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Chapter 1: GENERAL PROVISIONS:

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]

Article I Adoption of Code

[Adopted 8-6-2012 by Ord. No. 2012-1]

§ 1-1 Approval, adoption and enactment of Code.

Pursuant to Section 1008(b) of the Borough Code [53 P.S. § 46008(b)], the codification of a complete body of legislation for the Borough of Stockertown, County of Northampton, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 250, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Stockertown, which shall be known and is hereby designated as the "Code of the Borough of Stockertown," hereinafter referred to as the "Code."

§ 1-2 Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this

ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of Stockertown, and it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3 Repeal of ordinances not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Borough of Stockertown and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4 Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

A.

Any ordinance adopted subsequent to July 9, 2008.

B.

Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

C.

Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough or any penalty, punishment or forfeiture which may result therefrom.

D.

Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Borough.

E.

Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough or any lawful contract, obligation or agreement.

F.

Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough or other instruments or evidence of the Borough's indebtedness.

G.

Any ordinance adopting an annual budget or establishing an annual tax rate.

H.

Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.

I.

Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.

J.

Any ordinance annexing land to the Borough.

K.

Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.

L.

Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.

M.

Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.

N.

Any ordinance providing for the making of public improvements.

O.

Any ordinance providing for the salaries and compensation of officers and employees of the Borough or setting the bond of any officer or employee.

P.

Any ordinance concerning changes and amendments to the Zoning Map.

Q.

Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

R.

Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.

§ 1-5 Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

§ 1-6 Changes and revisions in previously adopted ordinances.

A.

Nonsubstantive grammatical changes. In compiling and preparing the ordinances and resolutions of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

B.

Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read

as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.

Editor's Note: In accordance with § 1-6B, the chapters, parts and sections that were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 8-6-2012 by Ord. No. 2012-1." Schedule A, which contains a complete description of all changes, is on file in the Borough offices.

C.

Nomenclature. Throughout the Code, references to the following agencies or officials are updated as indicated:

(1)

"Department of Environmental Resources" or "DER" to "Department of Environmental Protection" or "DEP."

(2)

"Department of Community Affairs" or "DCA" to "Department of Community and Economic Development" or "DCED."

(3)

"Justice of the Peace," "District Magistrate" and "District Justice" to "Magisterial District Judge."

(4)

"Soil Conservation Service" or "SCS" to "Natural Resources Conservation Service" or "NRCS."

§ 1-7 Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8 Titles and headings; editor's notes.

A.

Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B.

Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9 Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10 Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11 Code books to be kept up-to-date.

It shall be the duty of the Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Borough Secretary for the use of the public. All changes in said Code and all ordinances and resolutions adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances or resolutions are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12 Publication of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Borough. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by

law, and the availability of a copy or copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13 Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Borough to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding $600, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 30 days.

§ 1-14 Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-15 Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after August 11, 2012.

Chapter 3: ACCESS TO RECORDS AND BUILDINGS:

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 4-21-2008 by Res. No. 42. Amendments noted where applicable.]

Article I: Public Records

§ 3-1 Purpose.

The Stockertown Borough Council recognizes the importance of public records as the records of acts of the Borough of Stockertown and the repository of information about the Borough. The public has the right under law to inspect and procure copies of such records with certain exceptions subject to the following guidelines.

§ 3-2 Definition.

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

PUBLIC RECORDS OF THE BOROUGH OF STOCKERTOWN

Any account, voucher or contract dealing with the receipt of or disbursement of funds, acquisition, use or disposal of services or supplies, materials, equipment or any other property, or any minutes, orders or decisions fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group of persons.

§ 3-3 Authority.

The Borough shall make the public records of this district available for inspection and copies in accordance with these guidelines, with the exception of those records exempted from such inspection and copying by law and the rules of the Council.

A.

Records exempted by law include:

(1)

Reports, communications or other items the publication of which would disclose the institution, progress or result of an investigation.

(2)

(Title 22) Any record, document, material, exhibit, report, memorandum or other product, access to which or publication of is prohibited, restricted or forbidden by law or court order or decree, or which would cause or operate to the prejudice or impairment of a persons reputation or personal security or would result in the loss of federal funds, except the record of any conviction for a criminal act.

B.

Records exempted by the Borough who declares disclosure of certain public records to be harmful to the public interest and exempts from public inspection the following:

(1)

Pending negotiations toward a collective bargaining agreement.

(2)

Any material which constitutes an unwarranted invasion of an individuals right to privacy such as any records, data, reports, recommendations or any other personal material, including but not limited to information relating to a person's family, family circumstance.

(3)

Procedures and techniques utilized in the protection of and safety of property of the Borough and public where disclosure of such information could impair such protection.

(4)

Pending or anticipated litigation, contract negotiations and any issues that may be privileged between the Borough and its attorney or consultants or special agents.

(5)

Personnel records such as the home address or telephone number of any employee.

(6)

Notations and tape recordings made and retained as an administrative convenience in the performance of assigned duties.

(7)

Any document or material that is currently under development by Borough Council, Committee, or Commission until it has been duly approved and adopted by the Borough Council.

§ 3-4 Guideline.

The public may inspect and procure public records, except those exempted, during the regular business hours of the office in which the record are mentioned. No public records may be removed from the control or supervision of the designated custodian.

§ 3-5 Procedure.

The public may inspect and obtain public records except exempted records by the following guidelines:

A.

A fee of $0.25 per page of each copy will be charged for all public records.

B.

A written request for the public record shall be made to the Borough Secretary. The custodian and Council President will make a determination of appropriateness and direct the request to the proper operating department if applicable.

C.

Copies of the information will be forwarded to the Borough Secretary, who will then contact the requesting party.

D.

Requests for information deemed unreasonable may be denied. Citizens have the right to appeal to Borough Council. The determination of Council shall be final.

E.

Requests for information requiring clerical work such as searches, and the like, will include a clerical fee of $25 per hour or fraction thereof.

F.

No public record may be removed from the control or supervision of the designated custodian.

Article II: Building Access

§ 3-6 Purpose.

It is necessary for the orderly operation of the Borough to provide a means of access to Borough buildings and offices for employees, elected officials, the public and those designated by the Borough Council. It is the intent of the policy to protect the rights of the employees and service the legitimate interests of the Borough by limiting access to Borough buildings and offices and provide a method for access.

§ 3-7 Definitions.

As used in this article, the following terms shall have the meaning indicated:

BOROUGH BUILDINGS

Any and all real property, building or other facility, owned, leased or maintained by the Borough to provide legitimate services or to conduct the official business of the Borough.

CONTRACTORS

Are persons or organizations selected by Stockertown Borough Council to provide a specified service or activity.

ELECTED OFFICIALS

Members of the Stockertown Borough Council who have been duly elected and serving an active team.

EMPLOYEE

All persons employed by Borough of Stockertown to provide a legitimate service.

NORMAL WORKING HOURS

Eight a.m. to 4:30 p.m., Monday through Friday, unless otherwise specifically detailed.

OFFICES or WORK SPACE

Any and all areas designated by the Borough as an area not open to the public or persons other than those assigned or designated to utilize the area.

§ 3-8 Authority.

The Borough Council has the authority to employ persons, contractors, and designate groups of people to provide legitimate services. Council may designate work areas for these employees. Work areas are not areas open to the public but may, by physical design, allow the public or other persons access to the limited area during designated working hours. The Borough recognizes the safety of the employees, the responsibility to safely maintain records, information, and equipment not available to the public and the obligation to protect the public or other persons from the inherent dangers of the work place environment.

§ 3-9 Procedure.

No unauthorized person shall access any Borough property unless the person is performing a duly authorized task or activity at the direction of Borough Council President.

A.

Persons may apply to the Council to utilize or access a Borough property by providing a written request to the Council President designating the date, time and usage. Council may require any additional information and set conditions or fees for the use or access to the Borough property.

B.

No person other than an employee assigned to a work space or office, and designated to perform a legitimate service for the Borough shall have access to the office, work space, equipment, records, materials or Borough buildings.

C.

The Borough, by means of access control (key/lock or other method), shall secure all Borough properties, offices, and work spaces to prevent unauthorized entry, and to ensure security and the protection of records, materials and equipment.

D.

The President of the Borough Council shall grant or deny access to Borough property, offices, and work spaces to the currently elected officials, employees, and designated persons as deemed necessary.

E.

Recommended levels of access:

(1)

Council President and Vice President: access to the Council Meeting Chamber and emergency access to all Borough property and offices.

(2)

Councilperson: access during normal working hours to Council Meeting Chamber.

(3)

Public Works Supervisor: access to Meeting Chambers, Sewer Plant, Emergency Services Building, all garages, and equipment.

(4)

Public Works Senior Employee: access to Meeting Chambers, garages, equipment and assigned work area.

(5)

Police: access to Meeting Chambers, Police Office, Emergency Services Building and assigned work area.

(6)

EMC: access to Emergency Services Building, emergency response areas, equipment and other access as needed in an Emergency.

(7)

Zoning Officer: access to Meeting Chambers, assigned work area and zoning records.

(8)

Janitorial staff: no access.

(9)

Borough-contracted employees, i.e. auditors, solicitors, accountants, engineers, and Sewer Plant Operator: no access.

(10)

Zoning Hearing Board: no access, except for Zoning Officer and during meeting hours.

(11)

Planning Commission: no access except during meeting hours.

(12)
Forks Fire Company: access to Emergency Services Building.

Chapter 5: AUDITOR

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 3-6-2000 by Ord. No. 2000-3. Amendments noted where applicable.]

§ 5-1 Appointment of independent auditor.

Pursuant to the provisions of the Borough Code, 53 P.S. § 46005(7), the Council of the Borough of Stockertown shall appoint an independent auditor who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public account or a competent firm of public accountants.

§ 5-2 Examination of accounting records.

An independent auditor shall be appointed, annually, by resolution to make an independent examination of the accounting records of the Borough for such fiscal year and such independent auditor shall also perform the other duties and exercise the powers as conferred upon him/them by Subdivision (k) of Article XI of the Borough Code, as shall from time to time be amended, 53 P.S. § 46196.

§ 5-3 Appointment of independent auditor abolishes elected Borough Auditor.

When an independent auditor is appointed as herein provided, the office of elected Borough Auditor is hereby abolished, although the Borough auditors then in office shall continue to hold their office during the term for which elected. The Borough auditors shall not audit, settle, or adjust the accounts audited by such independent auditor but shall perform the other duties of their office.

§ 5-4 Powers and duties.

In all respects the general powers and duties of independent auditor shall be governed by provisions of the Borough Code, 53 P.S. § 46196, as shall from time to time be amended by the commonwealth.

Chapter 19: FIRE DEPARTMENT:

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]
GENERAL REFERENCES

Police Department — See Ch. 38.

Hazardous Materials — See Ch. 126.

ARTICLE I Official Fire Company

[Adopted 3-6-1995 by Ord. No. 223]

§ 19-1 Fire company recognized.

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

The Forks Township Fire Company is hereby designated as the officially recognized fire company for the Borough.

§ 19-2 Authorized activities of fire company.

A.

The fire company recognized by the Borough is hereby authorized to provide such services to the Borough as may be necessary for the protection of property and persons situate therein, which include, by way of example and not of limitation, the extinguishment and prevention of loss of life and property from fire, automobile accidents, medical emergencies, hazardous materials incidents, and other dangerous situations.

B.

The company may also provide non-emergency and public service functions, such as, again by way of example and not of limitation, removing water from property after storms, and assisting in the removal, abatement and prevention of damage or injury to persons or property, whether through natural causes or man-made situations.

C.

The company may also conduct and participate in such training activities and drills, either within or outside of the Borough, as may be deemed necessary by the officers of the company to maintain proficiency in providing service.

D.

The company may also respond to calls and provide services to municipalities outside of the Borough.

§ 19-3 Authorized activities of members of the fire company.

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

A.

Engage in any type of drill, training, ceremony, practice, test or parade when duly called for or authorized by an officer or officers of the fire company;

B.

Engage in fundraising activities for the fire company, when authorized by an officer or officers of the fire company;

C.

Engage in the performance of any other duty or activity authorized by any officer of the recognized fire company.

§ 19-4 Purpose.

The purpose of this article is to recognize the fire company as the official fire company of the Borough, and to state additional authorized activities for firefighters for workmen's compensation purposes.

Chapter 26: INTERGOVERNMENTAL COOPERATION

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Local Government Investment Trust

§ 26-1 Authorization to join.

This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a settlor of the Pennsylvania Local Government Investment Trust (the Trust) and entering into the Declaration of Trust, which is adopted by reference with the same effect as if it had been set out verbatim in this section and a copy of which shall be filed with the minutes of the meeting at which this article was adopted.

§ 26-2 Purchase of shares.

This municipality is authorized to purchase shares in the Trust from time to time with available municipal funds, and to redeem some or all of those shares from time to time as funds are needed for municipal purposes. These actions are to be taken by the officers designated for this purpose, pursuant to general or specific instructions by the governing body adopting this article.

§ 26-3 Custody of funds.

The trustees of the Trust are designated as having official custody of this municipality's funds which are invested by the purchase of shares in the Trust.

§ 26-4 Findings.

As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

A.

The conditions of the agreement are set forth in the Declaration of Trust referred to in § 26-1;

B.

This municipality's participation in the Trust shall be terminable at any time by ordinance;

C.

The Declaration of Trust and the purchase of its shares are for the purpose of investing this municipality's funds in obligations which are otherwise legal investments as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of pooled investments;

D.

It is not necessary to finance the agreement authorized herein from municipal funds except through the purchase of shares in the Trust;

E.

The Trust shall be managed by a Board of Trustees as set forth in the Declaration of Trust and the bylaws provided for therein; and

F.

Shares may be purchased and redeemed from time to time as this municipality may determine to be necessary or appropriate to meet its cash investment requirements.

ARTICLE II Northampton County Sold Waste Management Plan

§ 26-5 Incorporation of purpose clauses.

The above purpose clauses are hereby adopted and made a part of this article by this reference.

Editor's Note: Said purpose clauses appeared in the preamble of Ord. No. 176.

§ 26-6 Agreements for implementation of solid waste management plan.

The Borough is hereby empowered to enter into agreements with other municipalities or other public bodies in Northampton County for the purpose of establishing cooperation among such municipalities towards the completion and implementation of a solid waste management plan as long as the parties adhere to the following terms:

A.

The Borough will commit itself to participation as an active member in the solid waste management process.

B.

The Borough shall designate Northampton County to prepare the solid waste management plan.

C.

The Borough shall cooperate with the participating entities in approving a budget and other related fiscal activities necessary to undertake this planning process.

D.

The Borough shall agree to share in the costs of the planning process on a per-capita basis; the per-capita amount shall be agreed upon by a simple majority of participating municipalities.

E.

The Borough shall agree to designate an individual to serve as the municipal representative to the Municipal Conference, which body shall serve to insure that each municipality will participate in the preparation of and review of the solid waste management plan.

§ 26-7 Authority execute documents and agreements.

The proper officers and other personnel of Borough are hereby authorized and empowered to take all such further action and execute such additional documents, including the necessary agreements between the county and the municipalities and other public bodies which decide to enter into the aforesaid program, as they may deem appropriate to carry out the purpose of this article.

§ 26-8 Authorization of officers.

The proper officers and other personnel of Borough are hereby authorized and empowered to take all such further action and execute such additional documents as they may deem appropriate to carry out the purpose of this article.

§ 26-9 Right to withdraw.

Notwithstanding anything contained in this article to the contrary, the Borough reserves the right to withdraw from participation with Northampton County and other municipalities involved in the completion and implementation of the solid waste management plan as proposed in this article upon giving 60 days' written notice to Northampton County, Pennsylvania.

ARTICLE III Risk Management Association

§ 26-10 Entrance into contract.

This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a member of the association and entering into the intergovernmental contract which was adopted by reference with the same effect as if it had been set out verbatim in this section and a copy of which shall be filed with the minutes of the meeting at which this article was adopted.

Editor's Note: Said agreement is on file in the Borough offices.

§ 26-11 Authorization to enter contract.

This municipality is authorized to enter into the intergovernmental contract for the purposes contained therein. These actions are to be taken by the member(s) or employee(s) of this municipality designated for this purpose, pursuant to general or specific instructions by the governing body adopting this article.

§ 26-12 Custody of funds.

The Association is designated as having official custody of this municipality's funds which are invested by Association pursuant to the terms of the intergovernmental contract.

§ 26-13 Findings.

As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

A.

The conditions of the agreement are set forth in the intergovernmental contract referred to in § 26-10;

B.

This municipality's participation in the Association shall be terminable at any time by ordinance;

C.

The purposes and objectives of the agreement are set forth hereinabove and the intergovernmental contract and actions contemplated thereby and purposes and objectives contained therein are otherwise legal as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of intergovernmental cooperation;

D.

It is not necessary to finance the agreement authorized herein from municipal funds except through the contribution of this municipality's basis rate (as such term is defined in the intergovernmental contract) to the Association.

E.

The Association shall be managed by a Board of Commissioners or Executive Committee as set forth in the bylaws of said Association, a copy of which has been provided for review in connection with the adoption of this article.

F.

All property, real or personal, shall be acquired, managed or disposed of by the Association in accordance with the terms of the intergovernmental contract.

ARTICLE IV Drug Task Force

§ 26-14 Agreement adopted.

There is hereby adopted and ratified an Agreement for Intergovernmental Cooperation known as the "Municipal Police Mutual Aid Agreement," hereinafter referred to as the "Agreement."

§ 26-15 Purposes and objectives.

The purposes and objectives of the Agreement are as follows:

A.

To enhance the coordination of drug investigation in the Northampton County Area;

B.

To provide for mutual police aid across jurisdictional lines to enable designated police to more effectively enforce the provisions of narcotics and illegal drug law and thereby preserve the safety and welfare of the entire area; and

C.

To have available for use throughout the territorial limits of all municipalities signing the mutual agreement, the services of designated police employed by any and all of said municipalities, under the conditions set forth and in compliance with the Municipal Police Jurisdiction Act (42 Pa.C.S.A. § 8953).

§ 26-16 Drug Task Force Agreement.

The Agreement shall be subject to all the conditions and terms specified and set forth in the Drug Task Force Agreement which is attached hereto, and incorporated by reference herein,

Editor's Note: The Drug Task Force Agreement is on file in the Borough offices.
which include the manner and extent of financing the Agreement, the organizational framework, and the manner in which property shall be acquired, managed or disposed of.

§ 26-17 Duration of Agreement.

The duration of the Agreement shall be indefinite, subject to termination by any municipality, as to that municipality, as is provided in the Agreement.

ARTICLE V Nazareth Area Council of Governments

§ 26-18 Agreement to cooperate.

The Borough of Stockertown hereby agrees to intergovernmentally cooperate with the Association of Municipal Subdivisions consisting of the Townships of Bushkill, Lower Nazareth, and Upper Nazareth, the Boroughs of Nazareth, Bath, Stockertown, and Tatamy, and the Nazareth Area School District known as the Nazareth Area Council of Governments. No function, power, or responsibility of Stockertown will be exercised through intergovernmental cooperation with other member municipalities unless ratified by resolution of the Borough of Stockertown.

§ 26-19 Agreement to participate.

The Borough of Stockertown hereby agrees to participate in the Nazareth Area Council of Governments for a term commencing with the adoption of this article.

§ 26-20 Incorporation of agreement.

The Borough of Stockertown shall enter into an agreement entitled "Articles of Agreement," a copy of which is attached hereto and incorporated herein by reference,

Editor's Note: The Articles of Agreement is on file in the Borough offices.
with the intent and effect that Stockertown shall be bound by the agreement.

§ 26-21 Authorization to execute agreement.

The President of Borough Council and Secretary are hereby authorized and directed on behalf of Stockertown to execute and deliver the Agreement.

§ 26-22 Other necessary actions authorized.

The Borough Council of Stockertown is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this article and said Articles of Agreement.

§ 26-23 Purpose of council.

The purpose of the Nazareth Area Council of Governments is to meet at regular intervals to foster a cooperative effort to resolve regional problems, to determine policies, and to formulate plans and programs to meet regional needs. Additional purposes shall include: communication and coordination, policies and priorities, community facilities and services, forum, regional spokesman, staff support, and regional review. The Borough of Stockertown hereby pledges its support of such purposes and further agrees to jointly cooperate in the exercise or in the performance of its respective governmental functions, powers, and responsibilities. This pledge of intergovernmental cooperation without further amendment to the within Ordinance shall not be construed as to delegate or transfer any functions, powers or responsibilities to another local government or to the Nazareth Area Council of Governments.

§ 26-24 Pledge of expenditures.

The Borough of Stockertown pledges such expenditures as shall be required under the Articles of Agreement.

§ 26-25 Conformance with statutes.

The Nazareth Area Council of Governments shall in all respects conform with the requirements of the Intergovernmental Cooperation Act, 53 Pa.C.S.A. §§ 2301-2315, and the School Code, 24 P.S. § 5-522.

§ 26-26 Power and authorities limited by Articles of Agreement.

The Nazareth Area Council of Governments powers and authorities shall be limited by the Articles of Agreement incorporated herein and made a part hereof.

ARTICLE VI Nazareth Area Council of Governments Emergency Services Mutual Aid

§ 26-27 Execution of agreement.

The Borough Council of the Borough of Stockertown hereby approve and authorize execution of the Emergency Services Mutual Aid Agreement attached hereto, made a part hereof, and marked Exhibit "A."

Editor's Note: Exhibit A is on file in the Borough offices.

Chapter 34: PLANNING COMMISSION

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 12-17-2001 by Ord. No. 2001-9. Amendments noted where applicable.]
GENERAL REFERENCES

Subdivision and land development - See Ch. 213.

Zoning - See Ch. 250.

§ 34-1 Commission created.

A Planning Commission is hereby created for the Borough of Stockertown.

§ 34-2 Number of members.

The Borough of Stockertown Planning Commission shall consist of five members.

§ 34-3 Powers and duties.

The powers and duties of the Borough of Stockertown Planning Commission shall be as those set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. § 10209.1, as same shall be time to time amended, and such other duties and responsibilities as shall be authorized by Borough Council.

§ 34-4 Membership, removal, and conduct of business.

Appointment, term and vacancy, membership, removal, and conduct of business shall be as set forth in the Pennsylvania Municipalities Code, as it shall from time to time be amended, 53 P.S. § 10201 et seq.

Chapter 38: POLICE DEPARTMENT

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 5-1-1939 by Ord. No. 59; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]
GENERAL REFERENCES

Fire Department — See Ch. 19.

§ 38-1 Police Department established.

The Borough shall have a Police Department.

§ 38-2 Members of Department.

The Police Department shall consist of a Chief, an Assistant Chief, and officers (patrolmen and women).

Chapter 46: SALARIES

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]

ARTICLE I : Mayor and Council

Article I: Mayor and Council

[Adopted 2-5-1990 by Ord. No. 198]

§ 46-1 Recital.

The latest available official census figure for the Borough of Stockertown sets population at less than 5,000 persons.

§ 46-2 Councilperson compensation.

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

Pursuant to the authority granted by the Borough Code, Councilpersons for the Borough of Stockertown shall be paid a salary in an amount not to exceed the sum of $1,875 per annum.

§ 46-3 Mayor compensation.

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

Pursuant to the authority granted by the Borough Code, Mayor for the Borough of Stockertown shall be paid a salary in an amount not to exceed the sum of $2,500 per annum.

Chapter 69: ALARM SYSTEMS

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 8-5-1996 by Ord. No. 229. Amendments noted where applicable.]
GENERAL REFERENCES

Uniform construction codes See Ch. 98.

§ 69-1 Purpose.

The purpose of this chapter is to provide standards and regulations for police, fire and other emergency alarm and protection devices, whether by direct line, radio, telephone or other means actuating a device requiring a response by police, Fire Department, ambulance or other governmental agencies. The Borough Council of Stockertown finds and declares that:

A.

The majority of emergency alarms to which police and emergency personnel respond are false. Such false alarms are nuisances resulting in a waste of manpower and could cause serious injury to those police officers and other emergency personnel who may be responding to a false alarm. While responding to false alarms they are not available to protect the citizens of the Borough.

B.

The dangers to citizens through emergency responses created by false alarms is unnecessary and hazardous.

C.

False alarms have created conditions causing danger and annoyance to the general public.

D.

Tax dollars are wasted through responses to false alarms.

§ 69-2 Definitions.

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

ALARM SYSTEM
: Any device designed or used for detection of fire, smoke, carbon dioxide, gas or of intrusion into a building, property, structure or facility or for alerting any person in the attempt or commission of a crime or any emergency situation involving potential death or injury or any other device which summons any emergency service agencies and which is directly connected to an audible alarm or the transmission of a related signal or message which is used to evoke an emergency response by emergency service agencies to any address or separate component of any system.

EMERGENCY SERVICE AGENCIES
: The Liberty Hose Company of Stockertown.

FALSE ALARM
: The activation of an alarm system due to other than the purpose for which the alarm system is designed. Any activation of an alarm system due to any malfunction caused by a violent, natural catastrophic condition, including electrical storms or power outages, or conditions beyond the control of the permittee will not constitute a false alarm. A false alarm shall also include the accidental activation of alarms by employees, permittees, cleaning services or any other persons permitted on the property by the permittee.

PERMIT(S)
: Written permission duly granted to an applicant by the Borough, upon payment of the required fee.

PERMITTEE(S)
: An individual and/or entity who has secured a permit in accordance with this chapter.

POLICE
: The Stockertown Police Department.

§ 69-3 Application for alarm permit.

A.

Every applicant for a permit shall file with the Secretary of the Borough, on forms provided by the Borough, a written application stating the name, address and telephone number of the applicant; a description of the property or properties where the proposed alarm system shall be installed; the location, road, name of development, including the office or industrial complex and location within the office or industrial complex and name which is conspicuously displayed on the house, building or mailbox of the premises; a description of the type or types of alarm systems to be used, including name and model number of the manufacturer; the name of the person or company who will install the alarm system at the location; the name, address and telephone number of any person or company who will be available to be contacted in the event of an alarm activation; and such other information as shall be determined appropriate by the

Borough. In the case of more than one building site in which the alarm system shall be installed, the applicant must provide the Borough with information concerning how the alarm for each building shall be distinguishable from the other alarms in said buildings.

B.

In the event the name, mailing address or telephone number of the person to be contacted changes, the applicant shall supply corrected information to the Borough within five days of the change. If requested by the Borough or its duly authorized representative, including but not limited to the police, the persons listed shall be required to be present at the alarm location within a reasonable length of time after being advised that the police or other emergency departments have received any signal or message of an alarm activation.

§ 69-4 Transfer of permits.

A.

Permits shall not be transferable from one individual and/or entity to another, or from one location to another, without the express written authorization from the Borough. In the event that the premises in which the alarm system has been installed is to be conveyed or transferred to another individual and/or entity, it shall be the responsibility of the permittee to notify the Borough of the name and telephone number of the other person to be contacted in case of the alarm activation.

B.

Any individual and/or entity who obtains title and/or possession of premises in which an alarm system has been installed and a permit has been issued by the Borough shall notify the Borough and make application for registration specifying all information necessary for the police or other emergency departments to respond to the alarm activation.

§ 69-5 Permit fees.

A.

Every individual and/or entity applying for a permit under the provisions of this chapter shall pay a fee in an amount as shall be set by resolution of the Borough Council

Editor's Note: Current Fee Schedule is on file in the Borough offices.
to obtain a permit prior to the installation of the new alarm system on the premises.
Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
B.

Any individual and/or entity who owns or obtains a title or possession to premises in which an alarm system has already been installed shall pay a fee in an amount as shall be set by resolution of the Borough Council

Editor's Note: Current Fee Schedule is on file in the Borough offices.
to register their name, address, telephone number and individual to be contacted in case of the activation of the alarm system in accordance with the provisions of this chapter.
Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
C.

All fees shall be payable to the Borough, and the fees described above may be revised from time to time by resolution of the Borough Council of Stockertown.

§ 69-6 Violations and penalties.

A.

Any individual and/or entity who fails to make application or register with the Borough prior to the installation of an alarm system on the premises shall pay to the Borough a civil penalty in the amount of $100 plus costs of legal proceedings.

B.

Any individual and/or entity who owns or acquires title and/or possession to premises in which an alarm system has already been installed and fails to register with the Borough shall pay to the Borough a civil penalty in the amount of $100 plus costs of legal proceedings for the first offense, and, for the second and any subsequent offenses, a civil penalty in the amount of $500 and costs of legal proceedings.

C.

Any individual and/or entity, who after receiving notice from the Borough that emergency service agencies have responded to three false alarms as defined in this chapter during the term of any 60 days, shall pay a civil penalty of $300 per false alarm thereafter plus costs of legal proceedings.

D.

Any individual and/or entity who continues to operate an alarm system more than five days after the date of mailing of notice of suspension, pursuant to § 69-7A, shall be subject to a civil penalty in the amount of $500 plus costs of legal proceedings. For each occasion on which a false alarm is activated after notice of suspension and pending restoration of the suspended permit, permittee shall pay a civil penalty in the amount of $500 plus costs of legal proceedings.

§ 69-7 Suspension of permit.

A.

In addition to any penalties which may be imposed for violation of certain provisions of this chapter, the Borough may, pursuant to the provisions of this section, suspend the

permit of any permittee for failure to correct any deficiencies in equipment or operation within 30 days after receipt of written notice of same from the Borough ("permit suspension"). Such permit suspension shall continue until the permittee shall give satisfactory proof to the Borough that the alarm system has been properly repaired, and/or persons have been trained in the proper use of the alarm system, and that no future false alarms will be activated.

B.

A suspended permit shall be restored upon satisfactory proof to the Borough that the alarm system has been properly repaired, and/or persons have been trained in the proper use of the alarm system, and that no future false alarms will be activated.

§ 69-8 Confidentiality.

The information furnished and secured pursuant to this chapter shall be confidential in character, shall not be subject to public inspection, and shall be so kept in order that the contents thereof shall not be known except to Borough and police officials charged with the administration of this chapter.

§ 69-9 When effective.

This chapter shall become effective five days from the date of its adoption. Persons and/or entities who are owners of such alarm systems existing at the time of the adoption of this chapter shall have a period of 60 days from the effective date of this chapter to comply with all provisions hereof.

Chapter 76: ANIMALS

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]
GENERAL REFERENCES

Nuisances — See Ch. 147.

Parks and recreation areas — See Ch. 161.

ARTICLE I : Regulation and Use of Dogs

[Adopted 8-7-1978 by Ord. No. 162]

§ 76-1 Running at large prohibited.

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

A.

It shall be unlawful for the owner, custodian or keeper of any dog:

(1)

To allow such dogs to run at large at any time upon any of the streets, highways or public grounds in the Borough of Stockertown, or upon the property of any person other than the owner, custodian or keeper of such dog unless accompanied by and under the immediate control of such owner, custodian or keeper.

(2)

To allow such dog to defecate or urinate in or upon any public street, way or place, or in or upon any private property, other than that of the owner keeper or custodian.

(3)

To allow such dog to defecate or urinate in or upon any Borough of Stockertown public grounds.

B.

It shall be the duty of the owner, custodian or keeper of any dog to keep at all times such dog either:

(1)

Confined within the premises of the owner, custodian or keeper.

(2)

Firmly secured by means of a collar and chain or other device, so that it cannot stray beyond the premises on which it is secured.

(3)

Under reasonable control of some person or when engaged in lawful hunting or field training accompanied by an owner or handler.

§ 76-2 Seizure; notice; redemption; charges.

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

It shall be the right of every police officer to seize and detain any dog whose owner is responsible for any of the above violations. If the seized dog is properly licensed, the owner shall be notified and the dog must be claimed within 10 days. The owner is responsible for charges incurred by reason of such seizure and detention. Rates of such charges shall be determined from time to time by the Borough Council. If after 10 days the dog is not claimed, it shall be disposed in some humane manner. No dog so seized shall be sold for purpose of vivisection.

§ 76-3 Destruction of dogs that pose threat.

Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

It shall be the right of every police officer to kill any dog which is found running at large and unaccompanied by its owner, custodian or keeper and which is deemed after due consideration by the police officer to constitute an immediate threat to the public health, safety and welfare.

§ 76-4 Nuisance.

It shall be unlawful in the Borough of Stockertown for the owner, custodian or keeper of any dog or similar animal to allow the same to defecate, expectorate, menstruate or urinate upon any public park, place or walkway, or upon any private property if the owner or custodian of such private property has informed the owner, custodian or keeper of such dog or similar animal in essence that such dog or animal shall be kept from trespassing upon such private property.

§ 76-5 Injury to property.

It shall be unlawful in the Borough of Stockertown, in the absence of a privilege for the owner, custodian or keeper of any dog or similar animal, to allow the same to injure or destroy any property or animal of any value without the express or implied consent of the owner of such property or animal, or for such owner, keeper or custodian to allow feces of such dog or animal to accumulate in any place in excessive quantities or for excessive periods of time.

§ 76-6 Injury to person.

It shall be unlawful in the Borough of Stockertown, in the absence of a privilege for the owner, custodian or keeper of any dog or similar animal, to allow the same to injure, molest or bite any person, and any such dog or animal is hereby declared to be a nuisance.

§ 76-7 Violations and penalties.

A.

Any owner, custodian or keeper, whether a natural person or otherwise, who shall violate any of the provisions of this chapter shall be guilty of a summary offense and liable, upon conviction before any Magisterial District Judge, to pay a fine or penalty to the Borough, and for the use of the Borough, as provided in 3 P.S. § 459-101 et seq.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
B.

In default of payment of any of the above fines, such owner, custodian or keeper may be sentenced to imprisonment in the county prison for a period not exceeding 30 days as provided by law, so long as such default is not due to indigency. Any dog or other animal which is permitted to habitually violate any of the provisions of this chapter is a nuisance and may be seized and destroyed by the Borough Police.

§ 76-8 Presumption of negligence.

This chapter shall apply to both negligent and intentional acts, and it shall be rebuttably presumed, if the owner, custodian or keeper of any dog or similar animal or his or her or its agent or a member of his or her household is informed that such dog or animal has violated any of the provisions of this chapter, that any such owner, custodian or keeper is at least negligent in allowing such dog or animal to again similarly violate this chapter, regardless of whether or not there was any prosecution for the first such violation.

Chapter 91: BURNING, OPEN

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 7-7-2008 by Ord. No. 263. Amendments noted where applicable.]
GENERAL REFERENCES

Nuisances See Ch. 147.

Parks and recreation areas See Ch. 161.

Property maintenance See Ch. 177.

§ 91-1 Purpose.

The purpose of this chapter is to prevent public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained, to avoid unnecessary fire service calls and false alarms, and intended to promote public health and safety and

safeguard the health, safety, and welfare of the citizens of the Borough of Stockertown by regulating air quality and the hazards of outdoor fires and burning.

§ 91-2 Definitions.

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

BURN BARREL
: A metal drum or barrel, with or without a spark arrestor cover, used for the purpose of burning wood, paper, or refuse.

BOROUGH
: The Borough of Stockertown in its entirety.

CAMPFIRE
: A small contained outdoor fire intended for recreation or cooking but not including a fire intended for disposal of refuse of any kind.

CLEAN WOOD
: Natural dry wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.

CONSTRUCTION AND DEMOLITION WASTE
: Building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair or demolition operations on a house, commercial or industrial building, or other structure.

FIRE OFFICIAL
: The Fire Chief, Fire Marshall, and/or designated fire officer of the Fire Department providing fire-protection service to the Borough. In the event that none of the primary Fire Officials are available during a specific event, a Stockertown police officer shall temporarily execute the duties of the Fire Official.

FIRE RING
: A container of no more than 30 inches across and eight inches in height, constructed of metal, rock or similar noncombustible material, set on hollowed out ground with a depth of at least six inches so as to allow the fire base to be below ground level. All fire rings must have a metal covering device/spark arrestor screen with spaces of not more than 1/2 inch covering the entire surface of the fire ring.

FIREWORKS
: Any composition or device producing a visible and/or audible effect for entertainment purposes, combustion, deflagration, or detonation.

HAZARDOUS SUBSTANCES
: Any substance, including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.

OPEN BURNING
: Maintaining a fire or burn where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney, or a metal covering device/spark arrestor. "Open burning" includes burning in a burn barrel.

OUTDOOR WOOD-FIRED BOILER
: A wood-fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domestic animals, and used for the sole purpose of providing heat to a dwelling.

PATIO WOOD-BURNING UNIT

A chiminea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating. All patio wood-burning devices must have a metal covering device/spark arrestor with spaces of not more than 1/2 inch covering the chimney or entire top surface of the unit.

RECREATIONAL FIRES AND BURNS

Any deliberately set and maintained fire or burn ignited in the confines of a campfire, fire ring, chiminea, fireplace, or patio wood-burning device, and used for the sole purpose of recreational pleasure. All recreational fires and burns must include a metal covering device/spark arrestor over the entire surface of the containerized fire or burn.

REFUSE

Any rubbish or waste material, including but not limited to solid waste, industrial waste, household waste, commercial food waste, plastics, treated or painted wood, wood composite material, magazines, corrugated cardboard, container board, vegetation, animal matter, furniture, tires, appliances, trees, brush, stumps, leaves, and grass clippings.

§ 91-3 Applicability; exceptions.

A.

This chapter applies to all outdoor fires and burns within the Borough of Stockertown, with the exception of the following:

(1)

This chapter shall not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances.

(2)

This chapter shall not apply to burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.

(3)

This chapter shall not apply to the use of propane, acetylene, natural gas, or kerosene in a device intended for heating, construction, or maintenance activities.

B.

This chapter shall apply to the use of an outdoor boiler/furnace used for the purpose of generating heat within a building used for human or animal habitation, providing it meets all conditions addressed in § 91-6 of this chapter.

§ 91-4 Prohibiting fires and burns.

All open fires and burns are prohibited within the Borough of Stockertown.

A.

Burning of any refuse is prohibited within the Borough.

B.

Burning of any construction or demolition waste is prohibited within the Borough.

C.

Burning of any hazardous materials is prohibited within the Borough.

D.

Burning of any trees, brush, stumps, leaves, and grass clippings is prohibited within the Borough.

E.

No materials of any kind may be burned upon any public land, street, curb, gutter, or sidewalk or on the ice of a lake, pond, stream or body of water within the Borough.

F.

No fireworks are permitted within the Borough other than those permitted by Pennsylvania law.

§ 91-5 Recreational fires and burns.

Recreational fires and burns are permitted in the Borough of Stockertown only in accordance with all of the following provisions:

A.

Any recreational fire or burn shall not be used to burn refuse.

B.

Only clean, dry wood or paper shall be used in the recreational fire or burn.

C.

The recreational fire or burn shall be located at least 25 feet from the nearest structure which is not on the same property as the recreational fire.

D.

All recreational fires and burns shall be supervised by the owner or occupant of the property or a responsible adult until the fire is extinguished and is cold. The person shall have readily available for use such fire-extinguishing equipment as may be necessary for total control of the fire.

E.

Any person intending to ignite a recreational fire or burn shall first notify the Northampton County Communications Center, using the nonemergency telephone number, of the date, time, and location of intent to ignite the fire.

§ 91-6 Outdoor wood-fired boilers.

An outdoor wood-fired boiler may be installed and used in the Borough in accordance with the following provisions:

A.

The outdoor wood-fired boiler shall be installed and used in an area appropriate to its function and only upon approval from the Fire Official.

B.

The outdoor wood-fired boiler shall not be used to burn refuse.

C.

The outdoor wood-fired boiler shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.

D.

The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet of the boiler, the chimney shall be made to extend at least as high above the ground surface as the highest height of the roofs of such residences.

§ 91-7 Fire suppression training.

Notwithstanding the provisions of § 91-4 of this chapter, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions:

A.

The fire or burn must be exclusively for fire prevention training. The fire or burn shall not be used as a means to dispose of waste material, including tires and other hazardous materials.

B.

Any standing structure that will be used in fire suppression training must be inspected by a licensed asbestos inspector.

C.

All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If the structure is a commercial building, all asbestos must be removed by a licensed abatement contractor.

D.

All ash shall be disposed of in an approved landfill.

E.

Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice fire or burn unless the Fire Official determines that they are necessary for the fire practice.

F.

At least 10 days prior to the planned suppression training, residents within 1/2 mile of the proposed training site shall be notified by the Fire Official of the proposed training exercise. The Fire Official shall use the United States Postal Service with a proof of service.

§ 91-8 Burning permits.

A.

A recreational fire or burn does not require a permit, provided that the fire complies with all applicable provisions of this chapter.

B.

The owner or occupant of the property shall obtain an annual burning permit for each outdoor wood-fired boiler and comply with all provisions addressed in § 91-6.

C.

There shall be no fees for the issuance of a fire burn permit.

D.

A fire burn permit issued under this section shall require compliance with all applicable provisions of this chapter.

E.

Any violation of the conditions of a fire burn permit or failure to secure permit when required shall be deemed a violation of this chapter.

§ 91-9 Right of entry and inspection.

The Fire Official or any authorized officer or agent of the Fire Official who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this chapter upon probable cause.

§ 91-10 Enforcement; violations and penalties.

A.

The Fire Official and Borough Police Department are authorized to enforce the provisions of this chapter.

B.

Any person, firm or corporation violating the provisions of this chapter, upon conviction before a Magisterial District Judge or Court of Common Pleas of Northampton County, shall be subject to pay a fine of not more than $600 and costs of prosecution and, in default thereof, imprisonment in the Northampton County Prison for a period not to exceed 90 days.

C.

The violator shall pay costs which may include all expenses, direct and indirect, which the Borough has incurred in connection with the enforcement of this chapter. The Borough shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this chapter.

D.
Each day that a violation exists shall constitute a separate violation of this chapter.

Chapter 98: CONSTRUCTION CODES, UNIFORM

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 6-7-2004 by Ord. No. 246. Amendments noted where applicable.]
GENERAL REFERENCES

Open burning ÔÇö See Ch. 91.

Numbering of buildings and street naming ÔÇö See Ch. 154.

Property maintenance ÔÇö See Ch. 177.

Subdivision and land development ÔÇö See Ch. 213.

Zoning ÔÇö See Ch. 250.

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§ 98-1 Election to administer and enforce.

§ 98-2 Regulations adopted by reference.

§ 98-3 Methods of administration and enforcement.

§ 98-4 Board of Appeals.

§ 98-5 Effect on other provisions.

§ 98-6 Fees.

§ 98-7 Effective date.

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§ 98-1 Election to administer and enforce.

The Borough of Stockertown hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999,

Editor's Note: See 35 P.S. § 7210.101 et seq.
as amended from time to time, and its regulations.

§ 98-2 Regulations adopted by reference.

The Uniform Construction Code, contained in 34 Pa. Code Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of the Borough of Stockertown.

§ 98-3 Methods of administration and enforcement.

Administration and enforcement of the code within the Borough of Stockertown shall be undertaken in any of the following ways as determined by Borough Council of the Borough of Stockertown from time to time by resolution:

A.

By the designation of an employee of the Borough of Stockertown to serve as the Municipal Code Official to act on behalf of the Borough of Stockertown;

B.

By the retention of one or more Construction Code Officials or third-party agencies to act on behalf of the Borough of Stockertown;

C.

By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;

D.

By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the Borough of Stockertown;

E.

By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections, and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

§ 98-4 Board of Appeals.

A Board of Appeals shall be established by resolution of Borough Council of the Borough of Stockertown in conformity with the requirements of the relevant provisions of the code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, the Board of Appeals shall be established by joint action of the participating municipalities.

§ 98-5 Effect on other provisions.

A.

All building code ordinances or portions of ordinances which were adopted by the Borough of Stockertown on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.

B.

All building code ordinances or portions of ordinances which are in effect as of the effective date of this chapter and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the Code.

C.

All relevant ordinances, regulations and policies of the Borough of Stockertown not governed by the code shall remain in full force and effect.

§ 98-6 Fees.

Fees assessable by the Borough of Stockertown for the administration and enforcement undertaken pursuant to this chapter and the code shall be established by Borough Council by resolution from time to time.

§ 98-7 Effective date.

This chapter shall be effective on July 8, 2004.

Chapter 112: FLOODPLAIN MANAGEMENT

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 4-2-2001 by Ord. No. 2001-1. Amendments noted where applicable. Amended 6-16-14 by Ordinance 2014-2 See new laws HERE]
GENERAL REFERENCES

Uniform construction codes - See Ch. 98.

Stormwater management - See Ch. 205.

Streets and sidewalks - See Ch. 209.

Subdivision and land development - See Ch. 213.

Zoning - See Ch. 250.

ARTICLE I: General Provisions

§112-1 Intent.

The intent of this chapter is to:

A.

Promote the general health, welfare, and safety of the community.

B.

Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C.

Minimize danger to public health by protecting water supply and natural drainage.

D.

Reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding.

E.

Comply with federal and state floodplain management requirements.

§112-2 Building permits.

A.

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Stockertown Borough unless a building permit has been obtained from the Building Permit Officer.

B.

A building permit shall not be required for minor repairs to existing buildings or structures.

§ 112-3 Abrogation and greater restrictions.

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

§ 112-4 Warning and disclaimer of liability.

A.

The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter

does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.

B.

This chapter shall not create liability on the part of Stockertown Borough or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

ARTICLE II: Administration

§ 112-5 Building permits required.

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

§112-6 Issuance of building permit.

A.

The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this chapter and all other applicable codes and ordinances.

B.

Prior to the issuance of any building permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act

Editor's Note: See 35 P.S. § 750.1 et seq.
(Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act
Editor's Note: See 32 P.S. § 693.1 et seq.
(Act 1978-325, as amended); the Pennsylvania Clean Streams Act
Editor's Note: See 35 P.S. § 691.1 et seq.
(Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.
C.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by Stockertown Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands,

D.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified by Stockertown Borough prior to any alteration or relocation of any watercourse.

§112-7 Application procedures and requirements.

A.

Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by Stockertown Borough. Such application shall contain the following:

(1)

Name and address of applicant.

(2)

Name and address of owner of land on which proposed construction is to occur.

(3)

Name and address of contractor.

(4)

Site location.

(5)

Listing of other permits required.

(6)

Brief description of proposed work and estimated cost.

(7)

A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B.

If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary

information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

(1)

All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this chapter and all other applicable codes and ordinances;

(2)

All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

(3)

Adequate drainage is provided so as to reduce exposure to flood hazards.

C.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Article IV) as may be required by the Building Permit Officer to make the above determination:

(1)

A completed building permit application form.

(2)

A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(a)

North arrow, scale, and date;

(b)

Topographic contour lines, if available;

(c)

All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;

(d)

The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;

(e)

The location of all existing streets, drives, and other accessways; and

(f)

The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.

(3)

Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a)

The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

(b)

The elevation of the one-hundred-year flood;

(c)

If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood; and

(d)

Detailed information concerning any proposed floodproofing measures.

(4)

The following data and documentation:

(a)

Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

(b)

A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one-hundred-year flood.

(c)

Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(d)

Detailed information needed to determine compliance with § 112-25F, Storage, and § 112-26, Development which may endanger human life, including:

[1]

The amount, location and purpose of any materials or substances referred to in §§ 112-25F and 112-26 which are intended to be used, produced, stored or otherwise maintained on site.

[2]

A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 112-26 during a one-hundred-year flood.

(e)

The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

(f)

Where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.

§ 112-8 Review by County Conservation District.

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

§ 112-9 Review of application by others.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.

§ 112-10 Changes.

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

§ 112-11 Placards.

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

§112-12 Start of construction.

A.

Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

B.

Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

§112-13 Inspection and revocation.

A.

During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal

laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B.

In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.

C.

In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Borough Council for whatever action it considers necessary.

D.

A record of all such inspections and violations of this chapter shall be maintained.

§ 112-14 Fees.

Applications for a building permit shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as set forth in the Stockertown Borough Fee Schedule.

§112-15 Enforcement; violations and penalties.

A.

Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:

(1)

Be in writing;

(2)

Include a statement of the reasons for its issuance;

(3)

Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;

(4)

Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;

(5)

Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

B.

Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Stockertown Borough of not more than $1,000 plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed 30 days. Each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this chapter may be declared by the Borough Council to be a public nuisance and abatable as such.

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

§112-16 Appeals.

A.

Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this chapter may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Building Permit Officer.

B.

Upon receipt of such appeal, the Borough Council shall set a time and place, within not less than 10 days nor more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C.

Any person aggrieved by any decision of the Borough Council may seek relief therefrom by appeal to court as provided by the laws of this Commonwealth, including the Pennsylvania Floodplain Management Act.

Editor's Note: See 32 P.S. § 679.101 et seq.

ARTICLE III: Identification of Floodplain Areas

§ 112-17 Identification.

The identified floodplain area shall be those areas of Stockertown Borough which are subject to the one-hundred-year flood as identified in the Flood Insurance Study (FIS) dated April 6, 2001, and the accompanying maps prepared for the Borough of Stockertown by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

§ 112-18 Description of floodplain areas.

A.

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

(1)

FW (floodway area): the areas identified as floodway in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

(2)

FF (flood-fringe area): the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

(3)

FE (special floodplain area): the areas identified as Zone AE in the Flood Insurance Study, where one-hundred-year flood elevations have been provided, but no floodway has been delineated.

(4)

FA (general floodplain area): the areas identified as Zone A in the FIS for which no one-hundred-year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

B.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Stockertown Borough.

§ 112-19 Changes in identification of area.

The identified floodplain area may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

§ 112-20 Boundary disputes.

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

ARTICLE IV: Technical Provisions

§ 112-21 General.

A.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B.

Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.

§ 112-22 Special requirements for FW, FE and FA areas.

A.

With any FW (floodway area), the following provisions apply:

(1)

Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

(2)

No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

B.

Within any FE (special floodplain area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.

C.

Within any FE (special floodplain area) or FA (general floodplain area), the following provisions apply:

(1)

No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

(2)

No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.

(3)

Any new construction or development, which would cause any increase in flood heights, shall be prohibited within any floodway area.

§ 112-23 Elevation and floodproofing requirements.

A.

Residential structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

B.

Nonresidential structures.

(1)

Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

(2)

Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least 1 1/2 feet above the one-hundred-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

C.

Space below the lowest floor.

(1)

Fully enclosed space below the lowest floor (including basement) is prohibited.

(2)

Partially enclosed space below the lowest floor (including basement) is prohibited.

D.

Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

(1)

The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

(2)

Floor area shall not exceed 600 square feet.

(3)

The structure will have a low damage potential.

(4)

The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

(5)

Power lines, wiring, and outlets will be at least 1 1/2 feet above the one-hundred-year flood elevation.

(6)

Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.

(7)

Sanitary facilities are prohibited.

(8)

The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this

requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a)

A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.

(b)

The bottom of all openings shall be no higher than one foot above grade.

(c)

Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 112-24 Design and construction standards.

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A.

Fill. If fill is used, it shall:

(1)

Extend laterally at least 15 feet beyond the building line from all points;

(2)

Consist of soil or small rock materials only; sanitary landfills shall not be permitted;

(3)

Be compacted to provide the necessary permeability and resistance to erosion;

(4)

Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Building Permit Officer; and

(5)

Be used to the extent to which it does not adversely affect adjacent properties.

B.

Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C.

Water and sanitary sewer facilities and systems.

(1)

All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.

(2)

Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

(3)

No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D.

Other utilities. All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E.

Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.

F.

Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 112-26, Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

G.

Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

H.

Anchoring.

(1)

All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

(2)

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

I.

Floors, walls and ceilings.

(1)

Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(2)

Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.

(3)

Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water resistant and will withstand inundation.

(4)

Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J.

Paints and adhesives.

(1)

Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.

(2)

Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.

(3)

All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.

K.

Electrical components. Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.

L.

Equipment. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M.

Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

§ 112-25 Development which may endanger human life.

A.

In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

Acetone

Ammonia
Benzene
Calcium carbide
Carbon disulfide
Celluloid
Chlorine
Hydrochloric acid
Hydrocyanic acid
Magnesium
Nitric acid and oxides of nitrogen
Petroleum products (gasoline, fuel oil, etc.)
Phosphorus
Potassium
Sodium
Sulphur and sulphur products
Pesticides (including insecticides, fungicides, and rodenticides)
Radioactive substances, insofar as such substances are not otherwise regulated

B.

Within any FW (floodway area), any structure of the kind described in Subsection A above shall be prohibited.

C.

Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A above shall be elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood and designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

§ 112-26 Special requirements for manufactured homes.

A.

Within any FW (floodway area) manufactured homes shall be prohibited.

B.

Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:

(1)

Placed on a permanent foundation.

(2)

Elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the one-hundred-year flood.

(3)

Anchored to resist flotation, collapse, or lateral movement.

ARTICLE V: Activities Requiring Special Permits

§112-27 Prohibited activities.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified floodplain area:

A.

The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1)

Hospitals.

(2)

Nursing homes.

(3)

Jails or prisons.

B.

The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

ARTICLE VI: Existing Structures in Identified Floodplain Areas

§ 112-28 Existing structures.

The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 112-30 shall apply.

§ 112-29 Improvements.

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

A.

No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one-hundred-year flood.

B.

No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.

C.

Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.

D.

Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

ARTICLE VII: Variances

§ 112-30 General.

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

§ 112-31 Variance procedures and conditions.

Requests for variances shall be considered by Stockertown Borough in accordance with the procedures contained in § 112-17 and the following:

A.

No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one-hundred-year flood elevation.

B.

No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.

C.

Except for a possible modification of the one-and-one-half-foot freeboard requirement involved, no variance will be granted which would allow the prohibited activities to be located within any identified floodplain area.

D.

If granted, a variance shall involve only the least modification necessary to provide relief.

E.

In granting any variance, Stockertown Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this chapter.

F.

Whenever a variance is granted, Stockertown Borough shall notify the applicant, in writing, that:

(1)

The granting of the variance may result in increased premium rates for flood insurance.

(2)

Such variances may increase the risks to life and property.

G.

In reviewing any request for a variance, Stockertown Borough shall consider, at a minimum, the following:

(1)

That there is good and sufficient cause.

(2)

That failure to grant the variance would result in exceptional hardship to the applicant.

(3)

That the granting of the variance will:

(a)

Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;

(b)

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

H.

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

I.

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

ARTICLE VIII: Terminology

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

§ 112-33 Definitions.

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

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

BASEMENT
: Any area of the building having its floor below ground level on all sides.

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

COMPLETELY DRY SPACE
: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

DEVELOPMENT
: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

ESSENTIALLY DRY SPACE
: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FLOOD
: A temporary inundation of normally dry land areas.

FLOODPLAIN AREA
: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING
: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY
: The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

HISTORIC STRUCTURE

Any structure that is:

A.

Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B.

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C.

Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D.

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1)

By an approved state program as determined by the Secretary of the Interior; or

(2)

Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA

The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood.

LAND DEVELOPMENT

Any of the following activities:

A.

The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

(1)

A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(2)

The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B.

A subdivision of land.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK

A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

MINOR REPAIR

The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after April 6, 2001, and includes any subsequent improvements thereto.

ONE-HUNDRED-YEAR FLOOD

A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

PERSON

An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

RECREATIONAL VEHICLE

A vehicle which is:

A.

Built on a single chassis;

B.

Not more than 400 square feet, measured at the largest horizontal projections;

C.

Designed to be self-propelled or permanently towable by a light-duty truck;

D.

Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION

The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

STRUCTURE

Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

SUBDIVISION

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

SUBSTANTIAL DAMAGE

Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

A.

Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B.

Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Chapter 119: GARAGE SALES AND YARD SALES

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 8-6-2001 by Ord. No. 2001-5. Amendments noted where applicable.]
GENERAL REFERENCES

Peddling and soliciting — See Ch. 172.

Zoning — See Ch. 250.

§ 119-1 Definitions.

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

GOODS
: Any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

MUNICIPALITY
: The Borough of Stockertown, Northampton County, Pennsylvania.

PERSONS
: Individuals, partnerships, family groups, voluntary associations and corporations.

YARD SALES
: The sale or offering for sale of four or more new, used or secondhand items of personal property at any residential property at any one time shall constitute a yard sale. Includes all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal property.

§ 119-2 Conditions for sales.

A.

Yard sales as hereinbefore defined shall be limited to two such sales per household (or similar unit) per calendar year, each sale to have a duration of not more than two days.

B.

It shall be unlawful for any person to conduct more than two yard sales per calendar year within the boundaries of Stockertown Borough.

cv writing services uk

§ 119-3 Exemptions.

This chapter shall not be applicable to:

A.

Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

B.

Persons acting in accordance with their powers and duties as public officials.

C.

Any person selling or advertising for sale an item or items of personal property which is specifically named or described in the advertisement and which separate items do not exceed three in number. Notwithstanding any provisions of this chapter, any person may sell up to three secondhand articles without being subject to the provisions of this chapter.

D.

Any sale conducted by any legitimate business or commercial or industrial establishment on property zoned under the zoning regulations of Stockertown Borough with or without the protection of the nonconforming use section of Chapter 250, Zoning,

Editor's Note: See § 250-89.
or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited by laws of the Commonwealth of Pennsylvania and ordinances of Stockertown Borough, including this chapter.
E.

Sales by a bona fide charitable, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax-exempt organization; provided, however, that the burden of proof to establish the exemption under this subsection shall be on the organization or institution claiming such exemption.

F.

Any public auction having a duration of no more than two days and conducted by an auctioneer licensed by the Commonwealth of Pennsylvania.

§ 119-4 Enforcement.

A.

This chapter shall be enforced by the Stockertown Borough Chief of Police, and it shall be his duty to investigate and prosecute any violation of this chapter.

B.

If after an investigation a violation is found to exist, the Chief of Police shall prosecute a complaint before the appropriate Magisterial District Judge pursuant to the provisions of this chapter.

C.

The person conducting the sale and the owner, tenant or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.

(1)

No such person shall permit any loud or boisterous conduct on such premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of the premises where the sale is being conducted.

(2)

In the event of an emergency, all such persons shall obey reasonable orders from any member of the Police Department or the Fire Department in order to maintain the public health, safety and convenience.

§ 119-5 Violations and penalties.

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than $300 and, in default of payment, to imprisonment for a term not to exceed 30 days.

Chapter 126: HAZARDOUS MATERIALS

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]

Article I Reimbursement for Cleanup Costs

[Adopted 2-1-1993 by Ord. No. 217]

§ 126-1 Responsibility for spills and fires.

The owner of petroleum and/or chemicals and/or hazardous materials and/or common carrier of any type whatsoever, including a pipe line carrying said products, shall be liable to the Borough of Stockertown to control, extinguish and/or clean up petroleum type or chemical or hazardous material type spills and/or fires involving said chemicals or petroleum or hazardous materials in the Borough of Stockertown.

§ 126-2 Special equipment.

The said special equipment and/or materials include, but are not limited to, the following:

A.

Foam.

B.

Dry chemical extinguisher.

C.

Sand.

D.

Any other equipment and/or material or materials deemed necessary by the Fire Chief of the Borough of Stockertown or the officer in charge.

§ 126-3 Cost of labor.

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

The cost of labor shall be as set forth in the Schedule of Fees

Editor's Note: The Schedule of Fees is on file in the Borough offices.
of the Borough Council of the Borough of Stockertown for time and materials involved in the extinguishing of any such fire or in cleaning up any spill involving chemicals or petroleum or hazardous materials.

§ 126-4 Cost of temporary storage and disposal.

The owner of any petroleum or chemicals or hazardous materials and/or the common carrier of said petroleum or chemicals or hazardous materials, including any pipe line as aforesaid, shall also be liable for the cost of any temporary storage of chemicals or petroleum or hazardous materials and/or the cost of disposing of same.

§ 126-5 Payment.

Bills for the amount of the above-described costs shall be forwarded by the Fire Chief to the Borough Secretary who shall bill the above-described liable party. If the payment is not made in full within 30 days from the date of mailing of said bill, the aforementioned Borough Secretary shall turn the matter over to the Borough Solicitor for collection litigation as is necessary.

§ 126-6 Violations and penalties.

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

Any person failing to pay the said bill submitted to them by the Borough of Stockertown within 30 days shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge be sentenced to pay a fine of not more than $1,000, together with costs of prosecution, and, in default thereof, undergo imprisonment in Northampton County Prison for not more than 30 days.

§ 126-7 Civil liability.

Imposition of the aforesaid fine and/or imprisonment, however, shall not relieve any responsible person or corporation hereunder from civil liability to the Borough of Stockertown as provided herein.

CHAPTER 140 HAZARDOUS MATERIALS

Chapter 147: NUISANCES

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 6-1-1992 by Ord. No. 211. Amendments noted where applicable.]
GENERAL REFERENCES

Animals — See Ch. 76.

Peddling and soliciting — See Ch. 172.

Property maintenance — See Ch. 177.

Streets and sidewalks — See Ch. 209.

Vehicles and traffic — See Ch. 228.

Junked and abandoned vehicles — See Ch. 235.

Zoning — See Ch. 250.

§ 147-1 Unlawful acts.

It shall be unlawful for any person, either directly or indirectly or by its agent, to do, authorize, aid or abet any of the following described regulations or restrictions, intended to promote the general safety, health, comfort and convenience of the Borough, and any person doing so shall be deemed guilty of a nuisance.

§ 147-2 Disorderly conduct.

It shall be unlawful:

A.

To injure or destroy any property either owned by the Borough or other persons or entities along any public highway or Borough street, such as but not limited to: streetlights, street signs, mail or newspaper boxes or fire hydrants.

B.

To obstruct the sidewalk, pavement or highways or to participate in unlawful gatherings, or to vex hinder or annoy other persons whereby the public peace or comfort is broken or the public annoyed.

C.

To congregate or assemble at, near or about a place where a fire is in progress or an automobile accident has occurred, where the police or emergency vehicles have been summoned by an alarm and thereby hinder, delay or obstruct any such apparatus, its men and equipment or render dangerous by such assembling the management or handling of such equipment or apparatus.

D.

To discharge carelessly any gun or firearm, arrow, or to throw wantonly any metal object, stone, brick or other missiles within the Borough of Stockertown or to raise any false alarm of fire within the Borough.

E.

To operate on the public roads or over private property without consent of the owner any unlicensed, self-propelled motor vehicles, including, by way of illustration, but not limited to motorcycles, mini-bikes, snowmobiles, ATVs, go-carts or like vehicles.

F.

To drive any bicycle on any sidewalk or thoroughfare of the Borough, during the hours of darkness, unless such bicycle has affixed thereto a lighted head lamp and rear reflectors.

Editor's Note: Original Subsection (g), regarding peddling door to door, which followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

G.

To accumulate or store, except within an enclosed building, junked, unlicensed, or uninspected motor vehicles having no apparent appreciable salvage value, in such manner to be detrimental to the general health, safety comfort or convenience of the Borough.

H.

To throw, place or be a party to the throwing or placing, either as principal or agent, any circulars, handbills or other advertising matter on any thoroughfare of the Borough or on or in any vehicle, residential mail box or newspaper box, or to throw or place any advertising matter on the steps, entrance, or premises of any building in the Borough, or to hand any advertising matter to any person in the thoroughfare of the Borough, excepting, however, political and service club advertisements, school and Borough announcements.

I.

To nail, tack, hang or otherwise any sign, notice, or advertisement of any kind on any tree, post, or pole, and then only by permission of the owner, excepting garage or yard sale signs, after receipt of permission from the owner, and which shall be removed within one week of the event. Real estate sale signs are also excepted.

J.

To engage in conduct which causes or may reasonably be expected to cause substantial harm or serious inconvenience, annoyance, alarm or general disturbance to the public peace, safety or comfort.

Editor's Note: Original Sec. 2, Dogs, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 147-3 Littering.

It shall be unlawful:

A.

To dump any paper boxes or store wastes, earth, brick, stone, coal, wood, ashes, lime, shavings, rubbish or any substance of any kind, except for the purpose of immediate loading or removing, on any public highway or sidewalk within the Borough.

B.

To dump garbage or any other refuse on any public street, sidewalk, highway or alley in the Borough of Stockertown.

C.

To drive or cause to be driven any motor vehicle containing garbage, earth, rubbish, metal, or any materials of like character through any public highway or Borough street, unless the loads are satisfactorily secured, and the body sufficiently tight and closed at the sides and bottom to prevent the contents from dropping off the vehicle, and a cover to eliminate the odors or prevent the contents from blowing off the vehicle.

Editor's Note: Original Sec. 4, Noise; Sec. 5, Sanitation; and Sec. 6, Snow removal, which followed this section, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now § 250-73E, Noise, Ch. 177, Property Maintenance, and Ch. 209, Art. I, Snow Removal, respectively.

§ 147-4 Violations and penalties.

A.

Any person, firm or corporation who shall violate the provisions of this chapter which pertain to buildings, housing, property maintenance, health, fire or public safety, water, air, or noise pollution, and after appropriate notification of such violation by certified mail, arrest, or any other personal service, shall, upon conviction before a court of law, be sentenced to pay a fine not exceeding $1,000 or undergo imprisonment for a period not to exceed 30 days in the Northampton County Prison.

B.

Any person, firm or corporation who shall violate any provisions of this chapter, other than as shown above, and after proper notification, shall, upon conviction before a court of law, be sentenced to pay a fine not exceeding $600 or undergo imprisonment not to exceed 30 days in the Northampton County Prison.

C.

Upon appropriate notice to the person, firm, or corporation to abate the nuisance, and upon failure of such person to do so within a period of five days, after receipt of proper notification, the Borough may take such steps as are necessary to abate the nuisance and charge such person, firm or corporation with all costs thereof. Such action by the Borough does not excuse the person, firm, or corporation, upon conviction by a court of law, from penalties as shown above.

Chapter 154: NUMBERING OF BUILDINGS AND STREET NAMING

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 2-2-2004 by Ord. No. 245. Amendments noted where applicable.]
GENERAL REFERENCES

Uniform construction codes — See Ch. 98.

Property maintenance — See Ch. 177.

Streets and sidewalks — See Ch. 209.

Subdivision and land development — See Ch. 213.

§ 154-1 Street names and building numbers established.

Street names and building designation numbers as set forth on the attached map, marked Exhibit "A," are hereby established by the Borough of Stockertown effective immediately.

Editor's Note: Exhibit A is on file in the Borough office.

§ 154-2 Posting of numbers.

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

Property owners shall post upon their property the numerical designation of said property, a minimum of four inches in height, with a stroke width of 1/2 inch, visible from an adjacent roadway.

§ 154-3 Violations and penalties.

Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Any person who shall violate the provisions of this chapter shall, in a summary proceeding before a Magisterial District Judge and upon conviction thereof, be sentenced to pay a fine of not more than $600, plus costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

Chapter 161: PARKS AND RECREATION AREAS

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 8-6-1979 by Ord. No. 165. Amendments noted where applicable.]
GENERAL REFERENCES

Animals - See Ch. 76.

Nuisances - See Ch. 147.

Peddling and soliciting - See Ch. 172.

Vehicles and traffic - See Ch. 228.

§ 161-1 Definitions.

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

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

PARKS, RECREATION AREAS AND PUBLIC PROPERTY
: Includes all parks, playgrounds, recreation areas and public property now or hereafter owned or maintained by the Borough of Stockertown, Northampton County, Pennsylvania. The following areas are intended to include, but shall not limit, those areas owned by the Borough of Stockertown which are hereby specifically designated as playgrounds, parks, recreational areas or public places:
A.

Newhart Memorial Park.

B.

Borough Baseball Field.

C.

Bushkill and Center Mini Park.

D.

Christmas Tree Park.

§ 161-2 Park Commission.

From and after the date of this chapter, the parks, recreation areas and public property located in the Borough of Stockertown shall be supervised and maintained by a park commission to be known as the "Stockertown Park Commission."

§ 161-3 Authority of Park Commission.

The Stockertown Park Commission shall have authority to supervise and maintain the parks, recreation areas and public property within the Borough of Stockertown, Northampton County, Pennsylvania, subject to approval by the Council of the Borough of Stockertown, and shall have the power to promulgate rules, regulations and policy relative to the use, operation, maintenance, and management of said parks and playgrounds in addition to the rules and regulations set forth in this chapter. All persons visiting any of said parks, recreation areas and public property shall be subject to said rules and regulations.

§ 161-4 Membership of Park Commission.

The Stockertown Park Commission shall consist of five persons, all of whom shall be appointed by the Council of the Borough of Stockertown with each member serving for a term of five years, with terms staggered so that no two members of the Commission shall be selected in any year except for the first year, at which time one member shall be selected for a five-year term, the second member shall be selected for a four-year term, the third member shall be selected for a three-year term, the fourth member shall be selected for a two-year term, and the fifth member shall be selected for a one-year term.

