is colloquially or commercially known. Provided, however, that this definition shall not include railroad sleeping cars or transport trucks equipped with sleeping space for a driver or drivers.

PERSON - any individual, firm, partnership, company, corporation, trustee, association or any other entity.

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

(Ord. 294A, 11/27/1968, §1)

§14-102. Parking Prohibited.

It shall at all times hereafter be unlawful for any person to park, locate or permit to stand any mobile home upon any street, alley or other public place, or upon any tract of land within the corporate limits of the Borough, except as provided herein.

(Ord. 294A, 11/27/1968, §2)

§14-103. Standing Prohibited.

No person shall permit any mobile home to stand upon any of the streets or alleys of the former territory of the Borough unless the same to be attached to an operable motor vehicle.

(Ord. 294A, 11/27/1968, §3)

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§14-104. Parking Limited.

No person shall park any mobile home, even though attached to a motor vehicle, on any street or alley in the Borough of a period of time longer than that permitted for other vehicles.

(Ord. 294A, 11/27/1968, §4)

§14-105. Occupancy Limited.

No person shall use or occupy any mobile home in the Borough for sleeping or living purposes, unless such mobile home conforms to, and complies with, all plumbing, electrical, sanitary and building ordinances of the Borough applicable to stationary dwellings. Provided, however, that the parking or storing of no more than one unoccupied mobile home in a private garage or rear, side or contiguous lot, shall be permitted, on condition that such mobile home shall not be used for living or sleeping purposes while so parked or stored.

(Ord. 294A, 11/27/1968, §5)

§14-106. Foundation Required.

No person shall use or occupy any mobile home in the Borough for sleeping or living purposes unless all wheels and tires have been removed therefrom, and said mobile home has been placed upon a firm foundation constructed of stones, bricks, concrete blocks or other similar materials.

(Ord. 294A, 11/27/1968, §6)

§14-107. Placement of Mobile Homes.

No person shall use or occupy any mobile home in the Borough for living or sleeping purposes unless said mobile home shall have been placed upon a lot of land having an area of at least 5,000 square feet and owned or leased by the owner of said mobile home.

(Ord. 294A, 11/27/1968, §7)

§14-108. Property Line Requirements.

No person shall use or occupy any mobile home in the Borough for sleeping or living purposes, unless said mobile home is so placed that it is not nearer to the front or street, property line of the lot upon which it has been placed than 10 feet, nor nearer to either side property line on which it has been placed than 15 feet.

(Ord. 294A, 11/27/1968, §8)

§14-109. Approval of Borough.

No person shall establish, maintain or operate any mobile home parks within the Borough unless first approved by the Borough in writing. No person shall convert a mobile home into a permanent structure unless he has the requiring building permit issued by the Borough and complies with all the building, housing and plumbing code ordinances enacted by the Borough.

(*Ord. 294A*, 11/27/1968, §9)

§14-110. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 294A*, 11/27/1968, §10; as amended by *Ord. 2000-1*, 1/3/2000, §1)

B. Former Territory of the Borough of Spangler.

§14-121. Definitions.

1. Unless otherwise expressly stated, the following terms shall have, for the purpose of this Part, the meanings respectively indicated:

MOBILE HOME - any structure intended for, or capable of, human habitation, with or without wheels, and also capable of being driven, propelled, transported or towed from place to place, regardless of under what name or title it is colloquially or commercially known. Provided, however, that this definition shall not include railroad sleeping cars or transport trucks equipped with sleeping space for a driver or drivers.

PERSON - any individual, firm, partnership, company, corporation, trustee, association or any other entity.

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

(Ord. 227, 9/1/68, §1)

§14-122. Parking Prohibited.

It shall, at all times hereafter, be unlawful for any person to park, locate or permit to stand any mobile home upon any street, alley or other public place, or upon any tract of land within the corporate limits of the Borough, except as provided herein.

(Ord. 227, 9/1/68, §2)

§14-123. Standing Prohibited.

No person shall permit any mobile home to stand upon any of the streets or alleys of the Borough unless the same be attached to an operable motor vehicle.

(Ord. 227, 9/1/68, §3)

§14-124. Parking Limited.

No person shall park any mobile home, even though attached to a motor vehicle, on any street or alley in the Borough for a period of time longer than that permitted for other vehicles.

(Ord. 227, 9/1/68, §4)

MOBILE HOMES AND MOBILE HOME PARKS

§14-125. Occupancy Limited.

No person shall use or occupy any mobile home in the Borough for sleeping or living purposes, unless such mobile home conforms to, and complies with, all plumbing, electrical, sanitary and building ordinances of the Borough applicable to stationary dwellings. Provided, however, that the parking or storing of no more than one unoccupied mobile home in a private garage, or rear, side or contiguous lot, shall be permitted, on condition that such mobile home shall not be used for living or sleeping purposes while so parked or stored.

(Ord. 227, 9/1/68, §5)

§14-126. Foundation Required.

No person shall use or occupy any mobile home in the Borough for sleeping or living purposes unless all wheels and tires have been removed therefrom, and said mobile home has been placed upon a firm foundation constructed of stones, bricks, concrete blocks or other similar materials.

(Ord. 227, 9/1/68, §6)

§14-127. Placement of Mobile Homes.

No person shall use or occupy any mobile home in the Borough for living or sleeping purposes unless said mobile home shall have been placed upon a lot of land having an area of at least 5,000 square feet and owned or leased by the owner of said mobile home.

(Ord. 227, 9/1/68, §7)

§14-128. Property Line Requirements.

No person shall use or occupy any mobile home in the Borough for sleeping or living purposes, unless said mobile home is so placed that it is not nearer to the front, or street, property line of the lot upon which it has been placed than 10 feet, nor nearer to either side property line on which it has been placed than 15 feet.

(Ord. 227, 9/1/68, §8)

§14-129. Approval of Borough.

No person shall establish, maintain or operate any mobile home within the Borough unless first approved by the Borough.

(Ord. 227, 9/1/68, §9)

§14-130. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 227*, 9/1/68, §10; as added by *Ord. 2000-1*, 1/3/2000, §1)

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PART 1

GENERAL REGULATIONS

§15-101. Definitions and Interpretations.

1. Words and phrases, when used in this Chapter, except for Sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*, except that in this Chapter the word "street" may be used interchangeably with the word "highway," and shall have the same meaning as the word "highway" as defined in the Vehicle Code.
2. The term "legal holidays" as used in this Chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
3. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(*Ord. 2000-1*, 1/3/2000, §1)

§15-102. Manner of Adopting Permanent Traffic and Parking Regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances or as amendments to this Chapter, except where the law specifically authorizes less formal action.

(*Ord. 2000-1*, 1/3/2000, §1)

§15-103. Provisions to be Continuation of Existing Regulations.

The provisions of this Chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this Chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this Chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

(*Ord. 2000-1*, 1/3/2000, §1)

§15-104. Temporary and Emergency Regulations.

1. The [*Designated Official*] shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

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- A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.
 - B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulation, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than \$25 together with costs of prosecution.

(Ord. 2000-1, 1/3/2000, §1)

§15-105. Experimental Regulations.

The Borough Council may, from time to time by resolution, designate places upon and along the highways in the Borough of Northern Cambria where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than \$25 together with costs of prosecution; provided, the purpose of this Section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

(Ord. 2000-1, 1/3/2000, §1)

§15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.

1. The Borough shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

2. The Borough Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.
3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-107. Use of Streets By Processions and Assemblages.

1. For the purpose of this Section, the words "assemblage" and "procession" shall have the following meanings:

ASSEMBLAGE - a gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

PROCESSION - a group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

2. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the [Designated Official], which shall be issued without fee. Application for the permit shall be made at least 1 week in advance of the day on which the assemblage is proposed to be held, but in any case where a State-designated highway is proposed to be used, application shall be made at least 3 weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.
3. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the [Designated Official], which shall be issued without fee. Application for the permit shall be made at least 2 weeks in advance of the day when the procession is proposed to be held, but in any case where the State-designated highway is proposed to be used, application shall be made at least 3 weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted,

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or under any conditions as to time or route or otherwise than those stated in the permit.

4. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-108. Authority of Police Officers.

The police officers of the Borough of Northern Cambria are hereby authorized to direct traffic on the highways of the Borough and at intersections thereof and to otherwise enforce the provisions of this Chapter.

(Ord. 2000-1, 1/3/2000, §1)

§15-109. Authorization for Use of Speed Timing Devices.

1. The Police Department is hereby authorized to use all speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with 75 Pa.C.S.A. §3368.
2. This Section authorizes the use of said devices upon all highways within the Borough of Northern Cambria be they Borough, County or State highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. §6101 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 2000-1, 1/3/2000, §1)

PART 2**TRAFFIC REGULATIONS****§15-201. Maximum Speed Limits Established on Certain Streets.**

1. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle on any part of a street where a maximum speed limit applies at a higher speed than the maximum prescribed for that part of the street:

Street	Between	Maximum Speed Limit
Bigler Avenue	Southern Borough line to 8th Street	40
Bigler Avenue	8th Street to 18th Street	35
Bigler Avenue	18th Street to 26th Street	25
Bigler Avenue	26th Street to the intersection with 40th Street	35
Crawford Avenue	Intersection with 10th Street to northern Borough line	35
40th Street	Intersection with Bigler Avenue to eastern Borough line	35

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(Ord. 2000-1, 1/3/2000, §1)

§15-202. Maximum Speed Limits Established on Certain Bridges and Elevated Structures.

1. Maximum speed limits are established, as follows, on certain bridges and elevated structures, and it shall be unlawful for any person to drive a vehicle on any such bridge or elevated structure at a higher speed than the maximum prescribed for that bridge or elevated structure:

Bridge or Elevated Structure	Location	Maximum Speed Limit
	[Reserved]	

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2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(Ord. 2000-1, 1/3/2000, §1)

§15-203. Maximum Speed Limits Established for Certain Vehicles on Hazardous Grades.

1. The following are declared to be hazardous grades and, upon any such hazardous grade, no person shall drive a vehicle having a gross weight in excess of that referred to for that grade, in the direction stated for that grade, at a speed in excess of that established in this Section for that grade and, if so stated for a particular grade, the driver of every such vehicle shall stop the vehicle before proceeding downhill:

Street	Between	Direction of Travel	Maximum Gross Weight	Maximum Speed Limit	Required to Stop Before Proceeding Downhill
[Reserved]					

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 for each mile in excess of five miles per hour over the maximum speed limit.

(Ord. 2000-1, 1/3/2000, §1)

§15-204. Maximum Speed Limits Established in Parks.

1. A speed limit of 15 miles per hour is established on all streets and roadways in the public parks maintained and operated by the Borough, except in the following locations, where the lower maximums, as specified, shall apply:

Park	Street	Location	Maximum Speed Limit
[Reserved]			

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(Ord. 2000-1, 1/3/2000, §1)

§15-205. Traffic Signals at Certain Locations.

1. At the following locations traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

Location	Type of Signal
Bigler Avenue (Route 219) and 24th Street (Route 271)	Traffic control device
Bigler Avenue (Route 219) and 38th Street	Traffic control device
Maple Avenue and Crawford Avenue	Traffic control device
Philadelphia Avenue and Cottonwood Street	Traffic control device
Philadelphia Avenue and Crawford Avenue	Traffic control device
Philadelphia Avenue and St. Mary's Street	Traffic control device

2. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-206. Intersections Where Turn Prohibited on Red Signal.

1. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

Intersection	Vehicles Traveling On	Facing
Crawford Avenue	Philadelphia Avenue	North

2. Any driver of a vehicle who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-207. One-Way Roadways Established.

1. The following are established as one-way roadways, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

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Street	From	To	Direction of Travel
19th Street	Bigler Avenue	Kennedy Avenue	West
Beech Street	Oak Street	Oak Street	North and West
Brown Street	Mountain Drive	24th Street	South
Holy Cross Avenue	34th Street	35th Street	North
Ivy Street	Elizabeth Street	Midway to Laurel Street	East
Joseph Street	Joseph Street	Colt Lane	East
Juniper Street	Midway on Juniper Street	Ivy Street	West
Nixon Avenue	St. Stans Street	Lester Street	South
Nixon Avenue	Crawford Avenue	St. Mary's Street	South
Nixon Avenue	Crawford Avenue	Midway to Cottonwood Street	North
School Avenue	Crawford Avenue	Cottonwood Street	North
35th Street	Holy Cross Avenue	Crawford Avenue	West

- Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-208. Turning at Certain Intersections Prohibited or Restricted.

- It shall be unlawful for the driver of any vehicle of the type indicated traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this Section:

Vehicles Traveling On	Direction of Travel	Not to Make Turn	Into	When	Type of Vehicle Applicable To
		[Reserved]			

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-209. Right Turns Only Permitted at Certain Intersections.

1. It shall be unlawful for the driver of any vehicle traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make other than a right turn, at any time stated, both left turns and straight-across traffic being prohibited:

Vehicles Traveling On	Direction of Travel	Times	Not To Make Left Turn Into or Travel Straight Across
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[Reserved]

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-210. U-Turns Prohibited at Certain Locations.

1. It shall be unlawful for the driver of any vehicle traveling upon any of the following portions of streets, in the direction or directions indicated for that street, to make a U-turn:

Street	Portion	Direction of Travel
---------------	----------------	----------------------------

[Reserved]

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-211. No Passing Zones Established.

1. The following are established as no passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no passing zone:

Street	Direction of Travel	Between
---------------	----------------------------	----------------

[Reserved]

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2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-212. Through Highways Established.

1. The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this Section shall stop the vehicle or yield right-of-way as required by §§3323(b) or 3323(c) of the Vehicle Code, 75 Pa.C.S.A. §§3323(b), 3323(c), as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that Section of the law:

Highway	Between
Caroline Street	Southern boundary of Borough running North to Chestnut Street
Chestnut Street	Caroline Street running Southwest to the Western boundary of Borough designated as Federal Route 219

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-213. Stop Intersections Established.

1. The following intersections (in addition to intersections with the through highways established by §15-212) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or stop street, in the direction indicated in each case, shall stop the vehicle as required by §3323(b) of the Vehicle Code, 75 Pa.C.S.A. §§3323(b), and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that Section of the law.

Stop Street	Intersecting or Through Street	Direction of Travel
39th Street	St. Stans Street	North and South
Alma Avenue	Mountain Srive	East
Almond Street	Philadelphia Avenue	South
Almond Street	Philadelphia Avenue	North
Apple Street	Lester Street	West
Apple Street	Philadelphia Avenue	West
Barnes Avenue	Magnolia Street	East and West
Barnes Avenue	Mulberry Street	East and West
Barnes Avenue	Sassafras Street	East and West
Barnes Avenue	Poplar Street	East and West
Barnes Avenue	Spruce Street	East and West
Barnes Avenue	Redbud Street	East and West
Beech Street	Oak Street	West
Bethwell Street	Park Avenue	East
Betts Avenue	24th Street	East and West
Bigler Avenue	14th Street	South
Bigler Avenue	13th Street	South
Bigler Avenue	18th Street	South
Bigler Avenue	12th Street	South
Bigler Avenue	20th Street	South
Bigler Avenue	19th Street	South
Bigler Avenue	21st Street	South
Bigler Avenue	23rd Street	North
Bigler Avenue	4th Street	North
Bigler Avenue	8th Street	South
Bigler Avenue	9th Street	South
Bigler Avenue	10th Street	South
Bigler Avenue	2nd Street	North
Bigler Avenue	36th Street	North
Bigler Avenue	35th Street	North

