# PART II

# GENERAL LEGISLATION

# Chapter 40

# BUILDING CONSTRUCTION



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 9-11-63. Section 40-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

**Numbering of buildings — See Ch. 42.**
**Electrical standards — See Ch. 55.**
**Fire prevention — See Ch. 58.**
**Housing standards — See Ch. 65.**
**Property maintenance — See Ch. 82.**

## § 40-1. Adoption of Building Code. [Amended 6-10-67]

There is hereby adopted by the Borough of Coaldale for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of the buildings and structures, including permits and penalties, that certain building code known as the National Building Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1955 Edition thereof and the whole thereof,

together with all later revisions, including the 1967 Edition, and the same is hereby adopted and incorporated as fully as if set out in length herein and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Coaldale.

### § 40-2. Establishment of office of Building Official.

A. The office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.

B. The Building Official shall be appointed by Council of the Borough of Coaldale. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.

C. During temporary absence or disability of the Building Official, the appointing authority shall designate an Acting Building Official.

### § 40-3. Duties of Building Official.

It shall be the duty of the Building Official to enforce all laws relating to the construction, alteration, removal and demolition of buildings or structures.

### § 40-4. Right of entry.

The Building Official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

### § 40-5. Definitions.

Wherever the word "municipality" is used in the Building Code, it shall be held to mean the Borough of Coaldale. Wherever

the term "corporation counsel" is used in the Building Code, it shall be held to mean the Attorney for the Borough of Coaldale.

### § 40-6. Fire limits established.

The fire limits of the Borough of Coaldale are hereby established as follows: from East Street to Seventh Street between Railroad Street and Lehigh Street; that portion of the borough known as Seek.

### § 40-7. Violations and penalties.[1]

A. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire Department or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars ($300.) and costs of prosecution and, in default of payment of such fine and costs, to imprisonment in the county jail for not more than thirty (30) days. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

[1] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

# Chapter 42

# BUILDINGS, NUMBERING OF



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 6-14-06. Sections 42-1 and 42-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building construction generally — See Ch. 40.**

## § 42-1. Street signs.[1]

Be it enacted by the Borough Council of the Borough of Coaldale and it is hereby ordained by the authority of the same that the Committee on Streets shall have made a sufficient number of signs for the several streets and alleys of the borough and have them placed at the proper places at the intersection of streets indicating the proper name of each street and alley. Said Committee shall have power to have any of such signs replaced or renewed whenever necessary.

## § 42-2. House numbers.[2]

The Street Committee shall have power and is hereby authorized to have each and every house numbered, in front at

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

[2] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

some conspicuous place, by having placed thereon figures to indicate the proper number of such house according to a plan which they shall adopt, and in accordance with all United States Post Office regulations.

### § 42-3. Expenses.

All expense of such indexing of streets and numbering of houses shall be paid out of borough funds provided for that purpose.[3]

[3] **Editor's Note: Former Section 4 which immediately followed this section was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

# Chapter 47

# CURFEW



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 12-15-14. Sections 47-1, 47-3 and 47-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## § 47-1. Responsibility of parents or guardians.[1]

No parent, guardian or custodian or person having the legal custody of any child under the age of eighteen (18) years shall permit such child to be or remain on any street, highway, park or other public place in the Borough of Coaldale after 10:30 p.m. on Sunday through Thursday and after 11:00 p.m. on Friday and Saturday, unless accompanied by or under the immediate control and supervision of such parent, guardian, legal custodian or unless engaged in some lawful employment or in the performance of some particular duty especially directed in writing by said parent, guardian or other custodian.

## § 47-2. Responsibility of police.

It shall be the duty of the police officers of the borough, upon observing any child at large in violation hereof, to procure all information requisite to establish such violation from such child,

[1] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

or in other manner possible, and thereupon to commit such child to the custody of the respective parent, guardian or other custodian to be held as a witness in any legal proceeding brought hereunder.

### § 47-3. Warning signal.[2]

The patrolman or police of the borough shall cause a warning of five (5) blows to be sounded upon the fire alarm signal or in some other manner at 10:15 p.m. on Sundays through Thursdays and at 10:45 p.m. on Fridays and Saturdays.

### § 47-4. Violations and penalties.[3]

Any person violating any of the provisions of this chapter shall, for the first violation, be subject to a warning; for the second violation, twenty-five dollars ($25.); for the third and subsequent violation, fifty dollars ($50.).

[2] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

[3] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

# Chapter 51

# DOGS AND OTHER ANIMALS



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale during codification; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]**

## § 51-1. Running at large prohibited.

No animals, including any dog, cat or fowl, shall be allowed to run at large off the premises of the owner or keeper thereof and, when off the premises of the owner or keeper, shall be under the control of a person of suitable age and strength to prevent such animal from running at large or otherwise endangering the lives, limbs, health or property of others.

## § 51-2. Keeping of animals restricted.

No lot or premises shall be used for the keeping, raising or breeding of animals, including fowl, except for the keeping of not more than four (4) dogs and four (4) cats or the litter of young of same until such young reach the age of six (6) months.

## § 51-3. Violations and penalties.

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings

or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

# Chapter 55

# ELECTRICAL STANDARDS



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 9-11-63. Sections 55-1 and 55-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## § 55-1. Adoption of Electrical Code. [Amended 6-10-67[1]]

There is hereby adopted by the Borough of Coaldale for the purpose of establishing rules and regulations for safe and adequate electrical wiring in all dwellings, buildings and structures that certain electrical code known as the National Electrical Code, recommended by the National Fire Protection Association, being particularly the 1962 Edition thereof, and all later revisions, including the 1975 Edition, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Coaldale.

## § 55-2. Administrator.

The Building Official shall administer the provisions of the Electrical Code.

[1] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

### § 55-3. Duties of Building Official.

It shall be the duty of the Building Official to enforce all laws relating to safe and adequate wiring and to make necessary inspections.

### § 55-4. Right of entry.

The Building Official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

### § 55-5. Violations and penalties.[2]

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

[2] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

# Chapter 58

## FIRE PREVENTION



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 9-11-63. Sections 58-1 and 58-6 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### § 58-1. Adoption of Fire Prevention Code. [Amended 9-13-65; 6-10-67[1]]

There is hereby adopted by the Borough of Coaldale for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters,[2] being particularly the 1956 Edition thereof and all later revisions, including the 1975 Edition, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Coaldale.

### § 58-2. Enforcement.

The code hereby adopted shall be enforced by the Chief of the Fire Department.

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

[2] Editor's Note: The provisions of this Code are now recommended by the American Insurance Association, Successors to the National Board of Fire Underwriters.

### § 58-3. Definitions.

Wherever the word "municipality" is used in the code hereby adopted, it shall be held to mean the Borough of Coaldale.

### § 58-4. Limits for storage of flammable liquids and gases.

The limits referred to in Section 904a of the code hereby adopted, in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in Section 1104 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: from East Street to Seventh Street between Railroad and Lehigh Streets.

### § 58-5. Modifications.

The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant.

### § 58-6. Violations and penalties.[3]

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

[3] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

# Chapter 62

## GARBAGE, RUBBISH AND REFUSE



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 10-13-75. Section 62-6 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### § 62-1. Short title.

This chapter shall be known as the "Refuse Disposal Ordinance."

### § 62-2. Definitions.

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

A. Words defined.

ASHES — The residue resulting from the burning of wood, coal, coke or other combustible material.

DISPOSAL — Includes the storage, collection, disposal or handling of refuse.

GARBAGE — All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

PERSON — Includes any natural person, association, partnership, firm or corporation.

REFUSE — All solid wastes, except body wastes, and shall include garbage, ashes and rubbish.

RUBBISH — Includes glass, metal, paper, plant growth, wood or nonputrescible solid wastes.

B. Terms defined. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

**§ 62-3. Storage practices.**

A. Preparation of refuse.

(1) All refuse shall be drained free of liquids before disposal.

(2) Garbage shall be wrapped in paper or similar material.

(3) All cans, bottles or other food containers shall be rinsed free of food particles and drained before disposal.

(4) Rubbish shall be placed in approved containers or cut and baled, tied, bundled, stacked or packaged so as not to exceed thirty-six (36) inches in length and fifty (50) pounds in weight.

B. Refuse containers.

(1) Refuse containers shall be made of durable, water-tight, rust-resistant material having a close-fitting lid and handles to facilitate collection. Plastic bags may be used.

(2) Refuse containers for residences shall be of not less than ten (10) gallons, nor more than thirty-two (32) gallons in capacity. Containers for commercial establishments shall not exceed forty (40) gallons in capacity.

(3) It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such

material on the bottom or sides of containers, it being the intention of this provision that the interior of containers shall be kept clean by thorough rinsing and draining as often as necessary.

C. Storage of refuse.

(1) Each householder, commercial establishment or person having refuse shall provide himself with approved refuse containers and shall place and keep all refuse therein, except as provided in § 62-3A(4) of this chapter relating to handling of rubbish.

(2) It shall be unlawful to place refuse in any street, alley, stream, body of water or any other public place or upon private property, whether owned or not, unless such refuse is placed in an approved container, except that rubbish may be stored as provided in § 62-3A(4) of this chapter.

**§ 62-4. Collection practices.**

A. Place of collection.

(1) Refuse containers shall, for the purpose of collection, be placed at ground level and be made readily accessible to the collector. They shall be placed on the side of the street from which collection is to be made.

(2) Notwithstanding provisions of § 62-4A(1) of this chapter, householders, commercial establishments or other persons may, by contract with collectors, be permitted to place containers at agreed places upon their premises.

B. Frequency of collection. Refuse shall be collected once weekly throughout the year. Hotels, restaurants, institutions and other commercial establishments may be required to have more frequent collection, if it is determined by the governing body to be essential to protect the public health.

C. Licensing of collectors.

(1) No person shall collect, remove, haul or convey any refuse through or upon any of the streets or alleys of the Borough of Coaldale or dispose of the same in any manner or place without obtaining a license from the governing body of said borough.

(2) The fee for such license shall be five dollars ($5.) per annum and all licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

(3) Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection and the place and method of disposal.

(4) No license shall be granted if the place and method of disposal shall not conform to the requirements of this chapter, or to the ordinance of any municipal or quasi-municipal corporation, wherein disposal of refuse is to be made.

(5) No licensed collector shall make any change in the arrangements for disposal of refuse collection by him without first receiving the approval of the governing body.

(6) It shall be unlawful to permit an unlicensed collector to collect or remove refuse from a household, institution or commercial enterprise.

D. Collection vehicles.

(1) All vehicles used for collection of garbage shall be equipped with compacting devices or equivalent types of closed bodies and shall have enclosed cargo space.

(2) It shall be unlawful to collect, haul, transport or convey garbage in an open, unenclosed vehicle.

### § 62-5. Disposal of refuse.

It shall be unlawful to dump, burn, bury, destroy or otherwise dispose of refuse within the jurisdictional limits of the Borough of Coaldale, except at the borough-approved refuse disposal site.

### § 62-6. Violations and penalties.[1]

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

[1] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

# Chapter 64

# HOUSING PRACTICES, FAIR



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 4-11-78. Section 64-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## § 64-1. Legislative findings.

The Borough Council of Coaldale finds that:

A. Discrimination in housing results in overcrowded, segregated areas, under substandard, unsafe and unsanitary living conditions.

B. In order to assure that all persons, regardless of race, color, sex or creed, enjoy the full benefits of citizenship and are afforded equal opportunities for housing, it is necessary that appropriate legislation be enacted.

## § 64-2. Definitions.

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

DISCRIMINATION — Any difference in treatment in hiring, referring for hire, promoting, training; in membership in employee or labor organizations; in the sale, lease, rental or financing of housing; in rendering service in

places of public accommodation; or because of race, color, religion, national origin, sex, handicap, marital status, source of income or age.

HOUSING ACCOMMODATION — Any building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one (1) or more individuals, groups or families and any vacant land offered for sale or lease for housing.

OWNER — Includes lessee, sublessee, assignee, manager, agent or any other person having the right of ownership or possession or the authority to sell, rent or lease any housing accommodations, including the borough and its departments, boards and commissions.

PERSONAL RESIDENCE — A building or structure containing living quarters occupied or intended to be occupied by no more than two (2) individuals, two (2) groups or two (2) families living independently of each other and used by the owner thereof as a bona fide residence for himself and any members of his family forming his household.

**§ 64-3. Unlawful housing practices.**

A. It shall be an unlawful housing practice for:

(1) The owner of any housing accommodation or his authorized agent to refuse to sell, rent, lease or to discriminate in any way because of race, color, religion, national origin, ancestry, sex, handicap, marital status, source of income or age over eighteen (18) in the terms, conditions or privileges of the sale, rental or lease of any housing accommodation, other than in the rental or lease of the owner's personal residence or in the furnishing of facilities or services in connection therewith.

(2) Any person to print or circulate or cause to be printed or circulated any statement, advertisement or

publication or to use any form of application for the purchase, rental or lease of housing accommodations or to make real estate appraisals, financial or credit reports or any record or inquiry in connection with the prospective purchase, rental or lease of housing accommodations which expresses, directly or indirectly, any limitations, specification or discrimination as to race, color, religion, national origin, sex, ancestry, handicap, marital status, source of income or age over eighteen (18) or which expresses any intent to make any such limitation, specification or discrimination or for any person to obstruct another from enjoyment of his rights under this chapter relating to housing practices.

B. Exceptions.

(1) Nothing herein contained shall bar any religious or denominational institution or organization or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination with regard to the occupancy, leasing, sale or purchase of real estate or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

(2) Nothing herein contained shall bar any organization which has designed, constructed and made available housing designated for the retired elderly from restricting such housing to that class of persons.

## § 64-4. Conflicts; minimum standards.

Where a provision of this chapter is found to be in conflict with a provision of any other ordinance of the Borough of Coaldale existing on the effective date of this chapter, or in any regulation issued under the authority of such ordinance, provisions which establish the higher standard for the protection of health, safety and welfare shall prevail.