§ 161-5 Accountability to Borough Council.

The Stockertown Park Commission shall be accountable to the Council of the Borough of Stockertown regarding the operation, maintenance and management of the parks, recreation areas and public property located in the Borough of Stockertown and shall submit to Council on or before the first Monday in October of each year the budget for the succeeding year and shall submit to the Council annually, with said proposed budget, an account showing all receipts and disbursements and a balance statement for the preceding year reflecting the operation of the said Commission.

§ 161-6 Applicability of rules and regulations.

A.

The rules and regulations herein set forth apply to all parks, recreation areas and public property. No Borough-owned property shall be used for any purpose without the prior authorization of the Borough Park Commission.

B.

The said parks, recreation areas and public property are for the benefit and pleasure of the residents of the Borough of Stockertown, Pennsylvania, and all persons, firms,

corporations, partnerships or legal entities who use the said facilities shall be subject to the rules and regulations herein set forth and any amendments thereto.

§ 161-7 Hours of operation.

A.

All parks and recreation areas, as defined in this chapter, shall be closed between the hours of 10:00 p.m. and 8:00 a.m. Any person, firm, corporation, partnership or legal entity found within any such park or recreation area during the hours when it shall be closed, as herein provided, shall be guilty of a violation of this chapter and, upon conviction thereof, shall be subject to the penalties herein provided.

B.

This section shall not apply to persons within such parks or recreation areas who are members of a group who have obtained approval from the Borough Park Commission to use such recreation areas and parks and who have also registered the time, date, place and nature of their activity with the Borough Park Commission.

§ 161-8 Driving or parking of vehicles.

Driving or parking of automobiles or of any other vehicle shall be permitted only on the paved roadways or clearly designated places within said parks or recreation areas, unless otherwise directed by the police or the Mayor of the Borough of Stockertown or the Borough Park Commission.

§ 161-9 Prohibited acts.

No person, firm, corporation, partnership or legal entity shall, at any time, use any portion of any Borough land or property designated as a park, playground, recreation area or public property for any purpose other than recreational, without the prior specific authorization of the Borough Park Commission. The following are listed only as examples of the kinds of activities that are specifically prohibited:

A.

Commit any disorderly or immoral act.

B.

Be intoxicated.

C.

Drink any alcoholic beverages except by permission of the Park Commission.

D.

Throw stones or missiles.

E.

Hit or drive a golf ball.

F.

Publicly solicit subscriptions.

G.

Allow any animal on any athletic field during any athletic event, or to bring any dog into any recreation area or park or to allow any dog to remain in any recreation area or park at any time.

H.

Throw, deposit or drain any offensive substance of any kind or deposit paper, fruit, refuse, lunch baskets or other refuse in any place, save in receptacles provided therefor.

I.

Sleep on the ground or elsewhere, except in such places and at such times which may be designated by the Borough Council.

J.

Utter loud, profane, offensive and indecent language.

K.

Setting off fire works or rockets without the specific permission of the Borough Council.

L.

The driving or riding of automobiles, snowmobiles, trucks or buses and the use of any mechanical or powered equipment, vehicles and devices as well as the parking of automobiles, trailers, carts, wagons, sleds, cycles or any other vehicle or means of conveyance in any area not clearly designated for such use.

M.

In any manner pull, injure or break any flower, fruit, plant, tree, grass, turf, pump or water fixtures, or any other structures.

N.

Write, paint or carve on any tree, bench or other structure.

O.

Carry or discharge any fire arms, air rifles, air pistols or slingshots. AMENDED 3.15.20 Ordinance 2015-1. CLICK HERE

§ 161-10 Violations and penalties.

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

Any person, persons, firm, corporation, partnership or legal entity found engaged in any unauthorized activity or using any Borough-owned property or parks, recreation areas or public property without prior authorization, or otherwise violating any provisions of this chapter, shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 and costs of prosecution, and, in default of payment of such fines and costs, to imprisonment for not more than 30 days. Provided, the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking the proper legal action, including actions in civil court for damages or in equity for a writ of injunction.

Chapter 172: PEDDLING AND SOLICITING

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]
GENERAL REFERENCES

Garage sales and yard sales — See Ch. 119.

Nuisances — See Ch. 147.

Article I Licensing and Regulating Peddling
[Adopted 6-1-1992 by Ord. No. 212]

§ 172-1 Short title.

This article shall be known and may be cited as the "Peddler's License Ordinance."

§ 172-2 Definitions.

A.

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

PEDDLER
: Any person who shall engage in peddling, as herein defined.

PEDDLING
: Engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the Borough of Stockertown.

PERSON
: Any natural person, association, partnership, firm or occupation.

B.

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

§ 172-3 License required.

No person shall engage in peddling in the Borough of Stockertown without first having procured a license as herein provided.

§ 172-4 Application.

Every person desiring to engage in peddling in the Borough of Stockertown shall first make application to the Chief of Police of the Borough for a license. If such person shall also be required to obtain a license from any county officer, state or federal officer, he must, when making such application, exhibit a valid county, state or federal license. Upon such application, such person shall give his name, address, the name of the person for whom he works, if any, the type of goods, wares and merchandise he wishes to peddle, the length of time for which he wishes to be licensed, the type of vehicle he uses, if any, and the license number thereof, and the number and name and address of helpers he has, provided, where a person makes application for himself alone and or more helpers, all applicable personal information specified above shall be given for each helper. No license issued under this article shall be transferable from one person to another.

§ 172-5 Fees.

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

No license shall be issued under this article until an application has been made as above required, and the proper fee, in an amount as set by resolution of the Borough Council,

Editor's Note: The Schedule of Fees is on file in the Borough offices.

shall be paid to the Chief of Police of the Borough, which shall be for the use of the Borough. Any peddler acting under the auspices of a charitable, religious, or

philanthropic organization shall be exempt from the requirement of a license fee, however, will nevertheless require a license and a photo of each person.

§ 172-6 Issuance of permit; permit conditions.

Upon making application therefor and paying the proper fee, as herein specified, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall, at all times when engaged in peddling in the Borough, carry such license upon his person, and shall exhibit such license, upon request, to all police officers, Borough officials and citizens. No peddler shall engage in selling any product not mentioned upon such license.

§ 172-7 Crying of wares prohibited.

No person licensed as a peddler under this article shall hawk or cry his wares upon any of the streets or sidewalks of the Borough, nor shall he use any loudspeaker or horn or any other device for the announcing his presence by which the public is annoyed.

§ 172-8 Parking of vehicles; deposit of refuse.

No peddler licensed as a peddler under this article shall park any vehicle upon any of the streets or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares or merchandise, nor may any such person place or deposit any refuse upon any of such streets, or alleys, nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Borough for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

§ 172-9 Fixed location prohibited.

No person licensed as a peddler under this article shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Borough for the purpose of peddling, with or without any stand or counter.

§ 172-10 Duties of Chief of Police.

The Chief of Police of the Borough shall keep a record of all licenses issued under this article and shall supervise the activities of all holders of such licenses.

§ 172-11 Suspension of license.

The Chief of Police of the Borough is hereby authorized to suspend any license issued under this article where there is a violation of any of the provisions of this article or for giving false information upon any application for a license hereunder.

§ 172-12 Violations and penalties.

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

Any person who shall violate any of the provisions of this article shall, upon conviction before a Magisterial District Judge or Court of Common Pleas of Northampton County, be sentenced to pay a fine to the benefit of the Borough of not more than $600 and the cost of prosecution, and, in default of payment thereof, to imprisonment for not more than 30 days.

Chapter 177: PROPERTY MAINTENANCE

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Open burning — See Ch. 91.

Uniform construction codes — See Ch. 98.

Nuisances — See Ch. 147.

Streets and sidewalks — See Ch. 209.

§ 177-1 Adoption.

§ 177-2 Revisions.

§ 177-3 Repealer.

§ 177-4 Construal of provisions.

§ 177-5 Publication.

§ 177-1 Adoption.

A certain document, three copies of which are on file in the office of the Borough Secretary of the Borough of Stockertown, being marked and designated as the International Property Maintenance Code, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Stockertown, in the State of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Stockertown are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 177-2 of this chapter.

§ 177-2 Revisions.

The following sections are hereby revised:

Section 101.1. Insert: "The Borough of Stockertown."

Section 103.5. Insert: "as adopted by resolution of the Borough Council from time to time."

Section 106.3. Change "misdemeanor" to "summary offense."

Section 302.4. Insert: "10 inches."

Section 304.14. Insert: "April 1 to October 31."

Section 602.3. Insert: "October 1 to April 30."

Section 602.4. Insert: "October 1 to April 30."

§ 177-3 Repealer.

Ordinance No. 2001-4 of the Borough of Stockertown entitled "Property Maintenance Code" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 177-4 Construal of provisions.

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 177-3 of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

§ 177-5 Publication.

The Borough Secretary is hereby ordered and directed to cause this chapter to be published.

Chapter 184: RENTAL PROPERTY

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]

Article I Rental Occupancy Reports
[Adopted 12-17-2001 by Ord. No. 2001-8]

§ 184-1 Filing of certification required.

Every owner of real estate within the Borough of Stockertown, Northampton County, Pennsylvania, who rents or leases any parcel of real estate, in whole or in part, shall file with the Secretary of the Borough a certification of the names and addresses of all tenants. This certification shall be filed in such format as shall be designated by the Borough Secretary and shall be submitted to the Borough Secretary on or before January 1, 2002, and thereafter within 10 days of any change in tenants.

§ 184-2 Trigger for filing requirement.

The fact that the owner of real estate rents or leases any property for minimal or no rent to another person shall not exclude the filing requirement as set forth above. It is the date of the execution of the lease, and not actual occupancy, that triggers the owner's obligations as set forth in this article. In the event there is no written lease, then actual occupancy by the tenant shall trigger the owner's obligation as set forth herein.

§ 184-3 Violations and penalties.

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

Every owner of real estate who fails to so comply with the requirements of this article shall, upon conviction, be guilty of a summary offense and be liable for a fine not exceeding $600, plus court costs, and, in default of payment of such fine and costs, imprisonment for a term not exceeding 30 days. For the purpose of this article, every day that an owner of real estate is late in filing said certified list as required above shall constitute a separate offense.

Chapter 191: SEWERS

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]

NEW:

Ordinance 2019-1 – Agreements with Easton Sewer AuthorityHERE
Ordinance 2019-2- Agreement with Forks Township HERE.
Ordinance 2019-3 – Easton Sewer Authority Rules & Regulations HERE
Ordinance 2017-1 - Grease Trap 11.6.17 HERE

GENERAL REFERENCES

Uniform construction codes - See Ch. 98.

Floodplain management - See Ch. 112.

Stormwater management - See Ch. 205.

Streets and sidewalks - See Ch. 209.

Subdivision and land development - See Ch. 213.

Zoning - See Ch. 25

191a Sewer Bldg Drain Detail 191b Ex B BOCA Plumbing Code 1990

ARTICLE I: Holding Tanks

§ 191-1 Title.

This article shall be known as the "Borough of Stockertown Holding Tank Ordinance."

§ 191-2 Authorization.

This article is authorized by Pennsylvania Clean Streams Law Act of 1937, June 22, P.L. 1987, amended by Act of 1965, August 23, P.L. 372, 35 P.S. § 691.1 et seq.; the Pennsylvania Sewage Facilities Act, Act of 1966, January 24, P.L. (1965) 1535, as amended, 35 P.S. § 750.1 et seq.; and by the applicable regulations of the Department of Environmental Protection dealing with sewage facility systems specifically 25 Pa. Code § 71.63.

§ 191-3 Purpose.

The purpose of this article is to provide for and regulate the use, maintenance and removal of holding tanks to prevent the residents and inhabitants of the Borough of Stockertown from danger and harm due to inadequate or malfunctioning on-site septic systems; to permit the development of lands with the use of holding tanks under carefully controlled and regulated circumstances; to regulate the use and maintenance of holding tanks in conformity with the law, statutes, and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Protection; and to provide a temporary alternative to discontinuing otherwise lawful land use by the inhabitants and residents of the Borough of Stockertown.

§ 191-4 Definitions.

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

ACT
: The Pennsylvania Sewage Facilities Act, 35 P.S. §§ 750.1 to 750.20, as, from time to time, amended.

COUNCIL
: The Stockertown Borough Council.

DEPARTMENT
: The Pennsylvania Department of Environmental Protection or its successor state agency.

DISPOSAL SITE
: A suitable facility for the final disposition of human and animal sewage and wastes, which facility shall have been and remains approved for such disposal purposes by the Department.

HOLDING TANK
: A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term shall include:
  A.
  CHEMICAL TOILET
  — A toilet using chemicals that discharge to a holding tank;
  B.
  RETENTION TANK
  — A holding tank to which sewage is conveyed by a water-carrying system; and
  C.
  PRIVY

— A holding tank designed to receive sewage where water under pressure is not available.

HOLDING TANK CLEANER

A municipality, county, municipal authority or person, natural or legal entity, including the holding tank owner, who removes the contents of a holding tank for the purpose of disposing of the sewage at another site.

LANDOWNER

The natural person or persons, partnership, corporation or legally existing organization who owns legal and equitable title to the land for which a holding tank permit is sought or issued.

LOT

A parcel of land under single ownership irregardless of acreage. In the event the subject lands are a portion of a larger parcel of ground, the larger parcel of ground shall be considered as the lot. A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple-family dwelling or for commercial, institutional or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single-family residential lots as determined by estimated sewage flows.

MUNICIPALITY

The Borough of Stockertown, Northampton County, Pennsylvania.

OFFICER

The duly appointed Sewage Enforcement Officer of the Borough.

REGULATIONS

The regulations of the Pennsylvania Department of Environmental Protection, Pa. Code, Title 25, Subpart C, Chapters 71, 72 and 73, as adopted, and, all future amendments and regulations of the Department pertaining to holding tanks.

SEWAGE

A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation. The term includes any substance which constitutes pollution under the Clean Streams Law.

§ 191-5 Use of holding tanks.

Holding tanks may be used subject to the provisions of this article to serve as temporary sewage disposal from existing structures within the Borough of Stockertown, where on-lot sewage disposal facilities are not feasible due to unsuitability of soils; for a temporary sewage disposal from existing structures where a malfunction in the presently installed on-site sewage treatment system cannot be suitably repaired or replaced due to unsuitability of soils; or temporarily serve for sewage disposal for new construction in any area of the Borough for which a revision to the Borough's Official Sewage Facilities Plan has been approved by the Department.

§ 191-6 Application for permit.

A.

Any landowner seeking to use a holding tank for sewage disposal on any lot situated in the Borough shall, after receipt of municipal and Department official sewage facilities plan approval, if applicable, obtain a permit from the municipal Sewage Enforcement Officer.

B.

Permit application shall be made upon a form to be supplied by the Municipal Sewage Enforcement Officer to any landowner upon such landowner's request.

C.

The landowner shall file the completed and executed application for permit with the Sewage Enforcement Officer or Borough Secretary and shall pay to the Sewage Enforcement Officer such application fees as Borough Council may from time to time prescribe by resolution.

D.

The landowner shall cooperate with the Sewage Enforcement Officer at all stages of the application process.

E.

A permit shall be issued by the Sewage Enforcement Officer to the landowner upon proper application and after Borough Council has amended its Official Sewage Facilities Plan and after approval by the Department, if required by the Act.

F.

Prior to grant of permit, the landowner shall obtain and file with the Municipal Sewage Enforcement Officer a certified copy of each of the following documents:

(1)

A completed application;

(2)

A written contract between the landowner and qualified and responsible holding tank cleaner for the term of the holding tank permit, which contract shall provide for the timely and regular removal of the contents of the holding tank by the holding tank cleaner and for the removal of the said contents to an approved disposal site for final disposition;

(3)

A certified copy of a written contract between the holding tank cleaner and the disposal site providing the holding tank cleaner with the right to dispose of the holding tank contents;

(4)

Fees as established by resolution of Borough Council; and

(5)

An agreement to reimburse and indemnify the municipality for any liability, costs and expenses which shall or may be incurred by the municipality in actions to enforce compliance by the landowner or to remove the contents of the holding tank or the holding tank upon default or failure of the landowner to perform or for any fines incurred by the municipality by reason of the landowner's failure to comply with this article, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania. The agreement shall be in the form required by Borough Council.

§ 191-7 Removal of holding tank.

A.

In the event a holding tank permit has been issued for new construction pending the installation of an off-site sewage disposal system, the landowner shall remove or cause the removal of the holding tank within 20 days after the use of the off-site sewage disposal system is made available to the landowner and shall connect with the off-site disposal system in the same time.

B.

The municipality, at its option, shall have the right to enter upon the premises of a landowner for the purpose of removing or causing the removal of any holding tank which remains in place in violation of this article. "Municipality" as used herein shall mean the Borough, its employees or third parties contracted by the municipality for the purpose of removing the holding tank. All costs and expenses of removal shall be borne by the landowner.

§ 191-8 Requirements for holding tank.

A.

Any holding tank installed or maintained pursuant to a permit issued under this article shall comply, in all respects, with the specifications set forth in regulations of the Department, 25 Pa. Code Chapters 71, 72 and 73 inclusive.

B.

The landowner shall cause the holding tank and all lines, pipes or conduits to the same to be maintained in a good watertight condition at all times.

C.

All holding tanks shall be installed on a firm and stable soil or subsoil and in such manner as to prevent settlement or movement.

D.

No holding tank or lines to the holding tank shall be covered until the Sewage Enforcement Officer shall have first inspected and approved.

E.

The landowner shall cause a holding tank to be cleaned as frequently as may be required to maintain the contents at a level less than 75% of the tank capacity.

F.

Holding tanks shall be installed at least 50 feet downgrade from any source of water supply.

§ 191-9 Inspections; certification of pumping.

A.

Any landowner who applies for and receives a permit for holding tanks shall be deemed to have granted his consent for inspections of the holding tank by the Sewage Enforcement Officer of the municipality. At reasonable times during the hours of 8:00 a.m. and 8:00 p.m., the landowner shall grant the Sewage Enforcement Officer access to the premises for the purpose of making such inspections upon request of the Sewage Enforcement Officer verbally or in writing.

B.

Any landowner receiving a holding tank permit shall furnish true and correct copies of the tank pumping receipts to the municipality in a timely fashion. Failure to comply with this provision shall be grounds for immediate revocation of the permit.

C.

The failure of a landowner to permit inspection of the holding tank, equipment, or facilities used in connection with the operation and maintenance of the holding tank or the failure of the landowner to have the holding tanks properly maintained and pumped as required or the failure of the landowner to provide true and correct pumping receipts to the municipality in a timely manner shall be grounds for immediate revocation of the permit.

§ 191-9.1 Appeals.

A.

Any landowner aggrieved by denial of a permit application shall first appeal to the Borough Council of Stockertown.

B.

The procedure for appeal shall in all respects conform to the procedure for appeal from denial of sewage permit by the Sewage Enforcement Officer of the municipality, as provided by law, in accord with the Local Agency Law.

Editor's Note: See 2 Pa.C.S.A. § 551 et seq.

§ 191-9.2 Violations and penalties.

A.

Any person, firm or corporation violating any of the provisions of this article, or who fails to act in compliance with this article, shall, upon being found guilty thereof, be sentenced to pay a fine of $500 for each day a violation of this article or the provisions of the Sewage Facilities Act shall occur.

B.

Where the violation continues from day to day, and the landowner fails to correct or cease such violation, each day's continuance shall constitute a separate violation, unless circumstances beyond the landowner's control prevent such correction, at which time the landowner shall notify the Sewage Enforcement Officer for an extension of time for good cause.

ARTICLE II: Sewer Use

§ 191-10 Definitions.

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

BIOCHEMICAL OXYGEN DEMAND (BOD)
: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BOROUGH
: The Borough of Stockertown, Northampton County, Pennsylvania.

BUILDING DRAIN
: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the

building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER

The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

COMBINED SEWER

A sewer intended to receive both wastewater and stormwater or surface water.

EASEMENT

An acquired legal right for the specific use of land owned by others.

EDU

An equivalent dwelling unit and corresponds to an average daily wastewater flow of 225 gallons.

EDU FEE

The one-time fee charged at the time of connection to the public sewer.

FLOATABLE OIL

Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Any wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE

The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

HAULER

Any person who is engaged in the business of transporting septage or holding tank waste.

HOLDING TANK WASTE

Wastewater removed from temporary storage tanks serving individual or small groups of homes and businesses. It does not include industrial waste.

INDUSTRIAL WASTES

The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

MAY

Is permissive (see "shall").

MONTHLY BILLING PERIOD

One calendar month as shall be appropriate under the circumstances.

NATURAL OUTLET

Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

OFFICIAL SEWER SERVICE AREAS

Those specific areas delineated in the Borough's Official Act 537 Sewage Facilities Plan, as amended.

OWNER

Any person who is the occupant, tenant or holder of title to any property served by the public sewer.

PERSON

An individual, a partnership, an association, a corporation, a joint stock company, a trust, an unincorporated association, a governmental body, a political subdivision, a municipality, a municipal authority or other group entity.

pH

The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7}.

PROPERLY SHREDDED GARBAGE

The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER

A common sewer contained within sewer service area as defined in the Borough's Official Act 537 Sewage Facilities Plan.

QUARTER ANNUM PERIOD

Each calendar quarter of each calendar year as shall be appropriate under the circumstances.

SANITARY SEWER

A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.

SEPTAGE

Material removed from septic tanks serving individual or small groups of homes and businesses. It does not include material from septic tanks, holding tanks or other treatment units serving industries, which is classified as industrial waste.

SEWAGE

The spent water of a community. The preferred term is "wastewater."

SEWER

A pipe or conduit that carries wastewater or drainage water.

SEWER SERVICE FEE

The annual sewer service charge, which will be billed quarterly.

SHALL

Is mandatory (see "may").

SLUG

Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (sometimes termed STORM SEWER)

A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUSPENDED SOLIDS

Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

TOXIC POLLUTANTS

Any pollutant or combination of pollutants listed as toxic in U.S. Environmental Protection Agency regulations under the provisions of the Clean Water Act of 1977 (P.L. 95-217).

UNPOLLUTED WATER

Water of quality equal to or better than the effluent criteria in effect, or water that would not violate the quality standards of the receiving water and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER

The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER FACILITIES

The structures, equipment, and processors required to collect, carry away, and treat domestic wastewater, septage and holding tank waste, and industrial wastes, and to dispose of the effluent, including the spray irrigation facilities.

WASTEWATER TREATMENT WORKS

An arrangement of devices and structures for treating wastewater, septage, holding tank waste, industrial wastes, and sludge. Sometimes it is synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

WATERCOURSE

A natural or artificial channel for the passage of water either continuously or intermittently.

§ 191-11 Unlawful acts; required use.

A.

It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or objectionable waste in any unsanitary manner on public or private property within the Borough of Stockertown or in any area under the jurisdiction of said Borough.

B.

It shall be unlawful to discharge to any natural outlet within the Borough of Stockertown, or in any area under the jurisdiction of said Borough, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

C.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

D.

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Borough and abutting any street, alley, or right-of-way within an official sewer service area in which there is

now located or may in the future be located a public sanitary sewer of the Borough or situated upon a parcel of land located within 150 feet from the sewer system, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of Borough ordinances, within 90 days after date of official notice to do so.

[Amended 9-6-1995 by Ord. No. 225]

E.

It shall be unlawful for any construction within the floodplain as defined by the FEMA (Federal Emergency Management Agency) to connect to the public sewer system.

F.

It shall be unlawful for any new construction within an area designated as a wetland to connect onto the public sewer system.

G.

It shall be unlawful for any new connections in excess of 200 feet from the proposed sewer line or existing development to connect onto the sewer system.

§ 191-12 Private wastewater disposal; installation and connection of building sewer.

A.

Where a public sanitary sewer is not available under the provisions of § 191-11D, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the Pennsylvania Department of Environmental Protection.

B.

At such time as a public sewer becomes available to a property within an official sewer service area, a direct connection shall be made to the public sewer within 90 days after notice to do so in compliance with this article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

C.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Borough from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D.

A separate and independent building sewer shall be provided for every building, except where the Borough may otherwise allow.

E.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Borough, to meet all requirements of this article.

F.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Borough.

G.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H.

No person(s) shall connect roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Borough for purposes of disposal of polluted surface drainage.

I.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Borough. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Borough before installation.

J.

The applicant for the building sewer permit shall notify the Borough when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Borough.

K.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks,

parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough.

§ 191-13 Use of public sewers.

A.

No person(s) shall discharge or cause to be discharged any unpolluted water, such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water, to any sewer, except stormwater runoff from limited areas. Stormwater may be polluted at times; it may be discharged to the sanitary sewer only by permission of the Borough.

B.

Stormwater, other than that exempted under § 191-13A, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Borough and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Borough, to a storm sewer or to a natural outlet.

C.

No person(s) shall discharge or cause to be discharged any of the following waters or wastes to any public sewers:

(1)

Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2)

Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters or spray irrigation facilities of the wastewater facilities or treatment plant.

(3)

Any waters or wastes having a pH lower than 5.5, or having any other corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities.

(4)

Solid or viscous substances in quantities or of sizes capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities. Such substances shall be, but shall not be limited to, ashes, bones, cinders,

sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole block, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D.

The following described substances, materials, waters, or wastes shall be limited in discharges into municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, which will not have an adverse effect on the receiving stream or spray irrigation system, or which will not otherwise endanger life, limb, and public property, or constitute a nuisance. The Borough may set limitations lower than the limitations established in the regulations below if in its opinion more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Borough will give consideration to such factors as the quantity of the subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant and spray irrigation system, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Borough are as follows:

(1)

Wastewater having a temperature higher than 150° F.

(2)

Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or produce of mineral oil origin.

(3)

Wastewater from industrial plants containing floatable oils, fat or grease.

(4)

Any garbage that has not been properly shredded.

(5)

Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Borough.

(6)

Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Borough in compliance with applicable state or federal regulations.

(7)

Quantities of flow, concentrations, or both which constitute a "slug" as defined in § 191-10.

(8)

Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters or to the spray irrigation system.

(9)

Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(10)

In addition, the following concentrations of chemical substances shall not be exceeded in the sewage originating from any user of the sewer system:

Arsenic	(As)	0.5 ppm
Cadmium	(Cd)	0.5 ppm
Cyanides	(Cn)	0.5 ppm
Iron	(Fe)	5 ppm
Trivalent chromium	(Cr)	3 ppm
Hexavalent chromium	(Cr)	0.2 ppm
Nickel	(Ni)	2 ppm
Copper	(Cu)	1 ppm
Zinc	(Zn)	2 ppm
Lead	(Pb)	0.5 ppm
Mercury (or compounds)	(Hg)	0.5 ppm

E.

Alternatives for hazardous discharges.

(1)

If any water or wastes which contain the substances or possess the characteristics enumerated in Subsection D of this section and which, in the judgment of the Borough, may have a deleterious effect upon the wastewater facilities, processes, equipment, receiving waters or spray irrigation system, or which otherwise create a hazard to life or

constitute a public nuisance, are discharged or are proposed to be discharged into the public sewers, the Borough may:

(a)

Reject the wastes and otherwise prevent recurrence of the waste discharge;

(b)

Require pretreatment to an acceptable condition for discharge to the public sewers;

(c)

Require control over the quantities and rates of discharge; and/or

(d)

Require payment to cover added cost of handling and treating the wastes.

(2)

When considering the above alternatives, the Borough shall give consideration to the economic impact of each alternative on the discharger. If the Borough permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the Borough.

F.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Borough, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subsection D(3), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Borough and shall be located where they are readily and easily accessible for cleaning and inspection. In maintaining these interceptors the owner(s) shall be responsible for the proper removal and disposal of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Borough. Any removal and hauling of the collected materials must be performed by currently licensed waste disposal firms.

G.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

H.

When required by the Borough, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such a structure, when required, shall be accessible, safely located, and constructed in accordance with plans approved by the Borough. The structure shall be installed at the expense of the owner and shall be maintained by the owner so as to be safe and accessible at all times.

I.

The Borough may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include:

(1)

Peak wastewater discharge rate and volume over a specified time period.

(2)

Chemical analyses of wastewaters.

(3)

Information on raw materials, processes, and produce affecting wastewater volume and quality.

(4)

Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(5)

A plot plan of sewers on the user's property showing sewer and pretreatment facility location.

(6)

Details of wastewater pretreatment facilities.

(7)

Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

J.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest

edition, of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval of the Borough.

K.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Borough and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Borough for treatment.

§ 191-14 Tampering with wastewater facilities.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this section shall be subject to immediate arrest under charge of disorderly conduct.

§ 191-15 Powers and authority of inspectors.

A.

The Borough inspectors and other duly authorized employees of the Borough, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.

B.

The Borough inspectors and other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. An industry may withhold information considered confidential, however, it must establish that the revelation to the public of such information might result in an advantage to competitors.

C.

While performing the necessary work on private properties referred to in § 191-5A above, the Borough inspectors and other duly authorized employees of the Borough shall observe all safety rules established by the owner and applicable to the premises; and the owner shall be held harmless for injury or death to the Borough employees; and the Borough shall indemnify the owner against loss or damage to the owner's property by Borough employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in § 191-13H.

D.

The Borough inspectors and other duly authorized employees of the Borough bearing proper credentials and identification shall be permitted to enter all private properties through which the Borough holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 191-16 Charges.

A.

The Borough is authorized to require the payment of an EDU charge as a condition precedent to connecting to the public sewer. All EDU fees, penalties, sewer service fees and charges collected shall be used for the operation, maintenance, replacement and/or debt service of the wastewater facilities.

B.

The annual sewer service charge shall be assessed to each service unit or house connection; the amount of said charge to be in accordance with the Borough's resolution on sewer rules and regulations; said charge to be due and payable quarterly.

C.

Residential units shall pay an annual sewer service fee based on the actual number of dwelling units on the property. All nonresidential or mixed uses (a mixture of residential and commercial or industrial uses on the same property) shall be required to install meters on their water supply line. For these properties, the annual sewer service fee will be based on the actual water usage as provided for in the Borough's sewer user regulations.

D.

The Borough reserves the right to establish said rates and charges by its resolution on sewer rules and regulations and to increase or decrease said rates and charges from time to time by further regulation and to establish different classifications as to rates.

E.

All rates and/or charges referred to in this article shall constitute a lien on the real estate served and shall be collectible in the same manner as Borough taxes or by suit at law.

F.

Bills will be rendered quarterly and are payable 30 days after date. All bills unpaid for 30 days shall be subject to a penalty of 5% of the total bill.

G.

All sewage service may be discontinued for any premises for which the sewage bill remains unpaid for a period of 60 days after the bill is rendered. If any expenses are incurred by the Borough through the discontinuance of sewage service, service shall not be reinstated until the costs of discontinuance have been paid.

H.

When sewer service has been discontinued from any premises for any reason, or for any violation of the Borough's rules, a charge will be made for restoring service in the amount of the actual cost of reconnecting sewage service except, however, that the minimum charge shall be $100.

§ 191-17 Violations and penalties.

A.

Any person found to be violating any provision of this article except § 191-15 shall be served by the Borough with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B.

Any person who shall continue any violation beyond the time limit provided for in § 191-17A shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding $1,000/day for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C.

Any person violating any of the provisions of this article shall become liable to the Borough for any expense, loss, or damage occasioned the Borough by reason of such violation.

D.

Proper officers of this Borough are authorized and directed to do all things and take all legal action necessary, including the filing of municipal claims, shutting off water service, or any other action, in accordance with law, to enforce collection of sewer rates and charges established and imposed hereby and otherwise to carry out provisions hereof.

§ 191-18 Rules and regulations.

A.

From time to time, in accordance with law, and by appropriate ordinance or resolution, the Borough of Stockertown may adopt such additional rules and regulations as it may deem desirable, beneficial or necessary for the use and operation of the sewer system and wastewater treatment works in the collection and treatment of sewage, septage, and holding tank waste from the Borough's consumers.

B.

Any such rules and regulations shall be construed in conjunction with provisions hereof and shall become effective upon the date fixed by this Borough upon adoption thereof.

C.

Any changes, modifications or amendments to this article shall be in accordance with requirements of a Second Class Borough, including but not limited to necessary public notices.

§ 191-19 Effective date and applicability.

This article shall become effective in accordance with provisions of applicable Pennsylvania laws; provided, however, that as provided in this article, the provisions hereof shall be applicable with respect to the sewer system on and after January 1, 1994, and shall become applicable.

§ 191-20 Declaration of purpose.

It is declared that enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Borough.

ARTICLE III: Sewer Connections

§ 191-21 Definitions.

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

BOROUGH
: The Borough of Stockertown, Northampton County, Pennsylvania, a political subdivision, acting by and through its Borough Council or in appropriate case, by and through its authorized representatives.

BUILDING SEWER
: The extension from the sewage drainage system of any structure starting from a point three feet outside of the outer walls of the structured building to the lateral of a sewer system.

IMPROVED PROPERTY

Any property located within the Borough upon which there is an erected structure (occupied building) intended for continuous or periodic habitation, occupancy, for any purpose whatsoever by human beings or animals and from which structure sanitary sewage and/or industrial waste shall be or may be discharged.

INDUSTRIAL WASTE

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

LATERAL

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

OCCUPIED BUILDING

Each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit, or family unit contained within any structure which is located upon any parcel of land within 150 feet from the sewer system, and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage is, or may be, discharged.

[Amended 9-6-1995 by Ord. No. 225]

OWNER

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

PERSON

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

SANITARY SEWAGE

Normal water-carried household and toilet waste discharged from any improved property.

SEWER

Any pipe or conduit constituting a part of the sewer system, used or usable for sewage collection purposes.

SEWER SYSTEM

All facilities, as of any particular time, for collecting, pumping, transporting, treating, and/or disposing sanitary sewage and/or industrial waste, situate in the Borough.

STREET or HIGHWAY

Includes any highway, street, road, lane, alley, court or public square.

§ 191-22 Permits required.

No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any sewer or the sewer system, without first making application for and securing a permit for plumbing and drainage work, in writing, from this Borough.

§ 191-23 Permit inspection fee.

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

Application for permit required under § 191-22 shall be made by the owner of the improved property to be served or his duly authorized agent. No permit shall issue until the applicant submits a permit inspection fee in an amount as set from time to time by resolution of the Borough Council.

Editor's Note: The Schedule of Fees is on file in the Borough offices.

§ 191-24 Requirements for connections.

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

A.

Such person shall have notified the Borough Secretary or designee of the desire and intention to connect such improved property to the sewer system.

B.

Such person shall have applied for and obtained a permit as required by § 191-22.

C.

Such person shall have given the Borough Secretary or designee at least 24 hours' notice of the time when such connection will be made so that the Borough may inspect the work of connection and necessary testing.

D.

Such person shall furnish satisfactory evidence to the Borough Secretary or designee that any tapping fee charged and imposed by the Borough against the owner of each occupied building who connects such improved property to the sewer system has been paid.

§ 191-25 Separate connections required; exceptions.

Except as otherwise provided in this section, each occupied building shall be connected separately and independently to the sewer system through a building sewer. Grouping of more than one occupied building on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Borough, in writing, shall have been secured and subject to such rules, regulations, and conditions as may be prescribed by this Borough. Where more than one occupied building, as herein before defined, is contained in a separate structure, single common connection to the lateral of the sewer system may be permitted for accommodating all units contained in such

structure, except that separate connections shall be required for each semidetached or row-type house or structure.

§ 191-26 Costs borne by property owner; indemnification of Borough.

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

§ 191-27 Professional plumbers required for certain work.

Property owners shall be permitted to dig their own ditches and engage in plumbing inside the walls of structures on their own property only, subject to inspection and approval by the Plumbing Inspector, except that only a plumber or plumbing firm holding a registered plumber's license issued by the Borough will be permitted to install a building sewer extending from a point three feet outside of the outer walls of the structure (building) which connects to sewer system.

§ 191-28 Plumbing registration requirements.

A.

No person other than a registered master plumber, as herein provided, shall be permitted to make sewage connections as defined herein unless he or she has first secured a license or certificate, been registered in the Office of the Borough, and provided verification of workers' compensation coverage (if applicable) and liability insurance in a minimum amount of $500,000.

B.

Any master or journeyman plumber, registered with the City of Easton, City of Bethlehem, or City of Allentown, may, upon presentation of his or her credentials to the Borough, be registered to work in the Borough for one calendar year, upon payment to the Borough of a registration fee

Editor's Note: The Schedule of Fees is on file in the Borough offices.
in an amount as set from time to time by resolution of the Borough Council.
Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
C.

Any master plumber, not registered with the aforementioned municipalities, may, upon presentation of credentials to the Borough, be registered to work in the Borough upon payment to the Borough of a registration fee in an amount as set from time to time by resolution of the Borough Council.

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

§ 191-29 Connection location and standards.

A.

A building sewer shall be connected to the sewer system at the place designated by this Borough where the lateral is provided. The building sewer construction shall be in compliance with the sewer building drain detail attached hereto and made a part hereof as Exhibit A and the standards set forth in Exhibit B.

Editor's Note: Exhibits A and B are included at the end of this chapter.

B.

The invert T of a building sewer at the point of connection to the sewer system (lateral) shall be at the same or higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of the building sewer to the lateral shall be made secure and watertight.

§ 191-30 Existing house sewer lines.

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

§ 191-31 Inspection and approval.

No building sewer shall be covered until it has been inspected and approved by this Borough. If any part of the building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the sewer system.

§ 191-32 Maintenance.

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

§ 191-33 Excavations.

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

§ 191-34 Plumbing Inspector.

The Borough Council is hereby authorized and directed to appoint a competent person as Plumbing Inspector, and fix the salary thereof, whose duties shall be to inspect all sewage connections, in conformity with the provisions of this article and such rules and regulations as may from time to time be adopted by Borough Council.

§ 191-35 Failure to remedy unsatisfactory conditions.

If any person shall fail or refuse, upon receipt of notice from this Borough, in writing, to remedy any unsatisfactory conditions with respect to a building sewer, within 60 days from receipt of such notice, this Borough may refuse to permit such person to discharge sanitary sewage into the sewage system until such unsatisfactory condition shall be remedied to the satisfaction of this Borough.

§ 191-36 Adoption of rules and regulations.

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

§ 191-37 Violations and penalties.

A.

Any person who shall violate this article shall be liable, upon conviction for a first violation and for each subsequent violation, to a fine of not more than $1,000, together with costs of prosecution in each case, and, in default of payment of such fine and costs, imprisonment for a term not exceeding 30 days. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

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

B.

Fines and costs imposed under provisions of this article shall be enforceable and recoverable in the manner at the time provided by applicable law.

§ 191-38 Declaration of purpose.

It is declared that the enactment of this article is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this Borough.

Chapter 205: STORMWATER MANAGEMENT

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 4-16-2007 by Ord. No. 256. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 98.

Floodplain management — See Ch. 112.

Sewers — See Ch. 191.

Streets and sidewalks — See Ch. 209.

Subdivision and land development — See Ch. 213.

Zoning — See Ch. 250.

205a Appendix A and B
205b1 Appendix C
205b2 Appendix C
205b3 Appendix C
205c Appendix D
205d Appendix E
205e Appendix F
205f Appendix G

ARTICLE I: General Provisions

§ 205-1 Short title.

This chapter shall be known and may be cited as the "Bushkill Creek Watershed Act 167 Stormwater Management Ordinance."

§ 205-2 Statement of findings.

The governing body of the municipality finds that:

A.

Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, changes the natural hydrologic patterns, destroys aquatic habitat, elevates aquatic pollutant concentrations and loadings, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.

B.

A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion and loss of natural

infiltration, is fundamental to the public health, safety and welfare and the protection of the people of the municipality and all of the people of the commonwealth, their resources and the environment.

C.

Stormwater can be an important resource by providing groundwater recharge for water supplies and baseflow of streams, which also protects and maintains surface water quality.

D.

Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.

E.

Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

NOTE: Throughout this chapter, these provisions are from the DEP Guidance on MS4 Ordinance Provisions and are not required for municipalities not subject to the NPDES Phase II regulations.

F.

Nonstormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the commonwealth by the municipality.

§ 205-3 Purpose.

The purpose of this chapter is to promote the public health, safety and welfare within the Bushkill Creek Watershed by minimizing the damages and maximizing the benefits described in § 205-2 of this chapter by provisions designed to:

A.

Manage stormwater runoff impacts at their source by regulating activities which cause such problems.

B.

Utilize and preserve the desirable existing natural drainage systems.

C.

Encourage infiltration of stormwater, where appropriate, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.

D.

Maintain the existing flows and quality of streams and watercourses in the municipality and the commonwealth.

E.

Preserve and restore the flood carrying capacity of streams.

F.

Provide for proper maintenance of all permanent stormwater management BMPs that are implemented in the municipality.

G.

Provide review procedures and performance standards for stormwater planning, design and management.

H.

Manage stormwater impacts close to the runoff source which requires a minimum of structures and relies on natural processes.

I.

Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93.4a to protect and maintain existing uses and maintain the level of water quality to support those uses in all streams and to protect and maintain water quality in special protection streams.

J.

Prevent scour and erosion of streambanks and streambeds.

K.

Provide standards to meet the NPDES permit requirements.

NOTE: Throughout this chapter, these provisions are from the DEP Guidance on MS4 Ordinance Provisions and are not required for municipalities not subject to the NPDES Phase II regulations.

§ 205-4 Statutory authority.

The municipality is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1 et seq., as amended, the "Stormwater Management Act" and the Borough Code.

§ 205-5 Applicability.

This chapter shall only apply to those areas of the municipality which are located within the Bushkill Creek Watershed(s) as delineated on an official map available for inspection at the municipal office. A map of the Bushkill Creek Watershed(s) at a reduced scale is included in Appendix A for general reference.

Editor's Note: Appendix A is on file in the Borough offices.

The following activities are defined as regulated activities and shall be governed by this chapter:

A.

Land development.

B.

Subdivision.

C.

Construction of new or additional impervious surfaces (driveways, parking lots, etc.).

D.

Construction of new buildings or additions to existing buildings.

E.

Diversion or piping of any natural or man-made stream channel.

F.

Installation of stormwater systems or appurtenances thereto.

G.

Regulated earth disturbance activities.

NOTE: Throughout this chapter, these provisions are from the DEP Guidance on MS4 Ordinance Provisions and are not required for municipalities not subject to the NPDES Phase II regulations.

§ 205-6 Exemptions.

A.

Impervious cover. Any proposed regulated activity, except those defined in § 205-5E and F, which would create 10,000 square feet or less of additional impervious cover is exempt from the drainage plan preparation provisions of this chapter. All of the impervious cover added incrementally to a site above the initial 10,000 square feet shall be subject to the drainage plan preparation provisions of this chapter. If a site has previously received an exemption and is proposing additional development such that the total impervious cover on the site exceeds 10,000 square feet, the total impervious cover on the site proposed since the original ordinance date must meet the provisions of this chapter.

(1)

The date of the municipal ordinance adoption of the original Bushkill Creek Act 167 Stormwater Management Ordinance shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered.

(2)

For development taking place in stages, the entire development plan must be used in determining conformance with these criteria.

(3)

Additional impervious cover shall include, but not be limited to, additional indoor living spaces, decks, patios, garages, driveways, storage sheds and similar structures, any roof, parking or driveway areas and any new streets and sidewalks constructed as part of or for the proposed regulated activity.

(4)

Any additional areas proposed to initially be gravel, crushed stone, porous pavement, etc., shall be assumed to be impervious for the purposes of comparison to the exemption criteria. Any existing gravel, crushed stone or hard packed soil areas on a site shall be considered as pervious cover for the purpose of exemption evaluation.

B.

Prior drainage plan approval. Any regulated activity for which a drainage plan was previously prepared as part of a subdivision or land development proposal that received preliminary plan approval from the municipality prior to the effective date of this chapter is exempt from the drainage plan preparation provisions of this chapter, except as cited in § 205-6C, provided that the approved drainage plan included design of stormwater facilities to control runoff from the site currently proposed for regulated activities consistent with ordinance provisions in effect at the time of approval and the

approval has not lapsed under the Municipalities Planning Code. If significant revisions are made to the drainage plan after both the preliminary plan approval and the effective date of this chapter, preparation of a new drainage plan, subject to the provisions of this chapter, shall be required. Significant revisions would include a change in control methods or techniques, relocation or redesign of control measures or changes necessary because soil or other conditions are not as stated on the original drainage plan.

C.

These exemptions shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, property, and state water quality requirements. These measures include adequate and safe conveyance of stormwater on the site and as it leaves the site. These exemptions do not relieve the applicant from the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.

D.

No exemptions shall be provided for regulated activities as defined in § 205-5E and F.

§ 205-7 Compatibility with other provisions.

Approvals issued pursuant to this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.

§ 205-8 Duty of persons engaged in development of land.

Notwithstanding any provisions of this chapter, including exemption and waiver provisions, any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required to manage the rate, volume, direction and quality of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

ARTICLE II: Terminology

§ 205-9 Word usage.

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

A.

Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.

B.

The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.

C.

The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

§ 205-10 Definitions.

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

ACCELERATED EROSION
: The removal of the surface of the land through the combined action of human activities and natural processes, at a rate greater than would occur because of the natural processes alone.

BEST MANAGEMENT PRACTICE (BMP)
: Activities, facilities, measures or procedures used to manage stormwater quantity and quality impacts from the regulated activities listed in § 205-5, to meet state water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter.

BEST MANAGEMENT PRACTICE OPERATIONS AND MAINTENANCE PLAN
: Documentation, included as part of a drainage plan, detailing the proposed BMPs, how they will be operated and maintained and who will be responsible.

BIORETENTION
: Densely vegetated, depressed features that store stormwater and filter it through vegetation, mulch, planting soil, etc. Ultimately stormwater is evapotranspirated, infiltrated, or discharged. Optimal bioretention areas mimic natural forest ecosystems in terms of species diversity, density, distribution, use of native plants, etc.

BUFFER
: A.
STREAMSIDE BUFFER
— A zone of variable width located along a stream that is vegetated and is designed to filter pollutants from runoff.
B.
SPECIAL GEOLOGIC FEATURE BUFFER
— A required isolation distance from a special geologic feature to a proposed BMP needed to reduce the risk of sinkhole formation due to stormwater management activities.

CAPTURE/REUSE
: Stormwater management techniques, such as cisterns and rain barrels, which direct runoff into storage devices, surface or subsurface, for later reuse, such as for irrigation of gardens and other planted areas. Because this stormwater is

utilized and no pollutant discharge results, water quality performance is superior to other noninfiltration BMPs.

CARBONATE BEDROCK

Rock consisting chiefly of carbonate minerals, such as limestone and dolomite; specifically a sedimentary rock composed of more than 50% by weight of carbonate minerals that underlies soil or other unconsolidated, superficial material.

CISTERN

An underground reservoir or tank for storing rainwater.

CLOSED DEPRESSION

A distinctive bowl-shaped depression in the land surface. It is characterized by internal drainage, varying magnitude, and an unbroken ground surface.

CONSERVATION DISTRICT

The Lehigh or Northampton County Conservation District, as applicable.

CONSTRUCTED WETLANDS

Constructed wetlands are similar to wet ponds (see below) and consist of a basin which provides for necessary stormwater storage as well as a permanent pool or water level, planted with wetland vegetation. To be successful, constructed wetlands must have adequate natural hydrology (both runoff inputs as well as soils and water table which allow for maintenance of a permanent pool of water). In these cases, the permanent pool must be designed carefully, usually with shallow edge benches, so that water levels are appropriate to support carefully selected wetland vegetation.

CULVERT

A pipe, conduit or similar structure, including appurtenant works which carries surface water.

DAM

An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

DEP

The Pennsylvania Department of Environmental Protection.

DESIGN STORM

The depth and time distribution of precipitation from a storm event measured in probability of occurrence (e.g., one-hundred-year storm) and duration (e.g. two-hour) and used in computing stormwater management control systems.

DETENTION BASIN

A basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at the appropriate release rate.

DEVELOPER

A person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this chapter.

DEVELOPMENT SITE (SITE)

The specific tract of land for which a regulated activity is proposed.

DIFFUSED DRAINAGE

See "sheet flow."

DRAINAGE EASEMENT

A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

DRAINAGE PLAN

The documentation of the proposed stormwater quantity and quality management controls to be used for a given development site, including a BMP operations and maintenance plan, the contents of which are established in § 205-20.

EARTH DISTURBANCE ACTIVITY

A construction or other human activity which disturbs the surface of the land, including but not limited to clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling or storing of soil, rock or earth materials.

EROSION

The removal of soil particles by the action of water, wind, ice, or other geological agents.

EXISTING USES

Those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards (25 Pa. Code Chapter 93.1).

FILL

Man-made deposits of natural soils or rock products and waste materials.

FILTER STRIPS

See "vegetated buffers."

FREEBOARD

The incremental depth in a stormwater management structure, provided as a safety factor of design, above that required to convey the design runoff event.

GROUNDWATER RECHARGE

Replenishment of existing natural underground water supplies.

HARDSHIP WAIVER REQUEST

A written request for a waiver alleging that the provisions of this chapter inflict unnecessary hardship upon the applicant. A Hardship Waiver does not apply to and is not available from the water quality provisions of this chapter and should not be granted.

HOT SPOT LAND USES

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or other toxic substances than typically found in stormwater runoff. These land uses are listed in § 205-14P.

HYDROLOGIC SOIL GROUP (HSG)

Soils are classified into four HSGs (A, B, C and D) to indicate the minimum infiltration rates, which are obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the US Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less permeable as the HSG varies from A to D.

IMPERVIOUS SURFACE (IMPERVIOUS COVER)

A surface which prevents the percolation of water into the ground.

INFILTRATION PRACTICE

A practice designed to direct runoff into the ground, e.g., french drain, seepage pit, seepage trench or bioretention area.

KARST

A type of topography or landscape characterized by depressions, sinkholes, limestone towers and steep-sided hills, underground drainage and caves. Karst is usually formed on carbonate rocks, such as limestones or dolomites and sometimes gypsum.

LAND DEVELOPMENT

Any of the following activities:

A.

The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(1)

A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(2)

The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B.

A subdivision of land.

C.

Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

Editor's Note: See 53 P.S. § 10503(1.1).

LOADING RATE

The ratio of the land area draining to the system, as modified by the weighting factors in § 205-17B, compared to the base area of the infiltration system.

LOCAL RUNOFF CONVEYANCE FACILITIES

Any natural channel or man-made conveyance system which has the purpose of transporting runoff from the site to the mainstem.

LOW-IMPACT DEVELOPMENT

A development approach that promotes practices that will minimize post-development runoff rates and volumes thereby minimizing needs for artificial conveyance and storage facilities. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the

hydraulic connectivity of impervious surfaces and protecting natural depression storage.

MAINSTEM (MAIN CHANNEL)

Any stream segment or other conveyance used as a reach in the Bushkill Creek hydrologic model.

MANNING EQUATION (MANNING FORMULA)

A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

MARYLAND STORMWATER DESIGN MANUAL

A stormwater design manual written by the Maryland Department of the Environment and the Center for Watershed Protection. As of January 2004, the Manual can be obtained through the following web site: www.mde.state.md.us.

MINIMUM DISTURBANCE/MINIMUM MAINTENANCE PRACTICES (MD/MM)

Site design practices in which careful limits are placed on site clearance prior to development allowing for maximum retention of existing vegetation (woodlands and other), minimum disturbance and compaction of existing soil mantle and minimum site application of chemicals post-development. Typically, MD/MM includes disturbance setback criteria from buildings as well as related site improvements such as walkways, driveways, roadways, and any other improvements. These criteria may vary by community context as well as by type of development being proposed. Additionally, MD/MM also shall include provisions (e.g., deed restrictions, conservation easements) to protect these areas from future disturbance and from application of fertilizers, pesticides, and herbicides.

MUNICIPALITY

Borough of Stockertown, Northampton County, Pennsylvania.

NO HARM OPTION

The option of using a less restrictive runoff quantity control if it can be shown that adequate and safe runoff conveyance exists and that the less restrictive control would not adversely affect health, safety and property.

NPDES

National Pollutant Discharge Elimination System.

NRCS

Natural Resources Conservation Service, US Department of Agriculture. (Formerly the Soil Conservation Service.)

OIL/WATER SEPARATOR

A structural mechanism designed to remove free oil and grease (and possibly solids) from stormwater runoff.

OUTFALL

"Point source" as described in 40 CFR § 122.2 at the point where the municipality's storm sewer system discharges to surface waters of the commonwealth.

OWNER

One with an interest in and often dominion over a property.

PEAK DISCHARGE

The maximum rate of flow of stormwater runoff at a given location and time resulting from a specified storm event.

PENN STATE RUNOFF MODEL (PSRM)

The computer-based hydrologic modeling technique adapted to each watershed for the Act 167 Plans. The model was calibrated to reflect actual flow values by adjusting key model input parameters.

PERSON

An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

POINT SOURCE

Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel or conduit from which stormwater is or may be discharged, as defined in state regulations at 25 Pa. Code § 92.1.

PRELIMINARY SITE INVESTIGATION

The determination of the depth to bedrock, the depth to the seasonal high water table and the soil permeability for a possible infiltration location on a site through the use of published data and on-site surveys. In carbonate bedrock areas, the location of special geologic features must also be determined along with the associated buffer distance to the possible infiltration area. See Appendix G.
Editor's Note: Appendix G is included at the end of this chapter.

PUBLIC WATER SUPPLIER

A person who owns or operates a public water system.

PUBLIC WATER SYSTEM

A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. (See 25 Pa. Code Chapter 109.)

QUALIFIED GEOTECHNICAL PROFESSIONAL

A licensed professional geologist or a licensed professional engineer who has a background or expertise in geology or hydrogeology.

RATIONAL METHOD

A method of peak runoff calculation using a standardized runoff coefficient (rational 'c'), acreage of tract and rainfall intensity determined by return period and by the time necessary for the entire tract to contribute runoff. The rational method formula is stated as follows: Q = ciA, where "Q" is the calculated peak flow rate in cubic feet per second, "c" is the dimensionless runoff coefficient (see Appendix C
Editor's Note: Appendix C is included at the end of this chapter.),
"i" is the rainfall intensity in inches per hour, and "A" is the area of the tract in acres.

REACH

Any of the natural or man-made runoff conveyance channels used for watershed runoff modeling purposes to connect the subareas and transport flows downstream.

RECHARGE VOLUME (REv)

The portion of the water quality volume (WQv) used to maintain groundwater recharge rates at development sites. (See § 205-14J.)

REGULATED ACTIVITIES

Actions or proposed actions which impact upon proper management of stormwater runoff and which are governed by this chapter as specified in § 205-5.

REGULATED EARTH DISTURBANCE ACTIVITIES

Earth disturbance activity other than agricultural plowing or tilling of one acre or more with a point source discharge to surface waters or to the municipality's storm sewer system or earth disturbance activity of five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part or during any stage of a larger common plan of development.

RELEASE RATE

The percentage of the predevelopment peak rate of runoff for a development site to which the post-development peak rate of runoff must be controlled to avoid peak flow increases throughout the watershed.

RETURN PERIOD

The average interval in years over which an event of a given magnitude can be expected to recur. For example, the twenty-five-year return period rainfall or runoff event would be expected to recur on the average once every 25 years.

ROAD MAINTENANCE

Earth disturbance activities within the existing road cross-section such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

RUNOFF

That part of precipitation which flows over the land.

SEDIMENT TRAPS/CATCH BASIN SUMPS

Chambers which provide storage below the outlet in a storm inlet to collect sediment, debris and associated pollutants, typically requiring periodic clean out.

SEEPAGE PIT/SEEPAGE TRENCH

An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

SEPARATE STORM SEWER SYSTEM

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

SHEET FLOW

Stormwater runoff flowing in a thin layer over the ground surface.

SOIL-COVER-COMPLEX METHOD

A method of runoff computation developed by NRCS which is based upon relating soil type and land use/cover to a runoff parameter called a "curve number."

SPECIAL GEOLOGIC FEATURES

Carbonate bedrock features, including but not limited to closed depressions, existing sinkholes, fracture traces, lineaments, joints, faults, caves, pinnacles and geologic contacts between carbonate and noncarbonate bedrock which may exist and must be identified on a site when stormwater management BMPs are being considered.

SPILL PREVENTION AND RESPONSE PROGRAM

A program that identifies procedures for preventing and, as needed, cleaning up potential spills and makes such procedures known and the necessary equipment available to appropriate personnel.

STATE WATER QUALITY REQUIREMENTS

As defined under state regulations, protection of designated and existing uses (See 25 Pa. Code Chapters 93 and 96), including:

A.

Each stream segment in Pennsylvania has a designated use, such as cold water fishes or potable water supply, which is listed in Chapter 93. These uses must be protected and maintained, under state regulations.

B.

"Existing uses" are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.

C.

Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

STORAGE INDICATION METHOD

A method of routing or moving an inflow hydrograph through a reservoir or detention structure. The method solves the mass conservation equation to determine an outflow hydrograph as it leaves the storage facility.

STORM DRAINAGE PROBLEM AREAS

Areas which lack adequate stormwater collection and/or conveyance facilities and which present a hazard to persons or property. These areas are either documented in Appendix B
Editor's Note: Appendix B is on file in the Borough offices.
of this chapter or identified by the municipality or Municipal Engineer.

STORM SEWER

A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

STORMWATER

The surface runoff generated by precipitation reaching the ground surface.

STORMWATER FILTERS

Any number of structural mechanisms, such as multichamber catch basins, sand/peat filters, sand filters, and so forth, which are installed to intercept stormwater flow and remove pollutants prior to discharge. Typically, these systems require periodic maintenance and clean out.

STORMWATER MANAGEMENT PLAN

The plan for managing stormwater runoff adopted by Lehigh and/or Northampton County for the Bushkill Creek Watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Stormwater Management Act."

STREAM

A watercourse.

SUBAREA

The smallest unit of watershed breakdown for hydrologic modeling purposes for which the runoff control criteria have been established in the stormwater management plan.

SUBDIVISION

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

SURFACE WATERS OF THE COMMONWEALTH

Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

SWALE

A low-lying stretch of land which gathers or carries surface water runoff. See also "vegetated swale."

TECHNICAL BEST MANAGEMENT PRACTICE MANUAL AND INFILTRATION FEASIBILITY REPORT, NOVEMBER 2002

The report written by Cahill Associates that addresses the feasibility of infiltration in carbonate bedrock areas in the Little Lehigh Creek Watershed. The report is available at the Lehigh Valley Planning Commission offices.

TRASH/DEBRIS COLLECTORS

Racks, screens or other similar devices installed in a storm drainage system to capture coarse pollutants (trash, leaves, etc.).

VEGETATED BUFFERS

Gently sloping areas that convey stormwater as sheet flow over a broad, densely vegetated earthen area, possibly coupled with the use of level spreading devices. Vegetated buffers should be situated on minimally disturbed soils, have low-flow velocities and extended residence times.

VEGETATED ROOFS

Vegetated systems installed on roofs that generally consist of a waterproof layer, a root-barrier, drainage layer (optional), growth media, and suitable vegetation. Vegetated roofs store and eventually evapotranspirate the collected rooftop rainfall; overflows may be provided for larger storms.

VEGETATED SWALES

A.

Vegetated earthen channels designed to convey stormwater. These swales are not considered to be water quality BMPs.

B.

Broad, shallow, densely vegetated, earthen channels designed to treat stormwater while slowly infiltrating, evapotranspirating, and conveying it. Swales

should be gently sloping with low flow velocities to prevent erosion. Check dams may be added to enhance performance.

WATERCOURSE
: Any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER QUALITY INSERTS
: Any number of commercially available devices that are inserted into storm inlets to capture sediment, oil, grease, metals, trash, debris, etc.

WATER QUALITY VOLUME (WQv)
: The volume needed to capture and treat 90% of the average annual rainfall volume. (See § 205-14B.)

WATERSHED
: The entire region or area drained by a river or other body of water, whether natural or artificial.

WET DETENTION PONDS
: Basins that provide for necessary stormwater storage as well as a permanent pool of water. To be successful, wet ponds must have adequate natural hydrology (both runoff inputs as well as soils and water table which allow for maintenance of a permanent pool of water) and must be able to support a healthy aquatic community so as to avoid creation of mosquito and other health and nuisance problems.

ARTICLE III: Stormwater Management Requirements

§ 205-11 General requirements.

A.

All regulated activities in the municipality shall be subject to the stormwater management requirements of this chapter.

B.

Storm drainage systems shall be provided to permit unobstructed flow in natural watercourses except as modified by stormwater detention facilities, recharge facilities, water quality facilities, pipe systems or open channels consistent with this chapter.

C.

The existing locations of concentrated drainage discharge onto adjacent property shall not be altered without written approval of the affected property owner(s).

D.

Areas of existing diffused drainage discharge onto adjacent property shall be managed such that, at minimum, the peak diffused flow does not increase in the general direction of discharge, except as otherwise provided in this chapter. If diffused flow is proposed

to be concentrated and discharged onto adjacent property, the developer must document that there are adequate downstream conveyance facilities to safely transport the concentrated discharge to the point of predevelopment flow concentration, to the stream reach or otherwise prove that no harm will result from the concentrated discharge. Areas of existing diffused drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge whether they are proposed to be concentrated or maintained as diffused drainage areas.

E.

Where a site is traversed by watercourses, other than those for which a one-hundred-year floodplain is defined by the municipality, there shall be provided drainage easements conforming substantially with the line of such watercourses. The width of any easement shall be adequate to provide for unobstructed flow of storm runoff based on calculations made in conformance with § 205-17 for the one-hundred-year return period runoff and to provide a freeboard allowance of 0.5 foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic maintenance of the easement to ensure proper runoff conveyance shall be required. Watercourses for which the one-hundred-year floodplain is formally defined are subject to the applicable municipal floodplain regulations.

F.

When it can be shown that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning Equation.

G.

Post-construction BMPs shall be designed, installed, operated and maintained to meet the requirements of the Clean Streams Law

Editor's Note: See 35 P.S. § 691.1 et seq.
and implementing regulations, including the established practices in 25 Pa. Code Chapter 102 and the specifications of this chapter as to prevent accelerated erosion in watercourse channels and at all points of discharge.

H.

No earth disturbance activities associated with any regulated activities shall commence until approval by the municipality of a plan which demonstrates compliance with the requirements of this chapter.

I.

Techniques described in Appendix F (Low-Impact Development)

Editor's Note: Appendix F is included at the end of this chapter.
of this chapter are encouraged because they reduce the costs of complying with the requirements of this chapter and the state water quality requirements.
J.

Infiltration for stormwater management is encouraged where soils and geology permit, consistent with the provisions of this chapter and, where appropriate, the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D.

Editor's Note: Appendix D is included at the end of this chapter.

§ 205-12 Permit requirements by other government entities.

The following permit requirements apply to certain regulated and earth disturbance activities and must be met prior to commencement of regulated and earth disturbance activities, as applicable:

A.

All regulated and earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.

B.

Work within natural drainageways subject to permit by DEP under 25 Pa. Code Chapter 102 and Chapter 105.

C.

Any stormwater management facility that would be located in or adjacent to surface waters of the commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.

D.

Any stormwater management facility that would be located on a state highway right-of-way or require access from a state highway shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

E.

Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

§ 205-13 Erosion and sediment control during regulated earth disturbance activities.

A.

No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of an erosion and sediment control plan for construction activities. Written approval by DEP or a delegated County Conservation District shall satisfy this requirement.

B.

An erosion and sediment control plan is required by DEP regulations for any earth disturbance activity of 5,000 square feet or more under 25 Pa. Code § 102.4(b).

C.

A DEP NPDES Stormwater Discharges Associated with Construction Activities Permit is required for regulated earth disturbance activities under 25 Pa. Code Chapter 92.

D.

Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the municipality before the commencement of an earth disturbance activity.

E.

A copy of the erosion and sediment control plan and any permit, as required by DEP regulations, shall be available at the project site at all times.

§ 205-14 Post-construction water quality criteria.

A.

No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of a drainage plan which demonstrates compliance with this chapter. This chapter provides standards to meet NPDES permit requirements associated with construction activities and MS4 permit requirements.

B.

The water quality volume (WQv) shall be captured and treated. The WQv shall be calculated two ways.

(1)

First, WQv shall be calculated using the following formula:

Where:

WQv = **water quality volume in acre-feet**

c = Rational Method post-development runoff coefficient for the two-year storm

P = 1.25 inches

A = area in acres of proposed regulated activity

(2)

Second, the WQv shall be calculated as the difference in runoff volume from predevelopment to post-development for the two-year return period storm. The effect of closed depressions on the site shall be considered in this calculation. The larger of these two calculated volumes shall be used as the WQv to be captured and treated, except that in no case shall be WQv be permitted to exceed 1.25 inches of runoff over the site area. This standard does not limit the volume of infiltration an applicant may propose for purposes of water quantity/peak rate control.

C.

The WQv shall be calculated for each post-development drainage direction on a site for sizing BMPs. Site areas having no impervious cover and no proposed disturbance during development may be excluded from the WQv calculations and do not require treatment.

D.

If an applicant is proposing to use a dry extended detention basin, wet pond, constructed wetland or other BMP that ponds water on the land surface and may receive direct sunlight, the discharge from that BMP must be treated by infiltration, a vegetated buffer, filter strip, bioretention, vegetated swale or other BMP that provides a thermal benefit to protect the high quality waters of the Bushkill Creek from thermal impacts.

E.

The WQv for a site as a result of the regulated activities must either be treated with infiltration or two acceptable BMPs such as those listed in § 205-14O, except for minor areas on the periphery of the site that cannot reasonably be drained to an infiltration facility or other BMP.

F.

Infiltration BMPs shall not be constructed on fill unless the applicant demonstrates that the fill is stable and otherwise meets the infiltration BMP standards of this chapter.

G.

The applicant shall document the bedrock type(s) present on the site from published sources. Any apparent boundaries between carbonate and noncarbonate bedrock shall be verified through more detailed site evaluations by a qualified geotechnical professional.

H.

For each proposed regulated activity in the watershed where an applicant intends to use infiltration BMPs, the applicant shall conduct a preliminary site investigation, including gathering data from published sources, a field inspection of the site, a minimum of one test pit and a minimum of two percolation tests, as outlined in Appendix G.

Editor's Note: Appendix G is included at the end of this chapter.
This investigation will determine depth to bedrock, depth to the seasonal high water table, soil permeability and location of special geologic features, if applicable. This investigation may be done by a certified Sewage Enforcement Officer (SEO) except that the location(s) of special geologic features shall be verified by a qualified geotechnical professional.

I.

Sites where applicants intend to use infiltration BMPs must meet the following criteria:

(1)

Depth to bedrock below the invert of the BMP greater than or equal to two feet.

(2)

Depth to seasonal high-water table below the invert of the BMP greater than or equal to three feet, except for infiltration of residential roof runoff where the seasonal high-water table must be below the invert of the BMP. (If the depth to bedrock is between two and three feet and the evidence of the seasonal high-water table is not found in the soil, no further testing to locate the depth to seasonal high-water table is required.)

(3)

Soil permeability (as measured by the adapted 25 Pa. Code § 73.15 percolation test in Appendix G) greater than or equal to 0.5 inches/hour and less than or equal to 12 inches per hour.

(4)

Setback distances or buffers as follows:

(a)

One hundred feet from water supply wells.

(b)

Fifteen feet downgradient or 100 feet upgradient from building foundations, except for residential development where the required set back is 15 feet downgradient or 40 feet upgradient from building foundations.

(c)

Fifty feet from septic system drainfields, except for residential development where the required setback is 25 feet from septic system drainfields.

(d)

Fifty feet from a geologic contact with carbonate bedrock unless a preliminary site investigation is done in the carbonate bedrock to show the absence of special geologic features within 50 feet of the proposed infiltration area.

(e)

One hundred feet from the property line unless documentation is provided to show that all setbacks from existing or potential future wells, foundations and drainfields on neighboring properties will be met, except for one- and two-family residential dwellings where the required setback is 40 feet, unless documentation is provided to show that all setbacks from existing or potential future wells, foundations and drainfields on neighboring properties will be met.

J.

For entirely noncarbonate sites, the recharge volume (REv) shall be infiltrated unless the applicant demonstrates that it is infeasible to infiltrate the REv for reasons of seasonal high water table, permeability rate, soil depth or setback distances, or except as provided in § 205-14U.

