

SUBDIVISION OF LAND

APPENDIX A  
APPLICATION FOR SKETCH PLAN APPROVAL

1. Name of Subdivision .....
2. Name of Owner(s) of Property .....  
    Address ..... Telephone No. ....  
    Schuylkill County Deed Book No. .... Page No. ....  
    Schuylkill County Tax Map No. .... Parcel No.(s) ..
3. Name of Applicant (if other than owner(s)) .....  
    Address ..... Telephone No. ....
4. Name of Registered Professional Engineer Responsible for  
    Plan .....  
    Address .....  
    Telephone No. .... Pa. Registration License  
    No. ....
5. Total Acreage .....
6. Proposed Use: Residential .....  
    Commercial .....  
    Industrial .....  
    Other (Specify) .....
7. Type of Water Supply Proposed: Public .....  
    Private .....
8. Type of Sanitary Sewage System Proposed:  
    Public .....  
    Private .....  
    Individual Lot .....
9. Are streets to be dedicated: ..... Yes ..... No
10. Are public lands planned (playgrounds, parks, etc.) .....  
    Yes ..... No
11. Characteristics of Proposed Site (rolling terrain, steep grades,  
    grades, major drainage courses, etc.)  
    Explain .....

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12. Tentative time schedule of development.

- ..... 6 months to 1 year
- ..... 1 year to 2 years
- ..... 3 years or longer

13. Attachments

- ..... a. Site Location Map (§ 94-12A)
- ..... b. Sketch Plan (§ 94-12B)
- ..... c. Other attachments. Please specify. ....
- .....
- .....

Date Submitted

Signed by

FOR PLANNING COMMISSION ONLY:

- 1. Date received .....
- 2. Analysis of site and proposals of developer .....
- .....
- .....
- 3. Approval to proceed with Preliminary Plan .....
- (Date)
- 4. Disapproval of proposals and reasons .....
- .....
- .....
- 5. Action of Commission taken on .....
- (Date)

Chairman

ATTEST:

.....  
Secretary

SUBDIVISION OF LAND

APPENDIX B

APPLICATION FOR PRELIMINARY PLAN APPROVAL

- 1. Name of Subdivision .....
- 2. Name of owner(s) of property .....  
    Address ..... Telephone No. ....  
    Schuylkill County Deed Book No. .... Page No. ....  
    Schuylkill County Tax Map No. .... Parcel No.(s) .....
- 3. Name of developer(s) if other than owner(s) .....  
    Address ..... Telephone No. ....
- 4. Name of Registered Professional Engineer .....  
    Address ..... Telephone No. ....  
    Pennsylvania Registration License No. ....
- 5. Total Acreage: ..... Acreage to be developed  
    No. of lots .....  
    Money order, cashier's check or certified check in the  
    amount of \$ ..... (§ 94-9A)
- 6. Type of development planned:  
    Residential .....  
    Commercial .....  
    Industrial .....  
    Other (specify) .....
- 7. Type of water system to be installed: Public .....  
    Private .....
- 8. Type of sanitary sewerage system to be installed:  
    Public .....  
    Private .....  
    Individual Lot .....
- 9. Linear feet of streets .....
- 10. Type of off-street parking to be provided:  
    Garages or carports .....  
    Driveways .....  
    Other (specify) .....

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- 11. Acreage proposed in public or quasi-public use (parks, playgrounds, etc.) .....
- 12. Attachments and Enclosures
  - .....(a) Preliminary Plan showing proposals (§ 94-13A)
  - .....(b) Engineering Plans (§ 94-13B)
  - .....(c) Suggested Protective Covenants (§ 94-13C)
  - .....(d) Engineer's Report on Sanitary Sewage & Water System (§ 94-13D)
  - .....(e) Money order, cashier's check or certified check (§ 94-9A)
- 13. Certifications: The undersigned hereby represents that, to the best of his (their) knowledge and belief, all information listed and attached hereto, is true, correct and complete.

Date: ..... Signature of owner(s) or developer

.....  
.....  
.....  
.....

TO BE FILLED IN BY PLANNING COMMISSION ONLY:

- 1. Date Application received and amount of fee: .....  
 (date)  
 \$ .....  
 (fee)
- 2. Date reviewed by Commission .....
- 3. Referrals and dates
  - (a) Commission Engineer .....
  - (b) County Plan. Com. ....
  - (c) State Dept. of Health .....

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4. Reports received

- (a) Commission Engineer .....
- (b) County Plan. Com. ....
- (c) State Dept. of Health .....

5. Planning Commission Action

- .....(date) (a) Approved .....
- .....(date) (b) Approved subject to follow-  
ing modifications .....
- .....(date) (c) Disapproved for following  
reasons: .....

6. Signed by: .....  
Chairman

ATTEST:  
.....  
Secretary



SUBDIVISION OF LAND

APPENDIX C

APPLICATION FOR FINAL PLAN APPROVAL

1. Name of Subdivision .....
2. Name of owner(s) of property .....  
    Address ..... Telephone No. ....  
    Schuylkill County Deed Book No. .... Page No. ....  
    Schuylkill County Tax Map No. .... Parcel No.(s) .....
3. Name of developer if different from owner .....  
    Address ..... Telephone No. ....
4. Name of Professional Registered Engineer .....  
    Address ..... Telephone No. ....  
    Pennsylvania Registration License No. ....
5. Total Acreage ..... Acreage to be developed .....  
    No. of Lots .....
6. Type of development planned:  
    Residential .....  
    Commercial .....  
    Industrial .....  
    Other (specify) .....
7. Type of approved water system installed or to be installed ...  
    .....  
    Linear feet of street installed or to be installed .....
10. Type of off-street parking provided:  
    ..... Garages or carports  
    ..... Driveways  
    ..... Other (specify)
11. Acreage being dedicated or reserved for open space .....
12. Attachments and Enclosures  
    .....(a) Final plan & necessary prints  
    .....(b) Final engineering plans

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- .....(c) Final copy of protective covenants
- .....(d) Pennsylvania Department of Health certificate of approval of water and sewerage systems
- .....(e) Other supporting data required when Preliminary Plan Approval may have been granted subject to conditions being satisfied.

13. Certification

The undersigned represents that all of the above statements and attachments are true, correct and complete.

The undersigned represents that all rights-of-way, easements and other properties for public use, as shown on the final plat are to be dedicated, unless otherwise specifically noted.

The undersigned further represents, except as otherwise specifically noted, that all proposed public improvements and facilities as shown on the Final Plat have been improved and constructed or a bond is herewith posted with and in favor of the municipality in sufficient amount to cover the full estimated cost of construction thereof, prior to sale or agreement of sale of any subdivided parcels as shown on the Final Plan.

The undersigned further agrees that within thirty (30) days from the date of approval of this subdivision by the governing body of the municipality that the Final Plan and Restrictive Covenants will be recorded with the Schuylkill County Recorder of Deeds or that said Commission approval shall become null and void.

.....	.....
(Date)	Signature of Owner(s)
	.....
	.....

**SUBDIVISION OF LAND**

**TO BE FILLED IN BY COMMISSION:**

1. Date application received .....
2. Date reviewed by Commission .....
3. Dates of Commission action:  
..... Approved  
..... Disapproved
4. Reasons for Disapproval: .....  
.....  
.....
5. Signed by: .....  
.....  
**Chairman**

**ATTEST:**

.....  
**Secretary**



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APPENDIX D

CERTIFICATE OF ACCURACY

I, hereby certify that the plan shown and described hereon as well as all drawings bearing my seal are true and correct as to accuracy as required by the Commission and were prepared by me or under my direction and for which I accept full responsibility.

(Seal)

Signed this ..... day of .....,  
19....

My Pennsylvania  
Registration License  
No. is .....

.....  
Registered Professional Engineer



**SUBDIVISION OF LAND**

**APPENDIX E**

**Offer of Dedication  
(to appear on the final plan)**

I (we), the undersigned, owner(s) of the real estate shown and described herein, do hereby certify that I (we), have laid off, platted and subdivided the within plan that the subdivisions shall be known and designated as ..... (Name of subdivision) and that all streets shown hereon are hereby dedicated to the public use forever.

.....  
Signature of Owner(s)  
.....  
.....  
.....



SUBDIVISION OF LAND

APPENDIX F

CERTIFICATION OF OWNERSHIP (INDIVIDUAL)

(For Use By An Individual)

Commonwealth of Pennsylvania  
County of Schuylkill

On this, the ..... day of ....., 19....., before me, the undersigned officer, personally appeared .....  
....., who being duly sworn according to law, deposes and confirms that said .....  
is the owner (or equitable owner) of the property shown on this plan.

Witness my hand and seal the day and date above written.

.....  
(Signature of Individual)  
(Seal)

.....  
My Commission Expires  
(Date)

.....  
(Notary Public or Other Officer)



SUBDIVISION OF LAND

APPENDIX G

CERTIFICATION OF OWNERSHIP (Corporation)

(For Use by a Corporation)

This plat is hereby executed and delivered by .....  
..... (name of corporation) which is the owner  
(or equitable owner) of the property shown on this plan, and the  
said plan was made by the authority of the corporation.

In witness whereof ..... (named corporation)  
has duly caused this to be executed by its President, .....  
....., and by its Secretary, .....,  
and its corporate seal to be affixed thereto this ..... day of  
....., 19 .....

.....  
Corporation

BY:

.....  
President

(corporate)  
(seal)

ATTEST:

.....  
Secretary

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Commonwealth of Pennsylvania  
County of Schuylkill

On the ..... day of ....., 19...., before me  
the subscriber, a Notary Public for the Commonwealth of Penn-  
sylvania, residing in the County of Schuylkill, personally ap-  
peared .....

Secretary of ..... who being  
duly sworn according to law, affirms that said person was per-  
sonally present at the execution of the within plat and saw the  
common or corporate seal of the said Corporation duly affixed  
thereto, that the seal so affixed is the common or corporate seal  
of the said Corporation; that the said plat was duly sealed and de-  
livered by .....  
President of the said Corporation as and for the act of deed of said  
Corporation for the uses and purposes therein mentioned, that the  
Corporation is the owner (or equitable owner) of the property  
shown on this plan, and that the names of this deponent as  
Secretary and of .....  
as President of the said Corporation, subscribed to the within plat  
in attestation of its due execution and delivery, are in each of their  
respective handwritings.

Sworn and subscribed before me, the day and year aforesaid.

Witness my hand and seal.

.....  
Notary Public

.....  
Secretary

.....  
My Commission Expires  
(Date)

**SUBDIVISION OF LAND**

**APPENDIX H**

**SUBDIVISION SEWAGE DISPOSAL REPORT**

The following information is required for subdivisions where individual septic tanks and subsurface disposal fields are planned. Three (3) copies of this report, accompanied by the required copies of the preliminary subdivision plan showing the location of test holes, shall be filed in the office of the Commission. The Commission will forward one copy to the County Office of the Pennsylvania Department of Health for its analysis and recommendations and one (1) copy will then be forwarded to this Commission. Percolation tests shall be made and tabulated by a Registered Professional Engineer. The procedures for conducting the tests shall be as required by the Pennsylvania Department of Health.

Name of Subdivider: .....  
Address: .....  
Telephone: .....  
Subdivision Name: .....  
Location: .....  
Total Area ..... Acres. Proposed Typical Lot Area  
..... Sq. Ft.  
Maximum Number of Bedrooms per Dwelling Unit: .....  
Water Supply: ..... Public System .....  
Community System ..... On-Lot Wells  
Distance to nearest public sewage system: .....  
Name of System: .....  
Distance to nearest public water supply: .....  
Name of System: .....  
Is public sewerage planned for the area? .....  
If so, when will it be installed? .....  
Is public water planned for the area? .....  
If so, when will it be installed? .....  
Distance to nearest stream? .....  
Name of stream: .....

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Give information on subsoil conditions to a depth of at least six feet: .....

Give information on water table elevations: .....

The results of the soil percolation tests shall be entered in the Table appearing on sheet 2, which constitutes a part of this report (use as many copies of sheet 2 as are necessary).

.....  
(Date) Signature of Owner or Applicant  
(By) .....

Date of Tests: ..... Received .....

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APPENDIX I

SOIL PERCOLATION TEST REPORT

Test Hole	Time	Depth of Water	Drop	Remarks
No .....	.....	.....	.....	
Depth .....	.....	.....	.....	
Soil Type .....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
Rate of Fall				
..... min/in.	.....	.....	.....	
No .....	.....	.....	.....	
Depth .....	.....	.....	.....	
Soil Type .....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
Rate of Fall				
..... min/in.	.....	.....	.....	
No .....	.....	.....	.....	
Depth .....	.....	.....	.....	
Soil Type .....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
Rate of Fall				
..... min/in.	.....	.....	.....	

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I hereby certify that the above information is true and correct and that these tests were made under my supervision by ..... in accordance with the procedures required by the Planning Commission of the Borough of Coaldale.

.....  
Registered Professional Engineer

My Pennsylvania Registration.....SEAL.....

License No. is ..... Received.....

.....  
Date

SUBDIVISION OF LAND

APPENDIX J

ANALYSIS OF SUBDIVISION  
SEWAGE DISPOSAL REPORT

(By Pennsylvania Department of Health)

We have examined the results of the soil percolation tests and the other information listed in this report. It is the opinion of this office that the tract as a whole is:

..... Suitable for the use of individual septic-tank systems provided:

1. The design of the subdivision provides for each building lot a subsurface disposal field having a gross area of at least ..... sq. ft. per bedroom.
2. The tract, or portions of the tract designated, conforms to the following conditions:

.....  
.....  
.....  
.....  
.....

..... Unsuitable for use of individual septic tank systems for the following reasons:

.....  
.....  
.....

Suggested alternate method of sewage disposal:

.....  
.....  
.....

**COALDALE CODE**

**Pennsylvania Department of Health**

**Reviewing Officer .....**

**Date .....**

**It is understood that the conclusions rendered on this report do not cover the installation of the individual septic tank systems. The design, construction and installation of each facility should be based upon specific conditions affecting each building lot.**

## SUBDIVISION OF LAND

### TABLE I

#### SUBDIVISION REVIEW AND APPROVAL PROCEDURES

- A. Subdivider meets with Commission to determine general conformance with these regulations and such others as may affect proposals for development. (§ 94-8)
- B. Sketch plan and letter of intent presented to Commission at time of considering A above. (§§ 94-8 and 94-12)
- C. Subdivider presents preliminary plan with supporting data to Commission for review. (§§ 94-9 and 94-13)
- D. Commission presents plans to County Planning Commission for review. (§ 94-9)
- E. After review by Commission, County Planning Commission and Pennsylvania Department of Health, Commission notifies subdivider that plan has been approved, approved with modification or disapproved. Subdivider, if necessary, revises plans for Commission approval. (§ 94-9B)
- F. Within one (1) year, subdivider submits final plan for Commission review. Subdivider may submit only that portion of the proposed plan of development as he desires, provided that such portion conforms to the approved preliminary plan. (§ 94-10)
- G. Commission reviews final plan and notifies subdivider and governing body of the municipality of its action on the final plan. (§ 94-10)
- H. Subdivider presents final plan, if approved by the Commission, to the governing body of the municipality for approval. Within thirty (30) days from date of approval by the municipality, the final plan shall be presented to the recorder of deeds of Schuylkill County to be duly recorded. (§ 94-10)



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TABLE II

CHECKLIST OF  
REQUIRED PLAN DATA

	Sketch Plan	Prelimi- nary Plan	Final Plan
Plan showing all planned streets, easements, public properties, drainage courses and other significant features within ½ mile of proposed subdivision at a scale of not less than 1 inch equals 500 feet	X		
Proposed name of subdivision	X	X	X
North arrow, scale, date and legend	X	X	X
Bearings and distances along property boundary		X	X
Street rights-of-way	X	X	X
Easements		X	X
Topographical contour lines		X	
Location of trees with 10-inch or greater diameter		X	
Street names		X	X
Lot lines, block lines and numbers:			
Approximate sizes and distances		X	
Final distances			X
Building setback lines:			
Approximate		X	
Final			X
Registered professional engineer's certification, including signature and seal		X	X

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Engineering plans showing:

Street profiles and percent of slope	X	X
Typical street right-of-way cross section	X	X
Sanitary sewer effluent system, when required	X	X
Stormwater runoff system	X	X
Sanitary water system, when required	X	X
Dedication of streets and other lands for public use	X	X