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Stop Street	Intersecting or Through Street	Direction of Travel
Bigler Avenue	37 Street	North
Bigler Avenue	39th Street	North
Bigler Avenue	22nd Street	North
Bigler Avenue	34th Street	North
Bigler Avenue	33rd Street	North
Bigler Avenue	22nd Street	South
Bigler Avenue	26th Street	North
Bigler Avenue	27th Street	North
Bigler Avenue	28th Street	North
Bigler Avenue	21st Street	North
Bigler Avenue	25th Street	North
Bigler Avenue	13th Street	North
Bigler Avenue	18th Street	North
Bigler Avenue	19th Street	North
Bigler Avenue	12th Street	North
Bigler Avenue	11th Street	North
Bigler Avenue	23rd Street	South
Bigler Avenue	9th Street	North
Bigler Avenue	10th Street	North
Bigler Avenue	20th Street	North
Brown Avenue	North side of 24th Street	North
Campbell Avenue	North 37 Street	North
Campbell Avenue	23rd Street	North
Campbell Avenue	South side of North 40th Street	South
Campbell Avenue	South side of North 34th Street	South
Campbell Avenue	North 39th Street	North
Campbell Avenue	South 21st Street	North
Campbell Avenue	North 39th Street	South
Campbell Avenue	North 27th Street	South
Campbell Avenue	23rd Street	South

Stop Street	Intersecting or Through Street	Direction of Travel
Campbell Avenue	North and South sides of South 22nd Street	North and South
Campbell Avenue	North and South sides of North 38th Street	North and South
Campbell Avenue	South 21st Street	South
Campbell Avenue	North and South sides of North 24th Street	North and South
Campbell Avenue	North and South sides of North 27th Street	North and South
Campbell Avenue	North and South sides of North 36th Street	North and South
Carmel Street	Elder Avenue	South
Carmel Street	Elizabeth Street	Southwest
Carmel Street	Philadelphia Avenue	North
Carmel Street	Nixon Avenue	Southwest
Carmel Street	Lester Street	South
Carmel Street	St. Mary's Street	North and South
Catalpa Street	Philadelphia Avenue	North
Cedar Street	Tulip Lane	North
Center Alley	Lincoln Street	East and West
Chestnut Avenue	Gum Street	North and South
Chestnut Avenue	Holly Street	North and South
Chestnut Avenue	Cottonwood Street	North and South
Chestnut Avenue	Crawford Avenue	North and South
Chestnut Avenue	Carmel Street	East
Chestnut Avenue	Delta Street	North and South
Chestnut Avenue	Hazel Street	North and South
Chestnut Avenue	Lester Street	North
Chestnut Avenue	Dogwood Street	North and South
Chestnut Avenue	St. Stans Street	North and South
Chestnut Avenue	St. Mary's Street	North and South
Clarke Street	Park Avenue	West

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Stop Street	Intersecting or Through Street	Direction of Travel
Colt Lane	Barr Avenue	North
Cottonwood Street	Maple Avenue	East and West
Crawford Avenue	North 39th Street	North
Crawford Avenue	North and South sides of North 35th Street	North and South
Crawford Avenue	North and South sides of North 37th Street	North and South
Crawford Avenue	North and South sides of North 36th Street	North and South
Crawford Avenue	North and South sides of North 34th Street	North and South
Crawford Avenue	North and South sides of North 24th Street	North and South
Crawford Avenue	North and South sides of 23rd Street	North and South
Crawford Avenue	North and South sides of North 27th Street	North and South
Crawford Avenue	South 12 Street	South
Crawford Avenue	South 15th Street	South
Crawford Avenue	North 40th Street	North
Crawford Avenue	South 19th Street	South
Crawford Avenue	South 18th Street	South
Crawford Avenue	North 29th Street	North
Crawford Avenue	North 28th Street	North
Crawford Avenue	North side of South 10th Street	North
Crawford Avenue	North and South sides of North 38th Street	North and South
Crawford Avenue	South side of North 40th Street	South
Crosby Avenue	St. Stans Street	North and South
David Street	Barr Avenue	North and South
Dogwood Street	Philadelphia Avenue	North and South
Elder Avenue	Cottonwood Street	North
Elder Avenue	St. Mary's Street	North
Elder Avenue	Crawford Avenue	North and South

Stop Street	Intersecting or Through Street	Direction of Travel
Elizabeth Street	Ivy Street	North
Elizabeth Street	Dogwood Street	North and South
Elizabeth Street	Crawford Street	North and South
Elizabeth Street	St. Mary's Street	North and South
Elizabeth Street	St. Stans Street	North and South
Elizabeth Street	Delta Street	North and South
Elizabeth Street	Carmel Street	North and South
Empire Avenue	Laurel Street	South
Franklin Street	Park Avenue	East
Gardener Run Road	Steele Avenue	North
Gum Street	Philadelphia Avenue	West
Hansen Alley	Lincoln Street	East
Hazel Street	Philadelphia Avenue	West
Hickory Street	Lincoln Street	North and South
Highland Street	Barr Avenue	South
Highland Street	Hickory Street	North and South
Highland Street	Susquehanna Avenue	North and South
Hill Avenue	North side of South 1st Street	North
Holly Street	Maple Avenue	West
Holly Street	Philadelphia Avenue	North and South
Holly Street	Maple Avenue	West
Hubert Street	St. Mary's Street	North and South
Hubert Street	Crawford Avenue	North
Ivy Street	End of one way	North
Ivy Street	Laurel Street	North and South
Jones Street	Laurel Street	East
Joseph Street	Barr Avenue	North and South
Joseph Street	Colt Lane	North
Juniper Street	Philadelphia Avenue	West
Juniper Street	Ivy Street	West

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Stop Street	Intersecting or Through Street	Direction of Travel
Kennedy Avenue	South 12th Street	North
Kennedy Avenue	South 10th Street	North
Kennedy Avenue	South 9th Street	North
Kennedy Avenue	South 13th Street	North
Kennedy Avenue	North and South sides of South 14th Street	North and South
Kennedy Avenue	North side of South 8th Street	North
Laird Street	West side of Crawford Avenue	South
Laird Street	East side of Hill Avenue	North
Lancaster Avenue	Empire Avenue	West
Laurel Street	Philadelphia Avenue	West
Lester Street	Nixon Avenue	Southwest
Lester Street	Carmel Street	Northwest
Lester Street	Philadelphia Avenue	Southwest
Lincoln Street	Barr Avenue	South
Lincoln Street	Susquehanna Avenue	East and West
Lincoln Street	Hickory Street	East and West
Lovell Avenue	Sassafras Street	East and West
Lovell Avenue	Poplar Street	East and West
Lovell Avenue	Spruce Street	East and West
Lovell Avenue	Magnolia Street	East and West
Lovell Avenue	Mulberry Street	East and West
Lovell Avenue	Sycamore Street	West
Lovell Avenue	Redbud Street	East and West
Magnolia Street	Philadelphia Avenue	North and South
Magnolia Street	Lovell Avenue	South
Maple Avenue	Park Avenue	West
Maple Avenue	Cottonwood Street	North and South
Maple Avenue	St. Mary's Street	North and South
McCombie Avenue	North side of Mountain Drive	North
McCombie Avenue	Colt Lane	North

Stop Street	Intersecting or Through Street	Direction of Travel
Melrose Place	Laurel Street	East
Mino Drive	Empire Avenue	West
Mulberry Street	Philadelphia Avenue	North and South
Nixon Avenue	Cottonwood Street	North and South
Nixon Avenue	St. Mary's Street	North and South
Nixon Avenue	Lester Street	North
Nixon Avenue	Carmel Street	East and West
Nixon Avenue	Cedar Street	East
Nixon Avenue	Dogwood Street	North and South
Nixon Avenue	St. Stans Street	East
Oak Street	St. Mary's Street	North
Park Avenue	Redbud Street	East
Patrick Street	Lincoln Street	East
Patrick Street	David Street	West
Pentagon Circle (Northend)	Park Avenue	West
Pentagon Circle (Southend)	Park Avenue	West
Pine Street	St. Mary's Street	North
Pine Street	Crawford Avenue	North
Poplar Street	Philadelphia Avenue	North and South
Porter Place	Laurel Street	East
Railroad Avenue	Magnolia Street	East
Railroad Avenue	Redbud Street	East and West
Railroad Avenue	Maple Avenue	South
Redbud Street	Philadelphia Avenue	North and South
River Street	Lester Street	East and West
River Street	Cottonwood Street	South
River Street	St. Stans Street	Northwest
Riverside Avenue	North side of North 24st Street	North
Roosevelt Avenue	Spruce Street	East and West

