

**Code
of the
Borough of
Pleasantville**

COUNTY OF VENANGO
COMMONWEALTH OF PENNSYLVANIA

SERIAL NO. **104**.....

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CERTIFICATION
BOROUGH OF PLEASANTVILLE

Office of the Borough Secretary/Treasurer

I, **WILMA SABOL**, Borough Secretary/Treasurer of the Borough of Pleasantville, Pennsylvania, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the Borough Council of the Borough of Pleasantville, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Borough of Pleasantville, County of Venango, Commonwealth of Pennsylvania, as adopted by Borough Council on March 24, 1998, by Ord. No. 256.

Given under my hand and the Seal of the Borough of Pleasantville, County of Venango, Commonwealth of Pennsylvania, this _____ day of _____, at the municipal offices of the Borough of Pleasantville.

s/WILMA SABOL

Borough Secretary/Treasurer

PREFACE

The Borough of Pleasantville has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Borough, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Borough. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Borough Council ordered the following codification of the Borough's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Borough Council of the Borough of Pleasantville, including revisions or amendments to existing legislation deemed necessary by the Borough Council in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all Borough legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Borough legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item

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of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted

PREFACE

between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Borough officials is gratefully acknowledged by the editor. The codification of the legislation of the Borough of Pleasantville reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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Tools for Finding Information – In addition to the municipality’s legislation, this publication contains tools to help locate information: table of contents, index, chapter outlines (schemes), and a disposition list.

Chapters – Chapters are generally discrete pieces of legislation, but can also be made up of several individual pieces on a related topic. In that case, the individual pieces are arranged into articles or parts within the chapter. The article or part titles can be found in the chapter scheme or by subject in the index. If you are familiar with a former number or title, look for it chronologically in the disposition list.

Reserved Chapters – In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of later enactments. Help in selecting an appropriate number for a new chapter is available from the editor. See also the “Instructions for Amending the Code” in the Preface.

Section Numbering – A chapter-related section-numbering system is employed. Each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the fourth section of Chapter 6 is § 6-4.

Scheme – The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Page Numbers – A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral “1.” Thus, Chapter 6 begins on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

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PART I

**ADMINISTRATIVE
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Chapter 1

GENERAL PROVISIONS

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ARTICLE II Enactment of 2004 Republication

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

ARTICLE I Adoption of Code

[Adopted 3-24-1998 by Ord. No. 256]

§ 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 ordinances and resolutions for the Borough of Pleasantville, County of Venango, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code Publishers Corp., and consisting of Chapters 1 through 165, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Pleasantville, which shall be known and is hereby designated as the "Code of the Borough of Pleasantville," 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 Pleasantville, 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 Pleasantville 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 June 27, 1995.
- 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 linen.
- 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. Section 2-3023 of the 1978 Code dealing with the establishment of the Shade Tree Commission.
- S. The Borough Zoning Ordinance, Part 14 of the 1978 Code, and all amendments thereto.
- T. Ordinance No. 182, adopted August 11, 1981, dealing with the Local Government Investment Trust.
- U. Ordinance Nos. 191, 199 and 211, amending the long-term tax rate.
- V. Ordinance Nos. 195 and 196, establishing capital reserve funds.

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

All ordinances and resolutions 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 and resolutions 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, the following changes and revisions of a substantive nature are hereby made to various ordinances and resolutions included in the Code. These changes are made 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 have 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.
- (1) Chapter 12, Fire Department, Article II, Firemen's Relief Association (Part 2, Ch. 4, Art. B. of the 1978 Code).
 - (a) Former §§ 2-4022 and 2-4023, dealing with the receipt and appropriation of certain insurance premiums, are hereby deleted.
 - (2) Chapter 26, Planning Commission (Part 2, Ch. 3, Art. B, § 2-3021 of the 1978 Code.)
 - (a) Section 26-1 (former first sentence) is hereby amended to change the membership from five to seven members.
 - (3) Chapter 45, Amusements (Part 6, Ch. 2, Art. A, of the 1978 Code).
 - (a) Sections 45-3 and 45-4 (former §§ 6-2003 and 6-2004) are hereby amended to change the term "Mayor" to "Borough."
 - (4) Chapter 81, Garbage, Rubbish and Refuse (Part 5, Ch. 5, of the 1978 Code).
 - (a) Section 81-1 (former § 5-5001) is hereby amended to bring said section into line with current Borough policy, all to read as follows:

§ 81.1. Contracts for service.
Solid waste disposal and collection shall be performed under contract to the Borough, and, where conflict between this chapter and said contracts exists, such contracts shall govern.
 - (b) The following sections are hereby amended to change references to the F & R Refuse Company to read "the company under contract":

- [1] Section 81-4 (former § 5-5004).
 - [2] Section 81-6 (former § 5-5006).
 - [3] Section 81-7 (former § 5-5007).
 - (c) Section 81-4 (former § 5-504) is hereby amended to delete therefrom former Subsections (4) and (5).
- (5) Chapter 97, Moving Permits (Part 6, Ch. 2, Art. C, of the 1978 Code).
- (a) The following sections are hereby amended to change references to "Mayor" to read "Borough":
 - [1] Section 97-1 (former § 6-2041).
 - [2] Section 97-2 (former §§ 6-2042 and 6-2043).
 - (b) Section 97-1 (former § 6-2041) is hereby amended to add thereto the words "or movable living structure."
 - (c) Section 97-3 (former § 6-2044) is hereby amended to add thereto the following sentence; "For purposes of this section, 'personal property' shall include movable living structures."
- (6) Chapter 103, Parks and Other Borough Property (Part 9, Ch. 2 of the 1978 Code).
- (a) Section 103-2 (former § 9-2002) is hereby amended to change the phrase "the park" to "the Borough parks."
- (7) Chapter 106, Peace and Good Order, Article II, Nuisances (Part 8, Ch. 2 of the 1978 Code).
- (a) Section 106-4B(6) [former § 8-2001(6)] is hereby amended to change "Mayor" to "Borough."
- (8) Chapter 117, Property Maintenance, Article 1, Brush, Grass and Weeds (Part 5, Ch. 3 of the 1978 Code).
- (a) Section 117-2 (former § 5-3003) is hereby amended to delete therefrom the words "as provided hereinabove."
- (9) Chapter 136, Streets and Sidewalks, Article VI, Encroachments (Part 12, Ch. 3, Art. A of the 1978 Code).
- (a) Section 136-22 (former § 12-3001) is hereby amended to change the reference to former § 1-1008 to refer to current § 136-25.
- (10) Chapter 149, Vehicles and Traffic (Part 7, Ch. 1 of the 1978 Code).

- (a) The following sections are hereby amended to delete therefrom specific fines:
- [1] Section 149-3B [former § 7-1003(b)].
 - [2] Section 149-4 (former § 7-1004).
 - [3] Section 149-5 (former § 7-1005).
 - [4] Section 149-7 (former §§ 7-1021, 7-1022, 7-1023 and 7-1024).
 - [5] Section 149-8 (former § 7-1025).
 - [6] Section 149-9 (former § 7-1026).
 - [7] Section 149-10 (former § 7-1027).
 - [8] Section 149-11 (former §§ 7-1028 and 7-1029).
 - [9] Section 149-12 (former § 7-1030).
 - [10] Section 149-13 (former § 7-1031).
 - [11] Section 149-14 (former § 7-1032).
 - [12] Section 149-15 (former § 7-1033).
 - [13] Section 149-16 (former § 7-1034).
 - [14] Section 149-17 (former § 7-1035).
 - [15] Section 149-18C and D (former §§ 7-1037(c) and (d)).
- (b) Former § 7-1036 and Appendix 1-P, both dealing with snowmobile roads, are hereby deleted.
- (11) Chapter 153, Water (Part 11, Ch. 1 of the 1978 Code).
- (a) Section 153-5A (former § 11-1005.1) is hereby amended to change the word "quarterly" to "monthly."
 - (b) Section 153-17B (former § 11-1017.2) is hereby amended to remove the specific charges for restoring service.
- C. Fees. In addition to the changes enumerated in Subsections A and B of this section, the following sections are hereby amended to remove specific fees and to provide that fees shall be as set forth by resolution of the Borough Council:
- (1) Section 45-3B [former § 6-2003(b)].
 - (2) Section 97-1 (former § 6-2041).
- D. Penalties. In addition to the changes enumerated in Subsections A, B and C of this section:

- (1) The following sections are hereby changed to amend the penalty provisions contained therein as follows:
 - (a) To provide for a maximum fine of \$600 plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days:
 - [1] Section 81-9 (former § 5-508).
 - [2] Section 88-2 (former § 6-2021, second sentence).
 - [3] Section 103-3 (former § 9-2003).
 - [4] Section 109-4 (former § 6-2064).
 - [5] Section 136-8 (former § 7-3005).
 - [6] Section 136-13 (former § 12-1004).
 - [7] Section 136-21B (former § 12-2024).
 - [8] Section 136-25 (former § 12-3005).
 - [9] Section 136-27 (former § 12-3021, second sentence).
 - (b) To provide for a maximum fine of \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days:
 - [1] Section 106-3 (former 8-1016).
 - [2] Section 106-7 (former 8-2004).
 - [3] Section 117-3 (former 5-3002).
 - [4] Section 126-14 (former 11-2014).
- (2) The following new penalty sections are hereby added as follows:
 - (a) To provide for a maximum fine of \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days:
 - [1] Section 45-5.
 - [2] Section 97-5.
 - [3] Section 157-2.
 - (b) To provide for a maximum fine of \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days:

[1] Section 74-5.

[2] Section 112-2.

§ 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 copies of Code.

Three copies 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 copies shall be certified to by the Borough Secretary, as provided by law, and such certified 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 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 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. 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 _____.

PLEASANTVILLE CODE

ARTICLE II
Enactment of 2004 Republication

[An ordinance enacting the 2004 republication of the Code of the Borough of Pleasantville, and making certain substantive changes therewith, is presently proposed before the Borough Council. Upon final adoption, it will be included here as Article II of this chapter.]

Chapter 9
FINANCES

ARTICLE I
Investments

§ 9-2. Duty of Secretary/Treasurer.

§ 9-1. Preamble.

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

GENERAL REFERENCES

Taxation — See Ch. 141.

ARTICLE I
Investments¹
[Adopted 5-24-1983 by Res. No. 83-3]

§ 9-1. Preamble.²

Whereas the Borough of Pleasantville wishes to obtain all the interest on investments that is feasible, and whereas that, in order to do such, funds must be invested on a day-to-day basis.

§ 9-2. Duty of Secretary/Treasurer.

The Secretary/Treasurer shall be required to invest all available excess moneys.

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1. Editor's Note: Former Art. I, Borough Services Fund, adopted by Part 3, Ch. 1, Art. B, of the 1978 Code, which consisted of §§ 9-1 through 9-3, was deleted, and former Art. II, Investments, was redesignated as Art. I, at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).
 2. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

Chapter 12
FIRE DEPARTMENT

ARTICLE I
Recognition

ARTICLE II
Firemen's Relief Association

§ 12-1. Official fire-protection unit.

§ 12-3. Recognition.

§ 12-2. Authorized activities.

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

GENERAL REFERENCES

Fire prevention — See Ch. 74.

ARTICLE I
Recognition

[Adopted as Part 10, Ch. 1, Art. B, of the 1978 Code]

§ 12-1. Official fire-protection unit.

The Borough hereby recognizes the Pleasantville Volunteer Fire Department as the official fire-protection unit for the Borough.

§ 12-2. Authorized activities.

In addition to actually fighting fires or while engaged in going to or returning from any fire, the members of the Fire Department recognized by the Borough are authorized to do the following things:

- A. Answer any type of fire alarm or call, whether general alarm, private call or investigation of fire report or emergency call of any type, inside or outside the Borough.
- B. Engage in any type of drill, training, ceremonial, practice, test or parade when called or authorized by a proper officer of the Fire Department.
- C. Engage in the performance of any duty or activity authorized by any officer of the recognized Fire Department.

ARTICLE II
Firemen's Relief Association
[Adopted as Part 2, Ch. 4, Art B, of the 1978 Code]

§ 12-3. Recognition.

The Pleasantville Firemen's Relief Association is hereby officially recognized by the Borough Council as an organization formed for beneficial and protective purposes to its members and their families in case of death, sickness, temporary or permanent disability or accident from the funds collected therein.¹

1. Editor's Note: Former §§ 2-4022 and 2-4023, dealing with financial matters of the Firemen's Relief Association, which immediately followed this section, were repealed 3-24-1998 by Ord. No. 256.

Chapter 17
MEETINGS

ARTICLE I
Pledge of Allegiance

§ 17-1. Institution of practice.

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

ARTICLE II
Robert's Rules of Order

§ 17-2. Parliamentary procedure.

§ 17-3. Parliamentarian designated.

ARTICLE I
Pledge of Allegiance
[Adopted 7-11-1989 by Res. No. 89-6]

§ 17-1. Institution of practice.

From this date forward, the Borough Council will institute the practice of pledging allegiance to the American Flag at the beginning of each public meeting of that body.

ARTICLE II
Robert's Rules of Order
[Adopted 3-12-1990 by Res. No. 91-3]

§ 17-2. Parliamentary procedure.