## SUBDIVISION OF LAND

**TABLE III**  
**MINIMUM LOT STANDARDS FOR RESIDENTIAL, COMMERCIAL**  
**AND INDUSTRIAL SUBDIVISIONS**

### Residential Lot Area and Dimensions

	Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Side Yards		
					One Side (feet)	Total, Both Sides (feet)	Rear Yard (feet)
Lots served with both public water and sewer	8,750	70	125	25	7	14	30
Lots served with either public water or sewer	12,000	80	150	25	8	16	50
Lots not served with public water or sewer	20,000	100	200	25	10	20	50

### Commercial and Industrial Lot Area and Dimensions

Area (acres)	Width (feet)	Depth (feet)	Front Yard (feet)	Side Yards		
				One Side (feet)	Total, Both Sides (feet)	Rear Yard' (feet)
5	330	660	60	20	40	30

**Notes:**

1. May be waived when rear property line abuts a railroad.



## SUBDIVISION OF LAND

**TABLE IV**  
**STANDARDS AND REQUIRED IMPROVEMENTS FOR STREETS, CURBS AND SIDEWALKS<sup>1</sup>**

Type of Street	Street Design and Construction				Geometric Standards					
	Right-of-Way (feet)	Width (feet)	Surface Base Course <sup>2</sup>		Curb Type	Sidewalk Design and Construction Width (feet) Type	Minimum Center-line Radii for Horizontal Curves <sup>3</sup> (feet)	Maximum Grades <sup>4</sup> (percent)	Minimum Sight Distances <sup>5</sup> (feet)	
			Type	Thickness (inches)						
Major traffic streets	80	48	A	C	12	D	6	E	5	400
Collector streets	60	40	A	C	10	D	5	E	8	200
Minor streets	50	38	A	C	8	D	4	E	10	100

**Notes:**

1. Letters refer to the following proposed construction standards:
  - A. Two-and-one-half-inch ID-2 or six (6) inches of reinforced concrete surface course in accordance with the latest edition of the Pennsylvania Department of Highways Specifications.
  - B. Stone base course in accordance with the Pennsylvania Department of Highways Specifications.
  - C. Run of bank gravel in accordance with the specifications of the Commission Engineer.
  - D. Plain cement concrete to be eight (8) inches at the top, nine (9) inches at the bottom and twenty-four (24) inches high with slope to the street side.
  - E. Concrete, four (4) inches in thickness.
2. Whenever reinforced concrete is used as the surface course, the base course is not required.
3. Whenever street lines are deflected in excess of five degrees (5°), connection shall be made by horizontal curves, except that on minor streets, a tangent shall be required between curves.
4. To provide for adequate drainage, minimum grades shall be not less than one-half of one percent (1/2 of 1%).
5. Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of the grade change and to provide the above minimum sight distances.



TAXATION

Chapter 97

TAXATION

ARTICLE I  
Earned Income Tax

- § 97-1. Definitions.
- § 97-2. Imposition of tax.
- § 97-3. Declaration and payment of tax.
- § 97-4. Duties of employers.
- § 97-5. Powers and duties of the Income Tax Officer.
- § 97-6. Suit for collection of tax.
- § 97-7. Interest and penalties.
- § 97-8. Payments and refunds.
- § 97-9. Applicability.
- § 97-10. Fines; violations and penalties.
- § 97-11. Effective date; reenactment.

ARTICLE II  
Deed Transfer Tax

- § 97-12. Title.
- § 97-13. Definitions.
- § 97-14. Imposition of tax.
- § 97-15. Payment of tax; recording.
- § 97-16. Evidence of payment affixed to deed.
- § 97-17. Alternative methods of collection.
- § 97-18. Collection and enforcement.

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§ 97-19. Actual value to be set forth in deed.

§ 97-20. Prohibited actions.

§ 97-21. Violations and penalties.

ARTICLE III  
Occupational Privilege Tax

§ 97-22. Definitions.

§ 97-23. Levy and amount of tax.

§ 97-24. Duties of employers.

§ 97-25. Self-employed individuals within corporate limits of borough.

§ 97-26. Individuals engaged in more than one occupation.

§ 97-27. Employers and self-employed individuals residing beyond corporate limits of borough.

§ 97-28. Powers and duties of Tax Receiver.

§ 97-29. Suit on collections.

§ 97-30. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale: Art. I, 4-7-64; Art. II, 2-11-68; Art. III, 5-13-68. Section 97-11 added and §§ 97-21, 97-23 and 97-30 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

ARTICLE I  
Earned Income Tax  
[Adopted 4-7-64]

§ 97-1. Definitions.

The following words and phrases, when used in this Article, shall have the meaning ascribed to them in this section, except where the context clearly indicates or requires a different meaning.

**ASSOCIATION** — A partnership, limited partnership or any other unincorporated group of two (2) or more persons.

**BUSINESS** — An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association or any other entity.

**CORPORATION** — A corporation or joint-stock association organized under the laws of the United States, the Commonwealth of Pennsylvania or any other state, territory, foreign country or dependency.

**EARNINGS** — Salaries, wages, commissions and other compensation as defined in this Article.

**EMPLOYER** — An individual, partnership, association, corporation, governmental body or unit or agency or any other entity employing one (1) or more persons on a salary, wage, commission or other compensation basis.

**NET PROFITS** — The net income from the operation of the business profession or other activity, after provisions for all costs and expenses incurred in the conduct thereof, either paid or accrued in accordance with the accounting system used in such business, profession or other activity, but without deduction of taxes based on income.

**NONRESIDENT** — An individual, partnership, association or other entity domiciled outside the Borough of Coaldale.

**PERSON** — A natural person, partnership, corporation, fiduciary or association. When used in any section prescribing and imposing a penalty, the term "person," as applied to associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof.

**RESIDENT** — An individual, partnership, association or other entity domiciled in the Borough of Coaldale.

**SALARIES, WAGES, COMMISSIONS and OTHER COMPENSATION** — Salaries, wages, commissions, bonuses, incentive payments, fees and tips that may accrue

or be received by an individual for services rendered, whether directly or through an agent and whether in cash or in property, not including periodic payments for sick or disability benefits and those commonly recognized as old-age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment or public assistance or employment compensation payments made by any government agency or any wages or compensation paid by the United States to any person for active service in the Army, Navy or Air Force of the United States or any bonus or additional compensation paid by the United States or the Commonwealth of Pennsylvania or any other state for such service.

**TAXABLE** — Subject to the tax imposed by this Article.

**TAXPAYER** — A person, whether an individual, partnership, association or any other entity, required hereunder to file a return of earnings or net profits or to pay a tax thereon.

**INCOME TAX OFFICER** — A person designated by the Borough Council of the Borough of Coaldale to administer the provisions of the Earned Income Tax Ordinance.

**§ 97-2. Imposition of tax.**

- A. A tax for general revenue purposes of one percent (1%) is hereby imposed on the following:
- (1) Salaries, wages, commissions and other compensation earned on and after July 1, 1964, by individual residents of the Borough of Coaldale.
  - (2) Salaries, wages, commissions and other compensation earned on and after July 1, 1964, by individual nonresidents of the Borough of Coaldale in the Borough of Coaldale.
  - (3) Net profits, earned on and after July 1, 1964, by residents of the Borough of Coaldale.

- (4) Net profits, earned on and after July 1, 1964, in the Borough of Coaldale by nonresidents of the Borough of Coaldale.
- B. The tax levied under Subsections (1) and (2) herein shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to a person who is employed by him. The tax levied under Subsections (3) and (4) herein shall relate to and be imposed on the net profits of any business, profession or other activity carried on by any person or persons.
- C. Every corporation which is subject to the Pennsylvania Corporate Net Income Tax or exempt from the Pennsylvania Corporate Net Income Tax and every foreign corporation which is subject to the Pennsylvania Franchise Tax or exempt from the Pennsylvania Franchise Tax, shall be exempt from the tax imposed by this Article.
- D. The tax levied by this Article shall be applicable to salaries, wages, commissions and other compensation and to net profits earned in the period beginning January 1, 1965, and ending December 31, 1965. [Amended 12-14-64]

**§ 97-3. Declaration and payment of tax.**

**A. Net profits.**

- (1) Every person hereinafter called "taxpayer," who reasonably expects that he will earn any taxable net profits during the period between January 1, 1965, and December 31, 1965, shall, on or before April 15, 1965, make and file with the Income Tax Officer on a form prescribed by the Income Tax Officer, a declaration of his estimated net profits for the period beginning January 1, 1965, and ending December 31, 1965, setting forth the estimated amount of net profits reasonably expected by him for said period and subject to the tax; the amount of estimated tax imposed by this Article on such estimated net profits;

and such other relevant information as the Income Tax Officer may require. The taxpayer making the declaration shall, at the time of the filing thereof, pay the Borough of Coaldale one-fourth ( $\frac{1}{4}$ ) of the estimated tax shown as due thereon, and such taxpayer shall thereafter pay one-fourth ( $\frac{1}{4}$ ) of the estimated tax on or before June 15 of the calendar year, one-fourth ( $\frac{1}{4}$ ) of the estimated tax on September 15 of the calendar year and the remaining one-fourth ( $\frac{1}{4}$ ) of the estimated tax on January 15 next following the close of the calendar year. [Amended 12-14-64]

- (2) A person who, on April 15, 1965, did not reasonably expect that he would earn any taxable net profits during the period between January 1, 1965, and December 31, 1965, and who, subsequent to April 15, 1965, reasonably expects that he will earn taxable net profits on or before December 31, 1965, shall make and file on or before June 15, 1965, a declaration similar to that required under foregoing Subsection (1). The taxpayer making the declaration shall, at the time of filing thereof, pay to the Borough of Coaldale the estimated tax shown as due thereon; provided, however, that the taxpayer shall have the right to pay one-third ( $\frac{1}{3}$ ) of such estimated tax at the time of filing the declaration, one-third ( $\frac{1}{3}$ ) of the estimated tax on September 15, 1965, and the remaining one-third ( $\frac{1}{3}$ ) of the estimated tax on January 15 next following the close of the calendar year. [Amended 12-14-64]
- (3) A person who on July 15, 1965, did not reasonably expect that he would earn any taxable net profits during the period between April 1, 1965, and December 31, 1965, and who subsequent to July 15, 1965, reasonably expects that he will earn taxable net profits on or before December 31, 1965, shall make and file, on or before September 15, 1965, or January 15, 1966, whichever of these dates next follows the date on which the taxpayer first expects such net profits, a declaration similar to the one required under the fore-

going Subsection (1). The taxpayer making the declaration shall, at the time of filing thereof, pay to the Borough of Coaldale the estimated tax shown as due thereon; provided, however, that the taxpayer shall have the right to pay the estimated tax in equal installments on or before the installment payment dates which remain after the filing of the declaration. [Added 12-14-64]

- (4) The Income Tax Officer is hereby authorized to provide, by regulation, for the making and filing of adjusted declarations of estimated net profits and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required shall thereafter either reasonably expect additional net profits not previously declared or find that he has overestimated his net profits.
- (5) On or before April 15, 1966, every taxpayer who has earned taxable net profits, shall make and file with the Income Tax Officer, on a form prescribed by him, a final return showing all of such net profits for the period beginning January 1, 1965, and ending on December 31, 1965, the total amount of tax due, the amount of estimated tax paid under provisions of this section and balance due. When the return is made for a fiscal year different from the calendar year, the return shall be made within one hundred five (105) days from the end of said fiscal year. The percentage of the total net profits of any calendar or fiscal year of a taxpayer beginning or ending within the period beginning January 1, 1965, and ending December 31, 1965, to which the tax imposed by this Article shall be applicable, shall be equal to the same percentage of such total net profits as the number of days in any such year within such period bears to the total number of days in any such year. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment. [Amended 12-14-64]

- (6) Every taxpayer who discontinues business prior to December 31, 1964, shall within thirty (30) days after the discontinuance of business, file his final return as hereinabove required and pay the tax due or demand refund or credit in the case of overpayment.

B. Salaries, wages, commissions and other compensation.

- (1) Every taxpayer who is employed on a salary, wage, commission or other compensation basis and who reasonably expects to earn any taxable earnings not subject to the provisions of § 97-4 of this Article shall, on or before April 15, 1965, make and file with the Income Tax Officer a declaration of his estimated total amount of taxable salaries, wages, commissions and other compensation for the period beginning January 1, 1965, and ending December 31, 1965; the estimated amount of the tax thereon that will be deducted therefrom pursuant to § 97-4 of this Article; the estimated amount of tax imposed by said Article that will not be deducted therefrom pursuant to § 97-4 of said Article; and such other relevant information as the Income Tax Officer may require. In preparing his declaration of estimated taxable salaries, wages, commissions and other compensation taxable under this Article, the taxpayer shall use the same amounts with respect to such items as he shall have used in preparing his declaration of estimated tax for the year 1965 for federal income tax purposes, if such taxpayer shall be required to file any such last-mentioned declaration. [Amended 12-14-64]
- (2) A person who on April 15, 1965, did not reasonably expect that he would earn any salaries, wages, commissions and other compensation not subject to the provisions of § 97-4 of this Article during the period between January 1, 1965, and December 31, 1965, and who, subsequent to April 15, 1965, reasonably expects that he will earn salaries, wages, commissions and other compensation not subject to the provisions of § 97-4 of this Article on or before

December 31, 1965, shall make and file on or before June 15, 1965, a declaration similar to that required under the immediately foregoing subsection. The taxpayer making the declaration shall, at the time of filing thereof, pay to the Borough of Coaldale the estimated tax shown as due thereon; provided, however, that the taxpayer shall have the right to pay one-third ( $\frac{1}{3}$ ) of such estimated tax at the time of filing the declaration, one-third ( $\frac{1}{3}$ ) of the estimated tax on September 15, 1965, and the remaining one-third ( $\frac{1}{3}$ ) of the estimated tax on January 15 next following the close of the calendar year. [Amended 12-14-64]

- (3) The Income Tax Officer is hereby authorized to provide, by regulation, for the making and filing of adjusted declarations of estimated salaries, wages, commissions and other compensation and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required shall thereafter either reasonably expect additional salaries, wages, commissions and other compensation not previously declared or find that he has overestimated his salaries, wages, commissions and other compensation.
- (4) On or before April 15, 1966, every taxpayer who has received taxable salaries, wages, commissions and other compensation shall make and file with the Income Tax Officer, on a form prescribed by him, a final return showing all such salaries, wages, commissions and other compensation earned during the period beginning January 1, 1965, and ending December 31, 1965; the total amount of taxes due thereon; the amount of estimated tax paid under provisions of this section, if any; and the amount, if any, of tax thereon that has been withheld pursuant to the provisions of § 97-4 of this Article; and the balance of the tax due. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand

for refund or credit in the case of overpayment.  
[Amended 12-14-64]

§ 97-4. Duties of employers.

- A. Every person within the Borough of Coaldale who employs one (1) or more persons on a salary, wage, commission or other compensation basis, other than domestic servants, shall deduct at the time of payment thereof the tax imposed by this Article on the salaries, wages, commissions and other compensation due to this employee or employees and shall on or before April 31, 1965, and January 31, 1966, respectively, make and file with the Income Tax Officer a return setting forth the taxes so deducted and pay to the Borough of Coaldale the amount of taxes deducted for the preceding periods ending March 31, 1965, June 30, 1965, September 30, 1965, and December 31, 1965, respectively.  
[Amended 12-14-64]
- B. On or before March 15, 1965, every such employer shall file with the Income Tax Officer on forms prescribed by him:
- (1) An annual return showing the total amount of salaries, wages, commissions and other compensation earned by his employee or employees on which tax is imposed by this Article; the total amount of tax deducted; and the total amount of tax paid to the Borough of Coaldale in respect to salaries, wages, commissions and other compensation earned by his employee or employees during the period beginning January 1, 1965, and ending December 31, 1965.  
[Amended 12-14-64]
  - (2) A return in respect of each person who was an employee during all or any part of the period beginning January 1, 1965, and ending December 31, 1965, and who, during such period, earned any salaries, wages, commissions or other compensation subject to the tax imposed by this Article setting forth the employee's name, address and social security number; the amount of such salaries, wages, commissions or other com-

pensation earned by the employee during said period; the amount of tax deducted therefrom; and such other relevant information as the Income Tax Officer may require. Every employer shall furnish a copy of the individual return to the employee in respect of whom it was filed. [Amended 12-14-64]

- C. Every employer who discontinues business prior to December 31, 1964, shall, within thirty (30) days after the discontinuance of business, file the returns hereinabove required and pay the tax due.
- D. The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or from complying with the requirements of this Article relating to the filing of declarations and returns.
- E. If an employer makes a deduction of tax as required by this section, the amount deducted shall constitute in the hands of such employer a trust fund held for the account of the Borough of Coaldale as beneficial owner thereof, and the employee from whose salaries, wages, commissions or other compensation such tax was deducted shall be deemed to have paid such tax.