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Stop Street	Intersecting or Through Street	Direction of Travel
Roosevelt Avenue	Poplar Street	East and West
Roosevelt Avenue	Sassafras Street	East and West
Roosevelt Avenue	Mulberry Street	East and West
Roosevelt Avenue	Redbud Street	East and West
Roosevelt Avenue	Jones Street	South
Roosevelt Avenue	Sycamore Street	West
Roosevelt Avenue	Magnolia Street	East
Sassafras Street	Philadelphia Avenue	North and South
School Avenue	Dogwood Street	North
School Avenue	Cottonwood Street	North
School Avenue	Lester Street	North
School Avenue	St. Mary's Street	North
School Avenue	St. Stans Street	North and South
School Avenue	Gum Street	North
School Avenue	Holly Street	North
Slinger Avenue	Sycamore Street	West
Spruce Street	Philadelphia Avenue	North and South
St. Stans Street	Maple Avenue	North and South
St. Stans Street	Philadelphia Avenue	North and South
Stadium Street	Franklin Street	South
Stanton Street	Hickory Street	North and South
Stanton Street	Franklin Street	North
Stanton Street	Susquehanna Avenue	North and South
Steele Avenue	Redbud Street	East
Steele Avenue	Morris Street	West
Susquehanna Avenue	North 38th Street	North
Susquehanna Avenue	North 38th Street	South
Susquehanna Avenue	North 39th Street	North

Stop Street	Intersecting or Through Street	Direction of Travel
Susquehanna Avenue	North 39th Street	South
Sycamore Street	Philadelphia Avenue	North and South
Tulip Lane	Philadelphia Avenue	Northwest
Vine Street	Franklin Street	South
Wyland Avenue	North side of South 14th Street	North

- Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1).

§15-214. Yield Intersections Established.

- The following intersections (in addition to intersections with the through highways established by §15-212) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by §3323(c) of the Vehicle Code, 75 Pa.C.S.A. §§3323(c), and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel
	[Reserved]	

- Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-215. Operation of Motor Vehicles Restricted on Public Lands.

- No motor vehicle including a motorcycle, pedalcycle or minibike shall be operated on any property owned by the Borough or any other public agency or instrumentality within the Borough without the permission of the property owner and a permit from the *[Designated Official]* of the Borough.

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2. Any person who violates an provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-216. Rotary Traffic Islands Established.

1. The following locations are designated as rotary traffic islands, and every vehicle passing around a rotary traffic island shall be driven only to the right of the island:

Location
[Reserved]

2. Any person who drives a vehicle otherwise than to the right of any rotary traffic island shall be guilty of a violation of this Section and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-217. Play Highways Established and Authorized.

1. The following areas upon the streets in the Borough are established as play highways:

Street	Between	Days	Hours
[Reserved]			

2. The *[Designated Official]* is authorized to designate as play highways, whenever he deems that action advisable and for whatever period of time directed by him, any part of any street in the Borough where sledding and coasting shall be permitted. That play highway shall be set apart for the purpose under the direction of the *[Designated Official]*.
3. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of the *[Designated Official]* or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-218. Snowmobile Roads Designated.

1. The following roads and streets within the Borough are designated as special snowmobile roads:

Street or Road	Between	Used by Snow-	Shared With
		mobiles Only When Closed to Vehicular Traf- fic?	
		[Reserved]	

2. It shall be unlawful for any person to operate a snowmobile on any highway, street or road in the Borough other than as provided above. Provided, nothing in this Section shall prohibit any person from operating a snowmobile on any other street in the Borough:
 - A. As authorized by §7721 of the Vehicle Code, 75 Pa.C.S.A. §7721, for emergency and bridge crossings and for direct crossing of streets or two-lane highways.
 - B. For special snowmobile events where authorized in advance and the street is blocked off as provided in §7723 of the Vehicle Code, 75 Pa.C.S.A. §7723. Any person who violates any provision of this Section shall be subject to the penalties prescribed in §7752(a) of the Vehicle Code, 75 Pa.C.S.A. §7752(a).

(Ord. 2000-1, 1/3/2000, §1)

PART 3**RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD****§15-301. Vehicle Weight Limits Established on Certain Streets and Bridges.**

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Between	Maximum Gross Weight
All Streets		10 tons

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), 4902(g)(1) and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

(Ord. 2000-1, 1/3/2000, §1)

§15-302. Restrictions on Size of Vehicles on Certain Streets and Bridges.

1. On the following bridges and streets or parts of streets, by authority granted by §4902(a) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions
	[Reserved]	

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(a) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. §4902(a), 4902(g)(1), and, upon conviction, shall be sentenced to pay a fine of \$75 and costs.

(Ord. 2000-1, 1/3/2000, §1)

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§15-303. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges.

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by §4902(b) of the Vehicle Code, 75 Pa.C.S.A. §4902(b), it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions
	[Reserved]	

2. Any person who violates any provision of this Section shall be prosecuted under §§4902(b) and 4902(g)(1) of the Vehicle Code, 75 Pa.C.S.A. §4902(b), 4902(g)(1), and, upon conviction, shall be sentenced to pay a fine of not less than \$25 and not more than \$100 and costs.

(*Ord. 2000-1*, 1/3/2000, §1)

§15-304. Truck Traffic Restricted on Certain Streets.

1. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street	Between
	[Reserved]

Provided, nothing in this Section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(*Ord. 2000-1*, 1/3/2000, §1)

15-305. Hauling or Transporting Load Regulations.

1. It shall be unlawful for any person, firm or corporation to haul or otherwise transport within, through or throughout the Borough of Northern Cambria any and all coal, red-dog, sand, shale, limestone or like material that may drop, sift, leak or

otherwise escape from any vehicle unless the said coal, red-dog, sand, shale, limestone or like material are covered by a tarpaulin or metal cover.

2. Official signs stating "tarps required" shall be erected as provided by law.

PART 4**GENERAL PARKING REGULATIONS****§15-401. Vehicles to be Parked Within Marked Spaces.**

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this Part for any person to park a vehicle or allow it to remain parked otherwise.

(*Ord. 2000-1, 1/3/2000, §1*)

§15-402. Parking Prohibited at all Times in Certain Locations.

Parking shall be prohibited at all times in the following locations:

Street	Side	Between
Bigler Avenue	Both	33rd Street to 37th Street
Chestnut Avenue	North	Hazel Street to Ivy Street
Chestnut Avenue	Both	Crawford Avenue to Hazel Street
Chestnut Avenue	Both	Philadelphia Avenue to Lovell Avenue
Crawford Avenue	East	Philadelphia Avenue to Chestnut Avenue
Eleventh Street	North	Maple Avenue to Philadelphia Avenue
Lovell Avenue	North	Redbud Street to Spruce Street
Lovell Avenue	Both	Maple Street to Redbud Street
Lovell Avenue	South	Spruce Street to Sycamore Street
Philadelphia Avenue	North	Intersection of Juniper Street a distance of 75 feet
River Street	Both	Crawford Avenue and Cottonwood Street
St. Mary' Avenue	East	Chestnut Avenue to Hubert Street
34th Street	Both	Campbell Avenue to Borough Line

(*Ord. 2000-1, 1/3/2000, §1*)

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§15-403. Parking Prohibited in Certain Locations Certain Days and Hours.

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this Section, as follows:

Street	Side	Between	Days	Hours
Bigler Avenue	Both	24th Street to 18th Street	All	3 a.m. and 6 a.m.
Bigler Avenue	Both	14th Street to 1st Street	All	3 a.m. and 6 a.m.
Cottonwood Street	Both	Chestnut Avenue to Wal- nut Run	All	3 a.m. and 6 a.m.
Crawford Ave- nue from Chest- nut Avenue to 40th Street	Both	October to April	All	3 a.m. and 6 a.m.
Crawford Ave- nue	Both	October and April	All	3 a.m. and 6 a.m.
Maple Avenue	Both	St. Stans Street to Dog- wood Street	All	3 a.m. and 6 a.m.
Philadelphia Avenue	Both	Juniper Street and Sycamore Street	All	3 a.m. and 6 a.m.
Philadelphia Avenue	Both	Seventh and Thirteenth Streets	All	3 a.m. and 6 a.m.
Philadelphia Avenue from Lester Street to Holly Street	Both	October to April	All	3 a.m. and 6 a.m.
Philadelphia Avenue	Both	Magnolia Street to Sycamore Street	All	3 a.m. and 6 a.m.