(1)

The REv shall be calculated as follows:

Where:

REv = recharge volume in acre-feet

I = impervious area in acres

(2)

The preliminary site investigation described in § 205-14H is required and shall continue on different areas of the site until a potentially suitable infiltration location is found or the entire site is determined to be infeasible for infiltration. For infiltration areas that

appear to be feasible based on the preliminary site investigation, the additional site investigation and testing as outlined in Appendix G

Editor's Note: Appendix G is included at the end of this chapter.
shall be completed.
(3)

If an applicant proposes infiltration, the municipality may determine infiltration to be infeasible if there are known existing conditions or problems that may be worsened by the use of infiltration.

(4)

The site must meet the conditions listed in § 205-14I.

(5)

If it is not feasible to infiltrate the full REv, the applicant shall infiltrate that portion of the REv that is feasible based on the site characteristics. If none of the REv can be infiltrated, REv shall be considered as part of the WQv and shall be captured and treated as described in § 205-14O.

(6)

If REv is infiltrated, it may be subtracted from the WQv required to be captured and treated.

K.

In entirely carbonate areas, where the applicant intends to us infiltration BMPs, the preliminary site investigation described in § 205-14H shall be conducted. For infiltration areas that appear feasible based on the preliminary site investigation, the applicant shall conduct the additional site investigation and testing as outlined in Appendix G. The soil depth, percolation rate and proposed loading rate, each weighted as described in § 205-17, along with the buffer from special geologic features shall be compared to the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D

Editor's Note: Appendix D is included at the end of this chapter.
to determine if the site is recommended for infiltration. In addition to the recommendation from Appendix D, the conditions listed in § 205-14I are required for infiltration in carbonate areas. Applicants are encouraged to infiltrate the REv, as calculated in § 205-14J, but are not required to use infiltration BMPs on a carbonate site even if the site falls in the recommended range on the chart in Appendix D. Any amount of volume infiltrated can be subtracted from the WQv to be treated by noninfiltration BMPs. If infiltration is not proposed, the full WQv shall be treated by two acceptable BMPs, as specified in § 205-14O.
L.

If a site has both carbonate and noncarbonate areas, the applicant shall investigate the ability of the noncarbonate portion of the site to fully meet this chapter to meet the requirements for REv for the whole site through infiltration. If that proves infeasible, infiltration in the carbonate area as described in § 205-14K or two other noninfiltration BMPs as described in § 205-14O must be used. No infiltration structure in the noncarbonate area shall be located within 50 feet of a boundary with carbonate bedrock, except when a preliminary site investigation has been done showing the absence of special geologic features within 50 feet of the proposed infiltration area.

M.

If infiltration BMPs are proposed in carbonate areas, the post-development two-year runoff volume leaving the site shall be 80% or more of the predevelopment runoff volume for the carbonate portion of the site to prevent infiltration of volumes far in excess of the predevelopment infiltration volume.

N.

Site areas proposed for infiltration shall be protected from disturbance and compaction except as necessary for construction of infiltration BMPs.

O.

If infiltration of the entire WQv is not proposed, the remainder of the WQv shall be treated by two acceptable BMPs in series for each discharge location. Sheet flow draining across a pervious area can be considered as one BMP. Sheet flow across impervious areas and concentrated flow shall flow through two BMPs. If sheet flow from an impervious area is to be drained across a pervious area as one BMP, the length of the pervious area must be equal to or greater than the length of impervious area. In no case may the same BMP be employed consecutively to meet the requirement of this section. Acceptable BMPs are listed below along with the recommended reference for design.

Best Management Practice	Design Reference Number[C]
Bioretention[A]	4, 5, 11, 16
Capture/reuse[B]	4, 14
Constructed wetlands	4, 5, 8, 10, 16
Dry extended detention ponds	4, 5, 8, 12,18
Minimum disturbance/Minimum maintenance practices	1, 9
Significant reduction of existing impervious cover	N/A
Stormwater filters[A] (sand, peat, compost, etc.)	4, 5, 10, 16

Best Management Practice	Design Reference Number[C]
Vegetated buffers/filter strips	2, 3, 5, 11, 16, 17
Vegetated roofs	4, 13
Vegetated swales[A]	2, 3, 5, 11, 16, 17
Water quality inlets[D]	4, 7, 15, 16, 19
Wet detention ponds	4, 5, 6, 8

NOTES:

A	This BMP could be designed with or without an infiltration component. If infiltration is proposed, the site and BMP will be subject to the testing and other infiltration requirements in this chapter.
B	If this BMP is used to treat the entire WQv, then it is the only BMP required because of this BMPs superior water quality performance.
C	See table below.
D	Water quality inlets include such BMPs as oil/water separators, sediment traps/catch basin sumps, and trash/debris collectors in catch basins.

Number	Design Reference Title
1	"Conservation Design For Stormwater Management — A Design Approach to Reduce Stormwater Impacts From Land Development and Achieve Multiple Objectives Related to Land Use," Delaware Department of Natural Resources and Environmental Control, The Environmental Management Center of the Brandywine Conservancy, September 1997
2	"A Current Assessment of Urban Best Management Practices: Techniques for Reducing Nonpoint Source Pollution in the Coastal Zone," Schueler, T.R., Kumble, P. and Heraty, M., Metropolitan Washington Council of Governments, 1992.
3	"Design of Roadside Channels with Flexible Linings," Federal Highway Administration, Chen, Y. H. and Cotton, G. K., Hydraulic Engineering Circular 15, FHWA-IP-87-7, McLean Virginia, 1988.
4	"Draft Stormwater Best Management Practices Manual," Pennsylvania Department of Environmental Protection, January 2005.
5	"Evaluation and Management of Highway Runoff Water Quality," Federal Highway Administration, FHWA-PD-96-032, Washington, D.C., 1996.
6	"Evaporation Maps of the United States," U.S. Weather Bureau (now NOAA/National Weather Service) Technical Paper 37, Published by Department of Commerce, Washington D.C., 1959.

Number	Design Reference Title
7	"Georgia Stormwater Manual," AMEC Earth and Environmental, Center for Watershed Protection, Debo and Associates, Jordan Jones and Goulding, Atlanta Regional Commission, Atlanta, Georgia, 2001.
8	"Hydraulic Design of Highway Culverts," Federal Highway Administration, FHWA HDS 5, Washington, D.C., 1985 (revised May 2005).
9	"Low Impact Development Design Strategies An Integrated Design Approach, Prince Georges County, Maryland Department of Environmental Resources, June 1999.
10	"Maryland Stormwater Design Manual," Maryland Department of the Environment, Baltimore, Maryland, 2000.
11	"Pennsylvania Handbook of Best Management Practices for Developing Areas," Pennsylvania Department of Environmental Protection, 1998.
12	"Recommended Procedures for Act 167 Drainage Plan Design," LVPC, Revised 1997.
13	"Roof Gardens History, Design, and Construction," Osmundson, Theodore. New York: W.W. Norton and Company, 1999.
14	"The Texas Manual on Rainwater Harvesting," Texas Water Development Board, Austin, Texas, Third Edition, 2005.
15	"VDOT Manual of Practice for Stormwater Management," Virginia Transportation Research Council, Charlottesville, Virginia, 2004.
16	"Virginia Stormwater Management Handbook," Virginia Department of Conservation and Recreation, Richmond, Virginia, 1999.
17	"Water Resources Engineering," Mays, L. W., John Wiley and Sons, Inc., 2005.
18	"Urban Hydrology for Small Watersheds," Technical Report 55, US Department of Agriculture, Natural Resources Conservation Service, 1986.
19	US EPA, Region 1 New England web site (as of August 2005) http://www.epa.gov/NE/assistance/ceitts/stormwater/techs/html.

P.

Stormwater runoff from hot spot land uses shall be pretreated. In no case, may the same BMP be employed consecutively to meet this requirement and the requirement in § 205-14O.

(1)

Acceptable methods of pretreatment are listed below.

Hot Spot Land Use	Pretreatment Method(s)
Vehicle maintenance and repair facilities including auto parts stores	Water quality inlets Use of drip plans and/or dry sweep material under vehicles/equipment Use of absorbent devices to reduce liquid releases Spill prevention and response program
Vehicle fueling stations	Water quality inlets Spill prevention and response program
Storage areas for public works	Water quality inlets Use of drip pans and/or dry sweep material under vehicles/equipment Use of absorbent devices to reduce liquid releases Spill prevention and response program Diversion of stormwater away from potential contamination areas
Outdoor storage of liquids	Spill prevention and response program
Commercial nursery operations	Vegetated swales/filter strips Constructed wetlands Stormwater collection and reuse
Salvage yards and recycling facilities*	BMPs that are a part of a stormwater pollution prevention plan under an NPDES permit
Fleet storage yards and vehicle cleaning facilities*	BMPs that are a part of a stormwater pollution prevention plan under an NPDES permit
Facilities that store or generate regulated substances*	BMPs that are a part of a stormwater pollution prevention plan under an NPDES permit
Marinas*	BMPs that are a part of a stormwater pollution prevention plan under an NPDES permit
Certain industrial uses (listed under NPDES)*	BMPs that are a part of a stormwater pollution prevention plan under an NPDES permit

NOTES:

* Regulated under the NPDES stormwater program.

(2)

Design references for the pretreatment methods, as necessary, are listed below. If the applicant can demonstrate to the satisfaction of the municipality that the proposed land use is not a hot spot, then the pretreatment requirement would not apply.

Pretreatment Method	Design Reference[A]
Constructed wetlands	4, 5, 8, 10, 16

Pretreatment Method	Design Reference[A]
Diversion of stormwater away from potential contamination areas	4, 11
Stormwater collection and reuse (especially for irrigation)	4, 14
Stormwater filters (sand, peat, compost, etc.)	4, 5, 10, 16
Vegetated swales	2,3,5,11,16,17
Water quality inlets	4, 7, 15, 16, 19

NOTES:

[A] These numbers refer to the Design Reference Title Chart in § 205-14O above.

Q.

The use of infiltration BMPs is prohibited on hot spot land use areas.

R.

Stormwater infiltration BMPs shall not be placed in or on a special geologic feature(s). Additionally, stormwater runoff shall not be discharged into existing on-site sinkholes.

S.

Applicants shall request, in writing, public water suppliers to provide the Zone I Wellhead Protection radius, as calculated by the method outlined in the Pennsylvania Department of Environmental Protection Wellhead Protection regulations, for any public water supply well within 400 feet of the site. In addition to the setback distances specified in § 205-14I, infiltration is prohibited in the Zone I radius as defined and substantiated by the public water supplier in writing. If the applicant does not receive a response from the public water supplier, the Zone I radius is assumed to be 100 feet.

T.

The volume and rate of the net increase in stormwater runoff from the regulated activities must be managed to prevent the physical degradation of receiving waters from such effects as scour and streambank destabilization, to satisfy state water quality requirements, by controlling the two-year post-development runoff to a thirty-percent release rate.

U.

The municipality may, after consultation with DEP, approve alternative methods for meeting the state water quality requirements other than those in this section, provided that they meet the minimum requirements of and do not conflict with state law, including but not limited to the Clean Streams Law.

Editor's Note: See 35 P.S. § 691.1 et seq.

§ 205-15 Stormwater management districts.

A.

Mapping of stormwater management districts. To implement the provisions of the Bushkill Creek Watershed Stormwater Management Plan, the municipality is hereby divided into stormwater management districts consistent with the Bushkill Creek Release Rate Map presented in the plan update. The boundaries of the stormwater management districts are shown on an official map which is available for inspection at the municipal office. A copy of the official map at a reduced scale is included in Appendix A

Editor's Note: Appendix A is on file in the Borough offices.
for general reference.
B.

Description of stormwater management districts. Two types of stormwater management districts may be applicable to the municipality, namely "conditional/provisional no detention districts" and "dual release rate districts" as described below.

(1)

Conditional/provisional no detention districts. Within these districts, the capacity of the local runoff conveyance facilities (as defined in Article II) must be calculated to determine if adequate capacity exists. For this determination, the developer must calculate peak flows assuming that the site is developed as proposed and that the remainder of the local watershed is in the existing condition. The developer must also calculate peak flows assuming that the entire local watershed is developed per current zoning and that all new development would use the runoff controls specified by this chapter. The larger of the two peak flows calculated will be used in determining if adequate capacity exists. If adequate capacity exists to safely transport runoff from the site to the main channel (as defined in Article II), these watershed areas may discharge post-development peak runoff without detention facilities. If the capacity calculations show that the local runoff conveyance facilities lack adequate capacity, the developer shall either use a one-hundred-percent release rate control or provide increased capacity of downstream elements to convey increased peak flows consistent with § 205-16P. Any capacity improvements must be designed to convey runoff from development of all areas tributary to the improvement consistent with the capacity criteria specified in § 205-16D. By definition, a storm drainage problem area associated with the local runoff conveyance facilities indicates that adequate capacity does not exist. Sites in these districts are still required to meet all of the water quality requirements in § 205-14.

(2)

Dual release rate districts. Within these districts, the two-year post-development peak discharge must be controlled to 30% of the predevelopment two-year runoff peak.

Further, the ten-, twenty-five-, and one-hundred-year post-development peak runoff must be controlled to the stated percentage of the predevelopment peak. Release rates associated with the ten-year through one-hundred-year events vary from 50% to 100% depending upon location in the watershed.

§ 205-16 Stormwater management district implementation provisions.

A.

Applicants shall provide a comparative pre- and post-construction stormwater management hydrograph analysis for each direction of discharge and for the site overall to demonstrate compliance with the provisions of this chapter.

B.

Any stormwater management controls required by this chapter and subject to a dual release rate criteria shall meet the applicable release rate criteria for each of the two-, ten-, twenty-five-, and one-hundred-year return period runoff events consistent with the calculation methodology specified in § 205-17.

C.

The exact location of the stormwater management district boundaries as they apply to a given development site shall be determined by mapping the boundaries using the two-foot topographic contours provided as part of the drainage plan. The district boundaries as originally drawn coincide with topographic divides or, in certain instances, are drawn from the intersection of the watercourse and a physical feature such as the confluence with another watercourse or a potential flow obstruction (e.g., road, culvert, bridge, etc.). The physical feature is the downstream limit of the subarea and the subarea boundary is drawn from that point up slope to each topographic divide along the path perpendicular to the contour lines.

D.

Any downstream capacity analysis conducted in accordance with this chapter shall use the following criteria for determining adequacy for accepting increased peak flow rates:

(1)

Natural or man-made channels or swales must be able to convey the increased runoff associated with a two-year return period event within their banks at velocities consistent with protection of the channels from erosion.

(2)

Natural or man-made channels or swales must be able to convey the increased twenty-five-year return period runoff without creating any hazard to persons or property.

(3)

Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP Chapter 105 regulations (if applicable) and, at minimum, pass the increased twenty-five-year return period runoff.

E.

For a proposed development site located within one release rate category subarea, the total runoff from the site shall meet the applicable release rate criteria. For development sites with multiple directions of runoff discharge, individual drainage directions may be designed for up to a one-hundred-percent release rate so long as the total runoff from the site is controlled to the applicable release rate.

F.

For a proposed development site located within two or more release category subareas, the peak discharge rate from any subarea shall be the predevelopment peak discharge for that subarea multiplied by the applicable release rate. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea. An exception to the above may be granted if discharges from multiple subareas recombine in proximity to the site. In this case, peak discharge in any direction may be a one-hundred-percent release rate, provided that the overall site discharge meets the weighted average release rate.

G.

For a proposed development site located partially within a release rate category subarea and partially within a conditional/provisional no detention subarea, the size of the predevelopment drainage area on a site may not be changed post-development to create potentially adverse conditions on downstream properties except as part of a no harm or hardship waiver procedure.

H.

No portion of a site may be regraded between the Bushkill Creek Watershed and any adjacent watershed except as part of a no harm or hardship waiver procedure.

I.

Within a release rate category area, for a proposed development site which has areas which drain to a closed depression(s), the design release from the site will be the lesser of: a) the applicable release rate flow assuming no closed depression(s); or b) the existing peak flow actually leaving the site. In cases where b) would result in an unreasonably small design release, the design discharge of less than or equal to the release rate will be determined by the available downstream conveyance capacity to the main channel calculated using § 205-16D and the minimum orifice criteria.

J.

Off-site areas which drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site using the capacity criteria in § 205-16D and the detention criteria in § 205-17.

K.

For development sites proposed to take place in phases, all detention ponds shall be designed to meet the applicable release rate(s) applied to all site areas tributary to the proposed pond discharge direction. All site tributary areas will be assumed as developed, regardless of whether all site tributary acres are proposed for development at that time. An exception shall be sites with multiple detention ponds in series where only the downstream pond must be designed to the stated release rate.

L.

Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area shall be subject to the release rate criteria. The impact area includes any proposed cover or grading changes.

M.

Development proposals which, through groundwater recharge or other means, do not increase either the rate or volume of runoff discharged from the site compared to predevelopment are not subject to the release rate provisions of this chapter.

N.

No harm water quantity option.

(1)

For any proposed development site not located in a conditional/provisional no detention district, the developer has the option of using a less restrictive runoff control (including no detention) if the developer can prove that special circumstances exist for the proposed development site and that no harm would be caused by discharging at a higher runoff rate than that specified by the plan. Special circumstances are defined as any hydrologic or hydraulic aspects of the development itself not specifically considered in the development of the plan runoff control strategy. Proof of no harm would have to be shown from the development site through the remainder of the downstream drainage network to the confluence of the creek with the Delaware or Lehigh River. Proof of no harm must be shown using the capacity criteria specified in § 205-16D if downstream capacity analysis is a part of the no harm justification.

(2)

Attempts to prove no harm based upon downstream peak flow versus capacity analysis shall be governed by the following provisions:

(a)

The peak flow values to be used for downstream areas for the design return period storms (two-, ten-, twenty-five-, and one-hundred-year) shall be the values from the calibrated PSRM Model for the Bushkill Creek or as calculated by an applicant using an alternate method acceptable to the municipality. The flow values from the PSRM Model would be supplied to the developer by the municipality upon request.

(b)

Any available capacity in the downstream conveyance system as documented by a developer may be used by the developer only in proportion to his development site acreage relative to the total upstream undeveloped acreage from the identified capacity (i.e., if his site is 10% of the upstream undeveloped acreage, he may use up to 10% of the documented downstream available capacity).

(c)

Developer-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove no harm, except in conjunction with proposed capacity improvements for the problem areas consistent with § 205-16P.

(3)

Any no harm justifications shall be submitted by the developer as part of the drainage plan submission per Article IV. Developers submitting no harm justifications must still meet all of the water quality requirements in § 205-14.

O.

Regional detention alternatives. For certain areas within the study area, it may be more cost effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined based on the required release rate at the point of discharge.

P.

Capacity improvements.

(1)

In certain instances, primarily within the conditional/provisional no detention areas, local drainage conditions may dictate more stringent levels of runoff control than those based upon protection of the entire watershed. In these instances, if the developer could prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the local drainage network, then the capacity improvements could be provided by the developer in lieu of runoff controls on the development site. Peak flow calculations shall be done assuming that the local watershed is in the existing condition and then assuming that the local watershed is developed per current zoning and using the specified runoff controls. Any capacity improvements would be designed using the larger of the above peak flows and the capacity criteria specified in § 205-16D. All new development in the entire subarea(s) within which the proposed development site is located shall be assumed to implement the developer's proposed discharge control, if any.

(2)

Capacity improvements may also be provided as necessary to implement any regional detention alternatives or to implement a modified no harm option which proposes specific capacity improvements to provide that a less stringent discharge control would not create any harm downstream.

§ 205-17 Calculation methodology.

A.

Stormwater runoff from all development sites shall be calculated using either the Rational Method or the Soil-Cover-Complex Methodology.

B.

Infiltration BMPs.

(1)

Infiltration BMP loading rate percentages in the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D shall be calculated as follows:

(2)

The area tributary to the infiltration BMP shall be weighted as follows:

(a)

All disturbed areas to be made impervious: weight at 100%.

(b)

All disturbed areas to be made pervious: weight at 50%.

(c)

All undisturbed pervious areas: weight at 0%.

(d)

All existing impervious areas: weight at 100%.

C.

Soil thickness.

(1)

Soil thickness is to be measured from the bottom of any proposed infiltration system. The effective soil thickness in the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D is the measured soil thickness multiplied by the thickness factor based on soil permeability (as measured by the adapted 25 Pa. Code § 73.15 percolation test in Appendix G), as follows:

Permeability Range* (inches/hour)	Thickness Factor
6.0 to 12.0	0.8
2.0 to 6.0	1.0
1.0 to 2.0	1.4
0.75 to 1.0	1.2
0.5 to 0.75	1.0

NOTES:

* If the permeability rate (as measured by the adapted 25 Pa. Code § 73.15 percolation test in Appendix G) falls on a break between two thickness factors, the smaller thickness factor shall be used.

(2)

Sites with soil permeability greater than 12.0 inches per hour or less than 0.5 inch per hour, as measured by the adapted 25 Pa. Code § 73.15 percolation test in Appendix G, are not recommended for infiltration.

D.

The design of any detention basin intended to meet the requirements of this chapter shall be verified by routing the design storm hydrograph through the proposed basin using the storage indication method or other methodology demonstrated to be more appropriate. For basins designed using the Rational Method technique, the design hydrograph for routing shall be either the universal rational hydrograph or the modified rational method trapezoidal hydrograph which maximizes detention volume. Use of the

modified rational hydrograph shall be consistent with the procedure described in Section "PIPE.RAT" of the Users' Manual for the Penn State Urban Hydrology Model (1987).

E.

BMPs designed to store or infiltrate runoff and discharge to surface runoff or pipe flow shall be routed using the storage indication method.

F.

BMPs designed to store or infiltrate runoff and discharge to surface runoff or pipe flow shall provide storage volume for the full WQv below the lowest outlet invert.

G.

Wet detention ponds designed to have a permanent pool for the WQv shall assume that the permanent pool volume below the primary outlet is full at the beginning of design event routing for the purposes of evaluating peak outflows.

H.

All stormwater detention facilities shall provide a minimum 1.0 foot freeboard above the maximum pool elevation associated with the two-year through twenty-five-year runoff events. A 0.5 foot freeboard shall be provided above the maximum pool elevation of the one-hundred-year runoff event. The freeboard shall be measured from the maximum pool elevation to the invert of the emergency spillway. The two-year through one-hundred-year storm events shall be controlled by the primary outlet structure. An emergency spillway for each basin shall be designed to pass the one-hundred-year return frequency storm peak basin inflow rate with a minimum 0.5 foot freeboard measured to the top of basin. The freeboard criteria shall be met considering any off-site areas tributary to the basin as developed, as applicable. If this detention facility is considered to be a dam as per DEP Chapter 105, the design of the facility must be consistent with the Chapter 105 regulations, and may be required to pass a storm greater than the one-hundred-year event.

I.

The minimum circular orifice diameter for controlling discharge rates from detention facilities shall be three inches. Designs where a lesser size orifice would be required to fully meet release rates shall be acceptable with a three-inch orifice, provided that as much of the site runoff as practical is directed to the detention facilities. The minimum three-inch diameter does not apply to the control of the WQv.

J.

Type II twenty-four-hour rainfall distribution.

(1)

Runoff calculations using the Soil-Cover-Complex Method shall use the Natural Resources Conservation Service Type II twenty-four-hour rainfall distribution. The twenty-four-hour rainfall depths for the various return periods to be used consistent with this chapter may be taken from NOAA Atlas 14, Volume 2, Version 2.1, 2004 or the PennDOT Intensity — Duration — Frequency Field Manual ("PDT-IDF") (May 1986) for Region 4. The following values are taken from the PDT-IDF Field Manual:

Return Period	24-Hour Rainfall Depth (inches)
1-year	2.40
2-year	3.00
5-year	3.60
10-year	4.56
25-year	5.52
50-year	6.48
100-year	7.44

(2)

A graphical and tabular presentation of the Type II twenty-four-hour distribution is included in Appendix C.

Editor's Note: Appendix C is included at the end of this chapter.

K.

Runoff calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration and return periods and NOAA Atlas 14, Volume 2, Version 2.1, 2004 or the Intensity-Duration-Frequency Curves as presented in Appendix C.

L.

Runoff curve numbers (CNs) to be used in the Soil-Cover-Complex Method shall be based upon the matrix presented in Appendix C.

M.

Runoff coefficients for use in the Rational Method shall be based upon the table presented in Appendix C.

N.

All time of concentration calculations shall use a segmental approach which may include one or all of the flow types below:

(1)

Sheet flow (overland flow) calculations shall use either the NRCS average velocity chart (Figure 3-1, Technical Release-55, 1975) or the modified kinematic wave travel time

equation (equation 3-3, NRCS TR-55, June 1986). If using the modified kinematic wave travel time equation, the sheet flow length shall be limited to 50 feet for designs using the Rational Method and limited to 150 feet for designs using the Soil-Cover-Complex Method.

(2)

Shallow concentrated flow travel times shall be determined from the watercourse slope, type of surface and the velocity from Figure 3-1 of TR-55, June 1986.

(3)

Open channel flow travel times shall be determined from velocities calculated by the Manning Equation. Bankfull flows shall be used for determining velocities. Manning 'n' values shall be based on the table presented in Appendix C.

(4)

Pipe flow travel times shall be determined from velocities calculated using the Manning Equation assuming full flow and the Manning 'n' values from Appendix C.

O.

If using the Rational Method, all predevelopment calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas. If using the Rational Method, all post-development calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas.

P.

The Manning Equation shall be used to calculate the capacity of watercourses. Manning 'n' values used in the calculations shall be consistent with the table presented in Appendix C or other appropriate standard engineering 'n' value resources. Pipe capacities shall be determined by methods acceptable to the municipality.

Q.

The Pennsylvania DEP, Chapter 105, Rules and Regulations, apply to the construction, modification, operation or maintenance of both existing and proposed dams, water obstructions and encroachments throughout the watershed. Criteria for design and construction of stormwater management facilities according to this chapter may differ from the criteria that are used in the permitting of dams under the dam safety program.

ARTICLE IV: Drainage Plan Requirements

§ 205-18 General requirements.

For any of the regulated activities of this chapter, prior to the final approval of subdivision and/or land development plans, or the issuance of any permit, or the commencement of any regulated earth disturbance activity, the owner, subdivider, developer or his agent shall submit a drainage plan and receive municipal approval of the plan.

§ 205-19 Exemptions.

Exemptions from the drainage plan requirements are as specified in § 205-6.

§ 205-20 Drainage plan contents.

The following items shall be included in the drainage plan:

A.

General.

(1)

General description of project.

(2)

General description of proposed permanent stormwater controls.

(3)

The name and address of the project site, the name and address of the owner of the property and the name of the individual or firm preparing the drainage plan.

B.

Map(s) of the project area showing:

(1)

The location of the project relative to highways, municipalities or other identifiable landmarks.

(2)

Existing contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used. Off-site drainage areas impacting the project, including topographic detail.

(3)

Streams, lakes, ponds or other bodies of water within the project area.

(4)

Other features, including flood hazard boundaries, existing drainage swales, wetlands, closed depressions, sinkholes and areas of natural vegetation to be preserved.

(5)

Locations of proposed underground utilities, sewers and water lines. The locations of all existing and proposed utilities, sanitary sewers and water lines within 50 feet of property lines of the project site.

(6)

An overlay showing soil types and boundaries based on the Lehigh or Northampton County Soil Survey, as applicable, latest edition. Any hydric soils present on the site should be identified as such.

(7)

An overlay showing geologic types, boundaries and any special geologic features present on the site.

(8)

Proposed changes to land surface and vegetative cover.

(9)

Proposed structures, roads, paved areas and buildings.

(10)

Final contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.

(11)

Stormwater management district boundaries applicable to the site.

(12)

Clear identification of the location and nature of permanent stormwater BMPs.

(13)

An adequate access easement around all stormwater BMPs that would provide municipal ingress to and egress from a public right-of-way.

(14)

A schematic showing all tributaries contributing flow to the site and all existing man-made features beyond the property boundary that would be affected by the project.

(15)

The location of all public water supply wells within 400 feet of the project and all private water supply wells within 100 feet of the project.

C.

Stormwater management controls and BMPs.

(1)

All stormwater management controls and BMPs shall be shown on a map and described, including:

(a)

Groundwater recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells shall be shown.

(b)

Other control devices or methods such as roof-top storage, semipervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.

(2)

All calculations, assumptions and criteria used in the design of the BMPs shall be shown.

(3)

All site testing data used to determine the feasibility of infiltration on a site.

(4)

All details and specifications for the construction of the stormwater management controls and BMPs.

D.

The BMP Operations and Management Plan, as required in Article VII, describing how each permanent stormwater BMP will be operated and maintained and the identity of the person(s) responsible for operations and maintenance. A statement must be included, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without approval by the municipality.

E.

Environmental resources site design assessment.

(1)

An environmental resources site design assessment that describes the following:

(a)

The extent to which the proposed grading and impervious cover avoid disturbance of significant environmental resources and preserve existing site hydrology.

(b)

An assessment of whether alternative grading and impervious cover site design could lessen the disturbance of significant environmental resources and/or make better use of the site hydrologic resources.

(c)

A description of how the proposed stormwater management controls and BMPs serve to mitigate any adverse impacts on environmental resources on the site.

(2)

Significant environmental resources considered in the site design assessment include, but are not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, floodplains, riparian vegetation, native vegetation and special geologic features

§ 205-21 Plan submission.

A.

For regulated activities specified in § 205-5A and B:

(1)

The drainage plan shall be submitted by the developer to the Municipal Secretary (or other appropriate person) as part of the preliminary plan submission for the subdivision or land development.

(2)

Four copies of the drainage plan shall be submitted.

(3)

Distribution of the drainage plan will be as follows:

(a)

One copy to the municipal governing body.

(b)

One copy to the Municipal Engineer.

(c)

Two copies to the Lehigh Valley Planning Commission, except for drainage plans involving less than 10,000 square feet of additional impervious cover.

(4)

Drainage plans involving more than 10,000 square feet of additional impervious cover shall be submitted by the developer (possibly through the municipality) to the Lehigh Valley Planning Commission as part of the preliminary plan submission. The Lehigh Valley Planning Commission will conduct an advisory review of the drainage plan for consistency with the Bushkill Creek Watershed Stormwater Management Plan. The LVPC will not review details of the erosion and sedimentation plan or the BMP operations and maintenance plan.

(a)

Two copies of the drainage plan shall be submitted.

(b)

The LVPC will provide written comments to the developer and the municipality, within a time frame consistent with established procedures under the Municipalities Planning Code, as to whether the drainage plan has been found to be consistent with the stormwater management plan.

B.

For regulated activities specified in § 205-5C and D, the drainage plan shall be submitted by the developer to the municipal building permit officer as part of the building permit application.

C.

For regulated activities specified in § 205-5E, F and G:

(1)

The drainage plan shall be submitted by the developer to the Lehigh Valley Planning Commission for coordination with the DEP permit application process under Chapter 105 (Dam Safety and Waterway Management), Chapter 106 (Floodplain Management) of DEP's rules and regulations and the NPDES regulations.

(2)

One copy of the drainage plan shall be submitted.

D.

Earthmoving for all regulated activities under § 205-5 shall be conducted in accordance with the current federal and state regulations relative to the NPDES and DEP Chapter 102 regulations.

§ 205-22 Drainage plan review.

A.

The municipality shall review the drainage plan, including the BMP operations and maintenance plan, for consistency with the adopted Bushkill Creek Watershed Stormwater Management Plan as embodied by this chapter and with any permits issued by DEP. The municipality shall also review the drainage plan against any additional storm drainage provisions contained in Chapter 213, Subdivision and Land Development, and Chapter 250, Zoning, of the Code of the Borough of Stockertown, as applicable.

B.

The municipality shall notify the applicant, in writing, whether the drainage plan, including the BMP operations and maintenance plan, is approved.

C.

The municipality shall not approve any subdivision or land development (regulated activities § 205-5A and B) or building permit application (regulated activities § 205-5C and D) if the drainage plan has been found to be inconsistent with the stormwater management plan.

D.

The municipality may require an as-built survey of all stormwater BMPs and an explanation of any discrepancies with the drainage plan.

§ 205-23 Modification of plans.

A modification to a submitted drainage plan for a proposed development site which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the drainage plan (as determined by the municipality) shall require a resubmission of the modified drainage plan consistent with § 205-21 subject to review per § 205-22 of this chapter.

§ 205-24 Hardship waiver procedure.

A.

The municipality may hear requests for waivers where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The waiver request shall be in writing and accompanied by the requisite fee based upon a fee schedule adopted by the municipality. A copy of the waiver request shall be provided to each of the following: municipality, Municipal Engineer, Municipal Solicitor and Lehigh Valley Planning Commission.

B.

The request shall fully document the nature of the alleged hardship.

C.

The municipality may grant a waiver, provided that all of the following findings are made in a given case:

(1)

That there are unique physical circumstances or conditions, including irregularity of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the stormwater management district in which the property is located;

(2)

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter, including the no harm provisions, and that the authorization of a waiver is therefore necessary to enable the reasonable use of the property;

(3)

That such unnecessary hardship has not been created by the applicant;

(4)

That the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the regulation in issue; and

(5)

That financial hardship is not the criteria for granting of a hardship waiver.

D.

In granting any waiver, the municipality may attach such conditions and safeguards as it may deem necessary to implement the purposes of this chapter. If a hardship waiver is granted, the applicant must still manage the quantity, velocity, direction and quality of resulting storm runoff as is necessary to prevent injury to health, safety or other property.

E.

For regulated activities described in § 205-5A and B, Stockertown Borough Council shall hear requests for and decide on hardship waiver requests on behalf of the municipality.

F.

For regulated activities in § 205-5C, D, E, F and G, the Stockertown Borough Council shall hear requests for and decide on hardship waiver requests on behalf of the municipality.

G.

The municipality shall not waive the water quality provisions of this chapter.

ARTICLE V: Inspections

§ 205-25 Schedule of inspections.

A.

DEP or its designees (e.g. County Conservation District) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the municipality or its designee may inspect all phases of

the construction, operations, maintenance and any other implementation of stormwater BMPs.

B.

During any stage of the regulated earth disturbance activities, if the municipality or its designee determines that any BMPs are not being implemented in accordance with this chapter, the municipality may suspend or revoke any existing permits issued by the municipality or other approvals issued by the municipality until the deficiencies are corrected.

Article VI Fees and Expenses

§ 205-26 Review fees.

The municipality may charge a reasonable fee for review of the drainage plan, including the BMP operations and maintenance plan, to defray review costs incurred by the municipality. The applicant shall pay all such fees.

§ 205-27 Expenses covered by fees.

The fees required by this chapter shall at a minimum cover:

A.

The review of the drainage plan, including the BMP operations and maintenance plan, by the municipality.

B.

The site inspection.

C.

The inspection of required controls and improvements during construction.

D.

The final inspection upon completion of the controls and improvements required in the plan.

E.

Any additional work required to monitor and enforce any permit provisions regulated by this chapter, correct violations, and assure the completion of stipulated remedial actions.

F.

Administrative and clerical costs.

ARTICLE VII: Stormwater BMP Operations and Maintenance Plan Requirements

§ 205-28 General requirements.

No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of the BMP operations and maintenance plan which describes how the permanent (e.g., post construction) stormwater BMPs will be properly operated and maintained.

§ 205-29 Responsibility for operation and maintenance.

A.

The BMP operations and maintenance plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs as follows:

(1)

If a plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the municipality, stormwater BMPs may also be dedicated to and maintained by the municipality;

(2)

If a plan includes operations and maintenance by a single owner or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity.

B.

The municipality shall make the final determination on the continuing operations and maintenance responsibilities. The municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs.

§ 205-30 Adherence to approved plan.

It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP operations and maintenance plan or to allow the property to remain in a condition which does not conform to an approved BMP operations and maintenance plan unless an exception is granted, in writing, by the municipality.

§ 205-31 Agreement for privately owned stormwater BMPs.

A.

The property owner shall sign an operations and maintenance agreement with the municipality covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix E

Editor's Note: Appendix E is included at the end of this chapter.
of this chapter.
B.

Other items may be included in the agreement where determined by the municipality to be reasonable or necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the municipality.

§ 205-32 Stormwater management easements.

Stormwater management easements shall be provided by the property owner if necessary for access for inspections and maintenance or for preservation of stormwater conveyance, infiltration, detention areas and other BMPs by persons other than the property owner. The purpose of the easement shall be specified in any agreement under § 205-31.

§ 205-33 Recording of approved plan and related agreements.

A.

The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP operations and maintenance plan, shall record the following documents in the Office of the Recorder of Deeds for Northampton County, within 90 days of approval of the BMP operations and maintenance plan by the municipality:

(1)

The operations and maintenance plan or a summary thereof.

(2)

Operations and maintenance agreements under § 205-31.

(3)

Easements under § 205-32.

B.

The municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.

§ 205-34 Municipal stormwater BMP operations and maintenance fund.

A.

If stormwater BMPs are accepted by the municipality for dedication, the municipality may require the applicant to pay a specified amount to the municipal stormwater BMP operations and maintenance fund to help defray costs of operations and maintenance activities. The amount may be determined as follows:

(1)

If the BMP is to be owned and maintained by the municipality, the amount shall cover the estimated costs for operation and maintenance in perpetuity, as determined by the municipality.

(2)

The amount shall then be converted to present worth of the annual series values.

B.

If a BMP is proposed that also serves as a recreation facility (e.g., ball field, lake), the municipality may adjust the amount due accordingly.

ARTICLE VIII: Prohibitions

§ 205-35 Prohibited discharges; exceptions.

A.

No person in the municipality shall allow or cause to allow stormwater discharges into the municipality's separate storm sewer system which are not composed entirely of stormwater except as provided in Subsection B below or as allowed under a state or federal permit.

B.

Discharges that may be allowed based on the municipality finding that the discharge(s) do not significantly contribute pollution to surface waters of the commonwealth are listed below.

(1)

Discharges from fire-fighting activities.

(2)

Potable water sources, including dechlorinated water line and fire hydrant flushings.

(3)

Irrigation drainage.

(4)

Routine external building washdown which does not use detergents or other compounds.

(5)

Air-conditioning condensate.

(6)

Water from individual residential car washing.

(7)

Springs.

(8)

Water from crawl space pumps.

(9)

Uncontaminated water from foundation or footing drains.

(10)

Flows from riparian habitats and wetlands.

(11)

Lawn watering.

(12)

Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.

(13)

Dechlorinated swimming pool discharges.

(14)

Uncontaminated groundwater.

C.

In the event that the municipality determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the commonwealth or is so notified by DEP, the municipality will notify the responsible person to cease the discharge.

D.

Upon notice provided by the municipality under Subsection C, the discharger will have a reasonable time, as determined by the municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.

E.

Nothing in this section shall affect a discharger's responsibilities under state law.

§ 205-36 Prohibited connections.

The following connections are prohibited, except as provided in § 205-35B above:

A.

Any drain or conveyance, whether on the surface or subsurface, which allows any nonstormwater discharge, including sewage, process wastewater and wash water to enter the separate storm sewer system and any connections to the storm drain system from indoor drains and sinks.

B.

Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps or equivalent records and approved by the municipality.

§ 205-37 Roof drains.

A.

Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in Subsection B.

B.

When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the municipality.

C.

Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

§ 205-38 Alteration of BMPs.

A.

No person shall modify, remove, fill, landscape or alter any existing stormwater BMP without the written approval of the municipality unless it is part of an approved maintenance program.

B.

No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the municipality.

ARTICLE IX: Right of Entry, Notification and Enforcement

§ 205-39 Right of entry.

A.

Upon presentation of proper credentials and with the consent of the landowner, duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the implementation, condition or operation and maintenance of the stormwater BMPs or to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this chapter.

B.

In the event that the landowner refuses admission to the property, duly authorized representatives of the municipality may seek an administrative search warrant issued by a district justice to gain access to the property.

§ 205-40 Notification.

A.

Whenever the municipality finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the municipality may order compliance by written notice to the responsible person. Such notice may require, without limitation:

(1)

The name of the owner of record and any other person against whom the municipality intends to take action.

(2)

The location of the property in violation.

(3)

The performance of monitoring, analyses and reporting.

(4)

The elimination of prohibited connections or discharges.

(5)

Cessation of any violating discharges, practices or operations.

(6)

The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.

(7)

Payment of a fine to cover administrative and remediation costs.

(8)

The implementation of stormwater BMPs.

(9)

Operation and maintenance of stormwater BMPs.

B.

Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s). Said notice may further advise that should the violator fail to take the required action within the established deadline, the work will be done by the municipality or designee and the expense thereof, together with all related lien and enforcement fees, charges and expenses, shall be charged to the violator.

C.

Failure to comply within the time specified shall also subject such person to the penalty provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all other remedies available in law or equity.

§ 205-41 Public nuisance.

A.

The violation of any provision of this chapter is hereby deemed a public nuisance.

B.

Each day that an offense continues shall constitute a separate violation.

§ 205-42 Suspension and revocation of permits and approvals.

A.

Any building, land development or other permit or approval issued by the municipality may be suspended or revoked by the municipality for:

(1)

Noncompliance with or failure to implement any provision of the permit.

(2)

A violation of any provision of this chapter.

(3)

The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.

B.

A suspended permit or approval shall be reinstated by the municipality when:

(1)

The municipality or designee has inspected and approved the corrections to the stormwater BMPs or the elimination of the hazard or nuisance.

(2)

The municipality is satisfied that the violation of this chapter, law or rule and regulation has been corrected.

(3)

Payment of all municipal fees, costs and expenses related to or arising from the violation has been made.

C.

A permit or approval which has been revoked by the municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this chapter.

§ 205-43 Violations and penalties.

A.

Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than $500 plus all court costs, including reasonable attorneys' fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

B.

The Court of Common Pleas, upon petition, may grant an order of stay upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

C.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

D.

Magisterial District Judges shall have initial jurisdiction in proceedings brought under this section.

E.

In addition, the municipality, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

§ 205-44 Appeals.

Any person aggrieved by any action of the municipality or its designee relevant to the provisions of this chapter may appeal using the appeal procedures established in the Pennsylvania Municipalities Planning Code.

Editor's Note: See 53 P.S. § 10101 et seq.

Chapter 209: STREETS AND SIDEWALKS

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]

NEW

Ordinance 2020-2 – SALDO – Adopted 5-4-2020

GENERAL REFERENCES

Uniform construction codes - See Ch. 98.

Nuisances - See Ch. 147.

Numbering of buildings and street naming - See Ch. 154.

Property maintenance - See Ch. 177.

Sewers - See Ch. 191.

Subdivision and land development - See Ch. 213.

Vehicles and traffic - See Ch. 228.

Zoning - See Ch. 250.

ARTICLE I: Snow Removal

[Adopted 2-1-1965 by Ord. No. 119]

§ 209-1 Responsibility for removal.

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough of Stockertown is hereby required to remove or cause to be removed from all the sidewalks in front of or alongside of such property all snow or ice thereon fallen or formed within 24 hours after the same shall have caused to fall or to form. The owner of a property shall be responsible for carrying out the requirements of this section where such property is occupied by the owner or is unoccupied or vacant or if such property is a multiple-business or multiple-dwelling property; the tenant or occupier of a property shall be responsible therefor where such property is a single unit, occupied for business, residential or other purposes by one tenant or occupier only.

§ 209-2 Removal by Borough after noncompliance.

In any case where the owner, occupier or tenant, as aforesaid shall fail, neglect or refuse to comply with any of the provisions of § 209-1 of this article within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupier or tenant as the case may be, which may be in addition to any fine or penalty imposed under § 209-3 of this article.

§ 209-3 Violations and penalties.

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

Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk as required by the first section of this article shall, upon conviction thereof before the Mayor or any Magisterial District Judge of the Borough, be sentenced to pay a fine of not more than $600 and costs of prosecution and, in default of payment thereof, to imprisonment in the county jail for not more than 30 days. Such fines and costs may be in addition to any expenses and additional amounts authorized by law, imposed as provided in § 209-2 of this article.

ARTICLE II: Openings and Excavations

[Adopted 5-24-1999 by Ord. No. 1999-4]

§ 209-4 Definitions.

The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

PERSON
: Includes any natural person, partnership, firm, association or corporation. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

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

§ 209-5 Permit required.

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

§ 209-6 Application for permit.

Any person who shall desire to make any openings or excavation in any of the streets in the Borough shall make application to the Borough Engineer, in writing, for the purpose. Such application shall be made upon blanks to be furnished by the Borough, which may be secured at the Borough Municipal Building, and shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Borough and the laws of the commonwealth in relation thereof, and that the applicant shall well and truly save, defend and keep harmless the Borough from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

§ 209-7 Fees.

Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay the to the Borough a fee as determined by the Department of Transportation in its regularly published schedule of fees for highway occupancy permits and state highway restoration charges as existing on the date of the ordinance, and as said schedule of fees is hereafter amended by the Department of Transportation.

§ 209-8 Surface restoration.

Any person who shall open or excavate any improved street in the Borough shall thoroughly and completely refill the opening or excavation, including compacting as required, so as to prevent any settling thereafter; and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania which are hereby adopted as specifications of the Borough for restoration of surfaces of streets in the Borough; as restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If within two years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving.

§ 209-9 Costs.

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this article and to the supervision and approval of the Borough Engineer, whose costs shall be at the expense of the applicant for all review and inspections as may be required, provided that the Borough Engineer may require that cutting of the surface of improved streets and the backfilling of all excavations therein shall be done by the Borough and the charge therefor shall be paid by the applicant on the basis of actual cost of the work plus 20%.

§ 209-10 Specifications for openings and excavations.

A.

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

B.

No more than 100 feet longitudinally shall be opened in any street at any one time.

C.

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

D.

No tunneling shall be allowed without the express approval of the Borough Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Engineer or an inspector designated by him, and shall be done only in a method approved by him.

E.

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

F.

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

G.

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

H.

The applicant shall notify the Borough Engineer when the opening or excavation is ready for backfilling before any backfilling is done, when the work is completed by proper backfilling in the case of unimproved streets and by temporary paving in the case of improved streets, as well as at the time of final permanent paving.

I.

In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Engineer, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough Engineer, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof plus 20% to the applicant.

§ 209-11 Emergency conditions.

In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for

such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this article are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Borough Engineer, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus 20% to such owner or person.

§ 209-12 New water and gas mains.

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

§ 209-13 Payment to Borough; collection of delinquent charges.

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

§ 209-14 Violations and penalties.

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

Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this article, shall pay to the Borough a penalty in the amount of not more than $1,000 plus costs of legal proceedings and, in default of payment of such fine and costs, imprisonment for a term not exceeding 30 days.

§ 209-15 Applicability.

The provisions of this article shall not apply to laying sidewalks or curbs or to the planting of poles.

Chapter 213: SUBDIVISION AND LAND DEVELOPMENT

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 12-16-2002 by Ord. No. 238. Amendments noted where applicable.]

NEW

Amended 5.4.2020 by ORDINANCE 2020-2.

GENERAL REFERENCES

Uniform construction codes - See Ch. 98.

Stormwater management - See Ch. 205.

Zoning - See Ch. 250.

213a Appendix A
213b Appendix B
213c Appendix C
213d Appendix D
213e Appendix E
213f Appendix F

ARTICLE I: General Provisions

§ 213-1 Title.

This is a chapter providing for the regulation and control of the subdivision of lots and the development of land; the approval of plans, plots or replots of land laid out in building lots; standards for the design of streets, lots, easements, blocks and other improvements; minimum improvements and construction standards on all streets and required dedications; the administration of this chapter and penalties for the violation of this chapter.

§ 213-2 Short title.

This chapter shall be known and may be cited as "The Borough of Stockertown Subdivision and Land Development Ordinance of 2002" and may be referred to as "SALDO."

§ 213-3 Purpose.

These regulations are adopted to create conditions favorable to the health, safety, morals, and general welfare of the citizens by:

A.

Assuring sites suitable for building purposes and human habitation.

B.

Providing for the harmonious development of the Borough.

C.

Assuring coordination of existing streets and highways with proposed streets, parks or other features of the official street plan of the Borough.

D.

To provide for adequate open spaces for traffic, recreation, light and air and for proper distribution of population.

E.

Assuring equitable and just processing of subdivision plans by providing uniform procedures and standards for the observance of both the subdivider and Borough officials.

§ 213-4 Application.

A.

No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, water main, gas, or electric transmission line, or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with this chapter.

B.

No lot in a proposed subdivision or land development may be sold, and no final permit to erect any building upon land in a subdivision or land development may be issued unless and until a final plan has been approved and recorded, and either the Borough has been assured by means of an improvements agreement acceptable to the Borough Council that the improvements will subsequently be installed or the required improvements in connection therewith have been constructed.

C.

This chapter shall apply to all subdivisions and land developments, excepting subdivisions which have received preliminary plan approval from the Borough Council between the effective date of this chapter and a date five years prior to the effective date of this chapter. Notwithstanding the provisions of Subsections A and B, the excepted subdivisions shall comply with the requirements of the Subdivision and Land Development Ordinance in effect at the date of the preliminary plan approval for a five-year period commencing at the date of the preliminary plan approval. After the

expiration of the five-year period, the provisions of this chapter shall be applicable to said subdivision or land development.

ARTICLE II: Terminology

§ 213-5 Word usage.

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

A.

Words in the singular include the plural and those in the plural include the singular.

B.

Words in the present tense include the future tense.

C.

The words "person," "developer," "subdivide," and "owner" include a corporation, unincorporated association, a partnership, or other legal entity, as well as an individual.

D.

The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."

E.

The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

F.

The word "Borough" means Stockertown Borough, Northampton County, Pennsylvania.

G.

The term "Borough Council" means the Borough Council of Stockertown Borough.

H.

The term "Planning Commission" means the Planning Commission of Stockertown Borough.

I.

The term "Board" means the Zoning Hearing Board of Stockertown Borough.

J.

If a word is not defined in this chapter, but is defined in Chapter 250, Zoning, as amended, the definition in that chapter shall apply. If a word is defined in both this chapter and another Borough ordinance, each definition shall apply to the provisions of each applicable ordinance.

K.

Any word or term not defined in this chapter or in Chapter 250, Zoning, as amended, shall have its plain and ordinary meaning within the context of the section. A standard reference dictionary should be consulted.

L.

The words "such as," "includes," "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

M.

All undefined terms used in this chapter which are defined in the Pennsylvania Stormwater Management Act of 1978, or Chapter 205, Stormwater Management, shall have the meaning defined in said Act or chapter. In the event that terms are defined both in this chapter, and in the Act or Chapter 205, Stormwater Management, the definitions contained in this chapter shall prevail over the definitions contained in the Act and Chapter 205, Stormwater Management.

§ 213-6 Definitions.

Other terms or words used herein shall be interpreted or defined as follows:

ACCESSORY BUILDING
: A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building.

ACCESSORY STRUCTURE
: A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

ACCESSORY USE
: A use separated from, subordinate to and customarily incidental to the use of the principal building and situate on the same lot.

ALLEY

A public or private thoroughfare, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

APPLICANT

A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

ARTERIAL STREET

A major regional highway designed to carry heavy vehicular traffic onto, out of, or through the regional area; subject to necessary control of entrances, exits and curb use.

AVENUE

A wide street or thoroughfare lined with trees.

BLOCK

Property bounded on one side by a street, and other three sides, by a street, railroad right-of-way, waterway, unsubdivided area, or other definite barrier.

BOROUGH ENGINEER

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Borough Engineer.

BOULEVARD

A wide city street.

BUILDING

Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, equipment or materials and that a total area under roof of greater than 16 square feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

BUILDING SETBACK LINE

A line, which designates the minimum distance between any building and the adjacent street right-of-way or property line, whichever is closer. This line shall be measured from a point or points formed by the intersection of a vertical building wall with the ground (or in the case of a cantilevered building, at the vertical plane which coincides with the most projected surface), to the street right-of-way or property line, whichever is closer.

A.

FRONT YARD BUILDING SETBACK LINE

— The line parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the front yard designated for each district in Chapter 250, Zoning. All yards adjacent to a public or private street right-of-way shall be considered front yards, except in double frontage lots.

B.

SIDE YARD BUILDING SETBACK LINE

— The line parallel to the side lot line and equal to the minimum depth of the side yard designated for each district in Chapter 250, Zoning.

C.

REAR YARD BUILDING SETBACK LINE

— The line parallel to the rear lot line and equal to the minimum depth of the rear yard designated for each district in Chapter 250, Zoning.

CARTWAY

The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

CLEAR SIGHT TRIANGLE

An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a predetermined distance from the intersection of the center lines, measured at two feet in height.

CLOSED DEPRESSION

A part of the land surface of a lot, parcel or tract which drains internally, and which generally has sunk to a variable depth and is generally characterized by a downward movement of soil into bedrock voids without breaking the ground surface.

COLLECTOR STREET

A street designed to carry a moderate volume of traffic to intercept local streets, to provide routes to arterial roads and to community facilities and to provide a limited amount of access to the abutting properties.

COMPREHENSIVE PLAN

The document entitled the "Stockertown Comprehensive Plan," or any part thereof, adopted by the Borough Council, as amended.

COURT

A short street with buildings on three sides.

CUL-DE-SAC

A local street intersecting another street at one end, and terminating in a vehicular turnaround at the other.

CURBING

A raised stone or concrete edging along the side of a street.

CUT

An excavation. The difference between a point on the original ground a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEAD-END STREET

A street with a single connection with the surrounding road network, which fails to meet the definition of "stub street."

DESIGN STORM

The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., fifty-year storm) and duration (e.g., twenty-four-hour), and used in computing stormwater management control systems.

DETENTION BASIN

A basin designed, intended or used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DEVELOPER

Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DRIVE

A road for vehicles.

DWELLING UNIT

A room or group of rooms located within a residential building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating by one family.

EASEMENTS

A liberty, privilege or advantage which one has in the lands of another for a precise and definite purpose, subordinate to, but not inconsistent with, the owner's general property rights.

ENGINEER

A professional engineer licensed by the Commonwealth of Pennsylvania.

EROSION

The removal of surface materials by the action of natural elements.

EXPRESSWAY

A major highway designed for large volumes and high-speed traffic with access limited to grade separated intersections.

FILL

Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FLOODPLAIN

A relatively flat or low-lying area adjoining a river, stream or watercourse which is subject to partial or complete inundation during a one-hundred-year design frequency storm or an area subject to the accumulation or runoff of surface waters from any source, as more fully defined by the current edition of the Stockertown Borough Flood Insurance Rate Map and associated Floodplain Study.

GRADING

Changing existing topography through cutting or filling by two feet or more in elevation over an area exceeding 1,000 square feet.

HISTORIC BUILDINGS

Existing buildings or structures registered with the National Register of Historic Places. Buildings or structures meeting criteria as set forth by the National Register of Historic Places.

HYDRIC SOILS

Poorly drained soils that can support hydrophytic plants, but may not necessarily do so.

IMPROVEMENTS

Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

KARST

A type of topography that is formed over limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions or sinkholes, caves and underground drainage.

LAND DEVELOPMENT

Any of the following activities:

A.

The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(1)

A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or

(2)

The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B.

A subdivision of land.

C.

Development in accordance with Section 503.1.1 of the Municipalities Planning Code, as amended.

Editor's Note: See 53 P.S. § 10503.1.1.

LANDOWNER

The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a lessee (if authorized under the lease to exercise the right of the landowner), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

LANE

A narrow path or road lined with fences.

LEHIGH VALLEY PLANNING COMMISSION

The Planning Commission of Lehigh and Northampton Counties.

LOCAL STREET

A street whose function is to provide for local traffic movement with relatively low volumes and direct access to abutting properties.

LOOP STREET

A street which intersects only with itself, except for a single connection with the surrounding road network.

LOT

A separate parcel of land that is recorded or that will be recorded after Borough approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.

LOT AREA

The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). Lot area shall not include the following:

A.

Areas within future or existing street rights-of-way;

B.

Areas that are currently or will be dedicated as common open space; or

C.

For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity.

MAINTENANCE GUARANTEE

Any security which may be accepted by the Borough Council to insure the structural integrity of accepted improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan, for a period of 12 months.

MARGINAL ACCESS STREET

A local street which is parallel to and adjacent to an expressway, or an arterial road, and which provides access to abutting properties and protection from through traffic.

MARKER

A metal pipe or pin of at least 3/4 inch outside diameter and at least 30 inches in length.

MOBILE HOME

A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE/MANUFACTURED HOME PARK

A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile/manufactured homes for nontransient residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

MONUMENT

A stone or concrete monument with a flat top at least four inches in diameter or square. The bottom sides or radius shall be at least two inches greater than the top to minimize movements caused by frost. The monument shall contain a steel dowel and be at least 30 inches in length.

OPEN SPACE

That part of a lot, parcel or tract which is unoccupied and unobstructed by any structure or impervious cover, except recreational and utility structures, which are permitted. The term "open space" shall not include any area designed, maintained or used for streets, roads, highways, driveways or parking areas.

OPEN SPACE, COMMON

A parcel or parcels of land, within a tract which meets all of the following standards:

A.

Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;

B.

Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned;

C.

Will be deeded to the Borough and/or deed restricted to permanently prevent uses of land other than common open space and noncommercial recreation; and

D.

Does not use any of the following areas to meet minimum open space requirements:

(1)

Existing or established future street rights-of-way;

(2)

Vehicle streets or driveways providing access to other lots;

(3)

Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation);

(4)

Off-street parking (other than that clearly intended for noncommercial recreation);

(5)

Area(s) needed to meet a requirement for an individual lot;

(6)

Area(s) deeded over to an individual property owner for his/her own exclusive use, except for land approved by the Borough for agricultural preservation;

(7)

Land beneath or within 50 feet of each side of each of the following:

(a)

Overhead electrical transmission lines of 35 kilovolts or greater capacity;

(b)

The towers/poles supporting such lines.

(8)

For land intended to be open to the public, that does not have provisions for entry with a twenty-foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street;

(9)

Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Borough Council would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions;

(10)

Portions of land that have a width of less than 20 feet;

(11)

Land that includes commercial recreation uses, except as may specifically be permitted to be counted towards a common open space requirement by a specific provision of this chapter; and

(12)

Land that includes a central sewage treatment plant or a stormwater facility, except as provided for above.

PADEP

The Pennsylvania Department of Environmental Protection, or its successors, and its subparts.

PENNDOT

The Pennsylvania Department of Transportation, or its successor, and its subparts.

PERFORMANCE GUARANTEE

Any security which may be accepted by the Borough Council to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the plan.

PLACE

A public square in a city or town.

PLAN, FINAL

A complete and exact plan, with professional engineer's seal and/or professional land surveyor's seal affixed and prepared for official recording as required by this chapter to define property rights, streets and other proposed improvements.

PLAN, PRELIMINARY

A tentative plan, in lesser detail than a final plan, showing proposed streets and lot layout and such other information as required by this chapter.

PLAN, RECORD

The copy of the final plan which contains the original endorsements of the Lehigh Valley Planning Commission and the Borough Planning Commission and which is intended to be recorded with the County Recorder of Deeds.

PLAN, SKETCH

An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision. A sketch plan is not mandatory and is not a preliminary plan.

PUBLIC NOTICE

Notice as required by the Municipalities Planning Code.
Editor's Note: See 53 P.S. § 10101 et seq.

PUBLIC STREET

A street which has been accepted for dedication by Stockertown Borough for public use.

RECREATION LAND

Land dedicated to the Borough or other entity approved by the Borough for the use of the Borough's residents, which is suitable for active uses such as playing fields. Recreation lands shall not include areas within the one-hundred-year floodplain, power line or pipeline rights-of-way, quarries, road rights-of-way, buffer zones, or stormwater management facilities. Recreation lands shall not include areas characterized by wetlands, hydric soils, slopes in excess of 5%, or woodlands.

REVERSE FRONTAGE LOT

A parcel designed such that individual residential uses abut a street on both the front and the rear, with vehicular access from only one street. A lot will only be deemed a reverse frontage lot if access is from a local street.

RIGHT-OF-WAY

Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the future street right-of-way line.

ROAD

An open, public way for moving vehicles, persons or animals.

RUNOFF

That part of precipitation which flows over the land.

SALDO

The Stockertown Borough Subdivision and Land Development Ordinance of 2002.

SANITARY SEWAGE DISPOSAL SYSTEM, PUBLIC

A public or private utility system designed to collect, centrally treat and dispose of sewage from more than one customer, in compliance with Pennsylvania Department of Environmental Protection's regulations or regulations of the Borough, whichever may be more stringent.

SANITARY SEWAGE DISPOSAL, ON-LOT

An on-lot septic tank disposal system generally providing for disposal of effluent for only one building or a group of buildings on a single lot, and provided in compliance with Pennsylvania Department of Environmental Protection's regulations or regulations of the Borough, whichever may be more stringent.

SEDIMENTATION

The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

SIDEWALKS

The portion of street located outside the cartway and includes a paved footpath; a walk for pedestrians along the side of a street or road.

SIGHT DISTANCE

The required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made between a point 3.5 feet above the center line of the road surface and a point 3.5 feet above the center line of the road surface.

SINKHOLE

A localized sinking of land surface to a variable depth generally characterized by a roughly circular outline and a downward movement of soil into bedrock voids.

SLOPE

The vertical change of an area of land divided by the horizontal change, measured in percent.

SOIL STABILIZATION

Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

STORM SEWER

A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

STORMWATER MANAGEMENT PLAN

The plan for managing stormwater runoff adopted by Northampton County for the Bushkill Creek Watershed as required by the Act of October 4, 1978, P.L. 864 (Act 167), and known as the "Stormwater Management Act."
Editor's Note: See 32 P.S. § 680.1 et seq.

STREET

A strip of land intended for use as a means of vehicular or pedestrian traffic, whether public or private.

STREET RIGHT-OF-WAY LINE

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line, provided that:

A.

The street right-of-way line shall be not less than 16 1/2 feet from the center line of any existing road or street; and

B.

Where a future right-of-way width for a road or street has been officially established, then the street right-of-way shall be the side line of the future right-of-way so established.

STRUCTURE

Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

A.

The following specifically shall be considered to be structures: buildings; signs; stadiums; platforms; communications towers; walkways, porches or decks that are structurally raised above the underlying ground level or that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds; carports; and garages; post- or pier-mounted lights; brick or masonry piers; walls; non-portable basketball backboards; fences and gates.

B.

Any structure shall be subject to the principal or accessory setbacks of Chapter 250, Zoning, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by Chapter 250, Zoning.

STUB STREET

A street or road within a subdivision terminating at the subdivision boundary with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adequate connecting street system.

SUBDIVISION

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

SUBDIVISION, MINOR

A subdivision which does not by itself or in combination with previous subdivision plans, involve more than a total of three lots, and does not involve the provision of any new street or easement for access (i.e., one in which all proposed lots will have frontage on an existing public street), or a boundary line adjustment between property owners where no new lots are created.

SURVEYOR

A licensed surveyor registered by the Commonwealth of Pennsylvania.

SWALE

A low-lying stretch of land which gathers or carries surface water runoff.

TOPSOIL

Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer, called the "A Horizon."

WATERCOURSE

Any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER SUPPLY AND DISTRIBUTION SYSTEM, ON-LOT

An on-lot water supply system generally providing for an adequate supply of water for one building or a group of buildings on a single lot, and in compliance with the Pennsylvania Department of Environmental Protection regulations or Borough regulations, whichever may be more stringent.

WATER SUPPLY AND DISTRIBUTION SYSTEM, PUBLIC

A public or private utility system designed to transmit water from a common source to customers in compliance with the Pennsylvania Department of Environmental Protection's regulations or the Borough regulations, whichever may be more stringent.

WAY

A passage leading from one place to another.

WETLANDS

Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, or as specifically described under the official federal definition of "wetland."

WOODLAND

Areas composed of a grove of trees forming one canopy where 10 or more trees measure at least six inches in diameter, measured at 4 1/2 feet from the ground.

ARTICLE III: Sketch Plan Submission Procedures and Requirements

§ 213-7 Sketch plan submissions.

A.

Applicants may submit a sketch plan for the review of the Borough Planning Commission. The sketch plan may be used to familiarize the Borough Planning Commission with the concept of the development. The Borough Planning Commission may make informal recommendations with regard to the plans. These recommendations shall not be considered to be binding upon the Borough. While a sketch plan is not required, it is strongly recommended as an initial submission for all subdivisions and land developments. It allows the applicant to consult early and informally with the Planning Commission and Council before preparing a preliminary plan and formal application for approval. The sketch plan can also be used to classify the submission as a minor or major subdivision, lot line adjustment or land development.

B.

Applicants submitting sketch plans shall provide 10 copies of all maps and other material, plus the appropriate application fees as established by the Borough, to the Borough Zoning Officer.

C.

The Borough Secretary shall provide five sets of plans and material to the Borough Planning Commission, one set of plans and material to the Borough Engineer, one set of plans and material to the Borough Park and Recreation Commission, one set of plans and material to the Environmental Advisory Board, and five sets of plans and material to the Borough Council. The Borough Zoning Officer shall retain one set of the plans and one set of the supplemental material.

D.

The applicant shall also submit two reduced copies (8 1/2 inches by 14 inches in size) of the sketch plan to the Borough Secretary. The Borough Secretary shall provide one copy of the reduced plan to the Borough Solicitor and retain one copy for the Borough records.

E.

Applicants submitting sketch plan shall submit one set of plans, material and fees to the following agencies:

(1)

The Lehigh Valley Planning Commission.

(2)

PennDOT (where applicable).

(3)

Pennsylvania-American Water Company (where applicable).

§ 213-8 Sketch plan review.

A.

The Borough Planning Commission will consider a sketch plan submission at its next regular meeting, or at another meeting held within 60 days of the next scheduled meeting, provided that the submission is received by the Planning Commission at least 21 days prior to said meeting.

B.

The Borough Planning Commission shall review the sketch plan data to determine the development potential of the site, as indicated by the natural features analyses presented. The general development concepts of the sketch plan will be reviewed to determine their compatibility with the development potential of the site and the Stockertown Borough Comprehensive Plan. Also, the sketch plan stage is designed to offer the developer an opportunity to informally discuss his plans for the proposed subdivision or land development with the Borough Planning Commission.

C.

In its review of the sketch plan, the Borough Planning Commission shall consider the reports of the Lehigh Valley Planning Commission, Borough Engineer and Borough Solicitor, where required.

D.

The review comments shall be presented at the meeting to the applicant and/or his representatives. In the event that an applicant and/or his representatives are not in attendance at the meeting, the sketch plan review shall be conducted at the next scheduled Borough Planning Commission meeting.

E.

Upon review by the Planning Commission, the sketch plan may be presented to the Borough Council, if requested by the applicant or recommended by the Planning Commission.

F.

No official action shall be taken on a sketch plan. Neither the Borough nor the applicant shall be bound by comments made or not made as part of a sketch plan review.

§ 213-9 Sketch plan requirements.

The sketch plan submission should include the following data and be drawn to the following standards.

A.

Application review fee of a sketch plan submission.

B.

Property boundaries (may be obtained from County Tax Map or similar sources).

C.

General topographic contours from available data (may be obtained from United States Geological Surveys).

D.

A letter of intent and a deed plot of the proposed subdivision or land development tract, including proposed recreation areas, proposed open space areas, and proposed detention basin sites, explaining and illustrating the developer's general development concepts for the tract. Sketch plans shall be at a minimum scale of one inch equals 100 feet.

E.

Site data including:

(1)

Acres of entire tract.

(2)

Number of lots.

(3)

Zoning district of area.

(4)

Name of subdivision (name can be the same as the recorded owner).

(5)

Approximate acreage of proposed recreation areas and open space areas.

(6)

Proposed water source and method of sanitary sewer disposal.

F.

Magnetic North point.

G.

Appropriate scale.

H.

A location map, with a minimum scale of one inch equals 1,000 feet, showing the general location of the subdivision in relation to adjacent properties, roads and streams.

I.

A map illustrating an analysis of natural drainage patterns and water resources within the proposed subdivision tract, including delineation of all streams, natural drainage swales, ponds and lakes, wetlands, floodplains subject to a one-hundred-year flood frequency, and permanent and seasonal high water table areas. The map may use USGS quad sheets, County Soil Survey Maps, Wetland Inventory Maps, the flood boundary and floodway map from the municipal Flood Insurance Study, the Borough Comprehensive Plan, other sources known to the applicant, as well as field inspection as the basis of the information.