**§ 97-5. Powers and duties of the Income Tax Officer.**

- A. It shall be the duty of the Income Tax Officer to collect and receive the taxes, fines and penalties imposed by this Article. It shall be his duty to keep a record showing the amount received by him from each person paying the tax and, if paid by such person in respect of another person, the name of such other person and the date of such receipt.
- B. The Income Tax Officer is hereby charged with the administration and enforcement of the provisions of this Article, and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Article, including provisions for the

reexamination and correction of declarations and returns and of payments alleged or found to be incorrect or as to which an overpayment is claimed or found to have occurred and to prescribe forms necessary for the administration of this Article.

- C. The Income Tax Officer and agents designated in writing by him are hereby authorized to examine the books, papers and records of any person in order to verify the accuracy of any declaration or return or, if no declaration or return was filed, to ascertain the tax due. Every person is hereby directed and required to give to the Income Tax Officer or to any agent so designated by him the opportunity for such examinations and investigations as are hereby authorized.
- D. Any information gained by the Income Tax Officer, his agents or by any other official, agent or employee of the Borough of Coaldale as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this Article shall be confidential and shall not be disclosed to any person, except for official use in connection with the administration or enforcement of this Article or as otherwise provided by law.
- E. Any person aggrieved by any action of the Income Tax Officer shall have the right of appeal as provided by law.

**§ 97-6. Suit for collection of tax.**

- A. The Income Tax Officer may sue in the name of the Borough of Coaldale for the recovery of taxes due and unpaid under this Article.
- B. Any suit brought to recover the tax imposed by this Article shall be begun within six (6) years after such tax is due or within six (6) years after a declaration or return has been filed, whichever date is later; provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:

- (1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under the provisions of this Article.
- (2) In the case of a false or fraudulent declaration or return with the intent to evade tax.
- (3) Where any person has deducted taxes under the provisions of this Article and has failed to pay the amounts so deducted to the Borough of Coaldale.

**§ 97-7. Interest and penalties.**

If, for any reason, the tax is not paid when due, interest at the rate of six percent (6%) per annum on the amount of said tax, and an additional penalty of one-half of one percent ( $\frac{1}{2}$  of 1%) of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected. Where suits are brought for the recovery of any such tax, the person liable therefor shall in addition be liable for the costs of collection and the interest and penalties herein imposed.

**§ 97-8. Payments and refunds.**

The Income Tax Officer is hereby authorized to accept payment of the amount of tax claimed by the borough in any case where any person disputes the validity or amount of the borough's claim for the tax. If it is thereafter judicially determined by a court of competent jurisdiction that there has been an overpayment to the Income Tax Officer, the amount of the overpayment shall be refunded to the person who paid.

**§ 97-9. Applicability.**

A. The tax imposed by this Article shall not apply:

- (1) To any person as to whom it is beyond the legal power of the Borough of Coaldale to impose the tax herein provided for under the Constitution of the United States and the Constitution and Laws of the Commonwealth of Pennsylvania.

(2) To the net profits of any institution or organization operated for public, religious, educational or charitable purposes, to an institution or organization not organized or operated for the private profit or to a trust or a foundation established for any of said purposes.

B. This section shall not be construed to exempt any person who is an employer from the duty of collecting the tax at source of his employees and paying the amount collected to the Borough of Coaldale under the provisions of § 97-4 of this Article.

**§ 97-10. Fines; violations and penalties.**

A. Any person who fails, neglects or refuses to make any declaration or return required by this Article; any employer who fails, neglects or refuses to pay the tax deducted from his employees; any person who refuses to permit the Income Tax Officer or any agent properly designated by him to examine his books, records and papers; and any person who makes any incomplete, false or fraudulent return to avoid the payment of the whole or any part of the tax imposed by this Article shall, upon conviction thereof before any Justice of the Peace or the Mayor, be sentenced to pay a fine of not more than three hundred dollars (\$300.) for each offense and costs and, in default of payment of said fine and costs, to be imprisoned in the Schuylkill County Jail for a period not exceeding thirty (30) days.

B. Any person who, except as permitted by the provisions of Subsection D of § 97-5 of this Article, divulges any information which is confidential under the provisions of said subsection shall, upon conviction thereof before any Justice of the Peace or the Mayor, be sentenced to pay a fine of not more than one hundred dollars (\$100.) for each offense and costs and, in default of payment of said fine and costs, to be imprisoned in the Schuylkill County Jail for a period not exceeding thirty (30) days.

- C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this Article.
- D. The failure of any person to receive or procure the forms required for making any declaration or return required by this Article shall not excuse him from making such declaration or return.

**§ 97-11. Effective date; reenactment.<sup>1</sup>**

This Article shall become effective on the seventh day of April, A.D. 1964, and shall remain in full force and effect for the fiscal year 1964. It is further intended that this Article shall remain in full force and effect on a calendar-year basis without annual reenactment until the specific repeal of this Article by the Council of the Borough of Coaldale. In subsequent years, however, both the declaration and payment of the tax, as set forth in § 97-3, and the collection of the tax at the source, as provided in § 97-4, shall be upon the calendar year, and the tax imposed thereafter shall be upon the taxable subject of this Article for the entire taxable year.

ARTICLE II  
**Deed Transfer Tax**  
[Adopted 2-11-68]

**§ 97-12. Title.**

This Article shall be known and may be cited as the "Borough of Coaldale Real Estate Transfer Tax."

**§ 97-13. Definitions.**

The following words or phrases, when used in this Article, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

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<sup>1</sup> Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ASSOCIATION — Any partnership, limited partnership or other form of unincorporated enterprise owned by two (2) or more persons.

DEED — Any deed, document, instrument or writing, other than a lease, agreement of sale, mortgage, ground rent or testamentary writing, whereby the legal title to lands, tenements or hereditaments or any real estate therein shall be granted, bargained, sold, transferred, conveyed, assigned or otherwise vested in the grantee, purchaser or any other person or corporation.

PERSON — Every natural person, copartnership, association or corporation. Whenever used in any clause prescribing or imposing a penalty, or both, the term "person," as applied to copartnership or limited partnership shall mean the partners or members thereof and as applied to corporation, limited partnership shall mean the partners or members thereof.

TRANSACTION, TRANSFER — Any act, settlement, proceeding or process whereby the legal title to any land, tenements or hereditaments or other real property or any real interest therein, situate wholly or in part within the boundaries of the Borough of Coaldale, shall by deed be granted, bargained, sold, transferred, conveyed, assigned or otherwise vested. There are exempt from this tax such transactions as are made exempt by said Act No. 511 of the General Assembly of the Commonwealth of Pennsylvania known as the "Local Tax Enabling Act" as amended.

VALUE — In the case of any transaction, transfer or privilege, the amount of the actual consideration therefor, including liens or other encumbrances thereon, together with any other evidence of indebtedness or promises, either oral or written, given by or in behalf, as full or part consideration for the said deed, provided that where such deed shall set forth a small or nominal consideration, the "value" thereof shall be determined from the price set forth in the contract or agreement of sale or, in the case of a gift, from the actual monetary worth or value of the property granted, bargained, sold, or otherwise conveyed at the

time of such grant, bargain, sale or conveyance, which in either event shall not be less than the amount of the highest assessment of such land, tenements or hereditaments for the Borough of Coaldale tax purposes.

**§ 97-14. Imposition of tax.**

On and after the effective date of this Article, on every transaction, transfer or privilege arising therefrom, whereby any lands, tenements or hereditaments or any interest therein lying, being and situate wholly or in part within the boundaries of the Borough of Coaldale shall be granted, bargained, sold or otherwise conveyed a tax for general purposes of the Borough of Coaldale at the rate of one percent (1%) of the value of the property as hereinabove defined within the territorial limits of the Borough of Coaldale is hereby assessed, imposed and levied.

**§ 97-15. Payment of tax; recording.**

This tax shall be due and payable and shall be paid by the grantee or grantees named in the deed at the time of the making and execution thereof and shall be paid by said grantee or grantees prior to the recording of said deed or conveyance.

**§ 97-16. Evidence of payment affixed to deed.**

The payment of the tax imposed by this Article shall be evidenced on the deed by a stamp or impression indicating the amount of tax paid, affixed or applied to every deed. Said stamp or impression shall be initialed by the Council of the Borough of Coaldale or by one of its designated agents.

**§ 97-17. Alternative methods of collection.**

The Borough of Coaldale may, from time to time, provide such other means of collecting the tax imposed by virtue thereof or of evidencing the payment thereof as may be considered appropriate under the circumstances.

**§ 97-18. Collection and enforcement.**

The Borough Council of the Borough of Coaldale is hereby charged with the collection of this tax and the enforcement of its provisions. The Council is authorized and directed to have the necessary stamping of impression devices manufactured and placed in the hands of agents designated by the Council to whom persons required to pay the tax may present their deed, pay the tax and have the deed stamped, evidencing payment of the tax. An agent may be paid a commission fixed by the Council of the Borough of Coaldale. The Council is authorized to make the necessary rules and regulations for the collection of the tax.

**§ 97-19. Actual value to be set forth in deed.**

Every deed, upon which a tax is imposed by this Article shall set forth therein the true, full, complete and actual value thereof or shall be accompanied by an affidavit, executed by a responsible person connected with the transaction, showing such connection and setting forth the true, full, complete and actual value thereof or the reason for exemption which may be claimed as to such instrument.

**§ 97-20. Prohibited actions.**

It shall be unlawful for any person to:

- A. Fail to pay the tax imposed by this Article.
- B. Make use of any impression or endorsement upon said deed to denote payment of the tax imposed by this Article without actual payment of said tax or to make any impression or endorsement upon said deed to denote that the transaction is tax exempt under this Article.

**§ 97-21. Violations and penalties.<sup>2</sup>**

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

<sup>2</sup> 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 proceeding 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  
Occupational Privilege Tax  
[Adopted 5-13-68]

§ 97-22. Definitions.

The following words and phrases, when used in this Article, shall have the meaning ascribed to them in this section unless the context clearly indicates a different meaning:

**BOROUGH** — The area within the corporate limits of the Borough of Coaldale, Schuylkill County, Pennsylvania, as now constituted and including any area or areas annexed hereto in the future during the effective period or renewals thereof this Article.

**EMPLOYER** — An individual, partnership, limited partnership, association, governmental body, agency, corporation or other entity that engages the services within the borough of any individual and makes payment to said individual whether by salary, wages, commission or any other thing of value, including a self-employed person.

**HE, HIS, or HIM** — Indicates the singular and plural number as well as male, female and neuter gender.

**INDIVIDUAL** — Any person, male or female, engaged in any occupation of any nature, type or kind whatsoever, within the corporate limits of the Borough of Coaldale.

**OCCUPATION** — Any trade, profession, business or undertaking of any type or kind carried on or performed within the corporate limits of the Borough of Coaldale for which compensation is received, whether by means of

salary, wages, commission or for services rendered, except, however, where an individual maintains and by affidavit reports to the tax receiver a principal office or principal place of employment outside the limits of the Borough of Coaldale, which said individual is subject to a tax on the privilege of being employed within the municipal subdivision or school district of his principal office or principal place of business, and except further, however, that the individual earnings less than five hundred dollars (\$500.) of gross income from any trade, profession, business or undertaking of any kind carried on or performed within the borough limits shall be excepted from the imposition of the tax.

**TAX** — The occupational privilege tax in the amount of ten dollars (\$10.) levied by this Article.

**TAX RECEIVER** — The person designated by the Borough of Coaldale for the collection of this occupational privilege tax.

**§ 97-23. Levy and amount of tax.<sup>3</sup>**

The borough hereby imposes on each individual engaged in an occupation within the corporate limits of the borough during the calendar year 1968, and to be continued annually thereafter, a tax of ten dollars (\$10.) upon the privilege of engaging in such occupation. This tax is in addition to any or all other taxes of any kind or nature heretofore levied by the borough.

**§ 97-24. Duties of employers.**

Each employer within the borough is hereby charged with the duty of collecting and paying over to the Borough Tax Receiver from each employee engaged in his services, said tax of ten dollars (\$10.) per year upon each individual employed by said employer who performs services on behalf of said employer within the borough or who is engaged in an occupation, as herein defined, for

<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

the benefit of the said employer or in the service of said employer within the corporate limits of the borough. Each employer shall make a return and payment of said tax whether said employee is paid by salary, wages or commission. Each employer shall prepare and file a return showing a computation of the tax on a form to be obtained by him from the Borough Tax Receiver. Each employer in filing his return and making payment by deduction from salary, wages, commissions or other compensation payable to him from his employees shall be entitled to retain a commission calculated at two percent (2%) on the gross tax due and payable by each individual, provided that such tax is collected and paid over to the Tax Receiver by the employer within sixty (60) days first following the first day of January 1968, the due date of said tax or within sixty (60) days from the pay period in which the compensation paid to any employee exceeds the sum of five hundred dollars (\$500.), whichever is later. It is further provided that if the employer fails to file said return and pay said tax but makes collection thereof from the salary, wages or commissions paid by him to said employee, the employer shall be responsible for payment of the tax in full without and deductions or commissions as though the tax had originally been levied against him.

**§ 97-25. Self-employed individuals within corporate limits of borough.**

Each self-employed individual who performs any services of any kind within the corporate limits of the borough, whether same be regarded either as a profession, trade or business, shall be required to comply with this Article and to pay an occupational privilege tax of ten dollars (\$10.) for himself, due, without discount, within sixty (60) days first following the first day of January, 1968, or within sixty (60) days from which said self-employed person earns a gross income of five hundred dollars (\$500.), whichever is later.

**§ 97-26. Individuals engaged in more than one occupation.**

A. Each individual who shall have more than one (1) occupation within the borough shall be subject to the

payment of the annual occupational tax solely upon his principal occupation, and his principal employer shall deliver to him a certificate of payment in a form to be furnished to the employer by the Borough Tax Receiver certifying to any other employment of such individual that said occupational tax has been paid to the Borough Tax Receiver. Any employer receiving such certificate of payment of the occupational tax by another employer by deduction from said individual shall not deduct or collect the occupational tax imposed by this Article.

- B. It is the intent of this Article that no individual shall pay more than ten dollars (\$10.) in any calendar year as an occupational privilege tax, irrespective of the number and variety of jobs, trades or occupations engaged in by said individual and irrespective of the number of political subdivisions within which any individual may be employed. Individuals maintaining occupations in the borough and in other political subdivisions or school districts which also impose a like tax to which said individual is subject shall be excused from the payment of the tax levied by this Article upon the filing of an affidavit with the Tax Receiver to this effect and to the effect that said individuals' principal office or principal place of employment is outside the borough.

**§ 97-27. Employers and self-employed individuals residing beyond corporate limits of borough.**

All employers and self-employed individuals residing or having their places of business outside of the borough, but who perform services of any type or kind or engage in any occupation or profession within the borough do by virtue thereof agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Article with the same force and effect as though they were residents of the borough. Further, any individual engaged in an occupation within the borough and employee of a nonresident employer may, for the purpose of this Article, be considered a self-employed person and, in the event this tax is not paid, the borough shall have the option of

proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

**§ 97-28. Powers and duties of Tax Receiver.**

- A. It shall be the duty of the Borough Tax Receiver to collect and receive the taxes, fines or penalties imposed by this Article. It shall also be his duty to keep a record showing the amount received by him from each self-employed person paying the tax and date of such receipt, and further, it shall be his duty to keep a record of the amount received by him from every employer paying the tax on behalf of his employees by deduction made by such employer from the salary, wages, commissions or other forms of recompense. Said accounts shall be audited annually at the direction and expense of the borough.
- B. The Borough Tax Receiver is hereby charged with the administration and enforcement of the provisions of this Article and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Article, including a provision for the examination of the payroll records of any employer within or without the borough and, further, for the reexamination of any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Borough Tax Receiver shall have the right to appeal first to the Council of the borough and thereafter to the Court of Common Pleas of Schuylkill County as in other cases provided.
- C. The Borough Tax Receiver is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by any employer on behalf of his employees or, if no return was made, to ascertain the occupational privilege tax due. Each employer located or residing in or outside the borough is hereby directed and required to give to the Borough Tax Receiver the means, facilities and opportunity for such examination and investigations as are hereby authorized.