## § 64-5. Violations and penalties.[1]

Any owner, occupant, person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof be subject to a fine of not more than three hundred dollars ($300.), plus costs, and in default of payment thereof, be imprisoned for a period not exceeding thirty (30) days, or both, in addition to such order or decree that may be issued by any court.

[1] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

# Chapter 65

## HOUSING STANDARDS



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 9-11-63. Section 65-14 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building construction — See Ch. 40.**
**Fire prevention — See Ch. 58.**
**Garbage, rubbish and refuse — See Ch. 62.**
**Property maintenance — See Ch. 82.**

**§ 65-1. Short title.**

The short title of this chapter shall be the "Coaldale Housing Code."

**§ 65-2. Definitions.**

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

APPROVED — In accordance with regulations established by the Board of Health and approved by the Borough Council and Mayor.

BASEMENT — A portion of any dwelling located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR — A portion of any dwelling having one-half (½) or more than one-half (½) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DWELLING — A building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall not be regarded as a "dwelling."

DWELLING UNIT — A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION — The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the public officer.

HABITABLE ROOM — A room or enclosed floor space used or intended to be used for living, sleeping, cooking or

eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets and storage spaces.

MULTIFAMILY DWELLING — Any dwelling or part thereof containing three (3) or more dwelling units.

OCCUPANT — Any person, including an owner or operator, over one (1) year of age living and sleeping in a dwelling unit or rooming unit.

OPENABLE AREA — The part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR — Any person having charge, care, management or control of any dwelling, or part of it, in which dwelling units or rooming units are left.

OWNER — Any person who, alone or jointly or severally with others:

A. Holds legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

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

PERSON — An individual, firm, corporation, association or partnership.

PLUMBING or PLUMBING FIXTURES — Water-heating facilities, water pipes, garbage disposal units, waste pipes, water closet, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PREMISES — A lot, plot or parcel of land, including the buildings and structures thereon.

PUBLIC OFFICER — The Secretary of the Board of Health of the Borough of Coaldale or its authorized representative.

**§ 65-3. Minimum standards for basic equipment facilities.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for basic equipment and facilities:

A. Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet and lavatory basin.

B. Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which affords privacy to a person in the room and which is equipped with a bathtub or shower.

C. Every dwelling unit shall contain within its walls a kitchen sink.

D. Every kitchen sink, lavatory basin and bathtub or shower required by this chapter shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin and bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120° F.) even when the dwelling heating facilities required by § 65-4E of this chapter are not in operation.

E. All plumbing fixtures required by this section shall be properly connected to an approved water system and to an approved sewerage system.

F. Every dwelling unit shall have approved garbage and rubbish storage or disposal facilities. In every multifamily dwelling, such facilities shall be placed in an approved location.

G. No owner, operator or occupant shall cause any service equipment or utility which is required by this chapter to be removed, shut off or discontinued for any occupied dwelling lot or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.

H. Every rooming house shall, for each five (5) occupants thereof, contain within its walls a room separate from habitable rooms, which affords privacy and which is equipped with a flush water closet and lavatory basin. **[Added 9-13-65]**

I. Each rooming house shall, for each five (5) occupants thereof, contain within its walls a room separate from the habitable rooms, which affords privacy to a person in the room and which is equipped with a bathtub or shower. **[Added 9-13-65]**

**§ 65-4. Minimum standards for light, ventilation and heating.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for light, ventilation and heating:

A. Every habitable room shall have a window or skylight opening directly to the outside. The total area of such window shall not be less than ten percent (10%) of such room. Whenever the only window in a room is a skylight-type window in the top of such room, the total area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room. All windows and skylights shall be enclosed with glass and shall be provided with suitable hardware and sash cords and made to open to the extent of at least forty-five percent (45%) of the minimum

window area size or minimum skylight-type window, except where there is supplied some other device affording adequate ventilation and approved by the public officer. Every dwelling, habitable room and hall shall be equipped with a safe, artificial lighting service, and all electrical wiring, outlets and fixtures thereof shall be installed and maintained in accordance with the provisions of local municipal ordinances and statutes of this state.

B. Every bathroom and water closet compartment shall have at least one (1) window facing to the outdoors and having a minimum openable area of four percent (4%) of the floor area of such room, except where there is supplied some other device approved by the Board of Health as affording adequate ventilation.

C. Every laundry room shall have a minimum openable area of at least two (2) square feet, except where there is supplied some other device approved by the Board of Health as affording adequate ventilation.

D. Every dwelling shall be supplied with electricity. Within such dwelling the following shall apply:

(1) Every habitable room shall contain at least two (2) separate floor- or wall-type electric convenience outlets or one (1) such convenience outlet and one (1) supplied ceiling-type electric light fixture.

(2) Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture.

(3) Every outlet and fixture shall be properly installed and maintained in good and safe working condition.

E. Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments within its walls to a temperature of at least seventy degrees Fahrenheit (70° F.) at a location to be established by the Board of Health under ordinary minimum winter conditions.

**§ 65-5. Minimum standards for safety from fire.**

No person shall occupy as owner-tenant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for safety from fire:

A. No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids in any quantity which endangers the lives of the occupants.

B. Every dwelling unit and every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

C. Every hallway, stairway, corridor, exit, fire escape door and other means of egress shall be kept clear at all times.

D. Storage rooms and storage lockers shall not be used for storage of junk, rubbish or waste.

E. Closets or storage beneath stairways is prohibited in any multifamily dwelling or any rooming house.

F. There shall be at least two (2) means of egress available from each story of every multifamily dwelling and of every rooming house if the dwelling is four (4) or more stories in height or is three (3) stories in height and has at least five (5) habitable rooms on the third story. A basement used as a dwelling unit shall not count as a story for the purpose of this section.

**§ 65-6. Minimum standards for space, use and location.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for space, use and location:

A. Every dwelling unit shall contain at least one hundred fifty (150) feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable

floor area for each of the next three (3) occupants and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.

B. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

C. Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than ten percent (10%) of the required habitable floor area. At least one-half (½) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of any part of any room where the ceiling is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.

D. For the purpose of this section, a person under one (1) year of age shall not be counted as an occupant.

E. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a sleeping room can be had only by going through a bathroom or water closet compartment.

F. No sleeping room shall be occupied by more than two (2) adults, except that one (1) child under eight (8) years of age in addition to two (2) adults may be permitted, and except that rooms occupied by persons of the same sex or by children under twelve (12) years of age may be occupied by more than two (2) persons where space permits.

G. No cellar shall be used as a habitable room or dwelling unit.

H. No basement shall be used as a habitable room or dwelling unit unless:

(1) The floors and walls are substantially watertight.

(2) The total window area, total openable area and ceiling height are in accordance with this chapter.

(3) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

I. No owner or occupant of a dwelling shall permit the use of any room for sleeping purposes, which room is commonly known as the kitchen and/or any room that is used for the cooking and preparing of food and/or the serving and consumption of food.

J. No owner or occupant shall permit the use of any room for sleeping purposes used as a storage closet, utility or workroom and/or any hallway, passageway or foyer.

**§ 65-7. Minimum standards for safe and sanitary maintenance.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit or rooming unit which does not comply with the following minimum standards for safe and sanitary maintenance:

A. Every foundation, exterior wall and exterior roof shall be substantially weathertight and rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

B. Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight and rodent-proof and shall be kept in sound working condition and good repair.

C. Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

D. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

E. Every plumbing fixture shall be properly installed and maintained in sanitary working condition, free from defects, leaks and obstructions and in accordance with the Plumbing Code for the Borough of Coaldale.

F. Every water closet compartment shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

G. Every supplied facility, piece of equipment or utility which is required under this chapter and every chimney and smoke pipe shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

H. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

I. During that portion of each year when, as determined by the Board of Health, it is necessary for protection against mosquitoes, flies and other insects, every door opening directly from any dwelling to outdoor space shall be supplied with a screen, together with a self-closing device in good working condition; and in each room at least one (1) window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be provided with a screen, provided that such screen shall not be required during each period in rooms deemed by the public officer to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas of Coaldale which are deemed by the Health Officer to have so few such insects as to render screens unnecessary.

J. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement or cellar which might provide an entry for rodents shall be supplied with a screen or other device which will effectively prevent their entrance.

### § 65-8. Minimum standards for cooking equipment.

No owner, operator or occupant shall furnish or use any cooking equipment which does not comply with the following minimum standards:

A. Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

B. Portable cooking equipment employing flame and the use of gasoline as fuel for cooking is prohibited.

### § 65-9. Responsibilities of owner and occupants.

A. Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he occupies and controls.

B. Every owner or operator of a two-family dwelling, multifamily dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.

C. Every occupant of a dwelling or dwelling unit shall dispose of all rubbish, ashes, garbage and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities and shall maintain them in a clean and sanitary manner. The owner or operator of a multifamily dwelling shall furnish common storage or disposal facilities and shall be responsible for the clean and sanitary maintenance of them. Every owner or operator of every rooming house shall dispose of all rubbish

in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary.

D. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard. In a two-family dwelling or a multifamily dwelling the occupant shall be responsible for such extermination whenever his dwelling unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain the dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.

E. Every owner or operator shall be responsible for the extermination of any insects, rodents or other pests whenever infestation exists in two (2) or more of the dwelling units in any building or in the shared or public area of any two-family dwelling or any multifamily dwelling.

F. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard.

G. Every occupant of a dwelling unit shall keep all plumbing fixtures in it in a clean and sanitary condition and shall be responsible for the exercise of a reasonable care in the proper use and operation.

H. Every occupant of a dwelling unit shall be responsible for hanging and removing all screens required for his dwelling unit by this code, except where the owner or operator has agreed to supply such service.

I. Every owner or operator of a two-family dwelling or multifamily dwelling shall be responsible for hanging and removing all screens required by this chapter for windows and doors opening to outdoor space from shared or public areas.

J. During that time of the year when it is necessary, as determined by regulations issued by the Board of Health, every owner or operator of every two-family dwelling,

multifamily dwelling and rooming house shall supply adequate heat to every habitable room therein, except where there are separate facilities for each dwelling unit, which facilities are under the control of the occupant of such dwelling unit.

**§ 65-10. Inspection and access to dwellings.**

The public officer is authorized and directed to make inspections to determine compliance with this chapter. For this purpose, he is authorized, upon showing adequate identification, to enter and examine any dwelling, yard or part of either at all reasonable times, and every owner, operator or occupant shall provide him free access to it.

**§ 65-11. Notices and appeals.**

A. If a preliminary investigation shall disclose to the public officer that there exists a violation of any provision of this chapter, he shall serve written notice of such violation upon the violator. The notice of violation shall specify the violation which exists, shall specify a reasonable time for compliance and shall contain a notice that hearing will be held before the public officer at a place therein fixed, not less than ten (10) days or more than thirty (30) days after the serving of notice of violation.

B. The owner or any other party of interest affected by the violation may appeal to the Board of Health for a review of the decision of the public officer in accordance with the procedures prescribed by the Board of Health, except as provided in § 65-11E. Compliance with the notice of violation shall not be required when an appeal is pending before the Board of Health or a court.

C. The Board of Health may modify any notice so as to authorize a variance from the terms of this chapter when, because of special conditions, undue hardship would result from literal enforcement and when such variance substantially meets the spirit of this chapter.

D. After the expiration of the time for compliance as stated on the notice of violation, a reinspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the public officer shall order the violation corrected as specified in § 65-12 of this chapter, or shall institute prosecution for the violation, or both. However, the Board of Health may grant a reasonable extension of time for compliance in cases of hardship.

E. Whenever the public officer finds that there exists any violation of this chapter which creates an emergency requiring immediate correction to protect the health or safety of any occupant of a dwelling or the public, he may issue a notice of violation stating the facts which constitute the emergency and requiring necessary action to be taken immediately. Any person to whom such notice is directed shall comply immediately even though an appeal is taken to the Board of Health. Any person aggrieved by such notice of violation may appeal to the Board of Health as provided in Subsection B of this section. The Board of Health shall give priority to such appeal.

**§ 65-12. Abatement of violations.**

A. When upon reexamination, after the expiration of the time for compliance, the public officer finds that the violation has not been corrected, then he is authorized to cause such dwelling to be repaired, altered or improved or to be vacated or closed.

B. Whenever the public officer finds that any dwelling constitutes a serious hazard to the health or safety of the occupants or to the public because it is dilapidated, insanitary, vermin-infested or lacking in the facilities required by this chapter, he shall designate such dwelling unfit for human habitation and shall cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupancy of this building for human

habitation is prohibited and unlawful." If the owner fails to comply with an order to remove or demolish the building the Board of Health shall issue a further written order to its Health Officer, directing him to remove or abate the same, which order shall be executed by him and his subordinates and workmen, and the expense thereof shall be recoverable from the owner of said premises in the same manner as debts of like character are now collected by law.

C. Complaints or orders issued by the public officer, pursuant to this chapter, shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the Public Officer shall make affidavit to the effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper of general circulation in the Borough of Coaldale. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order.

### § 65-13. Conflicting provisions.

Where a provision of this chapter is found to be in conflict with a provision in any building or zoning ordinance,[1] or in any other ordinance of the Borough of Coaldale existing on the effective date of this chapter, or in any regulation issued under the authority of such ordinances, the provision which establishes the higher standard for the protection of health, safety and welfare shall prevail.

### § 65-14. Violations and penalties.[2]

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more

[1] **Editor's Note: As to building and zoning generally, see Chapters 40 and 105 respectively.**

[2] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

# Chapter 69

## JUNK AND JUNK DEALERS



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 4-5-32. Sections 69-1, 69-2, and 69-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### § 69-1. Application for license to maintain depository; fee.[1]

The person or persons, company or corporation desiring to maintain or have a depository for old rags, bones, scrap iron, brass, copper or other junk material shall make application in writing to the Borough Council for a license to maintain such depository, which application shall be referred to the Fire Committee and the Board of Health, who shall examine the premises intended to be so occupied or used as a depository and make a report of their findings, together with their recommendations, to the Borough Council, which body shall, if it so decides, direct that a license be issued to the said applicant to be signed by the President of Council. The applicant shall pay to the Borough Council for the use of the borough a license fee of three hundred dollars ($300.), and the license when so issued shall be valid for a term of one (1) year from its date.