J.

A map illustrating an analysis of types of soils present within the proposed subdivision tract. The map should include delineation of prime agricultural soil areas, soils with shallow depth to bedrock, soils most susceptible to erosion, hydric soils, soils most suitable for urban development, and soils generally suitable for on-lot sewage disposal. The map may be based on the County Soil Survey, among other sources. Sinkholes and closed depressions should be identified on the map.

ARTICLE IV: Preliminary Plan Submission Procedures and Requirements

§ 213-10 Preliminary plan submission.

A.

Preliminary plans and all required supplementary data for all proposed subdivisions and land developments shall be submitted to the Borough Secretary.

B.

Official submission of a preliminary plan to the Borough Secretary shall comprise the following:

(1)

Submission of one copy of a completed preliminary subdivision or land development application.

(2)

Submission of 12 sets of paper prints of the preliminary plan, which shall fully comply with provisions of this chapter as set forth in § 213-12.

(a)

Twelve sets of paper prints shall be submitted in color (when feasible).

(3)

Submission of five copies of all required supplemental information as set forth in § 213-12E.

(4)

The applicant shall also submit two reduced copies (8 1/2 inches by 14 inches in size) of the preliminary layout plan to the Borough Secretary. The Borough Secretary shall provide one copy of the reduced plan to the Borough Solicitor and retain one copy for the Borough records.

(5)

Notification of property owners within 200 feet.

(a)

The applicant, upon filing his plan, shall prepare a list of all property owners located within 200 feet of the subdivision/land development. Applicant shall mail the notification contained in Appendix E of this SALDO

Editor's Note: Appendix E is included at the end of this chapter.
to all property owners within 200 feet of any new lots created by the subdivision or within 200 feet of any improvements proposed on the land development plan.
(b)

Notifications to such property owners must be mailed by certified mail, return receipt no later than 21 days before the date of the Planning Commission meeting at which the subdivision/land development is to be considered for the first time.

(c)

Applicant must furnish the Borough Zoning Officer with a copy of the list of all property owners to whom notifications were mailed no later than 21 days before the first meeting of the Planning Commission at which the subdivision/land development plan is to be considered.

(d)

The applicant shall provide the Borough Zoning Officer with the proofs of notification a minimum of three days prior to the Planning Commission meeting at which the subdivision/land development is to be considered.

(6)

All subdivision and land development submissions in the preliminary stage shall submit a detailed document including, but not limited to, the following:

(a)

Cover sheet.

(b)

Feasibility study and concept development.

(c)

Design integration with existing and current planned community development.

(d)

Detailed design.

(e)

Utilities.

[1]

Descriptions.

[2]

Design requirements.

[3]

Usage requirements.

(f)

Traffic study.

(g)

Construction process.

[1]

Project phase.

[2]

Progress monitoring.

[3]

Project schedule.

C.

The Borough Secretary shall distribute the plans and other material as follows:

(1)

Five sets of the plans and one set of supplemental information to the Borough Planning Commission, four sets of the plans to the Borough Council, one set of plans and one set of supplemental information to the Borough Secretary, two sets of the plans and two sets of supplemental information to the Borough Engineer.

(2)

The Borough Zoning Officer shall retain one set of the plans and one set of the supplemental material.

(3)

Additional prints of the preliminary plan shall be submitted by the developer to the Borough Secretary for distribution to the respective agencies in each of the following circumstances:

(a)

Whenever a proposed subdivision or land development is located adjacent to another municipality, one print of the preliminary plan shall be submitted for each additional or adjacent municipality to the respective municipalities.

D.

The applicant shall submit one set of plans, all supplemental material relevant to said agency, and required fees to the following agencies:

(1)

Lehigh Valley Planning Commission (two sets required).

(2)

Liberty Hose Company.

(3)

Pennsylvania-American Water Company (where applicable).

(4)

The governing Sanitary Sewer Authority (where public sanitary sewer service is proposed).

(5)

Northampton County Soil Conservation District.

(6)

PennDOT (whenever the property being subdivided abuts a state road).

(7)

U.S. Army Corps of Engineers (whenever the site analysis maps required by § 213-12E(1) indicate the presence of hydric soils or wetlands on the property).

(8)

Pennsylvania Department of Environmental Protection (whenever the site analysis maps required by § 213-12E(1) indicate the presence of hydric soils or wetlands on the property).

E.

Carbonate/sinkhole regulation requirements.

[Added 8-2-2004 by Ord. No. 247]
(1)

Four copies of the Carbonate Ordinance Assessment Report.

(2)

A plan indicating the existing and proposed private and public sewage disposal systems and the location of existing private and public water supplies on adjoining properties.

(3)

Type, location and phasing of proposed disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements.

(4)

Plans describing the design of the proposed stormwater management facilities proposed for the project.

§ 213-11 Review of preliminary plan.

A.

By the Borough Planning Commission.

(1)

When a preliminary plan has been submitted to the Borough Secretary, such plan shall be placed on the agenda of the Planning Commission for review at a meeting to be held within 60 days of the submission, provided that such submission has occurred no less than 21 days prior to such meeting. The Planning Commission may hold a public hearing on the preliminary plan at this time.

(2)

The Planning Commission shall review the preliminary plan to determine its conformance with the standards contained in this chapter and other applicable municipal ordinances, and shall recommend such changes and modifications as it deems necessary.

(3)

No action shall be taken by the Borough Planning Commission with respect to a preliminary plan until it has received and considered the written report of the Lehigh Valley Planning Commission; provided, however, that if the Lehigh Valley Planning Commission shall fail to report thereon within 30 days after receipt of a preliminary plan, then the Borough Planning Commission may officially act without having received and considered such report.

(4)

Within 60 days after the first meeting following the submission of the preliminary plan, providing that such submission has occurred no less than 21 days prior to such meeting, the Planning Commission shall recommend to the Borough Council, in writing, that the preliminary plan be approved or disapproved together with the documented findings upon which the recommendations are based.

B.

By the Borough Council.

(1)

Within 90 days following the date of the regular meeting of the Planning Commission next following the date of the application (unless the next meeting does not fall in a

thirty-day period following the date of the application, in which case the ninety-day period commences on the 30th day following the date of the application), the Borough Council shall, in accordance with the provisions of relevant ordinances and considering the recommendations of the Planning Commission, take action by approving or disapproving the preliminary plan. This time period may be extended by action of the Borough Council or the Planning Commission upon the receipt of a written request for an extension of time from the applicant or the Borough Council. The Borough Council shall document the findings upon which that action is based, and communicate them to the applicant within 15 days from the date that the decision has been made. This communication shall occur within the period provided for a decision in the first sentence of this section. The decision and findings shall be communicated to:

(a)

The applicant;

(b)

The Borough Zoning Officer;

(c)

The Borough Planning Commission;

(d)

The Borough Solicitor;

(e)

The Borough Engineer.

§ 213-12 Preliminary plan requirements.

A.

The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a minimum scale of one inch equals 50 feet.

(1)

The preliminary plan shall be submitted in color format.

(2)

The preliminary plan shall be provided on a CD in AutoCAD format.

B.

The original drawing and all submitted prints shall be made on sheets having one of the following sets of dimensions:

(1)

Twenty-four inches by 36 inches;

(2)

Thirty inches by 42 inches.

C.

If the subdivision layout requires more than one sheet or if the subdivision involves more than one section or phase, a title sheet shall be provided. The title sheet shall include the road and lot layout plan at a minimum scale of one inch equals 200 feet. The plan shall illustrate the boundaries of the areas covered on the different sheets, sections and phases. If the subdivision is for a section or phase of a subdivision, the relevant section or phase shall be differentiated in pattern from the remaining sections. The plan shall also indicate roads within 200 feet of the site and shall include an index of the plans.

D.

The preliminary plan shall illustrate the following data:

(1)

Name and address of record owner; name of developer if different from owner; names of all adjoining subdivisions, if any, and the names of owners of all adjacent unplatted land, with the deed book reference, Tax Map, block and lot numbers where recorded.

(2)

Name of the proposed subdivision; name of the municipality or municipalities within which subdivision is proposed; total tract boundaries of the property being subdivided, showing bearings and distances, a statement of total acreage of the property, and certified by a registered professional land surveyor.

(3)

Name, address, license number, and seal of registered engineer or land surveyor responsible for the subdivision plan; magnetic North point, graphic scale, and date including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision.

(4)

A key map, for the purpose of locating the property being subdivided, drawn at a scale not smaller than one inch equals 1,000 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, streams, municipal boundaries, and recorded subdivision plans existing within 2,000 feet of any part of the property.

(5)

Tax Map, block, and lot numbers within the proposed subdivision tract; all existing streets, including streets of record (recorded, but not constructed), on or adjoining the tract, including names, right-of-way widths, cartway (pavement) widths, and approximate grades.

(6)

All existing buildings or other structures within the proposed subdivision tract; all existing streets, and streets proposed in the Comprehensive Plan, including streets of record (recorded, but not constructed), on or adjoining the tract, including names; existing and future right-of-way widths, cartway (pavement) widths, and approximate grades.

(7)

All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, stormwater facilities, on-lot septic systems, wells, bridges, railroads, sidewalks, or other man-made features within the proposed subdivision tract and within 200 feet of the boundaries of the proposed subdivision tract; location, width, and purpose of existing easements and utility rights-of-way within 200 feet of the proposed subdivision tract.

(8)

Contour lines at vertical intervals of not more than two feet. Location and elevation of the data to which contour elevations refer shall be the closest United States Coast and Geodetic Survey established benchmark, where available; spot elevations for all low and high points, plus elevation for all closed contour lines.

(9)

The full plan of proposed development, including the following:

(a)

Location and width of all streets and rights-of-way, with a statement of any conditions governing their use; suggested street names and utility easement locations; all applicable design criteria under Article VII.

(b)

Front, side, and rear building setback lines for each lot.

(c)

Lot lines, with computed dimensions and lot sizes (in both acres and square feet).

(d)

A statement of the intended use of all nonresidential lots and parcels.

(e)

Lot numbers and a statement of the total number of lots, parcels, dwelling units and density.

(f)

Water, sanitary sewer and storm sewer plan and profile drawings (and other drainage facilities) with the size and material of each indicated and any proposed connections with existing facilities.

(g)

Parks, playgrounds and other areas dedicated or reserved for public or common use, with any conditions governing such use and any proposed improvements.

(h)

Signed certificate of ownership or equitable ownership, plus a copy of the current deed of record for the property being subdivided or developed.

(i)

Copies of the proposed deed restrictions, protective and restrictive covenants, referenced to the preliminary plan map.

E.

The preliminary plan shall be accompanied by the following supplementary data:

(1)

Site analysis maps. (Where feasible and legible, the analysis involved in Subsection E(1)(a) through (d) may be illustrated on one or a combination of composite maps. The combined impact of the natural characteristics of the tract upon the development potential of the tract shall be clearly illustrated on the map or maps).

(a)

A map illustrating an analysis of natural drainage patterns and water resources within the proposed subdivision tract, including delineation of streams, natural drainage swales, ponds and lakes, floodplains, permanent and seasonal high water table areas, and closed depressions, plus a metes and bounds delineation of any on-site wetlands.

(b)

A map illustrating an analysis of types of soils present within the proposed subdivision tract, based on the Northampton County Soil Survey, the Stockertown Borough Comprehensive Plan and other sources. The map should include delineation of prime agricultural soil areas, hydric soils, aquifer recharge areas, unstable soils, soils most susceptible to erosion, soils most suitable for urban development, and soils suitable for on-lot sewage disposal.

(c)

A map illustrating the characteristics of rock formations underlying the tract, including a delineation of aquifers (specifically those locally subject to pollution) and shallow bedrock areas.

(d)

A map delineating additional significant physical features within the proposed subdivision tract, such as woodland areas, large trees, rock outcroppings, sinkholes, historical sites and features and scenic views.

(2)

A contour grading plan and a plan for minimizing erosion and sedimentation, in accordance with erosion and sediment control standards as set forth in § 213-27; a landscape plan, according to standards as set forth in § 213-27B(2). A letter shall be provided from the Northampton County Conservation District which indicates that the soil erosion and sedimentation control plan conforms to the Pennsylvania Department of Environmental Protection rules and regulations.

(3)

Typical cross-sections for proposed streets, sanitary sewer, storm drainage and water system improvements. Preliminary street and utility plan and profile drawings and streetlighting plans where required.

(4)

A storm drainage plan for the proposed subdivision or land development, which conforms to design requirements for storm drainage as set forth in § 213-25. If the site of the subdivision or land development is within a watershed with an approved stormwater management plan enacted pursuant to Act 167, the criteria in the applicable plan shall be used.

(5)

In the case of subdivision or land development plans to be developed in stages or sections over a period of time, a map delineating each stage or section of the proposed subdivision or land development consecutively numbered so as to illustrate phasing of development, and a schedule indicating the approximate time for which applications for final approval of each stage or section is intended to be filed.

(6)

Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Transportation and the Act 167 Stormwater Management Plan, if implemented.

(7)

Copies of the subdivision sewage disposal report, when required according to standards as set forth in § 213-23.

(8)

Certification of water supply systems.

(a)

When water service to the proposed subdivision is to be provided by an existing public system, the developer shall submit two copies of a letter from the agency, authority, or utility which agrees to extend water service, subject to the execution of a service agreement.

(b)

When water service to the proposed subdivision is to be provided by an on-lot well, the developer shall submit two copies of a letter from the applicable water authority that service to the site is not feasible.

(9)

Certification of sewage disposal systems.

(a)

All negotiations, designs, reviews, approvals and construction will be handled by the Borough Council in accordance with their current regulations.

(b)

When sewage disposal service for the proposed subdivision or land development is to be by individual sewage disposal systems, the following requirements must be followed:

[1]

Prior to submission of a preliminary subdivision or land development plan, the applicant or developer shall submit to the Pennsylvania Department of Environmental Protection (Department), Form ER-BWQ-359, "Application for Planning Module for Land Development," commonly known as the "postcard" submission, whereby the Department will indicate to the developer which module components to complete and make other guiding recommendations, as well as establishing a Department of Environmental Protection code number for the project.

[2]

The developer shall then meet with a representative from the Department and the Borough Sewage Enforcement Officer (SEO) to discuss the subdivision or land development with relationship to the Sewage Facilities Act Official Plan.

[3]

The developer shall provide all information as required by the Planning Module for Land Development (PMLD). The developer shall submit the completed PMLD to the Borough as part of the supporting data of the preliminary plan submission.

[4]

The Borough shall review the PMLD and take municipal action within 30 days of receipt of the completed module.

[5]

Preliminary plan shall not be approved by the municipality until written approval of the PMLD is received from the Department of Environmental Protection. Modules will be reviewed for completeness and conformance to the requirements of the Sewage Facilities Act and regulations promulgated thereunder, Chapters 71, 72, and 73 of PA Code Title 25. Incomplete module submissions will be returned to the applicant and will not be considered for review until complete.

[6]

The number and spacing of soil profile studies and percolation tests required for module preparation shall be sufficient to justify adequate sewage facility planning for the proposed subdivision or land development and shall contain general site suitability and soil mapping designations.

[7]

All soil testing information shall be indicated and clearly represented on plans and supporting documents for evaluation.

[8]

The developer shall retain a soil scientist, hydrogeologist, or other competent professional to perform soil evaluations, percolation tests, and additional studies if required by the Department or Borough SEO. The Borough SEO will function only to observe the soil tests and review submitted material in accordance with this chapter.

[9]

Prior to plan approval, the developer shall test and locate, on each lot, a suitable primary and secondary absorption area. These areas shall be staked in the field and protected until such time as the system(s) are constructed and final grading completed on the lot. No permit will be issued until the site is adequately marked. Any disturbance to the site by grading, equipment traffic, or material storage may be cause for permit denial.

(10)

Whenever a proposed public improvement or on-lot septic system or detention pond encroaches upon a utility line or easement, the applicant shall provide a letter from the utility verifying that the development will comply with all reasonable design criteria set by the utility.

(11)

Whenever a modification is requested pursuant to the provisions of § 213-43, the applicant shall provide a written request conforming to the requirements of § 213-43B.

(12)

The applicant shall provide a copy of the opinion of title as issued by a title insurance company or an attorney, which shall set forth the names of all owners of property included in the plat and shall include a list of mortgages, judgments, liens, easements, contracts and agreements of record in the Recorder of Deeds office in Northampton County, Pennsylvania, which shall affect the property covered by such plats.

(13)

If the subdivision/land development involves a proposed drainage structure located on state highway rights-of-way, the applicant shall submit plans and calculations to the Pennsylvania Department of Transportation for their review and approval.

ARTICLE V: Final Plan Submission Procedures and Requirements

§ 213-13 Final plan submission.

A.

Unless the final plan submission is made within two years of the date of the preliminary plan approval or unless the Borough Council grant an extension, in response to a written request which is submitted within two years of the date of the preliminary plan approval, the preliminary plan approval shall be considered void. A new preliminary plan submission will be required if the previous approval is void. The new plans shall conform to current regulations.

B.

The final plan shall conform in all significant respects to the preliminary plan as previously approved, but shall incorporate all modifications required by the Borough Council. The Borough Planning Commission may, however, accept a final plan modified so as to reflect any substantial changes which have occurred on the site of the proposed subdivision, or in its surroundings, since the time of the preliminary plan approval.

C.

Official submission of the final plan to the Borough Secretary shall comprise the following:

(1)

Submission of one copy of a completed final subdivision and land development application.

(2)

Submission of 11 sets of paper prints of the final plan, which shall fully comply with provisions of this chapter as set forth in § 213-12.

(a)

The final plan shall be submitted in color format.

(b)

The final plan shall be provided on a CD in AutoCAD and DXF drawing format.

(3)

Submission of four copies of all required supplemental information as set forth in § 213-12E.

(4)

All subdivision and land development submissions in the final stage shall submit a detailed document including, but not limited to, the following:

(a)

Cover sheet.

(b)

Feasibility study and concept development.

(c)

Design integration with existing and current planned community development.

(d)

Detailed design.

(e)

Utilities.

[1]

Descriptions.

[2]

Design requirements.

[3]

Usage requirements.

(f)

Traffic study.

(g)

Construction process.

[1]

Project phase.

[2]

Progress monitoring.

[3]

Project schedule.

D.

The Borough Secretary shall distribute the plans and other material as follows:

(1)

Five sets of the plans and one set of the supplemental information to the Borough Planning Commission. Two sets of plans and two sets of supplemental information to the Borough Engineer, one set of plans to the Borough Solicitor, and one set of plans to the Pennsylvania-American Water Company.

(2)

The Borough Secretary shall retain one set of the plans and one set of the supplemental information.

E.

Additional prints of the final plan shall be provided by the developer to the Borough Secretary for distribution to the respective agencies in each of the following circumstances:

(1)

Whenever a proposed subdivision or land development is located adjacent to another municipality, one print of the final plan shall be submitted for each additional or adjacent municipality to the respective municipalities.

F.

The applicant shall submit one set of plans, all supplemental material relevant to said agency, and required fees to the agencies set forth in § 213-10D if revisions were required by said agencies.

§ 213-14 Review of final plan.

A.

By the Borough Planning Commission.

(1)

When a final plan has been submitted to the Borough Secretary, such plan shall be placed on the agenda of the Planning Commission for review at a meeting to be held within 60 days of the submission, provided that such submission has occurred no less than 21 days prior to such meeting. The Planning Commission may hold a public hearing on the final plan at this time.

(2)

The Planning Commission shall review the final plan to determine its conformance with the standards contained in this chapter and other applicable municipal ordinances, and shall recommend such changes and modifications as it deems necessary.

(3)

No action shall be taken by the Borough Planning Commission with respect to a final plan until it has received and considered the written report of the Joint Planning Commission; provided, however, that if the Joint Planning Commission shall fail to report thereon within 30 days after receipt of a final plan by the Joint Planning Commission, then the Borough Planning Commission may officially act without having received and considered such report.

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

(4)

Within 60 days after the first meeting following the submission of the final plan, providing that such submission has occurred no less than 21 days prior to such meeting, the Planning Commission shall recommend to the Borough Council, in writing, that the final plan be approved or disapproved together with the documented findings upon which the recommendations are based. With the recommendations, the Planning Commission shall forward one Mylar of the record plan and three paper prints of the record plan to the Borough Council. The plans shall bear the signatures of the Planning Commission if the Planning Commission has voted to recommend that the plans be approved by the Borough Council. One complete set of plans and one set of all supplemental material shall also be forwarded to the Borough Council.

B.

By the Borough Council.

(1)

Approval or disapproval of plan.

(a)

Within 90 days following the date of the regular meeting of the Planning Commission next following the date of the application (unless the next meeting does not fall in a thirty-day period following the date of the application, in which case the ninety-day period commences on the 30th day following the date of the application), the Borough Council shall, in accordance with the provisions of relevant ordinances and considering the recommendations of the Planning Commission, take action by approving or disapproving the final plan. This time period may be extended by action of the Borough Council or the Planning Commission upon the receipt of a written request for an extension of time from the applicant. The Borough Council shall document the findings upon which that action is based, and communicate them to the applicant within 15 days from the date that the decision has been made. This communication shall occur within the period provided for a decision in the first sentence of this subsection. The decision and findings shall be communicated to:

[1]

The applicant;

[2]

The Borough Zoning Officer;

[3]

The Borough Planning Commission;

[4]

The Borough Engineer;

[5]

The Borough Solicitor.

(b)

Action by the Borough Council to approve the final plan shall be made in the form of a motion, which is duly passed by the Board. The motion shall include stipulations as to the terms of approval including the improvements agreement if one is called for. No subdivision plan shall be approved unless the review fees, recreation fees, and other fees required under the terms of this chapter have been paid in full, and unless the improvements agreement, if one is called for, has been executed.

(2)

Action by the Borough Council to approve or disapprove the final plan shall be made in the form of a motion, which is duly passed by the Board.

(3)

If approved, the motion passed by the Board shall include stipulations as to the terms of approval, including the improvements agreement if one is called for. The conditions for approval shall be made in writing and conveyed to the applicant.

(4)

If disapproved, the motion passed by the Board shall include the reason(s) for disapproval and shall be conveyed, in writing, to the applicant.

(5)

No final subdivision plan shall be signed and processed for recording unless the review fees, and other fees required under the terms of this chapter have been paid in full, and unless the improvements agreement, if one is called for, has been executed.

§ 213-15 Final plan recording.

A.

Within 30 days of the execution of the resolution approving the subdivision, the applicant shall supply two Mylar reproducible prints and three paper prints of each plan in the set of final plans to the Borough Zoning Officer.

B.

The Borough Zoning Officer shall distribute the plans for signature by the Borough Council and the Borough Planning Commission. The applicant shall distribute the plans for signature by the Lehigh Valley Planning Commission.

C.

Upon the placement of the signatures on the plan as required by Subsection B and within 90 days of the approval of the subdivision or land development, the applicant shall file the plan at the Northampton County Recorder of Deeds office in the form prescribed by the Recorder of Deeds. Proof of recording shall be furnished to the Borough Secretary.

D.

The Borough Zoning Officer shall retain the Mylar set of plans and shall distribute one set of the approved plans each to the Borough Planning Commission, the Borough Council, and the Borough Engineer.

§ 213-16 Final plan requirements.

A.

The final plans shall conform to standards and data requirements as set forth for preliminary plans in § 213-12 of this chapter.

B.

It shall not be necessary to resubmit supporting maps and data submitted with the preliminary plan, provided there has been no change.

C.

The following additional data shall be illustrated on the final plan:

(1)

The latest source of title to the land, as shown by the deed, page number, and book of the Northampton County Recorder of Deeds.

(2)

The total tract boundary lines of the area being subdivided, with accurate distances to hundredth of a foot and bearings to the nearest second. These boundaries shall be determined by accurate survey in the field, to an error of closure not to exceed one foot in 10,000 feet. The tract boundary shall be subsequently closed and balanced. However, the boundary or boundaries adjoining additional unplotted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the perimeter monuments.

(3)

The following data for all proposed and existing streets:

(a)

The name, proposed name, or number of the street;

(b)

The cartway width of the street;

(c)

Location of width of sidewalks;

(d)

The right-of-way width and right-of-way lines of the street;

(e)

Locations of all required street and traffic signs.

(4)

Block and lot numbers, and a statement of the total number of lots; all lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius (in feet) and chord bearing and distance. All internal angles within the lots shall be designated to within the nearest second. The proposed front, side and rear building setback lines, and the proposed placement of each building and driveway, shall be shown. The area of each lot shall be noted in both square feet and acres.

(5)

Officially established house/building numbers for street addresses as assigned by the Borough Zoning Officer or Council.

(6)

All easements or rights-of-way and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan, including geometric location on the plan. Easements should be located in cooperation with the appropriate public utilities; the exact location of all utility line installations also shall be shown. The terms of all easements or rights-of-way shall be stated in notes on the plan.

(7)

Such covenants, conditions and deed restrictions as may be imposed upon the grantees, their heirs, executors and assigns, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided or developed. All such covenants and restrictions shall be summarized in notes on the record plan and shall include, as a minimum, the following:

(a)

After their construction, grantees shall repair and be responsible for maintaining all swales and detention ponds. Once established and approved, the extent and grades of all swales and detention ponds shall be maintained in perpetuity. Maintenance shall include, but not be limited to, regular lawn mowing, removal of trash/debris, plus repair of all sinkholes.

(b)

All drainage swales within street rights-of-way and drainage/utility easements shall be maintained in a grassed or otherwise improved conditions in accordance with the grades and designs shown on the approved plans. All these easements and roadside drainage swales shall be kept free of all obstructions, including but not limited to such obstructions such as fill, temporary or permanent structures, and landscaping materials (other than grass).

(c)

All electric, telephone, and cable TV utility distribution lines shall be installed underground.

(8)

A statement of the intended use of all nonresidential lots or parcels, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots or parcels contained in the subdivision, and if covenants are recorded, including the book and page number of the Northampton County Recorder of Deeds.

(9)

If the subdivision fronts on a state route, a note reading as follows shall be placed on the plan: "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law,"

Editor's Note: See 36 P.S. § 670-420.
before driveway or roadway access to a state highway is permitted.
(10)

The location of all existing and proposed street monuments, as required by § 213-34E; a certification of ownership, acknowledgment of plan, and offer of dedication and an acceptance clause for the Borough Council shall be lettered on the plan, duly acknowledged and signed by the owner of the property, and notarized; a certificate for approval of the plan by the Borough Council shall be provided; a certificate for the recommendation for approval by the Borough Planning Commission shall be provided; a certificate indicating review of the Plan by the Lehigh Valley Planning Commission shall be provided; space shall be left along the lower edge of the sheet, in order that the Northampton County Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented; if the final plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.

(11)

The final subdivision or land development plan shall contain the following legend: Prior to the issuance of a building permit or commencement of construction for any individual lot or parcel shown hereon, the applicant shall submit to the Borough Engineer for review and approval, three copies of a final grading plan drawn at a scale of one inch equals 20 feet. The grading plan shall be sealed by the professional engineer or land surveyor responsible for the preparation of the plan. The plan shall contain the following information:

(a)

Lot lines with bearings and distances, lot area, locations of all existing and proposed lot corner monumentation, and tax parcel identification number for the subject property.

(b)

Existing and proposed contour elevations at intervals of two feet, including the subject jot, adjoining street(s) and 50 feet beyond the subject property, as approved on the final grading plan. If the average slope of the property is less than 3%, contour elevations at intervals of one foot shall be provided.

(c)

Spot elevations for the first floor level of any structure, primary on-lot sewage disposal systems (where applicable), finished road elevations at point of entry, and any other area as deemed necessary by the Borough Engineer.

(d)

North reference, building restriction lines, easements and rights-of-way within or adjacent to the subject property.

(e)

Location, size and elevations of all existing or proposed storm drainage structures within or adjacent to the subject property.

(f)

All property adjoiners and names of adjoining street(s).

(g)

Locations of all percolation test holes and soil probes and the locations and dimensions of primary and secondary on-lot sewage disposal systems, where applicable.

(h)

The exact location and dimensions of any proposed structure, appurtenant structure, road or driveway, with tie-in dimensions to property line.

(i)

Individual lot soil erosion and sedimentation controls in accordance with the approved subdivision plan or current conservation district standards.

(j)

All covenants and conditions from the plan of record, if the subject property is part of an approved and recorded subdivision plan.

D.

The final plan shall be accompanied by the following:

(1)

A plan showing the following information:

(a)

Location, size and invert elevation of storm drainage systems, and the location of all manholes, inlets and culverts, and where applicable, all sanitary sewer and water distribution systems.

(b)

Final plan and profile drawings, typical sections and specifications for proposed streets, storm drainage systems, and where applicable, sanitary sewers and water distribution systems each shown on one or more separate sheets.

(c)

A contour grading plan and a plan for minimizing erosion and sedimentation, in accordance with erosion and sediment control standards as set forth in § 213-27A; a landscape plan, according to standards as set forth in § 213-27B(2).

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

(2)

A completed and executed copy of the Subdivision and/or Land Development Improvements Agreement.

(3)

Financial security to cover the costs set forth in the improvements agreement. The financial security shall conform in all respects to the requirements of § 213-36.

(4)

A copy of the highway occupancy permit for any road or driveway requiring access to a state route which is appropriate for the type of access required.

(5)

The original deed for any areas proposed for dedication in relation to the subdivision or land development.

(6)

An analysis establishing traffic signing and speed limits for any roads created by the subdivision. All traffic and street signage shall be shown on the final plan.

E.

In the case of a subdivision or land development proposed to be built in stages or sections over a period of years, final plan requirements as listed in Subsection D(1) through (4) shall apply only to the stage or section for which final approval is being sought. However, the final plan presented for the stage or section must be considered as it relates to information presented for the entire subdivision or land development in the application for preliminary approval.

ARTICLE VI: Minor Subdivision and Boundary Line Adjustments

§ 213-17 Submission procedures and requirements.

ARTICLE VII: Design Standards

§ 213-18 Application.

A.

The design standards and requirements outlined in this section will be utilized in determining the adequacy of all plans for proposed subdivisions and land developments.

B.

Development shall be planned, reviewed and carried out in conformance with all Borough, county, state, federal and other applicable laws and regulations.

C.

Whenever other ordinances and regulations impose more restrictive standards and requirements than those contained herein, the more restrictive standards and regulations shall apply. Whenever the standards and requirements contained herein are more restrictive than those imposed in other ordinances and regulations, the more restrictive standards and regulations herein shall apply.

§ 213-19 General standards.

A.

Land shall be suited for the purpose for which it is to be subdivided. Land with unsafe, environmentally sensitive, or hazardous conditions such as may have been identified in

the Stockertown Borough Comprehensive Plan, though not limited to those features or mapping therein shall not be subdivided unless adequate mitigation measures eliminate or protect against these conditions.

B.

Consideration shall be given to applicable provisions of the Borough and County Comprehensive Plans, emphasizing future school sites, recreation sites, water supply and sewage treatment systems, highway alignments, and other public facilities. However, consideration must be given to the need for the facilities and utilities mentioned above whether or not they are proposed as part of a comprehensive plan.

§ 213-20 Block design.

A.

Block layout.

(1)

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

(a)

Provision of adequate sites for buildings of the type proposed.

(b)

Borough zoning requirements.

(c)

Topography.

(d)

Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial streets.

B.

Block length.

(1)

Residential blocks shall be no less than 500 feet in length or no more than 1,000 feet in length.

(2)

Where practical, blocks along arterial and collector streets shall not be less than 500 feet long.

C.

Block depth.

(1)

Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

(a)

Where reverse frontage lots are required; or

(b)

Where prevented by the size, topographical conditions or other inherent conditions of the property.

D.

Commercial, industrial and planned industrial commercial development blocks.

(1)

Blocks in commercial, industrial and planned industrial commercial developments may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provision shall be made for traffic circulation, off-street parking and loading area.

§ 213-21 Lot design.

A.

General standards.

(1)

Within the requirements of Chapter 250, Zoning, the size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.

(2)

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

(3)

Lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

(4)

The depth of residential lots shall be not less than one nor more than three times their width, except as otherwise required by the current Zoning Ordinance.

Editor's Note: See Ch. 250, Zoning.

(5)

Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.

(6)

If, after subdividing, there exist remnants of land, they shall be either:

(a)

Incorporated in existing or proposed lots, or

(b)

Legally dedicated to public use, if acceptable to the Borough.

B.

Lot frontage.

(1)

All lots shall have direct access to a public street or to a private street, which is built to the street standards of this chapter.

(2)

Double or reverse frontage lots may be required to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography or other natural features of the proposed subdivision tract.

(3)

All residential reverse frontage lots (and all corner lots with a lot line along a street where reverse frontage is required) shall have a rear yard with a minimum depth of 75

feet, measured along the shortest distance from the proposed dwelling unit to the ultimate right-of-way and shall, with such rear yard and immediately adjacent to the right-of-way, have a planting screen easement of at least 10 feet in width, across which there shall be no right of access. A landscape plan, showing a double row of mixed evergreen plantings within this easement, shall be prepared and submitted for all reverse frontage lots. The landscape plantings shall be in accordance with the buffer requirements of Chapter 250, Zoning.

C.

Lot access (other than PennDOT roadways).

(1)

Where direct access to an arterial or collector street cannot be avoided, adequate turnaround space shall be provided behind the right-of-way line.

(2)

Driveways or access roads shall intersect streets at right angles, where practicable, and in no case less than 75┬.

(3)

Widths of private access roads or driveways as measured within the public right-of-way shall be in accordance with the following standards:

(a)

All private access roads or driveways intended for one-way use shall have a minimum width of 12 feet and a maximum width of 15 feet.

(b)

Single-family residential driveways intended for two-way use shall have a maximum width of 20 feet.

(c)

Two-way access roads and driveways for multifamily residential and all nonresidential uses shall have a minimum width of 24 feet and a maximum width of 30 feet.

(4)

To provide safe and convenient ingress and egress, access road and driveway entrances shall be constructed as follows:

(a)

Access road entrances for multifamily residential developments, mobile home parks, and all nonresidential subdivisions shall be rounded at a minimum radius of 10 feet.

(b)

Single-family residential driveway entrances shall be rounded at a minimum radius of five feet.

(5)

Access road grades and driveway grades shall not exceed 8% between the future street right-of-way line and any other point within the confines of the lot area being served.

(6)

The center line of an access road or driveway, at the point of access to a street, shall not be located closer to the center line of a street intersection than the following distances, unless the lot is entirely within the prescribed distances (in which case the driveway shall be separated from the intersection by the greatest distance possible).

(a)

For single-family dwellings:

[1]

One hundred fifty feet if either intersection street is an arterial street.

[2]

One hundred feet if either street is a collector street.

[3]

Seventy-five feet if both streets are local streets.

(b)

For all other development:

[1]

Three hundred feet if either street is an arterial street.

[2]

Two hundred feet if either street is a collector street.

[3]

One hundred fifty feet if both streets are local streets.

(7)

On corner lots that have frontage on streets of different classifications, the access to such lots shall be from the street of lower classification.

D.

Access on PennDOT roadways.

(1)

All lot driveways accessing onto state roadways shall be designed in accordance with Pennsylvania Department of Transportation standards.

(2)

PennDOT highway occupancy permits will be required for all lot driveways accessing onto state roadways.

E.

Traffic impact study.

(1)

Intent. To allow the Borough to determine the safety and congestion impacts, and related costs, of proposed traffic generating uses; to require that applicants respond with reasonable proposals to resolve the negative traffic impacts that their proposed uses will cause on the public; and to recognize that sufficient federal, state and municipal funds are not available to resolve traffic problems caused by private development.

(2)

Uses requiring traffic studies. Any application for any of the following new uses or expansion of existing uses shall be required to complete a traffic study and include the findings in a written report. Such requirements and report shall be based upon the aggregate total development that can reasonably be expected in all phases of a development.

(a)

Residential. Ten or more new dwellings units.

(b)

Commercial. Twenty thousand square feet or more of new or additional total floor area.

(c)

Office. Twenty thousand square feet or more of new or additional total floor area.

(d)

Industrial. Thirty thousand square feet or more of new or additional total floor area or any truck terminal.

(e)

Institutional. Twenty thousand square feet or more of new or additional total floor area.

(f)

Accident-prone location. Such uses where the Borough Council determines that a traffic study is needed to address a clearly accident-prone location.

(3)

Timing. Any required traffic study shall be submitted at the same time or earlier as any preliminary plan, special exception, conditional use or construction permit application, whichever is submitted earliest.

(4)

Costs. The full costs of completing the study and of a review by the Borough Engineer or other Borough representatives shall be borne by the applicant.

(5)

Study area. Prior to initiation of the traffic study, the traffic engineer or planner shall meet with the Borough Engineer to establish the area to be studied. This area shall be limited to streets and intersections within a maximum of one mile of the proposed project boundaries, except for a use of more than 200,000 square feet of commercial floor area or any use projected to generate more than 3,000 trips per day which shall have a maximum study area of one mile from the project boundaries.

(6)

Joint studies. Joint traffic studies between different applicants are strongly encouraged.

(7)

Fees. In place of individual traffic studies, the Borough Council may require that an applicant provide a fee in lieu of a study. This fee shall only be used towards the costs

of traffic studies sponsored by the Borough. Any such fee shall be established by resolution or ordinance of the Borough Council.

(8)

Project description. Any study shall include a description of the proposed development, its proposed access and the surrounding street system. If a development is proposed to occur in stages, each stage shall be described and taken into account in the study. If the applicant owns other lands within the study area, reasonable assumptions shall be made about how that land can be expected to be developed, and shall be taken into account.

(9)

Existing traffic conditions. The traffic volumes and service levels during the a.m. and p.m. peak hours shall be presented for all streets and intersections in the study area that can reasonably be expected to be significantly impacted. Traffic volumes shall be based upon actual counts that occurred within the prior two years, and not upon state estimates. The locations of all accidents reportable to the state and/or the Stockertown Police within the study area during a recent two-year period shall be noted.

(10)

Expected traffic generation. The study shall include an estimate of the number of trips expected to be generated by the use and any future stages during the a.m. and p.m. peak hours. Such estimates shall be based upon the latest published estimates of the Institute of Transportation Engineers, or its successor entity, unless the applicant provides the Borough with estimates and supporting documentation based upon actual traffic counts of closely similar developments in Pennsylvania or New Jersey.

(11)

Projected effects. The study shall take into account not only the use proposed by the applicant, but also other uses and developments that have received building permits or preliminary subdivision or land development approval from a municipality. The study shall project a.m. and p.m. peak-hour traffic volumes and levels of service on impacted intersections and streets. If the traffic generation by the development would be more than 50% greater during any hour other than the a.m. or p.m. peak hour on adjacent streets, the study shall analyze both the peak hours for the development and for adjacent streets. The study shall project what directions the traffic generated will head towards.

(12)

Levels of service. The study shall estimate the levels of service (A, B, C, D, E and F), for key traffic movements, including turning movements, following the standards of the U.S. Department of Transportation.

(13)

Signal warrants. Heavily traveled intersections at entrances to the development and other major unsignalized intersections in the study area shall be studied to determine whether a traffic signal is warranted by Penn DOT criteria. Existing traffic signals that are significantly impacted shall be studied to determine whether they are in need of upgrading.

(14)

Needed improvements. The study may take into account traffic improvements which are clearly funded and will occur within the next four years. The study shall include suggestions for how each congested or hazardous intersection in the study area should be improved to reduce the hazard or congestion and a rough estimate of the cost of that improvement.

(15)

Applicant's response. The applicant shall respond to the traffic study with proposals on what traffic improvements, right-of-way dedications or commitments of financing for specific projects the applicant proposes to commit to resolve the negative traffic impacts of the proposed development. Such improvements or financing may be staged in relation to the stages of the development. The applicant may also agree to commit towards the long-term support of a program to reduce peak-hour traffic by private vehicles through programs such as vanpooling, support of mass transit or staggered work hours in place of certain structural improvements.

(16)

Completion of improvements. Any traffic improvements that are required as a condition of any approval under this chapter or Chapter 213, Subdivision and Land Development, shall be in place or sufficient funds committed in escrow acceptable to the Borough prior to the issuance of any needed occupancy permit, or within a staged process agreed to at the time of approval.

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

§ 213-22 Street design. (Amended 5.4.2020 by ORDINANCE 2020-2)

A.

General requirements.

(1)

Proposed streets shall be properly related to the road and highway plans of PennDOT and the Borough Comprehensive Plan. Streets shall be designed to provide adequate vehicular access to all lots or parcels and with regard for topographic conditions, projected volumes of traffic, and further subdivision possibilities in the area.

(2)

The street system of a proposed subdivision or land development shall be designed to create a hierarchy of street functions.

(3)

The street system of a proposed subdivision or land development shall be designed so as to minimize street intersections and pedestrian-vehicular conflict points.

(4)

Proposed local streets shall be designed so as to discourage through traffic and excessive speeds. However, the developer shall give adequate consideration to provision for the extension and continuation of arterial and collector streets into and from adjoining properties.

(5)

Where it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property. The streets shall meet the requirements of Subsection G(2).

(6)

Where a subdivision or land development abuts an existing road with a right-of-way and/or cartway width not meeting the requirements of Subsection B(1), sufficient right-of-way should be dedicated so that the distance between the edge of the right-of-way and the road center line equals 1/2 of the required width, and/or the cartway will be widened as per the specifications of this chapter so that the distance between the edge of the cartway and road center line equals 1/2 of the required width. Where a subdivision or land development abuts an existing road not meeting the requirements of Subsection C or F, sufficient right-of-way to correct the alignment deficiency should be dedicated. A deed covering the land to be dedicated shall be provided along with an opinion of title from a title insurance company or an attorney, which indicates that clear title exists for the land being dedicated.

(7)

Where a subdivision or land development abuts or contains an arterial road, the use of marginal access streets, reverse frontage lots, or other such treatment as will provide protection for abutting properties, reduction in number of intersections with the arterial street, and separation of local and through traffic shall be required.

(8)

Private streets (streets not to be offered for dedication) shall meet the street design and improvement standards set forth in this chapter. In addition, when a private street is proposed, the developer shall indicate on the plan of record the proposed deed

covenants obliging the owners of all lots to be served by the street to provide, at their expense, perpetual street maintenance including timely snow removal.

(9)

If the lots in the development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided. The openings shall be at intervals consistent with the block length standards of § 213-20B.

(10)

Where a subdivision or land development abuts an existing collector, arterial or expressway classified street, the applicant will be required to install curbing along the street side abutting the subdivision or land development, unless otherwise waived by the Borough Council.

B.

Street right-of-way and cartway width.

(1)

Street right-of-way as per Chapter 250, Zoning, and cartway width in proposed subdivisions shall conform to the standards in the following table:

Type of Road	Land Use	Cartway Width (feet)	Right-of-Way (feet)
Local	Single-Family Detached Dwellings	36	50
Collector	All Other Uses	36	50
Arterials and Expressways	All Uses	36	60
	All Uses	American Association of State Highway Transportation Officials (AASHTO) and PennDOT design standards may be required	

C.

Horizontal curves.

(1)

Street center lines shall not be deflected without the use of horizontal curves.

(2)

Horizontal curves shall have the following minimum center line radii:

(a)

Local streets: 200 feet.

(b)

Collector streets: 300 feet.

(c)

Arterial streets and expressways: as per current American Association of State Highway and Transportation Officials (AASHTO) standards.

(3)

A minimum tangent of 100 feet shall be required between reverse curves on all streets. A minimum tangent of 75 feet shall separate horizontal curves from intersections, as measured from the point of intersecting center lines.

D.

Street grades.

(1)

There shall be a minimum center-line grade on all streets of 1%.

(2)

Center-line grades shall not exceed the following:

(a)

Local streets: 8%.

(b)

Collector streets: 6%.

(c)

Arterial streets: as per current AASHTO standards.

(3)

Intersections shall be approached on all sides by leveling areas. Such leveling areas shall have a minimum length of 75 feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of 4%.

(4)

Cross-slopes for roadways and parking lanes shall be 2% and cross-slopes for paved shoulders shall be 6%.

E.

Vertical curves.

(1)

Vertical curves shall be used in changes of grade exceeding 1%.

(2)

Vertical curves shall be designed to produce the following minimum sight distances:

(a)

Local streets: 200 feet.

(b)

Collector streets: 400 feet.

(c)

Arterial streets and expressways: as per current AASHTO standards.

F.

Street intersections.

(1)

Streets shall intersect at right angles whenever practicable. However, in no instances shall the angle of intersection at the street center lines be less than 75°.

(2)

Intersections involving the junction of more than two streets shall be prohibited.

(3)

Two streets intersecting a third street from opposite sides shall either intersect with a common center line or their center lines shall be offset according to the following standards:

(a)

The two streets shall be separated by a distance of 150 feet between center lines measured along the center line of the street being intersected when all three streets involved are local streets.

(b)

The two streets shall be separated by a distance of 400 feet between center lines measured along the center line of the street being intersected when one or more of the streets involved is a collector street.

(c)

The two streets shall be separated by a distance of 1,000 feet between center lines measured along the center line of the street being intersected when one or more of the streets is an arterial street.

(4)

Street intersection pavement shall be rounded by a tangential arc with a minimum radius of:

(a)

Thirty-four feet for intersections involving only local streets.

(b)

Thirty-seven feet for all intersections involving a collector street.

(c)

Forty feet for all intersections involving an arterial street.

(5)

Street right-of-way lines, whenever possible, shall be parallel to (concentric with) pavement radii at intersections.

(a)

Street right-of-way lines at intersections shall be rounded by a tangential arc with a minimum radius of 25 feet.

(6)

Sight distances at intersections (clear sight triangles) shall be established in accordance with the regulations within Chapter 250, Zoning.

(7)

Wherever a portion of the line of the clear sight triangles occurs within the proposed building setback line, such portion shall be shown on the final plan of the subdivision, and shall be considered a building setback line. Signs and landscaping which would obscure vision shall not be placed within the clear sight triangle area.

(8)

The record plan shall contain a note stating that nothing shall be erected, placed or planted within a clear sight triangle that will impede vision between a height of two feet to 10 feet above the center line grades of the intersecting streets.

G.

Culs-de-sac, dead-end streets and stub streets.

(1)

Dead-end streets are prohibited except those meeting the standards of Subsection G(2).

(2)

Stub streets may be constructed for future access to an adjoining property or a subsequent section of the development. Stub streets shall be built to the standards of Subsection B(1). The length of stub streets shall not exceed the depth of one lot. No more than one lot shall front on each side of the stub street. These lots shall also have full frontage along another public street.

(3)

Culs-de-sac (temporary and permanent), loop roads, and other street networks which have a single point of access to the surrounding road network shall not serve more than 10 dwelling units and shall not exceed a total length of more than 500 feet as measured from the center line of the intersection at the single point of access to the farthest point served.

(4)

All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The turnaround may be concentric or offset to the left, but turnarounds offset to the right shall be prohibited.

(a)

The minimum radius to the pavement edge or curbline shall be 50 feet, and the minimum radius of the right-of-way line shall be 60 feet.

(b)

The radius of the right-of-way line return between the bulb and stem of culs-de-sac shall be a minimum of 150 feet. The curbline or pavement edge radius shall be a minimum of 160 feet.

(5)

Islands, whether containing plantings or not, shall be prohibited within the bulb of the cul-de-sac.

(6)

The grade of the cul-de-sac bulb shall not exceed 5% as measured from the center of the cul-de-sac bulb to any perimeter point of the bulb.

(7)

There shall be a minimum center line grade on all cul-de-sac streets of 1%.

(8)

All cul-de-sac streets intended for dedication to the Borough shall be provided with an easement at the end of the bulb and designated for snow-plowing use. The easement beginning at the edge of cartway shall have a minimum width of 30 feet (measured 15 feet on either side of the street center line extended). The easement shall extend radially from the edge of pavement to a depth of 30 feet. The record plan shall contain a note stating that no driveways, landscaping, mailboxes or other structures shall be placed within the limits of this easement.

(9)

Temporary culs-de-sac may be permitted to allow connection to an adjoining property or a subsequent section. Temporary culs-de-sac shall meet the following standards:

(a)

The lots along the bulb of the cul-de-sac shall meet the lot width and lot size requirements of Chapter 250, Zoning, after the bulb has been removed and the road has been extended.

(b)

The temporary cul-de-sac shall extend to the edge of the adjoining property to which future access is to be provided.

H.

Street names.

(1)

Proposed streets that are in alignment with others already existing and named, shall bear the names of existing streets.

(2)

In no case shall the name of a proposed street duplicate an existing street name in the municipality and in the postal district, irrespective of the use of a suffix such as street, road, avenue, boulevard, driveway, place, court, lane, etc.

(3)

All street names shall be subject to the approval of the Borough Council and local post office. The developer shall be responsible for the submission of proposed street name to the local post office for their approval. A copy of the local post office's approval of the proposed names shall be provided to the Borough prior to recording of the plan.

I.

Sidewalks and curbs.

(1)

In subdivisions or land developments where curbing and sidewalks are required, they shall be provided on both sides of all streets. Sidewalks and curb shall be required adjacent to parking areas in multifamily developments.

(2)

Sidewalks shall be located within the street right-of-way, no closer than one foot from the right-of-way line, and shall be a minimum of four feet wide, except along collector and arterial streets, and adjacent to shopping centers, schools, recreation areas, and other community facilities, where they shall be a minimum of five feet wide.

§ 213-23 Sanitary sewer disposal.

Each proposed building lot or proposed land development shall be provided with sanitary sewage disposal in accordance with the following requirements:

A.

Public sanitary sewage systems.

(1)

Existing public sanitary sewage systems.

(a)

Each subdivision, not a minor subdivision, shall be connected by the developer to such system, unless such connection is not technically feasible, or the subdivision is located in an area not designated for public sanitary sewer service in the Borough's Sewage Facility Plan.

(b)

Any such connection shall be in accordance with the provisions of the controlling Sewer Authority, and the sanitary sewer disposal regulations of the Pennsylvania Department of Environmental Protection.

(c)

In the event a public sewer connection is not required under Subsection A(1)(a), each proposed building lot shall instead be provided with an on-lot sewage disposal system in accordance with Subsection B.

(d)

Stockertown Borough makes no warranty or representation that on-lot sewer supply will be available for such lots.

(2)

Proposed public sanitary sewage systems.

(a)

Each proposed subdivision, not a minor subdivision, or proposed land development any portion of which is within 1,000 feet of:

[1]

Any proposed public sanitary sewage system for which the Controlling Sewer Authority has indicated in writing to the developer its intention to extend any portion thereof to within 1,000 feet of any lot or portion thereof within five years;

[2]

Any portion of any proposed public sanitary sewage system in the Stockertown Borough Sewage Facility Plan; or

[3]

Any portion of any other public sanitary sewage system proposed by the Stockertown Borough Council to be constructed within five years.

(b)

Shall, unless ultimate connection to the proposed public sanitary sewage system would be technically unfeasible, be connected to a "dry" sanitary sewage system, including lateral connectors as will be necessary to provide service to each lot, suitably capped until connection to the public sanitary sewage system can be made.

(c)

Any such connection shall be in accordance with the standards of:

[1]

The Subdivision Improvements Agreement (see Article IX of this chapter).

[2]

Section 213-12E(8) of this chapter.

[3]

The sanitary sewage disposal regulations of the Pennsylvania Department of Environmental Protection.

(d)

In the event a "dry" sewer connection is required under Subsection A(2)(b), each proposed building lot shall, until ultimate public sewer connection, be provided with an on-lot sewage disposal system in accordance with Subsection B.

B.

On-lot sewage disposal systems.

(1)

An on-lot sewage disposal system shall be provided for each lot that:

(a)

Is not required to be connected to an existing public sanitary sewage system under Subsection A(1)(a) or to a proposed sanitary sewage system under Subsection A(2)(b).

(b)

Will be connected to a "dry capped" sanitary sewage system under Subsection A(2)(b), but only until connection to the public sanitary sewage system can be made.

(2)

Any such on-site sewage disposal system shall be in accordance with the standards of:

(a)

The Subdivision Improvements Agreement (see Article IX of this chapter).

(b)

Section 213-12E(9) of this chapter.

(c)

The sanitary sewage disposal regulations of the Pennsylvania Department of Environmental Protection.

(3)

Certification of a percolation test for each proposed building lot, satisfying the requirements of the Pennsylvania Department of Environmental Protection for the on-lot sewage disposal system, shall be submitted as part of the preliminary plan. [See also § 213-12E(9).].

(4)

Each preliminary and final plan shall include an annotation expressly imposing a covenant running with the land, respecting each proposed building lot for which an on-lot sewage disposal system is proposed, stating that:

(a)

Stockertown Borough makes no warranty or representation that on-lot sewage disposal will be available for such lots.

(b)

No construction upon the property or occupancy of the property will be permitted until sewage disposal facilities complying with Subsection A or B of this section are provided to such lots.

§ 213-24 Water supply systems.

Each proposed building lot or proposed land development shall be provided with water supply in accordance with the following requirements:

A.

Public water supply systems.

(1)

Each subdivision, not a minor subdivision, any portion of which is within 1,000 feet of an existing public water supply system, shall be connected by the developer to such system.

(2)

Any such connection shall be in accordance with the provisions of:

(a)

Applicable conditions of the Pennsylvania-American Water Company or other governing authority;

(b)

Section 213-12E(8) of this chapter;

(c)

The water quality regulations of the Pennsylvania Department of Environmental Protection.

(3)

In the event a public water supply connection is not required under Section 761.2, each proposed building lot shall instead be provided with an on-lot water supply system in accordance with Subsection B of this section.

(4)

Fire hydrants with water supply for fire protection, within 300 feet of all structures and on the same side of the road if a collector or arterial road, shall be provided in all subdivisions and land developments connected to a public water supply system. The connecting threads used on the hydrants shall be compatible with the equipment of the Liberty Hose Company.

(5)

All proposed building lots for all multifamily residential, commercial and industrial uses shall be provided, by the developer, with an adequate public water supply.

B.

On-lot water supply systems (wells).

(1)

An on-lot water supply system (well) shall be provided only for each lot that cannot feasibly be connected to an existing public water supply system under Subsection A(1).

(2)

Any such on-site water supply system shall be in accordance with the standards of:

(a)

The Subdivision Improvements Agreement (see Article IX of this chapter);

(b)

Section 213-12E(8) of this chapter; and

(c)

Any water quality regulations of the Pennsylvania Department of Environmental Protection.

(3)

Each preliminary and final plan shall include an annotation expressly imposing a covenant running with the land, respecting each proposed building lot for which an on-lot water supply system is proposed, stating that:

(a)

Stockertown Borough makes no warranty or representation that on-lot water supply will be available for such lots; and

(b)

Occupancy of the property will not be permitted until water supply facilities complying with Subsection B of this section are provided to such lots.

§ 213-25 Storm drainage systems.

A.

Storm drainage systems shall be provided in order to:

(1)

Permit unimpeded flow of natural watercourses, except as may be modified by stormwater detention pond requirements in Subsection D or open channels pursuant to Subsection B(7).

(2)

Ensure adequate drainage of all low points along the line of streets.

(3)

Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.

(4)

Provide positive drainage away from on-site sewage disposal systems.

(5)

Take surface water from the bottom of vertical grades, to lead water from springs and to avoid excessive use of cross-gutters at street intersections and elsewhere.

(6)

Prevent overloading of downstream drainage systems, closed depressions, and watercourses as a result of increased rate of runoff caused by the proposed development.

(7)

Ensure that the extent of ponded water is not increased within downstream closed depressions as a result of additional runoff volume.

B.

General requirements.

(1)

A site drainage plan for the proposed subdivision or land development tract shall be prepared which illustrates the following information:

(a)

Mapping of the watershed area or areas in which the proposed subdivision or land development is located.

(b)

Calculations of runoff for all points of runoff concentration.

(c)

Complete drainage systems for the subdivision. All existing drainage features which are to be incorporated in the design shall be so identified. If the subdivision or land development is to be developed in stages, a general drainage plan for the entire subdivision shall be presented with the first stage and appropriate development stages for the drainage system shall be indicated.

(d)

Sufficient mapping of existing off-site drainage features located downstream from the proposed subdivision or land development points of runoff discharge.

(2)

The existing points of natural drainage discharge and the mode of drainage conduct onto adjacent property shall not be altered, unless:

(a)

Written consent of affected landowner is obtained by the applicant; or

(b)

The applicant demonstrates that no damage to any adjacent landowner or infringement of the public safety for conditions up to and including a one-hundred-year storm event will result.

(3)

No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without safe and adequate provisions being made by the developer for properly handling such conditions, and the applicant obtaining the written consent of the downstream landowners.

(4)

Where a subdivision is traversed by watercourses other than permanent streams, there shall be provided on the subdivision plan, a drainage easement conforming substantially with the line of such watercourse which shall be offered to the Borough for dedication. The width of the easement shall be adequate to provide for unimpeded flow of storm runoff based on calculations made in conformance with Subsection C and to provide a freeboard allowance of 0.5 foot above the design water surface level.

(5)

Drainage structures that are located on state highway rights-of-way shall be approved by the Pennsylvania Department of Transportation and a letter from that office indicating such approval shall be obtained prior to final plan approval.

(6)

All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.

(7)

When natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities shall be calculated using the Manning equation as explained in Appendix A.

Editor's Note: Appendix A is included at the end of this chapter.

(8)

Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge as per the requirements of the Pennsylvania Department of Environmental Protection and the Northampton County Conservation District.

C.

Calculation of storm runoff and design storm frequency.

(1)

Storm drainage systems required by this chapter shall be designed to provide protection from a two-year to one-hundred-year storm as determined by the Borough. If the site of the subdivision or land development is within a watershed with an approved Stormwater Management Plan enacted pursuant to Act 167, the criteria in the applicable plan shall be used.

(a)

A twenty-five-year design storm is appropriate where a storm in excess of the design storm will cause major inconvenience to people and traffic in high use areas such as business districts and along local collector or arterial roads.

(b)

A one-hundred-year design storm is appropriate where a storm in excess of the design storm will cause damage to existing or future structures or their contents.

(c)

The design or analysis of all major natural or man-made overland drainage systems shall have adequate capacity for the twenty-five-year to one-hundred-year return storm, and shall further consider the two-year storm event for velocity. Permissible velocities are as indicated in SCS criteria.

(2)

Stormwater runoff from watersheds of 200 or less acres shall be calculated by the Rational Method as described in Manual Number 37 of the American Society of Civil Engineers, except as the watershed size criteria may be modified by an approved Act 167 Stormwater Management Plan. The rational method of runoff calculation is explained in Appendix A.

Editor's Note: Appendix A is included at the end of this chapter.

(3)

Stormwater runoff from watersheds of more than 200 acres shall be calculated using the soil cover complex method developed by the Natural Resources Conservation Service or other appropriate method acceptable to the Borough Engineer.

(4)

The design of any detention facility shall be verified by routing the proposed postdevelopment hydrograph through the basin using a storage-indication technique.

(5)

The Manning equation explained in Appendix A shall be used in calculating capacities of watercourses and storm sewers, except culverts, which shall be designed using methods acceptable to the Borough Engineer.

(6)

Complete detailed drainage calculations and applicable charts and nomographs certified by the design engineer shall be submitted to the Borough Engineer.

D.

Stormwater detention.

(1)

Stormwater shall be governed by the following provisions:

(a)

Postdevelopment rates of runoff for the two- through one-hundred-year storm events shall not exceed predevelopment rates.

(b)

Within watersheds for which there is an approved Act 167 Stormwater Management Plan, the detention facilities shall at minimum be designed to discharge postdevelopment peak runoff rates consistent with the plan criteria.

(c)

Within watersheds for which there is not an approved Act 167 Stormwater Management Plan, the detention facilities shall be designed to provide that the peak rate of runoff at all points of discharge from the site, when developed, will not exceed the peak rate of runoff at each of those points prior to development.

(2)

Where detention facilities are included as part of the storm drainage system, the following provisions will apply:

(a)

Detention ponds shall be designed so that they return to normal conditions within approximately 24 hours after the termination of the storm, unless the Borough Engineer finds that downstream conditions may warrant other design criteria for stormwater release;

(b)

The developer shall demonstrate that such ponds are designed, protected and located to assure that public safety is maximized and health problems are prevented. The following minimum criteria shall apply:

[1]

Top berm width shall be a minimum of six feet;

[2]

Side slopes shall be three horizontal to one vertical or flatter;

[3]

All ponds shall incorporate an impervious clay liner having a minimum depth of one foot.

[4]

Ponds shall be designed with a minimum freeboard of one foot above the maximum water elevation.

[5]

All ponds shall be designed with a minimum bottom slope of 1%.

[6]

In all detention ponds having surface discharge, the outfall end section shall be located a minimum of 20 feet from the adjoining downstream property line.

[7]

All retention ponds three feet or more in depth shall be surrounded with a minimum four-foot high chain-link fence and gated.

(c)

The developer shall verify that the operation of the detention facilities will not aggravate potential downstream peaking conditions;

(d)

Emergency overflow facilities shall be provided for detention facilities to handle runoff in excess of design flows;

(e)

A drainage easement, described by bearings and distances, shall be provided around all detention basins. The easement shall encompass the limits of the pond berm and the one-hundred-year water surface elevation plus the basin outflow to the point of off-site discharge.

(f)

Since the detention pond will remain in common ownership, the developer shall provide an annotation on the record plan imposing a covenant running with the land requiring perpetual maintenance and repair of the detention pond and all appurtenances, by the respective lot owner(s). The covenant shall also state that no structures, fences, trees or other landscaping materials (other than grass) shall be placed or planted within the detention pond.

E.

Stormwater collection and conveyance systems.

(1)

Inlets. The placement of inlets shall be governed by the following design criteria:

(a)

Inlets shall be placed at points of abrupt changes in the horizontal or vertical directions of storm sewer pipes and drainage swales and on both sides of a street at all designed low points.

(b)

On streets with center-line grades of 2% or less, inlets shall be spaced at a maximum distance of 400 feet apart. On streets with center-line grades greater than 2%, inlet spacing shall not exceed 600 feet.

(c)

Inlets shall be depressed two inches below the grade of the gutter or ground surface, and shall be provided with bicycle-safe grates.

(d)

Capacity calculations shall be provided for all inlets.

(e)

Storm sewer manholes may be substituted for inlets at locations where inlets are not required to handle surface runoff.

(f)

Underdrain pipe systems may be required where soil conditions warrant their installation.

(2)

Roadside drainage swales. The construction of roadside drainage swales shall be in accordance with the following requirements:

(a)

On all non-curbed streets, drainage swales will be required along both sides of the street.

(b)

On all local collector and arterial streets, the roadside swales shall be designed to convey the runoff from a twenty-five-year storm event.

(c)

As a minimum, the depth of all roadside swales shall be six inches. The swales shall be designed to convey the runoff from the required storm event within the street right-of-way.

(3)

Storm sewer pipe. The design of storm sewer pipe systems shall be in accordance with the following requirements:

(a)

All storm sewer lines shall be designed with a minimum 0.005 feet/foot (0.50%) slope.

(b)

Storm sewer lines within street rights-of-way shall be parallel to the center line as far as practical. A sufficient number of structures (inlets or manholes) shall be provided to eliminate unnecessary crossings of other utility lines and passage beneath curbs.

(c)

Storm sewer shall be designed on the basis of inlet or outlet control, as applicable, unless a more detailed backwater analysis is deemed necessary by the Borough Engineer.

(d)

No storm sewer headwalls or endwalls shall be constructed within any street right-of-way.

§ 213-26 Underground utilities and easements.

A.

Electric utility easement lines. In accordance with a Pennsylvania Public Utility Commission order of July 8, 1970, all electric utility distribution lines shall be installed underground in subdivisions or land developments of five or more dwelling units. In addition, the following design standards shall be observed:

(1)

Whenever practicable, telephone and cable TV utilities shall also be installed underground.

(2)

Whenever practicable, underground electric and communication utility lines shall be installed within the same utility trench.

(3)

All utility lines servicing commercial and industrial developments shall be installed underground.

B.

Utility easements.

(1)

Utility easements shall be provided for wire, conduits, sanitary and storm sewers, gas and water mains and/or other utility lines intended to service the abutting lots. No structures shall be placed within such easements, except structures associated with the utilities.

(2)

Utility easements shall be located at all of the following:

(a)

Abutting the street right-of-way. In this case, a minimum easement width of 10 feet shall be required.

(b)

Along rear or side lot lines. In this case, a minimum easement width of 20 feet, 10 feet on each side of the lot line, shall be provided. Where the lot line coincides with the subdivision or land development boundary, a minimum easement width of 10 feet is required.

C.

Petroleum transmission lines.

(1)

No company intending to install any petroleum, petroleum products or natural gas transmission lines shall be allowed to construct the line on less than a fifty-foot right-of-way, such line to be installed in the center of the right-of-way, and shall comply with the applicable standards imposed by state and federal laws and regulations.

(2)

There shall be a minimum distance of 25 feet between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission right-of-way line which traverses the subdivision, but in no event less than 50 feet from any petroleum or natural gas transmission line.

D.

Easement maintenance. All surface and subsurface easements required by this chapter or shown on the record plan shall be kept clear of any and all structures and obstructions including, but not limited to, buildings, trees, shrubs, driveways and berms. On surface drainage swale easements, fences shall not be constructed within the limits of the one-hundred-year stormwater surface elevation. Grades, once established on the approved plan, shall not be altered without approval by the Council. A covenant shall be added to the record plan which contains the above maintenance note.

E.

Cable systems.

[Added 1-15-2007 by Ord. No. 255]
(1)

Notification to cable operators. In extending lines to new subdivisions and/or land developments within the Borough, each cable operator shall accept from the developer only those easements which provide nonexclusive rights to operate a cable system within such subdivision and/or land development. No such easement shall prevent any other cable operator authorized to operate within the Borough, then or in the future, from using such easement to extend other and further lines to such subdivision and/or land development. In each new subdivision and each new land development, the developer shall, upon notifying public utilities of the opportunity to serve such subdivision or land development, also notify all cable operators licensed to operate a cable system in the Borough, of the opportunity to install cable facilities to serve the subdivision or land development. Each owner of a separate tract of land of record in such subdivision or land development and all persons within the Borough shall have the right to freely choose any cable operator permitted in the Borough to serve such person with such cable operator's cable system.

(2)

Changes required by public improvements. The cable operator shall, upon reasonable notice, and at its reasonable expense, temporarily disconnect, relocate or remove from the street or other public place any of its property when required by the Borough by reason of traffic conditions, public safety, street vacation, street construction, installation of sewers, drains, water pipes, or any other type of structure or improvements by public agencies.

(3)

Requests for removal or change. The cable operator shall, on the request of any person holding a building moving permit, temporarily raise or lower its wires to permit the moving of said building. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the cable operator shall have the authority to require such payment in advance. The cable operator shall be given not less than 15 days' advance written notice of any move contemplated to arrange for temporary wire changes.

§ 213-27 Environmental protection.

A.

Erosion and sediment control.

(1)

General standards.

(a)

No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced within a proposed subdivision or land development tract until such time that a plan for sedimentation control and minimizing erosion has been reviewed and found satisfactory by the Northampton County Soil and Water Conservation District and reviewed and approved by the Borough, or there has been a determination by the Borough, upon recommendation by the Northampton County Soil and Water Conservation District, that such plans are not necessary.

(b)

Measures used to control erosion and reduce sedimentation shall meet the standards and specifications of the Pennsylvania Department of Environmental Protection Erosion and Sediment Pollution Control Program Manual, as amended. The Borough Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Northampton County Conservation District.

(2)

Performance principles. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

(a)

Stripping of vegetation and grading shall be kept to a minimum.

(b)

Development plans shall preserve significant natural features, keep cut-and-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

(c)

Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(d)

The disturbed area and the duration of exposure shall be in accordance with the Pennsylvania Department of Environmental Protection Erosion and Sediment Pollution Control Program Manual.

(e)

Disturbed soils shall be stabilized by permanent vegetation and/or by mechanical erosion control and drainage measures as soon as practicable in the development process.

(f)

Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(g)

Provisions shall be made to effectively accommodate the increased runoff caused by soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be mechanically retarded.