- D. If the said tax is not paid when due in each fiscal year, interest thereon shall begin to accrue at the rate of six percent (6%) per annum on the amount of said tax remaining unpaid sixty (60) days after due.

**§ 97-29. Suit on collections.**

- A. In addition to any other remedies provided by law, the Borough Tax Receiver may sue for the recovery of any tax due or unpaid under this Article.
- B. Where suit is brought for the recovery of this tax, the individual liable thereafter shall, in addition to the interest as set forth in § 97-27D be responsible and liable for the costs of collection and penalties herein imposed.

**§ 97-30. Violations and penalties.<sup>4</sup>**

Whoever makes any false or untrue statement on any return required by this Article, or who refuses inspection of his books, records or accounts in his custody or control, in order to determine the number of employees subject to the occupational tax who are in his employment or whoever fails or refuses to file any return required by this Article shall, upon conviction before the Mayor or any Justice of the Peace, be sentenced to pay a fine of not more than three hundred dollars (\$300.) for each offense, and in default of payment of said fine to be imprisoned in Schuylkill County Prison for a period of not to exceed thirty (30) days for each offense.

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<sup>4</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**VEHICLES AND TRAFFIC**

**Chapter 100**

**VEHICLES AND TRAFFIC**

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ARTICLE IV  
Snow and Ice Emergencies

- § 100-22. Declaration of emergency.
- § 100-23. Parking prohibited on certain streets.
- § 100-24. Placement of signs.
- § 100-25. Violations.

ARTICLE V  
Penalties

- § 100-26. Violations and penalties.

[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.]

ARTICLE I  
General Provisions

- § 100-1. Definitions and word usage.
  - A. Words and phrases, when used in this chapter, shall have the meanings ascribed to them in The Vehicle Code of Pennsylvania, as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

- B. The term "legal holidays" as used in this chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas, or days celebrated as such.
- C. In this chapter the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

**§ 100-2. Adoption of permanent traffic and parking regulations.**

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or parts of ordinances or as amendments to ordinances of the Borough of Coaldale.

**§ 100-3. Temporary and emergency regulations.**

- A. The Chief of Police shall have the following powers to regulate traffic and parking temporarily and in time of emergency:
  - (1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.
  - (2) In the case of emergency or to facilitate public works or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than seventy-two (72) hours.
- B. Such temporary and emergency regulations shall be enforced by the Chief of Police and Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulation or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature.

**§ 100-4. Experimental regulations.**

- A. The Chief of Police may, from time to time, designate places upon and along the highways in the borough where, for a period of not more than ninety (90) days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective just as if they had been specified in this chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section.
- B. The purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the borough relative to traffic and parking.

**§ 100-5. Enforcement.**

This chapter shall be enforced by the police officers of the Borough of Coaldale who are hereby given authority to direct traffic on the highways and intersections of the borough in accordance with the provisions of this chapter and the laws of the Commonwealth of Pennsylvania.

ARTICLE II  
Traffic Regulations

**§ 100-6. Use of sidewalks by motor vehicles.**

No person shall operate a motor vehicle or tractor upon any sidewalk in the borough; nor shall any person operate a motor vehicle upon or across any sidewalk except in order to gain access to or egress from a driveway or alley at such locations where the curb, if such sidewalk is curbed, shall have been properly cut down for the purpose.

**§ 100-7. Speed limits established.**

The maximum speed at which vehicles may proceed on or along the streets and highways within the borough is hereby established at fifteen (15) miles per hour except for those streets or highways upon which the speed is regulated by the State Department of Transportation or except as indicated below:

Name of Street	Speed Limit	Limits
		(Reserved)

**§ 100-8. One-way highways established.**

The highways or parts of highways described below are hereby designated as one-way streets in the direction indicated:

Highway	Direction of Travel	Limits
Early Street	East	From Fifth Street to Sixth Street
Fisher Avenue	North	From High Street to Ridge Street
Howard Avenue	West	From Second Street to Seventh Street
Miner Street	West	Within borough limits
Moser Avenue	East	From Second Street to Third Street
Moser Avenue	West	From Third Street to Fifth Street
Seventh Street	North	From Howard Avenue to Phillips Street

**§ 100-9. U-turns.**

It shall be unlawful for the operator of a motor vehicle or tractor to make a U-turn on any streets within the borough limits of the Borough of Coaldale.

**§ 100-10. Through highways established.**

The highways described below are hereby established as through highways, and the operator of every vehicle or tractor upon approaching any such highway at any intersection thereof (except for such intersections where there are now or shall hereafter be located official traffic signals) shall come to a full stop, within a reasonable distance, before entering any such through highway:

Highway	Limits
(Reserved)	

**§ 100-11. Stop intersections established.**

The intersections described below (in addition to the highways intersecting with the through highways established in § 100-10) are hereby established as stop intersections, and official stop signs shall be erected in such a position upon the first-named highway as to face traffic approaching the second-named highway in the direction or directions indicated. All vehicles and tractors approaching any such intersection upon the first-named highway, in the direction or directions indicated in each case, shall come to a full stop, within a reasonable distance, before entering any such intersection:

Stop Sign on	Direction of Travel	At Intersection of
[* Indicates three- or four-way stop intersections]		
Asthma Road	East	West Water Street
Avenue A	East	Bull Run Street
*Bull Run Street	North/ south	West Phillips Street
Bull Run Street	North	West Water Street
Coal Street	North	East Phillips Street
East Early Avenue	East	Second Street
East Early Avenue	West	Fourth Street

Stop Sign On	Direction of Travel	At Intersection of
East High Street	East/ west	East Street
East High Street	East/ west	First Street
East High Street	East/ west	Second Street
*East High Street	West	Fourth Street
East Howard Avenue	East	Second Street
East Howard Avenue	West	Fourth Street
East Lehigh Street	West	Fourth Street
East Moser Avenue	West	Fourth Street
East Moser Avenue	West	Third Street
East Phillips Street	East/ west	East Street
East Phillips Street	East/ west	First Street
East Phillips Street	East/ west	Second Street
*East Phillips Street	East/ west	Third Street
*East Phillips Street	West	Fourth Street
East Ridge Street	East/ west	First Street
East Ridge Street	East/ west	Second Street
East Ruddle Street	East	Second Street
*East Ruddle Street	West	Fourth Street
*Fifth Street	North/ south	West High Street
*Fifth Street	North/ south	West Phillips Street

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Stop Sign on	Direction of Travel	At Intersection of
Fifth Street	North/ south	West Water Street
Fifth Street	South	West Lehigh Street
First Street	North/ south	East Water Street
Fisher Avenue	North	East Phillips Street
Fisher Avenue	North	East Ridge Street
Foster Avenue	North	Minor Street
Fourth Street	North	East Ridge Street
*Fourth Street	North	East High Street
*Fourth Street	South	West High Street
*Fourth Street	North	East Phillips Street
*Fourth Street	South	West Phillips Street
*Fourth Street	North	East Ruddle Street
*Fourth Street	South	West Ruddle Street
Fourth Street	South	West Lehigh Street
Greenwood Street	East/ west	West Water Street
Lower Greenwood Street	East	Greenwood Street
Minor Street	East/ west	West Water Street
No. 10 Road	South	Greenwood Street
Pine Street	North	West Water Street
Second Street	North	East Water Street
Seventh Street	North	West Phillips Street
Seventh Street	North	West Ridge Street
Sixth Street	North/ south	West High Street
*Sixth Street	North/ south	West Phillips Street

Stop Sign on	Direction of Travel	At Intersection of
Sixth Street	North	West Ridge Street
Snyder Avenue	North	West Water Street
Third Street	North/ south	East High Street
Third Street	North/ south	East Lehigh Street
*Third Street	North/ south	East Phillips Street
Third Street	North	East Ridge Street
Third Street	North/ south	East Ruddle Street
Upper Miner Street	South	Avenue A
Upper Miner Street	West	Miner Street
West Early Avenue	East/ west	Fifth Street
West Early Avenue	East/ west	Sixth Street
*West High Street	East	Fourth Street
*West High Street	East/ west	Fifth Street
West Howard Avenue	East/ west	Fifth Street
West Lehigh Street	East	Fourth Street
West Lehigh Street	East/ west	Fifth Street
West Moser Avenue	West	Fifth Street
West Moser Avenue	West	Sixth Street
*West Phillips Street	East	Fourth Street
*West Phillips Street	East/ west	Fifth Street

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<b>Stop Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
*West Phillips Street	East/ west	Sixth Street
West Phillips Street	East/ west	Seventh Street
*West Phillips Street	West	Bull Run Street
West Ridge Street	East/ west	Fifth Street
West Ridge Street	North	West Water Street
*West Ruddle Street	East	Fourth Street
West Ruddle Street	East/ west	Fifth Street
West Ruddle Street	East/ west	Sixth Street
West Ruddle Street	East/ west	Seventh Street

**§ 100-12. Operation of vehicles on closed highways.**

It shall be unlawful for any person to operate any vehicle or tractor upon any highway in the borough that is under construction, resurfacing or repair, in disregard of any official sign, barricade or notice that the same is closed to vehicular traffic.

**§ 100-13. Play highways.**

A. The Chief of Police is hereby authorized to designate as play highways, whenever he shall deem such action advisable and for whatever period of time directed by him, any portion of any highway in the borough whereon

sledding and coasting shall be permitted. Such highway shall be set apart for the purpose under the direction of the Chief of Police.

- B. No person shall operate any motor vehicle or tractor upon any play highway at any time when such highway shall be so designated, except in case of emergency and with special permission of the Chief of Police or of the police officer in charge, who shall first clear such play highway of all persons using such highway for the purpose for which it was set aside.

**§ 100-14. Accident reports.**

The operator of any motor vehicle involved in an accident in the borough and required by law to report such accident to any department or agency of the Commonwealth of Pennsylvania, or any other person required to make such report, shall, at the time of making such report to the commonwealth, make a written report to the Chief of Police of the borough containing the same information.

**ARTICLE III  
Parking Regulations**

**§ 100-15. Parking without lights authorized.**

The boundary limits of the Borough of Coaldale are hereby established as a zone in which motor vehicles may remain standing without lights, and all highways within such boundary limits are hereby designated as highways where motor vehicles may remain standing without lights.

**§ 100-16. Parking within marked spaces.**

Wherever a space shall be marked off on any highway for the parking of an individual vehicle, every vehicle therein parked shall be parked within the lines bounding such space.

**§ 100-17. Angle parking.**

No person shall park a vehicle upon any of the highways or parts thereof described below except as designated within the painted stall lines. On all highways or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

Highway	Side	Location
Hight Street	South	Between Sixth Street and Seventh Street (except from November to March)

**§ 100-18. Parking prohibited at all times.**

A. No person shall park a vehicle at any time upon any of the highways or parts thereof described below:

- (1) Within an intersection.
- (2) On a crosswalk.
- (3) Except when necessary in obedience to traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park such vehicle on the highway within a business or residence district other than parallel with the edge of the highway, headed in the direction of traffic and with the curb side of the vehicle within six (6) inches of the edge of the highway or curb. Vehicles which, because of construction, cannot load or unload parallel to the curb shall be exempt, while loading or unloading only, from the requirements of standing parallel to the curb.
- (4) Within twenty-five (25) feet of the intersection of curblines or, if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways.
- (5) Within thirty (30) feet upon the approach to any official flashing signal, stop sign or traffic signal located at the side of the roadway.

- (6) Within fifteen (15) feet of the driveway entrance to any fire station.
- (7) Within fifteen (15) feet of a fire hydrant.
- (8) On a sidewalk.
- (9) In front of a private driveway or alongside any street or highway excavation or obstruction, nor opposite the same, unless a clear and unobstructed width of not less than twenty (20) feet upon the main-traveled portion of the said street or highway shall be left free for passage of other vehicles thereon.
- (10) On the roadway side of any vehicle stopped or parked at the curb or edge of the highway.
- (11) At any place where official signs have been erected prohibiting standing and parking, whether permanent or temporary.

B. Parking is prohibited at all times in the following locations:

Name of Highway	Side	Location
Bull Run Street	East	Avenue A to Water Street
Early Avenue	North	Seventh Street to Sixth Street
Early Avenue	North	Third Street to Second Street
Early Avenue	South	Sixth Street to Fourth Street
First Street	East	Ridge Street to Water Street
Fisher Avenue	East	High Street to Ridge Street
Howard Avenue	North	Sixth Street to Seventh Street
Howard Avenue	North	Third Street to Second Street
Howard Avenue	South	Fourth Street to Fifth Street
Ridge Street	North	Fisher Avenue to Recreation Center
Seventh Street	West	Phillips Street to Ruddle Street
Water Street	South	Second Street to First Street

**§ 100-19. Parking prohibited during certain hours.**

No person shall park a vehicle between the hours specified below of any day, except Saturdays, Sundays and holidays, upon any of the highways or parts of highways described below:

High	Side	Hours	Location
(Reserved)			

**§ 100-20. Time-limit parking.**

No person shall park a vehicle or allow the same to remain parked upon any of the highways or parts of highways described below between the hours specified, for longer than the time indicated below:

Highway	Side	Hours	Time Limit	Location
(Reserved)				

**§ 100-21. Special-purpose parking zones.**

The following are hereby established as special-purpose parking zones, and it shall be unlawful for any person to park any vehicle or tractor or to allow the same to remain parked in any such zone except as specifically provided for such zone:

A. No Parking, Clergy:

Highway	Side	Location
East Ruddle Street	North	East Ruddle Street, No. 41, in front of St. Cyril and Methodist Church Rectory
First Street	East	First Street, No. 217, in front of St. Mary's Russian Orthodox Church Rectory

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Highway	Side	Location
Second Street	East	225 Second Street, No. 225, in front of St. Mary's Roman Catholic Church Rectory
West Phillips Street	North	West Phillip Street, No. 225, in front of St. John Lithuanian Church Rectory

B. No Parking, Doctor's Office:

East Phillip Street	North	Phillip Street, No. 55, Dr. Joseph Dougherty
East Ridge Street	North	East Ridge Street, No. 135, Dr. Eugene Laigon
East Ridge Street	South	East Ridge Street, No. 42, D. K. Aydins

ARTICLE IV  
Snow and Ice Emergencies

§ 100-22. Declaration of emergency.

In order to facilitate the movement of traffic and to combat the hazards of excessive snow and ice on the highways or portions of highways named in § 100-23 below, the Chief of Police, in his discretion, may declare an emergency due to such hazards.

§ 100-23. Parking prohibited on certain streets.

- A. After any such emergency shall have been declared, it shall be unlawful during the period of such emergency for any person to park a motor vehicle or tractor or to allow the same to remain parked on any highway or portion thereof named in Subsection B below, or to operate any motor vehicle or tractor on any such highway or portion thereof unless such vehicle or tractor shall be equipped with adequate equipment to provide sufficient traction to keep such vehicle or tractor in motion so that other traffic on such highways will not be blocked or seriously impeded.

- B. The highways or portions thereof to which the provisions of this Article shall be applicable during all periods of emergency declared as provided in § 100-22 above shall be as described below:

Highway	Limits
	(Reserved)

§ 100-24. Placement of signs.

- A. In order to assist the operators of motor vehicles and tractors in determining the highways affected by this Article, the Chief of Police shall place, at appropriate positions on the highways or portions thereof designated in § 100-23B above, signs reading as follows:

SNOW  
EMERGENCY  
ROUTE  
SNOW TIRES OR  
CHAINS REQUIRED  
NO PARKING  
DURING EMERGENCY  
VEHICLES  
TOWED AWAY

- B. The Chief of Police shall also, through radio, newspaper or other available media, disseminate information as to the existence of such emergency.

§ 100-25. Violations.

- A. Any person who shall park a motor vehicle or tractor upon or along any of the highways or portions thereof listed in § 100-23B at any time during a period of emergency declared as provided in § 100-22 shall be guilty of a violation of this Article.
- B. Any person who shall operate a vehicle or tractor upon any highway or portion thereof listed in § 100-23B, which

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vehicle or tractor shall become stalled upon any of such highways during a period of emergency declared as provided in § 100-22 of this Article and such stalling shall have been by reason of the failure to have such vehicle or tractor equipped with the equipment hereinabove prescribed, shall be guilty of a violation of this Article.

ARTICLE V  
Penalties

§ 100-26. Violations and penalties.

Unless another penalty is provided for by the Pennsylvania Vehicle Code, any person convicted of a violation of a provision of this chapter, or supplement thereto, shall be liable to a penalty of not more than twenty-five dollars (\$25.) and costs of prosecution.