### § 69-2. Application for license to operate vehicles.[2]

Any person or persons, company or corporation, desiring to operate vehicles in and over the streets of the Borough of Coaldale

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

[2] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

aforesaid, for the purpose of collecting old rags, bones, scrap iron, copper, brass or other junk material, shall make application in like manner for a license, which, if the Council shall see fit, shall be issued to the applicant to be signed by the President of Council.

### § 69-3. Violations and penalties.[3]

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

[3] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

# Chapter 73

# MOVING PERMITS



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale during codification; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]**

## § 73-1. Moving permits required.

On and after the effective date of this chapter, no person, firm or corporation shall move into or remove from, or cause his or its personal property to be so moved into or removed from, any house, dwelling or other building within the Borough of Coaldale without first having obtained a permit therefor, as hereinafter provided.

## § 73-2. Filing of applications; issuance of permit; fee.

Applications for permits shall be filed with and permits shall be issued by the Chief of Police pursuant to the provisions of § 73-5 of this chapter. A fee of one dollar ($1.) shall be charged for such permit.

**§ 73-3. Application to occupy premises.**

Every person, firm or corporation seeking a permit to occupy any premises shall file an application on a form furnished by the borough, setting forth the name of the applicant, the location of the premises, the name of the owner, the address of the owner, the nature of the proposed use of the building and, if for residence purposes, the names and ages of the occupants.

**§ 73-4. Application to move from premises.**

Every person, firm or corporation seeking a permit to remove from any premises shall file an application, setting forth the name of the applicant, the location of the premises from which the removal is to be made, the expected time of departure, the address to which moving and the names and ages of any other members of the household who may be removing from the borough with the applicant. There shall be attached to said application sufficient proof of payment of borough or school taxes, if any, for the current year.

**§ 73-5. Issuance of moving permits.**

Upon the filing of the application, it shall be the duty of the Chief of Police to issue the requested permit if, in the event the application is for a permit to move into the borough, the indicated use does not violate any of the ordinances of the Borough of Coaldale or if, in the event the permit is for the removal from the borough, there are no outstanding obligations due the borough or school district.

**§ 73-6. Moving without permit prohibited.**

It shall be unlawful for any person, firm or corporation to transport or remove his or its own or the personal property of another person, which said person is moving into or removing from a house, dwelling or other building within the Borough of Coaldale, unless such person so moving into or removing from the said Borough of Coaldale shall have first obtained the permit as

hereinbefore provided. It shall be the duty of such person, firm or corporation, transporting or removing the personal property of itself or of another person, firm or corporation whose property is to be so transported or removed has obtained the permit as hereinbefore required.

### § 73-7. Exceptions.

A. Nothing contained in this chapter shall be construed to require any owner of tangible personal property held for the purpose of manufacturing in the ordinary course of his business or held for the purpose of sale or resale in the ordinary course of his business to obtain any such permit to transport or remove such tangible personal property from or to any storehouse, warehouse or usual place of business.

B. Nothing contained in this chapter shall be construed as to require any hotel, lodging house or rooming house to obtain any such permit for the use of transient guests or to require such transient guests to obtain a permit.

### § 73-8. Report of occupancy.

It shall be the duty of all owners of real estate and their duly authorized real estate agent or agents caring for real property in the Borough of Coaldale, and of every subsequent purchaser, devisee, person, association or corporation acquiring title in any manner whatsoever to any real property in the Borough of Coaldale, to furnish to the Chief of Police the name, address, date of birth and employer of any and all persons eighteen (18) years of age or older living, occupying or dwelling in or upon such real property so owned. This notice shall be given in writing within fifteen (15) days of the date of any such person moving into the Borough of Coaldale.

### § 73-9. Violations and penalties.

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall, upon conviction thereof, be

subject to a fine not exceeding three hundred dollars ($300.), plus costs of such proceedings or, upon default of payment of such fines and costs by imprisonment in the county jail for a term of not more than thirty (30) days.

# Chapter 76

## PEDDLING AND SOLICITING



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale during codification; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]**

### § 76-1. Purpose.

This chapter is adopted to regulate the distribution of certain materials, peddling, soliciting and related activities within the Borough of Coaldale. The registration of persons engaged in the above-mentioned activities is required so that the identity of persons going door to door or distributing materials within the borough may be established, so that general regulations may be more effectively enforced, for the protection and maintenance of the health, safety and welfare of the inhabitants of the borough and to prevent dishonest business practices and dishonest solicitation of funds in the borough.

**§ 76-2. Definitions.**

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

DISTRIBUTOR — Any person who distributes or causes to be distributed on any street or public place within the borough any handbill, advertisement, circular, card, pamphlet or printed material of any kind other than a regularly delivered newspaper, magazine or periodical.

MERCHANDISE — All goods, wares, food, meat, fish, ice cream, fruit, vegetables, magazines, periodicals, printed material, farm products, services and orders or contracts for services, home improvements or alterations and anything that may be sold or distributed by peddlers, solicitors or distributors, as defined herein.

PEDDLER — Any person, whether a resident of the borough or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance, carrying or transporting merchandise for the purpose of selling and delivering the merchandise to customers. The word "peddler" shall also include the words "hawker," "huckster" and "transient merchant."

SOLICITOR — Any person, whether a resident of the borough or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance, soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, and whether or not he is collecting advance payments on such sales or orders, or who engages in any of the foregoing activities from a stationary location on any street or other public place. The word "solicitor" shall also include the word "canvasser," or any person who goes from door to door, as described above, for the purpose of soliciting contributions and/or who collects funds from a stationary location on any street or other public place.

### § 76-3. Registration required.

It shall be unlawful for any peddler, solicitor, distributor or transient merchant to sell, offer for sale or distribute merchandise, printed material or services within the borough without first filing an application for registration and obtaining a registration certificate from the Borough of Coaldale.

### § 76-4. Registration certificate.

Upon obtaining a registration certificate as hereinafter provided, a peddler, solicitor, distributor or transient merchant may conduct his activities within the borough only as long as he adheres to the regulations set forth herein and carries the registration certificate upon his person at all times during the conduct of his activities. The registration certificate shall identify the person and the type of activity for which he has registered and shall be shown to any police officer or citizen upon request. All certificates shall expire on the date shown thereon, but in no case shall any certificate be issued for a period of time of more than one (1) month.

### § 76-5. Application for certificate.

A. Every applicant for a certificate under this chapter, other than for the solicitation of contributions, shall file with the Police Department of the borough a sworn written application on a form to be furnished by the borough, which shall give or be accompanied by the following information or documents:

(1) Name and description of the applicant.

(2) Permanent home address and full local address of the applicant.

(3) A brief statement of the nature of the activity and a description of the merchandise or service to be sold or performed.

(4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(5) The length of time for which the certificate is desired.

(6) If a vehicle is to be used, a description of such vehicle and its license number.

(7) A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

B. In the case of solicitation of contributions, one (1) person shall make application for the organization at least thirty (30) days prior to the proposed date the solicitation will begin, which application shall give or be accompanied by the following:

(1) Name and local residence of applicant.

(2) Name and official address of the organization represented and the names and addresses of the organization's local officers and managers.

(3) Purpose of solicitation.

(4) Name and address of the person or persons who will be in direct charge of conducting the solicitation.

(5) A list of the names and addresses of all sponsors, promoters and solicitors connected with the solicitation.

(6) An outline of the methods to be used in conducting the solicitation.

(7) The dates when the solicitation is to be made, giving the commencement and termination date.

(8) A statement as to whether or not any commission, fee, wage or other compensation is to be paid in connection with such solicitation and, if so, details as to the amount to be expended from the funds collected.

**§ 76-6. Issuance of registration certificate.**

A. Upon receipt of the completed application form and payment of the fee herein required, a registration certificate shall be issued by the Police Department. The certificate shall give such information as shall be deemed necessary to adequately identify the registrant and the activity in which he is involved. The expiration date of the registration certificate shall in all cases be indicated.

B. In the case of solicitation of contributions, the certificate shall be issued to the organization, which shall supply each of its agents or solicitors with credentials, in a form approved by the Police Department, giving the name of the solicitor, the name of the sponsoring organization, the purpose for which the solicitation is being made, the signature of the managing officer of the organization, the dates during which the solicitation is authorized to be made and the number of the registration certificate issued to the organization by the borough.

C. Except as provided in Subsection B above, where an organization has several agents peddling, soliciting or distributing merchandise or printed material, each agent shall be registered separately. Upon expiration of a certificate, a new certificate will be issued upon compliance with all provisions of this chapter.

**§ 76-7. General regulations.**

No person shall:

A. Peddle, solicit or distribute merchandise except between the hours of 9:00 a.m. and 6:00 p.m., unless specifically having been invited into a house by the occupant or having made an appointment with a person previously.

B. Attempt to peddle, solicit or distribute merchandise or printed material without first having identified himself as a peddler, solicitor or distributor registered with the borough and having displayed his certificate or credentials, in the case of the solicitation of funds.

C. Have exclusive right to any location in the public streets or operate in any congested area where his operations might impede or inconvenience the public.

D. Enter or attempt to enter the residence of any person in the borough without an express invitation from the occupant of such residence.

E. Conduct himself in such a manner as to become objectionable to or annoy an occupant of any residence.

F. Shout, cry out, blow a horn, ring a bell or use any sound-making or amplifying device upon any of the streets, parks or public places of the borough or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, parks or other public places of the borough or upon private premises, for the purpose of attracting attention to any merchandise or services.

G. Distribute obscene merchandise or printed material or that which advocates unlawful conduct.

H. Litter the streets, public places or properties within the borough with any merchandise or printed material.

**§ 76-8. Exemptions.**

The following persons or organizations are exempt from the registration procedure, upon compliance with all other provisions of this chapter and submission of applicable identification and documents to support the claim to exemption:

A. Any charitable or religious society that shall conduct sales of personal property when the proceeds thereof shall be applied to the payment of the expenses thereof and to the charitable or religious object for which the society exists.

B. Any person honorably discharged from the military services of the United States, possessing a peddler's license issued to conformity with 60 P.S. § 61.

C. Any person selling fruits and farm products grown by himself, with or without the help of others, or any person

delivering bread and bakery products, meat and meat products or milk and milk products.

D. Any person engaged in the delivery of goods, wares or merchandise or other articles or things, in the regular course of business, to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.

E. Any school, political or civic organization, benevolent society, service club or organization not for profit whose principal office is located in the borough.

F. Newsboys.

G. Persons selling personal property at wholesale to dealers in such articles.

H. Persons conducting a bona fide auction sale pursuant to law or a sale required by statute or by order of any court.

I. Minors involved in sales or solicitation; provided, however, that if such minors are working as agents for an organization, the organization must register as provided herein.

**§ 76-9. Interstate commerce; interpretation of provisions.**

This chapter shall not be applied so as to occasion any undue burden upon interstate commerce with respect to any business or activity referred to herein. It is the intent of the Mayor and Council that this chapter be interpreted so as to achieve the primary purpose of protecting the health, safety and welfare of the inhabitants of the borough and not as to unduly regulate or control the proper conduct of any business or commercial activity.

**§ 76-10. Fees.**

The annual fees to be paid to the borough pursuant to the provisions of this chapter is as follows: ten dollars ($10.) per day; one hundred dollars ($100.) per month or five hundred dollars ($500.) per year.

**§ 76-11. Violations and penalties.**

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

# Chapter 79

# PLUMBING



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 9-11-63. Sections 79-1 and 79-6 amended at time of adoption of Code, see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building construction — See Ch. 40.**

## § 79-1. Adoption of Plumbing Code.[1]

There is hereby adopted by the Borough of Coaldale for the purpose of establishing rules and regulations relating to adequate plumbing, drainage and a supply of pure wholesome water in all dwellings, including permits and penalties, that certain plumbing code known as the National Plumbing Code, 1975 Edition recommended by the American Society of Mechanical Engineers, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Coaldale.

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

### § 79-2. Administrator.

The Building Official shall administer the provisions of the Plumbing Code.

### § 79-3. Duties of the Building Official.

It shall be the duty of the Building Official to enforce all laws relating to the installation of plumbing and piping, storm and sanitary sewer conditions, drains, vents and plumbing fixtures and to make necessary inspections to determine whether the standards of the Plumbing Code have been met.

### § 79-4. Right of entry.

The Building Official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

### § 79-5. Issuance of permit. [Amended 9-13-65]

No plumbing work shall be undertaken prior to the issuance of a permit therefor by the Building Official. The fee for said permit shall be set by the Building Official and a schedule shall be furnished to the applicant upon request.

### § 79-6. Violations and penalties.[2]

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

[2] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

# Chapter 82

# PROPERTY MAINTENANCE



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 7-8-74. Sections 82-3 and 82-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

**Building construction — See Ch. 40.**
**Fire prevention — See Ch. 58.**
**Garbage, rubbish and refuse — See Ch. 62.**
**Housing standards — See Ch. 65.**

## § 82-1. Applicability.

The provisions of this chapter shall apply to all properties within the borough and to all property owners and/or representatives of said owners.

## § 82-2. Rules and regulations.

Under the provisions of this section, it shall be unlawful for any property owner to continually or repeatedly:

A. Allow trash, refuse, garbage or rubbish to accumulate or to be placed, kept or scattered upon his property or upon a public sidewalk or street directly adjacent to his property in such a manner that it creates a hazard to public health,

safety or convenience or in any manner which leaves it accessible to stray dogs and other animals. Trash, garbage, refuse and rubbish may be kept upon private property or upon the sidewalk directly adjacent to it when properly packaged and placed for collection by the sanitation crew in containers designed for such use for a period of time not to exceed forty-eight (48) hours prior to normal collection time.