(h)

Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

(3)

Grading for drainage. In order to provide more suitable sites for building and other uses, improve surface drainage and control erosion, the following requirements shall be met:

(a)

All lots, tracts or parcels within a proposed subdivision or land development shall provide proper drainage away from buildings and dispose of surface water without ponding, except where an alternative drainage system is approved. Natural drainage patterns shall be preserved wherever possible.

(b)

Cut-and-fill slopes shall not be steeper than 3:1 unless stabilized by a retaining wall or cribbing.

(c)

Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.

(d)

Cut-and-fills shall not endanger adjoining property.

(e)

Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

(f)

All cuts and fills within one-hundred-year floodplain areas must be in accordance with Chapter 112, Floodplain Management. Fills placed adjacent to constructed channels shall have suitable protection against erosion during periods of flooding.

(g)

Grading will not be done in such a way as to divert water onto the property of other landowners without the written consent of the landowners.

(h)

During grading operations, necessary measures for dust control will be exercised.

(i)

No equipment shall alter or damage the bed and banks of any stream, unless approved by the Pennsylvania Department of Environmental Protection. Equipment shall cross streams only at approved crossings utilizing culverts or bridges.

B.

Natural feature preservation. The design and development of subdivisions and land developments shall be in harmony with the natural features of the site and shall respect the development limitations of the natural features. Subdivision and land development design shall be integrated with the natural terrain of the site, wooded areas, large trees, natural watercourses, rock outcroppings and scenic views.

(1)

Areas with development limitations.

(a)

The filling or development of wetlands and areas of hydric soils shall conform to the regulations of Chapter 250, Zoning, and shall not proceed until relevant U.S. Army Corps of Engineers and PA Department of Environmental Protection permits have been granted.

(2)

Tree preservation and planting.

(a)

Trees six inches or more in diameter (measured at a height of four feet above grade) shall not be removed unless they are located within the proposed cartway, driveway, or sidewalk portion of a street right-of-way, or within 25 feet of the foundation area of a new building. Areas in which trees are retained shall remain at original grade level and undisturbed wherever possible.

(b)

All existing trees six inches or more in diameter (measured at a height of four feet above grade) shall be located and identified on the plan. The Borough may waive this requirement in densely wooded areas and tree rows.

(c)

In all subdivisions and land developments containing property line tree rows, a minimum ten-foot wide easement shall be established along the lot lines having existing tree rows. A protective covenant shall be added to the plan stating that no trees shall be removed nor grades altered within these easements without approval by the Council.

(d)

In subdivisions or land developments where street trees are proposed, they shall be planted outside of street right-of-way lines, with underground utilities being located a minimum of 10 feet from the trees.

(e)

In particular, but not in limitation, approved trees for street planting include the following:

[1]

Acer rubrum - Red maple.

[2]

Acer saccharum - Sugar maple.

[3]

Fraxinus americana - White ash.

[4]

Fraxinus pennsylvanica lanceolata - Green ash.

[5]

Gleditsia tricanthos inermis - Moraine locust.

[6]

Ginkgo biloba - Ginkgo (male).

[7]

Liquidambar styraciflua - Sweet gum.

[8]

Liriodendron tulipifera - Tulip tree.

[9]

Phellodendron amurense - Amur cork tree.

[10]

Quercus alba - White oak.

[11]

Quercus borealis - Red oak.

[12]

Quercus coccinea - Scarlet oak.

[13]

Quercus phellos - Willow oak.

[14]

Tilia-Linden - all species hardy to the area.

[15]

Zelkova Serrata - Japanese Zelkova.

(f)

For all land developments and for all subdivisions not a minor subdivision, a landscape plan shall be developed. The plan shall show the plant cover which exists, and on the same or separate sheet, that which will exist when the landscaping is completed.

(3)

Topsoil protection.

(a)

Topsoil shall be removed from the areas of construction and stored separately.

(b)

The topsoil shall be stabilized to minimize erosion during storage, upon completion of the construction, the topsoil must be uniformly redistributed on the site.

(4)

Stream frontage maintenance.

(a)

An easement for maintenance purposes, a minimum of 20 feet in width, shall be provided along all stream banks.

(b)

Any grading, excavation or other work within these easements shall be in accordance with Chapter 112, Floodplain Management, or Chapter 250, Zoning, as applicable.

C.

Open space and recreation areas.

(1)

Recreation areas.

(a)

Areas meeting the criteria for recreation lands as set forth in the definitions shall be offered for dedication to the Borough, subject to the approval of the Council. The Council shall consider the offer relative to the following factors:

[1]

The suitability of the size, shape and landform of the tract for appropriate recreational facilities. No recreation area shall measure less than two acres in size.

[2]

Accessibility.

[3]

Conformity with the parks and recreation element of the Comprehensive Plan.

[4]

Ability of nearby recreation facilities to serve the subdivision.

(b)

Access to recreation areas dedicated to the Borough pursuant to Subsection C(1)(a) shall be as follows:

[1]

At least one side of the recreation area shall front on a public street. Frontage on two or more public streets is preferred. The above requirements are not necessary if the area proposed for dedication adjoins lands currently utilized by the Borough for recreation purposes.

[2]

Additional access may be provided by rights-of-way connecting the recreation area with public streets.

[3]

Right-of-way providing access to a recreation area shall have a minimum width of 50 feet. Each right-of-way shall be part of the dedicated recreation area and contain at least one eight-foot wide macadam path, constructed to Borough standards, connecting the recreation area to the public street.

(c)

Cash in lieu of recreation land dedication may be offered, subject to the approval of the Council.

D.

Karst hazards.

(1)

Purpose. The purpose of this subsection is to recognize the potential for damage to public and private improvements, human injury or death, and the disruption of vital public services which may arise by the potential for sinkholes and/or subsidence within areas of carbonate geology. A further purpose of this section is to minimize the potential for such sinkhole and/or subsidence occurrence and to protect the groundwater resource. Should the regulations of this and other applicable regulations conflict, the most stringent regulations shall apply.

(2)

Disclaimer of liability. Whereas the exact occurrence of sinkholes and/or subsidence is not predictable, the administration of these regulations shall create no liability on behalf of the Borough, the Borough Engineer, Borough employees, or Borough agencies as to damages which may be associated with the formation of sinkholes or subsidence. That is, compliance with these regulations represents no warranty, finding, guarantee, or assurance that a sinkhole and/or subsidence will not occur on an approved property. The municipality, its agencies, consultants and employees assume no liability for any financial or other damages which may result from sinkhole activity.

(3)

Procedures.

(a)

As part of the preliminary plan requirements for all subdivisions and land developments, the applicant shall engage a qualified professional to review the existing aerial photos, soils, geological and related data available to him as it may pertain to the subject inspection of the property.

(b)

A site inspection by the applicant's professional, using all available data and with such assistance as is needed, shall determine the presence or absence of Karst surface features of the site, and locate the same if present on a site plan at a scale no smaller than one inch equals 100 feet. In particular, the following features shall be located, if present, on the site:

[1]

Closed depressions;

[2]

Open sinkholes;

[3]

Seasonal high water table indicators;

[4]

Unplowed areas in plowed field;

[5]

Surface drainage into ground;

[6]

Quarries or borrow pits;

[7]

Rock outcrops and other Karst features.

(c)

The applicant must provide the Borough with a map at a scale of one inch equals 100 feet that show the Karst features listed in Subsection D(3)(b).

(d)

Based upon the site inspection, the applicant's professional shall determine what further testing should be done by the applicant to ensure compliance with the performance standards set forth in Subsection D(4). Testing methodology shall be reasonable under the circumstances, including:

[1]

The scale of the proposed development; and

[2]

The hazard revealed by examination of available data and site inspection.

(e)

The applicant shall cause the additional testing, if any, to be effected and shall submit test results to the Borough Engineer.

(f)

The Borough Engineer shall report to the Planning Commission, with a copy to the applicant, his opinion concerning the adequacy of the report submitted based upon the scale of the development and the hazards revealed by the report, and shall make recommendations to the Planning Commission based upon the report submitted concerning site development, including stormwater management, the layout of utility lines, and building location. The Borough Engineer may require the applicant to perform such additional testing as may be appropriate.

(4)

Performance standards.

(a)

All applicants for subdivisions or land developments shall comply with the requirements of this chapter regarding Karst hazards.

(b)

No stormwater detention facility shall be placed within 100 feet of the features listed in Subsection D(3)(b), unless a detailed geotechnical solution to the subsidence, pollution and safety problems of the Karst feature has been presented by a competent professional in carbonate geology.

(c)

No stormwater swale with design flows in excess of 10 cubic feet per second for the ten-year flood may be constructed within 100 feet of the features listed in Subsection D(3)(b), unless a detailed geotechnical solution to the subsidence, pollution and safety problems of the Karst feature has been presented by a competent professional in carbonate geology.

(d)

No storm sewer pipe shall be constructed within 100 feet of the features listed in Subsection D(3)(b) unless it is concrete pipe utilizing O-ring joints.

(e)

No principal or accessory building, no structure, and no impervious surface shall be located closer than 100 feet from the edge of the features listed in Subsection D(3)(b), unless a detailed geotechnical solution of the subsidence, pollution and safety problems of the Karst feature has been presented by a competent professional in carbonate geology.

(f)

No septic system or tile field, no swimming pool, no solid waste disposal area, transfer area or facility, no oil, gasoline, salt or chemical storage area, and no blasting for quarrying or well-enhancement activities shall occur within 100 feet of the features listed in Subsection D(3)(b) unless a detailed geotechnical solution to the subsidence, pollution and safety problems of the Karst feature has been presented by a competent professional in carbonate geology.

(g)

Soil erosion and sedimentation control plans filed with the Northampton County Conservation District shall detail safeguards to protect identified Karst features.

(h)

All storm sewer lines located in a Karst area shall be so constructed as to not permit the flow of water along the utility line trench, and shall be imperviously diked at thirty-foot intervals.

(i)

When a proposed public water or sanitary sewer line is located in an identified Karst area, the applicant shall demonstrate to the Borough that the appropriate utility authority has been notified of this fact and that the applicant will comply with the authority's recommendations concerning provisions to prevent the flow of water along the utility line trench.

E.

Steep slopes.

(1)

The natural terrain of the subdivision shall be retained wherever possible with cut and fill operations kept to a minimum.

(2)

Shadings or markings differentiating the slopes noted below shall be illustrated on the plan:

(a)

Eight percent or less slope;

(b)

Over 8% and up to 15% slope;

(c)

Over 15% and up to 25% slope;

(d)

Over 25% slope.

(3)

Slopes over 15% in grade are considered generally unbuildable utilizing normal construction techniques and conventional on-lot sewage disposal. Subdivision plans utilizing such slopes shall automatically be required to submit detailed grading and drainage, landscaping and soil erosion and sedimentation plans. Subdivision standards shall not be modified in steep slope areas, except when in the opinion of the Borough Engineer they need be to facilitate the use of innovative development techniques which will lesson environmental impact and harm. Cut-and-fill slopes shall not be steeper than 3:1.

(4)

Slopes in the range of 8% to 15% slope are generally considered marginally suitable for development; such slopes shall require submission of an erosion and sedimentation report, along with detailed grading and drainage plans.

ARTICLE VIII: Mobile Home Park Requirements

§ 213-28 Permits.

A.

It shall be unlawful for any person to operate, maintain, construct, alter or extend any mobile home park within the Borough unless the person holds a mobile home park permit issued by the Borough.

B.

Permits for new mobile home parks, or any alterations to or expansion of mobile home parks, shall be issued after the land development plans have been approved subject to the requirements of this chapter. The land development plans shall comply with the submission and procedural requirements of this chapter, the design criteria of Article VII, and the improvements requirements of this chapter.

§ 213-29 Design standards.

A.

The mobile home park site shall meet the criteria of § 213-27B(1) relating to the development of areas with environmental limitations.

B.

Storm drainage management shall be provided consistent with the requirements of § 213-25.

C.

Site grading shall occur in conformance with the requirements of § 213-27A(3).

D.

No part of the mobile home park shall be used for nonresidential purposes excepting such uses necessary for the management and maintenance of the park, recreation facilities, and utility appurtenances.

E.

A landscaping plan consistent with the requirements of § 213-27B(2) shall be developed.

F.

The private street system shall be designed and built to the Borough standards.

(1)

The roads shall meet the design standards of § 213-22 for local roads.

(2)

The roads shall be built to the standards contained in the Borough local road construction specifications.

G.

Off-street parking shall be provided as required by Chapter 250, Zoning.

H.

Pedestrian walkways meeting the following standards shall be provided:

(1)

All parks shall provide safe, convenient, all-season pedestrian access between individual mobile homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(2)

Where a common walk system is provided and maintained between locations, and where pedestrian traffic is concentrated, such common walks shall have a minimum width of four feet.

(3)

All mobile home stands shall be connected to common walks, streets, driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

I.

Mobile homes shall be sited on mobile home stands in conformance with the following provisions:

(1)

The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home.

(2)

The stand shall be constructed from either concrete, or other material sufficient to adequately support the mobile home and to prevent abnormal settling or heaving under the weight of the home. The corners of the mobile home shall be anchored to prevent wind overturn and rocking with tie downs such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds. The anchorage shall be adequate to withstand wind forces and uplift in accordance to applicable requirements in the BOCA Building Code, as amended.

(3)

After a mobile home has been anchored to the mobile home stand, the hitch which is employed for the transportation of the unit shall be removed, and there shall be a decorative skirt installed around the base of the unit.

§ 213-30 Water supply.

A.

Water service to all mobile home parks shall be supplied by connection to the public water supply system. The adequacy of the distribution system and the availability of service [as per § 213-12E(8)] shall be demonstrated.

B.

Fire hydrants in accord with the requirements of § 213-24A shall be provided.

§ 213-31 Sewage disposal.

All mobile home parks shall be connected to the public sanitary sewer system upon construction or expansion. The availability of service and the adequacy of the distribution system shall be certified as required by § 213-12E(9).

A.

All materials used for sewer connections shall be semirigid, corrosion-resistant, nonabsorbent and durable. The inner surface shall be smooth.

B.

Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least 1/2 inch above ground elevation.

§ 213-32 Additional requirements.

A.

Electrical distribution system.

(1)

General requirements. Every mobile home park shall contain an electrical wiring system, consisting of wiring, fixtures, equipment and appurtenances which shall be installed in accordance with Pennsylvania Power and Light Company or Metropolitan Edison Company specifications regulating such systems and the National Electric Code.

(2)

Power distribution lines. All power lines shall be located underground.

B.

Refuse handling. Refuse disposal containers shall be provided in paved areas. The containers shall be suitably screened.

ARTICLE IX: Improvements Specifications

§ 213-33 General requirements.

A.

All rights-of-way of existing or new streets within the boundaries of a subdivision or land development should be conveyed to the Borough free and clear of all liens and encumbrances, with good and marketable title which is insurable by a reputable title company doing business in Pennsylvania. All Borough rights-of-way shall be conveyed in "fee simple" and all PennDOT rights-of-way in permanent easements.

B.

Physical improvements to the proposed subdivision or land development tract shall be provided, constructed and installed as shown on the final plan and in accordance with the requirements of this chapter.

C.

As a condition for the approval of the final plan, the developer shall execute an agreement with the Council as to the installation of all improvements shown on the plan and required by this chapter. Before the final plan may be endorsed by the Board of Supervisors, the Subdivision Improvements Agreement shall be executed by the developer and the Council.

D.

All improvements installed by the developer shall be constructed in accordance with the design specifications as may be referenced in Article IX of this chapter or as may be otherwise approved by the Council, subject to the recommendations of the Borough Engineer.

E.

The supervision of the installation of the improvements as required by this chapter shall be the responsibility of the Borough Engineer, except that the installation of those improvements which are to be dedicated to governmental entities other than the Borough shall be supervised by engineers representing those entities.

§ 213-34 Specification references.

The following improvements shall be provided, constructed and installed by the developer as shown on the final plan and in accordance with the "Stockertown Borough Standards For Improvements Construction," hereinafter to be known as the "Borough standards," adopted and amended from time to time by resolution of the Council.

A.

Streets, curbs and sidewalks shall be constructed in accordance with the Borough standards or PennDOT standards, whichever is more stringent.

B.

Sanitary sewers and all related appurtenances shall be constructed in accord with the specifications as may be adopted from time to time by the appropriate Authority which are made part of the Borough standards by reference.

C.

Water supply and distribution related improvements including fire hydrants, shall be constructed in accord with the specifications as may be adopted from time to time by the Easton Suburban Water Authority or successors, which are made part of the Borough standards by reference.

D.

Stormwater management plan-related improvements shall be constructed in accord with the Borough standards.

E.

Monuments and markers shall be placed in accord with the Borough standards.

F.

Streetlights, where required, shall be installed in accord with the Borough standards.

G.

Street and traffic signs shall be installed in accord with the Borough standards.

H.

Tree planting and landscaping shall be accomplished in accord with the Borough standards.

§ 213-35 Contracts.

Before the Council shall endorse its approval on the final plan of any subdivision or land development involving improvements as may be required by this chapter, the developer shall enter into a written agreement with the Council in the manner and form set by the Borough Solicitor, where the developer agrees as follows:

A.

To construct or cause to be constructed at his or her own expense, all streets, curbs, sidewalks, sanitary sewers, water supply and distribution systems, fire hydrants,

stormwater management facilities, monuments and markers, streetlights, street signs, tree planting and landscaping, recreation facilities, and any other improvements shown on the final plan as otherwise approved, and in accordance with the requirements of this chapter.

B.

To maintain at his or her own cost, the said streets, curbs, sidewalks, sanitary sewers, water supply and distribution systems, fire hydrants, stormwater management facilities, monuments and markers, street signs, tree planting and landscaping, recreation facilities, and any other improvements shown on the final plan until the same are accepted by resolution of the Borough Council and/or public authorities and for a period of 24 months thereafter and to repair the same as directed by the Council and/or public authority for reason of lack of structural integrity or failure to properly function.

C.

To pay the Borough's inspection, other engineering and legal fees as related to the creation and enforcement of said agreement.

D.

To obtain any easements or releases from all damages which may be necessary for the construction of any improvement which traverses lands of persons other than the developer. Said releases shall insure to the benefit of the Borough and/or public authority as well as to the developer.

E.

Traffic signals.

(1)

Whenever a traffic signal is required for traffic control to a single nonresidential lot or development, the owner of said lot or development will be required to install, operate and maintain the signal(s) in perpetuity, at no cost to the Borough. The perpetual operation and maintenance shall include the signal lights, support structures, controllers, pavement markings, payment of electricity costs and other items essential to the traffic signal. All signalization controls shall meet the requirements of all applicable PennDOT Publications and Borough Standards within Appendix F of this chapter.

Editor's Note: Appendix F is included at the end of this chapter.

(2)

Owner shall provide the Borough with an agreement which states that the owner, his heirs, or assigns will be responsible for the operation and maintenance of the traffic signal(s). Additionally, the owner shall provide an agreement indicating that the traffic signal and appurtenances will be maintained by a company qualified and bonded in the

maintenance of traffic signals. All agreements required for private ownership and maintenance of traffic signals shall be recorded in the office for the Recorder of Deeds in and for Northampton County.

§ 213-36 Improvements guarantee procedure.

A.

Before the Council approves any final plan and as a prerequisite for approval, the developer shall deliver to the Council, public utility, and/or municipal authority, a performance guarantee in the amount of 110% of the cost of all improvements required by this chapter, plus 5% of the cost of all improvements for engineering/layout, plus 5% of the cost for inspection, as determined in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code (53 P.S. § 10509 and following), as amended, and as is in effect at the time of the filing, in a form and with a surety as determined in accordance with the procedures as set forth in the Pennsylvania Municipalities Planning Code, as amended, guaranteeing the construction and installation of all such improvements on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements. The terms of the agreement may be extended as provided for in the Pennsylvania Municipalities Planning Code, as amended. If the party posting the financial security requires more than two years from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased as provided for in the Pennsylvania Municipalities Planning Code, as amended. In the event of default under a performance guarantee, the proceeds of the performance guarantee received by the Boroughs, public utility, or municipal authority shall be used to construct and install the improvements.

B.

Before the Council approves any final plan, and as a prerequisite for approval, the developer shall deliver to the Council, public utility, and/or municipal authority a maintenance guarantee in an amount of not less than 15% of the actual cost of the installation of all improvements required by this chapter, guaranteeing acceptance of all such improvements by the Council, public utility, and/or municipal authority.

§ 213-37 Approval of improvements and release of performance guarantee by Borough Council.

A.

The procedure for inspecting and approving the improvements and for the release of the performance guarantee by the Council shall be in accord with the Pennsylvania Municipalities Planning Code, as amended.

B.

In the event that any improvements which may be required have not been installed as provided in this chapter or in accord with the approved final plan, the Council is hereby

granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.

ARTICLE X: Administration

§ 213-38 Amendments.

Amendments to this chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a subdivision and land development ordinance by the Pennsylvania Municipalities Planning Code. In addition, in case of an amendment other than that prepared by the Planning Agency of the Borough, the Council shall submit each such amendment to the Borough planning agencies for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.

§ 213-39 Appeals.

The decisions of the Council with respect to the approval or disapproval of subdivision or land development plans may be appealed directly to the Court of Common Pleas as is provided for in the Pennsylvania Municipalities Planning Code.

§ 213-40 Remedies.

The preventative remedies and enforcement remedies as stipulated in the Pennsylvania Municipalities Planning Code shall apply.

§ 213-41 Severability and conflicts.

A.

Should any action or provision of this chapter be declared by the courts to be invalid, such decision shall not affect the validity of this chapter as a whole, nor the validity of any other section or provision of this chapter than the one so declared.

B.

Whenever there is a conflict between minimum standards or requirements set forth in this chapter and those contained in other Borough ordinances and regulations, or other applicable laws and regulations, the most stringent standard or requirement shall apply.

§ 213-42 Fees.

A.

The Borough Council shall establish, by resolution, a collection procedure and schedule of fees to be paid by the developer at the time of filing of the sketch, preliminary and final plans. No plan shall be accepted for filing unless the require number of plans have been submitted with the supplemental material required in §§ 213-12 and 213-16 as relevant, accompanied by the required review fee.

B.

Charges for field inspection as required by Borough Council for public improvements shall be based on actual costs incurred plus 10% for such inspections.

C.

No final plan shall be approved unless all accrued fees and charges are paid in full.

D.

No plan shall be filed at the Recorder of Deeds Office unless all fees and charges are paid in full.

§ 213-43 Modifications.

A.

The Council may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this chapter is observed.

B.

All requests for a modification shall be in writing and shall accompany and be a part of the preliminary plan application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved, and the minimum modifications necessary.

C.

The Council, in considering requests for modification, shall consider the recommendations of the Planning Commission in regard thereto.

D.

The Council shall keep a written record of all action on all requests for modifications.

E.

If the Council grants any waivers from the requirements of this chapter, the plan of record shall list all the sections of this chapter that were waived, plus the date(s) the modifications were approved by the Council.

ARTICLE XI: Sinkhole / Carbonate Regulations

§ 213-44 Purpose.

The Borough of Stockertown's topography may be defined as a karst topography due to the presence of carbonate rock that generally consists of dolomite and limestone. The limestone and dolomite are divided into formations. The carbonate formations present in Stockertown Borough consist of Epler, Rickenbach, Allentown, Jacksonburg and Leithsville formations. These formations are susceptible to the development of solution cavities and sinkhole development. Therefore, anyone considering developing property within the Borough should be aware of the potential geological hazards. The regulations contained herein are intended to minimize the risk of sinkhole occurrence in areas of new development and on lands adjacent to these developments.

§ 213-45 Governance.

The regulations established by this article shall apply to all land development or subdivision applications pertaining to commercial, governmental (except those owned by Borough of Stockertown) and industrial/office structures, apartment complexes and multiple single-family home developments with three or more lots.

§ 213-46 Exemptions.

All single-family homes and the alteration of single-family homes to include detached structures such as garages, barns and swimming pools shall be exempt from the regulations established in this section.

§ 213-47 Definitions.

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

CARBONATE ROCK

Rock types that are affected by dissolution weathering process caused by slightly acidic groundwater. The most common types of rock that are categorized as carbonate rock are limestone (calcium carbonate) and dolomite (calcium magnesium carbonate).

CAVERN

Interconnected solution features within the bedrock surface.

CLAY LINER

Fine-grained soil that is used in the construction of a liner that limits the rate of surface water intrusion into the subsurface.

CLOSED DEPRESSION

A bowl-shaped depression in the land surface characterized by internal drainage. A ghost lake is a closed depression which has visible standing water after a heavy rainfall event.

DISSOLUTION WEATHERING

The removal of soluble materials from intact carbonate rock by slightly acidic groundwater.

FAULT

A fracture in bedrock along which movement has taken place.

FINE-GRAINED SOIL

Materials that predominantly consist of silt and clay-sized particles.

HAZARDOUS MATERIALS (CHEMICAL OR BIOHAZARD)

As defined and regulated by the PADEP or EPA.

IMPERMEABLE LINERS

A liner system that prohibits the infiltration or surface water into the subsurface.

KARST

The terrain that results from the dissolution of carbonate rock.

KARST PROCESS

The dissolution of carbonate rock by slightly acidic groundwater.

LINEAMENTS

Aligned topographic features that locate faults and fractures.

RESIDUAL SOIL

Soils derived from the in-place weathering of the underlying bedrock.

SINKHOLE

Localized land surface subsidence or collapse due to karst processes. Sinkholes are categorized as solution sinkholes, collapse sinkholes and subsidence sinkholes.

SPRING

Where water flows naturally out of the bedrock or the overlying soil mantle onto the land surface.

TOXIC AND/OR BIOLOGICAL OR CHEMICAL HAZARDOUS MATERIALS

Biological species or chemical compounds, which are deemed to be toxic or hazardous by the Pennsylvania Department of Environmental Protection.

§ 213-48 Specific requirements.

A.

All of the following specific requirements shall apply to land developments and/or subdivisions covered by this article:

(1)

No buildings, structures or stormwater management basin shall be placed in or over the following features if unremediated in accordance with the terms of this article: sinkholes, closed depressions, lineaments, or faults.

(2)

Building structures and stormwater management basins shall be located no closer than 100 feet from the rim of unremediated sinkholes, and no closer than 50 feet from lineaments, faults, or closed depressions.

(3)

Outflow from a stormwater management basin and/or postdevelopment stormwater flows shall not be directed to any of the following carbonate features: sinkholes, closed depressions, lineaments, or caverns.

(4)

Lagoons containing substances defined as toxic and/or hazardous by the Pennsylvania Department of Environmental Protection are not permitted.

(5)

Storage and handling areas for hazardous materials must have impermeable surfaces designed to contain materials stored/handled from which they shall be directed to a predetermined collection point.

(6)

The land application of hazardous materials is not permitted.

(7)

The underground storage of any hazardous materials, except gasoline and diesel fuel, shall be prohibited.

(8)

Groundwater monitoring devices approved by the Borough are required for all facilities handling hazardous materials.

B.

The Borough Council shall not entertain requests for waivers from the requirements listed above until a Carbonate Ordinance Assessment Report, as required by this article, has been supplied to the Planning Commission and the Borough Engineer for their review and comment.

§ 213-49 Carbonate Ordinance Assessment Report.

A.

All land developments and/or subdivisions covered by this article shall be evaluated by a licensed professional civil engineer with expertise in geotechnical engineering or a licensed professional geologist. Each of said experts being licensed in their field of expertise by the Commonwealth of Pennsylvania. A list of the engineer's/geologist's qualifications shall be submitted to the Borough prior to the commencement of the site's evaluation. The Borough reserves the right to reject any report that in their opinion was authored by an individual or firm which does not possess the background to properly assess the site conditions as they relate to this article. Further, the Carbonate Ordinance Assessment Report submitted to the Borough must be signed by the licensed professional civil engineer with expertise in geotechnical engineering and/or a licensed professional geologist.

B.

The format and content of the Carbonate Ordinance Assessment Report shall include, but not be limited to, the following:

(1)

Statement of purpose. This section shall indicate those specific Carbonate Ordinance standards being addressed in the report and whether the applicant is attempting to demonstrate compliance or justify noncompliance with those specific Carbonate Ordinance standards.

(2)

Description of existing conditions. This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses of property.

(3)

A map, at a scale no smaller than one inch equals 100 feet and a contour interval of two feet indicating the location of the property and all proposed improvements.

(4)

The developer/applicant shall submit information for the affected properties indicating the presence of any of the following carbonate features: depressions, fissures, lineaments, faults, ghost lakes, bedrock outcrops, sinkholes, seasonal high water levels, soil mottling, springs, surface drainage entering the ground, disappearing lakes or streams and caverns.

(5)

A recommended plan for the repair or remediation of surface or subsurface features that may impact the proposed development as well as the adjacent improved or unimproved properties.

(6)

The information requested above shall be based upon previously published data and field survey; which may include test borings, excavation of test pits, air-track probes, and geophysical methods.

C.

In addition to the Carbonate Ordinance Assessment Report, the developer shall also be required to provide the following information:

(1)

A plan indicating the existing and proposed drainage conditions, locations of all proposed private and public sewage disposal systems, and the location of existing private and public water supplies on adjoining properties (within 1,000 feet of applicant property).

(2)

Type, location and phasing of proposed site disturbance and construction, as well as proposed future ownership, utilization and maintenance of the property and the proposed improvements.

(3)

Proposed measures to control potential adverse environmental impacts on groundwater quality and stormwater management resulting from the development and utilization of the property.

(4)

Plans describing the design and construction of the proposed stormwater management facilities proposed for the project. A description of the minimum requirements are outlined below.

D.

Stormwater management:

(1)

All submissions for proposed developments must include a stormwater management plan prepared in accordance with adopted regulations and which limits surface water runoff and the intrusion of concentrated flow of surface water into the subsurface.

Facilities that are required as part of the stormwater management plan include the collection of all runoff from commercial, office and industrial building roofs into storm drains by water tight gasketed joint conduits or adequately lined drainage swales and the collection of surface water flow on pavements into drop inlets connected to a water tight gasketed joint stormwater conduit or adequate lined drainage swale. The stormwater conduit must discharge into lined detention basins.

(2)

Approved stormwater conduits include HDPE, PVC. concrete, steel and cast iron pipe all with watertight rubber gaskets at each joint. The use of corrugated metal pipe is not permitted. Construction of the piping system must follow all other applicable ordinances. Where rock is encountered at or above the planned conduit design grade, the rock shall be undercut and over excavated a minimum of one foot and backfilled with a compacted fine-grained soil.

(3)

All detention basins in areas of sinkhole prone soil shall be lined. The liner used in a detention basin may consist of a clay liner, a composite synthetic and soil liner or a synthetic liner. The type of liner required shall depend on the condition of the detention basin bottom and the probability of sinkhole occurrence resulting from the construction of the detention basin. The use of low-flow channel may also be required depending on the duration and frequency of stormwater discharge into the detention basin. Subsurface detention systems must be in leakproof tanks or piping. The Borough's geotechnical engineer shall make the final determination as to what is an acceptable form of liner for the proposed detention basins.

E.

Additional items that must be included in the stormwater management plan include details with regard to the sealing of all pavement curbs and gutters, manholes and drop inlets.

§ 213-50 Review process.

A.

The Carbonate Ordinance Assessment Report must be received by the Borough when a plan is submitted for preliminary land development or subdivision approval. However, the report may be submitted at the time of sketch plan review. Four copies of the report shall be submitted to the Borough. The report shall be reviewed by the Borough geotechnical engineer and other consultants as designated by the Borough. Based on this review, the Borough may require additional information to be submitted, if the Borough concludes that such information would be instrumental in assessing the proposed development as it relates to the Carbonate Ordinance.

B.

Approvals required.

(1)

Where compliance with this section is required as part of an application for subdivision or land development approval, the Borough's decision on whether compliance has been achieved shall be made as part of its review of the subdivision or land development application.

(2)

Where the application is part of a request for zoning permit, the zoning officer shall issue no permit until he/she receives adequate written substantiation from the appropriate designated experts referred to above, the terms of this section, and any conditions imposed upon the use of the property at the time of subdivision or land development approval are satisfied.

§ 213-51 Limitations.

In carbonate areas, alteration and development of land may be hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage, and the contamination of ground and surface waters. Within the limitations of the information available at the time of the review of individual applications, the Borough shall attempt to make reasonable judgments as to the applicant's compliance with the Carbonate Ordinance. Under no circumstances shall the Borough of Stockertown or any officer or employee of the Borough or consultant to the Borough assume any liability for any damages that may result from an applicant's or any interested party's reliance upon the regulations of the Carbonate Ordinance or any decisions made by the Borough in the administration of such regulations by an applicant, developer, and/or any interested party.

Chapter 220: TAXATION

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]

Article I Earned Income and Net Profits Tax

ARTICLE I: Earned Income and Net Profits Tax

§ 220-1 Definitions.

For purposes of this article, all terms defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., shall have the meanings set forth therein. In addition, the following terms shall have the meanings set forth herein, unless the context shall clearly indicate otherwise:

EFFECTIVE DATE
: January 1, 2012.

LOCAL TAX ENABLING ACT
: The Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., and as amended in the future, including any regulations adopted by the Department of Community and Economic Development thereunder.

TAX
: The tax on earned income and net profits imposed by this article.

TAX OFFICER
: The person or entity appointed as Tax Officer pursuant to the Local Tax Enabling Act to collect the tax in the TCD.

TAXPAYER
: A person or business required under this article or the Local Tax Enabling Act to file a tax return or to pay tax.

TAX RETURN
: A form or forms prescribed by the Department of Community and Economic Development, or by the Tax Officer with the approval of the TCC, for reporting the amount of tax or other amount owed or required to be withheld, remitted, or reported under this article or the Local Tax Enabling Act.

TAX YEAR
: The period from January 1 to December 31 in a single calender year.

TCC
: The Tax Collection Committee established to govern and oversee the collection of income tax within the TCD under the Local Tax Enabling Act.

TCD
: The Northampton Tax Collection District, or any future tax collection district, to which the Borough or any part of the Borough is assigned under the Local Tax Enabling Act.

§ 220-2 Imposition of tax; rate.

A.

General purpose resident tax. The Borough hereby imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits of residents of the Borough.

B.

General purpose municipal nonresident tax. The Borough also imposes a tax for general revenue purposes at the rate of 1% on earned income and net profits derived by a nonresident from any work, business, profession, or activity of any kind engaged in within the boundaries of Borough.

C.

Ongoing tax. The tax shall continue at the above rates during the current tax year and each tax year thereafter, without annual reenactment, until this article is repealed or the rate is changed.

D.

Local Tax Enabling Act applicable. The tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this article. Any future amendments to the Local Tax Enabling Act that are required to be applied to the tax will automatically become part of this article upon the effective date of such amendment, without the need for formal amendment of this article, to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

E.

Applicable laws, regulations, policies, and procedures. The tax shall be collected and administered in accordance with all applicable laws and regulations and with rules, regulations, policies and procedures adopted by the TCC or by the Tax Officer in conformity with the Local Tax Enabling Act. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

§ 220-3 Exemption.

Although credits and deductions against the tax are permitted under certain circumstances as provided in applicable law and regulations, no individuals are exempt from the tax based on age, income, or other factors.

§ 220-4 Individual tax returns and payments.

Every taxpayer receiving earned income or earning net profits in any tax year shall make and file tax returns and declarations and pay tax in accordance with the Local Tax Enabling Act and the rules, regulations, policies and procedures of the TCC and the Tax Officer. A taxpayer is required to file timely an annual tax return even if no tax payment is due and owing. In addition, even though a resident of the Borough did not have earned income or net profits in the prior tax year, the resident must file an annual tax return, when requested to do so by the Tax Officer, stating the reason why there was no income or net profits to report.

§ 220-5 Employer withholding, remittance, and tax returns.

Every employer shall register, require employee residency certificates, withhold and remit tax, and file tax returns and withholding statements in accordance with the Local Tax Enabling Act and the rules, regulations, policies and procedures of the TCC and the Tax Officer.

§ 220-6 Collection of tax.

A.

Collection of tax. The tax will be collected from taxpayers and employers by the Tax Officer. The Tax Officer is authorized to file an action in the name of the Borough for the recovery of the tax due to the Borough and unpaid. Nothing in this section shall affect the authority of the Borough to file an action in its own name for collection of the tax under the Local Tax Enabling Act.

B.

Criminal complaints for violations. The Tax Officer is authorized to file criminal complaints on behalf of the Borough for violation of this article or the Local Tax Enabling Act. Nothing in this section shall affect the authority of the Borough to file a criminal complaint on its own behalf for violation of this article or the Local Tax Enabling Act.

§ 220-7 Interest, penalties, costs and fines.

In the event of violation of this article or the Local Tax Enabling Act, or nonpayment of tax, taxpayers and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs of collection imposed by the Tax Officer in accordance with authorization by the TCC. The Tax Officer may retain reasonable costs of collection in accordance with Local Tax Enabling Act and as approved by the TCC.

§ 220-8 Purpose; effect on prior provisions.

The primary purpose of this article is to conform the Borough's currently existing earned income and net profits tax to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior ordinance or part of any prior ordinance conflicting with the provisions of this article is rescinded insofar as the conflict exists. To the extent the provisions of this article are the same as any ordinance in force immediately prior to adoption of this article, the provisions of this article are intended as a continuation of such prior ordinance and not as a new ordinance. If this article is declared invalid, any prior ordinance levying a similar tax shall remain in full force and effect and shall not be affected in any manner by adoption of this article. The provisions of this article shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this article. Subject to the foregoing provisions of this section, this article shall supersede and repeal on the effective date any ordinance levying a tax on earned income or net profits in force immediately prior to the effective date. The tax imposed by this article shall not apply to any person as to whom it is beyond the legal power of the Borough to impose the tax herein provided under the Constitution of the United States and the Constitution and laws of the Commonwealth of Pennsylvania.

§ 220-9 Construction.

This article is intended to be consistent with the Local Tax Enabling Act. The ordinance is intended to include all necessary authorizations to permit the Tax Officer to take all actions for the collection, administration, disbursement, and enforcement of the tax and

all other actions on behalf of the political subdivisions of the TCD as authorized by the Local Tax Enabling Act, subject to the policies and procedures of the TCC. To give full force and effect to this article, the authority of the Tax Officer shall be interpreted in the broadest permissible sense for the benefit of the Tax Officer's ability to perform his/her duties.

§ 220-10 Effective date.

The provisions of this article shall become effective on January 1, 2012, and shall apply to earned income received or earned and net profits earned or made by a taxpayer during calendar year 2012 and each year thereafter without annual reenactment unless the rate of tax is subsequently changed. Changes in the rate of tax shall become effective on the date specified in the ordinance imposing such change.

§ 220-11 through § 220-12. (Reserved)

ARTICLE II: Local Services Tax

§ 220-13 Title.

This article shall be known and may be cited as the "Local Services Tax."

§ 220-14 Definitions.

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

BOROUGH OF STOCKERTOWN
: The area within the corporate limits of the Borough of Stockertown.

COLLECTOR
: The person, public employee or private agency designated by the Borough of Stockertown to collect and administer the tax herein imposed.

EMPLOYER
: An individual, partnership, association, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM
: Indicate the singular and plural number, as well as male, female and neuter gender.

INDIVIDUAL
: Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the Borough of Stockertown.

OCCUPATION
: Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the corporate limits of the Borough of Stockertown for which compensation is

charged or received, whether by means of salary, wages, commission or fees for services rendered.

TAX

The local services tax in the amount of $52 levied by this article.

§ 220-15 Levy.

A tax is hereby levied and assessed for the purposes of police, fire and/or emergency services, road construction and/or maintenance, or reduction of property taxes upon the privilege of engaging in an occupation within the corporate limits of the Borough of Stockertown during the fiscal year. Each natural personal who exercises such privilege for any length of time during the year shall pay a tax in the amount of $52 in accordance with the provisions of this article. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Borough of Stockertown.

§ 220-16 Duty of employers.

A.

Each employer within the Borough of Stockertown, as well as those employers situate outside the Borough of Stockertown but who engage in business within the Borough of Stockertown, is hereby charged with the duty of collecting from each of his employees engaged by him and performing for him within the Borough of Stockertown the said tax of $52 per annum and making a return payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax from each employee in his employ, whether said employee is paid by salary, wages or commission, and whether or not part or all such services are performed within the Borough of Stockertown.

B.

Each employer within the Borough of Stockertown, as well as those employers situate outside the Borough of Stockertown but who engage in business within the Borough of Stockertown, is hereby charged with the duty of collecting from each of his employees the aforesaid tax on a pro rata basis determined by the number of payroll periods established by the employer for a calendar year. When calculating the pro rata share, the employer shall round down to the nearest one-hundredth of a dollar.

[Added 10-1-2007 by Ord. No. 259]

§ 220-17 Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied by the Collector. It is further provided that if the employer fails to file said tax, whether or not he 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 deducting a commission and as though tax had originally been levied against him.

§ 220-18 Dates for determining tax liability and payment.

A.

The place of employment shall be determined as of the day the taxpayer first becomes subject to the tax during the calendar year. It is the intent of this provision that no person shall pay more than $52 in any calendar year as a local services tax, irrespective of the number of the political subdivisions within which such person may be employed within any given calendar year. In case of dispute, a tax receipt of the taxing authority for the calendar year declaring that the taxpayer has made prior payment shall constitute prima facie certification of payment to all other political subdivisions.

B.

Each employer shall use his employment records from the first day of January to the 31st day of March of each and every year for determining the number of employees from whom said tax shall be deducted and paid over to the Collector on or before April 30 of each and every year. Supplemental reports and payment of tax due thereon shall be made by each employer on July 31, October 31 and January 31 of each and every year of new employees as reflected on his employment records from April 1 to June 30; July 1 to September 30; and October 1 to December 31 of each and every year. Payment of the tax due on these supplemental reports shall be made on July 31, October 31, and January 31, respectively, of each and every year.

§ 220-19 Self-employed individuals.

Each self-employed individual who performs services of any type or kind, engaged in any occupation or profession within the Borough of Stockertown, shall be required to comply with this article and pay the tax to the Collector on April 30 of each and every year, or as soon thereafter as he engages in an occupation.

§ 220-20 Individuals engaged in more than one occupation.

A.

Each individual who shall have more than one occupation within the Borough of Stockertown shall be subject to the payment of this tax on his principal occupation, and his principal employer shall deduct this tax and deliver to him evidence of deductions on a form to be furnished to the employer by the Collector, which form shall be evidence of deduction having been made, and when presented to any other employer shall be authority for such employer to not deduct this tax from the employee's wages, but to include such employee on his return by setting forth his name, address and the name and account number of the employer who deducted this tax.

B.

In the event a person is engaged in more than one occupation, or an occupation which requires his working in more than one political subdivision during the calendar year, the priority of claim to collect such local services tax shall be in the following order: first, the political subdivision in which a person maintains his principal office or is principally employed; second, the political subdivision in which the person resides and works, if

such a tax is levied by that political subdivision; third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home. The place of employment shall be determined as of the day the taxpayer first becomes subject to the tax during the calendar year. It is the intent of this provision that no person shall pay more than $52 in any calendar year as a local services tax, irrespective of the number of the political subdivisions within which such person may be employed within any given calendar year. In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment shall constitute prima facie certification of payment to all other political subdivisions.

§ 220-21 Employers and self-employed individuals residing outside Borough.

All employers and self-employed individuals residing or having their place of business outside of the Borough of Stockertown but who perform services of any type or kind or engage in any occupation or profession within the Borough of Stockertown do, by virtue thereof, agree to be bound by the 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 of Stockertown. Further, any individual engaged in an occupation within the Borough of Stockertown, and an 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.

§ 220-22 Exemption.

[Amended 10-1-2007 by Ord. No. 259]
A.

Any individual whose total earned income and net profits from all sources within Stockertown Borough is less than $12,000 during the calendar year is exempt from the local services tax. In order to receive an up-front exemption, an individual must file an annual up-front exemption form with Stockertown Borough and the individual's employer. Said exemption certificate shall verify that the individual reasonably expects to receive earned income and net profits of less than $12,000 from all sources within Stockertown Borough for the calendar year for which the exemption certificate is filed. A copy of the individual's last pay stubs or W-2 Forms from employment within the political subdivision for the year prior to the calendar year for which the individual is requesting an exemption must be attached to the exemption certificate. Employers shall be obligated to commence withholding the local services tax from an employee who files an exemption certificate in the event: 1) if instructed to do so by Stockertown Borough; 2) if notified by the individual that he is no longer eligible for the exemption; 3) if the employer pays the individual more than $12,000 for the calendar year. In the event any of the aforesaid events occur, an employer shall withhold a catch up lump sum tax equal to the amount of tax that was not withheld from the individual as a result of the exemption and commence withholding an amount equal to the tax on a payroll period as set forth in this article.

B.

Members of military reserve component of the Armed Forces of the United States called to duty and honorably discharged veterans who served in any war or armed conflict who are blind, paraplegic, or a double or quadruple amputee as a result of military service or who are one-hundred-percent disabled from a service-connected disability shall be exempt from payment or withholding of the local services tax. A certificate of exemption with proof thereof shall be filed with the Collector.

§ 220-23 Administration of tax.

A.

It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.

B.

The Collector is hereby charged with the administration and enforcement of this article, and is hereby charged and empowered to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of the payroll records of any employer subject to this article; the examination and correction of any return made in compliance with this article; and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred; or any payment made by a taxpayer who is engaged in a business or occupation or businesses or occupations from which he derives less than $1,000 per year. Any person aggrieved by any decision of the Collector shall have the right to appeal to the Court of Common Pleas of Northampton County as in other cases provided.

C.

The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

§ 220-24 Suits for collection.

A.

In the event that any tax under this article remains due or unpaid 30 days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty.

B.

If for any reason the tax is not paid when due, interest at the rate of 6% of the amount of said tax shall be calculated, beginning with the due date of said tax, and a penalty of

5% shall be added to the flat rate of said tax for nonpayment thereof. Where suit is brought for the recovery of this tax, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

§ 220-25 Violations and penalties.

Whosoever 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 and control setting forth the number of employees subject to this tax who are in his employment, or whoever fails or refuses to file any return required by this section, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough before a Magisterial District Judge, pay a fine of not less than $100 nor more than $600, plus all court costs, including reasonable attorneys' fees, incurred by the Borough in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who has failed or refuses to file a return required by this article.

§ 220-26 Saving clause.

A.

Nothing contained in this article shall be construed to empower the Borough of Stockertown to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Borough under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

B.

If the tax hereby imposed under the provisions of this article shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax, or the validity of the tax so imposed on other persons or individuals as herein provided.

ARTICLE III: Realty Transfer Tax

§ 220-27 Imposition of tax.

Borough of Stockertown adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1%.

§ 220-28 Administration.

The tax imposed under § 220-27 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511, as amended, known as "The Local Tax Enabling Act," provided, that if the correct amount of the tax is not paid by the last date prescribed for timely payment, Borough of Stockertown, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 220-29 Interest.

Any tax imposed under § 220-27 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153)(53 P.S. §§ 7101 et seq.), as amended, known as "The Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. § 806), as amended, known as "The Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

Chapter 228: VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown as indicated in article histories. Amendments noted where applicable.]

NEW

Amended Ordinances No. 2022-1 **Amending Chapter 228, Vehicles and Traffic** View Here

Adopted-Ordinance 2019-4 23.1 Unregistered Vehicles 5.6.19

GENERAL REFERENCES

Streets and sidewalks - See Ch. 209.

Junked and abandoned vehicles - See Ch. 235.

ARTICLE I: Speed Limits

§ 228-1 Enactment of speed limits.

[Adopted 12-6-1954 by Ord. No. 89]

Be it enacted and ordained by the Mayor and Borough Council of the Borough of Stockertown, and it is hereby enacted and ordained by the authority of the same, that any person driving a vehicle on any Borough street in the Borough of Stockertown shall drive the same at a careful and prudent speed, not greater than nor less than is reasonable and proper, having due regard to the traffic surface, and width of the highway, and of any other restrictions or conditions then and there existing; and no person shall drive any vehicle upon any such street or highway at such a speed as to endanger the life, limb or property of any person, nor at any speed greater than will permit him to bring the vehicle at a stop within the assured clear distance ahead, and in no event shall any person driving a vehicle on a Borough street in the Borough of Stockertown drive said vehicle at a speed in excess of 25 miles per hour.

§ 228-2 Speed limits designated.

[Adopted 1-15-18 by Ord. No. 2018-1]

State highway speed limits are established as follows:

Name of Street	Speed Limit (mph)	Location
State Route 191	35	Between Main Street and Upper Nazareth Township border
State Route 191	35	Between Main Street and Plainfield Township border
Bushkill Street	35	Between Center Street and the Bushkill Creek
Main Street	35	Between Center Street and the Forks Township border
Main Street	35	Between Center Street and the intersection of Main Street and Route 191

§ 228-3 Violations and penalties.

[Adopted 1-15-18 by Ord. No. 89]

Any person violating any of the provisions of this article shall, upon summary conviction before a Magisterial District Judge, be sentenced to pay a fine of $30 and costs of prosecution and, in default of the payment, shall undergo imprisonment of not more than five days.

ARTICLE II: Time Limit Parking

§ 228-4 Parking time limits.

Parking time limits, is hereby repealed.

§ 228-5 Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of $30 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than five days. Provided: It shall be the duty of the peace officers of the Borough to report to the Mayor all violations of any provisions of this article, the license number of the vehicle involved in such violation, the location where such violation took place, the time of such violation, and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending such violation.

ARTICLE III: One-Way Streets

§ 228-6 One-way streets designated.

The streets or parts of streets described in this section are hereby designated as one-way streets in the direction indicated, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

Name of Street	Direction of Travel	Limits
Grant Street	East	From Main Street

§ 228-7 Violations and penalties.

All violators of this article shall be subject to the penalties as set forth in the Vehicle Code of the Commonwealth of Pennsylvania.

ARTICLE IV: Snow Emergencies

§ 228-8 Word usage.

Words and phrases, when used in this article, shall have the meanings ascribed to them in the Vehicle Code of the Commonwealth of Pennsylvania,

Editor's Note: See 75 Pa.C.S.A. § 101 et seq.
as now in force or as hereafter amended, enacted or reenacted, except in those instances where the context clearly indicates a different meaning. The singular shall include the plural, and the masculine shall include the feminine.

§ 228-9 Authority of Mayor.

The Mayor of the Borough is hereby granted power to regulate, restrict and prohibit traffic and parking for limited times on the rights-of-way of any state highway or Borough road within the Borough of Stockertown in the event of a snow emergency.

§ 228-10 Definitions.

As used in this article, certain terms are defined as follows:

SNOW
: Any precipitation depositing any accumulation on the streets and highways, including snow, sleet, hail, ice and freezing rain.

SNOW EMERGENCY
: A state of highway condition that is hazardous and dangerous to vehicular and pedestrian traffic and is so declared by the Mayor of the Borough or his/her designee.

§ 228-11 Declaration of snow emergency.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the streets, roads, and highways of the Borough of Stockertown, the Mayor, in his/her discretion, may declare a snow and ice emergency, designated in this article as a "snow emergency." Information on the existence of a snow emergency may be given by the Borough through radio, newspaper, or other available media, and information on the termination or modification of the emergency may be given by use of the same media.

§ 228-12 Parking restrictions.

Upon declaration of a snow emergency, it shall be unlawful at any time during the continuation of the snow emergency for any person to park or leave unattended a motor vehicle or to allow that vehicle to remain parked or unattended anywhere on the roadways, streets, highways, or rights-of-way of any state or Borough road within the Borough of Stockertown.

§ 228-13 Depositing snow on roads prohibited.

It shall be unlawful to blow snow or deposit snow on the roadways, streets, highways, or rights-of-way of any state or Borough road within the Borough of Stockertown at any time.

§ 228-14 Removal of vehicles.

Any vehicle parked, stalled, incapable of moving under its own power, or left unattended upon any roadway, street, highway, or right-of-way of any state or Borough road within the Borough of Stockertown during a snow emergency shall be removed or towed to any other location upon order of the Police Department at the owner's expense.

§ 228-15 Violations and penalties.

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

Any person or persons, firm or corporation violating any of the provisions of this article shall upon conviction, be liable to and shall pay a fine or penalty of not more than $600 plus costs for every violation, for the use of the Borough, and, in default of payment of such fine and costs, imprisonment for a term not exceeding 30 days.

ARTICLE V: Stop Intersections

§ 228-16 Stop intersections designated.

The following intersections are hereby established as stop intersections, and official stop signs are hereby confirmed as officially erected at the following locations controlling traffic on the first named road, erected on the first named road as its intersection with the second named road, in the direction or directions hereby indicated. All vehicles and tractors approaching any such intersection upon the first named highway in the direction or directions hereby 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
Ariel Court	West	Main Street
Birch Street	East	Hillside Avenue
Bushkill Street	West	Main Street
Center Street	East	Bushkill Street
Crown View Avenue	East	Faith Avenue
Crown View Avenue	West	Hope Street
Faith Avenue	North	Old Easton Road
Commerce Way	South	Main Street
Hillside Avenue	North	East Center Street
Hope Street	North	Jubilee Drive
Jubilee Drive	Both	Faith Avenue
Jubilee Drive	West	Hillside Avenue
LeFevre Road	East	Main Street
Lincoln Avenue	North	Center Street
Main Street	South	Center Street
Old Easton Road	North	Main Street (Lower)
Old Easton Road	North	Main Street (Upper)
Route 191 (Industrial Boulevard)	Both	Commerce Way
State Street	North	Grant Street
State Street	North	Werkheiser Street
Station Avenue	South	Winona Street

Stop Sign on	Direction of Travel	At Intersection of
Werkheiser Street	Both	Main Street
Hercules Drive	Both	Commerce Way
Center Street	West	Bushkill Street
Winona Street	South	Bushkill Street

ARTICLE VI: General Provisions and Parking

§ 228-17 Definitions.

Subject to additional definitions contained within this article, words and phrases used in the Vehicle Code, 75 Pa.C.S.A. § 102, when used in this article, shall have, unless the context clearly indicates otherwise, the meanings given to them in the aforesaid section of the Vehicle Code.

§ 228-18 Special powers of Borough Council.

Pursuant to the powers granted under the Vehicle Code, Borough Council shall regulate, restrict and prohibit traffic and parking in limited areas for limited times within the Borough of Stockertown in the case of fire, flood, storm, snow emergency or other emergency, in order to facilitate private or public works, in order to facilitate processions and public events, and to create play highways whereupon sledding and coasting shall be permitted. In the event of fire, flood, storm, snow emergency or other emergency, the Chief of Police shall have the authority to regulate, restrict, and prohibit traffic and parking in limited areas for limited times. In all other cases, Borough Council is hereby authorized to implement such regulations by resolution.

§ 228-19 Authority to enforce.

Police Officers, designated and appointed by Borough Council, and Special Fire Police, with the specific authorization of the Chief of Police, are hereby authorized, subject to the supervision and control of Borough Council, to direct traffic and provide traffic control on all highways and roads within the Borough, and to enforce the ordinances of the Borough of Stockertown and the statutes of the Commonwealth of Pennsylvania.

§ 228-20 Snow emergency routes.
[Adopted 1-15-18 Ord 2018-1]

Snow emergency routes, is hereby repealed.

§ 228-21 Authority to impound vehicles.

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

Police Officers, designated and appointed by the Borough of Stockertown, are hereby authorized to remove from the right-of-way of any state highway or Borough road within the Borough of Stockertown any vehicle which is parked in violation of the provisions of this article when said Police Officer determines such removal necessary to facilitate the removal or plowing of snow or for any other lawful purpose. Such vehicle will be impounded by the Borough of Stockertown and the owner shall pay to the Borough an impoundment fee in an amount as set by resolution of the Borough Council and the costs of removal of the vehicle. Payment for storage is the responsibility of the owner of said vehicle.

§ 228-22 Storage on streets prohibited.

No vehicle shall be stored upon any street or alley within the Borough of Stockertown. As used herein, "stored" shall mean the parking of a motor vehicle in one place upon a street or alley continuously for a period in excess of 24 hours. In addition to such other definitions of "motor vehicle" as contained in the Vehicle Code, the storage of any object, including trailers, watercraft, shall be considered a violation of this provision.

§ 228-23 Parking for certain purposes prohibited.

No person shall park or store a motor vehicle upon any street or alley in the Borough of Stockertown for the purposes of greasing or repairing said vehicle.

§ 228-24 Establishment of no-parking zones.
[Adopted 1-15-18 Ord 2018-1]

The parking of motor vehicles, or the placement of other objects within the rights-of-way of the following locations is hereby prohibited:

Name of Street	Side	Location
Bushkill Street	Both	From Main Street to dead end
Center Street	North	From Main Street West to Bushkill Street
Commerce Way	Both	From Hercules Drive North to end of Commerce Way
LeFevre Road	Both	From Main Street East to Plainfield Boundary Line
Main Street	Both	From Forks Boundary Line to Plainfield Boundary Line (entire length)
Hercules Drive	Both	From Commerce Drive to dead end at Route 33
Winona Street	Both	From Bushkill Street East for a distance of 1/10 mile
State Street	Both	From Werkheiser Avenue north for a distance of 170 feet, except for emergency vehicles
Industrial Blvd.	Both	From Main Street to Upper Nazareth Boundary

Name of Street	Side	Location
Station Street	Both	From Bushkill Street to Winona Street

§ 228-25 Signs.

Borough Council shall authorize the Borough Roadmaster to erect and maintain appropriate regulatory signs according to law including road markers in those areas where parking is prohibited.

§ 228-26 Violations and penalties.
[Adopted 1-15-18 Ord 2018-1]

Any person who violates any provisions of this article shall pay a fine of $30 per day per violation.┬á Provided: It shall be the duty of the Police Officers or of parking enforcement personnel of the Borough to report to the Police Department of the Borough indicating, in each case: the section violated; the license number of the vehicle involved in the violation; the location where the violation took place; the date and time of such violation; and such other facts the officer might deem necessary in order to secure a clear understanding of the circumstances attending the violation of this article.┬á The notice shall contain instructions to the owner or driver of the vehicle that if he/she will report to the Police Department or the Municipal Building at 209 Main Street and pay the sum of $30 within five days after the time of the notice, that act will save the violator from prosecution and from payment of the fine and costs proscribed in this section. In the event of any prosecution under this article, a default of the payment of any fines and costs required will require the violator to undergo imprisonment in Northampton County Prison for not more than five days.

ARTICLE VII: Engine Brake Regulations

§ 228-27 Engine brakes prohibited.

No motor vehicle, defined to be a vehicle which is self-propelled, except an electric personal assistive mobility device or a vehicle which is propelled solely by human power, pursuant to the Pennsylvania Motor Vehicle Code (Title 75, Part I, Chapter 1, § 102 of the Pennsylvania Code), shall be operated on the streets, roads, alleys or highways (hereinafter "streets") listed below within the Borough of Stockertown, Northampton County, Pennsylvania, utilizing, in said operation, an engine brake or engine suppression or compression brake.

§ 228-28 Streets subject to prohibition.

The streets subject to this prohibition shall be as follows:

A.

State Route 2025, known as Main Street, beginning at the Borough of Stockertown municipal boundary adjoining Forks Township, Northampton County, Pennsylvania, and continuing west-by-northwest to the intersection with State Route 191, known as Industrial Boulevard for southbound traffic and Main Street for northbound traffic.

B.

State Route 191, known as Main Street for southbound traffic, beginning at the Borough of Stockertown municipal boundary adjoining Plainfield Township, Northampton County, Pennsylvania, and continuing south-by-southeast to the intersection with State Route 2025, known as Main Street, and State Route 191, known as Industrial Boulevard.

C.

State Route 191, known as Industrial Boulevard for northbound traffic, beginning at the municipal boundary with Upper Nazareth Township, Northampton County, Pennsylvania, and continuing northeast to the intersection of State Routes 191 and 2025, known as Main Street.

D.

State Route 191, known as Industrial Boulevard for southbound traffic, beginning at the intersection of State Routes 191 and 2025, known as Main Street, and continuing southwest to a point approximately 230 feet past the intersection with the southbound Route 33 exit ramp.

§ 228-29 Emergency situations.

This article shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of the Borough of Stockertown, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

§ 228-30 Violations and penalties.

Any person, corporation, partnership or legal entity violating any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than $300 and costs of prosecution, and, in default of the payment thereof, shall be sentenced to undergo imprisonment for a period not to exceed 90 days. Every day that a violation under this article continues shall constitute a separate offense.

§ 228-31 When effective.

This article shall become effective upon final enactment.

§ 228-32 Severability.

The provisions of this article shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, or otherwise unenforceable by a court of competent jurisdiction, the remaining portions shall not be affected hereby.

Chapter 235: VEHICLES, JUNKED AND ABANDONED

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 8-2-2004 by Ord. No. 249. Amendments noted where applicable.]
GENERAL REFERENCES

Property maintenance — See Ch. 177.

Vehicles and traffic — See Ch. 228.

Zoning — See Ch. 250.

§ 235-1 Intent.

It is hereby determined and declared that the placement, abandonment, leaving, keeping or storing out of doors of any motor vehicle not currently in use for transportation and not licensed for the current licensed year, unless authorized by a restoration permit, or any other unused machine or equipment on public or private lands in the Borough is contrary and inimical to the public welfare in that such articles so placed, abandoned or left, kept or stored attract or may attract persons of tender years who, being so attracted, may play in and about and may be injured in doing so, and in that such articles so placed, abandoned or left, kept or stored out of doors, exposed to the elements, deteriorate and in themselves are unsightly and, deteriorated, become more unsightly and are detrimental to depreciate the value of properties in the neighborhood where they are located and in the Borough as a whole.

§ 235-2 Prohibitions; exemption.

A.

No person shall place, abandon or leave, keep or store, or suffer or permit the placing, abandoning, leaving, keeping or storing, of any article described in § 235-3 of this chapter out of doors upon any public or private lands in the Borough or between the right-of-way side lines of any public thoroughfare therein unless permitted hereunder.

B.

Nothing herein contained shall be deemed to prohibit the placing, keeping or storage of any such article in an enclosed garage, barn or other building.

C.

Nothing herein contained shall be deemed to prohibit the placing, keeping or storage out of doors of a motor vehicle not currently in use for transportation and not licensed for the current licensed year on private lands in the Borough if the owner of such private lands has been issued a restoration permit for such motor vehicle.

D.

It is prohibited to occupy, use, rent, or live in any trailer, camper, RV or boat as a dwelling or temporary "guesthouse" while parked or stored on private property unless a permit has been issued by the Borough for a period not to exceed seven days and which may be renewed.

E.

No commercial vehicle, or part thereof or combination thereof, having a registered gross weight, either solely or in combination exceeding 8,000 pounds, or which is in excess of 18 feet in length, shall be parked, stored or maintained on any street, road right-of-way, lot or within any building or structure in any residential district established by Chapter 250, Zoning, except a construction vehicle or vehicles owned by a contractor or other tradesman temporarily engaged in the performance of actual work or delivery of materials to any location.

§ 235-3 Definitions.

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

ABANDONED VEHICLE

The intent of the owner shall be determined by the physical condition of the vehicle; statements of the owner as to its abandonment; the length of time since the vehicle has last been used on the highway; whether the vehicle is currently licensed, registered or inspected; and other relevant facts. With respect to a vehicle not required to be licensed or a vehicle not usually used on public highways, the intent of the owner shall be determined by the physical condition of the motor vehicle, the length of time since it was last used for the purpose intended, any statement as to its abandonment by the owner and other relevant facts.

ANTIQUE MOTOR VEHICLE

A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

BOROUGH/BORO

All areas within the Borough of Stockertown, both publicly and privately owned.

CLASSIC MOTOR VEHICLE

A motor vehicle, but not a reproduction thereof, manufactured more than 10 years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored or will be maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

COMMERCIAL GARAGE

Any business permitted by the Borough to repair motor vehicles or any part thereof.

DISCARDED VEHICLE(S)

Any vehicle(s) which the owner thereof, as established by the surrounding circumstances, relinquishes ownership and possession of and any vehicle(s) the owner of which cannot be found after due and reasonable inquiry.

ENCLOSURE

A completely enclosed privacy-type structure or fence constructed of wood, metal or masonry, which shall be at least six feet in height and not more than eight feet in height and of such construction and type that an ordinary person of ordinary height and eyesight cannot see into the enclosure. Such enclosure shall be adequately maintained so as not to create an eyesore to the community.

ENFORCEMENT OFFICER

The Code Enforcement Officer(s), the Zoning Officer, the Building Inspectors or any Police Officer whose powers and duties are within or include the Borough of Stockertown.

JUNK VEHICLE

Any vehicle which, for any reason, is incapable, without repair, of being moved or propelled by application of internal power, if it is a vehicle originally designed to be propelled by internal power, or is incapable, without repair, of being drawn or towed, if it is a vehicle originally designed to be towed or drawn from behind an internally powered vehicle, and, as adjudged by the standards of an ordinary reasonable man, is unsightly in appearance because of the existence of one or more conditions, such as but not limited to the following: deterioration by rust of the body; deterioration of the exterior finish of the vehicle; broken windows; absence of component parts of the vehicle (such as fenders, panels, doors, bumpers, headlights, hood, trunk door, tires, wheels, grille, roof or tailgate); physical damage (such as dents, cracks, scraps or holes) to component parts of the vehicle; and absence of interior components (such as seats, dashboard or interior door moldings), or is incapable of being moved or propelled, drawn or towed without repair as provided for hereinabove and has remained situate on any real property for a period in excess of 30 days.

JUNKYARD

Any place of storage or deposit licensed by the Borough where two or more unlicensed, old or secondhand motor vehicles no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts therefrom; for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same; or for any other purpose. Such term shall include any place of storage or deposit for such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles.

OPEN STORAGE

Storage other than in a completely enclosed structure constructed of wood, masonry, metal or weather resistant material.

OWNER OF PRIVATE PROPERTY

The legal owner, contract purchaser, tenant, lessee, occupant, subtenant, trustee, bailee, receiver or assignee of premises or real property located within the Borough of Stockertown.

OWNER OF VEHICLE

The person having the property and/or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest of another person, and also including any lessee or bailee of a vehicle having the use thereof under lease or otherwise.

PERSON

An individual, firm, partnership, association, corporation, company or organization.

REGISTERED GROSS WEIGHT

Shall have the meaning ascribed to it in the definitions section of the Pennsylvania Vehicle Code.

REPAIR SETTLEMENT

Determination by whatever means, including settlement of a claim, arbitration or legal action, that any person other than the owner of a vehicle is liable to pay or will pay for the repair of damage to a vehicle resulting from any vehicular accident.

UNLICENSED VEHICLE

Any vehicle which may be licensed or registered for operation on public highways and which has not been registered during the preceding six months or is not currently registered and not in a condition for legal use on the public highways. A vehicle which is in a condition to receive a current Pennsylvania State motor vehicle inspection shall be deemed to be in a condition for legal use on the public highways.

VEHICLE

Any means of transport or conveyance operated, driven, drawn or capable and intended to be operated, drawn or driven upon a public highway by a power other than physical power. A "vehicle" shall include but not be limited to automobiles, motorcycles, motorbikes, scooters, buses, all types of trailers, including trailers used for storage, trucks, tractors, mobile homes, other than those legally in use in an authorized mobile home park, recreational vehicles, snowmobiles, all-terrain vehicles and jitneys or any other contraption originally designed and intended for travel on the public highways.

WRECKER

Any business permitted by the Borough to tow or haul other motor vehicles.

§ 235-4 Open storage restricted.

A.

It shall be unlawful for any person, firm or corporation, either as a private property owner, vehicle owner, occupant, lessee, agent, tenant or otherwise, to openly store or deposit or cause or permit to be openly stored or deposited an abandoned, junked, discarded or unlicensed vehicle or vehicles or parts or pieces thereof on any private property within the Borough of Stockertown.

B.

Except as permitted in junkyards or by this chapter, unless such vehicle or part or piece thereof is stored or deposited in a completely enclosed building or such vehicle or part or piece thereof is under repair, reconstruction or refurbishing by the owner thereof, who must actually be residing upon the premises where such repair, reconstruction or refurbishing is being done.

C.

Such vehicle or part or piece thereof must be maintained and protected so as not to create a safety hazard or nuisance to surrounding property owners and shall not remain on the premises for more than 30 days, but not on a public highway right-of-way.

§ 235-5 Motor vehicle restoration permit.

A motor vehicle restoration permit will be issued by the Borough Secretary for the Borough of Stockertown on the following terms and conditions:

A.