**ZONING**

**Chapter 105**

**ZONING**

**ARTICLE I  
General Provisions**

- § 105-1. Short title.
- § 105-2. Applicability.
- § 105-3. Purpose.
- § 105-4. Interpretation.
- § 105-5. (Reserved)

**ARTICLE II  
Definitions**

- § 105-6. Definitions and word usage.

**ARTICLE III  
Zoning Districts**

- § 105-7. Districts established.
- § 105-8. Zoning Map.
- § 105-9. Interpretation of boundaries.

**ARTICLE IV  
Basic District Regulations**

- § 105-10. Basic regulations.
- § 105-11. Uses in zoning districts.
- § 105-12. Use classes established.

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- § 105-13. Schedule I: Regulations governing the use of land.
- § 105-14. Schedule II: Regulations governing the size of lots, yards and buildings for permitted uses.
- § 105-15. Classes 1 through 6: permitted uses.
- § 105-16. Classes 7 through 11: special uses.
- § 105-17. Regulations governing special uses.
- § 105-18. Prohibited uses.

ARTICLE V  
Supplementary District Regulations

- § 105-19. Permitted deviations from required areas.
- § 105-20. Unique lots and building locations.
- § 105-21. Accessory structures and uses.
- § 105-22. Signs.
- § 105-23. Off-street parking and loading.
- § 105-24. Excavations.
- § 105-25. Nonconforming uses and buildings.

ARTICLE VI  
Administration and Enforcement

- § 105-26. General procedures.
- § 105-27. Zoning Officer.
- § 105-28. Zoning Hearing Board.
- § 105-29. Zoning and occupancy permits and certificates.
- § 105-30. Variances.
- § 105-31. Appeals and public hearings.
- § 105-32. Amendments.

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§ 105-33. Violations and penalties.

§ 105-34. Filing fees.

[**HISTORY:** Adopted by the Mayor and Council of the Borough of Coaldale 3-3-74. Sections 105-6B, 105-9, 105-11, 105-17A and D, 105-26, 105-27, 105-28, 105-29, 105-31A, D and E, 105-33 and 105-34 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 24.  
Building construction — See Ch. 40.  
Junk and junk dealers — See Ch. 69.  
Subdivision of land — See Ch. 94.

ARTICLE I  
General Provisions

§ 105-1. Short title.

This chapter shall be known and cited as the "Borough of Coaldale Zoning Ordinance."

§ 105-2. Applicability.

No building, structure or land shall be used or occupied and no building or part thereof shall be erected, moved, enlarged or structurally altered unless in conformity with the regulations of this chapter.

§ 105-3. Purpose.

This chapter is hereby adopted in accordance with a comprehensive plan which is designed to promote public health, safety, morality and the general welfare; encourage the most

appropriate use of land; conserve and stabilize the value of property; provide adequate open spaces for light and air; prevent the spread of fire; prevent undue concentrations of population; and lessen congestion on streets and highways.

**§ 105-4. Interpretation.**

In the interpretation and the application of the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this chapter imposes greater restrictions upon the use of buildings or premises or upon the height or bulk of a building or requires larger open spaces, the provisions of this chapter shall prevail.

**§ 105-5. (Reserved)**

**ARTICLE II  
Definitions**

**§ 105-6. Definitions and word usage.**

A. Word usage. Except where specified in the following definitions, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used"; and the word "shall" is intended to be mandatory; the word "abut" shall include the words "directly across from."

B. Words defined.

**ACCESSORY USE OR STRUCTURE** — A use or structure subordinate to and located on the same lot as the

principal use or building and serving a purpose customarily incidental to the use of the principal building.

ALLEY — A public or private way affording only secondary means of access to abutting property.

BOARD — The Zoning Hearing Board of the Borough of Coaldale.<sup>1</sup>

BUILDING — Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property.

BUILDING COVERAGE, MAXIMUM — The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located, including covered porches, carports and breezeways, but excluding open patios.

BUILDING HEIGHT — The vertical distance of a building measured from the average level of the highest and lowest portion of the building site covered by the building to the ceiling of the uppermost story.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which it is situated.

COMMISSION — The Planning Commission of the Borough of Coaldale.<sup>2</sup>

COUNCIL — The Borough Council of the Borough of Coaldale.

DISTRICT or ZONE — A portion of the territory of the borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DWELLING — Any building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons. The term "dwelling" shall not be

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup> Editor's Note: See Ch. 24, Planning Commission.

deemed to include automobile courts, rooming houses, tourist homes, hotels, hospital nursing homes, dormitories or fraternity or sorority houses.

- (1) DWELLING, SINGLE-FAMILY — A detached building, designed for or occupied exclusively by one (1) family.
- (2) DWELLING, TWO-FAMILY — A detached or semidetached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- (3) DWELLING, MOBILE HOME — A vehicle used for permanent living or sleeping quarters and standing on wheels or on rigid supports, except for a travel trailer as defined herein.
- (4) DWELLING, MULTIFAMILY — A building designed for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units. Such buildings shall consist of the following types:
  - (a) LIMITED APARTMENTS — A multifamily dwelling containing three (3) to five (5) dwelling units and not exceeding two and one-half (2½) stories in height.
  - (b) ROW HOUSES — A multifamily dwelling containing three (3) to six (6) dwelling units and not exceeding two and one-half (2½) stories in height, having a solid masonry fire wall between each unit and individual separate access from the outside to each unit.
  - (c) GARDEN APARTMENT — A multifamily dwelling containing six (6) to twelve (12) dwelling units and not exceeding three (3) stories in height.

DWELLING UNIT — One (1) or more rooms, including a kitchen or kitchenette and sanitary facilities, in a dwelling

structure designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

**ESSENTIAL SERVICES** — Public utility facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems and including related equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment. The utilities that apply should conform to the height regulations of the zoning district in which they are proposed.

**FAMILY** — Either an individual, or two (2) or more persons related by blood or marriage or adoption or a group of not more than five (5) persons, excluding servants, living together as a household in a dwelling unit.

**GARAGE, PRIVATE PARKING** — A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

**GARAGE, PUBLIC PARKING** — A structure, or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles.

**JUNK** — Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

**JUNKYARDS** — Buildings, structures or premises where junk, waste and discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment

yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

**LOT or ZONE LOT** — A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this chapter, and having frontage on a public street.

- (1) **LOT, CORNER** — A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five degrees (135°).
- (2) **LOT, DEPTH** — The mean horizontal distance between the front and the rear lot lines.
- (3) **LOT LINES** — The property lines bounding the lot.
  - (a) **LOT LINE, FRONT** — The line separating the lot from a street.
  - (b) **LOT LINE, REAR** — The lot line opposite and most distant from the front lot line.
  - (c) **LOT LINE, SIDE** — Any lot line other than a front or rear lot line. A "side lot line" separating a lot from a street is called a side street lot line.
  - (d) **LOT LINE, STREET OR ALLEY** — A lot line separating the lot from a street or alley.
- (4) **LOT WIDTH** — The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.
- (5) **LOT AREA** — The computed area contained within the lot lines.

**NONCONFORMING LOT** — Any zone lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated.

**NONCONFORMING USE OR BUILDING** — A building, structure or use legally existing at the effective date of this chapter or any amendment hereto; or a building, structure or use, planned and for which construction had started in compliance with existing laws prior to the effective date of this chapter or any amendment hereto and which is completed within a one-year period after the effective date of this chapter or amendment hereto and which does not conform with the use regulations of the district in which it is located. No existing use or building shall be considered a nonconforming use if only the yards, area, height, coverage dimensions or off-street parking or loading do not conform with the regulations of this chapter.

**NURSING HOME** — Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

**PARKING AREA, PRIVATE** — An open area for the same uses as a private garage.

**PARKING AREA, PUBLIC** — An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

**PERMITTED USES** — Any use which does not require special action by the Zoning Hearing Board or by the Planning Commission before a zoning permit is granted by the Zoning Officer.<sup>3</sup>

**PORCH** — A roofed or unroofed structure projecting from the front, side or rear wall of the building which shall have no wall more than thirty (30) inches high and which shall be open on all sides except the side adjoining the building.

**SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

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<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**SIGN, BUSINESS** — A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

**SIGN, GROSS SURFACE AREA OF** — The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

**SPECIAL USE** — A use which, because of its unique characteristics, requires individual consideration in each case by the Zoning Hearing Board and by the Planning Commission before a zoning permit may be issued.<sup>4</sup>

**STORY** — That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

- (1) **STORY, HALF** — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.
- (2) **STORY, FIRST** — The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.

**STREET** — A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

**STRUCTURAL ALTERATION** — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

<sup>4</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**STRUCTURE** — Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including stationary and portable carports.

**TRAVEL TRAILER** — A vehicle, less than thirty (30) feet in length and used for temporary living or sleeping purposes and standing on wheels.

**VARIANCE** — The Board's authorized departure to a minor degree from the text of this chapter in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this chapter.

**YARD** — An open space, as may be required by this chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

- (1) **YARD, FRONT** — An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.
- (2) **YARD, REAR** — An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.
- (3) **YARD, SIDE** — An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

**ZONING OFFICER** — The administrative officer charged with the duty of enforcing the provisions of this chapter.<sup>5</sup>

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<sup>5</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE III  
Zoning Districts

§ 105-7. Districts established.

The Borough of Coaldale is divided into the following six (6) districts:

- R-1 Low Density Residential.
- R-2 Medium Density Residential.
- C-1 Commercial.
- I-1 Industrial.
- S-1 Special Purpose Open Space.
- S-2 Special Purpose Mining.

§ 105-8. Zoning Map.

The location and boundaries of these districts are established as shown on the attached Zoning Map of the Borough of Coaldale dated . . . . ., 1963. The Zoning Map is hereby made a part of this chapter, together with all future notations, references and amendments.<sup>6</sup>

§ 105-9. Interpretation of boundaries.<sup>7</sup>

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary.

ARTICLE IV  
Basic District Regulations

§ 105-10. Basic regulations.

The basic regulations governing the use of land and the size of lots, yards and buildings within each zoning district are

<sup>6</sup> Editor's Note: The Zoning Map of the Borough of Coaldale is on file in the office of the Borough Secretary.

<sup>7</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

established in this Article. For certain specific uses or exceptional situations, these basic regulations are supplemented by Article V and by other provisions of this chapter.

- A. Regulations governing the use of land. Regulations governing the use of land within the various zoning districts shall be as set forth in Schedule I.<sup>8</sup>
- B. Regulations governing the size of lots, yards and buildings. Regulations governing the size of lots, yards and buildings in the various zoning districts for permitted uses shall be as set forth in Schedule II.<sup>9</sup>
- C. Regulations governing special uses. Regulations governing certain special uses are set forth in § 105-11.

**§ 105-11. Uses in zoning districts.<sup>10</sup>**

- A. Permitted uses. Uses listed as permitted uses in Schedule I shall require no special action by the Zoning Hearing Board or by the Planning Commission before a zoning permit is granted by the Zoning Officer.
- B. Special uses. Uses listed as special uses in Schedule I shall require individual consideration in each case because of their unique characteristics. Such special uses may be permitted only upon authorization by the Zoning Hearing Board, subject to certain conditions and safeguards, as provided for in § 105-17 and after review by the Planning Commission.

**§ 105-12. Use classes established.**

Eleven (11) use classes are hereby established as shown in Schedule I.<sup>11</sup> The specific uses included in each use class are

<sup>8</sup> Editor's Note: See § 105-13.

<sup>9</sup> Editor's Note: See § 105-14.

<sup>10</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>11</sup> Editor's Note: See § 105-13.

outlined below, and none of these uses shall be permitted in any district if they are to be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion, radioactivity or other hazard; noise or vibration; smoke, dust, dirt or other form of air pollution; electrical disturbance, glare or other disturbance which will adversely affect the surrounding area or premises.

§ 105-13. Schedule I: Regulations governing the use of land.

Schedule I  
Regulations Governing the Use of Land

Use Class	Zoning District					
	R-1	R-2	C-1	I-1	S-1	S-2
<b>Permitted Uses</b>						
Single-family residential	X	X			X	
Two-family residential		X				
Commercial			X			
Industrial				X		
Open space uses					X	X
Customary accessory uses and essential services	X	X	X	X	X	X
<b>Special Uses</b>						
Mobile home courts	X				X	
Apartments and conversions	X	X				
Related residential uses	X	X	X			
Mining						X
Appropriate public uses	X	X	X	X	X	X

Note: An "X" indicates that the use class is permitted in the district. See §§ 105-11, 105-12 and 105-17 for a description of the uses included in each use class and for an explanation of the conditions under which they are permitted in each district.

**§ 105-14. Schedule II: Regulations governing the size of lots, yards and buildings for permitted uses.**

**Schedule II  
Regulations Governing the Size of  
Lots, Yards and Buildings for Permitted Uses**

Type of Regulation	Zoning District					
	R-1	R-2	C-1	I-1	S-1	S-2
Single- or Two-Family						
Minimum lot size:						
Area (square feet)	10,000	6,000	4,000	10,000	20,000	—
Width (feet)	80	60	40	100	100	—
Depth (feet)	125	100	100	100	200	—
Minimum yards:						
Front (feet)	25	20	10	25	35	—
Rear (feet)	30	25	20	20	50	—
Each side yard (feet)	10	8	—	15	15	—
Maximum building height:						
Number of stories	2.5	2.5	2	4	2.5	—
Feet	35	35	25	60	35	—
Maximum building coverage (percent)						
	40	50	60	50	30	—

Notes:

1. This schedule does not apply to special uses. See § 105-17 for regulations governing such special uses.
2. See Article V for other supplementary regulations governing various uses, including variations to lot and yard sizes and regulations governing accessory structures, signs, off-street parking and loading and nonconforming uses and lots.

§ 105-15. Classes 1 through 6: permitted uses.

- A. Use Class 1: single-family residential. Use Class 1 includes single-family dwellings.
- B. Use Class 2: two-family residential. Use Class 2 includes two-family dwellings.
- C. Use Class 3: commercial. Use Class 3 includes retail business, service, commercial recreation and education establishments. Such establishments shall be carried on in a completely enclosed building except for off-street parking and loading facilities and auto service stations.
  - (1) Retail business establishments include shops selling food, drugs, cigars, candy, clothing and clothing accessories, newspapers, books, stationery, dry goods, hardware, paint, variety goods, household goods and appliances, flowers, package liquor, photo supplies, garden supplies, artist and hobby supplies and sporting goods, specialty and gift items, furniture and office supplies.
  - (2) Customer service establishments include shops engaged in the repair of household, clothing and appliance items; barber and beauty shops; tailor shops; pick-up stations and self-service establishments for the dry cleaning and laundering of clothes; business offices; eating and drinking establishments; department stores; gymnasiums and physical health salons; photographic studios; medical centers; banks and financial institutions; hotels and motels; blue-printing and graphic reproduction shops; printing and publishing establishments; wholesale offices and showrooms; offices of all types; radio and television studios; auto supply stores, auto service stations and auto sales and service dealers; funeral homes; nursing and convalescent homes; and rooming houses.

- (3) Commercial recreation and entertainment establishments include theaters, nightclubs, art galleries and cultural establishments, bowling alleys, skating rinks, billiard parlors, social halls, clubs and lodges.
  - (4) Commercial education establishments include schools for the study of business, technical trades, art, music, dancing and photography.
- D. Use Class 4; industrial. Use Class 4 includes heavy commercial and industrial uses serving the entire borough.
- (1) Heavy commercial uses which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, include wholesale business, storage and warehousing establishments; truck and freight terminals; delivery and distribution centers; wholesale produce and meat markets; mechanical and vehicle equipment repair establishments; dry-cleaning and dyeing plants; carpet and rug cleaning establishments; laundries; sign painting, automatic car wash, blueprinting and graphic reproduction shops; printing and publishing establishments; radio and television studios and transmission or receiving towers; and animal hospitals, veterinary clinics and animal kennels.
  - (2) Heavy commercial uses which do not require complete or partial enclosure in a building include building material and fuel storage; new and used machinery storage and sales; vehicle and trailer sales and storage; farm equipment and construction machinery establishments; monument works; nurseries and greenhouses; and auto service stations.
  - (3) General industrial uses, which shall be carried on in a completely enclosed building, include the storage, manufacture, assembly, packing or testing of products from raw materials and from other previously prepared materials.
- E. Use Class 5: open space uses. Use Class 5 includes the production of agricultural, nursery and forest products;

golf courses and swimming pools; park and recreation areas; day camps; landscaped areas; cemeteries and mortuaries; and radio transmission or receiving towers or facilities.