B. Allow refuse or scrap from the construction or destruction of any building or structure to remain upon public or private property in such a manner that it is generally visible to the public or in such a manner that it may reasonably or potentially create a health or safety hazard, for a period of time exceeding forty-eight (48) hours after the completion of the construction or destruction of said structure.

C. Keep any scrap iron, junk or abandoned vehicles upon property in such a manner and such a location that it is visible to the general public from any public street or road or in such a manner that it may reasonably or potentially create a health or safety hazard. (An abandoned vehicle under this section shall be construed to be as defined under § 102 and other pertaining sections of the Pennsylvania Vehicle Code.) The provisions of this section shall not apply to individuals, firms or corporations which are specifically in business for the purpose of repairing, refitting or rebuilding automobiles or those who are in the business of recovering, salvaging or otherwise disposing, according to law, of wrecked, junked or abandoned vehicles, provided that:

(1) The location of the business conforms to present zoning ordinances and other regulations of this nature.

(2) The business is licensed and/or regulated according to law.

(3) It is in fact a full-time business and not a hobby or part-time occupation which takes up less than thirty (30) hours per week of the proprietor's or owner's time.

(4) The proprietor does not, at any time, park or keep upon his property more abandoned or junked vehicles than may reasonably be kept in such a location, taking into account its size, location and proximity to residences and with due consideration to possible and potential health and safety hazards.

(5) The proprietor takes reasonable care in ensuring that the area where abandoned or junked vehicles are to be stored is kept clean and orderly.

D. Allow grass or weeds to grow to a height exceeding twelve (12) inches or to be kept in such a manner that create a fire or other health or safety hazard in any yard or garden adjacent to a dwelling or other structure, whether occupied or not, or upon any vacant lot adjacent on any one (1) of its sides to a public street or road.

E. Place any chemical or poison for the purpose of controlling or exterminating rats, insects or other vermin in such a location and manner that it is constantly exposed or easily accessible to human beings or domestic animals.

## § 82-3. Notification and correction of violation.[1]

All violations under § 82-2 shall be brought to the attention of the Mayor or a member of Council, who shall determine whether or not any provision of said section has been in fact violated. If there is a violation, the property owner shall then be notified, either personally or in writing, by the Mayor or the Police Department, whereupon, the property owner shall be compelled to correct the violation within a period of one (1) to seven (7) days after notification.

## § 82-4. Violations and penalties.[2]

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

[2] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

Chapter 87

# SEWERS

## ARTICLE I
## Connections



## ARTICLE II
## Rentals and Charges



[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale: Art. I, 9-15-64; Art. II, 9-15-64. Sections 87-5 and 87-6 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

**GENERAL REFERENCES**

**Municipal Authority — See Ch. 15.**
**Building construction — See Ch. 40.**
**Housing standards — See Ch. 65.**

## ARTICLE I
## Connections
## [Adopted 9-15-64]

### § 87-1. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Article shall be as follows:

AUTHORITY — Coaldale-Lansford-Summit Hill Sewer Authority, a Pennsylvania municipal authority.[1]

BOROUGH — The Borough of Coaldale, Schuylkill County, a Pennsylvania municipal corporation, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

BUILDING SEWER — The extension from the sewage drainage system of any structure to the lateral of a sewer.

IMPROVED PROPERTY — Any property located within this borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and or industrial wastes shall be or may be discharged.

INDUSTRIAL WASTES — Any solid, liquid or gaseous substance or form of energy ejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

LATERAL — That part of the sewage collection system extending from a sewer to the curbline or, if there shall be

[1] **Editor's Note: See Ch. 15, Municipal Authority.**

no curbline, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of or place in a sewer which is provided for connection of any building sewer.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in this borough.

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property.

SEWAGE COLLECTION SYSTEM — All facilities, as of any particular time, for collecting, pumping, transporting and disposing of sanitary sewage and industrial wastes, situate in or adjacent to this borough and owned and operated by this borough.

SEWER — Any pipe or conduit constituting part of the sewage collection system used or usable for sanitary sewage collection purposes.

**§ 87-2. Use of public sewers required.**

A. The owner of any improved property benefited, improved and accommodated by a sewer shall connect such improved property therewith, in such manner as this borough may require, within forty-five (45) days after notice to such owner from this borough to make connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this borough, from time to time.

B. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer as required under Subsection A of this section shall be conducted into a sewer, subject to such

limitations as restrictions as shall be established herein or otherwise shall be established by this borough, from time to time.

C. No person shall place or deposit or permit to be placed or deposited upon public or private property within this borough any sanitary sewage or industrial wastes in violation of Subsection A of this section. No person shall discharge or permit to be discharged to any natural outlet within this borough any sanitary sewage or industrial wastes in violation of Subsection A of this section, except where suitable treatment has been provided which is satisfactory to this borough.

D. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under Subsection A of this section to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this borough, shall be cleansed and filled at the expense of the owner of such improved property, under the direction and supervision of this borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this borough, cleansed and filled, shall constitute a nuisance, and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.

E. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

F. The notice by this borough to make connection to a sewer, referred to in Subsection A of this section, shall consist of a copy of this Article, including any amendments and/or supplements in effect at the time, or any summary of each section thereof and a written or printed document requiring the connection in accordance with the provisions of this Article and specifying that such connection shall be made within forty-five (45) days from the date such notice is given. Such notice may be given at any time after suitable

facilities for transporting, treating and disposing of sanitary sewage and industrial wastes are provided by the Authority. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

**§ 87-3. Building sewers and connections.**

A. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any sewer or any part of the sewage collection system without first obtaining a permit, in writing, from this borough.

B. Application for a permit required under Subsection A of this section shall be made by the owner of the improved property to be served.

C. No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

(1) Such person shall have notified the Secretary of this borough of the desire and intention to connect to a sewer.

(2) Such person shall have applied for and obtain a permit as required by Subsection A of this section.

(3) Such person shall have given the Secretary of this borough at least twenty-four (24) hours' notice of the time when such connection will be made so that this borough may supervise and inspect the work of connection and necessary testing.

D. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one (1) improved property on one (1) building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of this borough, in writing, shall have been secured

and subject to such rules, regulations and conditions as may be prescribed by this borough.

E. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.

F. A building sewer shall be connected to a sewer at the place designated by this borough and where the lateral is provided. The invert of a building sewer shall be at the same or higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

G. If the owner of any improved property benefited, improved and accommodated by a sewer, after forty-five (45) days' notice from this borough, in accordance with § 87-2A, shall fail to connect such improved property, as required, this borough may make such connection and may collect from such owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

## § 87-4. Rules and regulations for building and connecting.

A. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made with proper fittings to continue such house sewer line as a building sewer.

B. No building sewer shall be covered until it has been inspected and approved by this borough. If any part of a

building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

C. Every building sewer of an improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

D. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this borough.

E. If any person shall fail or refuse, upon receipt of a notice of this borough, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within forty-five (45) days of receipt of such notice, this borough may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewage collection system until such unsatisfactory condition shall have been remedied to the satisfaction of this borough.

F. This borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewage collection system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Article.

## § 87-5. Violations and penalties.[2]

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by im-

[2] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

prisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

## ARTICLE II
## Rentals and Charges
## [Adopted 9-15-64]

### § 87-6. Definitions.

Unless the context clearly and specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

AUTHORITY — Coaldale-Lansford-Summit Hill Sewer Authority, a Pennsylvania municipality authority.[3]

BOD (biochemical oxygen demand) — The quantity of oxygen, expressed in parts per million utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees centigrade (20°C.). The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

BOROUGH — The Borough of Coaldale, Schuylkill County, Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

DWELLING UNIT — Any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by persons living alone.

IMPROVED PROPERTY — Any property upon which there is erected a structure intended for continuous or

[3] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial waste shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT — Any improved property used, in whole or in part, for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

INDUSTRIAL WASTES — Any and all wastes discharged from an industrial establishment, other than sanitary sewage.

MULTIPLE DWELLING — Any improved property in which there shall be located more than one (1) dwelling unit.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

pH — The logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

ppm — Parts per million by weight.

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property.

SERVICE AGREEMENT — The service agreement, dated September 15, 1964, between the Authority, on the one hand, and the Boroughs of Lansford and Summit Hill, both located in Carbon County, Pennsylvania, and the Borough of Coaldale, Schuylkill County, Pennsylvania, on the other hand, providing for the reception, transportation, treatment and disposal of sanitary sewage and industrial wastes from the sewage collection system by the Authority, together with any supplements and amendments from time to time made thereto.[4]

[4] **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. See also Ch. 15, Municipal Authority.**

SEWAGE COLLECTION SYSTEM — All facilities, as of any particular time, for collecting, pumping and disposing of sanitary sewage and/or industrial wastes, owned and operated by this borough.

SEWAGE DISPOSAL SYSTEM — All facilities, as of any particular time, for collecting, pumping, treating and disposing of sanitary sewage and/or industrial wastes, owned and operated by the Authority.

SEWER — Any pipe or conduit constituting a part of the sewage collection system use or useful for sewage collection purposes.

SUSPENDED SOLIDS — Suspended solids as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.

### § 87-7. Sewer rentals and charges.

Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sewage collection system, for use of the sewage collection system and for services rendered by this borough in connection therewith, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as of the date of connection of the sewage collection system to the sewage disposal system and shall be payable as provided herein.

### § 87-8. Computation of rentals and charges.

A. Except as otherwise provided in this Article, sewer rentals or charges for sanitary sewage and industrial wastes discharged into the sewage collection system from any improved property shall be based upon volume of water usage, adjusted, if appropriate, as provided herein, where the volume of water usage shall be metered. Sewer rentals

or charges for sanitary sewage and industrial wastes discharged into the sewage collection system from any improved property may be based upon actual metered volume of discharge, as permitted hereby. In either of the foregoing cases, such sewer rentals or charges shall be computed in accordance with the following metered rate schedule, subject, however, to the minimum sewer rentals or charges provided herein. Notwithstanding the following metered rate schedule, the minimum sewer rental or charge shall be five dollars ($5.) per quarterly billing period.

**Metered Rate Schedule**

| Quantity | Per Quarter |
|---|---|
| Each 1,000 gallons | $0.50 |

B. Flat rate rentals or charges. Sewer rentals or charges for sanitary sewage and industrial wastes discharged into the sewage collection system from any improved property when the volume of water usage shall not be metered and when the actual volume of discharge shall not be metered as permitted in this Article, shall be computed at the rate of five dollars ($5.) per quarterly billing period, the same constituting the minimum sewer rental or charge.

C. Multiple dwellings. Each dwelling unit located in a multiple dwelling shall be billed as a separate entity and the above metered rate schedule and minimum sewer rental or charge shall be used in computing the sewer rentals or charges applicable to each such dwelling unit. In any case where more than one (1) dwelling unit is served through a common water meter, for the purpose of computing sewer rentals or charges hereunder a multiple rental or charge per quarter shall be imposed, which rental or charge shall be calculated in the following manner:

(1) The total consumption of water through such common meter shall be divided by the number of dwelling units served thereby.

(2) The metered rate schedule for computing sewer rentals or charges established under Subsection A of this section shall be applied to the resultant quotient.

(3) The resultant pro rata rental or charge for each dwelling unit shall be multiplied by the number of dwelling units receiving water service through such water meter to arrive at the total bill for all dwelling units served through the common meter; provided, however, that there shall be charged a minimum quarterly rental or charge for each such dwelling unit.

D. Methods of measuring volume.

(1) The volume of water to be used for billing sewer rentals or charges to owners of improved properties connected to the sewage collection system shall include any and all water purchased from any municipal authority or private or public water company and in addition all water obtained from any other source (wells, springs, streams, etc.) as determined by meters installed and maintained by any municipal authority or private or public water company; or by meters installed and maintained by this borough; or by meters maintained and installed by the owner of the improved property, as approved by this borough; or from estimates or measurements made by this borough, where this borough considers metering impractical.

(2) Exclusion from the sewage collection system of noncontaminated wastewater and waters used solely for cooling purposes may be required by this borough or such exclusion may be optional with the owner of the improved property if not required by this borough. When such waters are so excluded, the sewer rentals or charges will be based on total water consumed, less water excluded, at the rate stipulated under Subsection A above.

(3) Noncontaminated waste waters used solely for cooling purposes excluded from the sewage collection system

may be determined from meters installed and maintained by the owner of the improved property, as approved by this borough, or from estimates or measurements made by this borough or the owner of the improved property may elect to measure the volume of wastes actually discharged to the sewage collection system as provided for below.

(4) This borough may require the owner of an industrial establishment or the owner of an industrial establishment may elect to install, pay for and maintain a meter approved by this borough for measuring wastes discharged into the sewage collection system, in which case the sewer rentals or charges shall be based on the actual quarterly volume of wastes discharged into the sewage collection system, at the volume rate and subject to the minimum sewer rental or charge set forth in Subsection A above.

E. Surcharges.

(1) Industrial establishments discharging sanitary sewage and/or industrial wastes into the sewage collection system having a BOD in excess of two hundred (200) parts per million and a suspended solids content in excess of two hundred fifty (250) parts per million shall pay a strength of waste surcharge, in addition to applicable volume charges set forth in Subsection A above, equal to five-hundredths of one percent (5/100 of 1%) for each part per million by which the BOD exceeds two hundred (200) parts per million plus five-hundredths of one percent (5/100 of 1%) for each part per million by which the suspended solids exceed two hundred fifty (250) parts per million. Surcharges shall be applicable to billing for sewer rentals or charges imposed upon all industrial establishments. The percentage of surcharge shall be applied to the volume charge for the particular industrial establishment.

(2) Determination of strength of waste.

(a) The strength of the waste to be used for establishing the amount of surcharge will be determined at least once annually by one (1) of the following methods:

[1] By suitable sampling and analyses of the wastes for a three-day period during which time the strength of waste being discharged or production is at a maximum.

[2] By relating production and waste strength at the time of sampling to waste strength at maximum production if sampling is not performed at the time of maximum production.

[3] From estimates made by this borough.