(Ord. 2000-1, 1/3/2000, §1)

§15-404. Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations.

It shall be unlawful for any person to park, or to allow to remain parked, on any of the following streets or parts of streets any vehicle other than a passenger car (which shall not include any bus, motor home or passenger car attached to a trailer of any kind):

Street	Between
	[Reserved]

(Ord. 2000-1, 1/3/2000, §1)

§15-405. Parking Time Limited in Certain Locations Certain Days and Hours.

No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated:

Street	Side	Between	Days	Hours
		[Reserved]		

(Ord. 2000-1, 1/3/2000, §1)

§15-406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited.

The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked in any such zone except as specifically provided for that zone:

Street	Side	Location	Authorized Purpose or Vehicle
Philadelphia Avenue	Both	All	Parallel parking only

(Ord. 2000-1, 1/3/2000, §1)

§15-407. Standing or Parking on Roadway for Loading or Unloading.

It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedalcycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street,

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except that standing or parking for the purpose of loading or unloading persons or property shall be permitted on the following named streets on Monday through Saturday, between the hours of 9 a.m. and 11:30 a.m. and between the hours of 1:30 p.m. and 4 p.m., and for no longer than necessary for the loading or unloading.

Street	Side	Between
	[Reserved]	

(Ord. 2000-1, 1/3/2000, §1)

§15-408. Angle Parking Required on Portions of Certain Streets.

1. Only angle parking shall be permitted on the following portions of streets:

Street	Side	Between
Reserved		

2. On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

(Ord. 2000-1, 1/3/2000, §1)

§15-409. Residential Permit Parking.

1. **Findings and Purpose.** The Borough finds that:
 - A. Certain residential areas in the Borough are subjected to commuter vehicle parking, therefore depriving the residents of those areas of spaces in which to park their own vehicles.
 - B. Those residential streets are also subjected to a high degree of commuter traffic which substantially reduces the quality of the ambient air level.
 - C. The establishment of a parking permit program for certain affected areas should facilitate efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week. Therefore, the Borough considers it to be in the interest of the people of the Borough to provide for the establishment of a residential permit parking program to insure primary access to available parking spaces by neighborhood residents and also to provide a cleaner ambient air level.
2. **Definitions.** For the purpose of this Section, words and terms listed in this subsection, as follows, shall have the following meanings:

COMMUTER VEHICLE - a motor vehicle parked in a residential area by a person not a resident of that residential area.

PROPRIETOR - a person who owns or leases real estate within a residential area of which he is not a resident, but who owns or manages a business enterprise or professional office maintained at that address. For the purpose of this Section, a proprietor shall be entitled to one parking permit for that business or professional office address.

RESIDENT - a person who owns or leases real property within a residential area and who maintains either a voting residence or bona fide occupancy, or both, at that address.

RESIDENTIAL AREA - a contiguous area containing public highways or parts of public highways primarily abutted by residential property or residential and non-business property (such as schools, parks, places of worship, hospitals and nursing homes).

3. **Criteria.** The residential areas designated in subsection (4) of this Section are those deemed impacted and hence eligible for residential parking on the basis of the following criteria:

- A. During any period between the hours of 7 a.m. and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to 70% or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be 20 linear feet.
- B. During the same period as specified in subsection (A), 10% or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.

Provided: in determining that a specific area identified as impacted and eligible for residential permit parking is designated as a residential permit parking area, the following factors are taken into consideration:

- (1) The local and metropolitan needs with respect to clean air and environment.
- (2) The possibility of a reduction in total vehicle miles driven in the Borough.
- (3) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
- (4) The proximity of public transportation to the residential area.
- (5) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection with it.

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- (6) The need for parking in excess of the residential permit parking program in proximity to establishments located in the residential permit parking area and used by the general public for religious, health or educational purposes.

4. **Designation of Residential Permit Parking Areas.** The following are designated as residential permit parking areas:

Area

Bounded By And Including

[Reserved]

Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which parking shall be by permit only.

5. **Application for Permit.** Application for a residential parking permit shall be made to the Chief of Police by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on or is a proprietor of property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle, and each application shall be accompanied by a permit fee, in an amount as established by resolution of the Borough Council, which shall be for the use of the Borough, to be applied to the cost of administering the residential permit parking program. Each application shall contain the following information: the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident or the proprietor, as the case may be; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Chief of Police, the applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.
6. **Issuance of Permit.** Upon receipt of the application and the permit fee, and determination by him that the information upon the application shows that the applicant is entitled to a residential parking permit, the Chief of Police shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking area number and the expiration date. The permit shall be renewable annually before the expiration date, upon making application for renewal and payment of the permit fee. It shall be unlawful and a violation of this Section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.
7. **Temporary and Exemption Parking Permits.** Temporary parking permits may be issued by the Chief of Police, upon payment of a fee in an amount as established by resolution of the Borough Council, to bona fide visitors of residents of a designated residential permit parking area, and exemption parking permits may be issued, without payment of a fee, to handicapped persons.

8. **Responsibility of Permit Holder.**

- A. Notwithstanding any provision of this Section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.
- B. A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.
- C. No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this Section by the permit holder and by the person who so used or displayed the parking permit.
- D. It shall constitute a violation of this Section for any person falsely to represent himself as eligible for a residential parking permit or to furnish false information in an application to the Chief of Police in order to obtain a residential parking permit.

9. **Revocation of Permits.** The Chief of Police shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this Section. Upon written notification to the permit holder of the revocation, the permit holder shall surrender the permit to the Chief of Police. Failure to do so, when so requested, shall constitute a violation of this Section. Provided, any person receiving such a notice may, within 10 days after the date of the notice, appeal to the Borough Council for a hearing on the revocation, and the decision of the Borough Council shall be final.

(Ord. 2000-1, 1/3/2000, §1)

§15-410. Parking Prohibited on Portions of Certain Highways During Street Sweeping Hours.

It shall be unlawful for any person to park a vehicle or to allow the same to remain parked, at any time between October and April on any of the following portions of the highways of the Borough on the days hereby respectively designated for street sweeping purposes:

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Street

Between

Day

[Reserved]

(*Ord. 2000-1*, 1/3/2000, §1)

§15-411. Penalties.

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs. Provided, it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the appropriate official all violations of any provision of this Part indicating, in each case, the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$_____ within _____ hours after the time of the notice, or if he will place the sum of \$_____ enclosed within the envelope provided in any of the special parking fine boxes installed at various locations within the Borough, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

(*Ord. 2000-1*, 1/3/2000, §1)

PART 5**ON-STREET METERED PARKING****§15-501. Parking Meter Zones Established.**

Parking meter zones are established upon and along certain streets in the Borough as follows:

Street	Between	Rate	Maximum Parking Time
Cottonwood Street (South side)	Philadelphia Avenue to Maple Avenue	10¢	60 mins.
Cottonwood Street (North side)	Maple Avenue to the bridge	10¢	60 mins.
Crawford Avenue (North side)	In front of U.S. Post Office	5¢	15 mins.
Crawford Avenue	Each corner of Crawford Avenue and Maple Avenue	10¢	60 mins.
Crawford Avenue (East and West side)	Chestnut Avenue to River Street	10¢	60 mins.
Maple Avenue (North side)	Cottonwood Street to Dog- wood Street	25¢	10 hrs.
Maple Avenue (North and South side)	St. Stans Avenue to Ivy Street	10¢	60 mins.
Philadelphia Avenue (North and South Side)	St. Stans Street to Lester Street	25¢	10 hrs.
Philadelphia Avenue (North and South side)	Cottonwood Street to Dog- wood Street	25¢	10 hrs.
Philadelphia Avenue (North and South side)	St. Stans Avenue to Dog- wood Street	10¢	60 mins.

(Ord. 2000-1, 1/3/2000, §1)

§15-502. Days and Hours Parking Meters in Operation and Parking Time Limits Apply.