F. Use Class 6: customary accessory uses and essential services.

- (1) Accessory uses which are customarily subordinate to the principal use of a building located on the same lot and which serve a purpose customarily incidental to the use of the principal building shall be permitted in each district. Such uses include home occupations; home gardening, but not the raising of livestock or poultry; nonprofit nurseries and greenhouses not including outdoor storage of equipment; professional offices of persons residing on the premises; private garages or parking areas; signs; off-street parking and loading; temporary tract offices; travel trailers; and buildings and other uses customarily appurtenant to other permitted or special uses.
- (2) Use Class 6 also includes essential services for public utilities that do not require enclosure in a building, including the construction or maintenance by public utilities or governmental agencies of gas, electrical, steam, telephone or water distribution systems, including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment which conform to the height regulations of the zoning district in which they are proposed.

§ 105-16. Classes 7 through 11: special uses.

- A. Use Class 7: mobile home courts. Use Class 7 includes the development of mobile home courts planned as a unit.
- B. Use Class 8: apartments and conversions. Use Class 8 includes the conversion of residential dwellings into

apartments and new multifamily dwelling structures, but excludes high-rise apartments.

- C. Use Class 9: related residential uses. Use Class 9 includes funeral homes; nursing and convalescent homes; rooming houses; nurseries for the day care of young children; and nonprofit social halls, clubs and lodges.
- D. Use Class 10: mining. Use Class 10 includes underground or strip mining.
- E. Use Class 11: appropriate public uses. Use Class 11 includes public and quasi-public uses of a welfare, educational, religious, recreational and cultural nature and dormitories and religious homes accessory to such uses; essential public utilities that require enclosure within a building or structure; and radio and television transmission or receiving towers and facilities.

**§ 105-17. Regulations governing special uses.**

- A. Special uses enumerated in §§ 105-12 and 105-13 shall require individual consideration in each case and may be permitted only upon authorization by the Zoning Hearing Board and after review by the Planning Commission.<sup>12</sup>
- B. Such special uses shall comply with the provisions of this section and may be permitted by the Board subject to any additional conditions and safeguards which may be warranted by the character of the area in which such uses are proposed or by other special factors.
- C. A special use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the district where it is located; shall be compatible with adjoining development; shall provide adequate landscaping and screening; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets; and shall not jeopardize the public health, safety, welfare and convenience.

<sup>12</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

D.<sup>13</sup> The following regulations shall apply to special uses (Use Classes 7 through 11) which are authorized by the Zoning Hearing Board:

- (1) Use Class 7: mobile home courts. All mobile home courts planned as a unit shall be located on tracts of land at least six (6) acres in size. Such mobile home courts shall comply with all of the minimum property requirements of the Federal Housing Administration for mobile home courts and with the following additional regulations:
  - (a) Individual mobile home lots located in a mobile home court shall contain at least two thousand five hundred (2,500) square feet of lot area.
  - (b) No mobile home shall be located closer than fifty (50) feet to any property line defining the external boundary of the court.
  - (c) The minimum side clearance between any two (2) adjacent mobile homes shall be twenty (20) feet.
  - (d) Roadway or area lighting shall be reflected away from adjoining properties.
  - (e) The sale of mobile homes from a mobile home court shall be prohibited.
  - (f) Individual tenants at the mobile home court may construct attached enclosures to individual mobile homes, provided that such enclosures do not exceed one hundred percent (100%) of the floor area of the mobile home. Individual zoning permits shall be required for such enclosures in each case.
- (2) Use Class 8: apartments and conversions.
  - (a) All conversions shall have at least one (1) off-street parking space per dwelling unit, and each unit shall have adequate light, air, heating and plumbing facilities and shall have at least three

<sup>13</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

thousand (3,000) square feet of lot area and six hundred (600) square feet of floor area for each dwelling unit, but no converted building shall have more than a total of four (4) dwelling units.

- (b) All multifamily dwellings shall be served with public water and sewer facilities, shall have at least one and one-half (1½) off-street parking spaces per dwelling unit and shall comply with the following minimum requirements.

**Regulations for Multifamily Dwellings**

Type of Regulation	<b>Limited Apartments or Row Houses</b>	<b>Garden Apartments</b>
<b>Minimum lot size</b>		
Area (square feet)	7,500	12,000
Width (feet)	75	100
Depth (feet)	100	120
Lot area per dwelling unit (square feet)	2,500	2,000
<b>Minimum yards</b>		
Front yard (feet)	20	20
Rear yard (feet)	25	25
Each unattached side yard (feet)	15	15
<b>Maximum building height</b>		
Number of stories	2½	3
Feet	35	40
Maximum building coverage (percent)	60	50

- (3) Use Class 9: related residential uses. Funeral homes, nursing and convalescent homes, rooming houses,

nurseries for the day care of young children and nonprofit social halls, clubs and lodges shall comply with the following:

- (a) Except for a sign, there shall be no external evidence of any gainful activity.
  - (b) Any such use shall have sufficient parking to serve the anticipated number of users and employees and shall have suitable street access without causing traffic on local residential streets.
  - (c) All such buildings shall conform to the minimum lot size, minimum yards, maximum building height and maximum building coverage regulations specified in Schedule II for the R-1 District.<sup>14</sup>
- (4) Use Class 10: mining.<sup>15</sup>
- (a) Underground mining and strip mining operations may be permitted as a special use by the Zoning Hearing Board only in the S-2 District. All such mining operations shall conform to the laws of the Commonwealth of Pennsylvania.
  - (b) The Zoning Hearing Board shall review the nature and extent of all proposed strip mining operations and may require all overburden material to be replaced in a manner which will restore the premises to an equal or the same grade as existed on the original site and may require fencing of the open excavation and other safeguards which are needed to protect the public safety and welfare.
  - (c) The Zoning Hearing Board shall review the nature and extent of all underground mining operations and may require adequate assurances

<sup>14</sup> Editor's Note: See § 105-14.

<sup>15</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

that such mining operations will not result in a subsidence or other surface movement which will adversely affect life and property or jeopardize the public safety and welfare.

- (5) Use Class 11: appropriate public uses. Any appropriate public use permitted by the Board as a special use shall be appropriate to the character of the district in which it is proposed and to the area which it will serve. Such appropriate public uses shall have adequate access, shall provide off-street parking and loading as specified in § 105-23 and shall comply with the following lot, yard and building regulations:

**Regulations for Appropriate Public Uses**

<b>Regulations</b>	<b>Appropriate Public Uses</b>
Minimum lot size (square feet)	10,000
Minimum yards (feet)	
Front yard	25
Rear yard	20
Each side yard	15
Maximum building height	
Number of stories	3
Height (feet)	40
Maximum building coverage (percent)	60

**§ 105-18. Prohibited uses.**

Specific prohibited uses. The following uses are not permitted in any location in the borough.

- A. Junkyards
- B. Drive-in theaters

ARTICLE V  
Supplementary District Regulations

**§ 105-19. Permitted deviations from required areas.**

The minimum lot, yard and height requirements of Article IV shall prevail in all cases, except as follows:

- A. Existing nonconforming lots. A single-family dwelling may be constructed as a permitted use in any residential district on any nonconforming lot if the following conditions are satisfied:
- (1) At the time of the passage of this chapter said lot is in existence as a separate entity.
  - (2) At the time of the passage of this chapter the owner of said lot does not own an adjoining lot.
  - (3) The plan for the lot and for the proposed single-family dwelling shall be in at least sixty percent (60%) compliance with each of the following requirements for single-family dwellings as specified in the district in which the lot is located: lot area, lot width, rear yard, side yard and maximum building coverage.
- B. Height limitations. District height limitations shall not apply to church spires, cupolas and domes, monuments, water towers, chimneys, smokestacks, silos, flagpoles, radio and television towers, masts and aerials and parapet walls extending not more than four (4) feet above the limiting height of the building.
- C. Front yard exception. When an unimproved lot is situated between two (2) improved lots, each having a principal building within twenty (20) feet of the side lot line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two (2) adjoining lots; provided, however, that it may not be reduced to below ten (10) feet.
- D. Projections into yards. Projections into required yards shall be permitted as follows, except that in no case shall a

structure or projection be located closer than four (4) feet to any side or rear lot line or ten (10) feet to any front lot line.

- (1) Bay windows, carports, fireplaces, fire escapes, chimneys, uncovered stairs and landings, balconies and cornices, canopies, eaves or other architectural features not required for structural support may project into the required side, front or rear yard not more than a total of three (3) feet.
- (2) Porches may project into the required front and rear yards up to ten (10) feet.
- (3) Patios may be located in the required side and rear yards not closer than three (3) feet to any adjacent property line, and may project into front yards up to ten (10) feet.

**§ 105-20. Unique lots and building locations.**

- A. Two or more buildings on a lot. Two (2) or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this chapter which would normally apply to each building if each were on a separate zone lot.
- B. Through lots. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the Planning Commission shall decide which street will be considered as the front street. No principal structure shall be erected on the rear of the lot, except as specified in Subsection A and C of this section.
- C. Lots fronting on an alley. Individual lots, existing at the effective date of this chapter, fronting on an alley, shall comply with all the requirements of this chapter and the district in which said lots are located.
- D. Side yard of a corner lot. The side yard of a corner lot which abuts a street shall be equal to the required front yard for that street.

E. Corner lots. No obstruction to vision, other than an existing building, post, column or tree, exceeding thirty (30) inches in height shall be erected or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point, and a line drawn between two (2) points each located thirty (30) feet from the street intersection.

§ 105-21. Accessory structures and uses.

A. Accessory structures. All accessory structures shall conform with the minimum yard regulations established in Article IV, except as permitted below:

- (1) Unattached structures accessory to residential buildings. Structures accessory to residential buildings which are not attached to a principal structure may be erected within the required side and rear yards of a principal structure, provided that they conform with the following:
  - (a) The maximum height shall be one and one-half (1½) stories or fifteen (15) feet in height.
  - (b) The distance from the side lot line shall be not less than four (4) feet from the side lot line, except in the case of corner lots where the full side yard as specified in § 105-20D shall be maintained.
  - (c) The distance from the rear lot line shall be not less than four (4) feet from the rear lot line.
  - (d) The distance from the principal structure shall be not less than ten (10) feet from a principal structure.
- (2) Unattached structures accessory to nonresidential buildings. Such accessory structures shall comply with front and side yard requirements for the principal structure and shall have a minimum rear yard of at least ten (10) feet.

- B. Home occupations. A single home occupation per dwelling unit is permitted as an accessory use to a residential structure, provided that such home occupations shall be conducted only by residents of the dwelling unit, who may not employ more than two (2) additional nonresident persons, and that the only external evidence of the home occupation shall be a sign not exceeding one and one-half (1½) square feet in area. Such home occupations shall be restricted to professional offices, the training of children in small classes, custom dressmaking, millinery or tailoring, women's beauty salons and the rooming or boarding of not more than two (2) persons.
- C. Private parking areas and garages. Accessory off-street parking areas or garages serving the residential or nonresidential parking demand created by the principal building are permitted in accordance with § 105-23. Said parking areas may be located in any required front, side or rear yard.
- D. Home gardening, nurseries and greenhouses. Home gardening and accessory structures used for nurseries or as greenhouses are permitted in residential areas, provided that they are used by the residents thereof for non-commercial purposes and provided further that they shall not include the outdoor storage of equipment and supplies.
- E. Private outdoor swimming pools. A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests, and provided that the pool is not located closer than ten (10) feet to any property line and does not occupy more than ten percent (10%) of the lot area and that a five-foot-high fence shall completely surround the area of the swimming pool.

§ 105-22. Signs.

- A. Business and advertising signs. One (1) or more business or advertising signs in the commercial and industrial

districts are permitted, provided that such signs shall not have a combined gross surface area in square feet exceeding two (2) times the frontage of the lot on which they are located, and in no case shall any single sign exceed two hundred (200) square feet.

- B. Residential signs. Nonadvertising signs accessory to nonresidential uses located in residential districts are permitted, provided that they do not exceed ten (10) square feet in size. The number of signs shall be restricted to one (1) to each property or dwelling unit, entrance, exit or building to which it pertains, except that properties located on corner lots may have one (1) sign facing each street.
- C. Location of signs. All signs may be located in any required yard, shall conform to the height limitations of the district in which they are located and shall not project into or over any public right-of-way.

**§ 105-23. Off-street parking and loading.**

- A. Off-street parking. Off-street parking spaces shall be provided as set forth in the following table whenever any building is erected or enlarged. Such spaces shall have an area of at least two hundred (200) square feet, shall have adequate and well designed ingress and egress and shall be located on the same zone lot as the use to which they are accessory or within a radius of four hundred (400) feet.

**Regulations for Off-Street Parking Spaces**

<b>Type of Use</b>	<b>One Parking Space for Each</b>
Retail stores, services, offices	300.0 square feet of gross building floor area
Restaurants, taverns, night- clubs	2.5 seats
Medical or dental clinics	0.5 doctors

Type of Use	One Parking Space for Each
Motels	1.0 room
Churches, theaters, auditoriums and places of assembly	6.0 seats
Manufacturing and wholesale establishments	2.0 employees
Public schools	17.0 classroom seats
Bowling alley	0.2 alleys
Community buildings and so- cial halls	100.0 square feet of building
Private or commercial schools	10.0 classroom seats
Hospitals or nursing homes	2.0 beds
Single-family dwelling units and conversions	1.0 dwelling unit
Multifamily dwelling units	0.66 dwelling unit

B. Off-street loading. Every commercial or industrial building which requires the receipt or distribution by vehicles of material or merchandise shall provide one (1) off-street loading space for each twenty-five thousand (25,000) square feet of gross building floor area, and each such space shall be at least two hundred fifty (250) square feet in area.

§ 105-24. Excavations.

Any excavations for the removal of topsoil, gravel or mineral deposits of any kind must be enclosed by a fence located at least ten (10) feet from the sides or perimeter of the excavation. All such excavations must be adequately drained to prevent the formation of pools of water. The side walls of all such excavations shall slope at an angle no steeper than one (1) foot of vertical distance for each two (2) feet of horizontal distance.

**§ 105-25. Nonconforming uses and buildings.**

Any legal nonconforming use may be continued, repaired, maintained and improved, except as provided below:

- A. Such nonconforming use may not be enlarged more than twenty-five percent (25%) of the existing floor area and/or lot area.
- B. If less than fifty percent (50%) of the floor area of any such nonconforming use is damaged it may be restored or reconstructed within one (1) year of the date of the damage.
- C. No such use may be reestablished after it has been discontinued or vacated for a period of eighteen (18) months or more.

**ARTICLE VI****Administration and Enforcement****§ 105-26. General procedures.<sup>16</sup>**

- A. General sequence of steps. All persons desiring to undertake any new construction, structural alterations or changes in the use of a building or lot shall apply to the Zoning Officer for a zoning permit by filling out the appropriate application form and by submitting the required fee. The Zoning Officer will then either issue or refuse the zoning permit or refer the application to the Zoning Hearing Board. After the zoning permit has been received by the applicant, he may proceed to undertake the action permitted by the zoning permit and upon completion of such action shall apply to the Zoning Officer for an occupancy permit. If the Zoning Officer finds that the action of the applicant has been taken in accordance with the zoning permit, he will then issue an occupancy permit allowing the premises to be occupied.
- B. Zoning permit types. Under the terms of this chapter, the following classes of zoning permits may be issued:

<sup>16</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (1) Permitted uses. A zoning permit for a permitted use may be issued by the Zoning Officer on his own authority.
- (2) Special uses. A zoning permit for a special use may be issued by the Zoning Officer after review by the Planning Commission and upon the order of the Zoning Hearing Board.
- (3) Zoning permit after an appeal or a request for a variance. A zoning permit may be issued by the Zoning Officer upon the order of the Board and after a public hearing held by the Zoning Hearing Board for the purpose of deciding upon an appeal or a request for a variance.

**§ 105-27. Zoning Officer.<sup>17</sup>**

- A. The office of Zoning Officer is hereby created. This chapter shall be enforced by the Zoning Officer. Borough Council shall appoint said Zoning Officer and shall determine his payment.
- B. Duties and powers. The Zoning Officer shall receive and examine all applications required under the terms of this chapter and shall issue or refuse permits within thirty (30) days of the receipt of the application. The Zoning Officer shall issue a written notice of violation to any person, firm or corporation violating any provisions of this chapter. He shall keep records of applications, of permits or certificates issued, of variances granted, of inspections made, of reports rendered and of notice or orders issued and shall make all required inspections and perform all other duties as called for in this chapter.