A restoration permit will be issued to the private property owner only.

B.

The motor vehicle being restored shall be titled to the property owner being issued the permit.

C.

Only one motor vehicle restoration permit at a time will be issued to a property owner.

D.

The motor vehicle restoration permit shall be valid for a maximum of one motor vehicle and shall be valid for one year from the date of issuance.

E.

At all times that the motor vehicle is not being worked on for restoration, said vehicle of the property owner shall be covered with an approved car cover and the area shall be free of debris, litter, discarded parts or equipment utilized for the restoration.

F.

An approved car cover must cover the entire vehicle and be securely fastened to the vehicle. An approved car cover shall be made of material which will resist wind, rain

and other weather-related circumstances. The use of bricks, stones, blocks or other material as a fastener shall not be permitted.

G.

The area where the motor vehicle is being stored, placed or left shall be subject to periodic and random inspections by the Stockertown Police Department. Should it be determined that the subject motor vehicle is not being restored or the area surrounding the vehicle being restored is not properly maintained and free of debris, litter, unused parts or equipment, then, in that event, the restoration permit will be rescinded and the property owner will be subject to other provisions of this chapter.

§ 235-6 Exceptions.

A.

Any person may maintain a motor vehicle altered for drag or stock-car racing as long as said motor vehicle is maintained on registered trailers. Vehicles may not be kept in the front yard, and any work done on said vehicles shall not interfere with the setting of the neighborhood.

B.

Owners of antique motor vehicles which are classified as such under the state statutes are exempt for the provisions of this chapter as long as they are properly registered and all regulations set forth by the state are followed.

C.

Farm machinery kept on the farmer's own premises shall be exempt from the articles of this chapter as long as they are maintained and kept in an orderly manner.

D.

New or used automobile dealers that are licensed by the State of Pennsylvania for the purpose of displaying vehicles for sale to the general public and have received zoning approval will be exempt from this chapter as long as they hold a current dealer's license.

E.

Service stations (repair garages) and auto body repair shops will also be exempt from the provisions of this chapter as long as they are permitted by the Borough for the type of business they are conducting and have received zoning approval for the area where they are operating. They shall maintain a neat and orderly lot and limit the number of vehicles that are being kept on the lot for repairs, according to the size of the available space. No vehicle shall be kept on the lot for more than 30 days awaiting repairs.

§ 235-7 Storage by wreckers and commercial garages.

A.

A wrecker or commercial garage may store abandoned, junked or unlicensed vehicle(s) or part thereof on any one site within the Borough, provided that such storage is confined in an enclosed area and such vehicle(s) may not be stored for more than 30 days, and provided further that the business operation of the wrecker or commercial garage is permitted by all applicable zoning laws or regulations, including rights under any nonconforming uses and including any limitations, restrictions or conditions established according to law by the Borough, the Planning Board or any court of competent jurisdiction, and provided that the vehicle(s) is not stored at any time on a public highway right-of-way.

B.

Where a repair settlement is pending in good faith, the foregoing time periods shall not start to run until a repair settlement has been made, but in no event to exceed 60 days from the date said vehicle(s) is (are) first stored upon the premises.

C.

In the event that any abandoned, junked or unlicensed vehicle or part thereof is stored at any wrecker or commercial garage and such wrecker or commercial garage is restrained from allowing the owner to move said vehicle from the location of such wrecker or commercial garage by reason of a legal detainer or order of any federal, state, county or local government agency or body, the thirty-day period of time as provided for in Subsection A hereinabove shall not commence to run until said legal detainer or order is released or vacated.

§ 235-8 Farm vehicles.

Any vehicle being actively used in farming operations shall be exempted from the provisions of this chapter, provided that:

A.

The vehicle is being used on private property and is being held for continuing operation on private property and is not being held primarily for non-operating purposes.

B.

The vehicle, if not in a condition for legal operation on public highways, is in a condition so that it can be operated and so that such operation on private property will not be unduly dangerous to the operator, passengers or others.

C.

The vehicle is in such condition that there is no sharp metal, broken glass or other condition which would endanger children who might be attracted to play around the vehicle.

§ 235-9 Repairs on street.

It shall be a violation of this chapter to make any repairs or greasing or fluid changes to any vehicle while it is parked on a roadway within the Borough of Stockertown.

§ 235-10 Sales of vehicles.

No person operating a business within the limits of the Borough of Stockertown shall display or permit to be displayed any vehicle for sale unless he has obtained approval from the Stockertown Borough Zoning Officer, unless said vehicle is registered to the business owners or titled to such, except as stated in § 235-6.

§ 235-11 Parking or storing of abandoned vehicles.

It shall be unlawful for any person or persons, firm, company, partnership or corporation, whether by principal or agent, to park, store or permit to be parked or stored any abandoned vehicle on the public streets or alleys or on any Borough Property of the Borough of Stockertown.

§ 235-12 Parking or storing of junked vehicles.

It shall be unlawful for any person or persons, firm, company, partnership or corporation, whether by principal or agent, to park, store or permit to be parked or stored any junked vehicle on public or private property within the Borough of Stockertown.

A.

Any vehicle which is parked or permitted to stand on any public street or alley for a continuous period exceeding 48 hours unattended and not bearing one of the following: a valid registration plate, a certificate of inspection and an ascertainable vehicle identification number; and

B.

Any vehicle which shall stand or be parked on a public street or alley for a period of 48 hours without the consent of the owner or person in control.

§ 235-13 Enforcement.

A Borough Officer may enforce this chapter by either issuing a citation or removing the vehicle pursuant to the provisions of § 235-17 or by invoking both enforcement provisions.

§ 235-14 Presumption of violation.

There shall be a presumption that a person who has received the notice prescribed by § 235-20 has openly stored or deposited or caused or permitted to be openly stored or

deposited an abandoned junked, discarded or unlicensed vehicle described in said notice.

§ 235-15 Violation on private lands.

Whenever it shall appear to any member of the Police Department of the Borough of Stockertown that § 235-2 of this chapter is being violated and that the land on which the violation exists is privately owned, he shall, in writing, notify the owner or tenant in possession of the land on which the violation exists to abate the violation by removing the article or articles constituting the violation from the Borough or into an enclosed garage, barn or other building within 10 days of the service of the notice, which notice shall be served upon such owner or tenant, if he resides in the Borough, personally or by leaving it at his usual place of abode with some member of his household over the age of 14 years, but if any such owner or tenant shall reside outside the Borough, the notice shall be served upon him by registered or certified mail addressed to him at his usual residence if ascertainable, otherwise by notice published in the newspaper in which the legal notices of the Borough may be published, and the said owner or tenant shall so abate the violation within the time fixed by the notice.

§ 235-16 Violation on public lands or between right-of-way side lines.

Whenever it shall appear to any member of the Police Department of the Borough of Stockertown that § 235-2 of this chapter is being violated and that the violation exists on public lands or between the right-of-way side lines of any public thoroughfare:

A.

He shall determine whether any article constituting the violation constitutes or may constitute a traffic hazard, and if so, he shall move it or cause it to be moved to a nonhazardous location or into an enclosed storage place.

B.

He shall ascertain, if he can, who is the owner of the article or articles and shall, in writing, notify such owner to abate the violation forthwith and in all events within 10 days after the service of the notice upon him, which notice shall be given as required in § 235-20 for the service of notice thereunder.

C.

He shall, if any article constituting the violation constitutes or may constitute a traffic hazard and it cannot be moved to a nonhazardous location or if the name and address of the owner of the article cannot he ascertained or if the violation is not abated in the time required by the notice given under the foregoing Subsection B:

(1)

Determine whether the article or articles have a value in excess of the cost of removing it or them to enclosed storage and the cost of storing it or them for three months in the case of motor vehicles and for six months for all other articles.

(2)

Unless the articles appear to have a value clearly in excess of such cost, arrange, if he can, for the removal of it or them by someone who will undertake that removal without cost to the Borough, but otherwise arrange for that removal at the expense of the Borough to an authorized dump.

(3)

If the article or articles appear to have a value clearly in excess of said cost, remove it or them or cause it or them to be removed at the expense of the Borough to enclosed storage.

(4)

If the article or articles are removed under the foregoing Subsection A or Subsection C(2) or (3), give notice, in the manner required by § 235-20, for service of notice thereunder, to the owner of that removal and of the place to which the article or articles have been removed and of the owner's right to reclaim it or them by paying the cost of removal and interim storage charges.

§ 235-17 Violations and penalties.

A.

Any person or persons, firm, company, partnership or corporation violating any of the provisions of this chapter shall, upon conviction before the Magisterial District Judge, pay a fine of not more than $300 plus court cost for each offense, and the accrued cost of the Borough for that prosecution.

B.

Each abandoned, junked, discarded or unregistered vehicle stored in violation of this chapter shall constitute a separate violation. Each day that such separate violation shall continue or be carried on shall constitute an additional separate violation, for which the court may impose an additional fine and continuing fine until the vehicle(s) is (are) removed or enclosed.

§ 235-18 Time limit.

If any vehicle described in this chapter shall be left for a period of more than 10 days on any private property, it shall be considered in violation, and notice shall be served. If the violation occurs on lands owned by the Borough of Stockertown, immediate action can be taken to correct the violation before notice is sent to the owner of the vehicle in question.

§ 235-19 Notice of violation.

When a violation is observed, the Borough of Stockertown Police Department or the Zoning Officer of the Borough of Stockertown shall serve notice to the tenant, owner or occupant in possession of the land that a violation exists. This notice will serve as notice that the violation must be corrected within 10 days of service of such notice. This notice shall be served upon the owner, tenant or occupant personally, by leaving it with any household member, by posting, it at the residence in question or by posting it on the vehicle in question. If the owner is known to reside outside the Borough, then notice shall be served upon him by certified mail, addressed to him at the address of record, such as the address on the tax rolls or address at Pennsylvania Department of Motor Vehicles.

Chapter 250: ZONING

[HISTORY: Adopted by the Borough Council of the Borough of Stockertown 2-7-2005 by Ord. No. 252. Amendments noted where applicable.]

NEW

Ordinance 2020-1 Zoning Changes HERE

GENERAL REFERENCES

Uniform construction codes - See Ch. 98.

Floodplain management - See Ch. 112.

Stormwater management - See Ch. 205.

Subdivision and land development - See Ch. 213.

Article I Preamble:

§ 250-1 Title and short title.

This is a chapter establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations, in the Borough of Stockertown, Northampton County,

Pennsylvania, and for said purposes dividing the Borough into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended. This chapter shall be known as, and may be cited as, "The Stockertown Borough Zoning Ordinance of 2005."

§ 250-2 Purpose.

The purpose of this chapter is to:

A.

Promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public improvements; as well as preservation of the natural scenic and historic value in the environment and preservation of forests, wetlands, aquifers and floodplains.

B.

Prevent the overcrowding of land, blight, danger, and congestion in travel and transportation, loss of health, life or property from fire, flooding, panic or other dangers; and toward these ends, this chapter is in accordance with the Comprehensive Plan of Stockertown Borough with consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.

C.

Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§ 250-3 Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this chapter shall be controlling.

§ 250-4 Scope.

A.

From and after the effective date of this chapter, use of all land, every building or portion of a building erected, altered in respect to height or area, added to, or relocated, and every use hereafter established with any building or use accessory

thereto in the Borough of Stockertown shall be in conformity with the provisions of this chapter.

B.

Any building, structure or use of a building or land existing at the effective date of this chapter which is not in conformity herewith may be continued, extended or changed only in accordance with the regulations herein contained relating to nonconforming building and land uses.

§ 250-5 Conflict with other provisions.

It is not intended by this chapter to repeal, abrogate, annul or interfere with any existing ordinance of enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this chapter.

§ 250-6 Community development objectives.

While more fully set forth in the Stockertown Borough Comprehensive Plan, as amended, the following community development objectives summarize the broad framework within which the more specific zoning regulations herein are drawn:

A.

To continue to promote intermunicipal cooperation with a view to solving regional development problems and work to avoiding duplication of services and conserve regional municipal fiscal resources.

B.

To ensure the continuation of an adequate and safe water supply and the construction of an adequate sewerage disposal system for Borough residents in the near future.

C.

To coordinate and time future development through appropriate controls to encourage Borough development when and where adequate public utilities are available.

D.

To institute zoning controls designed to stabilize property values and create a balanced pattern of areas within the Borough in which to live, work and shop.

E.

To promote the preservation of unique scenic or natural assets such as the creeks and floodways, hillsides and wooded areas through adequate controls.

F.

To work toward the development of a capital improvement program and plan for needed long-range improvements.

G.

To work toward providing adequate, well-located public recreation areas for Borough residents, and encourage joint school-municipal use of all.

H.

To discourage conversion of existing residences to higher densities or business activities where such conversion may result in functional overcrowding of land or streets or a mixed land use pattern.

I.

To encourage separate and better industrial highway access and interface with residential areas.

J.

To coordinate future street improvements with major traffic generators, such as industry, schools, etc., so that these areas are readily accessible by good streets.

K.

To provide for industrial and commercial expansion in appropriate locations within the Borough.

L.

To adopt land subdivision ordinances to insure sound land development practices and minimize the Borough's expense for improvements.

M.

To provide as high a level of community service that is financially feasible in order to make the community an attractive place to live.

Article II Terminology:

§ 250-7 Application and interpretation.

A.

Unless otherwise expressly stated or the context clearly indicates another meaning, the following words and phrases shall be construed throughout this chapter to have the meanings indicated below:

(1)

The present tense includes all other tenses; the singular includes the plural, and the plural includes the singular; the masculine gender includes the feminine and neuter; the word "used" includes the words "designed" or "arranged;" the word "occupied" includes the words "designed, or intended to be occupied'; the word "shall" is always mandatory; and the word "may" is always permissive. The words "as amended from time to time" and the like as applied to any statute, ordinance, code, regulation, plan or map, includes replacements, supplements or restatements thereof; and reference to a particular article, section or subsection which inherently refers to other articles, sections or subsections, includes all articles, section or subsections referred to.

(2)

The word "Borough" means Borough of Stockertown, Northampton County, Pennsylvania; the term "Borough Council" means the Borough Council of Stockertown; the term "Planning Commission" means the Planning Commission of the Borough; and the term "Zoning Hearing Board" means the Zoning Hearing Board of the Borough.

(3)

The terms "such as," "including" and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or detracting from the general application of the sentence, clause or phrase in which such terms appear.

B.

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

(1)

Words in the singular include the plural and those in the plural include the singular.

(2)

Words in the present tense include the future tense.

(3)

The words "person," "developer," "subdivide," and "owner" include a corporation, unincorporated association, a partnership, or legal entity, as well as an individual.

(4)

The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."

(5)

The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

(6)

The word "Borough" means Stockertown Borough, Northampton County, Pennsylvania.

(7)

The term "Borough Council" means the Borough Council of Stockertown Borough.

(8)

The term "Planning Commission" means the Planning Commission of Stockertown Borough.

(9)

The term "Board" means the Zoning Hearing Board of Stockertown Borough.

C.

If a word is not defined in this chapter, but is defined in the Borough Zoning Ordinance, as amended, the definition in that ordinance shall apply. If a word is defined in both this chapter and another Borough ordinance, each definition shall apply to the provisions of each applicable ordinance.

D.

Any word or term not defined in this chapter or in the Borough Zoning Ordinance, as amended, shall have its plain and ordinary meaning within the context of the section. A standard reference dictionary should be consulted.

E.

The words "such as," "includes," "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

F.

All undefined terms used in this chapter which are defined in the Pennsylvania Stormwater Management Act of 1978,

Editor's Note: See 32 P.S. § 680.1 et seq.
or Chapter 205, Stormwater Management, shall have the meaning defined in said Act or Plan. In the event that terms are defined both in this chapter, and in the Act or Chapter 205, Stormwater Management, the definitions contained in this chapter shall prevail over the definitions contained in the Act and Chapter 205, Stormwater Management.

§ 250-8 Definitions.

For the purpose of this chapter, the following words, terms and phrases have the meaning indicated herein:

ABUTTING OWNER
: The owner of record of a lot which is contiguous at any point to the lot in question or which is contiguous to that section of street on which the subject lot has frontage, i.e., a lot across from the subject lot.

ACCESSORY BUILDING
: A building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an accessory building.

ACCESSORY STRUCTURE
: A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

ACCESSORY USE
: A use separated from, subordinate to and customarily incidental to the use of the principal building and situate on the same lot.

ACRE
: An acre of land and/or water, which equals 43,560 square feet.

ACT 247
: The Pennsylvania Municipalities Planning Code of July 31, 1968, 53 P.S. § 10101, et seq., (Act) No. 247, as amended.

AGRICULTURAL USE: AGRICULTURE
: A principal use involving the cultivating of the soil, the raising and keeping of livestock and poultry and the harvesting of the products of the soil, including horticulture and forestry.

ALLEY
: A public or private thoroughfare, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION
: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, joists or rafters, or enclosure walls which changes the use of a building or structure or otherwise alters the area and bulk requirements of this chapter.

AMBIENT NOISE

The all-encompassing noise associated with a given environment being usually a composite of sounds from many sources near and far.

ANTIQUES

Goods and objects (i.e., furniture, glass, jewelry) made in a former period and considered to be of value due to their quality, style, appearance or age.

APARTMENT

See "dwelling types," "multiple-family dwelling."

APPLICANT

A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

ARTERIAL STREET

A major regional highway designed to carry heavy vehicular traffic onto, out of, or through the regional area; subject to necessary control of entrances, exits and curb use.

AVENUE

A wide street or thoroughfare lined with trees.

BASE FLOOD

The flood which has been selected to serve as the basis upon which the floodplain management provisions of this chapter have been prepared; for the purposes of this chapter, the one-hundred-year flood.

BASE FLOOD ELEVATION

The one-hundred-year flood elevation. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain, which is nearest to the construction site in question.

BASEMENT

An enclosed area partly or completely below grade. It shall be considered a building story if more than 33 1/3% of the perimeter walls extends five feet or more above grade, or if the net area of the door or window openings in the exterior walls is at least equal to 10% of the enclosed floor area.

BED-AND-BREAKFAST

An accessory use to a single-family detached dwelling, permitted as such only when carried on in conformity with applicable regulations, in which the occupants of the residence provide overnight accommodations for short-term, transient guests, including the service of breakfast, but no other meals.

BLOCK

Property bounded on one side by a street, and other three sides, by a street, railroad right-of-way, waterway, unsubdivided area, or other definite barrier.

BOARDING HOUSE

A building or portion of a building arranged or used for sheltering or feeding, or both, for compensation for two or more individuals who are not otherwise part of a "family" as defined herein.

BOROUGH

The Borough of Stockertown, Northampton County, Pennsylvania.

BOROUGH ENGINEER

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Borough Engineer.

BOULEVARD

A wide city street.

BUFFER AREA

A strip of land adjacent to the lot line to establish a visual separation between incompatible uses.

BUILDING

Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, equipment or materials and that a total area under roof of greater than 16 square feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

BUILDING COVERAGE

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

BUILDING HEIGHT

A building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the roof.

BUILDING LINE

A line, parallel to the lot line, passing through the part of the building nearest to the particular lot line; may be farther from the lot line than the building setback line.

BUILDING PRINCIPAL

A building in which is conducted the principal use of the lot on which it is situated.

BUILDING SETBACK LINE

A line which designates the minimum distance between any building and the adjacent street right-of-way or property line, whichever is closer. This line shall be measured from a point or points formed by the intersection of a vertical building wall with the ground (or in the case of a cantilevered building, at the vertical plane which coincides with the most projected surface), to the street right-of-way or property line, whichever is closer.

A.

FRONT YARD BUILDING SETBACK LINE

ÔÇö The line parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the front yard designated for each district in this chapter. All yards adjacent to a public or private street right-of-way shall be considered front yards, except in double frontage lots.

B.

SIDE YARD BUILDING SETBACK LINE

ÔÇö The line parallel to the side lot line and equal to the minimum depth of the side yard designated for each district in this chapter.

C.

REAR YARD BUILDING SETBACK LINE

ÔÇö The line parallel to the rear lot line and equal to the minimum depth of the rear yard designated for each district in this chapter.

BULK

The term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines. The term

may include: the size, height and floor area of buildings or other structures; and, all open areas in yard space relating to buildings and other structures.

CARTWAY

The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

Editor's Note: The former definition of "cart way," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CERTIFICATE OF USE AND OCCUPANCY

A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with this chapter, or that a building, structure, sign, and/or land may be lawfully employed for specific uses or both.

CHURCH

A building or group of buildings, including customary accessory buildings, designed or intended for public worship. For the purpose of this chapter, the word "church" shall include: chapels, cathedrals, synagogues, temples and similar designations as well as parish houses, convents and such accessory uses.

CLEAR SIGHT TRIANGLE

An area of unobstructed vision at street intersections defined as lines of sight between points at a given distance from the intersection of the street rights-of-way, cartways, or center lines.

COLLECTOR STREET

A street designed to carry a moderate volume of traffic to intercept local streets, to provide routes to arterial roads and to community facilities and to provide a limited amount of access to the abutting properties.

COMMON AREA

That portion of a development tract owned in undivided fee interests by the unit owners in such condominium and set aide for their exclusive use and enjoyment.

COMMON OPEN SPACE

Land or an area of water or a combination of land and water within a development site, designed and intended for the use and enjoyment of the residents of the development and other neighborhoods, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights-of-way or yard or off-street parking areas required for residential or other non-common open space functions. The common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses.

COMMUNICATIONS ANTENNAS

Any device used for the transmission or receipt of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING

An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER

A structure other than a building, such as a monopole, self-supporting, designed and used to support communications antennas.

COMPREHENSIVE PLAN

The document entitled the "Stockertown Comprehensive Plan," or any part thereof, adopted by the Borough Council, as amended.

CONDITIONAL USE

A use which may not be generally appropriate to a particular zoning district, but which may be suitable in certain locations within the district only when specific conditions prescribed for such use within this chapter are present. Conditional uses are granted or denied by the Borough Council after a hearing to determine whether or not such conditions are present.

CONDOMINIUM

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions created under either the Pennsylvania Unit Property Act of July 3, 1963

Editor's Note: Said Act was repealed 1980, July 2, P.L. 286, No. 82, § 2. See now the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq.
or the Pennsylvania Uniform Condominium Act of 1980.

CONSTRUCTION

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

CONVERSION

An alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits, or zoning regulations.

CUL-DE-SAC

A local street intersecting another street at one end, and terminating in a vehicular turnaround at the other.

CURBING

A raised stone or concrete edging along the side of a street.

DAY-CARE CENTER

Facility licensed by the Commonwealth of Pennsylvania which provides food service, shelter, supervision, educational and recreational needs of children whether or not for monetary gain.

DEAD END STREET

A street with a single connection with the surrounding road network, which fails to meet the definition of "stub street."

DENSITY, GROSS

The total land ownership divided by the total number of families or dwelling units per acre, such ownership including interior streets having rights-of-way not over 50 feet in width, common open spaces, permitted commercial uses, sites for schools and places of worship, and all land devoted to residential use, but excluding interior streets having rights-of-way greater than 50 feet in width.

DENSITY, NET

The number of families or dwelling units per acre, within only that portion of the lot devoted to any one particular housing type, including the yards, off-street parking and driveway facilities directly serving those particular dwelling types, but excluding common open spaces, places of worship, permitted commercial uses, school sites, public streets, areas devoted to sanitary sewer facilities and other public grounds.

DEPARTMENT OF HEALTH

The Department of Health of the Commonwealth of Pennsylvania, or their representative having jurisdiction in the Borough.

DETENTION BASIN

A basin designed, intended or used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DEVELOPER

Any landowner, agent of such landowner, tenant with the permission of such landowner, or equitable owner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN

The design or site layout plan for multifamily dwellings, mobile home parks, shopping centers and industrial parks, covering the entire property ownership although the actual development may take place in stages, and including all required provisions applicable to the type of development such as all covenants relating to the use, location and bulk of buildings and other structures, gross and net densities, streets, ways and parking facilities, common open space and public facilities, as well as such written and graphic material as may be necessary for the reviewing officials to evaluate the proposed development; and, where more than one mortgage is contemplated, the limits of each shall be shown, and all required elements and provisions of this chapter shall take place independently within each of the mortgage areas so that each could function independently, if necessary.

DRIVE

A road for vehicles.

DWELLING TYPES

A.

Multiple-family dwelling: a building containing three or more dwellings, each accommodating one family.

(1)

Apartment dwelling: a building or group of buildings with common ownership on a lot with three or more dwelling units used specifically for residential purposes and originally constructed as such.

(2)

Garden apartment: a multiple-family dwelling of up to three stories in height designed for rental or condominium ownership of each housekeeping unit.

(3)

Quadraplex: a building containing four dwellings, each sharing two common party walls which separate the units vertically.

(4)

Single-family attached dwelling (townhouse): three or more single-family attached dwelling units with one dwelling unit from ground to roof, two points of independent outside access, at least two other dwellings built in conjunction herewith and any portion of one or two unpierced party walls common with an adjoining dwelling, and having yards on at least two sides.

B.

Mobile home.

C.

Single-family detached dwelling: a building designed for and occupied exclusively as a residence, containing one dwelling unit and having no common or party wall with an adjacent dwelling, and having yards on all sides. Where a private garage is structurally attached to such building, it shall be considered as part thereof.

D.

Single-family semidetached dwelling (twin): two dwelling units, each accommodating one family, which are attached side by side through use of a party wall, with each dwelling unit having one side yard.

E.

Two-family detached dwelling (duplex): two dwelling units, each accommodating one family, which are located one over the other with the building having two side yard.

DWELLING UNIT

A room or group of rooms located within a residential building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating by one family.

DWELLING UNIT

A room or rooms within a building connected together, constituting a separate independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent lavatory, cooking and sleeping facilities.

EASEMENTS

A liberty, privilege or advantage which one has in the lands of another for a precise and definite purpose, subordinate to, but not inconsistent with, the owner's general property rights.

EDUCATIONAL USE

A use requiring certification, licensing, or review by the Pennsylvania Department of Education.

EFFECTIVE DATE OF THIS CHAPTER

The effective date of this chapter is five days after its adoption, except that with respect to the subject matter of any amendment, the effective date of this chapter shall mean five days after the date upon which the particular amendment was adopted.

EFFECTIVE SCREEN

Planting of deciduous and evergreen trees and shrubs not less than five feet in initial height and capable of attaining a height and width of not less than 10 feet wherein not less than 50% of the plants shall be evergreen mixed throughout the length of such screen, so arranged or placed as to divert attention from or obstruct at least 85% of an otherwise clear view of an objectionable or incompatible use or activity during all seasons of the year. A wall or fence in combination with the aforementioned plantings may be used as an effective screen where required for parking and loading areas. The effective screen shall be in accordance with plans and specifications prepared by a registered landscape architect and shall be compatible with the landscaping on the lot and approved by the Zoning Officer.

ELECTRIC SUBSTATION

Buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the utility company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being appropriately planted or screened to blend the installation with the surrounding landscape.

ENGINEER

A professional engineer licensed by the Commonwealth of Pennsylvania.

ENGINEER, BOROUGH

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough of Stockertown, its Planning Commission or Authority.

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined herein.

ESSENTIAL UTILITIES

Includes sewerage, water, gas and electric lines and related appurtenances used to serve development within the Borough, but not including cross-country transmission lines or other utilities not required to serve the Borough.

EXPRESSWAY

A major highway designed for large volumes and high speed traffic with access limited to grade separated intersections.

FAMILY

A family is:

A.

A single person occupying a dwelling unit;

B.

Two or more legally related persons, including foster children, occupying a dwelling unit; or

C.

Not more than four unrelated persons occupying a dwelling as a single nonprofit entity.

FENCE

Any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly, or in combination with other materials, 2 1/2 feet or higher, erected to secure or divide one property from another or part of a property from a remaining part, to ensure privacy, to protect the property so defined, or to enclose all or part of the property.

FLOOD

A temporary inundation of normally dry land areas.

FLOOD ELEVATION REGULATORY

The one-hundred-year flood elevation, plus a freeboard safety factor of 1 1/2 feet.

FLOOD-FRINGE

That portion of the floodplain outside the floodway.

FLOOD, ONE-HUNDRED-YEAR

A flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year).

FLOODPLAIN

A relatively flat or low-lying area adjoining a river, stream or watercourse which is subject to partial or complete inundation during a one-hundred-year design frequency storm or an area subject to the accumulation or runoff of surface waters from any source, as more fully defined by the current edition of the Stockertown Borough Flood Insurance Rate Map and associated Floodplain Study.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes and adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

FLOODWAY

The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

FLOOR AREA or GROSS FLOOR AREA

The total area of all floors as measured to the outside surfaces of exterior walls, or from the center line of party walls separating two buildings, but excluding crawl spaces, garages, carports, attics without floors, open porches, terraces, and cellars.

FUNERAL HOME

A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, PRIVATE

An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two motor vehicles owned and used by persons other than the owner or tenant of the premises.

GARAGE, STORAGE

A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks) but not for the service or repair thereof nor for the sale of fuel, accessories, or supplies.

GASOLINE SERVICE STATION

An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and hand washing of motor vehicles, and the sale, installation or minor repair of tires, batteries, or other automobile accessories.

GOLF COURSE

Either a publicly or privately owned and operated course, which shall have a minimum of nine holes of golf. Neither a commercial driving range nor a commercial miniature golf area shall be considered a golf course for the purposes of this chapter.

GOVERNMENTAL USES

Municipal, county, state or federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

GRADE

The elevation of finished ground or paving which adjoins a building.

GROUP HOME

A facility which provides residential services to persons who, due to age, disability, or handicap, are not able to live without professional care or supervision. Such a facility provides twenty-four-hour supervision and is licensed by the state and/or county.

HEIGHT OF A COMMUNICATIONS TOWER

The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HISTORIC BUILDINGS

Existing buildings or structures registered with the National Register of Historic Places. Buildings or structures meeting criteria as set forth by the National Register of Historic Places.

HOME OCCUPATION

An accessory use which is clearly incidental and subordinate to the residential use of a dwelling unit and is customarily performed within a dwelling unit or accessory buildings by one or more occupants of such dwelling unit.

HOMEOWNERS' ASSOCIATION

A nonprofit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property.

HOME, ROOMING

A dwelling in which weekly or monthly sleeping accommodations are provided for rent to less than 10 persons, whether or not the serving of meals is included.

HOME, TOURIST

A dwelling in which overnight sleeping accommodations are provided for rent to less than 10 motor vehicle travelers, whether or not the serving of meals is included.

HORSE BARN

A building or portion of building used for the shelter of horses belonging to the landowner or tenant residing on the property.

HOSPITAL or MEDICAL CENTER

A building used for the medical diagnosis, treatment or other care of human ailments.

HOTEL, MOTEL, MOTOR INN

A building or group of buildings containing guest rooms especially designed for the temporary lodging of transient guests, provided that no room shall have cooking facilities of any kind.

HOUSEHOLD PETS

Domesticated animals normally considered to be kept in or in conjunction with a dwelling unit for the pleasures of the resident family, such as dogs, cats, small birds, gerbils and other similar pets normally sold by retail pet stores.

IMPERVIOUS COVER

Land that is occupied by principal and accessory structures, streets, driveways, parking areas and other similar surfaces that prohibit or slow the percolation of water into the soil.

IMPROVEMENTS

Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

INDUSTRIAL PARK

A grouping of two or more industrial establishments on a lot held in single and separate ownership.

INSTITUTION

A building or grounds, a portion of which is used for the residence of more than four unrelated persons who occupy the buildings for a common purpose to include hospitals, convents, school dormitories, college campuses, nursing homes, the educational, administrative and recreational facilities of such organizations as the YMCA, YWCA, and the like.

JUNKYARD

An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and/or discarded materials, including, but not limited to, wastepaper, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a junkyard.

KARST

A type of topography that is formed over limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions or sinkholes, caves and underground drainage.

KENNEL

An operation involving the boarding, sale, breeding, show purposes, or grooming of adult dogs, cats or other domestic animals. Kennels shall be enclosed, including soundproof runs.

LABORATORY

A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

Editor's Note: The former definition of "land development," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

LAND DEVELOPMENT

Any of the following activities:

A.

The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(1)

A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or

(2)

The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B.

A subdivision of land.

C.

Development in accordance with Section 503(1.1) of the Municipalities Planning Code, as amended.

Editor's Note: See 53 P.S. § 10503(1.1).

LANDOWNER

The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a lessee (if authorized under the lease to exercise the right of the landowner), or authorized officers of a partnership or corporation that is a landowner or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

LANDSCAPING

The planting of turf or other appropriate ground cover or the planting of deciduous and evergreen trees and shrubbery, including the maintenance thereof, for control of erosion, retention of precipitation, protection against the elements, and promotion of human comfort and welfare.

LEHIGH VALLEY PLANNING COMMISSION

The Planning Commission of Lehigh and Northampton Counties.

LICENSE

According to usage:

A.

When applied to mobile home parks, shall mean written approval by the Borough of Stockertown, a prerequisite of which shall be approval by the Department of Health, and compliance with all applicable regulations of this, or other applicable ordinances.

B.

When applied to erection of signs, shall mean written approval by the Borough of Stockertown, a prerequisite of which shall be compliance with all applicable regulations of this and other applicable ordinances, and the posting of a liability insurance policy or an indemnity bond in an amount not less than $5,000 payable to the Borough of Stockertown in a form satisfactory to the Borough Solicitor.

LIVESTOCK

Animals of any kind kept or raised for use or pleasure, especially meat and dairy cattle and draft animals, opposed to dead stock.

LIVING SPACE

Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

LOADING SPACE

A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

LOCAL STREET

A street whose function is to provide for local traffic movement with relatively low volumes and direct access to abutting properties.

LOOP STREET

A street which intersects only with itself, except for a single connection with the surrounding road network.

LOT

A parcel of land which is occupied or is to be occupied by one principal building and other permitted uses, or in the case of multifamily dwellings or multiuse commercial and industrial developments to be occupied by two or more principal buildings, and such open spaces as are arranged or designed to be used in connection with such principal buildings or other structures or uses, such open spaces and the area and dimensions of such lot being not less than the minimum required by this chapter.

LOT AREA

The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). "Lot area" shall not include the following:

A.

Areas within future or existing street rights-of-way;

B.

Areas that are currently or will be dedicated as common open space; or

C.

For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity.

LOT CORNER

A lot at the junction of, and abutting on two or more intersecting streets, or at the point of abrupt change in direction of a single street the interior of which is not greater than 135°.

LOT COVERAGE

The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces which do not normally absorb rainfall.

LOT DEPTH

The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, INTERIOR

Any lot which only has access to a street by either an easement or right-of-way; or any lot which has limited frontage to a street by virtue of being flag-shaped.

LOT LINE

A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line, and shall not be the center line of the street or any other line within the street lines even though such may be the property boundary line in a deed.

LOT LINE, FRONT

The lot line abutting a street and coinciding with the street line, and in the case of a corner lot, both street-abutting lot lines. In the case of an interior lot, the front lot line shall be that property line generally parallel to the street line providing access to the lot.

LOT LINE, REAR

A lot line opposite and most distant from the front lot line; if the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE

Any lot line connecting a front or rear lot line.

LOT, REVERSE FRONTAGE

Lots which are situated between two public streets, but provide vehicular access solely from the street with the lesser highway functional classification.
Editor's Note: See also the definition of "reverse frontage lot."

LOT WIDTH

The distance, in feet, between two opposite side lot lines, measured at the building setback line.

MAINTENANCE GUARANTEE

Any security which may be accepted by the Borough Council to insure the structural integrity of accepted improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan, for a period of 12 months.

MANUFACTURED HOME

A structure, transportable in one or more sections, that is 25 m (8 body feet) or more in width or 12 m (40 body feet) or more in length in the traveling mode or, when erected on site, is 30 m^2 (320 square feet) or more; which is built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square meters (square feet) in a structure will be based on the structure exterior dimensions, measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include inside bay windows.

A.

Roof. The roof must be predominantly double-pitched and have a minimum vertical rise of three inches for every 12 inches of horizontal run, and must be covered with material that is customarily used on site-built dwellings, including approved wood, asphalt composition shingles, fiberglass and metal roof, but excluding aluminum and corrugated fiberglass. The roof shall have a minimum eave projection and roof overhang of 10 inches, which must include gutters and downspouts and provide positive drainage.

B.

Siding. Exterior siding shall be of a material customarily used on site-built dwellings, which does not have a high-gloss finish, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with building coeds adopted by the governing body.

C.

Installation. The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the International Conference of Building Officials (ICBO) and published in the most recent edition of "Guidelines for Manufactured Housing Installations." A continuous, permanent concrete or masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, which may include walkout basements and garages, shall be installed under the perimeter of the home, also in accordance with the above-referenced ICBO Guidelines.

D.

Finished floor elevation. The finished floor of the residential-design manufactured home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.

E.

Attached additions. Any attached addition shall comply with the building codes adopted by the governing body. Architectural and aesthetic standards, as specified above, shall be applicable to all additions.

F.

Garages. Detached garages, which may be constructed on the same lot as a residential-design manufactured home, shall comply with all requirements of the building codes adopted by the governing body and with all architectural and aesthetic standards, as specified above.

MARGINAL ACCESS STREET

A local street which is parallel to and adjacent to an expressway, or an arterial road, and which provides access to abutting properties and protection from through traffic.

MARKER

A metal pipe or pin of at least 3/4 inches outside diameter and at least 30 inches in length.

MICROWAVE ANTENNA

A parabolic ground-based reflector together with its pedestal and any other attachments and parts thereof commonly referred to as a disk-shaped antenna, used or intended to receive radio or electromagnetic waves from an overhead satellite.

MINIMARKET

A retail store selling a variety of food, beverages, drugs, reading material, or household supplies and having a floor area not exceeding 2,500 square feet.

MINOR REPAIR

The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of part of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME

A factory-assembled structure or structures transportable in one or more sections that is built on a permanent chassis and designed to be used as a dwelling without a permanent foundation where connected to the required utilities and that includes the plumbing, heating, air conditioning and electric systems contained therein.

MOBILE HOME LOT

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which said lot is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK

A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

MONUMENT

A stone or concrete monument with a flat top at least four inches in diameter or square. The bottom sides or radius shall be at least two inches greater than the top to minimize movements caused by frost. The monument shall contain a steel dowel and be at least 30 inches in length.

NO-IMPACT HOME-BASED BUSINESS

No-impact home-based business shall be permitted in all residential districts of the Borough as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, by-law or other document applicable to a common interest ownership community. A no-impact home-based business must satisfy the following requirements:

A.

The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B.

The business shall employ no employees other than family members residing in the dwelling.

C.

There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D.

There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E.

The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F.

The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G.

The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H.

The business may not involve any illegal activity.

NONCONFORMITY

A building or other structure, use or lot by which reason of design, size or use, does not comply with the applicable use or area and bulk requirements of this chapter or amendment thereto, heretofore or hereafter enacted where such nonconformity was lawfully in existence prior to the application of such ordinance or amendment to its location by reason of annexation.

OPEN-PIT MINING

All activity which removes from the surface or beneath the surface of the land some material, mineral, resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material or an undesirable one, or to remove the strata or material which overlays or is above the desired material in its natural condition and position. Open-pit mining includes, but is not limited to the excavation necessary for the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

OPEN SPACE

That part of a lot, parcel or tract which is unoccupied and unobstructed by any structure or impervious cover, except recreational and utility structures, which are permitted. The term "open space" shall not include any area designed, maintained or used for streets, roads, highways, driveways or parking areas.

OPEN SPACE, COMMON

A parcel or parcels of land within a tract which meets all of the following standards:

A.

Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;

B.

Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned;

C.

Will be deeded to the Borough and/or deed restricted to permanently prevent uses of land other than common open space and noncommercial recreation; and

D.

Does not use any of the following areas to meet minimum open space requirements:

(1)

Existing or established future street rights-of-way;

(2)

Vehicle streets or driveways providing access to other lots;

(3)

Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation);

(4)

Off-street parking (other than that clearly intended for noncommercial recreation);

(5)

Area(s) needed to meet a requirement for an individual lot;

(6)

Area(s) deeded over to an individual property owner for his/her own exclusive use, except for land approved by the Borough for agricultural preservation;

(7)

Land beneath or within 50 feet of each side of each of the following:

(a)

Overhead electrical transmission lines of 35 kilovolts or greater capacity;

(b)

The towers/poles supporting such lines.

(8)

For land intended to be open to the public, that does not have provisions for entry with a twenty-foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street;

(9)

Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Borough Council would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions;

(10)

Portions of land that have a width of less than 20 feet;

(11)

Land that includes commercial recreation uses, except as may specifically be permitted to be counted towards a common open space requirement by a specific provision of this chapter; and

(12)

Land that includes a central sewage treatment plant or a stormwater facility, except as provided for above.

PA DEP

The Pennsylvania Department of Environmental Protection, or its successors, and its subparts.

PARKING SPACE

A reasonably level space, having a surface slope not exceeding 5%, available for the parking of one motor vehicle, not less than 10 feet wide and having an area of not less than 200 square feet exclusive of passageways, driveways, or other means of circulation or access.

PARKING SPACES, ALL WEATHER

A parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

PennDOT

The Pennsylvania Department of Transportation, or its successor, and its subparts.

PERFORMANCE GUARANTEE

Any security which may be accepted by the Borough Council to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the plan.

PLAN, FINAL

A complete and exact plan, with professional engineer's seal and/or professional land surveyor's seal affixed and prepared for official recording as required by this chapter to define property rights, streets and other proposed improvements.

PLAN, PRELIMINARY

A tentative plan, in lesser detail than a final plan, showing proposed streets and lot layout and such other information as required by this chapter.

PLAN, RECORD

The copy of the final plan which contains the original endorsements of the Lehigh Valley Planning Commission and the Borough Planning Commission and which is intended to be recorded with the County Recorder of Deeds.

PLAN, SKETCH

An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision. A sketch plan is not mandatory and is not a preliminary plan.

PLAT

The map or plan of a subdivision of land, whether preliminary or final.

POULTRY

Domesticated birds that serve as a source of eggs or meat and that include among commercially important kinds, chickens, turkeys, ducks and geese, and among kinds chiefly of local interest, guinea fowl, pea fowl, pigeons, pheasants and others.

PRINCIPAL USE

The single dominant use or single main use on a lot.

Editor's Note: The former definition of "public notice," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

PUBLIC NOTICE

Notice published in any newspaper of general circulation in the Borough of Stockertown, once each week for two successive weeks, the first not more than 30 days and the second not less than seven days prior to any public hearing required by this chapter; such notice shall give time and place, and the nature of the matter to be considered.

PUBLIC STREET

A street which has been accepted for dedication by Stockertown Borough for public use.

PUBLIC UTILITY TRANSMISSION TOWER

A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

PUBLIC WATER

Water which is distributed by a municipality or a private company which is subject to control of the Pennsylvania Department of Environmental Protection and the Public Utility Commission, through a network of pipes and for which a fee is charged.

RADIO TOWER

A structure erected for the sole purpose of holding antennas to be used as an accessory use specifically for communications via radio by an individual or company holding a valid active radio license issued by the Federal Communications Commission.

RECREATION, ACTIVE

Those recreational pursuits, which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to playgrounds, ball courts, and swimming pools.

RECREATION LAND

Land dedicated to the Borough or other entity approved by the Borough for the use of the Borough's residents, which is suitable for active uses such as playing fields. Recreation lands shall not include areas within the one-hundred-year floodplain, power line or pipeline rights-of-way, quarries, road rights-of-way, buffer zones, or stormwater management facilities. Recreation lands shall not include areas characterized by wetlands, hydric soils, slopes in excess of 5%, or woodlands.

RECREATION, PASSIVE

Recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

RENTAL UNIT

An individual space offered for rent or lease within a motel, hotel, rooming house, tourist home, institutional home, dormitory, or in a professional or commercial office building.

RESTAURANT

A place of business serving food and beverage prepared for consumption within a building, and providing table or sit-down service only, but not including outdoor counter service or curb service. The inside tables must seat comfortably a total of not less than 25 people.

RESTAURANT, DRIVE-THROUGH

A restaurant, or section thereof, which is designed to allow for the serving and pickup of food, without leaving the vehicle, for off-premises consumption.

RETAIL TRADE

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and vending services incidental to the sale of such goods, such as, but not limited to, hardware store, pharmacy, magazine/bookstore, florist or clothing store.

REVERSE FRONTAGE LOT

A parcel designed such that individual residential uses abut a street on both the front and the rear, with vehicular access from only one street. A lot will only be deemed a reverse frontage lot if access is from a local street.

Editor's Note: See also the definition of "lot, reverse frontage."

RIGHT-OF-WAY

Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the future street right-of-way line.

ROAD

An open, public way for moving vehicles, persons or animals.

RUNOFF

That part of precipitation which flows over the land.

SALDO

The Stockertown Borough Subdivision and Land Development Ordinance of 2002.

Editor's Note: See Ch. 213, Subdivision and Land Development.

SANITARY LANDFILL

A lot or land or part thereof municipally operated and used primarily for the disposal of garbage, refuse and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill normally consists of:

A.

Depositing the discarded material in a planned controlled manner;

B.

Compacting the discarded material in thin layers to reduce its volume;

C.

Covering the discarded material with a layer of earth; and

D.

Compacting the earth cover.

SANITARY SEWAGE DISPOSAL, ON-LOT

An on-lot" septic tank disposal system generally providing for disposal of effluent for only one building or a group of buildings on a single lot, and provided in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Borough, whichever may be more stringent.

SANITARY SEWAGE DISPOSAL SYSTEM, PUBLIC

A public or private utility system designed to collect, centrally treat and dispose of sewage from more than one customer, in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Borough, whichever may be more stringent.

SEDIMENTATION

The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

SEWAGE DISPOSAL

A.

INDIVIDUAL

ÔÇö The disposal of sewage from one dwelling unit by use of septic tanks or other safe and healthful means, approved by the Borough Sewage Enforcement Officer. Such system shall be totally within the confines of the lot on which the use is located, or shall be located within an easement designated for such purpose on another lot.

B.

CENTRAL/COMMUNITY COLLECTION AND TREATMENT (COLDS)

ÔÇö A sanitary sewage system which carries sewage from individual dischargers by a system of pipes to one or more common treatment and disposal facilities, either on-site or off-site, and approved by the Pennsylvania Department of Environmental Protection.

C.

PUBLIC SEWAGE SYSTEM

ÔÇö An off-site system for treatment and disposal of sewage in which sewage is conveyed by interceptor to the treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SHED

Any structure not suitable for human habitation, used as a utility building but not a garage, whose maximum floor coverage does not exceed 200 square feet.

SHOPPING CENTER

The multiple use of a single property for a group of stores planned and designed as an integrated unit with controlled ingress and egress and off-street parking provided on the property as an integral part of the unit.

SIDEWALKS

The portion of street located outside the cartway and includes a paved footpath; a walk for pedestrians along the side of a street or road.

SIGHT DISTANCE

The required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made between a point 3.5 feet above the center line of the road surface and a point 3.5 feet above the center line of the road surface.

SIGN

A structure, building wall or other outdoor surface, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or service of any person.

SIGN, ACCESSORY USE

Signs which identify or advertise home occupations.

SIGN AREA OR SIZE

The entire area within a single continuous perimeter enclosing the extreme limits of such sign, together with all moldings, battens, cappings, nailing strips, latticing and platforms which are attached and are part of the sign proper and/or forming an integral part of the display. Signs which are composed of letters, words or representations only and which do not form a square or rectangular pattern shall be considered to include in sign area a square or rectangle as drawn at the outer limits of the letters, words or representations.

SIGN, BUSINESS

A sign directing attention to a business, commodity, or service conducted, sold or offered upon the same premises as those upon which the sign is maintained.

SIGN, DEVELOPMENT

A sign indicating that the premises is in the process of being subdivided and developed for the construction of dwellings or other buildings.

SIGN, DIRECTIONAL

A sign conveying instructions with respect to the premises on which it is maintained, such as the entrance and exit of a parking area, a warning sign, a danger sign and similar information signs.

SIGN, DOUBLE-FACED

A sign with two or more faces which display the same message on each face, with each of the sign faces being parallel to one another or separated by an interior angle of no greater than 45┬.

SIGN, FREESTANDING

A detached sign which shall include any sign, uprights or braces placed upon or in the ground and not attached to any building.

SIGN, ILLUMINATED

A non-flashing or non-twinkling sign which has characters, letters, figures, designs or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign.

SIGN, OFFICIAL TRAFFIC

Signs erected by the Commonwealth of Pennsylvania Department of Transportation or the Borough of Stockertown which are designed to regulate traffic, describe road conditions, or supply direction.

SIGN, OFF-SITE DIRECTIONAL

Nonilluminated signs used to direct persons to civic or service clubs, churches, schools, nonprofit organizations or other public or quasi-public sites or facilities.

SIGN, OUTDOOR ADVERTISING BILLBOARD

A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered upon the premises where such sign is located.

SIGN, PORTABLE

Signs that can either be attached or mounted on wheels or transported by flatbed trailer.

SIGN, REAL ESTATE

A temporary sign indicating the sale, rental or lease of the premises on which the sign is located.

SIGN, TEMPORARY NONPROFESSIONAL

A sign notifying or advertising a special event, such as festivals, concerts or exhibits.

SIGN, WALL

Any sign erected against the wall of any building, or displayed in windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or one door and which sign is mounted at a distance measured perpendicular to said wall not greater than 12 inches.

SINGLE AND SEPARATE OWNERSHIP

The ownership of property by any person, partnership, or corporation, which ownership is separate and distinct from that of any adjoining property.

SOLID WASTES

All refuse including garbage and trash, and all material which is putrescible and originating from the preparation, cooking and consumption of food and market produce.

SPECIAL EXCEPTION

Permission, approval or authorization granted by the Zoning Hearing Board in accordance with Article XIV, § 250-110J, herein, only in situations where provisions therefor are specifically made by the terms of this chapter.

SPECIAL PERMIT

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

STORM SEWER

A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

STORMWATER MANAGEMENT PLAN

The plan for managing stormwater runoff adopted by Northampton County for the Bushkill Creek Watershed as required by the Act of October 4, 1978, P.L. 864 (Act 167), and known as the "Stormwater Management Act."

STORY

That portion of a building comprised between the surface of any floor and the surface of any floor or roof next above.

STREET

A strip of land intended for use as a means of vehicular or pedestrian traffic, whether public or private.

STREET RIGHT-OF-WAY LINE

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line, provided that:

A.

The street right-of-way line shall be not less than 16 1/2 feet from the center line of any existing road or street; and

B.

Where a future right-of-way width for a road or street has been officially established, then the street right-of-way shall be the side line of the future right-of-way so established.

STRUCTURAL ALTERATION

Any change in or addition to the supporting or structural members of a building, or other structure, such as the bearing wall, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure; or adapt it to a different use, or which, in the case of a nonconforming building or other structure, would prolong the life of such building or other structure.

STRUCTURAL UNIT

One or more buildings enclosed by continuous exterior walls and a continuous roof.

STRUCTURE

Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

A.

The following specifically shall be considered to be structures: buildings; signs; stadiums; platforms; communications towers; walkways, porches or decks that are structurally raised above the underlying ground level or that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds; carports; and garages; post- or pier-mounted lights; brick or masonry piers; walls; non-portable basketball backboards; fences and gates.

B.

Any structure shall be subject to the principal or accessory setbacks of this chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this chapter.

STUB STREET

A street or road within a subdivision terminating at the subdivision boundary with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adequate connecting street system.

SUBDIVISION

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

SUBDIVISION, MINOR

A subdivision which does not by itself or in combination with previous subdivision plans, involve more than a total of three lots, and does not involve the provision of any new street or easement for access (i.e., one in which all proposed lots will have frontage on an existing public street), or a boundary line adjustment between property owners where no new lots are created.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

A.

Before the improvement or repair is started; or

B.

If the structure has been damaged, and is being restored, before the damage occurred.

SURVEYOR

A licensed surveyor registered by the Commonwealth of Pennsylvania.

SWIMMING POOL

A structure, above or below ground level, for the purpose of containing water to a depth, at any point, in the excess of two feet and intended primarily for recreation, without regard to material of its construction.

TRAILER CAMP

Any land used or designated to be used as a temporary parking space for more than one house trailer, or dependent mobile home; not a permitted use.

USE

Any purpose for which a building or other structure or tract of land may be designed, arranged, intended, maintained or occupied, or any activity, or occupation carried on, or intended to be carried on, in a building or other structure or a tract of land.

USED CAR LOT

Any land used or occupied for the purpose of buying and selling secondhand motor vehicles and storing said motor vehicles prior to sale, but excluding body and fender repair, painting, and the sale of fuel or lubricants for motor vehicles.

VARIANCE

Permission, approval or authorization granted by the Zoning Hearing Board in accordance with Article XIV, § 250-110I, herein, constituting a modification of, or deviation from the exact provisions of this chapter as applied to a specific piece of property.

WALKWAY, PUBLIC

Any space designed or maintained solely for public pedestrian use, without regard to ownership.

WATERCOURSE

Any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERS OF THE COMMONWEALTH

Any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or in the boundaries of the Commonwealth of Pennsylvania.

WATER SUPPLY AND DISTRIBUTION SYSTEM, ON-LOT

An on-lot water supply system generally providing for an adequate supply of water for one building or a group of buildings on a single lot, and in compliance with the Pennsylvania Department of Environmental Protection, regulations or Borough regulations, whichever may be more stringent.

WATER SUPPLY AND DISTRIBUTION SYSTEM, PUBLIC

A public or private utility system designed to transmit water from a common source to customers in compliance with the Pennsylvania Department of Environmental Protection regulations or the Borough regulations, whichever may be more stringent.

WETLANDS

Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, or as specifically described under the official federal definition of "wetland."

WHOLESALING

A commercial activity comprising the sale of commodities in large quantities or in bulk, as to retailers or jobbers, rather than to consumers directly, including the warehousing, loading and unloading, and shipping of such commodities.

WINDMILL

A structure for the purpose of generating energy by utilizing wind-driven blades.

WOODLAND

Areas composed of a grove of trees forming one canopy where 10 or more trees measure at least six inches in diameter, measured at 4 1/2 feet from the ground.

YARD, FRONT

A yard parallel to a street line for a street from which the lot has access or which abuts the lot, and extending the entire width of the lot. In the case of a corner lot, the yards extending along all streets are front yards and the remaining yards shall include a rear yard, opposite the street to which the principal building is generally faced, and a side yard opposite the other street. In the case of an

interior lot, the front yard shall extend along the front lot line the entire width of the lot and shall not include any portion of the right-of-way or accessway connecting the lot with the street.

YARD, REAR

A yard extending the full width of the lot along the rear lot line.

YARD (SETBACK)

A prescribed open area around the inner periphery of a lot, in which no building or structure shall be created, except for permitted signs and fences; a yard extends parallel to lot lines and street lines, and is measured as a distance perpendicular to lot and street lines.

ZONING HEARING BOARD

The Zoning Hearing Board of Stockertown Borough.

ZONING OFFICER

The administrative officer charged with the duty of enforcing the provisions of this chapter.

ZONING PERMIT

A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this chapter, which authorizes an applicant to proceed with said use, building or structure.

Article III Establishment of Districts:

§ 250-9 Districts established.

A.

The Borough is divided into districts, each with a specified purpose and intent to implement the purpose of this chapter and the goals and objectives of the Comprehensive Plan.

B.

Every parcel of land and every building or other structure in the Borough, except as otherwise provided by law or by this chapter, shall be subject to the provisions specified for the district in which it is located.

C.

A building may be erected or used, and a lot may be used or occupied only for the uses permitted by right, accessory uses, conditional uses which adhere to the explicit standards and criteria, and the uses permitted by special exception, when approved, in the zoning district in which the building or lot is located. No other use shall be permitted unless the Borough Council approves an amendment to this chapter either permitting another use in the Zoning District or rezoning the lot to permit another use.

§ 250-10 Classes of districts.

For the purpose of this chapter, the Borough of Stockertown is hereby divided into the following classes of districts:

R-1	Residential District
MU	Mixed Use
I	Industrial
O/I	Office/Industrial
FP	Floodplain

§ 250-11 Zoning Map.

The location and boundaries of such districts, with the exception of the Floodplain District, shall be as shown on the map attached to and hereby made a part of this chapter, which map shall be designated the "Zoning Map of Stockertown Borough." Said map, and all the notations, references, and other data shown hereon, shall be as much a part of this chapter as if fully described herein.

Editor's Note: The Zoning Map is on file in the Borough offices.

§ 250-12 District boundaries.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, lanes, watercourses and rights-of-way of power lines, pipelines, and other public utilities. Where boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right-of-way of a power line, pipe line or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such feature named lying within such portion of its length. Where uncertainty exists as to the location of any such boundary as shown on the Zoning Map, the following rules shall apply:

A.

Where a district boundary is indicated as approximately following a lot line or other property line, or as approximately following the center line of a street, lane, lake, watercourse or right-of-way of a utility line, such center line shall be construed as such boundary line.

B.

Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on said map.

C.

Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance

therefrom equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

§ 250-13 Boundary tolerances.

Where a lot is divided by a district boundary line, other than a boundary line of the Floodplain District, the uses permitted in the less-restrictive district may extend into that portion of said lot in the more restrictive district to the nearest lot line, but in no case a greater distance than 50 feet, so long as full use is made of the less-restricted area before extension into the more-restricted area of said lot, and provided, however, that the area and bulk regulations of the less-restrictive district shall not be so extended and further provided that in no case shall the uses permitted in an abutting district be extended for any distance into a Floodplain District.

Article IV R-1 Residential:

§ 250-14 Purpose.

The purpose of the R-1 Residential District is to create and/or maintain a pleasant low-density residential area, free from intrusions by commercial and industrial uses. The development of the district at the maximum densities allowed is to be coordinated with the availability and use of public water supply and sewage disposal. In the R-1 Residential District, the following regulations shall apply:

§ 250-15 Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes, and no other:

A.

Single-family detached dwelling.

B.

Single-family semidetached dwelling.

C.

Municipal use.

D.

Private or public club for swimming, tennis, golf or other recreation, provided that the principal activity shall not be one which is customarily carried on as a commercial activity.

E.

Agricultural uses in accordance with § 250-48.

F.

No-impact home-based business as defined in § 250-8, subject to the requirements of § 250-64, shall be a permitted accessory use.

G.

Any of the following uses when authorized as a special exception and subject to the provisions of § 250-110J.

(1)

Public or parochial educational or religious, use, in accordance with §§ 250-51 and 250-52.

(2)

Home occupations in accordance with § 250-44B(4).

(3)

Bed-and-breakfast in accordance with § 250-44B(5).

(4)

Day care in accordance with § 250-46.

(5)

Conversion of dwellings in accordance with § 250-45.

(6)

Signs in accordance with Article XI.

(7)

Accessory use in accordance with § 250-87.

§ 250-16 Area and bulk regulations. (AMENDED 5.4.20 Ordinance 2020-1)

	Without Public Sewer	With Public Sewer
Lot Area - Minimum		

	Without Public Sewer	With Public Sewer
Single-family detached	1 acre	12,000 square feet
Single-family semidetached	1 acre/unit	9,000 square feet
Other permitted uses	2 acres	20,000 square feet
Minimum Lot Width and Building Line		
Single-family detached	180 feet	90 feet
Single-family semidetached	150 feet	45 feet
Other permitted uses	200 feet	100 feet
Maximum Building Coverage		
Single-family detached	20%	25%
Single-family semidetached	20%	25%
Other permitted uses	30%	40%
Maximum Lot Coverage		
Single-family detached	30%	40%
Single-family semidetached	30%	40%
Other permitted uses	50%	60%
Front yard, minimum	30 feet	30 feet
Rear yard, minimum	35 feet	35 feet
Side yards, minimum	25 feet	10 feet
Maximum building height	2 stories or 35 feet	2 stories or 35 feet
Minimum square footage living space	1,000 square feet	1,000 square feet

§ 250-17 Design standards.

For additional regulations applicable to this district, see Article IX, Supplemental Land Use Regulations, Article X, General Provisions, and Article XI, Signs.

Article V MU Mixed Use District:

§ 250-18 Purpose.

The purpose of the MU Mixed Use District is to provide areas in the Borough for a continued mix of residential and commercial activity as well as new residential, office and commercial development. The MU District has been located in areas where convenient access and services are available. In the MU District, the following regulations shall apply.

§ 250-19 Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes, and no other:

A.

Single-family detached dwelling, single-family semidetached dwelling and two-family dwellings.

B.

Apartments above or in the rear of a permitted commercial use.

C.

Hotel, including restaurant and bar, confectionery and newsstand.

D.

Retail store for the sale of dry goods, variety merchandise, clothing, food, beverages, drugs, furnishings and other household supplies, jewelry, time pieces, musical instruments, scientific instruments and antiques.

E.

Business or professional office, studio, bank or other financial institution, library.

F.

Restaurant; provided, however, that outdoor counter, drive-in or curb service shall not be permitted.

G.

Personal service shop such as barber, beauty salon, tailor and shoe repair.

H.

Contractor, craftsman including plumbing, heating, carpenter, welding.

I.

Self-service laundry and dry-cleaning establishment; provided, however, that the establishment will be connected to the Stockertown Borough Sewage Treatment Plant.

J.

Church or other religious organization, club or fraternal organization.

K.

No-impact home-based business as defined in § 250-8, subject to the requirements of § 250-64, shall be a permitted accessory use.

L.

The following uses when authorized as a special exception and subject to the provisions of § 250-110J herein:

(1)

Multifamily dwellings according to § 250-53.

(2)

Home occupations according to § 250-44B(4).

(3)

Mixed-use development according to § 250-50.

(4)

Bed-and-breakfast according to § 250-44B(5).

(5)

Automotive sales and service according to § 250-58.

(6)

Drive-through restaurant facilities according to § 250-59.

(7)

Service stations and vehicle repair shops according to § 250-60.

(8)

Group home according to § 250-47.

(9)

Warehousing and distribution.

(10)

Light manufacturing.

M.

The following when authorized as a conditional use by the Borough Council subject to Article XIV of this chapter:

(1)

Mobile home park according to § 250-61.

N.

Accessory uses according to § 250-44.

§ 250-20 Area and bulk regulations. (AMENDED 5.4.20 Ordinance 2020-1)

		Without Public Sewer	With Public Sewer	Minimum Living Square Footage (square feet)
Lot area ÔÇö minimum				
	Single-family detached	1 acre	9,000 square feet	1,000
	Single-family semidetached and two-family detached	1 acre/unit	6,500 square feet	1,000
	Multifamily dwellings (tract)	Not permitted	20,000 square feet	1,000
	Maximum gross density (tract)		6 DU/ac*	
	Maximum net density		8 DU/ac*	
	Mixed use	1 acre/use	15,000 square feet	
	Other permitted uses	1 acre/use	8,000 square feet	
	Mobile home park	Not permitted	5 acres	800

	Without Public Sewer	With Public Sewer	Minimum Living Square Footage (square feet)
Maximum gross density		6 DU/ac*	

NOTE:

* DU/ac = Dwelling unit per acre.

	Without Public Sewer	With Public Sewer
Minimum Lot Width at Building Line		
Single-family detached	150 feet	50 feet
Single-family semidetached and two-family detached	150 feet	40 feet
Multifamily dwellings (tract)		80 feet
Mixed use	200 feet	80 feet
Other permitted uses	200 feet	60 feet
Mobile home park		200 feet
Maximum Building Coverage		
Single-family detached	20%	45%
Single-family semidetached and two-family detached	20%	45%
Multifamily dwellings (tract)		45%
Mixed use	30%	55%
Other permitted uses	30%	55%
Mobile home park		40%
Maximum Lot Coverage		
Single-family detached	30%	60%
Single-family semidetached and two-family detached	30%	60%
Multifamily dwellings (tract)		60%
Mixed use	50%	70%
Other permitted uses	50%	70%
Mobile home park		40%
Front and Rear Yard, Minimum		
Single-family detached	35 feet	35 feet

	Without Public Sewer	With Public Sewer
Single-family semidetached and two-family detached	25 feet	25 feet
Multifamily dwellings (tract)		40 feet
Mixed use	35 feet	35 feet
Other permitted uses	35 feet	35 feet
Mobile home park		25 feet
Side Yards, Minimum		
Single-family detached	25 feet	15 feet
Single-family semidetached and two-family detached	25 feet	10 feet
Multifamily dwellings (tract)		25 feet
Mixed use	25 feet	15 feet
Other permitted uses	25 feet	15 feet
Maximum building height	3 stories or 35 feet*	

NOTE:

* Except that by special exception, for every one foot above 35 feet, there shall be one foot added to each of the required yards, up to 65 feet.

§ 250-21 Design standards.

For additional regulations applicable to this district, see Article IX, Supplemental Land Use Regulations, Article X, General Provisions, and Article XI Signs.

Article VI Industrial District:

§ 250-22 Purpose.

The purpose of the I Industrial District is to provide for industrial and other related intensive activities in the Borough; to encourage the establishment of industrial uses which will offer additional employment opportunities and an increased tax base for the Borough; to establish reasonable standards governing industrial development to ensure its compatibility with the character of the area and adjacent land uses; and to locate industrial uses within close proximity to major roads in order to provide safe and efficient access by industrial-related traffic. In the I Industrial District, the following regulations shall apply.

§ 250-23 Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes, and no other:

A.

Assembly of office equipment and electrical appliances and supplies; and similar processes not to include the manufacturing of iron, steel, other metals or alloys, or metal processing.

B.

Manufacture of light industrial products from already prepared materials (such as cloth, leather, paper, plastic, glass); manufacture of professional, scientific, or electronic instruments; jewelry; watches and similar products.

C.

Research, engineering, or testing laboratories.

D.

Public utility operating facilities.

E.

Printing or publishing establishment.

F.

Office building.

G.

Wholesale warehouse and distribution.

H.

Contractor's establishment.

I.

Any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to § 250-110J of this chapter:

(1)

Sanitary landfills in accordance with the requirements of § 250-54.

(2)

Junkyard in accordance with the requirements of § 250-55.

(3)

Recycling collection center, excluding processing or transfer station in accordance with the requirements of § 250-56.

(4)

Motor vehicle body or fender repair, including painting or major overhauling in accordance with the requirements of § 250-57.

(5)

Industrial and manufacturing uses limited to the following, provided any use, process, or activity which is, or could be noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, radiation, or noise, or which constitutes a public health hazard by fire, explosion, or otherwise, shall not be permitted:

(a)

Manufacture of lime or cement.

(b)

Foundries.

(c)

Underground storage of fuels or similar substances, including the sale or distribution thereof.

(6)

Any use similar to the above permitted uses not specifically provided for herein, provided that the use meets the performance requirements of § 250-73 of this chapter.

J.

The following accessory uses shall be permitted, provided that they are incidental to any of the foregoing permitted uses:

(1)

Customary industrial accessory uses.

§ 250-24 Area and bulk regulations.

A.

Minimum lot area. Every lot shall have an area of not less than three acres.

B.

Minimum lot width. Every lot shall not be less than 300 feet in width.

C.

Yard regulations.

(1)

A front yard of not less than 75 feet shall be provided on each lot.

(2)

A rear yard and two side yards of not less than 50 feet each shall be provided on each lot, except that setback shall be 100 feet where abutting a residential district. If the lot is a reverse frontage lot, then the requirements of § 250-66B shall apply.

D.

Coverage regulation. The maximum building and lot coverage permitted in this district shall be according to the following:

Lot Area (acres)	Building Coverage	Lot Coverage
3 to 9	40%	70%
9.1 to 15	35%	60%
15.1 or more	30%	50%

E.

Height restrictions. No structure or principal building shall exceed 40 feet in height.

F.

Accessory buildings/structures. No accessory building or structure shall be located within the front yard, nor within 30 feet of any side or rear lot line.

§ 250-25 Community facilities.

Public sewer and water are required for any use permitted in this district, if available. Unless adequate provisions for off-site sewage disposal are provided, there shall be a minimum contiguous area suitable for on-site sewage disposal which is 20% of the tract, but in no case less than 10,000 square feet.

§ 250-26 Design standards.

For additional regulations applicable to this district, see Article IX, Supplemental Land Use Regulations, Article X, General Provisions, and Article XI, Signs.