Parking meters shall be operated by the deposit of a coin in the meter as prescribed by §15-505, and the parking rates for specified lengths of time, as well as the maximum parking times prescribed in §15-501, shall apply at all times between the hours of 9 a.m. and 6 p.m. Monday through Thursday and Saturday, and between the hours of 9 a.m. and 9 p.m.

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Friday, in the parking meter zones listed in §15-501. Provided, however, the requirements of this Part as to parking time limits and as to deposit of coins in meters shall not apply on *[legal]* holidays.

(Ord. 2000-1, 1/3/2000, §1)

§15-503. Placement and Characteristics of Parking Meters.

Parking meters installed in the parking meter zones established by §15-501 shall be placed upon the curb or sidewalk, and immediately adjacent to the individual parking spaces described in §15-504. Each parking meter shall be placed or set so as to show that the parking space adjacent to that meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the Borough and when the adjacent space is occupied by a vehicle, the parking meter shall indicate on and by its dial and pointer the duration of the period of legal parking and, on the expiration of that period, shall indicate illegal parking or over-parking.

(Ord. 2000-1, 1/3/2000, §1)

§15-504. Parked Vehicles to be Wholly Within Marked Spaces.

Lines and/or markings shall be painted or placed upon the curb, sidewalk or roadway adjacent to each parking meter for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked at any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this Part for any person to park a vehicle across any such line or marking, or to park a vehicle in such a position that the vehicle is not wholly within the area designated by those lines or markings.

(Ord. 2000-1, 1/3/2000, §1)

§15-505. Coin Deposit in Meter; Overtime Parking Unlawful.

Whenever a vehicle is to be parked in any space adjacent to a parking meter, at any time in the period of limited parking as prescribed by §15-502, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in that parking meter one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle shall remain in any such parking space for any length of time that the meter shall indicate by proper signal that the lawful parking time has expired, that vehicle shall be considered as having been parked overtime, and the parking of a vehicle overtime shall be a violation of this Part.

(Ord. 2000-1, 1/3/2000, §1)

§15-506. Unlawful to Deposit Substitute for Coin in Meter.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this Part any slug or other substitute for a coin of the United States of America.

(Ord. 2000-1, 1/3/2000, §1)

§15-507. Unlawful to Deposit Coin in Meter to Extend Parking Time.

It shall be unlawful and a violation of this Part for any person to deposit or cause to be deposited in any parking meter installed under the provisions of this Part any coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time established for that zone.

(Ord. 2000-1, 1/3/2000, §1)

§15-508. Unlawful to Remain Parked at Meter Showing Violation.

It shall be unlawful, and a violation of this Part for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this Part when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

(Ord. 2000-1, 1/3/2000, §1)

§15-509. Unlawful to Tamper with Meter.

It shall be unlawful, and a violation of this Part, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Part. Provided, nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Borough under the direction of the *[Designated Official]* or Borough Council.

(Ord. 2000-1, 1/3/2000, §1)

§15-510. Ticketing of Vehicles Parked Unlawfully; Effect of payment Within 24 Hours.

1. It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the directions of the Chief of Police, to report:
 - A. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this Part.

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- B. The date and hour of the violation.
 - C. The license number of the vehicle.
 - D. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
2. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the Borough, the sum of \$1 within 24 hours after the time of the notice, or will place the sum of \$1.50 within 48 hours or the sum of \$5 within 72 hours enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough within the time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §15-511(1).

(Ord. 2000-1, 1/3/2000, §1)

§15-511. Penalty for Violations.

- 1. Any person who violates any provision of this Part, with the exception of §15-509, and who fails to pay the fine set forth in §15-510, shall be cited within 15 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.
- 2. Any person who violates any provision of §15-509 shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

(Ord. 2000-1, 1/3/2000, §1)

§15-512. Exceptions.

- 1. By resolution, the Borough Council may temporarily suspend the provisions of this Part requiring coin deposit in meters and establishing a maximum parking time at meters.
- 2. The Borough shall have authority to establish no-parking or special-purpose parking zones within any parking meter zone, and to remove parking meters from those areas as previously installed there, and the provisions of this Part shall not apply in those areas where no-parking or special-purpose parking is in effect.

(Ord. 2000-1, 1/3/2000, §1)

PART 6**OFF-STREET METERED PARKING****§15-601. Metered Parking Lots Established.**

1. The following are established as the metered parking lots established by this Borough:

Lot	Location	Rate	Maximum Parking Time	Days In Opera- tion	Hours in Opera- tion
			[Reserved]		

2. Provided, the parking meters in the metered lots shall be in operation, the parking lots shall be open for parking and the provisions of this Part regulating the operation of parking meters and establishing parking time limits shall be in force on the days and between the hours prescribed for the individual lots. But, on Sundays and legal holidays, no parking time limit shall apply and the placing of coins in meters shall not be required.

(*Ord. 2000-1, 1/3/2000, §1*)

§15-602. Placement and Characteristics of Parking Meters.

Parking meters installed in the parking lots shall be placed immediately adjacent to the individual parking spaces that shall be marked off and maintained in the lots. For each parking meter there shall be a clear indication, through use of a directional arrow, or an identification as to number with the parking space, to show which individual parking space it serves. Each parking meter shall indicate by a proper legend the parking rate and the maximum parking time established by §15-601, and, when the parking space is occupied and the parking meter put into operation by the insertion of one or more coins, the parking meter shall indicate on and by its dial and pointer the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or over-parking.

(*Ord. 2000-1, 1/3/2000, §1*)

§15-603. Reserved Parking Spaces for Handicapped May Be Provided.

The Borough Council, at its discretion, may provide, at convenient and suitable locations in any one or more of the metered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful, and a violation of this Part, for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a "handicapped registration plate," a "handicapped parking placard," a "disabled veteran registration plate" or a "disabled veteran placard."

(*Ord. 2000-1, 1/3/2000, §1*)

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§15-604. Parked Vehicles to be Wholly Within Marked Spaces.

Lines and/or markings shall be painted or placed upon the surface of the metered parking lots, adjacent to each parking meter, for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked adjacent to any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this Part for any person:

- A. To park a vehicle across any such line or marking.
- B. To park a vehicle in such a position that the vehicle shall not be within the area so delineated by the lines or markings.
- C. To park a vehicle elsewhere in any such lot than in an individual parking space adjacent to a parking meter.

(Ord. 2000-1, 1/3/2000, §1)

§15-605. Manner of Parking at Meters.

It shall be unlawful for any person to park a vehicle in any metered parking lot:

- A. Otherwise than with the front of the parked vehicle nearest to the parking meter applicable to that vehicle.
- B. With any part of the vehicle touching the meter post or head or the raised base or barrier on which meters are erected.

(Ord. 2000-1, 1/3/2000, §1)

§15-606. Coin Deposit in Meter; Overtime Parking Unlawful.

Whenever a vehicle is to be parked in any metered parking lot, at any time when the lot is open for use and the meters are to be in operation, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in the proper parking meter, one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle remains in any such parking space for such length of time that the meter indicates that the lawful parking time has expired, that vehicle shall be considered as being parked overtime, and the parking of a vehicle overtime shall be a violation of this Part. Provided, every hour that a vehicle remains parked at a meter showing a violation shall constitute a separate violation of this Part.

(Ord. 2000-1, 1/3/2000, §1)

§15-607. Unlawful to Deposit Substitute for Coin in Meter.

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this Part any slug or other substitute for a coin of the United States of America.

(*Ord. 2000-1, 1/3/2000, §1*)

§15-608. Unlawful to Remain Parked at a Meter Showing Violation.

It shall be unlawful and a violation of this Part for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this Part when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.

(*Ord. 2000-1, 1/3/2000, §1*)

§15-609. Unlawful to Tamper With Meter.

It shall be unlawful and a violation of this Part for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Part. Provided, nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Borough under the direction of the *[Designated Official]* or Borough Council.

(*Ord. 2000-1, 1/3/2000, §1*)

§15-610. Metered Parking Lots for Certain Types of Vehicles Only.

The metered parking lots established by this Part shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other type of vehicle in any of those lots.

(*Ord. 2000-1, 1/3/2000, §1*)

§15-611. Ticketing of Vehicles Parked Unlawfully; Effect of Payment Within __ Hours.