**§ 105-28. Zoning Hearing Board.<sup>18</sup>**

- A. Board created. The Borough Council does hereby create a Zoning Hearing Board as provided for in 53 P.S. § 10101 et seq.

<sup>17</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>18</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- B. Appointment of members. The Board shall consist of three (3) members to be appointed by Council. One (1) member shall be designated to serve until January 1 of the year following the adoption of this chapter, one (1) until January 1 of the first succeeding year and one (1) until January 1 of the second succeeding year. Their successors shall be appointed on the expiration of their respective terms to serve three (3) years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.
- C. Duties and powers. The Board shall be responsible for the interpretation of this chapter and shall adopt and make available to the public, rules for the exercise of its functions. The duties and powers of the Board shall be to hear and decide appeals where it is alleged that an error has been made in the enforcement of this chapter and to hear and decide requests for special uses and variances. The Board shall perform such other duties as may be provided or made necessary by this chapter, including the interpretation of boundaries, the holding of public hearings, the referral of any pertinent matter to the Planning Commission for review and recommendation and the maintenance of records on all decisions and findings.
- D. Referral to Planning Commission. The Board shall refer to the Commission all applications for special uses and any other applications or appeals which, in the opinion of the Board, require review by the Commission. In its review, the Planning Commission shall, in the case of special uses, determine compliance with the standards set forth in this chapter, and in all cases shall report in writing its findings and recommendations to the Board within thirty (30) days.

**§ 105-29. Zoning and occupancy permits and certificates.<sup>19</sup>**

- A. Zoning permits. The purpose of the zoning permit is to determine compliance with the provisions of this chapter, and no person shall erect, alter or convert any structure,

<sup>19</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

building or part thereof or alter the use of any land, subsequent to the adoption of this chapter, until a zoning permit has been issued by the Zoning Officer. All applications for zoning permits shall be in writing on forms to be furnished by the Zoning Officer. Zoning permits shall be issued in duplicate, and one (1) copy shall be kept conspicuously on the premises, and no person shall perform building operations of any kind unless a zoning permit is being displayed as required by this chapter. The Zoning Officer or the Zoning Hearing Board may revoke a zoning permit at any time if it appears that the application is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application.

- B. Occupancy permits. The purpose of an occupancy permit is to certify that the premises comply with the provisions of this chapter and may be used for the purposes set forth in the occupancy permit. Prior to the use or occupancy of any building for which a zoning permit is required or for any change of use of any existing building or for any change of use of land, an occupancy permit shall be secured from the Zoning Officer. A copy of the occupancy permit shall be kept upon the premises and shall be displayed upon request made by any officer of the borough. All applications for occupancy permits shall be in writing on forms to be furnished by the Zoning Officer.
- C. Certificate of nonconforming use. The owner of the premises occupied by a lawful nonconforming use or building may secure a certificate of nonconforming use from the Zoning Officer. Such certificate shall be authorized by the Zoning Hearing Board shall be for the purpose of ensuring to the owner the right to continue such nonconforming use.

§ 105-30. Variances.

- A. Granting of variances. Upon appeal and after a public hearing the Board may, for a use permitted in the zone

district, vary the strict application of any of the requirements of this chapter, provided that said variance shall be in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone.

- B. Required showing for variances. No variance in the strict application of any provision of this chapter shall be granted by the Board unless it finds special circumstances or conditions applying to the land or buildings that do not apply generally to land or buildings in the neighborhood; that said circumstance or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building; that the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.

**§ 105-31. Appeals and public hearings.**

- A. Appeal from decision of Zoning Officer. Any person, firm or corporation which deems itself aggrieved by any order of the Zoning Officer shall have the right to file a written appeal to the Board within twenty (20) days of the issuance of said order. The Board shall decide each appeal within forty-five (45) days and shall give notice to all parties in

interest. The Board's decision shall be immediately filed in its office and be a public record.<sup>20</sup>

- B. Expiration of appeal decision. Unless otherwise specified by the Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary zoning permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.
- C. Appeal from decision of Board. In the case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return required by law and shall promptly notify the Borough Solicitor of such appeal and furnish him with a copy of the return including transcript of testimony. Any order of the Board not appealed within thirty (30) days shall be final.
- D. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Board, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board after notice to the Zoning Officer, or by the Court of Common Pleas.<sup>21</sup>
- E. Information required on appeals to the Board.<sup>22</sup> All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:
  - (1) The name and address of the applicant or appellant.
  - (2) The name and address of the owner of the zone lot to be affected by such proposed change or appeal.

<sup>20</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>21</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>22</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (3) A brief description and location of the zone lot to be affected by such proposed change or appeal.
  - (4) A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
  - (5) A statement of the section of this chapter under which the appeal is made and reasons why it should be granted or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal.
  - (6) A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.
- F. Public hearings to be held by Board. Upon filing with the Board of an appeal or a request for a variance as required by the terms of this chapter, or for such other purposes as provided herein where the Board deems it in the public interest, the Board shall fix a time and place for a public hearing thereof as follows:
- (1) Public notice. By publishing a notice at least once, at least one (1) week and not more than three (3) weeks in advance of such hearing, in a newspaper of general circulation in the borough.
  - (2) Notice to appellant. By mailing a notice thereof by registered mail to the appellant.
  - (3) Notice to local officials. By mailing a notice to the President of Council, the Commission and the Borough Secretary.

- (4) Notice to interested parties. By mailing a notice thereof to every association of residents of the borough, and any other interested party who shall have registered their names and addresses for this purpose with the Board.
- (5) Nature of notice. The notice required shall be posted upon instructions from the Board and shall state the location of the building or lot in question and the general nature of the question involved.

#### § 105-32. Amendments.

The Borough Council may, on their own motion or by petition, amend, supplement, change, modify or repeal this chapter, including the Zoning Map, by proceeding in the following manner:

- A. Public hearing. The Council, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment. At least fifteen (15) days' notice of the time and place of such hearing shall be published in one (1) newspaper of general circulation. The notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place or places where copies of the proposed amendment may be examined.
- B. Review by Planning Commission. Every such proposed amendment or change, whether initiated by the Council or by petition, shall be referred to the Commission for report thereon before the public hearing hereinafter provided for. If the Planning Commission shall fail to file such a report within fifteen (15) days, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement or change.
- C. Opportunity to be heard. At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

- D. Two-third majority required. In the case of a protest against such change, signed either by the owners of thirty-three and one-third percent (33 $\frac{1}{3}$ %) or more, either of the area of the lots included in such proposed change or of the area of those lots immediately adjacent to said affected properties, including also all lots any part of which lies within one hundred (100) feet of the boundary of the area of such change, such amendment shall not become effective except by the favorable vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the Council.

§ 105-33. Violations and penalties.<sup>23</sup>

- A. Council may initiate appropriate action. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter, or of any ordinance or regulation made under authority conferred hereby, the Borough Council or, with their approval, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation within ten (10) days and to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- B. Penalty. Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.) for any offense, recoverable with costs, together with judgment or imprisonment not exceeding sixty (60) days if the amount of said judgment is not paid. Each day that a violation is permitted shall constitute a separate offense.

<sup>23</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**§ 105-34. Filing fees.<sup>24</sup>**

The following fees shall be paid at the office of the Zoning Officer upon the filing of an application:

- A. For zoning permits for uses not requiring Board action: ten dollars (\$10.).
- B. For zoning permits for uses requiring Board action: twenty-five dollars (\$25.).
- C. For a variance or appeal application: twenty-five dollars (\$25.).
- D. For a request for amendment: twenty-five dollars (\$25.).
- E. For certificates of nonconformance no fee is required if application is made within twelve (12) months after the effective date of this chapter. Otherwise, a fee of two dollars (\$2.) shall be paid.
- F. For an occupancy permit no fee is required.
- G. For an application for interpretation of boundaries no fee is required.

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<sup>24</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.



**APPENDIX**





**FRANCHISES**

**Chapter A108**

**FRANCHISES**

**ARTICLE I**  
**Electrical Power Franchise**

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- § A108-2. Construction and maintenance of lines.
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**ARTICLE II**  
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- § A108-5. Title.
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- § A108-21. Nonliability of borough.
- § A108-22. Acceptance of franchise.
- § A108-23. Construction.

[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale: Art. I, 11-6-29; Art. II, 6-11-57; Art. III, 8-12-76. Amendments noted where applicable.]

ARTICLE I  
Electrical Power Franchise  
[Adopted 11-6-29]

§ A108-1. Permission for construction.

Permission and consent be and the same is hereby granted to Pennsylvania Power and Light Company to construct, operate and maintain electric lines upon, along, across, over and under the public roads, streets and highways and other public ways of the Borough of Coaldale, including such poles, wires, crossarms, insulators, conduits, manholes, cables and other structures, appliances and appurtenances as may be from time to time necessary for the proper and convenient transaction of the business of supplying light, heat and power, or any of them, by means of electricity to the public.

§ A108-2. Construction and maintenance of lines.

Said lines shall be constructed and maintained in a workman-like manner and said Pennsylvania Power and Light Company shall promptly replace and properly restore any sidewalks or

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street that may be disturbed in the doing of such work. The location of all poles hereafter erected shall be under the supervision of the Street Committee of the borough.

§ A108-3. Extension of permission.

The permission and consent hereby granted shall extend to said Pennsylvania Power and Light Company, its successors, assigns and lessees.

ARTICLE II  
Electric Streetlighting Service  
[Adopted 6-11-57]

§ A108-4. Streetlighting agreement.

The Borough of Coaldale, County of Schuylkill, Pennsylvania, shall enter into an agreement with Pennsylvania Power and Light Company for the furnishing of all electric streetlighting service required to light the streets of the borough for the period and in accordance with the terms contained in the form of agreement now on file with the Borough Secretary for the furnishing of such service, and the proper officers of the borough be and they hereby are authorized and directed to execute and deliver said form of agreement on behalf of the borough.

ARTICLE III  
Cable Television Franchise  
[Adopted 8-12-76]

§ A108-5. Title.

This Article shall be known and may be cited as the "Borough Community Antenna Television Franchise Ordinance."

§ A108-6. Definitions.

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

**BOROUGH** — The Borough of Coaldale, Schuylkill County, Pennsylvania.

**COMMUNITY ANTENNA TELEVISION (CATV)** — An arrangement or combination of apparatus whereby television signals broadcast over the air are received at one (1) or more towers, antennas or other devices from television stations licensed by the Federal Communications Commission and other information sources and which for a consideration are transmitted by means of a coaxial cable or other suitable device to television receiving sets or subscribers to such service.

**COMPANY** — The Blue Ridge Cable Television Inc. the grantee of rights under this franchise.

**COUNCIL** — The governing body of the Borough of Coaldale, Schuylkill County, Pennsylvania.

**PERSON and APPLICANT** — Any person, firm, partnership, association, corporation, company or organization of any kind.

**STREETS** — All public streets, ways, alleys and parkways owned by or under the jurisdiction of the Borough of Coaldale.

**§ A108-7. Exclusive franchise.**

There is hereby granted by the borough to the company an exclusive franchise to construct a community antenna television system (CATV) for television-related services as may be prescribed or permitted by the Federal Communications Commission and to use poles, conduits and appurtenances under, along, across or upon any or all public streets, ways, alleys or parkways, as the same now or may hereafter exist with the Borough of Coaldale and within the boundaries of said Borough of Coaldale as the same may hereafter be extended for transmitting and distributing electricity and electrical impulses and signals for television purposes, namely to produce reproduction of sights and sounds in combination to the residents of the Borough of Coaldale, upon the terms and conditions and subject to the limitations herein set forth.

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§ A108-8. Territory.

Upon the annexation of any territory to the borough, the portion of any said utility that may be located or operated within said territory, upon the streets, alleys or public ways thereof, shall thereafter be subject to all the terms of this franchise as though it were an extension made thereunder.

§ A108-9. Compliance with applicable legislation.

The company shall, at all times during the life of this franchise, be subject to all lawful exercise of the police power by the borough, and to such reasonable regulations as the borough shall hereafter by resolution or ordinance provide.

§ A108-10. Liability of company.

The company shall indemnify and save the borough and its agents and employees harmless from all and any claims for personal injuries or property damages and any other claims and costs, including attorneys' fees, expenses of investigation and litigation of claims and suits thereon which may arise from the installation and/or operation of company's television antenna system or any equipment of the company. In case suit shall be filed against the borough, either independently or jointly with said company to recover for any said claim or damages, said company, upon notice to it by said borough, shall defend said borough, its agents and employees, against said action and, in the event of a final judgment being obtained against said borough, either independently or jointly with said company, the company will pay said judgment and all costs and hold the borough harmless therefrom. For this purpose the company shall carry and at all times maintain or file with the Secretary of the Borough of Coal-dale, and at all times keep in force, a public liability policy or policies in the name of company and the borough as their respective interests may appear, insuring the company and the borough against any and all liability arising from the installation and/or operation of said system, which policy or policies shall be approved by the Solicitor of the borough. Such liability policy or

policies shall be in the sum of twenty-five thousand dollars (\$25,000.) for damage to property in any one (1) accident and not less than one hundred thousand dollars (\$100,000.) for injury or death to any one (1) person and not less than the sum of two hundred thousand dollars (\$200,000.) for death or injury to all persons affected by any one (1) accident. Such policies of insurance shall be issued by a company licensed to do business in the Commonwealth of Pennsylvania. The company shall also carry workmen's compensation coverage for all of its employees subject to such coverage, and shall submit to the Secretary of the borough a certificate of insurance showing that workmen's compensation coverage is in effect.

§ A108-11. Payment to borough.

The company shall annually pay a franchise fee to the borough during the life of this franchise, said fee to be two percent (2%) of the gross annual receipts of the company arising within the borough from monthly subscriber service charges only; said fee being for the regulation and privilege of using the streets and alleys of the borough for the operation of its system. The franchise fee shall be due and payable on the first day of April of each and every year hereafter.

§ A108-12. Service standards.

- A. The company shall, during the continuance of this franchise, provide facilities and service sufficient to meet the needs of the public welfare and shall maintain its facilities and service up to date and in keeping with technical progress. The company shall maintain and operate its system and render efficient service on a minimum of seven (7) television channels and in accordance with rules and regulations as are, or in the future may be, set forth by the Council of the borough. The system shall be installed and maintained in accordance with good engineering practices, and any spurious electromagnetic radiation must fall within the limits specified by the Federal Communications Commission. All construction must be done in a good and

workmanlike manner free of obvious defects which may be a hazard to life and limb and in conformance with the standards as set forth in the National Electric Safety Code.

- B. Notice of interruption for repairs. Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the company shall do so at such time as shall cause the least amount of inconvenience to its customers and, unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice to its customers.
- C. Continuous service. Company service shall be continuous daily during the regular telecast operating hours of the stations whose television broadcasts are being transmitted.
- D. Nondiscrimination of service. The company shall serve any person residing in or owning property in the borough desiring service who shall pay the charges hereafter enumerated.
- E. Interference. The company shall at all times operate the community system so as not to adversely affect or interfere with existing radio and television reception and shall prevent radiation from the company's cables to antennas located in borough.
- F. The company shall immediately investigate and resolve all service complaints and equipment malfunctions. The company shall maintain a local office for these purposes in Lansford and Lehighton and/or where a complete tariff governing the service to customers is on file. Said tariff shall also be on file with the Secretary of each municipality.

§ A108-13. Rates.

- A. The rates charged by the company for service on a minimum of seven (7) channels hereunder shall be as follows:

- (1) Installation fee (first outlet), twelve dollars and fifty cents (\$12.50).
  - (2) Monthly service, five dollars and forty-five cents (\$5.45) per month [seasonal: less than nine (9) months, fifty-five cents (\$0.55) per month additional].
  - (3) Additional television outlets, five dollars (\$5.) plus fifty-five cents (\$0.55) for monthly service per month. FM installation, twelve dollars and fifty cents (\$12.50).
  - (4) Monthly service, no charge with television. FM without television, for installation, twelve dollars and fifty cents (\$12.50) plus five dollars and forty-five cents (\$5.45) monthly service per month.
  - (5) Relocation of outlet, three dollars (\$3.) at same address.
  - (6) A charge of ten dollars (\$10.) to disconnect and reconnect for any reason (seasonal, nonpayment etc.)
  - (7) Along sparsely populated routes, a construction charge of twenty dollars (\$20.) per one hundred (100) feet will apply when necessary construction is in excess of eight hundred (800) feet which is considered the maximum extension at the base rate.
  - (8) Connection charge:
    - (a) Underground cable installation, company plowing of house drops, single installation, fifteen dollars (\$15.).
    - (b) Trenching and conduit, if supplied by subscriber or with multiple housing units, no charge.
- B. The company shall not increase rates without the permission and approval of the Council after a full public proceeding affording due process. The Council will not unreasonably withhold approval of a rate increase upon a showing of need by the company or as a result of the adoption of copyright fees.