Article VII O/I Office/Industrial District:

§ 250-27 Purpose.

The purpose of the O/I Office/Industrial District is to provide for a combination of administrative office and research facilities and light manufacturing, assembly and warehousing facilities, which generally require smaller lots. The Office/Industrial District shall be located in close proximity to roadways to provide efficient and safe access by industry-related traffic. In the O/I district, the following regulations shall apply.

§ 250-28 Use regulations.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied for any one of the following purposes and no other; provided, any use, process, or activity which is or could be, noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, radiation, or noise, or which constitutes a public health hazard by fire, explosion, or otherwise shall not be permitted:

A.

Printing or publishing establishment.

B.

Recycling collection center.

C.

Craftsman or constructor shop, such as carpentry, plumbing, welding, electrical, or machine shop.

D.

Trucking terminal, provided the minimum lot size is three acres.

E.

Warehouse, supply house, and similar uses when carried on within an enclosed building.

F.

Wholesale and distribution business when carried on within an enclosed building.

G.

A building or other structure may be erected, altered, or used, and a lot may be used for any of the following uses when authorized by a special exception by the Zoning Hearing Board, subject to § 250-110J of this chapter.

(1)

Automobile service or repair facilities.

(2)

Auto body repair and paint shop subject to provisions of § 250-57.

(3)

Outdoor storage, subject to the provision of § 250-71.

(4)

Manufacturing and processing uses limited to the following purposes; provided, any use, process, or activity which is, or could be, noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, radiation, or noise, or which constitutes a public health hazard by fire, explosion, or otherwise, shall not be permitted:

(a)

Light metal processes, limited to finishing, grinding, polishing, heat-treating, or stamping.

(b)

Manufacture or assembly of electrical appliances, supplies, and equipment.

(c)

Manufacture of products from previously prepared materials, such as canvas, cellophane, cork, felt, glass, hair, leather, or plastic.

(d)

Retail sale of good produced as a permitted accessory use, provided that the area devoted to such sale of goods does not exceed 20% of the gross floor area of the building and that all other applicable provisions of this chapter are met by both the permitted use and the associated retail activity.

H.

Communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings.

I.

Communications towers and communications equipment buildings.

§ 250-29 Area and bulk regulations.

The following regulations shall apply to all uses permitted in this district:

A.

Lot area. Every lot shall have an area of no less than one acre.

B.

Lot width. The lot width at the building line and at the street line shall be a minimum of 125 feet.

C.

Building coverage. The area of each lot covered by buildings shall not exceed 25% of the lot area.

D.

Lot coverage. The area of each lot covered by buildings, paving and other impervious cover shall not exceed 60% of the lot area.

E.

Setbacks. The setbacks for each lot shall be in accordance with the following:

	Range of Lot Area	
	0.50 to 0.99 Acres (feet)	**1.0 to 1.99 Acres 2.0 (feet)**
Front yard	50	100
Rear yard	50	50

	Range of Lot Area	
	0.50 to 0.99 Acres (feet)	1.0 to 1.99 Acres 2.0 (feet)
Side yard (each)	25	50
Residential*	50	100

NOTE:

* The setback shall be as indicated for any side residential district or existing residential use or rear yard abutting a residential district or existing residential use.

F.

Height regulations. No building or structure shall exceed 35 feet in height. These height regulations shall not apply to any communications antennas or communications towers.

§ 250-30 Community facilities.

Public sewer and public water are required for any use permitted in this district, if available. Unless adequate provisions for off-site sewage disposal are provided, there shall be a minimum contiguous area suitable for on-site sewage disposal which is 20% of the tract, but in no case less than 10,000 square feet.

§ 250-31 Design standards.

For additional regulations applicable to this district, see Article IX, Supplemental Land Use Regulations, Article X, General Provisions, and Article XI, Signs.

A.

Regulations governing communications antennas and communications equipment buildings.

(1)

Building-mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.

(2)

Building-mounted communications antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.

(3)

Omnidirectional or whip communication antennas shall not exceed 20 feet in height and seven inches in diameter.

(4)

Directional or panel communications antennas shall not exceed five feet in height and three feet in width.

(5)

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

(6)

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Borough Engineer for compliance with the Borough's building code and other applicable law.

(7)

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

(8)

Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(9)

Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough.

(10)

A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

(11)

The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

Article VIII Floodplain District:

§ 250-32 Purpose.

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

A.

Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.

B.

Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.

C.

Requiring all those uses, activities, and development that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

D.

Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

§ 250-33 Warning and disclaimer of liability.

A.

The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purpose and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

B.

This chapter shall not create liability on the part of Stockertown Borough or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 250-34 Description of districts.

A.

Basis of districts. The various floodplain districts shall include areas subject to inundation by waters of the one-hundred-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study prepared by the Federal Insurance Administration (FIA) dated March 1978.

(1)

The Floodway District (FW) is delineated for the purposes of this chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in the Floodway Data Table of the above referenced Flood Insurance Study and shown on the Flood Boundary and Floodway Map.

(2)

The Flood-Fringe District (FF) shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be the one-hundred-year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study (FIS) and as shown on the Flood Boundary and Floodway Map.

(3)

The General Floodplain District (FA) shall be that floodplain area for which no detailed flood profiles or elevations are provided. Such areas are shown on the maps accompanying the FIS prepared by the FIA. In determining the necessary elevations for the purposes of this chapter, other sources of data may be used such as:

(a)

Corps of Engineers Floodplain Information Reports.

(b)

U.S. Geological Survey Flood Prone Quadrangles.

(c)

U.S.D.A. Natural Resources Conservation Service County Soil Surveys (Alluvial Soils).

(d)

Known high water marks from past floods.

(e)

Other sources.

(f)

Where the specific one-hundred-year flood elevation cannot be determined for this area using sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computation, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

B.

Overlay concept.

(1)

The floodplain districts described above shall be considered as overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map and, as such, the provision for the floodplain districts shall serve as a supplement to the underlying district provisions.

(2)

Where there happens to be any conflict between the provision or requirements of any of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

(3)

In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

§ 250-35 Zoning Map.

The boundaries of the floodplain districts are established as part of the Official Zoning Map of Stockertown Borough, as delineated on the Flood Insurance Study and dated March, 1978, which is declared to be a part of this chapter and which shall be kept on file at the Stockertown Borough offices.

§ 250-36 District boundary change.

The delineation of any of the floodplain districts may be revised by the Stockertown Borough Council where natural or man-made changes have occurred and/or more

detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, Delaware River Basin Commission or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

§ 250-37 Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and submit his own technical evidence if he so desires.

§ 250-38 District provisions.

A.

All uses, activities, and development occurring within any floodplain district shall be undertaken in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances such as the Borough Building Code

Editor's Note: See Ch. 98, Construction Codes, Uniform.
and Chapter 213, Subdivision and Land Development.

B.

No hazardous or toxic substances may be stored or used within any floodplain district.

C.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

D.

Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the municipality, a permit shall be obtained from the Department of Environmental Protection, Dams and Encroachment Division. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Pennsylvania Department of Community and Economic Development.

§ 250-39 Development which may endanger human life.

A.

The provisions of this section shall be applicable, in addition to any other applicable provisions of this chapter, or any other ordinance, code, or regulation.

B.

In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any materials or substances currently listed in the Act or defined as hazardous waste under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions.

C.

Within any Floodway District (FW), any structure of the kind described in Subsection B above shall be prohibited.

D.

Where permitted within any Flood-Fringe District (FF) or General Floodplain District (FA), any structure of the kind described in Subsection B above shall be elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood and designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood. Any such structure or part thereof that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

E.

Within any General Floodplain District (FA), any structure of the kind described in Subsection B above shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

F.

Except for a possible modification of the 1 1/2 foot freeboard requirements, no variance shall be granted for any of the other requirements of this section.

§ 250-40 Activities specifically prohibited.

The following activities and development are prohibited within the Floodplain District and no variance shall be granted:

A.

The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following:

(1)

Hospitals.

(2)

Nursing homes.

(3)

Jails or prisons.

B.

The commencement of, or any construction of, a new mobile home park or mobile home subdivision or substantial improvement to any existing mobile home park or mobile home subdivision.

§ 250-41 Floodway District (FW).

In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvement which have been approved by all appropriate local and/or state authorities as required above.

A.

Permitted uses. In the Floodway District, the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment.

(1)

Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(2)

Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

(3)

Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.

(4)

Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

B.

Uses permitted by special exception. The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

(1)

Structures except for mobile homes accessory to the uses and activities in Subsection A.

(2)

Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

(3)

Water-related uses and activities such as marinas, docks, wharves, piers, etc.

(4)

Extraction of sand, gravel and other materials.

(5)

Temporary uses such as circuses, carnivals, and similar activities.

(6)

Storage of materials (except as noted in § 250-39B) and equipment, provided that they are not buoyant, flammable, or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

(7)

Other similar uses and activities, provided they cause no increase in flood heights and/or velocities. All uses, activities and structural developments, shall be undertaken in strict compliance with the floodproofing provisions contained in all applicable codes and ordinances.

§ 250-42 Flood-Fringe District (FF).

In the Flood-Fringe District, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all applicable codes and ordinances.

§ 250-43 General Floodplain District (FA).

A.

In the General Floodplain District, no development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) shall be permitted unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one-hundred-year flood more than one foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights.

B.

In the floodway portion of the district, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements. Only those uses and/or activities provided for in the Floodway District (FW) shall be permitted in the floodway portion of the district.

C.

No hospital, nursing home, jail, or mobile home park shall be constructed within the area measuring 50 feet landward from the top-of-bank of any watercourse.

Article IX Supplemental Land Use Regulations:

§ 250-44 Accessory use regulations.

Accessory uses as authorized by this chapter shall include the following and uses of the same general character:

A.

Accessory use to agriculture. The keeping of livestock, poultry or fish, but only in such quantities and to such extent as are customarily incidental to the principal use in accordance with § 250-48 of this chapter.

B.

Uses accessory to single-family dwelling.

(1)

Detached private garage, private parking space, private stables, barn, shed, shelter for pets owned by the property owner, swimming pool, bathhouse, private greenhouse, and quarters for guests and for servants or tenants, employed on the premises; provided, however, that where such quarters are within a building detached and separate from the principal dwelling, there shall be a minimum lot area equal to the product of the minimum lot area of the district multiplied by the number of separate housekeeping units on the lot, and further provided that the rental or leasing of any of such quarters shall not be permitted.

(2)

No commercial vehicle, or part thereof or combination thereof, having a registered gross weight, either solely or in combination exceeding 8,000 pounds, or which is in excess of 18 feet in length, shall be parked, stored or maintained on any street, road right-of-way, lot or within any building or structure in any residential district established in § 250-9 of this chapter, except a construction vehicle or vehicles owned by a contractor or other tradesman temporarily engaged in the performance of actual work or delivery of materials to any such street, road right-of-way, lot, building or structure. The proper maintenance and storage of farm equipment, horse vans, boats, recreation vehicles or a motor home, a recreational trailer or a farm truck as the latter terms are defined in the Pennsylvania Vehicle Code, on a lot owned or occupied by the owner of such equipment or vehicle, shall not be deemed to be prohibited by this section. For the purposes of this section, the term "registered gross weights" shall have the meaning ascribed to it in the definitions section of the Pennsylvania Vehicle Code.

(3)

The keeping of animals, exclusive of customary household pets, shall not be permitted except on property qualifying for agricultural use in accordance to § 250-48 of this chapter.

(4)

Home occupations, when authorized as a special exception, such as a professional office or studio of a teacher, artist, architect, musician, engineer, accountant, consultant, manufacturer's agent or sales representative, or practitioner of a similar character, or rooms for home occupations, or handicrafts, day care, or for teaching not more than four pupils at one time, provided that:

(a)

Office, studio or rooms are located in a dwelling in which the practitioner resides, or are in a building accessory thereto.

(b)

No goods are publicly displayed on the premises.

(c)

Not more than 20% of the habitable floor area shall be used for any such occupation, but in no case more than 500 square feet.

(d)

This subsection shall not be construed to authorize the practice of said profession or occupation on the premises by persons not actually residing thereon, except that not more than one assistant shall be permitted who may not reside on the premises.

(e)

Such profession or occupation shall not involve the regular presence or parking of commercial vehicles on the lot, nor deliveries of commercial carriers.

(f)

Such profession or occupation shall not result in the parking of any vehicle on any street or highway.

(g)

The exterior of the residence or accessory structure shall have an appearance no different than if there were no home occupation conducted inside.

(h)

No offensive or disturbing noise, smoke, odor or other objectionable effects shall be noticeable at or beyond the lot line.

(i)

When patrons are expected to drive to the use, a minimum of two and maximum of four off-street parking spaces shall be required on the lot in addition to those required for the residential dwelling.

(5)

The following standards shall apply to the operation of any bed-and-breakfast facility permitted by this chapter:

(a)

A bed-and-breakfast facility shall be permitted only in single-family detached, owner-occupied dwellings containing a minimum of 3,500 habitable square feet.

(b)

The principal use of the property shall remain that of a single-family residential dwelling.

(c)

No more than four guest rooms may be offered on any individual residential property.

(d)

There shall be provided one full bathroom (one toilet, wash basin, bath/shower) for each two guest rooms.

(e)

The length of stay shall be not more than two uninterrupted days for any guest.

(f)

Meals shall consist of breakfast only and only for the guests of the establishment. Owners shall comply with all federal, state, and local requirements for the preparation, handling and serving of food.

(g)

Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident owner and bed-and-breakfast guest.

(h)

The owner shall maintain a current guest registration.

(i)

Area and bulk standards shall be those that apply to single-family detached dwellings within the applicable zoning district.

(j)

One on-site parking space shall be provided per guest room and shall not be located in any required yard area.

(k)

One sign shall be permitted in association with a bed-and-breakfast operation. Any such sign shall be in conformance with standards for home occupations in § 250-83.

(l)

Each bed-and-breakfast facility shall be equipped at minimum with one smoke detector and one fire extinguisher. Guests shall be provided with floor plans of the dwelling for emergency exits.

(6)

The following standards shall apply to any skateboard ramps proposed in the Borough:

(a)

Skateboard ramps shall be constructed as a permanent structure and shall require a building permit prior to construction.

(b)

The ramp shall not exceed five feet in height.

(c)

The ramp shall not be placed in a driveway, sidewalk, parking lot or any other area intended for vehicular or pedestrian traffic.

(d)

The ramp shall be fenced and screened from adjacent land uses in accordance with § 250-69.

(e)

The ramp shall be used exclusively for the residents of the dwelling.

(f)

The ramps shall apply to the area and bulk standards of the applicable district.

C.

Uses accessory to multifamily dwellings. Recreation facilities, designed for the use of tenants and their guests, such as swimming pools, tennis and badminton courts, swings, seesaws, slides, and recreational activities similar to the foregoing, when made an integral part of the project design and shown on the development plan reviewed by the Planning Commission and approved by the Council.

D.

Uses accessory to public park. Customary recreational, refreshment and service uses and buildings in any public park, and playground or other recreational area.

E.

Uses accessory to commercial activities. In all commercial districts, there shall not be outdoor warehousing, and only such merchandise which can be returned indoors may be displayed during business hours in an area not exceeding 20% of the indoor display area, provided that automobiles, farm machinery and implements, buses and the like may remain out of doors at all times.

F.

Uses accessory to industrial activities. Caretaker quarters, and customary storage of raw materials and the warehousing of finished products within a principal or accessory building, lunchroom facilities for the exclusive use of employees, and outdoor storage.

G.

Radio towers and microwave antennas.

(1)

Radio towers. The following regulations shall apply:

(a)

Radio towers shall be permitted in any district by special exception. Said permission shall be made on a temporary basis and shall apply to the individual or company holding a valid operator's license. The temporary permit shall be effective so long as such license remains active and the tower is maintained in good repair. Within 60 days of the expiration of such license, the applicant shall dismantle the structure covered by the temporary permit.

(b)

The tower and foundation shall be designed and its construction supervised by a registered engineer. The applicant shall file a location plan and details for the tower prepared by the same registered engineer, as well as manufacturer's specifications.

(c)

Radio towers must conform to applicable Federal Communications Commission (FCC) regulations.

(d)

The tower shall meet all yard requirements of the zoning district in which it is located and no portion of the base of the tower shall be located closer to any lot line than the height of the tower.

(e)

Radio towers shall be separated from each other for a distance equal to their combined heights.

(f)

Radio towers shall be located only within the side or rear yards of a lot, but not within the prescribed setback of an applicable district.

(2)

Microwave antennas. The following regulations shall apply:

(a)

Limitation in number. Only one microwave antenna shall be permitted per lot; except retail sales of microwave antennas for permanent display purposes, and provided further that such display shall be in accordance with the required setback provisions of the applicable commercial district. The microwave antenna shall be considered as a permissible accessory use, subject to the rules and regulations of this section, in all zoning districts.

(b)

Size permitted.

[1]

The maximum diameter of the microwave antenna shall not exceed 10 feet if ground-mounted.

[2]

When separately supported, the total height of the microwave antenna shall not exceed 12 feet.

[3]

When roof-mounted, the maximum diameter of the microwave antenna shall not exceed four feet.

(c)

Location and mountings.

[1]

Ground microwave antennas shall be located only in the rear yard or in the side yard not extending beyond the building setback, and adhere to all setback requirements of the applicable district.

[2]

Ground-mounted microwave antennas shall be secured by a foundation approved by the Borough Engineer.

[3]

When roof-mounted, the microwave antenna shall be located on a portion of the roof sloping away from the front of the lot, and no part thereof shall project above the roof ridge line.

(d)

General regulations.

[1]

No microwave antenna may be erected in any district or in location within a district which is prohibited by regulations of the Federal Communication Commission or other regulatory agency having jurisdiction. The burden to show compliance shall be on the applicant and shall be stated in the permit application.

[2]

Microwave antennas shall be properly enclosed and installed to resist a minimum wind load of 30 pounds per square foot of projected horizontal area. Supports, anchors and foundations shall force into account overturning improvements and forces created by wind loading.

[3]

This section shall in no event be construed to permit as a permissible accessory use a microwave antenna for satellite communication used or intended to be used for the propagation of radio, micro or electromagnetic waves. The use of a microwave antenna for transmission shall be permitted only by special exception within the I District, subject to the provisions of § 250-110J.

[4]

No microwave antenna installation shall be permitted in any parking lot or parking area.

§ 250-45 Conversion of dwellings.

The following provisions shall apply to the conversion of a single-family dwelling to a dwelling containing a greater number of dwelling units, when permitted by special exception:

A.

Site and architectural plans for the conversion of said dwelling shall be submitted to the Zoning Hearing Board, together with an application for a special exception. If two or more families are to be housed above the ground floor, such plans shall bear the approval of the Pennsylvania Department of Labor and Industry as required by law.

B.

Such plans shall provide adequate and suitable parking or storage space for at least two automobiles per dwelling unit.

C.

The yard and building area requirements for the district in which the dwelling is located shall continue to apply to each dwelling unit. There shall be no increase in density than that permitted by the applicable zoning district for the conversion of dwellings.

D.

There shall be no external alterations of the building except as may be necessary for reason of safety; fire escape and outside stairways shall, where practical, be located to the side or rear of the building.

E.

Each resulting dwelling unit shall have a minimum floor area of 800 square feet.

F.

Where public sewage disposal is not utilized, the applicant shall submit to the Borough a permit for an on-site sewage disposal system issued by the Sewage Enforcement Officer, certifying the sewage disposal facilities are adequate for the projected number of residents.

§ 250-46 Day-care centers.

The following standards shall apply to all day-care centers, whether permitted by right or by special exception:

A.

The minimum lot area for each child shall be 1,000 square feet, but no lot containing a day-care center shall be less than 30,000 square feet.

B.

There shall be an indoor play area of 50 square feet per child and an outdoor play area of 75 square feet per child provided.

C.

The outdoor play area shall be fenced on all sides and shall not include driveways, parking areas or land unsuited by other uses or natural features for children's active play area. Fencing shall be a minimum height of four feet.

D.

Off-street parking spaces in accordance with § 250-65. An area for the discharge and pickup of children shall be provided which is removed from both the parking and ingress/egress for the site.

§ 250-47 Group homes.

A.

In order to prevent the creation of a de facto social service district or concentration of group home facilities and to avoid impacting a neighborhood by a higher concentration of these facilities, the following regulations shall apply:

(1)

No more than one group home and a total of three persons residing in these facilities shall be permitted within a 1/2 mile radius from another group home.

(2)

No additional group home shall be established which would increase the number of persons living in such facilities beyond 3% of the total number of persons living within the square mile surrounding the applicant facility.

B.

Group homes may have no more than six residents per facility.

C.

The minimum lot size for a group home shall remain the same as that permitted by the zoning district.

D.

There shall be a minimum habitable floor area of 2,000 square feet for the residents of a group home.

E.

Each group home must receive all pertinent approvals and/or licenses from the appropriate State of County agencies prior to special exception approval.

F.

There shall be a minimum of four off-street parking spaces per group home. All parking areas for more than five vehicles shall be screened in accordance with § 250-69B of this chapter.

§ 250-48 Agricultural uses.

The following regulations shall apply in all districts in which agriculture is permitted:

A.

Standards.

(1)

Gardening, incidental to residential uses, shall be permitted without restriction.

(2)

To qualify as an agricultural use, the minimum lot size shall be 10 acres.

(3)

Except for a dwelling, no farm building or structure shall be constructed closer than 75 feet to a front property line nor closer than 100 feet to a side or rear property line.

(4)

No dwelling shall be constructed closer to any abutting property than permitted by the setbacks of the applicable zoning district.

(5)

Silos and bulk bins shall be exempted from area and bulk regulations when attached to an existing building.

(6)

The storage or stockpiling of manure or other odor- or dust-producing substance shall not be permitted within 100 feet of any lot boundary or watercourse.

(7)

All grazing and pasture areas shall be fenced.

(8)

The keeping of animals, exclusive of customary household pets, shall not be permitted except on property qualifying for agricultural use in accordance with the provisions of

this section, with the following exception: the keeping of not more than four horses shall be permitted on lots of three acres or more. An additional one acre per horse shall be required for each additional horse over four.

(9)

Slaughtering operations for commercial purposes, when authorized by the Zoning Hearing Board as a special exception, shall be permitted only within commercial and industrial districts on lots of not less than five acres.

B.

Sale of farm products. The display and sale of farm products shall be permitted, provided that:

(1)

All such products displayed for sale shall be produced on the agricultural land contiguous to said building.

(2)

Sale of farm products shall be conducted from a portable stand, dismounted at the end of the growing season, under the following conditions:

(a)

Such stand shall be located at least 75 feet from the street line.

(b)

Parking spaces shall be located behind the street line at a rate of one parking space for every 100 square feet of sales space, but not less than three spaces shall be provided.

§ 250-49 Recreational land use.

A.

Permitted uses.

(1)

Nonprofit facilities, including but not limited to parks, playfield, playground, arboretum, conservation area, wildlife sanctuary, winter sport, swimming pool, boating, horseback riding, fishing, foot, bicycle and bridle path, picnic area, tennis and other racquet game court or any similar use characteristically identified with open space areas, and of a noncommercial nature, but in accordance with the following development standards:

(a)

Impervious cover for the use shall not exceed 15% of the lot area, including pedestrian or bicycle paths.

(b)

Any improvements such as a building or structure, excluding impervious cover, foot or bicycle paths and unnecessary accessways, shall be no closer than 100 feet to any lot boundary.

(2)

Any of the following uses when permitted by the Zoning Hearing Board as a special exception as provided in Article XIV.

(a)

Golf course.

(b)

Auxiliary uses customarily incidental to operation of the uses in Subsection A(2)(a), including a snack bar without table service, locker room, management headquarters, residence, nursery and day-care center, excluding restaurant.

B.

Development standards. Any use permitted in Subsection A shall comply with the following:

(1)

Development plans for any use under this section shall be subject to review and approval by the Borough.

(2)

Minimum lot size shall be one acre.

(3)

Any structure, building, parking, storage, loading or paved areas, excluding foot and bicycle paths, and other than necessary accessways to a public street, shall not be located closer than 100 feet to any lot line, and shall be screened from dwellings in accordance with § 250-69B if located within or abutting a residential district.

(4)

If practical, vehicular access for the use shall not be from any local street in a residential district or residential development.

(5)

Auxiliary uses shall be restricted in their use to employees, patrons, members and guests of the principal use. Such establishments shall present no visible evidence from any public street of their commercial character, which would attract persons other than employees, patrons, members and guests.

§ 250-50 Mixed-use development.

The following standards and criteria shall govern the design and review procedures for the combination of two or more permitted uses, as authorized as a special exception in § 250-19L of this chapter.

A.

General regulations.

(1)

Ownership. The tract of land to be developed shall be in one ownership, or shall be the subject of application, filed jointly by the owners of the entire tract, and shall be under unified control. If ownership of the entire tract is held by more than one person or entity, the application shall identify and be filed on behalf of all said owners. Approval of the plan shall be conditioned upon agreement by the applicant or applicants that the tract shall be developed under single and separate ownership directly in accordance with the approved plan. If ownership of all, or any portion of the tract changes subject to approval of the plan, no site preparation or construction by such new owner or owners shall preview the terms and obligations of the approved plan and agree in writing to be bound thereby with respect to development of the tract.

(2)

Sewer and water facilities. The tract of land shall be served by water and sanitary sewer facilities deemed applicable by the Council. Such facilities shall be designed and constructed in compliance with those sections regulating sewage disposal and water supply of Chapter 213, Subdivision and Land Development, and/or this chapter.

(3)

Applications. The application for development shall be accompanied by a plan or plans showing in detail the proposed uses, including but not limited to the type of uses, location and square footage of buildings, parking and access, loading facilities, landscaping, screening, and lighting. The plan(s) shall cover the entire tract, regardless of any intended phasing of development.

(4)

Development stages and permits. The development of a tract, carried out in either a single phase or in stages, shall be executed in accordance with a development

agreement. The owner, developer, and Borough shall enter into said agreement, embodying all details regarding compliance with this chapter to assure the binding nature thereof on the overall tract and its development, with agreement shall be recorded with the final development plan.

(5)

Stormwater management. The control of erosion and sediment during construction, and the ongoing management of stormwater on the tract shall be accomplished in accordance with the applicable section of Chapter 213, Subdivision and Land Development.

(6)

Covenants and restrictions. The language, terms and conditions of any proposed covenants or restrictions shall be subject to review and recommendation by the Borough Solicitor.

B.

Area and bulk regulations. The combined uses, buildings, structures and other improvements shall collectively comply with the area and bulk regulations under § 250-2 for mixed-use development in the district.

C.

Design standards.

(1)

Parking. Shall be in accordance with § 250-65 of this chapter.

(2)

Loading and unloading. Shall be in accordance with § 250-66 of this chapter.

(3)

Access and traffic control. Shall be in accordance with § 250-67 of this chapter.

(4)

Interior circulation. Shall be in accordance with § 250-68 of this chapter.

(5)

Screening. Shall be in accordance with § 250-69 of this chapter.

(6)

Landscaping. Shall be in accordance with § 250-69 of this chapter.

(7)

Lighting. Shall be in accordance with § 250-70 of this chapter.

(8)

Outdoor display and storage. All uses, excepting parking lots and gasoline sales, shall be completely enclosed within a building. No merchandise, goods, articles, or equipment shall be stored, displayed, or offered for sale outside any building except seasonal articles which are too large or otherwise infeasible to be stored indoors. Such articles shall be stored adjacent to the building housing the tenant selling the articles, and shall be enclosed by either walls or opaque fencing designed to be architecturally compatible with the building. Such enclosure shall be at least six feet high. Any such outdoor display area shall be considered sales floor area for purposes of computing building coverage and parking requirements.

(9)

Architectural integrity. Any planned business center constructed to this section shall be designed as an architecturally integrated unit.

(a)

Street furniture, lighting standards, signs, and other accessory items installed as part of a planned business center shall be of compatible materials, scale and design.

(b)

Any building facade which faces a patron parking area, street or other space used or viewed by the public shall be provided with decorative facade treatment, architecturally integrated with all other building facades.

(c)

Where requested by the Council, site models and/or three-dimensional graphic portrayals, providing a clear perspective of the relationship of the proposed development to the site and its visual impact on adjacent properties, shall be submitted as part of the conditional use application.

(10)

Signs.

(a)

Only one freestanding sign shall be erected along each arterial or collector street fronting the property. Such sign shall serve as a directory of uses on the lot.

(b)

The total display area of a freestanding sign shall be in accordance with § 250-83J of this chapter.

(c)

Freestanding business signs may be located no closer than that distance prescribed in § 250-81.

(d)

No freestanding sign shall exceed that height prescribed in § 250-83J.

(e)

Wall-mounted signs shall comply with the requirements of § 250-83J of this chapter.

D.

Submission requirements associated with shopping center applications.

(1)

Application procedure required by § 250-110J.

§ 250-51 School/educational facility.

Schools when permitted as a conditional use shall comply with the following:

A.

The minimum lot area shall be two acres.

B.

Minimum lot width.

(1)

Three hundred feet at building setback line.

(2)

One hundred fifty feet at street line.

C.

Maximum coverage.

(1)

Twenty-five percent by all buildings.

(2)

Thirty-five percent by total impervious cover.

D.

Maximum building height shall be three stories or 35 feet.

E.

Minimum front yard shall be 80 feet from street right-of-way.

F.

Minimum side yards shall be 50 feet for either side yard and 125 feet aggregate.

G.

Minimum rear yards shall be 75 feet.

H.

Off-street parking in accordance with § 250-65.

I.

Landscaping in accordance with § 250-69.

J.

Screening and buffering in accordance with § 250-69.

K.

Lighting in accordance with § 250-70.

§ 250-52 Church and religious institutions.

Churches and religious institutions when permitted as a conditional use shall comply with the following:

A.

The minimum lot area shall be two acres.

B.

Uses permitted under church and religious institutions shall include:

(1)

Church, synagogue, or other places of worship.

(2)

Religious schools.

(3)

Accessory uses, including the following:

(a)

Institutional classrooms.

(b)

Kitchen.

(c)

Gymnasium.

(d)

Day-care facilities in accordance with § 250-46.

(e)

Rectory or other lodging for minister or priest.

(f)

Cemetery when in accordance with § 250-62 of this chapter.

C.

Minimum side yards shall be 50 feet for either side yard and 125 feet aggregate.

D.

Other yard requirements shall be in accordance with the requirements of the applicable district.

E.

Off-street parking in accordance with § 250-65.

F.

Landscaping in accordance with § 250-69.

G.

Screening and buffering in accordance with § 250-69.

H.

Lighting in accordance with § 250-70.

§ 250-53 Multifamily.

A.

The maximum length of such a building shall be 120 feet.

B.

Garden apartments shall be arranged in groups or clusters and not in long rows parallel to street lines.

C.

To create architectural interest in the layout and character of housing fronting streets, variations in setbacks, materials, and design shall be used.

D.

The distance between any two buildings, either of which faces or backs upon the other in whole or in part, shall not be less than 75 feet.

E.

The distance between the ends of two buildings, similarly oriented and without openings or windows in the end walls, shall not be less than 24 feet.

F.

The distance between any building face and a parking area shall not be less than 20 feet.

G.

All multifamily developments shall be served by public water and public centralized sewage disposal facilities.

§ 250-54 Sanitary landfill.

The following provisions shall comply to sanitary landfills:

A.

The tract serving as a sanitary landfill shall contain a minimum of 100 contiguous acres, undivided by streets, streams or rights-of-way. All operations, including buildings, structures and grading shall be set back a minimum of 200 feet from any property line or floodplain district boundary.

B.

All sanitary landfills shall be completely enclosed by fencing to deter trespassing and to prevent debris from blowing onto adjoining properties and shall provide for a rodent-proof barrier.

C.

All sanitary landfills shall be designed and operated in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

D.

Access to a sanitary landfill facility shall be from an arterial or collector road to limit traffic congestion and excessive wear on collector and local roads. The applicant must show structural capacity of roads and levels of service on all roads used by trucks entering and leaving the landfill.

E.

All trucks entering and leaving the landfill shall be covered. Roads used for access within or adjacent to the tract shall be patrolled daily to pick up and dispose of scattered and blowing refuse.

F.

All sanitary landfills shall annually submit a traffic plan for all trucks entering and leaving the landfill.

G.

The sanitary landfills shall provide road maintenance and upgrade any and all roads used by trucks entering and leaving the landfill to provide for adequate infrastructure and maintenance of the road surface.

H.

A performance bond shall be posted by the applicant prior to the issuance of a permit by the Borough. The amount of the performance bond shall be established by the Borough Engineer, and shall be an amount which will adequately cover the transportation of refuse and the removal of all facilities in the event the applicant cannot complete the refuse program. Such performance bond shall not be used by the Borough for any other purpose.

§ 250-55 Junkyard.

Such use shall be limited to an area of land, with or without buildings, that is used for the storage of used or discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles, and parts thereof, provided:

A.

The proposed use of an area shall not be detrimental to adjacent land uses.

B.

There shall be maximum lot size of five acres.

C.

Such use shall be a minimum of 200 feet from any public road as measured from the street line.

D.

The land area used for such purposes shall not be exposed to public view from any residence or public street or road.

E.

Such uses shall be entirely enclosed by a solid fence or wall, at least six feet high and constructed of plank boards, brick, cinder block, or concrete, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly painted in uniform color.

F.

A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be four to five feet in height above ground at the time of planting and planted on ten-foot staggered centers.

G.

The contents of such use shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

H.

The storage of paper shall be within a building.

I.

The storage of toxic chemicals shall be prohibited.

J.

Dumping of trash or land fill operations and burning of any materials shall specifically be prohibited.

K.

All such uses shall be sealed from groundwater contamination and shall provide groundwater monitoring wells.

§ 250-56 Recycling facility.

Such use shall be limited to an area of land, with or without buildings, that is used for the storage of used or discarded materials, administered by the municipality for the purpose of recycling, including but not limited to wastepaper, metal, and glass, provided:

A.

The proposed use of an area shall not be detrimental to adjacent land uses.

B.

There shall be maximum lot size of five acres.

C.

Such use shall be a minimum of 200 feet from any public road as measured from the street line.

D.

The land area used for such purposes shall be hidden from public view by an evergreen buffer so that it is not visible from neighboring streets, residences, or other structures.

E.

There shall be no compacting of automobiles and no storage of auto chassis from which usable parts have been removed.

F.

The storage of paper shall be within a building.

G.

The storage of toxic chemicals shall be prohibited.

H.

Dumping of trash or landfill operations and burning of any materials shall specifically be prohibited.

I.

All such uses shall be sealed from groundwater contamination.

§ 250-57 Automotive body repair and paint shop.

Such use shall be limited to paint spraying, body and fender work, and custom body work, provided:

A.

All such work is performed within a building.

B.

All related automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.

§ 250-58 Automotive sales.

Automotive sales shall be limited to the sale and lease of automobiles by a duly franchised new car, truck, boat, or motorcycle dealership; used car, truck, boat, or motorcycle sales; or car, truck, trailer, motorcycle and/or boat rentals; farm machinery, or travel campers; provided:

A.

Lighting. All outside lighting shall be directed in such a way as not to create a nuisance to any adjacent property, and all lighting shall be arranged and shielded so as to protect the street or highway and adjoining property from direct glare or hazardous interference of any kind.

B.

All facilities shall be located and all services be conducted within the confines of the lot.

C.

All preparation, lubrication, repair or similar activities shall be accessory and done within the building.

§ 250-59 Drive-through restaurant.

Such use shall be limited to cafeterias and eating establishments in which the principal business is the sale of foods and/or beverages in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, provided:

A.

The use must have direct access to a collector or arterial street.

B.

There shall be only one point of ingress and only one point of egress per collector or arterial street.

C.

Where a drive-in window is proposed, a stacking lane shall be provided to serve a minimum of 10 cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall in it any way conflict with through circulation of parking.

D.

A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the restaurant. If there is no sidewalk, one shall be provided along the street frontage.

E.

All such restaurants shall provide a trash storage area which shall be screened from the street and adjacent properties, in accordance with this chapter, to prevent trash from blowing from the area, and to permit safe and easy removal of the trash.

F.

Trash receptacles shall be provided outside the restaurant for patron use.

§ 250-60 Service station.

A service station shall be limited to a building or group of buildings for the sale of petroleum products, tires, and automotive service, provided:

A.

Minimum lot width of not less than 100 feet shall be provided along each street on which the lot abuts.

B.

The minimum lot area shall be one acre.

C.

Such use shall be located on an arterial or a higher order road.

D.

All fuel tanks shall be placed underground.

E.

All pumps, lifts, and other service facilities shall be located no closer than 35 feet to any lot or street line.

F.

No vehicle shall be stored in the open, except those awaiting minor repairs, for a period not to exceed seven consecutive days, unless screened from adjacent roads or residential properties.

G.

All lubricating, making of minor repairs, or similar activities shall be performed in an enclosed building.

H.

Separate accessways shall be provided for the safe and convenient egress and ingress of motor vehicles. No accessway shall exceed 35 feet in width nor be less than 15 feet in width.

I.

Access to the street shall be physically controlled by a concrete curbing at least eight inches in height.

J.

All parking, access, and outdoor service areas shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Borough Engineer to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across streets.

K.

All automobile parts and similar articles shall be stored within a building.

L.

All refuse shall be stored within a building or enclosed area.

M.

Paint-spraying or body and fender work shall not be permitted.

N.

Junk vehicles shall not be stored in the open at any time.

O.

The sale or rental of automobiles, trucks, trailers, or other vehicles shall be prohibited.

P.

Convenience shopping shall be permitted as an accessory use to the sale of petroleum products, provided:

(1)

It shall be in lieu of the sale of tires and automotive service.

(2)

The use shall occupy no more than 50% of the service station building.

Q.

Service stations designed to offer to the public self-service facilities for dispensing of gasoline and other motor vehicle fuels shall meet the following conditions:

(1)

At least one qualified attendant shall be on duty while the station is open to the public, whose primary function shall be to supervise, observe and control dispensing of flammable or combustible liquids.

(2)

The attendants shall be situated so as to have a clear view of the dispensing operations.

(3)

A voice communication system such as but not limited to an intercom system shall be provided so as to allow direct voice communications at all times between the person dispensing flammable or combustible liquids and the attendant.

(4)

Emergency controls, including the main power shutoff, shall be conspicuously posted in the immediate vicinity of the principal control or the dispenser island.

(5)

Instructions for the operation of the dispensers shall be conspicuously posted on either the dispenser or the dispenser island.

(6)

A list of emergency procedures and instructions shall be conspicuously posted in the immediate vicinity of the principal control location of the attendant.

(7)

Fire extinguishing and flammable liquids dispensing equipment shall be approved through National Standards Testing.

(8)

At least one fire extinguisher shall be located within 25 feet of each gasoline pump.

(9)

Warning signs shall be placed in a conspicuous place with each sign indicating "Warning: (a) it is unlawful to dispense gasoline into any portable container unless the container is constructed of metal or is approved by the Fire Marshall; (b) No smoking; (c) Stop motor."

§ 250-61 Mobile home park regulations.

A.

Application procedure.

(1)

Permits required.

(a)

All applications for a certificate of registration shall be made by the landowner or his authorized representative in accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, Chapter 4, Article 415, Regulations for Mobile Home Parks, adopted October 30, 1959, as amended.

(b)

It shall be unlawful for any person to maintain, construct, alter, or extend any mobile home park within the limits of the Borough, unless he holds a valid certificate of registration issued by the Pennsylvania Department of Environmental Protection in the name of such person and also a permit issued by the Borough.

(c)

All mobile homes shall bear the Commonwealth of Pennsylvania's seal of approval.

(2)

Application for initial mobile home park permit.

(a)

Application for development of a lot or parcel of land for mobile home park purposes shall be made and approved or approved as modified before any zoning permit for such use shall be issued.

(b)

Application for a mobile home park permit shall follow the requirements and procedures of Chapter 213, Subdivision and Land Development.

(c)

In addition to the requirements contained in Chapter 213, Subdivision and Land Development, an application for preliminary or final approval of a mobile home park shall indicate by drawings, diagrams, maps, tests, affidavit or other legal instrument, the following:

[1]

The placement, location, and number of mobile home lots and mobile home pads on a layout map of the parcel at a scale of one inch equals not more than 40 feet.

[2]

The location and dimension of all driveways, pedestrian ways, sidewalks, and access roads with notation as to type of impervious cover.

[3]

The location and dimension of all parking facilities.

[4]

The location, dimension, and arrangement of all areas to be devoted to lawns, buffer strips, screen planting, and recreation.

[5]

Location and dimension of all buildings existing or proposed to be built and all existing tree masses and trees of over six-inch caliper.

[6]

Proposed provisions for handling of stormwater drainage, street and on-site lighting, water supply, and electrical supply in the form of written and diagrammatic analysis with calculations and conclusions prepared by a registered professional engineer.

[7]

Three copies of the application submitted to and approved by the Department of Environmental Protection.

(3)

Permitting.

(a)

Upon receipt of the final plan with the recommendations of the Planning Commission attached thereto, the Borough Council shall review the final plan for compliance with the provisions of Chapter 213, Subdivision and Land Development.

(b)

Upon approval of the final plan and payment of the required fees, the Borough Council shall issue a mobile home park permit to the owner which shall be valid for a period of one year thereafter.

(c)

Renewal permits shall be issued annually by the Borough Council upon the furnishing of proof by the applicant that his park continues to meet the standards prescribed by the Pennsylvania Department of Environmental Protection and Chapter 213, Subdivision and Land Development.

(d)

A building inspector or other Borough officer may inspect a mobile park at reasonable intervals and at reasonable times to determine compliance with Chapter 213, Subdivision and Land Development.

(e)

The permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

(4)

Compliance of preexisting mobile home parks.

(a)

Mobile home parks in existence at the date of the adoption of this chapter and being duly authorized to operate as same by the Department of Environmental Protection may be continued so long as they otherwise remain lawful.

(b)

Preexisting mobile home parks shall be required to submit an existing lot plan, drawn to scale, when applying for a mobile home park permit as required under this chapter.

(c)

Any subsequent new construction, alteration of extension of a preexisting mobile home park shall comply with the provisions of this chapter.

(d)

Any preexisting mobile home park which in the opinion of the Borough Council creates a fire, safety, or health hazard shall be required to comply with the applicable provisions of this chapter, within a reasonable period of time as determined by the same body.

(5)

Individual mobile homes.

(a)

Individual mobile homes not located in a mobile home park shall not be required to obtain a mobile home permit; however, they shall be required to obtain a building permit.

(b)

Individual mobile homes shall comply with all other applicable Borough ordinances and regulations that govern single-family home.

B.

Development standards.

(1)

Site requirements.

(a)

The minimum area requirement for mobile home parks shall be five acres.

(b)

The location of all mobile home parks shall comply with the following minimum requirements:

[1]

Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.

[2]

Not subject to flooding.

[3]

Not subject to hazards or nuisance such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare.

(2)

Soil and ground cover requirements.

(a)

Unpaved and exposed ground surfaces in all parts of every park shall be covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

(b)

Park grounds shall be maintained free of vegetative growth which is a nuisance or poisonous or which may harbor rodents, insects, or other pests in sufficient quantities as to be harmful to man.

(3)

Areas for nonresidential use.

(a)

No part of any park shall be used for nonresidential purposes except such uses that are required for direct servicing or recreation for the residents of the park and for the management and maintenance of the park.

(b)

In the event the landowner shall be in the business of selling or renting mobile homes, such business shall be conducted in the interior of and not at the edge of the mobile home park.

(4)

Mobile home lots or sites.

(a)

Mobile home lots or sites within the park shall have a minimum gross area of 5,000 square feet exclusive of walkways and streets or roads and shall be no less than 50 feet wide, the corners of each such space to be indicated by markers, flush with the ground.

(b)

The area of the mobile home lots or sites shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home lot or site shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration, or other forces acting on the superstructures.

(5)

Required setbacks, buffer strips and screening.

(a)

All mobile homes shall be located at least 50 feet from any park property boundary line abutting upon a public street or highway right-of-way, and at least 40 feet from any other park property boundary lines.

(b)

All mobile home parks shall be required to provide an attractive visual screen along the boundary of the mobile home park, as follows:

[1]

Such screening shall consist of mixed evergreen plant material of varying species.

[2]

At the time of planting, a sufficient amount of evergreen material to visually screen the property shall be at least six feet in height (after planting). The remainder of plantings may be of varying lesser heights.

[3]

The plantings shall be maintained permanently and replaced within six months in the event of death of any plant material. The plantings shall not be placed closer than three feet from any property line.

[4]

All existing deciduous and evergreen trees above two inches in caliper and/or six feet in height shall be preserved in the buffer areas, except where clearance is required to insure sight distance.

[5]

Generally, a minimum of 35% of plant material shall be evergreen and 10% flowering material.

(6)

Erection and placement of mobile homes.

(a)

Mobile homes shall be separated from each other and from service buildings and other structures by at least 30 feet.

(b)

An accessory structure, which has a horizontal area exceeding 25 square feet, is attached to a mobile home or located within 10 feet of its window, and has an opaque

or translucent top or roof that is higher than such window shall, for purposes of this section, be considered to be part of the mobile home.

(c)

An enclosure of compatible design and materials shall be erected around the base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

(d)

The park management shall supervise the placement of each mobile home on its pad, placement to include securing the mobile home and the installation of all utility connections. All utility connections shall be within easy access of the pad and close enough to the mobile home to avoid splicing. In making connections, rubber gaskets shall be used and, under no circumstances, shall utility lines be taped together.

(7)

Park, street or road system.

(a)

All park streets or roads shall be constructed to the standards specified for local access streets as described in Chapter 213, Subdivision and Land Development.

(b)

At intervals of no more than 150 feet on all such streets, the entire width thereof shall be raised by a bump of no less than three inches.

(c)

Storm drainage shall be provided in accordance with Chapter 213, Subdivision and Land Development.

(d)

No structure, fence, tree, shrub, or other planting shall be maintained between a plane two feet above the street level and a plane seven feet above the street level so as to interfere with traffic visibility across the corner within the triangle bounded by the intersecting street lines and a-straight line drawn between points on each street 25 feet from the intersection of said street lines.

(e)

No streetlight shall shine directly upon any mobile home unit or upon any adjacent property.

(8)

Off-street parking areas and walks.

(a)

Off-street parking for at least two motor vehicles shall be provided at each mobile home site. Each parking stall shall be at least 10 feet by 20 feet and shall be of either gravel or macadam construction, which shall be specified in the plan. Off-site common parking areas may be provided in lieu of parking stalls at each mobile home site; but, in such case, parking stalls shall be provided a the ratio of two stalls for each mobile home site. The parking stalls shall be within 100 feet of the home site which they will serve.

(b)

Additional off-street parking spaces for vehicles of nonresidents shall be provided at the rate of one space for each two units. On-street parking shall be prohibited on internal roads and it shall be the duty of the owner or operator of the mobile home park to enforce this provision.

(c)

All mobile home parks shall provide safe, convenient, asphalt or concrete pedestrian walkways of at least four feet in width between the park streets and all community facilities provided for park residents.

(d)

All mobile home sites shall be connected to common walks, and to streets, driveways or parking spaces connecting to a paved street.

(9)

Open space requirement.

(a)

At least 20% of the total land area of the mobile home park, exclusive of setback and buffer areas, shall be set aside for recreation and open space areas.

(b)

At least 50% of the open space and recreation area shall be located in one place and at least 25% thereof shall be in an area not subject to flooding and shall be usable for active recreational purposes.

(c)

Selection of the area shall preserve in its natural state any watercourse or hilly or wooded area.

(d)

Areas shall provide recreation accessible to all residents of the mobile home park.

(e)

Areas shall be landscaped with a water-absorbent surface except for recreational facilities and walkways, which shall utilize a hard surface.

(f)

Areas shall be maintained by the mobile home park operator.

(10)

Service building and other community service facilities.

(a)

All buildings shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

(b)

All structures containing laundry or toilet facilities shall have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatory and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material to prevent entrance or penetration of moisture and weather. All structures shall have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10% of the floor area served by them. For purposes of ventilation, at least one window must be capable of being easily opened; if not, a mechanical device shall be required which will adequately ventilate the room.

(11)

Water supply and distribution.

(a)

Source of supply.

[1]

The water supply shall be capable of supplying a quantity of potable water meeting or exceeding the standards specified by the Pennsylvania Department of Environmental Protection at the time of construction. Public water supply shall be preferred.

[2]

The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

[3]

No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.

[4]

Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

(b)

All water storage facilities shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated materials. Reservoir overflow pipes shall discharge through an acceptable air gap.

(c)

Water distribution system.

[1]

All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.

[2]

The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.

[3]

The system shall be so designed and maintained as to provide a pressure not less than 20 pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.

[4]

Where a public supply of water is provided, fire hydrants shall be installed.

(d)

Individual water-riser pipes and connections.

[1]

Individual water-riser pipes shall be located within the confined area of the mobile home and stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

[2]

The water-riser pipe shall have a minimum inside diameter of 3/4 inch and terminate at least four inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.

[3]

Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

[4]

A shutoff valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Borough Council.

(12)

Sewage disposal.

(a)

An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings, and other accessory facilities. Such system shall be connected to a public sewerage system if possible and shall be designed, constructed, and maintained in accordance with the health regulations of the Pennsylvania Department of Environmental Protection.

(b)

Individual sewer connections.

[1]

Each mobile home shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe will be located on each stand so that the sewer connection to the mobile home drain outlet will approximate a vertical position.

[2]

The sewer connection shall have a nominal inside diameter of not less than three inches, and the slope of any portion thereof shall be at least 1/4 inch per foot. All joints shall be watertight.

[3]

All materials used for sewer connections shall be semirigid, corrosive-resistant, nonabsorbent, and durable. The inner surface shall be smooth.

[4]

Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least 1/2 inch above ground elevation.

(c)

Sewer and water lines. Sewer and water lines shall be laid in separate trenches with a horizontal distance of at least 10 feet from each other, except that these lines may be laid in the same trench by placing the water pipe on a shelf of undisturbed earth above and to one side of the caulked tight sewer line. All sewer lines shall be constructed of approved materials by the Pennsylvania Department of Environmental Protection and shall have watertight joints and shall conform to the Borough's Basic Plumbing Code.

(d)

Sewage treatment and discharge. Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Protection and the Borough Council prior to construction.

(e)

Wherever a mobile home park shall contain 25 or more mobile home units, a package sewage treatment plant shall be required.

(13)

Refuse disposal.

(a)

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to minimize health hazards and air pollution.

(b)

All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than 150 feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of as frequently as may be necessary to insure that the containers shall not overflow.

(14)

Fuel supply and storage.

(a)

Liquefied petroleum gas systems.

[1]

The design, installation, construction, and maintenance of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall conform to the provisions of the Act of December 27, 1951, P.L. 1793, as amended, and the regulations promulgated pursuant thereto by the Pennsylvania Department of Labor and Industry, its successors, or other governmental agency having jurisdiction thereof.

[2]

Liquefied petroleum gas systems provided for mobile homes, service buildings, or other structures when installed shall be maintained in conformity with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall include the following:

[a]

Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe locations.

[b]

Systems shall have at least one accessible means for shutting off gas at each mobile home site. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

[c]

All liquefied petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.

[d]

Liquefied petroleum gas vessels shall be no more than 60 U.S. gallons gross capacity and shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than five feet and no closer to any window than three feet.

[e]

No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.

[f]

All pipe connections shall be of a flare type.

(b)

Fuel oil supply systems.

[1]

All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the Borough Building Code.

[2]

All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

[3]

All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shutoff valves located within five inches of storage tank.

[4]

All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet from any mobile home exit, and not less than three feet from any window.

[5]

Storage tanks located in areas subject to traffic shall be protected against physical damage and screened from the street.

(15)

Utility distribution system.

(a)

All utilities shall be installed and maintained in accordance with utility company specifications regulating such systems, and shall be underground.

(b)

Power distribution lines. All direct conductors or cables shall be buried at least 18 inches below the ground surface and shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communications lines.

(c)

Individual electrical connections.

[1]

Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service outlet shall be 120/240 volts, 100 amperes.

[2]

The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

[3]

Where the calculated load of the mobile home is more than 60 amperes, either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

(d)

Required grounding. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductors shall not be used as an equipment ground for mobile homes or other equipment.

(16)

Fire protection.

(a)

All mobile home parks shall be provided with fire hydrants to meet the specifications of the Insurance Services Office of Pennsylvania or successors, but in any case, in sufficient numbers to be within 600 feet of all existing and proposed structures and mobile homes, measured by way of accessible streets.

(b)

Portable hand-operated fire extinguishers of a type suitable for use on oil fires and approved by the local fire prevention authority shall be kept in each service building under park control and shall be required by the mobile home park operator to be placed in each mobile home in the park, located inside the mobile home in a fixed location preferably near a door, but not in close proximity to cooking facilities.

(17)

Landscaping.

(a)

No portions of tree masses or trees with caliper of four inches or greater shall be cleared unless obviously necessary for the proposed mobile home park development. Operator shall make all reasonable efforts to preserve existing trees.

(b)

In addition to plantings for buffered setbacks, a mobile home park shall be subject to the following landscaping requirements:

[1]

Disturbed topsoil shall be stockpiled and replaced after construction.

[2]

Deciduous trees of varying species shall be planted in the mobile home park at the ratio of two per mobile home. In the event that a substantial portion of the tract is wooded and a substantial number of trees remain after development, the governing body may modify this requirement. Shade trees shall be preferred in the interest of moderating unit temperature.

[3]

Deciduous or evergreen shrubs of varying species shall also be planted within the mobile home park at a ratio of at least four per mobile home.

[4]

Planting of landscape material shall be in accordance with a plan prepared by a registered landscape architect, and shall be completed within six months of approval of final plan. Failure to carry out the landscaping plan within such time shall warrant denial of the park's annual license under Subsection A hereof.

C.

Permits, licenses and inspections.

(1)

Permits required. It shall be unlawful for any person, firm, corporation, or other entity to construct, maintain, alter, extend, or operate a mobile home park within Stockertown Borough unless and until the following are obtained:

(a)

A valid permit issued by the Pennsylvania Department of Environmental Protection in the name of the landowner, for the specified construction, alteration or extension proposed.

(b)

A license by Stockertown Borough.

(2)

Annual licenses. In addition to the initial permit and license, the owner or operator of the mobile home park shall apply to the Secretary of Stockertown Borough on or no more than 30 days prior to February 1 of each year for an annual license to continue operation of the mobile home park. The Secretary shall issue the annual license upon satisfactory proof that:

(a)

The park continues to meet the standards prescribed by the Pennsylvania Department of Environmental Protection and any other state or county agency having jurisdiction.

(b)

The park is in compliance with the standards and provisions of this chapter.

(c)

The owner or operator holds a current and valid certificate of registration issued annually by the Pennsylvania Department of Environmental Protection for operation of the mobile home park.

(3)

Fees.

(a)

Fees for the initial application and preliminary and final approvals shall be set by resolutions of the Borough Council.

(b)

The fee for the annual license shall be set by resolution of the Council and shall be submitted to the Borough Secretary with the application for the annual license.

(4)

Inspection.

(a)

Upon notification to the licensee, manager, or person in charge of a mobile home park, a representative of Stockertown Borough may inspect a mobile home park at any reasonable time to determine compliance with this chapter.

(b)

Upon receipt of the application for annual license and before issuing such annual license, the Borough Secretary or other designated representative of Stockertown Borough shall make an inspection of the mobile home park to determine compliance with this chapter. The Borough Secretary or designated representative shall thereafter notify the licensee of any instances of noncompliance with this chapter and shall not issue the annual license until the licensee has corrected all such violations.

D.

Maintenance.

(1)

Responsibilities of operator or owner.

(a)

The operator or owner shall have the following responsibilities:

[1]

To maintain all common facilities including, but not limited to, roads, parking areas, sidewalks, pathways, common open space, water supply and sewage disposal systems, and service buildings, in a condition of proper repair, maintenance, and cleanliness in compliance with all applicable Borough ordinances, codes, and regulations.

[2]

To notify the local office of the Pennsylvania Department of Environmental Protection immediately of any suspected communicable or contagious disease within the park.

(b)

If upon inspection by the Borough Secretary or his representative, it is determined that the mobile home park is not in compliance with the provisions of this section, the licensee shall be considered to be in violation of this chapter and the Borough Secretary shall notify the operator or licensee of the particulars of any such violation. The operator or licensee shall thereafter have 30 days in which to correct any such violations, except that if the violation is determined by the Borough Secretary or his representative to constitute a hazard to the health or safety of the residents of the mobile home park, he shall order that the violation be corrected forthwith.

(2)

Maintenance bond.

(a)

The licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application, post with the Borough a maintenance bond as described in Chapter 213, Subdivision and Land Development, in an amount sufficient to cover for a period of two years, the cost of maintenance of all common facilities as defined in this section, as determined by the Borough Secretary or designated representative. The bond shall remain in effect for the duration of the operation of the mobile home park.

(b)

In the event of noncompliance with an order pursuant to this section, whether a thirty-day order or an order to correct violations forthwith, the Borough may forfeit the maintenance bond and use the proceeds thereof to effect corrections of the violations.

(3)

Registration of occupants. The operator shall maintain a register of all occupants and notify the governing body of the Borough of the names and address of all new occupants and of occupants who have departed. All mobile home sites or lots shall be individually numbered so as to facilitate the identification and location of each such site or lot.

(4)

Moving mobile home. No mobile home may be installed in or removed from a mobile home park unless the Borough Secretary has issued a building permit therefor. No such permit may be issued until the Borough Secretary receives a removal permit issued by

the local tax collector demonstrating compliance with the Act of December 15, 1969, P.L. 362, S1.

(5)

Construction performance bond. Before final approval is given for the construction of a mobile home park, the landowner must furnish a performance bond to the Borough in the amount of 110% of the estimated construction costs for the construction of all common facilities and improvements, as determined by the Borough Engineer.

E.

Penalties.

(1)

Violation and penalties.

(a)

Any person, firm, or corporation who violates any provision of this article or any agreement entered into pursuant to the provisions of this article, or any person or knowingly commits, takes part in, or assists in any such violation or who maintains any lot, tract, or parcel in violation of this article, shall be punishable as provided in § 250-93D.

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

(b)

Upon repeated violations by the same licensee (or holder), the licensee's right to the issuance of a permit, or to continue operation of the mobile home park under such a permit, may be suspended for a fixed term or permanently revoked, after hearing and notice, subject to the right of appeal to a Court of competent jurisdiction as by law provided.

(2)

Violation notices, hearings and orders. Notice of violations of the provisions of this chapter, or of any regulations adopted pursuant hereto, are subject to the following procedures:

(a)

Notice of the violation shall be given in writing and shall specify the violations.

(b)

Notice may be served by certified mail or by personal service, either of which shall be directed to the license holder.

(c)

Notice shall contain the specific remedial action necessary to correct the violations so as to effect compliance with the provisions of this chapter and with the regulations adopted pursuant hereto.

(d)

Notice shall specify a period of time within the provisions of Subsection E(1).

(3)

Appeals.

(a)

Subject to the provisions of this section, any licensee issued a notice of violation of the provisions of this article shall have a right of appeal to the Stockertown Borough Council, provided such appeal is filed within 10 days from the date of service of such notice setting forth with particularity the ground for such appeal.

(b)

Upon submission of any appeal pursuant to the provisions hereof, the appellant shall deposit with the Borough Secretary such sum as is designated by resolution of the Borough Council. All costs, fees, and expenses incurred in connection with the appeal shall be charged against the appellant including the cost of preparation and mailing of notices of hearings and decisions, cost of legal publication, cost of appearance fees of court reporters, and cost of an original of the transcript of Notes of Testimony. If at any time the charge as then made against the appellant's deposit shall render the balance insufficient to ensure the payment of all costs, expenses, charges, and fees that may accrue in the disposition of the appeal, the Council may require additional deposits to be made to assure adequate funds to pay for the appeal costs and expenses. The Council's failure to demand additional deposits shall not relieve the applicant of liability for such costs and charges.

(c)

Upon the appellant's failure to pay the deposits additionally required within 10 days or prior to the next scheduled hearing, whichever be the earlier date, the Council may:

[1]

Continue the matter generally until such deposits are paid, in which event the time within which a decision must be rendered shall cease to run;

[2]

Dismiss the appeal;

[3]

Determine the appeal upon the record as it then stands; or

[4]

Take such further action as it deems proper under the circumstances.

(d)

Hearing upon an appeal shall be held within 30 days of the filing of such appeal.

(e)

The proceedings at such hearing, including the finding and decision of the Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Borough Secretary. The Notes of Testimony of the hearings held pursuant to such notice need not be transcribed unless required by the Council or in the event of appeal.

(f)

Notice of the decision of the Council shall be rendered and notice sent to the licensee within 30 days of the conclusion of such hearing or hearings, or where a transcript of the proceedings is taken, within 30 days of the Council's receipt of such transcript. Upon failure of the licensee to comply with any order sustaining or modifying the notice of violation, the permit of the mobile home park affected by the order shall be revoked.

(g)

Appeal from the Council's decision shall be as provided by law.

§ 250-62 Cemetery.

The following standards shall apply to cemetery use where permitted by this chapter:

A.

The minimum lot area for a cemetery shall be five acres.

B.

Individual plots shall be set back a minimum of 50 feet from all tract boundaries and public rights-of-way.

C.

An application for cemetery use shall include the following:

(1)

A master plan identifying the overall layout of plots, internal road network, buildings and other improvements.

(2)

A valid permit issued from the Pennsylvania Department of Health.

(3)

A narrative of how the cemetery will be developed and maintained.

§ 250-63 Standards for communications towers as special exceptions.

A.

The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

B.

The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

C.

Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.

D.

Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a 1/4 mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

(1)

The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

(2)

The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

(3)

Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(4)

Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

E.

Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all-weather surface for its entire length.

F.

A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.

G.

Recording of a plan of subdivision or land development shall not be required for a lease parcel on which communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

H.

The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

I.

The maximum height of any communications tower shall be 180 feet.

J.

The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any residential district at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.

K.

The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.

L.

The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

M.

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current structural standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Borough's building code.

Editor's Note: See Ch. 98, Construction Codes, Uniform.

N.

The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the communications tower and communications antennas.

O.

All communications towers shall be clearly marked.

P.

The site of a communications tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.

Q.

No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

R.

Communications towers shall be protected and maintained in accordance with the requirements of the Borough's building code.

Editor's Note: See Ch. 98, Construction Codes, Uniform.
S.

If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such twelve-month period.

T.

One off-street parking space shall be provided within the fenced area.

§ 250-64 No-impact home-based business.

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. A no-impact home-based business shall be subject to requirements and regulations set forth in § 250-8.

Article X General Provisions:

§ 250-65 Parking.

No building or structure shall hereafter be constructed, enlarged or modified and no use or activity shall be conducted or expanded unless provision is made on the same or adjacent lot for off-street parking facilities, either within a structure or in the open, and with proper and safe access from a street, to adequately serve the uses within the district according to the provisions of this section.

A.

Location.

(1)

In no case shall any portion of a public or private street be utilized in complying with the parking requirements of this section.

(2)

All parking spaces shall be on the same lot as the principal buildings except when permitted by the Borough Council.

(3)

The parking spaces required in Subsection A(2) may be located elsewhere than on the same lot when authorized by the Council subject to the following conditions:

(a)

The owners of two or more establishments shall submit with their applications for special exception, a site plan showing joint use, agreement and location of a common off-street parking area.

(b)

Some portion of the common off-street parking area shall lie within 200 feet of an entrance regularly used by patrons, into the buildings served thereby.

(c)

The total number of parking spaces provided equals or exceeds the sum of the individual requirements.

(4)

In any commercial or industrial district, no parking, loading or service area shall be located within 25 feet of the ultimate right-of-way line.

(5)

For residential dwellings, the spaces shall be within 100 feet of the dwelling unit they serve.

B.

Size.

(1)

Parking spaces for each vehicle shall be at least 10 feet by 20 feet in size and shall have a paved surface, except for parking spaces serving single-family detached dwellings, which may be an improved all-weather surface, providing safe and convenient access in all seasons.

(2)

The required parking area shall be measured exclusive of interior drives or maneuvering areas.

C.

Design.

(1)

Any parking for five or more vehicles on a lot which abuts a residential district or a lot for residential purposes, whether single-family or multifamily, shall be screened from the adjacent property by an effective screen the entire length of the parking lot, according to the requirements of § 250-69.

(2)

Interior circulation within parking areas shall be in accordance with the provisions of § 250-68.

(3)

Parking areas shall be landscaped in accordance with § 250-69.

(4)

Parking spaces shall be clearly delineated by suitable markings. Special use spaces such as short-term visitor parking, handicapped parking and pickup/dropoff zones shall be differentiated from long-term employee parking by suitable markings.

(5)

Handicapped parking. The following shall apply to commercial, industrial, professional office, institutional, religious and educational uses:

(a)

If the total number of parking spaces exceeds 20, a minimum of 2% of the total number of parking spaces but not less than two parking spaces shall be designed and designated for physically handicapped persons.

(b)

Said spaces shall be most accessible and approximate to the building or buildings which the parking spaces shall serve.

(c)

Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.

(d)

Each space shall be 12 feet wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling and walking.

(e)

Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.

(f)

Where applicable, curb ramps shall be provided to permit handicapped people access from the parking lot to the sidewalk or building entrance.

D.

Residential parking requirements. Two spaces per dwelling unit.

E.

Nonresidential parking requirements. There shall be sufficient parking spaces provided for each use by the application of the appropriate formula for each use as listed in this subsection. The Borough Council may authorize a reduction in the number of off-street parking spaces in cases where the applicant can justify the reduction and still provide adequate facilities. The number of required parking spaces may be increased based on the intensity of the use, with the burden of proof on the applicant. In the case of mixed uses, excluding shopping centers, the total number of required parking spaces shall be the sum of the required spaces for the various uses computed separately.

(1)

Throughout this section "s.f." shall be interpreted as "square feet" and "GFA" shall be interpreted as "gross floor area." Minimum off-street parking requirements shall be as follows:

Commercial Uses, Industrial Uses and Services	
Manufacturing	
Less than 100,000 square feet GFA	2.5 spaces/1,000 square feet GFA
Equal to or greater than 100,000 square feet GFA	2.0 spaces/1,000 square feet GFA
Office buildings, research and development facilities, laboratories, business services	3.0 spaces/1,000 square feet GFA
Office parking	3.5 spaces/1,000 square feet GFA
Personal and professional services	5.0 spaces/1,000 square feet GFA

Bank, other financial services	4.0 spaces/1,000 square feet GFA
Car wash, nonautomated	2.0 spaces/bay plus 3 stacking spaces per bay
Car wash, automated/tunnel	6.0 spaces, plus 6.0 dry-off spaces, plus 15.0 stacking places
Commercial services	3.5 spaces/1,000 square feet GFA
Funeral home	20.0 spaces/1,000 square feet occupied by viewing rooms
Laundromat	20.0 spaces/1,000 square feet GFA
Eating and drinking establishment	15.0 spaces/1,000 square feet GFA
Gas station (in addition to service station requirement if applicable)	1 space/pump island, plus 6 stacking spaces for each pump island
Hotel/motel	1 space/unit, plus 4 spaces/5 units, plus spaces as required for ancillary uses.
Junkyard	0.1 space/1,000 square feet gross lot area
Lumberyard	1.0 space/1,000 square feet gross lot area
Personal storage, mini storage	1 space/rentable unit
Retail sales of consumed or nonperishable items, often seasonal variation in demand. Includes shopping centers, department stores, auto dealers apparel and personal accessory stores, jewelers, nurseries, bookstores, computer stores, and all similar uses.	3.5 spaces/1,000 square feet GFA
Service station, auto body repair shop service (in addition to gas station and auto dealer requirements, where applicable).	2.0 spaces/garage bay
Wholesale sales, commercial sales, freight terminal	1.0 space/1,000 square feet GFA
Institutional and Public Uses	
Community center, social club	12.0 spaces/1,000 square feet in main assembly room

Day-care center	3.0 spaces/1,000 square feet GFA, plus 8 stacking spaces
Elementary school, middle school, including boarding schools	12.0 spaces/1,000 square feet in main assembly room, 25% may be in a reserve lot
High school (including boarding schools)	10.0 spaces/1,000 square feet of classroom area, or 12.0 spaces per 1,000 square feet in main assembly room, whichever is greater
Hospital	2.0 spaces/bed
Library	3.0 spaces/1,000 square feet GFA
Museum or similar institution	3.0 spaces/1,000 square feet GFA
Church	12.0 spaces/1,000 square feet in main assembly room. 25% may be in reserve lot
Utility installation	2.0 spaces/installation
Recreation Uses	
Bowling alley	5.0 spaces/lane
Cinema	12.0 spaces/1,000 square feet GFA
Country club, golf club	5.0 spaces/tee, plus any spaces required for ancillary uses
Health club, spa	5.0 spaces/1,000 square feet GFA
Indoor amusement arcade	5.0 spaces/1,000 square feet GFA
Miniature golf course	3.0 spaces/tee
Stadium, theater, gymnasium	3.0 spaces/seat
Swim club, public pool	10.0 spaces/1,000 square feet of Swimming pool floor

§ 250-66 Loading and unloading.