[4] From known relationships of products produced to strengths of waste for those industries where such factors have been established.

[5] In establishing waste strengths for surcharge purposes, analyses shall be made in accordance with procedures outlined in the latest edition of "Standard Methods for Analysis of Water and Sewage" published by the American Public Health Association.

F. Miscellaneous. Additional classifications and sewer rentals or charges or modifications of the above schedule of sewer rentals or charges may be established by this borough from time to time as deemed necessary.

**§ 87-9. Time and methods of payment.**

A. Sewer rentals or charges imposed by this Article shall be payable quarterly.

B. In the case of an owner of improved property whose quarterly bill for sewer rentals or charges shall be com-

puted in whole or in part upon the basis of metered water usage, the quarterly billing date shall be the same date and cover the same quarterly period as shall be applicable for billing in connection with metered water usage.

C. In the case of an owner of improved property whose quarterly bill for sewer rentals or charges shall be computed on any basis completely independent of metered water usage, the quarterly billing dates shall be the first days of March, June, September and December, respectively, in each year and shall cover a quarterly billing period consisting of the immediately preceding three (3) complete calendar months.

D. Owners of improved properties connected to the sewer system during any calendar quarter shall pay a pro rata sewer rental or charge for service for the balance of the calendar quarter.

E. Sewer rentals or charges shall be due and payable upon the applicable billing date as provided for in Subsection A of this section, and the appropriate amount computed in accordance with this Article shall constitute the net bill. If sewer rentals or charges are not paid within fifteen (15) calendar days after each billing date, an additional sum of ten percent (10%) shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such fifteen-calendar-day period shall constitute payment within such period. If the end of such calendar-day period shall fall on a legal holiday or a Sunday, payment made on or mailed and postmarked on the next succeeding day which is not a legal holiday shall constitute payment within such period.

F. Every owner of an improved property which is connected to the sewage collection system initially shall provide this borough with and thereafter shall keep this borough advised of his correct address. Failure of any person to receive bills for sewer rental or charges shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

**§ 87-10. Liens for rentals; filing and collection.**

Sewer rentals or charges imposed by this Article shall be a lien on the improved property connected to and served by the sewage collection system; and any sewer rentals or charges which are delinquent shall be filed as a lien against the improved property connected to and served by the sewage collection system, which lien shall be filed and collected in the manner provided by law for the filing and collecting of municipal claims.

**§ 87-11. Prohibited wastes.**

A. No person shall discharge or cause to be discharged any stormwater, surface water, spring water, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections into any sewer, except to such sewers as are specifically approved for combined use.

B. This borough reserved the right to refuse permission to connect to the sewage collection system, to compel discontinuance of use of the sewage collection system or to compel pretreatment of industrial wastes by any industrial establishment, in order to comply with provisions of the service agreement and to prevent discharges deemed harmful or to have deleterious effect upon any sewer, the sewage collection system or the sewage disposal system.

C. No sanitary sewage or industrial wastes shall be discharged to the sewer system:

(1) Having a temperature higher than one hundred degrees Fahrenheit (100° F.).

(2) Containing more than one hundred (100) parts per million of fats, oil and/or grease.

(3) Containing any gasoline, benzine, naphtha, fuel oil or other inflammable or explosive liquids, solids or gases.

(4) Containing any solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes

are commonly known as "garbage," which has not been ground by household-type garbage disposal units or other suitable garbage grinders.

(5) Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, cotton, wool or other fibers, plastic, wood, paunch manure or any other solid or viscous substances capable of causing obstructions or other interference with proper operation of the sewage collection system or the sewage disposal system.

(6) Having a pH lower than six point five (6.5) or higher than nine point zero (9.0) or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewage collection system or the sewage disposal system.

(7) Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process, to constitute hazard to humans or animals or to create any hazard in waters which receive treated effluent from the sewage disposal system. Toxic wastes shall include, but not by way of limitation, wastes containing cyanide, chromium, copper and nickel ions.

(8) Containing noxious or malodorous gases or substances capable of creating a public nuisance.

(9) Containing solids of such character and quantity that special and unusual attention is required for their handling.

(10) Notwithstanding the above provisions, any waste containing substances or having other characteristics which violate provisions of the service agreement or which are prohibited by the Authority to be discharged into the sewage disposal system.

D. Where necessary, all owners shall install suitable pretreatment facilities in order to comply with Subsection

C of this section. Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of this borough and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from this borough and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction. Whenever facilities for preliminary treatment and handling of wastes shall have been provided by any owner, such facilities continuously shall be maintained, at the expense of such owner, in satisfactory operating condition, and this borough shall have access to such facilities at reasonable times for purposes of inspection and testing.

E. Nothing contained in this section shall be construed as prohibiting any special agreement or arrangement between this borough and any person whereby industrial wastes of unusual strength or character may be admitted into the sewage collection system by this borough, either before or after preliminary treatment; provided, however, that any such special agreement or arrangement shall be subject to approval of the Authority.

**§ 87-12. Admission of industrial wastes into system.**

A. No person shall discharge or cause to be discharged into the sewage collection system any industrial wastes except upon application to this borough and upon receipt of a written permit therefor from this borough.

B. Required survey data. Any person desiring to make or use a connection to the sewage collection system through which industrial waste shall be discharged into the sewage collection system shall file with this borough an industrial wastes questionnaire, to be furnished by this borough, which shall supply to this borough pertinent data, including estimated quantity of flow, characteristics and constituents, with respect to industrial wastes proposed to

be discharged into the sewage collection system. The cost of obtaining all such data shall be borne by the person desiring to make or use a connection to the sewage collection system.

C. Control manholes. Any person who shall discharge industrial wastes into the sewage collection system, when required by this borough, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole and other devices as may be approved by this borough to facilitate observation, measurement and sampling by this borough of industrial wastes discharged to the sewage collection system. Any such control manhole, when required by this borough, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this borough prior to commencement of construction.

D. Changes in type of wastes. Any industrial establishment discharging sanitary sewage and/or industrial wastes into the sewage collection system and contemplating a change in the method of operation which will alter the characteristics and/or volume of wastes at the time being discharged into the sewage collection system shall notify this borough, in writing, at least ten (10) days prior to consummation of such change.

E. This borough reserves the right to require industrial establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewage collection system.

**§ 87-13. Measuring devices, meter reading and access.**

A. The furnishing and installation of meters or other measuring devices which shall not be owned by this borough or any municipal authority or private or public water company, but shall be permitted under provisions of this Article, shall be the sole responsibility of the owner. The installation or use of such meters or other measuring devices at all times shall be subject to the approval of this

borough and may be tested and inspected by this borough whenever necessary. The owner shall be responsible for the maintenance, safekeeping and repair of any such meter, whether such repairs shall be made necessary by ordinary wear and tear or other causes.

B. This borough shall be responsible for the reading of all meters or other measuring devices, other than those owned and read by any municipal authority or private or public water company, and the same shall be available to the employees and agents of this borough at all reasonable times.

C. Representatives of this borough shall have the right of access at reasonable times to any part of the improved property served by the sewage collection system and any meters used for purposes of establishing or determining water consumption, water excluded from the sewage collection system or sanitary sewage or industrial waste discharged to the sewage collection system.

**§ 87-14. Right to refuse or discontinue connections.**

This borough reserves the right to refuse to any person the privilege of connection of any improved property to the sewage collection system or to compel the discontinuance of use of the sewage collection system by any person or to compel the pretreatment of any industrial wastes in order to prevent discharges into the sewage collection system of any wastes deemed to be harmful to the sewage collection system or to the sewage disposal system.

**§ 87-15. Right to promulgate additional rules and regulations.**

A. This borough reserves the right to adopt and promulgate from time to time additional classifications and sewer rentals or charges therefor or modifications of the schedule of sewer rentals or charges as set forth in this Article, which additional classifications and sewer rentals or charges or modifications as the case may be shall be construed as a part of this Article.

B. This borough reserves the right to adopt and promulgate, from time to time, such additional rules and regulations as it shall deem necessary and proper for the use and operation of the sewage collection system, which rules and regulations shall be construed as a part of this Article.

# Chapter 92

# STREETS AND SIDEWALKS

## ARTICLE I
## Curb, Gutter and Sidewalk Construction and Repair



## ARTICLE II
## Excavations and Openings

## ARTICLE III
## Removal of Trees and Other Obstructions



**[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale during codification; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Planning Commission — See Ch. 24.**
**Numbering of buildings — See Ch. 42.**
**Subdivision of land — See Ch. 94.**
**Zoning — See Ch. 105.**

## ARTICLE I
## Curb, Gutter and Sidewalk Construction and Repair

### § 92-1. Notice to construct or repair.

A. Every owner of property in the Borough of Coaldale shall, on sixty (60) days' written notice from the Borough Council, construct a curb, gutter or sidewalk along the abutting street, as specified in said notice, in accordance with the provisions of this Article.

B. Every owner of property abutting a curb, gutter or sidewalk shall, on thirty (30) days' written notice, reconstruct or repair said curb, gutter or sidewalk, as specified in said notice, in accordance with the provisions of this Article.

### § 92-2. Permit required.

A. No person shall construct or reconstruct any curb, gutter or sidewalk in the borough without first obtaining a permit from the Building Inspector. Applications for permits shall specify:

(1) The location of the property abutting which the curb, gutter or sidewalk is to be constructed or reconstructed.

(2) The name and address of the owner of said property.

(3) The name of the person to perform the work.

(4) The dates when said work is to be done.

B. No permit shall be required for the performance of normal maintenance or repairs not involving the taking up and/or relaying of any portion of a curb, gutter or sidewalk.

### § 92-3. Duty of property owner.

The owner of any premises in the Borough of Coaldale abutting a curb, gutter or sidewalk shall, at his own cost and expense, keep and maintain such curb, gutter or sidewalk in good condition and state of repair and shall not permit the same to fall into a state of disrepair or to become unfit or unsafe to walk upon or hazardous to public use. In the event that any such curb, gutter or sidewalk or any part thereof becomes unsafe or hazardous to the public or unfit to walk upon, the abutting owner, at his own cost and expense, shall, with all expeditious speed, reconstruct or repair, as the facts may require, such curb, gutter or sidewalk or that part thereof which requires reconstruction or repair. In the event that the property owner does not comply with the requirements of this section, notice shall be served as provided in § 92-1B.

### § 92-4. Noncompliance by property owner; performance of work by borough.

In the event that a property owner fails to construct, reconstruct or repair any curb, gutter or sidewalk after notice given as provided in § 92-1, the Borough Council may cause the required work to be done under the supervision of the Borough Engineer or other designated agent or may award a contract therefor, and the cost thereof shall be assessed upon the property of the abutting owner in accordance with the law in such case made and provided.

### § 92-5. Line and grade requirements.

All new curbs, gutters and sidewalks constructed by an abutting owner shall be constructed in accordance with the line and grade established by the Borough Engineer; provided, however, that unless otherwise directed by the Borough Council or Borough Engineer, all sidewalks shall be laid at a grade of one-fourth-inch rise to the foot from the curbline to the building line. All old and existing curbs, gutters and sidewalks reconstructed or repaired by an abutting owner shall be reconstructed or repaired in accordance with the existing line and grade, unless such line or grade is changed by the Borough Engineer or Borough Council. It shall be the duty of the abutting owner, in all instances, to make inquiry of the Borough Engineer respecting such line and grade.

### § 92-6. Specifications.

Every curb, gutter or sidewalk constructed, reconstructed or repaired shall be in accordance with specifications prepared by the Borough Engineer and approved by the Borough Council, but in all cases the following requirements shall be observed:

A. Construction of new curbs, gutters and sidewalks and reconstruction or replacement of existing curbs, gutters and sidewalks shall be of concrete only unless the Borough Council shall determine that some other material is acceptable in specified instances. In no case, however, shall asphalt or blacktop be used for such construction or reconstruction.

B. Sidewalks shall be constructed at a minimum depth of four (4) inches, except under driveways and curb cuts, where the minimum depth shall be six (6) inches.

C. Gutters shall be constructed at a depth of not less than four (4) nor more than nine (9) inches, with such backing and in such form as shall be directed by the Borough Council.

### § 92-7. Nonconforming construction.

If any curb, gutter or sidewalk shall be constructed or reconstructed in a manner not conforming to the provisions of this Article or specifications approved by the Borough Council, Council shall have the authority to have such curb, gutter or sidewalk taken up and relaid at the expense of the abutting property owner.

### § 92-8. Supervision of work; inspections.

The construction, reconstruction and repair of curbs, gutters and sidewalks shall be under the supervision of the Highway Committee, and all such work shall be subject to inspection by the Borough Engineer, Building Inspector or other official designated by the Borough Council.

### § 92-9. Violations and penalties.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

## ARTICLE II
## Excavations and Openings

### § 92-10. Definitions and word usage.

A. Definitions. As used in this Article, the following terms shall have the meanings indicated:

PERSON — Includes any natural person, partnership, firm, association or corporation.

STREET — Any public street, avenue, road, square, alley, highway or other public place located in the Borough of Coaldale and established for the use of vehicles.

B. Word usage. In this Article the singular shall include the plural, and the masculine shall include the feminine and the neuter.

### § 92-11. Restriction on location.

It shall be unlawful for any person to open or to make any excavation of any kind in any street in the Borough of Coaldale except in and upon those portions thereof established for the use of vehicles.

### § 92-12. Permit required.

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Borough of Coaldale without first securing a permit therefor as hereinafter provided.

### § 92-13. Application for permit.

Any person who shall desire to make any opening or excavation in any of the streets in the Borough of Coaldale shall make application to the Borough Secretary in writing for a permit therefor. Such application shall be made upon blanks to be furnished by the borough and shall set forth the name of the applicant, the exact location of the proposed opening or excavation

and the approximate size or depth thereof and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the borough and the laws of the commonwealth in relation thereto, and that the application shall well and truly save, defend and keep harmless the borough from and indemnify it against any and all actions, suits, demands, payments, costs and charges arising from or by reason of the proposed opening or excavation and all damages to persons or property resulting in any manner therefrom or occurring in the prosecution of the work connected therewith or from any other matter, cause or thing relating thereto.