1. It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the direction of the Chief of Police, to report:

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- A. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this Part.
 - B. The date and hour of the violation.
 - C. The license number of the vehicle.
 - D. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
2. The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the office of the Chief of Police and pay, for the use of the Borough, the sum of \$_____ within _____ hours after the time of the notice, or will place the sum of \$_____ enclosed within the envelope provided in any of the special parking fine boxes installed at various locations within the Borough, within that time limit, that act will save the violator from prosecution and from payment of the fine prescribed in §15-612(1).

(Ord. 2000-1, 1/3/2000, §1)

§15-612. Penalty for Violation.

1. Any person who violates any provision of this Part, with the exception of §15-609, and who fails to pay the fine set forth in §15-611, shall be cited within 15 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.
2. Any person who violates any provision of §15-609 shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs and, in default of payment of fine and costs, to imprisonment for not more than 30 days.

(Ord. 2000-1, 1/3/2000, §1)

PART 7

OFF-STREET UNMETERED PARKING

§15-701. Unmetered Parking Lots Established.

The following are established as the unmetered parking lots operated by the Borough:

Lot	Location	Maximum Parking Time	Days in Operation	Hours in Operation
		[Reserved]		

(*Ord. 2000-1*, 1/3/2000, §1)

§15-702. Reserved Parking Spaces for Handicapped May Be Provided.

The Borough Council, at its discretion, may provide, at convenient and suitable locations in one or more of the unmetered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful and a violation of this Part for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a "handicapped registration plate," a "handicapped parking placard," a "disabled veteran registration plate," or a "disabled veteran placard." Provided, all provisions, requirements and restrictions contained in the other Sections of this Part shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.

(*Ord. 2000-1*, 1/3/2000, §1)

§15-703. Unlawful to Park Overtime or When Lot Closed.

It shall be unlawful for any person to park a vehicle or to allow a vehicle to remain parked in any unmetered parking lot:

- A. For longer than the maximum parking time prescribed by §15-701.
- B. At any time when the lot is not in operation and is closed to public use.

(*Ord. 2000-1*, 1/3/2000, §1)

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§15-704. Unmetered Lots for Certain Types of Vehicles.

The unmetered parking lots established by §15-701 shall be for the use of passenger cars, passenger vans and pickup trucks only, and it shall be unlawful for any person to park any other kind or class of vehicle in any such lot.

(Ord. 2000-1, 1/3/2000, §1)

§15-705. Manner of Parking.

Every vehicle parked in an unmetered parking lot shall be parked wholly within the lines bounding or marking the individual parking space assigned to that vehicle, and shall be parked headed into the parking space. It shall be unlawful for any person:

- A. To park a vehicle in a space not rented by him.
- B. To park a vehicle otherwise than as required by this Section.
- C. To park a vehicle elsewhere than in an individual parking space, the prohibited areas including, but not limited to, the access and exit driveways and turning and maneuvering spaces.

(Ord. 2000-1, 1/3/2000, §1)

§15-706. Parking on Rental Basis Only.

The parking spaces in the unmetered parking lots shall be available for parking on a monthly rental basis only. The rental fee shall be fixed by the Borough Council by resolution and shall be for a calendar month or the part of a calendar month remaining after the rental arrangements are made. The rental fee shall be paid in advance to the *[Designated Official]* for the use of the Borough, and after the first month shall be automatically renewable until the renter notifies the Borough that he wishes to terminate the rental arrangements. At any time, however, the Borough may, by amending §15-701, discontinue provision of a specific unmetered parking lot or a portion of the parking spaces in any such lot, or may change any unmetered parking lot, or part of an unmetered parking lot, to a metered parking lot or to metered parking spaces. The rental parking spaces shall be assigned by the *[Designated Official]*. The name of the renter of a parking space and/or the numbers and/or letters on the registration tag of the vehicle entitled to be parked there shall be posted by the Borough at the rental space or shall be painted on the surface of that parking space.

(Ord. 2000-1, 1/3/2000, §1)

§15-707. Penalty for Violation.

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs. Provided; it shall be the duty of the police officers and of parking enforcement personnel of the Borough to report to the appropriate

official all violations of any provision of this Part, indicating, in each case, the Section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and, any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$_____ within __ hours after the time of the notice, or if he will place the sum of \$_____ enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

(Ord. 2000-1, 1/3/2000, §1)

PART 8**REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES****§15-801. Applicability and Scope.**

This Part is enacted under authority of §6109(a)(22) of the Vehicle Code, 75 Pa.C.S.A. §6109(a)(22) and gives authority to the Borough to remove and impound those vehicles which are parked in a tow-away zone and in violation of parking regulations of this Chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others may be towed under the provisions of the Vehicle Code.

(Ord. 2000-1, 1/3/2000, §1)

§15-802. Authority to Remove and Impound.

The Borough shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally; provided, that the circumstances of its parking were within the conditions stated in §15-801. Provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part or the provisions of the Vehicle Code.

(Ord. 2000-1, 1/3/2000, §1)

§15-803. Tow Away Zones Designated.

The following designated streets and/or parking lots are hereby established as tow-away zones. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of Borough parking regulations:

Street	Side	Between	Parking Lot
		[Reserved]	

(Ord. 2000-1, 1/3/2000, §1)

§15-804. Designation of Approved Storage Garages; Bonding; Towing and Storage.

Removal and impounding of vehicles under this Part shall be done only by "approved storage garages" that shall be designated from time to time by the Borough Council. Every such garage shall submit evidence to the Borough Council that it is bonded or has acquired liability insurance in an amount satisfactory to the Borough Council as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the Borough Council its schedule of charges for towing and

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storage of vehicles under this Part and, when the schedule is approved by the Borough Council, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Part by any approved storage garage. The Borough Council shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Part.

(Ord. 2000-1, 1/3/2000, §1)

§15-805. Payment of Towing and Storage Charges.

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Part for which the vehicle was removed or impounded.

(Ord. 2000-1, 1/3/2000, §1)

§15-806. Reclamation Costs.

In order to reclaim his vehicle, the owner shall pay towing and storage costs plus a \$25 fee, of which \$10 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

(Ord. 2000-1, 1/3/2000, §1)

§15-807. Records of Vehicles Removed and Impounded.

The Borough shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

(Ord. 2000-1, 1/3/2000, §1)

§15-808. Restrictions Upon Removal of Vehicles.

No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

(Ord. 2000-1, 1/3/2000, §1)

§15-809. Penalty for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under the provisions of the Vehicle Code, 75 P.S. §7301 *et seq.*

(*Ord. 2000-1, 1/3/2000, §1*)

§15-810. Reports and Disposition of Unclaimed Vehicles.

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with §7311 of the Vehicle Code, 75 Pa.C.S.A. §7311, by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Vehicle Code, 75 Pa C.S.A. §7301 *et seq.*

(*Ord. 2000-1, 1/3/2000, §1*)

PART 9

SNOW AND ICE EMERGENCY

§15-901. Declaration of Snow and Ice Emergency.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §15-903, the *[Designated Official]*, in his discretion, may declare a snow and ice emergency (designated in this Part as a "snow emergency"). Information on the existence of a snow emergency shall be given by the Borough through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

(Ord. 2000-1, 1/3/2000, §1)

§15-902. Parking Prohibited, Driving Motor Vehicles Restricted On Snow Emergency Routes During Emergency.

After any snow emergency is declared, it shall be unlawful at any time during the continuance of the emergency for any person:

- A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §15-903.
- B. To drive any motor vehicle on any such snow emergency route unless that vehicle is equipped with snow tires or chains.

(Ord. 2000-1, 1/3/2000, §1)

§15-903. Snow Emergency Routes Designated.

The following are designated as snow emergency routes:

Street	Between
	[Reserved]

(Ord. 2000-1, 1/3/2000, §1).

§15-904. Penalty for Violation.

1. If, at any time during a period of snow emergency declared under §15-901, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part and, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs.