In connection with any building or structure which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths not less than the minimum requirements specified in this section:

A.

Location.

(1)

All loading and unloading areas shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading area for vehicles of more than two-ton capacity shall be located closer than 100 feet from any residential district. No permitted or required loading area shall be located within 50 feet of a property line.

(2)

No loading facilities shall be constructed within any required yard areas. Loading facilities shall be located either on the side or rear of the building and properly screened according to § 250-69.

B.

Size. Off-street loading and unloading areas shall be at least 15 feet wide, 16 feet vertical clearance, 60 feet deep and shall have an adequate maneuvering apron.

C.

Access. Each off-street loading and unloading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements, and shall be subject to the approval of the Borough. Such access shall have paved surfaces to provide safe and convenient access during all seasons.

D.

Surfacing. Loading and unloading spaces shall have paved all-weather, dustless surfaces of sufficient load-bearing properties consistent with the intended uses.

E.

Space allowed. Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

§ 250-67 Access and traffic control.

To minimize traffic congestion and hazard, control street access and encourage orderly development of street highway frontage, the following regulations shall apply:

A.

Unless clearly impractical or inappropriate, lots which abut two or more streets shall have direct access only to a street of lesser functional classification.

B.

Where lots are created having frontage on expressway, arterial, major collector and minor collector streets, as classified by the Comprehensive Plan, any proposed development street pattern shall provide reverse frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography. Residential developments which propose streets with reverse frontage lots shall buffer the reverse frontage lot along the rear yard lot line from the major street, in accordance with § 250-68.

C.

Each use with less than 400 feet of street frontage shall not have more than one ingress and egress land to such street, and no use with 400 or more of street frontage shall have more than two accessways to any one street for each 800 feet of street frontage. A common access point for two or more uses is required where practical, to minimize vehicular access points along streets other than local streets.

D.

Every building and lot shall have access to a public street or an approved private street. Unless clearly impractical, all residential lots shall have direct access only to a local access street.

E.

All vehicular access ways to any public street shall be located at least 100 feet from any intersection of a street, measured from the intersection of the street lines.

F.

Provisions shall be made for safe and efficient ingress and egress to and from public streets, without undue congestion or interference with normal traffic flow within the Borough. The developer shall be responsible for the design and construction, and the costs thereof, of any necessary traffic control device and/or highway modifications required by the Borough and/or the Pennsylvania Department of Transportation (PennDOT).

G.

Obstructions to vision.

(1)

On any lot, no wall, fence or other obstruction shall be erected, allowed or maintained; and no hedge, tree, shrub or other growth shall be planted or exist which dangerously obscures the view of approaching traffic along streets or at intersections.

(2)

On a corner lot, nothing shall be erected, placed or allowed to grow which dangerously obscures the view within a clear sight triangle defined by the following:

(a)

Above the height of 2 1/2 feet and below the height of 12 feet measured from the center line grades of the intersecting streets.

(b)

Within the area bounded by the center line of intersecting streets and a line joining points on these center lines 75 feet from an intersection of center lines of such streets.

(3)

Driveway and street entrances onto public streets shall be maintained in such a manner that a clear view is obtained in both directions according to the following standards:

Posted Speed of Public Road (mph)	Minimum Sight Distance (feet)*
20	200
25	250
30	300
35	350
40	400
45	450
50	500
55	550

NOTE:

* Measured 10 feet from the edge of the cartway of the public street.

§ 250-68 Interior circulation.

A.

Design of access aisles and drives.

(1)

Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site and shall be clearly marked by signs, curbing or lines. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery and other service vehicles, shall be separate and arranged so as to prevent blocking or interfering with access ways, the use of automobile parking facilities or pedestrianways,

and shall have adequate turnaround surface so egress to the street is in a forward direction.

(2)

Accessways, parking areas and loading areas shall have clearly defined parking bays and traffic circulation lanes designated by markings, curbs, barriers and/or landscaped islands, so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

(3)

All interior drives and accessways shall be paved with an approved all-weather surface, and shall be graded, properly drained and maintained in a good condition. Interior drives shall have a maximum grade of 4%, measured along the center line, for a distance of not less than 20 feet from the street right-of-way line. Beyond that point, interior roads and drives shall have a maximum grade of 10%.

B.

Common or shared access driveways to parking and loading areas are permitted and encouraged, provided landowners shall submit a site plan and agreement indicating the extent of joint use and maintenance responsibility.

C.

Fire lane easements.

(1)

No multifamily residential or institutional building shall be located more than 150 feet from a duly dedicated, improved or accessible fire lane easement as defined herein, nor more than 600 feet from a duly dedicated, accessible and improved public or private street. Fire lane easements shall be located adjacent to commercial or industrial building(s).

(2)

Fire lane easements shall have a minimum obstructed right-of-way width of 40 feet, and there shall be constructed within this right-of-way an all-weather and well-drained surfaced cartway with a minimum width of 20 feet. The extension of fire lane easements shall begin from one or more existing and improved public streets.

(3)

Fire lane easements which curve, turn or change directions shall have a minimum radius of 55 feet of pavement. Fire lane easements containing reverse curves shall have a minimum center line tangent length of 50 feet between curves.

(4)

Dead-end fire lane easements shall not exceed 400 feet in length and shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum surface radius of 35 feet.

§ 250-69 Landscaping and screening.

A.

Landscaping.

(1)

Except for single-family and two-family dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of the development plan. A replacement program for nonsurviving plants should be included.

(2)

All mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan and architectural review by the Borough.

(3)

Landscaping within any parking area which provides more than five parking spaces shall be subject to the following provisions:

(a)

Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.

(b)

The interior of each parking lot shall have at least one three-inch caliper deciduous shade tree for every five parking spaces, if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials are encouraged to be used to complement the trees, but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen.

(c)

The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than 20 spaces, in which the following shall apply:

[1]

Landscaped areas at least 10 feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary accessways, to prevent the encroachment of moving vehicles into parking areas.

[2]

Landscaped islands between every 10 parking spaces or at the end of each parking row, whichever is less, shall be provided and shall be the length of the parking spaces in the row and at least 10 feet in width.

[3]

There shall be a planting strip incorporated for every four rows of parking spaces. Such planting strip shall run parallel to parking rows and shall have a minimum width of 10 feet if double loaded or seven feet if single loaded.

(4)

Existing plant material and trees with a caliper of six inches or more shall be preserved wherever possible during construction. Such existing plants may be credited toward the amount of required plantings.

(5)

Any development proposing the creation of a public road(s) shall provide shade trees along its entire length. The design of such landscaping shall be as follows:

(a)

All shade trees shall be a minimum of 15 feet in height from good nursery stock when planted. Species selected shall be indigenous to the area and shall have deep root systems.

(b)

Shade trees shall be selected and planted so that at maturity they will provide adequate shade during the summer along the public road.

(c)

Shade trees shall be planted between the cartway edge and the right-of-way line, as long as clear sight distances at intersections are not obstructed. Existing trees with a

caliper of six inches or more and located between the cartway and the right-of-way line shall be preserved wherever possible and used in the shade calculation.

B.

Screening.

(1)

Screening requirements shall be applicable under the following circumstances:

(a)

Where a proposed commercial, industrial, or institutional use abuts an existing residential use or residential district.

(b)

Where any proposed multifamily residential use abuts an existing single-family or two-family dwelling.

(c)

Any other instance where screening is required by this chapter or by the Borough.

(2)

Screening shall comply with the following requirements:

(a)

The entire perimeter of the tract undergoing development shall be provided with a minimum of thirty-foot planting strip, fifty-foot if adjacent to a residential use or district, which will act as an effective screen separating uses. The planting strip may be included in private yard space and shall be based upon the following criteria:

[1]

Vegetative screening shall include a variety of deciduous and evergreen species which are indigenous to the area so as to provide a year round visual buffer, but shall include no less than 50% evergreens.

[2]

Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering, and shall be broken at points of vehicular or pedestrian access.

[3]

Plant materials used in the screen planting shall be at least six feet in height when planted and be of a species which will produce within two years a complete visual screen of at least eight feet in height.

[4]

No plantings shall be placed with their center closer than five feet from the property line of the tract.

[5]

All existing trees within the required planting strip above three inches in caliper and/or eight feet in height shall be preserved wherever possible.

[6]

Screening shall be designed so as to not obstruct sight distances at intersections.

[7]

Screening design, including the type of plant materials to be used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Borough Council upon the recommendation of the Planning Commission.

[8]

Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within six months.

(b)

Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, vents and any other structures or equipment which rise above the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Borough before construction or erection of said structures or equipment.

(c)

Shade trees shall be planted between the cartway edge and the right-of-way line, as long as clear sight distances at intersections are not obstructed. Existing trees with a caliper of six inches or more and located between the cartway and right-of-way line shall be preserved wherever possible and used in the shade tree calculations.

§ 250-70 Lighting.

A.

Applicability. Lighting facilities shall be required for loading, ingress and egress, and parking areas for multiple-family, commercial, industrial and institutional uses. The Borough Council may require lighting to be incorporated for other uses of locations where warranted. All lighting facilities shall have underground wiring.

B.

Design.

(1)

Lighting facilities shall provide an illumination level within the following range of values:

(a)

Pedestrian walkways: 0.2 to 0.4 footcandle.

(b)

Street intersections: 0.6 to 0.8 footcandle.

(c)

Multiple-family common areas: 0.6 to 0.8 footcandle.

(d)

Recreational/institutional activities: 1.0 to 1.2 footcandles.

(e)

Indirect illuminated signs: 1.0 to 1.2 footcandles.

(f)

Industrial parking areas: 1.0 to 1.2 footcandles.

(g)

Commercial parking areas: 1.0 to 1.2 footcandles.

(2)

Lighting standards in parking areas shall not be located farther than 100 feet apart.

(3)

No lighting shall be permitted which shines directly into residential units, or results in glare beyond an angle of 30° from a vertical plane.

(4)

All lighting shall be completely shielded from any public right-of-way.

C.

Installation responsibilities.

(1)

Where required by this chapter, the applicant shall install or cause to be installed all lighting fixtures. Fixtures shall be at the expense of the applicant, and shall be in accordance with a utility plan prepared by the applicant and approved by the Borough Council and the appropriate utility company.

(2)

The applicant shall be responsible for all costs involved in the lighting of streets and street intersections from the date the first dwelling is occupied until the date the street is accepted for dedication.

D.

Residential lighting. Lighting facilities on individual single-family and other residential lots to illuminate private walkways, driveways, parking areas, patios, tennis courts, swimming pools or other areas shall be permitted under the following conditions:

(1)

In no case shall the level of illumination be more than one footcandle.

(2)

No lighting shall be permitted which shines directly onto adjacent properties or any public right-of-way.

(3)

Where possible, indirect lighting and short post lighting along walkways or driveways should be incorporated to reduce glare.

§ 250-71 Storage.

A.

Outdoor storage shall be completely screened from view of any public right-of-way and any adjacent residential use. Screening shall consist of evergreen plantings, architectural screen or approved safety fence.

B.

No storage shall be permitted within the front yard of any lot.

C.

Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot behind the front building line of the principal building, and shall not exceed 10 feet in height.

D.

Outdoor storage facilities for fuel, raw materials and products shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot. In addition to a fence, bulk storage tanks shall be enclosed by a moat or berm to contain potential spillage.

E.

All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple-family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed on three sides by an architectural screen or plantings.

§ 250-72 Utilities.

All utilities shall be placed underground in residential subdivisions and commercial districts. They shall be permitted above ground in I Industrial Districts only by special exception.

§ 250-73 Physical performance standards.

The following regulations shall apply to all districts:

A.

Air quality. There shall be no emission of smoke, ash, dust, fumes, vapors, gases or other matter toxic or noxious to air which violate the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants), and Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

B.

Fire and explosive hazards. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire-suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Building Code,

Editor's Note: See Ch. 98, Construction Codes, Uniform.
the Fire Prevention Code, and other applicable Borough ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for storing, handling and use of explosive.

C.

Glare and heat. No direct or sky-reflected glare, whether from floodlights or high-temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this chapter. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

D.

Liquid and solid waste. There shall be no discharge at any point into any public or private sewerage system, or watercourses or into the ground, of any materials in such a way or such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of Stockertown Borough and the Commonwealth of Pennsylvania, and specifically to Chapters 73, 75, 95 and 97, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

E.

Noise. No person shall operate, or cause to be operated on private or public property, any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any fifteen-second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use.

Receiving Land Use Category	Time	Sound Level Limit (dBA)
Residential, public	7:00 a.m. to 10:00 p.m.	60
Space open space, agricultural or institutional	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	50
Commercial or business	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	60
Industrial	At all times	70

(1)

For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid delay and an occurrence of not more than one time in any 15 second interval) the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night of receiving land use, using the "fast" meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.

(2)

The maximum permissible sound levels as listed in the previous table shall not apply to any of the following noise sources:

(a)

The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.

(b)

Emergency work to provide electricity, water or other public utilities when public health or safety is involved.

(c)

Domestic power tools.

(d)

Agriculture.

(e)

Public celebrations, specifically authorized by Borough.

(3)

Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

F.

Odors. No uses, except agricultural operations, shall emit odorous gases or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the 50% response level of Table 1 (Odor Thresholds in Air), "Research of Chemical Odors; Part I — Odor

Thresholds for 53 Commercial Chemicals," October 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

G.

Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line.

H.

Radioactivity or electrical disturbances. There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of any radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223, 225, 227 and 229, Title 25, Article V, Pennsylvania Department of Environmental Protection, Rules and Regulations.

I.

Public health and safety. No use shall create any other objectionable condition in an adjoining area, which will endanger public health and safety or be detrimental to the proper use of the surrounding area.

§ 250-74 Public utility corporations and authorities.

In accordance with Article VI, Section 619 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended,

Editor's Note: See 53 P.S. § 10619.
this section shall not apply to any existing or proposed building, or extension thereof, or to any land, used or to be used by a public utility corporation, or public utility authority, if upon petition of the corporation, or authority, the Public Utility Commission shall, after public hearing, decide that the present or proposed situation or use of the building or land in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Public Utilities Commission to ensure that both the corporation and Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

§ 250-75 Modification of single-family residential front yard requirements.

A.

Where an unimproved lot is situated between two improved lots having on each a principal building within 25 feet of the side boundary line of such unimproved lot, which extends into the required front yard of each such improved lot and has been so maintained prior to the effective date of this chapter, the front yard depth of such unimproved lot may be the average depth of the front yards of such two adjacent

improved lots, notwithstanding the yard requirements of the district in which it is located.

B.

Where an unimproved lot adjoins only one improved lot having a principal building thereon within 25 feet of the common side lot line which extends into the required front yard of such improved lot and has been so maintained prior to the effective date of this chapter; the front yard depth of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required in the district in which such unimproved lot is located, notwithstanding the yard requirements of such district.

§ 250-76 Projections into required yards.

All required yard areas shall be unobstructed except as follows:

A.

An arbor, open trellis, flagpole, unroofed steps and terraces, and accessory buildings or structures providing such a projection shall be no closer than the setback required for accessory buildings or structures in the district in which the lot is located.

B.

Roofed terraces, patios, canopies or awnings not included in the area calculation of a building may project into any yard a maximum of 15 feet, provided such a projection shall be no closer than the setback required for accessory structures or buildings in the district in which the lot is located.

C.

Radio towers and microwave antennas in accordance with the provisions of § 250-44G of this chapter.

§ 250-77 Fences and walls.

The following regulations shall apply to all districts:

A.

No fence or wall, except a retaining wall, or a wall of a building permitted under the terms of this chapter, shall be erected within two feet of a property boundary line, unless a written agreement waiving the specific provisions of this chapter has been executed by the adjoining property owner and filed in the Office of the Borough Zoning Officer.

B.

No fence or wall shall obstruct vision at street intersections or along streets, in accordance with Subsection A.

C.

All swimming pools shall be required to have a fence or wall no less than four feet in height, measured from the highest grade to the pool wall. All pools shall have locked gates or access.

§ 250-78 Special setback provisions.

Notwithstanding any other provision contained in this chapter, rear yard setbacks for sheds and swimming pools shall be 10 feet.

§ 250-79 Federal and state owned property.

Wherever federal- or state-owned land is located in the Borough, it shall be subject to provisions of this chapter, only insofar as permitted by the Constitution and laws of the United States and the Commonwealth of Pennsylvania.

Article XI Signs:

§ 250-80 Purpose.

In order that the legitimate demands for signage are met without the unsightly intrusion of an unlimited type and quantity of signs in Stockertown Borough, any sign erected or maintained after the effective date of this chapter shall conform to the following regulations.

§ 250-81 General regulations.

The following regulations shall be observed in all districts:

A.

No sign shall be erected within a street line, except traffic signs and similar regulatory notices of a duly constituted governmental body.

B.

No moving or flashing signs which may distract motorists on adjacent streets shall be permitted, also flashing, blinking, mechanically moving, twinkling or animated signs of any type are prohibited. Signs which indicate the time, temperature, date or other similar information shall not be considered flashing signs.

C.

No sign which emits smoke, visible vapors, particles, sound, or odor shall be permitted.

D.

No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for a traffic signal.

E.

Floodlighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated.

F.

No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted in the zoning district in which the property is located.

G.

Every sign shall be constructed of a durable material kept in good condition, repair, and safe from collapse. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises, or the general public, written notice shall be given to the owner of the sign or the owner of the premises on which such sign is located, that such sign shall be made safe or removed within five days.

H.

All distances provided for in this article shall be measured along straight lines between signs, and from the near edge of a sign or sign structure. This subsection shall apply in all cases, including locating new signs in relationship to current existing nonconforming signs.

I.

No sign, other than official street signs, shall be erected or maintained nearer to a street line than a distance equaling the height of the sign, unless attached flatly to a building.

J.

No sign shall be erected in any district without a permit, unless so stated in § 250-82.

K.

No sign shall be spaced closer to another sign than the distance equal to 10 times the largest dimension (height or width) of the sign having the largest dimension.

L.

The gross sign area shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between adjacent elements of the same. Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. In the case of an open sign, made up of individual letters, figures or designs, the space between such letters, figures or designs shall be included. In computing the area of a double-face sign, only one side shall be considered provided that both faces are identical. In V-type structures, the interior angle of which exceeds 45°, both sides shall be considered in computing the sign area.

M.

No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No signs shall be attached to a standpipe or fire escape.

N.

Any sign existing prior to the effective date of this chapter and which does not conform to these provisions shall not be altered or changed in overall dimensions, except in conformance to the provisions contained in § 250-84 of this chapter.

§ 250-82 Exempt signs.

No permit shall be required for the following signs. These signs shall conform to all other regulations set forth in §§ 250-94 and 250-96.

A.

Directional, information or public services signs such as those advertising the availability of rest rooms, telephone or similar public conveniences, and signs advertising meeting times and places of nonprofit service or charitable clubs and organizations, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods, or service, excepting public utilities.

B.

Trespassing signs.

C.

Real estate signs.

D.

Home occupation signs.

E.

Signs advertising the sale of farm products grown or produced on the premises.

§ 250-83 Sign classification, size and district applicability.

Signs shall be classified, regulated, and permitted as follows:

A.

Real estate signs. Signs which advertise the sale, rental, or lease of the property on which they are placed.

(1)

Permitted in all districts.

(2)

Dimensional requirements. Not to exceed six square feet.

B.

Traffic signs. Signs regulating traffic, naming streets, or describing conditions, which are officially erected by the Commonwealth of Pennsylvania or the Borough of Stockertown.

(1)

Permitted in all districts.

(2)

Dimensional requirements: As deemed appropriate by the Commonwealth of Pennsylvania or the Borough of Stockertown.

C.

Identification signs. Signs which display the name of a particular noncommercial or nonindustrial building or use, such as a church or school or development.

(1)

Permitted in all districts.

(2)

Dimensional requirements: not to exceed nine square feet.

D.

Noncommercial directional signs, as part of § 250-82A.

(1)

Permitted in all districts.

(2)

Dimensional requirements: not to exceed two square feet.

E.

Trespassing signs. Any sign indicating the private nature of property, a street, or driveway, or a sign restricting or prohibiting some particular activity.

(1)

Permitted in all districts.

(2)

Dimensional requirements: not to exceed two square feet.

F.

Agricultural signs. Signs advertising the sale of farm products grown on the premises.

(1)

Permitted in all districts.

(2)

Dimensional requirements: not to exceed five square feet.

G.

Temporary professional signs. Signs of contractors, architects, mechanics, or artisans displayed on a temporary basis on the premises at which the services are being performed.

(1)

Permitted in all districts.

(2)

Dimensional requirements: not to exceed 12 square feet.

H.

Temporary nonprofessional signs. Signs noting a special event such as a fair, circus, yard sale, bingo party, or political activity, or a seasonal activity such as the sale of Christmas trees.

(1)

Permitted in all districts.

(2)

Dimensional requirements: not to exceed 12 square feet.

I.

Home occupation and professional signs. Signs used to indicate a home occupation or a profession such as a dentist, lawyer, mason, contractor, plumber, doctor or veterinarian.

(1)

Permitted in all districts.

(2)

Dimensional requirements: not to exceed two square feet.

J.

Business, commercial, or industrial signs. Signs used to attract attention to a permitted use on the same premises. Such signs normally include the identifying name, type of business, and trademark of the establishment.

(1)

Signs permitted in the I Industrial and O/I Office/Industrial District only.

(2)

Dimensional requirements:

(a)

Mounted signs. Signs mounted on a building shall not exceed 50 square feet and shall in no case exceed 10 feet in width or five feet in height. Mounted signs shall be installed parallel to the supporting wall and project not more than 12 inches from the face of such wall.

(b)

Projecting signs. Signs projected from the face of a building shall extend no more than 42 inches; with a minimum height of 10 feet from ground level, and have a maximum area of 12 square feet.

(c)

Freestanding signs shall be erected only within the limits of the front yard of the property to which they pertain.

(3)

Signs permitted in the MU Mixed Use District:

(a)

The maximum area for any sign shall not exceed 12 square feet.

(b)

All freestanding signs shall not exceed 12 feet in height.

(c)

Projecting signs shall not exceed six square feet in area with a maximum projection from a building wall of six feet.

K.

Commercial or industrial directional signs. Signs which advertise directions to a particular business or commercial or industrial activity.

(1)

Permitted in MU Mixed Use, I Industrial and O/I Office/Industrial Districts.

(2)

Dimensional requirements: not to exceed 12 square feet.

§ 250-84 Temporary sign regulations.

Temporary signs noted in § 250-83G and H shall be subject to the following:

A.

Permits shall run for a period of up to six months, as is the choice of the applicant.

B.

Any freestanding sign shall be located at least five feet from any lot line.

C.

Signs shall be removed immediately upon expiration of the permit.

D.

The site or building on which the sign was erected shall be restored to its original condition upon removal of the sign.

E.

A permit may be reissued for not more than one successive six-month period.

§ 250-85 Sign permits, bond and license.

A.

Applications for sign permits shall be filed in duplicate and on forms furnished by the Borough and shall be accompanied by detailed plans and specifications and other such information deemed necessary by the Zoning Officer to determine the location and details of sign construction.

B.

Permit fees shall be collected prior to the issuance of a permit. Permit fees shall be as designated by the Borough Council.

C.

No permit shall be issued until a license and a bond or liability insurance policy as herein provided, and the owners consent and signature have been filed.

D.

Before any permit will be issued for any sign requiring a permit or any sign projecting over public property, a liability insurance policy or an indemnity bond in the amount set by resolution and payable to the Borough, in a form satisfactory to the Borough Solicitor, shall be posted and maintained for the life of the sign. Only one such bond or liability policy need be posted for the sign erector regardless of the number of signs he may erect within the Borough during the year.

§ 250-86 Off-premises signs (including billboards).

A.

Off-premises signs are controlled by this chapter to serve the following purposes:

(1)

To ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks.

(2)

To prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences.

(3)

To prevent glare on adjacent property and streets.

(4)

To protect the open space and natural character of areas of the Borough planned to remain agricultural or as conservation areas.

(5)

To avoid the creation of additional visual distractions to motorists, especially along the high-speed Route 33, which is defined as an expressway, and along busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards.

(6)

To recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premises signs, on-premises signs and temporary signs and printed and electronic media.

(7)

To recognize that this chapter allows every landowner a reasonable use for their land.

(8)

To avoid off-premises signs that would have an unfair advantage over on-premises signs in the competition for attention, because off-premises signs typically are higher and larger than on-premises signs.

B.

Nonconforming off-premises signs. This chapter is not intended to require the removal of an existing lawfully placed off-premises sign that is in structurally sound condition.

C.

Commercial and noncommercial. This section applies to both commercial and noncommercial off-premises signs except as may be specifically provided for elsewhere in this chapter.

D.

State sign. Signs erected and maintained by the Pennsylvania Department of Transportation are permitted by right in all districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.

E.

Permitted off-premises signs. Based directly on the intent statements within this chapter, only the following off-premises signs are permitted, except for exempt signs under § 250-82.

(1)

District. An off-premises sign is only permitted in the O/I Office Industrial District.

(2)

Location. An off-premises sign is only permitted within 500 feet of existing right-of-way of an expressway, and setback requirements of the O/I Office Industrial District shall not apply, but instead signs permitted herein shall observe a front yard setback of 25 feet, side yards of 50 feet each and a rear yard of 100 feet.

(3)

Size. No off-premises sign may have a sign area greater than 672 square feet.

(4)

Spacing. Any off-premises sign shall be separated by a minimum of 1,500 feet from any other off-premises sign, including signs on either side of an expressway. No lot shall include more than one off-premises sign.

(5)

Maximum height: 80 feet. Height of sign shall be the vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure.

(6)

Attached. No off-premises sign or sign face shall be attached in any way to any other off-premises sign. Off-premises signs shall have a maximum of two sign faces.

(7)

Lighting and glare. See standards in § 250-70.

(8)

Residences. No off-premises sign shall be located within 1,000 feet of an existing dwelling or land zoned residential by the Borough of Stockertown if such dwelling or residentially zoned land is located on the same side of Route 33 as the sign.

F.

Allowance for peculiar circumstances.

(1)

This section recognizes that peculiar and exceptional circumstances may cause a need for an off-premises sign other than those that are permitted.

(2)

The Zoning Hearing Board may as a special exception allow one off-premises sign related toward one individual use. Such a sign shall be limited to 10 square feet in sign area on one face and with a maximum height of 10 feet.

(3)

No approval shall be granted for such a sign unless the applicant proves to the satisfaction of the Zoning Hearing Board that peculiar and exceptional characteristics of both the individual use and the site overwhelmingly require a need for such a sign in order for that use to exist. The applicant shall also provide that the location of such a sign would be completely compatible with adjacent uses.

Article XII Nonconforming Uses, Structures, Lots and Signs:

§ 250-87 Applicability.

All uses, structures, lots and signs that do not conform to regulations of the district in which they are located, but were in lawful existence prior to the effective date of this

chapter, shall be known and regarded as nonconforming and the following regulations shall apply to them.

§ 250-88 Continuation.

Any lawful building or other structure, or any lawful use of a building, land or sign legally existing at the time of adoption of this chapter, or authorized by a building permit issued prior thereto, may be continued in the form evident at the time of adoption of this chapter although such use does not conform to the provisions of this chapter.

§ 250-89 Nonconforming uses.

A.

Extension or enlargement. The nonconforming use of a building or of a lot shall not be extended or enlarged, so as to use other portions of the building or lot and a nonconforming building housing a nonconforming or permitted use shall not be extended or structurally altered, except insofar as is permitted by law to assure the structural safety of the building; unless the Zoning Hearing Board shall by special exception as hereinafter provided, authorize the extension or enlargement of such use or building. The Zoning Hearing Board, upon proper application may grant such special exception, provided that:

(1)

It is clear that such extension is not materially detrimental to the character of the surrounding area or the interest of the municipality.

(2)

The area devoted to the nonconforming use shall not be increased by more than a total of 25%.

(3)

Any extension or enlargement of the building or of a lot having a nonconforming use shall conform to all area and bulk regulations of the district in which it is situated and to all regulations applicable to such a use in the district or districts in which the nonconforming use shall be limited to the lot which was in existence at the time of adoption of this chapter.

(4)

Any extension or enlargement of a nonconforming use must meet the off-street parking and buffering requirements of Article X herein.

B.

Change of use. A nonconforming use may be changed to another nonconforming use by the grant of a special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be similar to or less detrimental to its neighborhood and abutting properties than is the use it is to replace. In evaluating relative detriment, the Zoning Hearing Board shall take into consideration, among other things: potential traffic generation; nuisance characteristics (such as emission of noise, dust, odor, glare and smoke); fire hazards; and hours and manner of operation. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

C.

Restoration. A structure containing a nonconforming use involuntarily destroyed by 75% or less of its value by fire, explosion, flood or other phenomena, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

(1)

Reconstruction of the structure shall commence within one year from the date the structure was destroyed or condemned and shall be completed within one year of the date commenced.

(2)

The reconstructed structure shall not exceed area and bulk of the damaged or destroyed structure, except as provided by Subsection A above.

D.

Discontinuance. If a nonconforming use of a building or land is discontinued or otherwise totally ceases for a continuous period of one year or more, subsequent use of such building or land shall conform to the provisions of this chapter.

E.

Abandonment. If a conforming use of a structure or land is raised, removed or abandoned for 12 consecutive months, subsequent use of such building or land shall conform with the regulations of the district in which it is located. However, the same or another nonconforming use shall be allowed, provided the request for the nonconforming use is filed and approved by the Zoning Hearing Board within the twelve-month period. The permit application for such approval shall be filed within 30 days after the decision of the Zoning Hearing Board with regard to the nonconforming use.

§ 250-90 Nonconforming structures. (AMENDED 5.4.20 Ordinance 2020-1)

A.

Extension or enlargement.

(1)

Nonconforming structures may be altered, renovated, or enlarged, provided that such alteration, renovation or enlargement does not increase the floor area of the nonconforming structure by more than 25% of the floor area of the structure as it existed on the date when the structure became nonconforming. Such alteration, renovation or enlargement shall be authorized as a special exception by the Zoning Hearing Board and shall not increase any existing nonconformity and shall comply with all area and bulk regulations. In the case of a nonconforming structure, which is occupied by a nonconforming use, such alteration, renovation or enlargement shall also meet the requirements of § 250-89A of this article. In the case of a nonconforming structure, which is located on a nonconforming lot, such alteration, renovation or enlargement shall also meet the requirements of § 250-89C of this article.

(2)

Any structural alteration, extension or addition to existing buildings shall conform with all area, height, width, yard and coverage requirements for the district in which it is located as well as building code regulations currently in effect.

(3)

Any extension or enlargement of a nonconforming structure must meet the off-street parking and buffering requirements of Article X herein.

B.

Restoration. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by 75% or less of its value by fire, explosion, windstorm, other active cause or legally condemned may be reconstructed in the same location, provided that:

(1)

The reconstructed building or structure shall not exceed the height, area or bulk permitted by § 250-89A or the original building, whichever shall be the more limited, except as specified by § 250-89A.

(2)

Reconstruction shall begin within one year from the date of damage or destruction and shall be completed without interruption.

C.

Change of use. The use of a nonconforming structure may be changed to another nonconforming use if such currently exists, or to a conforming use when authorized as a conditional use by the Borough Council and subject to § 250-100 of this chapter.

§ 250-91 Nonconforming lots.

A.

A building may be constructed on a nonconforming lot of record in existence at the effective date of this chapter. If the side, rear or front yard setback requirements cannot be met, a special exception may be authorized by the Zoning Hearing Board. Contiguous nonconforming lots under common ownership shall be considered one lot.

B.

No lot area shall be reduced so that the area or width of the lot or the applicable setback dimensions shall be smaller than herein prescribed.

C.

An existing structure located on a lot nonconforming as to area may be used for the use permitted in the district in which it is located, provided the structure complies within all bulk requirements of that district. If a nonconforming structure is located on a nonconforming lot, such structure may be used for a use permitted in the district in which it is located when it is determined by the Zoning Hearing Board on appeal, that the proposed use is not injurious to health, safety, morals, and general welfare of the Borough in general and the surrounding property owners in general and the surrounding property owners in particular, and provided that the requirements of § 250-89C are met.

§ 250-92 Nonconforming signs.

Any existing nonconforming signs, signboards, billboards or advertising device shall either be discontinued and removed, or changed to a conforming sign within the period of five years from the effective date of this chapter, subject to the following:

A.

Area. The total area of all such signs relating to a single use at the effective date of this chapter, or at the effective date of any amendment of this chapter by which any sign shall be made nonconforming, shall not be increased.

B.

Replacement. No such sign shall be physically altered or replaced except for relettering. Nonconforming signs, once removed, may be replaced only by conforming signs unless authorized by the Zoning Hearing Board.

C.

Discontinuance. Whenever any nonconforming use of building, structure, or land, or of a combination of buildings, structures, and land ceases as prescribed in § 250-89C, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within three calendar months from the date such use terminates.

D.

Every sign for a nonconforming building, structure or use shall either be discontinued and removed, or changed to conform to the specific regulations of the district in which it is located and comply with Article XI herein.

Article XIII Administration:

§ 250-93 Applicability administration and enforcement.

A.

Application.

(1)

Hereafter no land shall be used or occupied, and no building or structure shall be created, altered, used or occupied except in conformity with the regulations herein established for the districts in which such land, building or structure is located, as well as all other applicable statutes.

(2)

In case of mixed occupancy, the regulations for each use shall apply to that portion of the building or land so used.

B.

Administration and enforcement.

(1)

There shall be a Zoning Administrative Officer who shall be appointed by the Borough Council and whose duty shall be and is hereby given the power and authority to enforce the provisions of this chapter.

(2)

Duties. The duties of the Zoning Administrative Officer shall be:

(a)

To examine all applications for permits required by this chapter.

(b)

To issue permits only for construction and uses which are in accordance with the regulations of this chapter and as may be subsequently amended.

(c)

To record and file all applications for permits and accompanying plans and documents and keep them for public record.

(d)

To issue permits for uses by special exception and variance only after such uses and buildings are ordered by the Zoning Hearing Board in accordance with the regulations of this chapter, or Court of Appeals, subject to any stipulations contained in such order.

(e)

To inspect nonconforming uses, buildings and lots and to keep a filed record of such nonconforming uses and buildings as a public record and to examine them periodically.

(f)

Upon the request of the Borough Council or the Zoning Hearing Board, present to such bodies, facts, records, and any similar information on specific requests to assist such bodies in reaching its decision.

(g)

To be responsible for the keeping up-to-date of this chapter and the Zoning Map, filed with the Borough Secretary and to include any amendments thereto.

(h)

To be responsible for the administration of the National Flood Insurance Program in Stockertown Borough and specifically in those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issues, base flood elevations, elevation of lowest floor, including basement, the elevation to which the structure is floodproofed and other administrative functions necessary for participation in the National Flood Insurance Program.

(i)

To notify in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator.

(j)

To assure the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(k)

To be responsible for applicable provisions included in all other codes, ordinances and regulations that are applied insofar as they are consistent with the Borough's needs to minimize the hazard and damage which may result from flooding.

(l)

To process all applications for special exceptions and variances before the Zoning Hearing Board.

C.

Violations. Failure to secure a permit prior to the change in use of land or building(s) or the erection, enlargement or alteration, demolition of a building or failure to secure a use and occupancy permit shall be a violation of this chapter. It shall also be a violation of this chapter to undertake other deliberate actions which are contrary to the terms of this chapter or other existing statutes.

(1)

Notice of violation. If the Zoning Administrative Officer shall find that any of the provisions of this chapter is being violated, he shall notify in writing the person responsible for such violation. Such notice shall indicate the nature of the violation and order the action necessary to correct. He shall order discontinuance of illegal use of land, building or structure; removal of illegal building or structures or additions, alterations or structural changes thereto; discontinuance of any illegal work being done or shall take any other action authorized by this chapter to insure compliance with or prevent violation of its provisions. Such orders shall be delivered in person by the Zoning Administrative Officer or shall be mailed by certified mail to the person or entity responsible. Orders of the Zoning Administrative Officer shall become effective within the time provided in the order, but in no event less than one nor more than 30 days from receipt of notice. The Zoning Administrative Officer shall allow reasonable time for compliance with orders.

(2)

Repeat violation of an initial notification as to violation of an ordinance provision shall constitute forfeiture of subsequent notices and result in the fines as provided in Subsection D.

(3)

Complaints regarding violations. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrative Officer. He shall record properly such complaint, investigate, and take action thereon as provided by this chapter.

D.

Fines and penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter enacted, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not less than $100, nor more than $500, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues, shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

(1)

The court of common pleas, upon petition, may grant an order to stay, upon cause shown, toiling the per diem fine pending a final adjudication of the violation and judgment.

(2)

Nothing contained in this section shall be construed or interpreted to grant to any person or entity, other than the Borough, the right to commence any action for enforcement pursuant to this section.

E.

Enforcement remedies. In case any building, structure or landscaping is erected, constructed, reconstructed, altered, repaired, demolished, converted or maintained, or any building, structure or land is used, or any hedge, tree, shrub or other growth is maintained in violation of this chapter or of any regulations made pursuant thereto, the Borough, nor any aggrieved owner or tenant of real property who shows that his property will be substantially affected by the alleged violations, in addition to other remedies provided by law, any appropriate action or proceedings, whether by legal process or otherwise, may be instituted or taken to prevent, restrain or rejoin such unlawful erection, construction, reconstruction, alteration, repair conversion,

demolition, maintenance or use, to restrain, correct or abate such violation, 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.

§ 250-94 Common permit regulations.

A.

General requirements.

(1)

Application for permits shall be made in writing on an appropriate form to the Zoning Administrative Officer and shall contain all information necessary for such officer to ascertain whether the proposed use of land or improvement under the application shall comply with the provisions of this chapter and all other existing statutes.

(2)

Applications for permits required under this chapter may be submitted by an owner or a designated representative thereof; however, responsibility for obtaining any required permit and compliance with existing statutes shall rest with the property owner.

(3)

No permit shall be issued except in conformity with the regulations of this chapter, and other existing statutes, except after written order from the Zoning Hearing Board or the courts. Any permits issued on written order of the Zoning Hearing Board or the courts shall be subject to any stipulation contained in that order.

(4)

In all instances in which the Zoning Administrative Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this chapter, it will be incumbent upon the applicant to furnish adequate evidence in support of this application. If such evidence is not presented, the zoning permit will be denied.

(5)

The parcel or parcels of land or buildings or parts of buildings for which an application is being submitted shall be in full ownership or proof of equitable ownership shall be furnished at the time of application.

(6)

No application is complete until all the necessary documents have been filed and fees have been paid.

B.

Fees. All permit fees under this chapter shall be determined by the Council and a schedule of such shall be made available to the general public. The Council shall be empowered to reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this chapter and may be adopted at any public meeting of the Council by resolution.

C.

Issuance of refusal of permits. If the Zoning Administrative Officer determines that an application is in compliance with the provisions of this chapter, it shall be his duty to issue the appropriate permit. If he determines that an application is not in compliance with the provisions of this chapter, it shall be his duty to refuse the permit, in which case he shall instruct the applicant in the method of appeal or application to the Zoning Hearing Board.

D.

Notification to applicant. All applicants for permits or certificates shall be given written notice of the status of the application within 30 days, unless otherwise specified. When an application is refused, the Zoning Administrative Officer shall specify the reasons for the refusal.

§ 250-95 Zoning permits.

A.

A zoning permit shall be required prior to: a change in use of land or buildings; a change in use or extension or enlargement of a nonconforming use; or development within the Floodplain District. The placing of vacant land under cultivation shall not require a zoning permit. It shall be unlawful to commence any site work or other work requiring a zoning permit until a permit has been properly issued therefor.

B.

Application for zoning permits. Application for permits under this section, along with accompanying plans and data, may be submitted by the Zoning Administrative Officer to any appropriate governmental agency, authority or representative for review and comment relative to compliance with existing statutes and the Zoning Administrative Officer shall consider those comments in action on the application. All applications shall be accompanied by:

(1)

Three copies of the approved land development and/or plot plan together with any other data and information required by the Zoning Administrative Officer to evaluate compliance with this chapter and other existing statutes.

(2)

Three copies of detailed architectural plans for any proposed building or structure under the application.

(3)

Wherein the disturbance or movement of earth is contemplated, a soil and erosion control plan with an accompanying narrative prepared by a qualified person for review and approval by the Borough Engineer; or, when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Protection approving earth moving operations.

(4)

Permits or certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control or objectionable effects, as well as any other appropriate, lawful permits as may be required by statute.

(5)

Additional copies of any information may be required by the Zoning Administrative Officer.

(6)

Permits shall be granted or refused within 30 days upon satisfaction of the Borough that all supplemental information has been supplied.

C.

Temporary zoning permits. A temporary zoning permit may be authorized by the Zoning Administrative Officer for a nonconforming structure or use which it deems beneficial to the public health or general welfare, or which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough. Such a permit shall be issued for a specified period of time, not exceeding one year.

§ 250-96 Sign permits.

A.

A sign permit shall be required prior to the erection or modification of any sign, sign structure or change in location of an existing sign, with the exception of those signs exempted in § 250-82.

B.

Application for a permit. Application shall be made in writing on an appropriate form to the Zoning Administrative Officer and shall contain all information necessary for such

officer to determine whether the proposed sign, or the proposed alteration, conforms to all the requirements of this chapter.

(1)

Permits shall be granted or refused within 30 days from date of application.

(2)

No sign permit shall be issued except in conformity with the regulations of this chapter, or except after written order from the Zoning Hearing Board, or the courts.

(3)

All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:

(a)

Dimensions of the lot (including any right-of-way lines) and/or building upon which the sign is proposed to be erected.

(b)

Size, dimensions and location of the said sign on lot or building together with its type, construction, materials to be used, and the manner of installation.

(c)

Any other lawful information which may be required of applicant by the Zoning Administrative Officer. One copy of said plan or diagram shall be returned to applicant, after the Zoning Administrative Officer shall have marked such copy either approved or disapproved, and attested to same.

§ 250-97 Building permits.

A.

Requirements of building permits. A building permit shall be required prior to the erection or alteration of or addition to, any building or other structure or portion thereof. It shall be unlawful for any person to commence work for the erection or alteration of, or addition to, any building or other structure or portion thereof until a building permit has been duly issued therefor, except as provided by special exception.

B.

Application for building permits. All applications for building permits shall be made in writing on forms furnished by the Borough and shall be accompanied by a plot plan drawn to scale and accurately showing the exact size and location of any buildings or

other structures existing on the lot in question or upon abutting land within 50 feet of the side and rear lot lines of such lot, and the lines within which the proposed building or other structure shall be erected or altered. There shall, in addition, be included with all applications, such other plans, documents and information as may be necessary to enable the Zoning Administrative Officer to ascertain compliance with this chapter and all other pertinent ordinances. The Zoning Administrative Officer shall reply to all building permit applications within 30 days of receipt.

C.

Issuance of building permits. No building permit shall be issued until the Zoning Administrative Officer has certified that the proposed building, structure or alteration complies with the provisions of this chapter and applicable ordinances. Upon completion of the erection, addition to, or alteration of any building, structure or portion thereof authorized by any building permit obtained in compliance with this chapter, and prior to use of occupancy, the holder of such permit shall notify the Zoning Administrative Officer of such completion. Use and occupancy shall not be authorized until the Zoning Administrative Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a use and occupancy permit as provided in § 250-99.

§ 250-98 Permit procedure for microwave antenna for satellite communication.

A.

A permit shall be required prior to the erection or installation of any microwave antenna for satellite communication, provided a temporary installation of a portable unit, not to exceed seven days, shall be permitted without a permit for the purpose of determining the suitability of the site for a permanent antenna installation.

B.

All applications for a microwave antenna permit shall be made to the Zoning Administrative Officer in writing on a form furnished by the Borough and shall be accompanied by plans, in duplicate and to scale, showing:

(1)

For residential and nonresidential installations:

(a)

The dimensions of the lot and location of the buildings thereon.

(b)

Details of all microwave antenna anchors, supports and foundations, the exact size of the antenna, including dish, and the exact proposed location of the microwave antenna on the lot.

(c)

When microwave antennas are attached to an existing structure, details of how microwave antenna loads will be distributed to the existing structure.

(2)

For roof-mounted nonresidential installations:

(a)

Design wind load on each anchor and allowable wind load on each anchor.

(b)

Forces on foundation, including live load and dead load.

(c)

Strength and allowable stresses of cables, rods or braces and the actual force and allowable force for each cable, rod or brace.

C.

If the manufacturer's specifications submitted with the application specify the installation criteria for Subsection B(2), they shall be made part of the plan and separate calculations shall not be required. The Zoning Administrative Officer may waive Subsection B(2) if he determines them not applicable to the installation.

D.

Issuance or refusal of permits and notification to the applicant shall be in conformance with § 250-99.

E.

The permit fee shall be in such amount as established from time to time by resolution of the Borough Council.

§ 250-99 Occupancy permits.

A.

General requirements. It shall be unlawful for the applicant, person or other entity to sell, occupy any building or other structure or parcel of land until an occupancy permit, if required, has been duly issued therefor. Occupancy permit shall be required prior to any of the following:

(1)

Occupancy of any parcel of land, building or other structure hereinafter erected, altered or enlarged for which a zoning permit or sign permit is required.

(2)

For all commercial and industrial uses, a change of ownership or use of any parcel of land, building, or other structure for which a zoning permit has been or should have been issued under this or previous Zoning Ordinance.

(3)

For new construction in all zoning districts prior to sale.

B.

Application procedures. All applications for use and occupancy permits shall be made in writing on forms furnished by the Borough and shall include all information necessary to enable the Zoning Administrative Officer to ascertain compliance with this chapter.

C.

Issuance.

(1)

Use and occupancy permits shall be granted or refused within 10 days from the date of application. No application shall be granted or refused until the Zoning Administrative Officer has inspected the premises. Issuance of this permit by the Borough Official or employee designated by the Zoning Administrative Officer shall be based in conformity of the work to the requirements of this chapter and any other pertinent ordinance.

(2)

Pending completion of a building or of alterations thereto, temporary use and occupancy of the building, provided that such temporary occupancy will not adversely affect the health, safety, and welfare of the public or property, and providing further that a time limit for temporary permits not exceeding six months shall be established.

(3)

In commercial and industrial districts in which performance standards are imposed or when required by the Zoning Administrative Officer, no use and occupancy permit shall

become permanent until 60 days after the facility is fully operating, when upon reinspection by the Zoning Administrative Officer it is determined that the facility is in compliance with all performance standards.

§ 250-100 Conditional uses.

A.

An application for a conditional use shall be filed with the Borough Council and shall include:

(1)

The name and address of the applicant.

(2)

The name and address of the owner of the real estate to be affected by the proposed conditional use application.

(3)

A description and location of the real estate on which the conditional use is proposed.

(4)

A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

(5)

A statement of the section of this chapter which authorizes the conditional use.

(6)

An accurate description of the present improvements and the additions intended to be made under the application for conditional use, including the size or proposed improvements, material and general construction features. The application shall be accompanied by a proposed plan showing the size and location of the proposed use, the location of all proposed buildings, all proposed facilities, including access drives and parking areas, and dimensional features demonstrating compliance with the applicable area, width, coverage, yard and design standards.

B.

The application for a conditional use shall be filed with the Secretary of the Borough on such forms as may be prescribed for that purpose, and shall be accompanied by the application fee, prescribed from time to time, by the Borough Council. No application shall be received for filing unless accompanied by the required filing fee. The Secretary

shall submit the application to the Borough Planning Commission within five days of receipt, and the Planning Commission shall review the application and make a recommendation to the Borough Council within 30 days thereafter.

C.

The Borough Council shall hold a public hearing on the conditional use application in accordance with the following procedures:

(1)

Notice of the hearing shall be given to the public by publication in newspaper of general circulation in the Borough at least twice, the first such notice to be not less than 10 days prior to the date of the scheduled hearing. Additionally, like notice thereof shall be given to the applicant, the Zoning Administrative Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land. The Borough Council shall conduct its first hearing on the application within 60 days from the date the application is filed with the Borough Secretary.

(2)

The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Borough Council and any other person, including civic or community organizations, permitted to appear by the Council. The Council shall have the power to require that all persons who wish to be considered parties enter written appearances on forms provided by the Council for that purpose.

(3)

The President or Acting President of the Council shall have power to administer oaths and issue subpoenas or compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(4)

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(5)

The Borough Council shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost.

(6)

The procedures set forth in § 250-109I and J relating to initiation of hearings and decision/findings of the Zoning Hearing Board shall apply to the governing body in consideration of conditional use applications. Where the governing body fails to render the decision within the period required therein or fails to commence, conduct or complete the required hearing as provided in § 250-109I and J of this chapter, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within 10 days from the last date it could have met to render a decision in the same manner as required by the public notice requirements of the Municipalities Planning Code. If the governing body shall fail to provide such notice, the applicant may do so.

(7)

A copy of the final decision shall be delivered to the applicant and the parties before the Council personally or mailed to them not later than the day following the date of the decision.

(8)

The Planning Commission shall be given an opportunity to review the proposed conditional use and may submit an advisory recommendation to the governing body. The governing body may rule on the case without receiving a review by the Planning Commission if 45 days has passed since the complete application was submitted to the Borough or when a decision must be made to comply with time restrictions of this chapter or the Municipalities Planning Code.

D.

In granting or denying a conditional use or establishing conditions with reference to such grants, the Borough Council shall use as a guide in evaluating a proposed conditional use, and may determine to be mandatory, those standards established for review of special exception applications by Section § 250-110J of this chapter. The burden of establishing compliance with those enumerated standards shall be upon the applicant by a fair preponderance of the credible evidence. The standards required by this subsection shall be deemed a part of the definitional aspect under which a conditional use may be granted, and the failure of the applicant to establish his compliance with all of the standards shall, in the discretion of the Board, be deemed either a basis for the establishing of conditions or limitations on an approval or the basis for a determination that the applicant has not met the requirements for which a conditional use may be granted.

E.

Nothing in this section shall be construed to relieve the applicant for a conditional use approval from obtaining other required approvals mandated by Chapter 213, Subdivision and Land Development, or other applicable ordinances.

F.

Appeals from a determination of the Board pursuant to any application for conditional use shall be only as prescribed within such times permitted by the applicable provisions of the Pennsylvania Municipalities Planning Code.

G.

In granting an application for conditional use, the Zoning Hearing Board may attach such additional reasonable conditions and safeguards as it deems necessary and appropriate to insure compliance with the provisions of this chapter and to protect the health, safety and general welfare of the community.

§ 250-101 Liability.

The granting of any permit under this chapter by the Borough or any of its designated officials or the use of land or structures or the erection, alteration or extension of any structure or the approval of any subdivision or land development plan, shall not constitute a representation, guarantee, or warranty of any kind by the Borough or any of its officials or employees as to any manner of injury resulting from such use, erection, alterations or extension, and shall create no liability upon, or a cause of action against such public body, officials or employees for any damages or injury that may result pursuant thereto.

§ 250-102 Exemption.

The provisions of this chapter shall not apply to Stockertown Borough nor to any building or land of the Borough or extension thereof, or to the use of any premises by the Borough, nor shall its provisions be construed to apply in any way to any building, lands or premises owned or operated by the Borough.

§ 250-103 Municipalities Planning Code.

The provisions of this article of this chapter are intended to parallel the Pennsylvania Municipalities Planning Code and said provisions are amended as the MPC is amended.

Article XIV Zoning Hearing Board:

§ 250-104 Establishment and membership.

There shall be a Zoning Hearing Board, which shall consist of three members who shall be appointed by resolution of the Borough Council and who shall be residents of the municipality. The Borough Council shall designate one such member to serve until the first day of January following the effective date of this chapter, one until the first day of the second January thereafter, and one until the first day of the third January

thereafter; shall appoint their successors on the expiration of their respective terms to serve three years, and shall fill any vacancy for the unexpired term of any member whose term becomes vacant. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the governing body which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing will be held in connection with the vote if the member shall request it in writing. When used hereafter in this article, the word "Board" shall mean the Zoning Hearing Board.

§ 250-105 Organization.

The Board shall elect from its members, its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in § 250-118. The Board may make, alter and rescind rules and forms for its procedure consistent with the provisions of this chapter and the laws of the Commonwealth. The Board shall keep full public record of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council as requested.

§ 250-106 Applications for hearings.

A.

Applications for hearings before the Board shall be filed with the Board together with the proper fee.

B.

An application for a special exception or variance from the terms of this chapter shall state:

(1)

The name and address of the applicant.

(2)

The name and address of the owner of the real estate to be affected by the proposed exception or variance.

(3)

A brief description and location of the real estate to be affected by such proposed change.

(4)

A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

(5)

A statement of the section of this chapter under or from which the exception or variance requested may be authorized, and reasons why it should be granted.

(6)

A reasonably accurate description of the present improvements and the additions intended to be made under the application or appeal, if any, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan to scale of the real estate to be affected, indicating the location and size of the lot and size of improvements now erected and proposed to be erected thereon.

C.

Applications for other than special exception or variance from terms of this chapter shall contain sufficient written information to fully describe the intended use. Where, in the sole discretion of the Zoning Officer, it is appropriate for the applicant to furnish plans and/or specifications or any other relevant information incident to intended use, such information shall be required to be submitted with the application.

D.

In the event that any required information is not furnished, the application shall be refused and the fee returned to the applicant.

E.

The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

§ 250-107 Notice of hearings.

The Board shall give notice as follows:

A.

By publishing a notice thereof in a newspaper of general circulation within the Borough once a week for two successive weeks prior to the date fixed for the hearing.

B.

By mailing notice thereof to the applicant and to any person who has made timely request for same. In addition, notice of said hearing shall be conspicuously posted on the affected tract of land.

C.

By mailing notice thereof to the Borough's Zoning Officer, to the President of the Borough Council and to the Chairman of the Borough Planning Commission.

D.

The Board may mail notice thereof to the owner of every lot on the same street within 500 feet of the lot or building in question or every lot not on the same street within 200 feet of said lot or building. But failure to give notice, either in part or in full, as stated by this subsection shall not invalidate any action taken by the Board.

E.

The notice herein required shall state the name of the applicant, the location of the lot or building and the general nature of the question involved, and the date, time and location of the hearing. In addition thereto, when a hearing is required under Subsection B, the notice shall state that the validity of the landowners request, including plans and proposed amendments, may be examined by the public at the Borough Building during regular business hours.

§ 250-108 Expenditures for service; fees.

A.

Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council.

B.

The applicant before the Board shall deposit with the Treasurer of the Borough, such a sum of money as set forth in the fee schedule adopted by the Borough Council to pay the cost of the hearing.

C.

The following administrative costs incurred by the Borough relative to hearing before the Board shall be paid from the application filing fee:

(1)

Cost of preparation of required notices.

(2)

Cost of mailing notices, including postage.

(3)

Cost of advertising.

(4)

Cost of posting notice or verification.

(5)

Duplication or copying costs.

(6)

An equal share of the court reporter's attendance fee.

(7)

Cost of stenographic record, if such record is requested by the Board or the applicant.

(8)

Other costs related to the application.

D.

Continued hearings and collection of fees.

(1)

In the event more than one hearing is necessary on any application, as promptly as may be possible following the initial hearing, the Board Secretary shall determine the total amount of all taxable costs incurred, and shall deduct same from the application fee. In the event the application fee is, at any time, insufficient to cover the costs incurred or reasonably anticipated to be incurred, the Board Secretary shall notify the applicant, provide the applicant with a written copy of each item of taxable cost, and shall require the applicant to pay, within 10 days of such notification, any balance then due together with a further minimum deposit of 1/2 of the initial filing fee. In the event of multiple hearings, all taxable costs shall be reported and collected in accordance with this procedure.

(2)

The failure of the Board Secretary to demand additional deposits from time to time shall not relieve the applicant of liability for costs, charges, expenses and fees in excess of deposit; and in the event of default, such shall be recovered by such action as is by law provided.

(3)

All funds deposited by the applicant in excess of the actual cost of the hearing or hearings shall be returned to the applicant upon completion of the proceeding.

§ 250-109 Hearings.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

A.

Hearings of the Board shall be held at the call of the Chairman and at a reasonable time and place for public hearings and notification of said hearing shall be as provided by § 250-104.

B.

The hearings shall be conducted by the Board or the Board may appoint any member as the Hearing Officer. The decision or, where no decision is called for, the findings, shall be made by the Board; however, the applicant or appellant, as the case may be, in addition to the Borough, may, prior to the decisions of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

C.

The parties to the hearings shall be any person who is entitled to notice under § 250-104, without special request therefor, who has made timely appearance of record before the Board and any other person permitted to appear by the Board.

D.

The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

E.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

F.

Formal rules of evidence shall not apply, but irrelevant, immaterial, unduly repetitious and hearsay evidence shall be excluded and other inadmissible evidence may be excluded at the discretion of the Board.

G.

The Board or Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

H.

The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative after the commencement of the hearing unless all parties are given an opportunity to be present. At any time prior to rendering its written decision, the Board may consult with the Planning Commission, Borough Engineer, or any other body for the purpose of resolving technical consideration relative to an application before it, and may at its discretion include the recommendation of said consultants in its final decision.

I.

The first hearing before the Board shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

J.

The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Municipalities Planning Code or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Except for challenges filed pursuant to Section 916.1 of the Municipalities Planning Code

Editor's Note: See 53 P.S. § 10916.1.

where the Board fails to render the decision within the time required by this subsection or fails to commence, conduct or complete the required hearing as provided herein, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection I of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a Court of competent jurisdiction.

§ 250-110 Functions.

The Board shall have the following functions:

A.

Substantive challenges to the validity of this chapter, except those brought before the Board pursuant to Sections 609.1 and 916.1(a)(2) of Act 247, as amended by Act 170.

Editor's Note: See 53 P.S. § 10609.1 and 53 P.S. § 10916.1(a)(2), respectively.

B.

Challenges to the validity of this chapter raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C.

Appeals from the determination of the Zoning Administrative Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.

D.

Appeals from a determination by the Borough Engineer or the Zoning Administrative Officer with reference to administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E.

Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.

F.

Appeals from the Zoning Administrative Officer's determination under § 250-116.

G.

Appeals from the determination of the Zoning Administrative Officer or Borough Engineer in the administration of this chapter or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development.

H.

Challenge the validity of this chapter or the Zoning Map. The Zoning Hearing Board shall hear challenges to the validity of a Zoning Ordinance or Map as follows:

(1)

A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use of development of land in which he has an interest shall submit the challenge to either the Zoning Hearing Board of the Borough Council.

(2)

Persons aggrieved by a use or development permitted on the land of another by an ordinance or map or any provision thereof, who desires to challenge its validity shall submit their challenge pursuant to the Sections 909.1. and 609.1. of Act 247, as amended by Act 170.

Editor's Note: See 53 P.S. § 10909.1 and 53 P.S. § 10609.1, respectively.

(3)

In all such challenges, the Zoning Hearing Board shall decide all contested questions and shall make findings on all relevant issues of fact and of interpretation, and submit such findings as part of the record on appeal to the court.

I.

Variances.

(1)

The Board shall hear and decide requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship on the applicant. The Board may by rule prescribe the form of application as provided by § 250-106. The Board may grant a variance provided the following findings are made where relevant in a given case.

(a)

That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.

(b)

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of property.

(c)

That such unnecessary hardship has not been created by the applicant.

(d)

That the variance, if authorized, will neither alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(e)

That in the case where the property in part or totally is located within the regulatory floodway, the granting of a variance will not increase the base flood elevation:

[1]

Where the issuing of a variance will permit the construction of a structure or portion thereof below the base flood elevation in the Floodplain District, the applicant shall be notified in writing over the signature of the Borough Zoning Officer that the construction or location of a structure below the base flood elevation will increase the risk to life and property and that flood insurance premium rates for the affected structure will increase. A record of all variance actions including the reasons and justification for the issuance of the variance shall be maintained.

(f)

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(2)

In granting any variance, the Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

J.

Special exceptions. The Board shall hear and decide requests for special exceptions where the ordinance has stated special exceptions are to be granted by the Board pursuant to the following express standards and criteria, in addition to such other considerations and determinations as may be required by law and other provisions of this chapter. The Board shall:

(1)

Give full consideration to the size, scope, extent, and character of the exception desired and sure itself that such request is consistent with the plan for future land use in Stockertown and with the spirit, purpose and intent of this chapter.

(2)

Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.

(3)

Consider the public interest in, or the need for, the proposed use or change, to determine that the proposal will serve the best interest of the Borough, the convenience of the community (where applicable) and the public health, safety, morals and general welfare.

(4)

Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, including, but not limited to, public water, sewers, police and fire protection, transportation and public schools.

(5)

Be guided in its study, review and recommendations by sound standards or subdivision practice where applicable.

(6)

Review the recommendations of the Planning Commission on the proposed development plan, where such plan is required. The Board shall not be bound by such recommendations nor shall the Board be bound by the action of the Borough Council in relation to the development plan.

(7)

Guide the development of highway frontage insofar as possible to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.

(8)

Consider, where pertinent, the effects of the proposal with respect to congestion on the roads or highway, the most appropriate use of land, conserving the value of buildings, safety from fire, panic, and other dangers, adequacy of light and air, the prevention of overcrowding of land, congestion of population and adequacy of public and community services and determine that approval of the application will not have a substantially adverse effect thereon.

(9)

Be assured that the natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provision of water or sewer service, and any other alterations to the site's predevelopment condition shall be consistent with the Borough goals, practices, and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.

(10)

Impose such conditions, in addition to those required, as are necessary to assure that the intent of this chapter is complied with, and which are reasonably necessary to safeguard the health, safety, morals and general welfare of the residents of the Borough at large and the residents and owners of the property adjacent to the area in which the proposed use is to be conducted. Conditions may include, but are not limited to, harmonious design of buildings, aesthetics, hours of operation, lighting, numbers of persons involved, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

(11)

Special conditions. In addition to conforming with the general standards, above, and all other applicable regulations contained in this chapter, the proposed special exception must conform with all conditions for that use as follows:

(a)

Require that all commercial or industrial parking, loading, access or service areas shall be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from discomfort or hazardous interference of any kind.

K.

Unified appeals. Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

§ 250-111 Expiration of special exceptions, variances and conditional uses.

Unless otherwise specified by the Board, a special exception, variance or conditional use shall expire if the applicant fails to obtain a building permit or a use and occupancy permit, as the case may be, within six months from the date of authorization thereof.

§ 250-112 Parties appellant before the Board.

An appeal to the Board under § 250-110A and proceedings to challenge an ordinance under § 250-110B may be filed with the Board in writing by the landowner affected, any officer of the Borough or any person aggrieved. Requests for a variance under § 250-110C and for a special exception under § 250-110J may be filed with the Board by any landowner or any tenant with the permission of such landowner.

§ 250-113 Time limitations.

No aggrieved person shall be allowed to file any proceedings with the Board later than 30 days after:

A.

Any permit has been issued or refused or any other decision made by the Zoning Officer; and

B.

Any application for development, preliminary or final, has been approved by the Borough Council if such proceeding is designed to secure reversal or to limit approval in any matter.

§ 250-114 Parties to the hearing.

The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall enter appearances in writing on forms provided by the Board for that purpose. The aforementioned parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

§ 250-115 Stay of proceedings.

Upon filing of any proceeding referred to in § 250-109, and during its pendency before the Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In such case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by person other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

§ 250-116 Appeals.

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

The conditions and proceedings set forth in Article X-A of Act 247,

Editor's Note: See 53 P.S. § 11001-A et seq.
as amended, shall constitute the exclusive mode for securing review of any ordinance, decision, determination or order of the governing body, its agencies or officers adopted or issued pursuant to Act 247, as amended by Act 170 of 1988.

§ 250-117 Pennsylvania Municipalities Planning Code.

The provisions of this article of this chapter are intended to parallel the Pennsylvania Municipalities Planning Code and said provisions are amended as the MPC is amended.

Article XV Amendment:

§ 250-118 Power of amendment.

The Borough Council may from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map. The Borough Council, by resolution adopted at a stated or special meeting, shall fix the time and place of a public hearing on the proposed change, amendment, or repeal and cause notice thereof to be given as follows:

A.

By publishing a notice of the time and place of the hearing not more than 30 days and not less than seven days in advance of the date fixed for the hearing in a newspaper of

general circulation in the Borough. Such notice shall be published once each week for two successive weeks.

B.

In addition to the content requirements of Section 610 of the Pennsylvania Municipalities Planning Code, as amended,

Editor's Note: See 53 P.S. § 10610.
the notice shall also set forth the principal provisions of the proposed change, amendment or repeal in reasonable detail and a reference to a place in the Borough where copies of the proposed change, amendment or repeal may be examined or purchased at a charge not exceeding the cost thereof. Full opportunity to be heard will be given to any citizen and all interested parties attending such hearing. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

§ 250-119 Landowner's petition.

A landowner or group of landowners in a district may present to the Borough Council, a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of any of the regulations or restrictions prescribed by this chapter for their district; or a change or modification of the Zoning Map with reference to such district. It shall be the duty of the Borough Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in § 250-118A above.

§ 250-120 Planning Commission referral.

The Borough Council shall refer each petition or proposal for change or amendment to the Borough Planning Commission, and County Planning Commission at least 30 days prior to the hearing, which shall consider whether or not such proposed change or amendment would be, in the view of the Commission, consistent with and desirable in furtherance of the Comprehensive Plan upon which this chapter is based, as the same may be modified from time to time. The Commission shall transmit its conclusion thereon, together with its reasons therefor, to the Borough Council within 30 days. The Borough Council shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby.

§ 250-121 Curative amendment procedures.

A landowner who desires to challenge, on substantive grounds, the validity of this chapter or Zoning Map, or any provision thereof in which he has an interest, may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, as amended.

Editor's Note: See 53 P.S. § 10609.1.

§ 250-122 Hearings.

At any public hearing on a proposed change or amendment, opportunity to be heard shall be given to any citizen. The Borough Council shall take the recommendations of the Borough and County Planning Commission into consideration in reaching its decision, but shall not be bound thereby. The Borough Council shall have the power to adopt general or special rules of procedure for the conduct of any such hearing provided that under §§ 250-118, 250-119, and 250-121, the hearings shall be conducted in accordance with the following procedures:

A.

The Borough Council shall conduct a hearing thereon within 60 days of the receipt of written request.

B.

The President, or in his absence, the Acting President, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

C.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses.

D.

Even though formal rules of evidence shall not apply, irrelevant, immaterial or unduly repetitious evidence may be excluded.

E.

The Borough Council shall keep a stenographic record of the proceedings and copies of graphic or written material received in evidence shall be made available at cost to any party.

§ 250-123 Decisions of Borough Council.

All enactments of amendments to this chapter or map shall be read at public meetings of the Borough Council and copies can be examined at the Borough Building during regular hours. The Borough Council shall make a decision within a reasonable amount of time after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and the Borough's Council. Should the Council fail to act on the landowner's request within the designated time, the request is denied. When

a decision has been made by the Borough Council, a written copy of the decision shall be delivered to the landowner personally or mailed to him not later than the day following its date. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the County Planning Commission.

§ 250-124 Steep Sloop – Definitions. (AMENDED 5.4.20 Ordinance 2020-1)

§ 250-125 Steep Sloop - Restrictions. (AMENDED 5.4.20 Ordinance 2020-1)

§ 250-126 Exceptions to Steep Sloop Restrictions. (AMENDED 5.4.20 Ordinance 2020-1)