### § 92-14. Permit fee.

Before any permit shall be issued to open or excavate any street in the borough, the applicant shall pay to the Borough Secretary a permit fee in the amount of five dollars ($5.) to cover the cost of inspection and other incidental services in connection therewith. When application shall be made to open or excavate any longitudinal opening or excavation in excess of ten (10) feet, the applicant shall pay, before any permit shall be issued so to open or excavate, an additional fee at the rate of twenty dollars ($20.) for each one hundred (100) feet or fraction thereof to be opened or excavated upon such street.

### § 92-15. Refilling; cost of correcting defects.

A. Any person who shall open or excavate any improved street in the borough shall thoroughly and completely refill the opening or excavation, puddling and ramming so as to prevent any settling thereafter, and shall restore the surface to the same condition as it was before the opening or excavation. Such restoration shall be in accordance with the specifications of the Department of Highways of the Commonwealth of Pennyslvania, which are hereby adopted as specifications of the borough for restoration of surfaces of streets in the borough. As restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening.

B. If, within two (2) years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the borough for the cost of all necessary repairs to the permanent paving.

**§ 92-16. Expense and supervision of work.**

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this Article and to the supervision and approval of the Highway Committee, provided that the Highway Committee may require that cutting of the surface of improved streets and the backfilling of all excavations therein shall be done by the borough, and the charge therefor shall be paid by the applicant on the basis of actual cost of the work plus twenty percent (20%).

**§ 92-17. Regulations governing work.**

A. No opening or excavation in any street shall extend from the curbline into the highway a distance greater than one (1) foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.

B. No more than five hundred (500) feet longitudinally shall be opened in any street at any one time.

C. The work of excavation shall be so conducted as not to interfere with water mains or sewers or their connection with buildings, or with any other subsurface lines or construction until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained.

D. No tunneling shall be allowed without the express approval of the Highway Committee and permission therefor endorsed upon the permit. The backfilling of a tunnel ex-

cavation shall be made only in the presence of the Highway Committee or an inspector designated by it and shall be done only in a method approved by it or him.

E. All openings or excavations shall be backfilled promptly with suitable materials, thoroughly compacted in layers, each of which shall not exceed six (6) inches in depth. On improved streets, the backfilling shall be placed to within ten (10) inches of the surface.

F. On improved streets, a temporary paving of suitable stony materials, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving.

G. During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices. All excavating permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the borough from any loss in damages or otherwise, whatsoever, which may or shall be occasioned at any time by said excavation or by any leak, explosion or other injury from any pipe, apparatus, conduit or any other injury from any pipe, apparatus, conduit or any other matter placed in said excavation.

H. The applicant shall notify the Highway Committee when the opening or excavation is ready for backfilling before any backfilling is done and when the work is completed by proper backfilling in the case of unimproved streets and by temporary paving in the case of improved streets.

I. In the event that any work performed by or for a permit holder shall, in the opinion of the Highway Committee, be unsatisfactory and the same shall not be corrected in accordance with its instructions within the time fixed by it, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough Secretary, the borough may proceed to correct

such unsatisfactory work or complete any such work not completed and charge the cost thereof plus twenty percent (20%) to the applicant.

**§ 92-18. Emergency repairs.**

In the case of any leak, explosion or other accident in any subsurface pipeline, construction or apparatus, it shall be unlawful for the person owning or responsible for such pipeline, construction or apparatus to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter and that all other provisions of this Article are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipeline, construction or apparatus, the Highway Committee, after such notice as it shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency and charge the same on the basis of cost plus twenty percent (20%) to such owner or person.

**§ 92-19. Notice of opening to abutting property owners and utility companies.**

The Highway Committee shall give timely notice to all persons owning property abutting on any street within the borough about to be paved or improved and to all public utility companies operating in the borough. All such persons and utility companies shall make all water, gas or sewer connections as well as any repairs thereto which would necessitate excavation of said street within thirty (30) days from the giving of such notice, unless such time is extended in writing, for cause shown, by the Highway Committee.

**§ 92-20. Limitation on opening of new pavement.**

New paving shall not be opened for a period of five (5) years after the completion thereof, except in case of emergency, the

existence of which emergency and the necessity for the opening of such paving to be determined by the Highway Committee. If it is sought to excavate upon or open a street within five (5) years after the completion of the paving thereof for any other reason than an emergency as above stated, the applicant shall make written application to the Borough Council, and a permit for such opening shall only be issued after express approval of Council.

### § 92-21. Approval of new utility mains and extensions.

No new water or gas main shall hereafter be laid or constructed and no existing water or gas main shall be extended in any of the streets of the borough until the exact location thereof and the plan therefor shall have been first approved by the Borough Council.

### § 92-22. Payment of charges; collection.

Payment for all work done by the borough under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within thirty (30) days after a bill therefor is sent to such person by the borough. Upon failure to pay such charges within such time, the same shall be collectible by the borough in the manner provided by law for the collection of municipal claims.

### § 92-23. Violations and penalties.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

## ARTICLE III
## Removal of Trees and Other Obstructions

### § 92-24. Removal of trees, shrubbery and other obstructions; disposition of wood.

A. In order to provide for easy and convenient traveling upon the public streets or highways, the Mayor and Council may cut, alter or remove any trees, shrubbery, underbrush, refuse or obstructions within the legal width of any public street or highway, or any part thereof.

B. All logs, cordwood or other forms of wood derived from the destruction or removal of any trees growing along such streets or highways shall become the property of the abutting owners, provided that such abutting owners shall, within ten (10) days after notice from the borough, remove such logs, cordwood or other forms of wood from the legal width of the street or highway. In the event of their failure to do so, said abutting owners shall forfeit all interest therein, and said wood may be disposed of as the Mayor and Council deems proper.

### § 92-25. Violations and penalties.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars ($300.) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

# Chapter 94

# SUBDIVISION OF LAND

## ARTICLE I
## General Provisions



## ARTICLE II
## Definitions and Word Usage



## ARTICLE III
## Procedural Requirements



## ARTICLE IV
## Required Plan Data

ARTICLE V
**Design Standards**



ARTICLE VI
**Required Improvements**

## ARTICLE VII
## Administration



## ARTICLE VIII
## Commercial or Industrial Developments, Mobile Home Parks and Highway Uses

## APPENDIX F
Certificate of Ownership (Individual)

## APPENDIX G
Certificate of Ownership (Corporation)

## APPENDIX H
Subdivision Sewage Disposal Report

## APPENDIX I
Soil Percolation Test Report

## APPENDIX J
Analysis of Subdivision Sewage Disposal Report
(by Pennsylvania Department of Health)

## TABLE I
Subdivision Review and Approval Procedures

## TABLE II
Checklist of Required Plan Data

## TABLE III
Lot Standards for Residential, Commercial and Industrial Subdivisions

## TABLE IV
Standards and Required Improvements for Streets, Curbs and Sidewalks

[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 9-11-63. Amendments noted where applicable.]

### GENERAL REFERENCES

Planning Commission — See Ch. 24.
Sewers generally — See Ch. 87.
Zoning — See Ch. 105.

## ARTICLE I
## General Provisions

### § 94-1. Authority and jurisdiction.

A. Authority. The municipality, pursuant to Article XVI, § 1671 of the Borough Code of the Commonwealth of Pennsylvania, as amended, does hereby adopt the following regulations governing the subdivision of all land within the municipality and hereby designates the Commission to review all such subdivisions prior to the approval of the same.

B. Jurisdiction.

(1) The Commission shall have jurisdiction and control over the subdivision of all lands located within the municipality. All subdivisions shall be submitted to the Commission and approved by it and by the governing body of the municipality before the same shall be recorded.

(2) Before the approval of any subdivision by the Commission, said agency shall transmit one (1) copy of the proposed plan to the County Planning Commission for review, and the County Planning Commission shall make a report thereon to the Commission. Pending the receipt and consideration of such report, the Commission shall defer action thereon, but if such report is not received by the Commission within twenty (20) days from the submission of said plan to the County Planning Commission or within such further time as may be agreed upon by the Commission, said Commission may proceed to final action thereon.

### § 94-2. Applicability of regulations.

A. Residential subdivisions. The provisions contained herein shall apply to all residential subdivisions.

B. Commercial, industrial or other nonresidential developments. Any land developments involving commercial, industrial or other nonresidential uses shall be submitted to the Commission as provided in these regulations and shall be subject to the requirements contained in Article VIII hereof.

**§ 94-3. Sanctions and penalties.**

A. Endorsement by Commission. No subdivision plan shall be received or recorded in any public office unless it shall bear thereon endorsement to the effect that the Commission and the municipality have granted final plan approval as prescribed by law.

B. Penalties. Any person, copartnership or corporation who or which shall subdivide any lot, tract or parcel of land; lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, or water main for public use or travel or for the common use of occupants of buildings abutting thereon; sell any lot; or erect any building in a subdivision without having first complied with the provisions hereof and the subdivision regulations adopted hereunder, shall be guilty of a misdemeanor and, upon conviction thereof, such person or the members of such copartnership or the officers of such corporation responsible for such violation shall be sentenced to suffer imprisonment not exceeding two (2) years or to pay a fine not exceeding one thousand dollars ($1,000.), or both, in the discretion of the court.

C. Description by metes and bounds. The description of lots or parcels by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring shall not except the transaction from the provisions of these regulations or from the penalties or remedies of this Article.

**§ 94-4. Purpose.**

These regulations are adopted for the following reasons and purposes:

A. To provide minimum, uniform procedures and standards that will ensure the equitable processing and approving of subdivision plans.

B. To enable the Commission to carry out its assigned function of coordinating the growth processes of the municipality.

C. To ensure an integrated development of the municipality in an efficient and orderly manner in conformity with the land use plan being developed for the municipality.

D. To provide for an orderly expansion and extension of community services and facilities at minimum cost and maximum convenience.

E. To promote the health, safety and general welfare of the citizens of the municipality.

### § 94-5. Title.

These regulations shall be known and may be cited as the "Coaldale Subdivision Regulations."

## ARTICLE II
## Definitions and Word Usage

### § 94-6. Word usage and general terms.

General terms. As used in these regulations, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "street" includes "avenue," "boulevard," "court," "expressway," "highway," "lane," "arterial," and "road." The word "watercourse" includes "channel," "creek," "ditch," "drain," "dry run," "spring" and "stream." The word "may" is permissive; the words "shall" and "will" are mandatory.

**§ 94-7. Definitions.**

Specific terms. As used in these regulations, terms or words shall be defined as follows:

ALLEY — A minor public right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

BLOCK — An area bounded by streets.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

COMMISSION — The Coaldale Planning Commission, unless otherwise noted.

COMMISSION ENGINEER — The engineer or other qualified person designated by the Commission to perform all administrative and/or supervisory duties required of the Commission Engineer by the provisions of these regulations.

COMMONWEALTH — The Commonwealth of Pennsylvania, unless otherwise noted.

COUNTY PLANNING COMMISSION — The Schuylkill County, Pennsylvania, Planning Commission, unless otherwise noted.

CUL-DE-SAC — A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

DEDICATION — The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEVELOPER — See "subdivider."

DOUBLE FRONTAGE LOT — A lot extending between and having frontage on a major traffic street and a minor street and with vehicular access solely from the latter.

EASEMENT — A right-of-way granted for limited use of private land for a public or quasi-public purpose.

INTERIOR WALK — A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

LOT — A tract of parcel of land intended for transfer of ownership, use or improvement.

MUNICIPALITY — The political subdivision known as the Borough of Coaldale, Schuylkill County, Pennsylvania, unless otherwise noted.

PAVEMENT — The portion of a street or alley intended for vehicular use.

PLAN, FINAL — A complete and exact subdivision plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLAN, PRELIMINARY — A tentative subdivision plan, in lesser detail than a final plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, SKETCH — An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.

REGISTERED PROFESSIONAL ENGINEER — A person registered and licensed to practice engineering within the Commonwealth of Pennsylvania.

RIGHT-OF-WAY — Land reserved for use as a street, alley, interior walk or for other public purposes.

SETBACK OR BUILDING LINE — The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way or property line of any lot.

SIGHT DISTANCE — The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a

street from a vehicle located at any given point on the street.

STREET — A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation. Classes of streets are as follows:

A. MAJOR TRAFFIC STREETS — Those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania State Highway Department.

B. COLLECTOR STREETS — Those which, in addition to giving access to abutting properties, intercept minor streets and provide routes, carrying considerable volumes of traffic, to community facilities and to major traffic streets.

C. MINOR STREETS — Those used primarily to provide access to abutting property.

STREET, PUBLIC — A right-of-way dedicated or open to public use.

SUBDIVIDER — The owner, or authorized agent of the owner, of a subdivision.

SUBDIVISION:

A. A division of any part, parcel or area of land by the owner or agent, either by lots or by metes and bounds, into lots or parcels two (2) or more in number, for the purpose of conveyance, transfer, improvement or sale, whether immediate or future, with appurtenant streets, dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon. However, for the purposes of these regulations, land divided under the following condition shall not be considered to be a subdivision:

(1) The division of land for agricultural purposes into parcels of ten (10) or more acres, provided that such division does not involve any new street or easement.

B. Any development of a parcel of land (including shopping centers, industrial parks and multiple-dwelling projects) which involves the installation of streets and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be divided immediately for purpose of conveyance, transfer or sale.

C. The term "subdivision" includes resubdivision and, as appropriate in these regulations, shall refer to the process of subdividing land or to the land subdivided.

## ARTICLE III
## Procedural Requirements

### § 94-8. Letter of intent and sketch plan.

A. Any person, firm or corporation who anticipates the subdivision of land within the jurisdiction of this Commission shall first present to said Commission a letter of intent wherein the same shall set forth the type of development anticipated, the location of such planned subdivision, the name and address of the developers' engineer, the approximate time schedule of development, a sketch plan of the proposed site and the proposed method of providing such improvement facilities as may be required.