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2. If, at any time during a period of snow emergency declared under §15-901, a person shall drive a motor vehicle upon a snow emergency route without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(Ord. 2000-1, 1/3/2000, §1)

PART 10

REGULATING THE USE OF ROLLERSKATES, ROLLERBLADES, SKATEBOARDS, SCOOTERS, BICYCLES AND SNOWMOBILES

§15-1001. Definitions

BICYCLE - a vehicle propelled by human power with two wheels in tandem, a steering hands. a saddle seat and pedals by which it is propelled.

ROLLERBLADES - a vehicle propelled by human power and gravity consisting of shoes with rollers attached down the center of the underside of the shoe.

ROLLERSKATES - a vehicle propelled by human power and gravity consisting of material or portion of material part of or clamped to shoes with wheels attached to the underside at various locations.

SCOOTER - a vehicle propelled by human power and gravity consisting of material or portion of materials with wheels attached to the underside with a guiding system or steering handle.

SKATEBOARD - a vehicle propelled by human power and gravity consisting of material or portion of material formed in a thin firm sheet with wheels attached to the underside.

(Ord. 2000-1, 1/3/2000, §1)

§15-1002. Prohibited Locations.

It shall be unlawful for any person to engage in rollerskating, rollerblading, skateboarding or operating a scooter upon the following streets, alleys, sidewalks and areas with the Borough of Northern Cambria:

- A. **Chestnut Avenue.** St. Mary's Avenue, Crawford Avenue, Cottonwood Street, Dogwood Street (from St. Mary's Avenue included to Holly Street).
- B. **Philadelphia Avenue.** St. Mary's Avenue, Crawford Avenue, Cottonwood Street Dogwood Street(from St. Mary's Avenue to Holly Street).
- C. **Maple Avenue.** St. Mary's Avenue, Crawford Avenue, Cottonwood Street and Dogwood Street (from St. Mary's Avenue included to Holly Street)
- D. All streets and alleys between the above named avenues.
- E. **Friedman Park.** Entire park area.

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- F. **On Private Property.** On any private land or private property within the Borough which is not owned or leased by the person or as to which the owner or occupant of the private land or private property has not given permission for the person to rollerskate, to skate or to rollerblade, coast or ride upon or propel a scooter or the like.

(Ord. 2000-1, 1/3/2000, §1)

§15-1003. Prohibited Operation of Bicycles.

It shall be unlawful for any person to engage in the operation of a bicycle on, over or across the sidewalks of Chestnut Avenue, Philadelphia Avenue and Maple Avenue from 9th Street through 12th Street.

(Ord. 2000-1, 1/3/2000, §1)

§15-1004. Prohibited Times.

Prohibited at all times day and night.

(Ord. 2000-1, 1/3/2000, §1)

§15-1005. Exceptions.

Nothing in this Part will prohibit any person to rollerskate, rollerblade, ride a scooter, bicycle or the like when the activity is a part of a parade, civic program, Borough recreation program, when the activity is authorized by Borough Council, Mayor or Chief of Police under such conditions, locations and safeguards as the Council, Mayor or Chief of Police may impose.

(Ord. 2000-1, 1/3/2000, §1)

§15-1006. Penalties.

1. Any person who violates any provisions of this Part the first time shall receive an oral or written warning from the Chief of Police, Police Officer or Mayor.
2. Any person who violates any provision of this Part a second time shall, upon conviction thereof, be sentenced to a fine of \$15 and costs of prosecution and, upon failure to pay such fine and costs, to imprisonment for not more than 2 days.
3. Any minor person who violates any provision of this Part the first time shall receive an oral or written warning from the Chief of Police, Police Officer or Mayor.

4. Any minor person who violates any provision of this Part a second time, his/her parents, guardians or other person having legal custody of said minor shall be, upon conviction, sentenced to pay a fine of \$15 and costs of prosecution and, upon failure to pay such fine and costs, to imprisonment for not more than 2 days.

(Ord. 2000-1, 1/3/2000, §1)

§15-1007. Prohibiting Motorized and Nonmotorized Vehicles on Pedestrian or Foot Bridges.

1. The Borough has constructed a pedestrian or foot bridge across the West Branch of the Susquehanna River situate to the rear of the Giant Eagle Store leading to the opposite side of the west branch of the Susquehanna River to Susquehanna Street. In addition, the Borough has constructed a flood control dike from Barr Avenue to 25th Street.
2. All motorized vehicles and other modes of nonmotorized transportation such as two wheel, four or more wheel recreation vehicles, motorcycles, bicycles, scooters or similar modes of transportation are prohibited from entering, driving upon, traversing or using the bridge. Additionally, the above described vehicles are prohibited from operating on the flood control dike from Barr Avenue to 25th Street are further prohibited from entering upon and/or traveling the aforesaid pedestrian bridge and flood control dike.
3. Handicapped person using motorized or nonmotorized wheelchairs or similar modes of transportation for the handicapped are permitted to use the above described pedestrian or foot bridge. The handicapped are prohibited from traveling the flood control dike with these vehicles.
4. Any person or persons violating this Section, upon conviction thereof by a district justice shall, be sentenced to pay a fine of not more than \$100 and costs of prosecution and, in default of payment of such fine and costs, to a term of imprisonment for not less than 5 days nor more than 30 days.

(Ord. 2000-1, 1/3/2000, §1)

PART 11

PEDESTRIAN REGULATIONS

§15-1101. Pedestrians to Obey traffic-Control Signs.

At all locations in the Borough where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under §15-1102, shall obey the directions of those traffic-control signals, as follows:

- A. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk.
- B. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway.
- C. When facing a steady red signal, a pedestrian shall not enter the roadway.

(Ord. 2000-1, 1/3/2000, §1)

§15-1102. Pedestrian-Control Signal Locations Established.

1. At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

Location

Crawford Avenue and Philadelphia Avenue

Crawford Avenue and Maple Avenue

Cottonwood Street and Philadelphia Avenue

38th Street and Bigler Avenue

2. Every pedestrian facing a steady or flashing "Don't Walk" signal shall obey the directions of that signal, as follows:
 - A. When facing a steady "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.
 - B. When facing a flashing "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone.

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Any pedestrian who fails to obey the directions of a "Don't Walk" signal, as indicated above, shall be guilty of an offense and a violation of this Part.

(Ord. 2000-1, 1/3/2000, §1)

§15-1103. Locations Where Pedestrian Crossing in Unmarked Crosswalks Restricted.

Except when authorized by a police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated.

Street	Intersection	Direction of Travel
	[Reserved]	

(Ord. 2000-1, 1/3/2000, §1)

§15-1104. Locations Where Pedestrians May Cross Only In Crosswalk.

It shall be unlawful for any pedestrian:

- A. To cross any roadway in a business district within the Borough except in a crosswalk.
- B. To cross the roadway, in any of the following portions of streets in the Borough, except in a crosswalk:

Street	Between
	[Reserved]

Provided, nothing in this Section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by §15-1102.

(Ord. 2000-1, 1/3/2000, §1)

§15-1105. Penalty for Violation.

Any pedestrian who violates any provision of this Part shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$5 and costs.

(Ord. 2000-1, 1/3/2000, §1)

CHAPTER 16
PARKS AND RECREATION

PART 1

RECOGNITION OF PUBLIC RECREATION

- §16-101. Recognition
- §16-102. Authority

PART 1

RECOGNITION OF PUBLIC RECREATION

§16-101. Recognition

The purpose of this Part is to recognize the Northern Cambria Youth Recreation as the official recreation of the Borough.

Ord. 2000-1, 1/3/2000, §1)

§16-102. Authority

1. The Northern Cambria Youth Recreation is hereby given all power, so far as the Borough has power to grant the same, to enact such rules and regulations for the management and government of individual members thereof as shall be necessary for the proper maintenance and control of said recreation. Neither the grant of the aforesaid power nor the recognition shall be construed as constituting the Northern Cambria Yourth Recreation as an agent, department or employee of the Borough of Northern Cambria.
2. The Northern Cambria Youth Recreation assumes the responsibility for all assets of the former Spangler and Barnesboro recreation.
2. The Northern Cambria Youth Recreation shall give service to the residents and taxpayers. The Borough agrees to assist in the maintenance of the Northern Cambria Youth Recreation.

Ord. 2000-1, 1/3/2000, §1)