**§ A108-14. Transfer of franchise.**

The sole stockholder of the company is presently Pencor Services, Inc. The company shall not sell, transfer or assign this franchise, nor shall its owners transfer majority ownership of their stock of said company, unless to one of its wholly owned subsidiaries, without the approval of the Council, which said approval will not be unreasonably withheld, provided, further that no sale or transfer shall be effective until the vendee, assignee or lessee has filed with the Borough Secretary, an instrument accepting the terms of the franchise and agreeing to perform all the conditions thereof.

**§ A108-15. Conditions on street occupancy.**

- A. Use. All transmission and distribution structures, lines and equipment erected by the company within the borough shall be located with the approval of the Council and shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin the streets, alleys or other public ways and places.
- B. Restoration. In case of any disturbance of pavement, sidewalk, driveway or other surfacing the company shall, at its own cost and expense and in a manner approved by the Council, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed in as good condition as before said work was commenced and shall maintain the restoration in improved condition for one (1) year.
- C. Relocation. In the event that at any time during this franchise the borough shall lawfully elect to alter or change the location or grade of any street, alley or other public way or if in the opinion of the Council a pole or pole line interferes with the necessary convenience of the borough or a property owner, then, upon reasonable notice by the borough the company shall remove, relay and relocate its poles, wires and cables or other television fixtures at its own expense.

## D. Placement of fixtures.

- (1) It is to be the general policy of the borough and it is understood by company that where distribution lines are to be installed along any public street the same shall preferably be attached to existing utility poles rather than to additional poles placed by the company and that where poles are to be placed in alleys, the same shall be located whenever possible on the same side of the alley as existing utility poles. It is understood and agreed that this restriction and limitation shall extend to any and all streets within the limits of the borough, even though some of said streets may be part of the state highway systems. Special exception or exceptions may be granted to company by the Council upon written application to it by company, but said exceptions shall be for good cause shown.
- (2) Before the company sets poles or constructs any structure on borough property it shall file with the borough detailed specifications showing the location, height and dimensions of the poles or structures to be erected. The poles or structures shall not be erected thereafter until such specifications shall be approved in writing by the Council and the Pennsylvania Department of Transportation has issued a license when and if required. All wires, cables and other overhead equipment shall be at such minimum heights as are or may be required of telephone or power lines by the Public Utility Commission of Pennsylvania or the Pennsylvania Department of Transportation.
- (3) Where the Council of the borough is uncertain as to the exact location of the limits of the right-of-way of any street or alley, then in its discretion it may require the same to be surveyed by a surveyor selected by it, the cost of said survey to be paid by the company.

E. Tree trimming. The company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the borough so as to prevent the

branches of such trees from coming in contact with wires and cables of the company, all trimming to be done under the supervision and direction of the Council and at the expense of the company.

- F. Use of poles and fixtures. The company agrees that it will furnish a copy of any contract entered into with any utility for the use of their poles by the company and setting forth the terms, conditions and duration of said contract.
- G. Removal of wires and installation from premises of subscriber. The company shall, on request of any subscriber, promptly remove all wires and installations from the premises of such subscriber.
- H. Removal of wire, poles and installations from borough streets. The company shall remove or cause to be removed from the streets, alleys and public ways of the Borough of Coaldale and from all public property all of the wires, poles and installations of any kind or nature whatsoever which have been installed under the authority of this franchise upon the termination of this franchise, the cessation of operation under this franchise by the company, its successors or assigns, for any reason whatsoever or the forfeiture of this franchise under the provisions of § A108-19 herein. In order to ensure the performance of this provision and the provisions, terms and conditions of this Article, the company shall post an adequate performance bond and continue the same in effect during the term of this franchise, said bond to be in the amount of five thousand dollars (\$5,000.) in favor of the borough and with surety or sureties thereon to be approved by the borough, the bond to be approved as to form by the Borough Solicitor.

**§ A108-16. Inspection of books.**

The Council, its Treasurer, Solicitor, auditors or accountant shall have the right at reasonable times to inspect the books and records of the company for the purpose of verifying the statement of rentals received.

**§ A108-17. Term of franchise.**

The franchise and rights granted herein shall take effect upon the effective date of this Article and shall continue in force and effect for a period of fifteen (15) years thereafter. At the option of the company and with the prior approval of the Council, upon review of the qualifications, the franchise may be extended for additional terms, each of ten (10) years. Any modifications of 76.31 of the Rules of the Federal Communications Commission shall be incorporated into this Article within one (1) year of adoption or at the time of franchise renewal, whichever occurs first.

**§ A108-18. Publication costs.**

The company shall assume the cost of publication of this Article as such publication is required by law. A bill for publication costs shall be presented to the company by the Secretary of the borough and upon the company's filing of acceptance shall be paid at that time.

**§ A108-19. Forfeiture.**

The Council may at any time declare a forfeiture of this grant for violation or default by the company of any of the terms thereof, provided that none of the terms of this grant shall be deemed to be violated so as to permit such forfeiture unless the company shall first be given notice by the borough of such violation or default and of the attempt to declare a forfeiture and thereafter if such violation or default shall continue for a period of more than ninety (90) days all the rights and privileges' of said company under the provisions of this Article may be forthwith declared forfeited and revoked. If any action shall be instituted or prosecuted directly or indirectly by the company or by its stockholders or creditors to set aside or have declared void any terms of this grant, the whole of this grant may be thereupon forfeited and annulled at the option of the Council, to be expressed by ordinance; provided, however, that the company shall not be deemed to be in default for performance of any provision of this

grant, nor shall any forfeiture be invoked for any violation or failure to perform any provision hereof due to strikes, lockouts, insurrections, acts of God or any cause beyond the control of the company.

**§ A108-20. Manner of giving notices.**

Whenever, by the terms of this Article, notice is required to be given by the borough to the company, it may be given by delivering to an officer of the company a paper writing thereof during the ordinary business hours at the principal office of the company. Whenever the company is required to give notice to the borough it shall do so by leaving or delivering a paper writing thereof at the office of the Secretary of the borough during ordinary business hours.

**§ A108-21. Nonliability of borough.**

The company will hold the borough harmless from the alleged violation of any utility franchise previously granted by the borough. The granting of a franchise under this Article shall not be construed as any undertaking or guarantee of the efficiency of the company or maintenance of the service of company. The borough assumes no responsibility for the acts or omissions of the company other than to require compliance with this Article.

**§ A108-22. Acceptance of franchise.**

This grant is made upon the express condition that the company within thirty (30) days after this Article takes effect and becomes operative, shall file with the Secretary of borough a written acceptance of the same and when this Article shall have been accepted by the company, such Article and acceptance shall constitute a contract between the borough and the company for all the uses, services and purposes set forth in this Article, and the company by its acceptance of the provisions of this Article binds itself to provide the necessary television antenna system and to establish, operate and maintain the local television antenna

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system contemplated in this Article, continuing without substantial interruption except for causes beyond its control until the expiration of the term of this grant. In the event that said company fails to file said written acceptance within the time hereinbefore specified, this grant, together with any rights or liabilities arising out of the proposal heretofore made for the furnishing of an adequate television antenna system for the benefit of inhabitants of said borough and the acceptance of such proposal by the borough shall be of no effect and void.

§ A108-23. Construction.

Community antenna television service under this franchise shall be extended to new subscribers within six (6) months of a proper request, excluding those areas with a population density of less than twenty (20) homes per mile.

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## INDEX INSTRUCTIONS

The main **INDEX**, beginning on page 1, will guide you to the legislation contained within the Code at the time the main **INDEX** was originally prepared. As new legislation is adopted, or existing legislation is amended, the Code pages are replaced by supplementary pages which include the new material, thereby causing some **INDEX** entries to become obsolete. **INDEX** entries to the new material will be provided for in the **SUPPLEMENTAL INDEX**, beginning on page SI-1.

The **SUPPLEMENTAL INDEX** should, therefore, be consulted first, since it refers to the more recent legislation. Then reference should be made to the main **INDEX**.

When received, **SUPPLEMENTAL INDEX** pages should be placed directly following this page and in front of the main **INDEX**, according to the instructions accompanying the supplement.

Numbers in the indices refer to section numbers in the Code, e.g., 39-3 is a reference to Chapter 39, Section 3.

NOTES

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

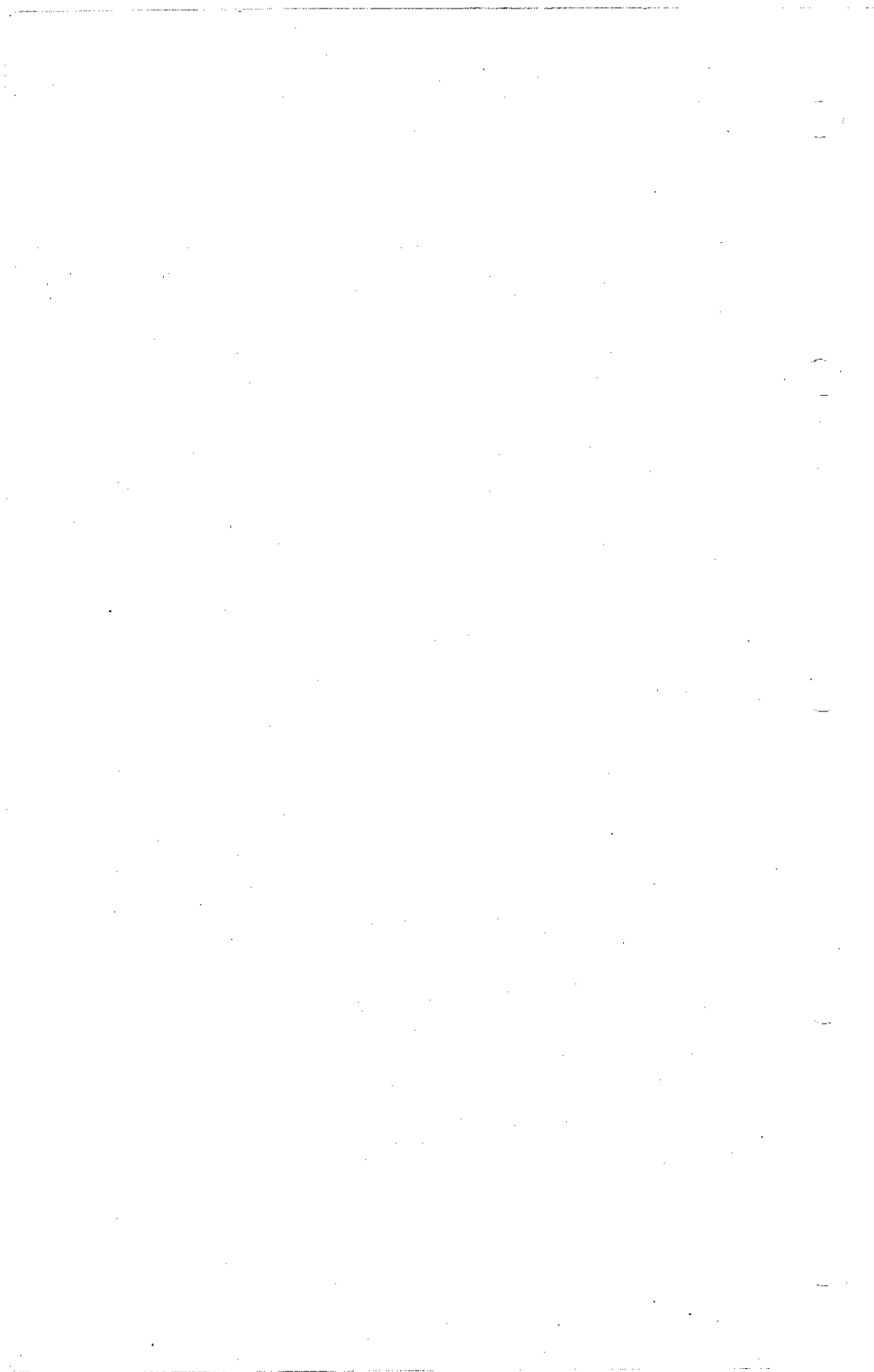
2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and analysis processes, thereby improving efficiency and accuracy.

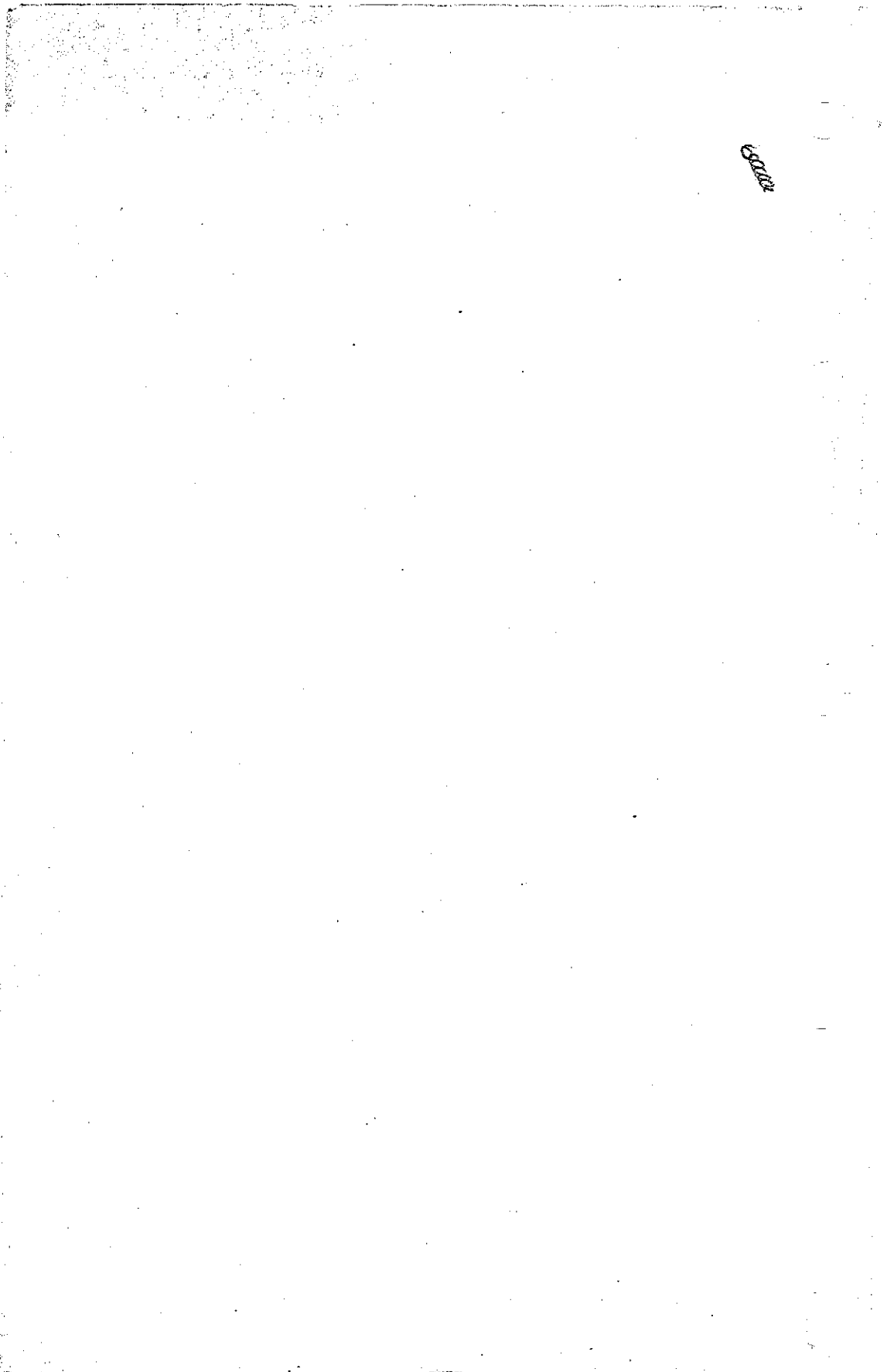
4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that the data remains reliable and secure throughout its lifecycle.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that the data management processes remain effective and aligned with the organization's goals.

—NOTES—







8/10/08