B. Access, drainage and geology. No land shall be subdivided for residential use unless adequate access to the land over adequate streets or thoroughfares exists or will be provided by the subdivider or, if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of citizens of the municipality.

C. Sketch plan. Accompanying the letter of intent shall be a sketch plan of the proposed subdivision which shall show such information as to be sufficiently clear to satisfy the Commission's understanding of the problems and

proposals of the developer. The sketch plan shall include but shall not be limited to those provisions set forth in Article IV of these regulations.

## § 94-9. Preliminary plan approval.

A. Application for preliminary plan approval.

(1) Any person, firm or corporation having received sketch plan approval from the Commission shall, upon completion of the requirements set forth in Article IV of these regulations, submit not less than six (6) prints of all plans, at least three (3) sets of all engineering plans, details and specifications and at least three (3) sets of proposed restrictive covenants for the planned subdivision to the Commission. The above information shall be presented to the Chairman of the Commission not less than ten (10) days prior to a regularly scheduled meeting of the Commission.

(2) The application shall be accompanied by a cashier's check, certified check or money order, in the amount of one dollar ($1.) for each lot in the proposed subdivision, with a minimum total charge of twenty-five dollars ($25.), to cover the cost of checking and verifying the proposed plan. Such amount shall be deposited in the general fund of the municipality.

(3) The application shall be prepared in conformance with the form designated as "Appendix B" attached to and made a part of these regulations.[1]

B. Preliminary plan approval. Upon receipt of an application for preliminary plan approval and all necessary supporting documents by the Commission a review of the proposals of the developer will be made by the Commission, the Pennsylvania Department of Health and such others as the Commission may determine to be affected by such a division. Within a period of sixty (60) days the Commission shall make its report to the developer notifying him of

[1] **Editor's Note: Appendixes A through J may be found at the end of this chapter.**

approval, approval subject to modification or disapproval. If any preliminary plan is disapproved the developer may, in conformance with the provisions of these regulations, submit a new application for preliminary plan approval after satisfying the conditions for disapproval of an initial preliminary plan application.

**§ 94-10. Final plan application.**

A. Any person, firm or corporation having satisfactorily complied with these regulations may submit within one (1) year an application for final plan approval as set forth as Appendix C to these regulations[2] as well as the final plan to the Commission for approval. The Commission, being fully satisfied that all conditions for approval have been satisfied, shall affix the signatures of the Chairman and Secretary and the Official Seal of the Commission, together with the date of such approval.

B. The approval of the final plan by the Commission shall be deemed an acceptance of the proposed dedication, but shall not impose any duty upon the municipality concerning maintenance or improvement of any such dedicated streets, highways or other portions of the same, until the governing body of the municipality shall have made actual appropriation of the same by entry, use or improvement.

C. Immediately upon approval of a subdivision, the subdivider shall present the subdivision, as approved by the Commission, to the governing body of the municipality for its approval. The subdivider shall then present the final plan to the Recorder of Deeds of Schuylkill County, who shall file the original in a book and shall keep the same accessible to the public. Approval of the final plan shall be void unless the plan has been duly recorded within a period of thirty (30) days from the date of approval by the governing body of the municipality.

[2] **Editor's Note: Appendixes A through J may be found at the end of this chapter.**

**§ 94-11. Reasons for disapproval.**

Whenever any plan is not approved or is recommended not to be approved, the Commission shall, in writing, explicitly state its reasons for such action or recommendations.

## ARTICLE IV
## Required Plan Data

**§ 94-12. Sketch plan.**

The following information will be required when the sketch plan is presented to the Commission as set forth in § 94-8.

A. Site location map showing the below-listed information which shall include all lands within one-half (½) mile of the boundaries of the tract of land to be subdivided and shall be drawn to a scale not smaller than one (1) inch equals five hundred (500) feet.

(1) All planned streets, easements, schools, playgrounds or other publicly used lands.

(2) All quasi-public lands and their uses, such as cemeteries, private schools, etc.

(3) Subdivision name, North arrow, scale and any legend necessary.

B. Sketch plan of the proposed subdivision which shall generally show the following information:

(1) A land inspection sketch showing general terrain features, wooded areas, buildings and other natural or artificial features which would affect the plan of the subdivision.

(2) Tract boundary lines, showing dimensions and bearings and total tract acreage.

(3) Streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and othe pertinent data.

(4) Easements, including locations, widths and purposes.

(5) Utilities, including sanitary and storm sewers and other drainage facilities, water lines, gas mains, electric and other utilities. Size or capacity of each facility should be shown, and the locations of or distance to each existing utility should be indicated.

(6) Existing planning of land adjacent to the proposed subdivision.

(7) Areas subject to periodic flooding or overflow of stormwaters.

(8) Other features or conditions which would affect the subdivision favorably or adversely.

(9) Title, graphic scale, North point and date.

**§ 94-13. Preliminary plan.**

A. A preliminary plan of the proposed subdivision shall be presented to the Commission and shall show the information required as set forth in this section and as procedurally required in § 94-9 of these regulations.

(1) Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%).

(2) Existing trees with diameters of ten (10) inches or greater.

(3) Street pattern, showing the names (which, when not extensions of existing streets, shall not duplicate other names of streets in the municipality), widths of rights-of-way of streets and widths of easements or alleys.

(4) Layout of lots, showing general dimensions and numbers.

(5) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semipublic or community purposes.

(6) Key plan, if preliminary plan contains more than one (1) sheet as required in Subsection A(9) of this section.

(7) Building setback lines.

(8) Legend which shall include the proposed name of the subdivision, the names and addresses of the owner or developer and the engineer preparing the plan and accompanying plans, scale, North arrow and date.

(9) Sheet size and scale. The preliminary plan shall be drawn to a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet and shall be drawn on sheets thirty by thirty-six (30 x 36) inches. When more than one (1) sheet is required, such match-line data as necessary to accurately match all drawings shall be provided.

B. Engineering plans. Accompanying the preliminary plan shall be engineering plans as prepared by a registered professional engineer and bearing his signature and seal, which shall show not less than as required herein:

(1) Street profiles and percent of grade as proposed, typical street cross sections and improvement specifications as required in Article V of these regulations.

(2) Profiles and such other explanatory data concerning the installation of sanitary and storm sewerage facilities as well as other underground utility services when and as required by the Commission in order to protect the health, safety and general welfare of the citizens of the municipality.

C. Protective covenants. A description of the protective covenants or private restrictions to be incorporated in as though a part of the subdivision shall also be presented to the Commission.

D. A report on sewage and water supply to be prepared by a registered professional engineer.

(1) A report on the feasibility of connection to an existing sewerage system shall be made. This study shall

include the distance from the nearest existing public sewer and the capacity of the existing system intended to handle the additional sewage load.

(2) If connection to an existing sewerage system is not deemed to be feasible, the feasibility of constructing a separate sewerage system and treatment works shall be investigated. This study shall give the location of the treatment works, receiving stream, type of plant, degree of treatment and design population.

(3) In the event that either (1) or (2) of this subsection are feasible, a formal application, as required by the laws of the Commonwealth of Pennsylvania, will be submitted by the municipality to the Pennsylvania Department of Health, and a permit shall be obtained from the Sanitary Water Board prior to the construction of the sewers or treatment works.

(4) In the event that (1) or (2) of this subsection are not feasible, consideration may be given to the installation of on-lot sewage disposal systems for the subdivision. The information contained in the registered professional engineer's report shall include details such as a map of the physical conditions of the site, contours, finished grades, watercourses, groundwater table elevations, etc. and the results of soil absorption tests for each individual lot, conducted in accordance with the recommended practices of the Pennsylvania Department of Health.

(5) When a community water supply is proposed or required for any subdivision, the engineer's report shall also contain complete and accurate information relating to said community water supply. This report shall include, but shall not be limited to the following:

(a) Location and size of water reservoir, mains, submains, and valves.

(b) Location and type of fire hydrants.

(c) Water pressure to be delivered to the proposed properties.

(d) A statement from the water company, if owned by other than the developer, that said company can and will supply the water as proposed in the developer's plans.

**§ 94-14. Final plan.**

A. The final plan shall be presented to the Commission in the manner specified in § 94-10 of these regulations and shall consist of the following information:

(1) The plan may include all or only a part of the preliminary subdivision plan approved by the Commission that is desired to be recorded and sold as of the time of submission.

(2) The plan shall be in black ink drawn on linen cloth or equivalent reproducible base material.

(3) It shall be at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet and shall be thirty by thirty-six (30 x 36) inches or made in multiples of this size and cut along match lines.

(4) The plan shall be accompanied by six (6) black or blue line prints and one (1) reproducible tracing.

B. The final plan itself shall contain the following information:

(1) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.

(2) Number of acres in final subdivision presentation.

(3) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.

(4) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

(5) Source of title to the land as shown by the books of the Schuylkill County Recorder of Deeds. The Schuylkill County Tax Assessment Map number and lot number or numbers shall also be shown.

(6) Street names.

(7) Complete curve data for all curves included in the plan.

(8) Street lines with accurate dimensions in feet and hundredths of feet, with angles to the nearest thirty (30) seconds to street and lot lines.

(9) Lot numbers and dimensions.

(10) Easements for utilities and any limitations on such easements.

(11) Accurate dimensions of any property to be dedicated or reserved for public, semipublic or community use.

(12) Location, type, material and size of all monuments and lot markers. (See § 94-24 for monument requirements.)

(13) Restrictions of all types which will run with the land and become covenants in the deeds for lots.

(14) Name of the subdivision.

(15) Name and address of the owner and subdivider.

(16) North point, graphic scale and date.

(17) Certification by a registered professional engineer.

(18) Certificate of dedication of streets and other public property. (See Appendix E.[3])

(19) Certificate for approval by the Commission and the municipality.

(20) Building setback lines, the minimum as fixed by the applicable Zoning Ordinance, and any other setback or

[3] **Editor's Note: Appendixes A through J may be found at the end of this chapter.**

street lines established by these regulations or by public authority and those specified in the deed restrictions.

## ARTICLE V
## Design Standards

### § 94-15. Minimum standards.

This section relates to the minimum design standards which the Commission adopts as representing the best in land development practices as protecting the public's health, safety and general welfare. Whenever developments increase these minimum standards, the developer is assured of increased benefits to himself and to potential purchasers. The Commission recommends increases above these minimum standards and favors such increases whenever possible.

### § 94-16. Design standards.

A. Land requirements. Land shall be suited to the purpose for which it is to be subdivided. In general, the Commission shall take the following factors into consideration.

(1) Land subject to periodic flooding or other hazards to life, health or property shall not be subdivided for residential purposes unless adequate safeguards against such hazards are provided by the plan.

(2) Areas characterized by slopes in excess of ten percent (10%), rock formations or other such features shall not be subdivided for residential purposes.

B. Master plan requirements.

(1) The Commission will consider the adequacy of existing or proposed community facilities to serve the uses proposed in the subdivision.

(2) Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.

(3) The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in the Master Plan of the municipality.

**§ 94-17. Lots and lot sizes.**

Lot dimensions, areas, yards and building setback lines shall be not less than specified by the provisions of the zoning regulations and/or the provisions of these regulations as set forth in Table III at the end of this chapter.

A. Where evidence indicates that minimum lot requirements shown in Table III are not adequate to permit the installation of individual on-lot water supply and/or sewage disposal facilities, the Commission may require that the subdivider request the Division of Environmental Hygiene of the Pennsylvania State Department of Health to make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the proposed lot size, existing grade and soil conditions. In all such cases, a certificate by the Pennsylvania State Health Officer indicating that the proposed facilities are adequate shall be prerequisite to final approval of the plan. (See Appendix J.[4])

B. All lots shall front upon a public street, existing or proposed.

C. Side lot lines shall be substantially at right angles or radial to street lines.

D. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots or dedicated to public use if acceptable and adaptable to public use.

E. Double frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.

F. Depth and width of parcels laid out or reserved for nonresidential use shall be sufficient to provide the minimum provisions set forth in §§ 94-41, 94-42 and 94-43 of these regulations, as the case may be.

[4] **Editor's Note: Appendixes A through J may be found at the end of this chapter.**

**§ 94-18. Easements.**

A. Easements with a minimum width of ten (10) feet plus the width of any required pipe or other improvements shall be provided as necessary for utilities.

B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

C. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

**§ 94-19. Blocks.**

A. The length, width and shape of blocks shall be determined with due regard to the following:

(1) Provision of adequate sites for buildings of the type proposed.

(2) Zoning requirements.

(3) Topography.

(4) Requirements for safe and convenient vehicular and pedestrian circulation.

B. Blocks shall have a maximum length of one thousand two hundred (1,200) feet. In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.

C. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are required or permitted by the Commission.

D. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a right-of-way width of not less than ten (10) feet and a paved walk width of not less than four (4) feet.

E. All blocks shall be designed in such a manner as to be well drained so that no lot shall have water standing thereon after any rain. When drainage courses traverse any block, due consideration shall be given to provide whatever drainage facilities and easements as may be necessary to protect the life and property of the general public.

**§ 94-20. Streets: design, layout and widths.**

A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the municipality and they shall further conform to such county and state road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

B. The proposed street layout shall provide for the general continuation or projection of existing streets in the surrounding area unless the Commission deems such extension undesirable for specific reasons of topography, traffic circulation or poor land development design standards.

C. Streets shall be logically related to the topography to produce usable lots and reasonable grades, and in no case shall grades be greater or less than as follows:

| Type of Street | Minimum Percent of Grade | Maximum Percent of Grade |
|---|---|---|
| Major streets | .5 | 5 |
| Collector streets | .5 | 8 |
| Minor streets | .5 | 10 |

D. Minor streets shall be laid out to discourage through traffic, but provision for street connections into and from adjacent areas will generally be required.

E. Proposed streets shall be extended to provide access to adjoining property where necessary.

F. Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit resubdivision or if a portion of the tract is not subdivided.

G. Where a subdivision abuts or contains an existing or proposed major traffic street, the Commission may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street and separation of local and through traffic.

H. New alleys, half streets or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street is secured through deeds of record.

I. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

J. Dead-end streets shall be prohibited, the prevention of the same to be executed through the design of cul-de-sac streets as provided in § 94-21 of these regulations.

**§ 94-21. Cul-de-sac streets.**

A. Cul-de-sac streets, permanently designed as such, shall not exceed five hundred (500) feet in length and shall furnish access to not more than twenty (20) dwelling units.

B. Cul-de-sac streets shall have a minimum right-of-way line radius of sixty (60) feet.

C. Cul-de-sac streets shall be provided at the closed end with a paved turnaround having a minimum radius to the center pavement edge or curbline of thirty (30) feet.

D. The center of any cul-de-sac street remaining within the circle formed by the curbline described above in Subsection C shall be planted with grass, vinca minor or other permanent-type ground cover, and in no instance shall this portion of any cul-de-sac street be paved for purposes of parking or vehicles.

E. The outside curb of any cul-de-sac street shall have a minimum curb radius of not less than fifty (50) feet.

F. Unless future extension is clearly impractical or undesirable, a turnaround right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.

**§ 94-22. Street intersections.**

A. Streets shall be laid out to intersect as nearly as possible at right angles. In no instance, however, will the Commission permit any street to intersect any other street at an angle of less than seventy degrees (70°).

B. Multiple intersections involving junctions of more than two (2) streets shall be avoided. Where this proves to be impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

C. Clear sight triangles of thirty (30) feet measured along street lot lines from their point of junction shall be provided at all intersections, and no building shall be permitted within such sight triangles.

D. To the fullest extent possible, intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line.

E. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.

F. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other types of streets or such greater radius as is suited to the specific intersection.

G. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with Table IV[5] will be required.

[5] **Editor's Note: Tables I through IV may be found at the end of this chapter.**

H. Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided having not greater than four-percent grades for a distance of forty (40) feet measured from the nearest right-of-way line of the intersecting street.

## ARTICLE VI
## Required Improvements

### § 94-23. Minimum improvements.

Minimum improvements and construction standards required of all subdivisions shall be as set forth in this section and as listed in Table IV[6]. Where not set forth, they shall be in accordance with the prevailing standards as established by the Commission Engineer. Alternate improvement standards may be permitted if the Commission deems them equal or superior in performance characteristics to the specified improvements. Additional or higher type improvements may be required in specific cases where the Commission believes it necessary to create conditions essential to the health, safety, morals and general welfare of the citizens of the municipality.

### § 94-24. Monuments and markers.

Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of the lines to be marked and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

A. Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Monuments may be of the following two (2) types:

(1) Cut stone six (6) inches by six (6) inches by four (4) feet zero (0) inches long with a drill hole in the center.

(2) Concrete six (6) inches by six (6) inches by four (4) feet zero (0) inches long with a half-inch round brass pin in the center.

[6] **Editor's Note: Tables I through IV may be found at the end of this chapter.**

B. Iron pin markers shall be set at the beginning and end of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; and at all corner lots. Markers shall consist of steel bars at least fifteen (15) inches long and not less than three-fourths (¾) inch in diameter.

**§ 94-25. Streets.**

A. Required improvements and construction standards shall be in accordance with Table IV.[7]

B. Streets shall be graded, surfaced and improved to the grades and dimensions shown on plans, profiles, specifications and cross sections submitted by the subdivider and approved by the Commission.

C. All paving shall meet the current specifications of the Pennsylvania Department of Highways and as set forth in Table IV of these regulations.

**§ 94-26. Sidewalks.**

Standards for the provision and installation of sidewalks shall be in accordance with Table IV.

**§ 94-27. Street signs.**

Street signs shall be provided at the intersections of all streets. The type, height and design shall be approved by the Commission.

**§ 94-28. Water supply.**

A. The subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants which shall not be greater than one thousand (1,000) feet apart.

[7] **Editor's Note: Tables I through IV may be found at the end of this chapter.**

B. All water lines shall be located between the curbline and the property line within any street right-of-way.

**§ 94-29. Sanitary sewer system.**

A. Where the public sanitary sewer system, in the opinion of the Commission, is reasonably accessible, sanitary sewers shall be installed to adequately serve all lots with connections to the public system. Where lots cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lot sizes as provided in Table III.[8] In addition, individual septic tanks and disposal fields and/or neighborhood disposal systems, shall be approved by the State Department of Health.

B. Where a municipality has a plan for extending the public sanitary sewer system into an area that is being subdivided and it is reasonably expected that the area will be served by the public system within a period of five (5) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision as well as provisions set forth in Subsection A above.

C. Whenever sanitary sewers are installed they shall be located as nearly to the center line of any street right-of-way as is reasonably possible, and all sanitary sewer lines shall provide to every lot service connections to the property line, said service connections being properly capped.

D. Sanitary sewer manholes shall be installed at all changes in grade and at all changes in direction, and in no instance shall manholes be any greater than four hundred (400) feet apart.

E. Combined sanitary and storm sewer systems are prohibited under the provisions of these regulations.

---

[8] **Editor's Note: Tables I through IV may be found at the end of this chapter.**

**§ 94-30. Storm sewers.**

A. Storm sewers shall be installed when, in the opinion of the Commission, it is deemed necessary to provide adequate drainage for the subdivision.

B. Storm sewers, culverts and related installations shall be provided:

(1) To permit unimpeded flow of natural watercourses.

(2) To ensure adequate drainage of all low points along the line of streets.

(3) To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.

(4) At all intersecting streets.

C. In the design of storm sewage installations, special consideration shall be given to avoidance of problems which may arise from concentration of stormwater runoff over adjacent properties.

D. All storm drainage structures, grates, boxes, culverts, etc. shall conform to the current specifications of the Pennsylvania Department of Highways.

**§ 94-31. Other utilities.**

A. Power, telephone and television community antenna lines. All subdivisions shall have easements provided for the installation of power and telephone utility lines to serve each and every lot, and provision shall be made, when necessary, for the location of television community antenna lines to be installed in said easements.

B. Gas transmission lines. When any subdivider proposes to provide gas transmission lines within a subdivision, said gas transmission lines shall be installed between the curbline and the property line of any street right-of-way. The location of such gas transmission lines, when installed

as set forth above, shall, whenever possible, be located on opposite sides of any street from sanitary water transmission lines.

**§ 94-32. Procedure for installation of required improvements.**

Methods to be followed. After approval of the preliminary plan, the subdivider shall install the required improvements under the supervision of the appropriate authority. The subdivider may elect to carry out minimum improvements by any of the following methods:

A. By installing the required improvements and obtaining from the municipality a certificate stating that all improvements have been installed in accordance with the standards and specifications contained in this Article.

B. By posting with the municipality a certified check, cashier's check or bond running to the governing body of the municipality sufficient to cover the full cost of installing the required improvements as estimated by the Commission Engineer. In case of a bond filed, it shall also:

(1) Be with surety satisfactory to the municipality.

(2) Specify the time for the completion of the improvements and installations, such time to be satisfactory with the municipality.

**§ 94-33. Maintenance bond.**

In submitting the final plan to the Commission, the subdivider shall submit a maintenance bond to guarantee maintenance and repair of the streets in the subdivision for one (1) year after the construction thereof has been approved by the Commission Engineer.

## ARTICLE VII
## Administration

**§ 94-34. Revisions and amendments.**

A. Amendments by Commission. The Commission may, at its discretion, revise, modify or amend these regulations by

appropriate action taken after a scheduled public meeting has been held and adoption of such changes by the governing body of the municipality.

B. Consideration. The Commission will give earnest consideration to recommending to the governing body of the municipality changes or modifications suggested by any developer when such changes or modifications shall be in the best interests of the general public.

### § 94-35. Large scale developments.

Modification of standards. The standards and requirements of these regulations may be modified by the Commission in the case of plans for complete communities or neighborhood units or other large scale developments which, in the judgment of the Commission, achieve substantially the objectives of the regulations contained herein and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

### § 94-36. Hardship.

Variance from standards. If an applicant has shown that any mandatory provisions of these regulations are unreasonable and cause undue hardships as they apply to his proposed subdivision, the Commission may grant a variance to such applicant from such mandatory provisions so that substantial justice may be done and the public interest secured, provided, that such variance may be granted only upon the concurrence of a majority of the Commission present at a public meeting and that such variance will not have the effect of nullifying the intent and purpose of these regulations.

### § 94-37. Conditions on variances.

In granting variances and modifications, the Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

**§ 94-38. Reconsiderations for aggrieved subdividers.**

Appearance before Commission. Any subdivider aggrieved by a finding, decision or recommendation of the Commission may request and receive opportunity to appear before the Commission, present additional relevant information and request reconsideration of the original finding, decision or recommendation.

**§ 94-39. Commission records.**

Keeping of records. The Commission shall keep a record of its findings, decisions and recommendations relative to all subdivision plans filed with it for review. Said records shall be open to the public for review.

## ARTICLE VIII
## Commercial or Industrial Development, Mobile Home Parks and Highway Uses

**§ 94-40. Review; applicability of standards.**

Proposed subdivisions or developments of land that contain areas reserved for commercial or industrial uses, for mobile home parks or that contain lots or parcels fronting on existing or proposed major traffic streets will be subject to individual review and determination in each case. In general, however, the Commission will apply the following standards for all such subdivisions.

**§ 94-41. Commercial and industrial subdivisions.**

A. Size. Approval of lot or parcel size will be determined by the following factors:

(1) The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities. In no instance shall there be less than four (4) square feet of off-street parking for each one (1) square foot of building use.

(2) Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, owned and managed as a unit. In no case will narrow, highway ribbon developments be approved.

B. Street system.

(1) Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas.

(2) The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.

C. Building setback lines shall be as specified in Table III of these regulations.[9]

D. Where possible, commercial and industrial subdivisions should be located close to public utilities. In any case, subdivisions should be provided with such utilities as are necessary to maintain adequate health standards and to dispose of commercial and industrial wastes.

E. Location.

(1) In general, commercial and industrial subdivisions should be located adjacent or close to major highways and transportation facilities.

(2) Commercial and industrial subdivisions should not be located in predominantly residential areas or areas that are better suited to residential development, provided that a commercial parcel designed as an integral part of a residential subdivision will be permitted, and provided that said site shall be in conformance with any of the municipality's Zoning Ordinances of record.

F. Site development. Commercial and industrial sites shall be designed so as to provide maximum protection to adjacent

[9] **Editor's Note: Tables I through IV may be found at the end of this chapter.**

properties and shall consist of not less than an eight-foot fence of permanent character, maintained at all times and free from any advertising materials of any type and lighting so as to be readily visible for police protection and of such character of construction as to prevent any unreasonable decay or deterioration of said structures.

**§ 94-42. Mobile home parks.**

For the purpose of these regulations, all mobile home courts, as defined in Article II hereof, shall be subject to the following requirements.

A. Site location.

(1) All mobile home courts shall be located on high and well drained lands and shall have not less than a total land area of five (5) acres.

(2) All mobile home courts shall have paved access roads to and from any such site, and in no instance shall such sites be in conflict with any other ordinance of the municipality.

B. Minimum site improvements. Minimum site improvements for all mobile home courts shall include, but shall not be limited to the following:

(1) Streets. All streets within any mobile home court shall be not less than a fifty-foot right-of-way with a paved width of not less than thirty-three (33) feet and shall meet minimum paving thickness as set out in Article VI hereof for paving thickness for thirty-three-foot streets. All streets shall be kept free of debris or other obstructions to provide clear access for fire, police or other emergency access.

(2) Open space. All mobile home courts shall provide not less than ten percent (10%) of the total land area for public open space purposes and such lands shall be improved so that the same will be accessible to all families residing within said tract and so that such open space may be used for recreational purposes.

(3) Utility improvements. All mobile home courts shall provide to each lot line a continuing supply of safe and palatable water as approved by the Pennsylvania State Department of Health as well as a sanitary sewage disposal system in accordance with and as approved by the Pennsylvania State Board of Health, all such systems being provided to the lot lines of all lots in any such mobile home court.

(4) Other site improvements. There shall be provided in each mobile home court such other improvements as the Commission may require whereby such requirements shall at all times be in the best interests of the public's health, safety and general welfare and may include, but shall not be limited to garbage and trash collection and disposal facilities as approved by the Pennsylvania State Board of Health, an adequate park lighting system, storm drainage facilities and such other necessary improvements as needed.

C. Minimum lot and area requirements.

(1) Lot sizes. No lot in any mobile home court shall have less than three thousand (3,000) square feet of total lot area exclusive of easements or rights-of-way.

(2) Setback requirements. No structure located on any lot in any mobile home court shall be closer to any front lot line than twenty-five (25) feet; closer to any side lot line than five (5) feet; or closer to any rear lot line than twenty (20) feet.

(3) Lot improvements. All lots in any mobile home court shall be well drained and graded to a point where trailers or mobile homes may be parked so that the parking of the same shall result in safety to all concerned. In all instances, as much natural growth as is reasonably possible shall be preserved by any mobile home court developer.

**§ 94-43. Uses fronting on major traffic streets.**

A. Service streets. Where a nonresidential subdivision fronts or abuts a major street as defined in Article II, the

Commission may require a service street approximately parallel to the major street at a distance suitable for the appropriate use of the intervening land.

B. Controlled access. Entrances and exits to nonresidential subdivisions shall be designed so as not to interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than two hundred (200) feet. Access points shall not exceed twenty-four (24) feet in width at any such point.

C. Building setback line. Unless otherwise regulated by appropriate ordinances, nonresidential structures shall be set back not less than sixty (60) feet from the property line fronting on the major street. Rear setback lines shall be such that no nonresidential structure shall be any closer to the rear property line than thirty (30) feet. Setback lines for nonresidential uses may be found in Table III of these regulations.[10]

[10] **Editor's Note: Tables I through IV may be found at the end of this chapter.**