The Council hereby adopts Robert's Rules of Order, Modern Edition, copyright 1989 by Darwin Patnode, PhD, and any additions thereto as the official parliamentary procedure for the conduct of all business by Council.

§ 17-3. Parliamentarian designated.

The President of the Borough Council shall act as parliamentarian for Council, unless and until he shall appoint another member of Council to serve in that capacity.

Chapter 20
OFFICERS AND EMPLOYEES

ARTICLE I
Secretary/Treasurer

ARTICLE II
Auditors

§ 20-1. Consolidation of offices.

§ 20-3. Appointment of independent auditor authorized.

§ 20-2. Bond.

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

GENERAL REFERENCES

Personnel — See Ch. 23.

Salaries and compensation — See Ch. 33.

ARTICLE I
Secretary/Treasurer
[Adopted as Part 2, Ch. 2, of the 1978 Code]

§ 20-1. Consolidation of offices.

On and after the first Monday of January 1966, the offices of Secretary and Treasurer of the Borough shall be held by the same person.

§ 20-2. Bond. ¹

The Treasurer shall, before taking the oath of office or entering upon any of the duties of the office, give lawful bond as required by law with a corporate surety, conditioned for the faithful performance of official duties and for such other conditions as may be set forth in the law. The bond amount shall be set forth from time to time by the Borough Council.

1. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

ARTICLE II
Auditors
[Adopted 11-11-1986 by Ord. No. 210]

§ 20-3. Appointment of independent auditor authorized.

The Borough hereby authorizes the appointment of a certified public accountant(s) to perform the yearly audit as provided for in the Borough Code, Act of February 1, 1966 (1965 P.L. 1656, No. 581),² as amended.³

2. Editor's Note: See 53 P.S. § 46005(7).

3. Editor's Note: Former § 20-4, Effect on elected Auditors, which immediately followed this section, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

Chapter 23
PERSONNEL

ARTICLE I
Pension Plan

- § 23-1. Adoption of plan.
- § 23-2. Continuation of prior provisions.

ARTICLE II
Sexual Harassment

- § 23-3. Policy.
- § 23-4. Definitions.

- § 23-5. Prohibited conduct.
- § 23-6. Employee rights.
- § 23-7. Retaliation prohibited.
- § 23-8. Filing complaints; investigation.
- § 23-9. Adjudication; procedure.
- § 23-10. Responsibility of supervisors and Borough Council.
- § 23-11. False accusations.
- § 23-12. Sanctions.

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

GENERAL REFERENCES

Officers and employees — See Ch. 20.

Salaries and compensation — See Ch. 33.

ARTICLE I
Pension Plan¹

[Adopted 12-6-1988 by Res. No. 88-7; amended in its entirety 12-10-2002 by Ord. No. 9-2002]

§ 23-1. Adoption of plan.

Effective as of December 31, 2002, the accompanying joinder agreement and the terms of the Pennsylvania State Association of Boroughs Master Retirement Trust are hereby adopted by the employer, to be known as the "Borough of Pleasantville Employee Pension Plan."

§ 23-2. Continuation of prior provisions.

Said plan shall be deemed to be a successor to and a continuation of the prior plan.

1. Editor's Note: Former Art. I, Social Security, adopted as Part 2, Ch. 4, Art. A, of the 1978 Code and consisting of §§ 23-1 through 23-4; and former Art. II, Code of Conduct, adopted 12-9-1986 by Res. No. 86-10 and amended in its entirety 2-26-1991, consisting of §§ 23-5 and 23-6, were deleted, and former Arts. III and IV were redesignated as Arts. I and II, respectively, at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

ARTICLE II
Sexual Harassment
[Adopted 4-26-1994 by Ord. No. 238]

§ 23-3. Policy.

It is the policy of the Borough of Pleasantville that all employees of the Borough are entitled to work in an environment free from all forms of illegal discrimination including that which is based on a person's sex. Accordingly, any practice or activity which constitutes sexual harassment is strictly forbidden within government workplaces in the Borough and shall, if substantiated in accordance with this policy, result in disciplinary action.

§ 23-4. Definitions.

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

SEXUAL HARASSMENT — Any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;
- B. Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person;
- C. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance; or
- D. Such conduct creates an intimidating, hostile or offensive work environment.

§ 23-5. Prohibited conduct.

Any manner or form of sexual harassment by a supervisor or employee of the Borough of Pleasantville, Venango County, Pennsylvania, against another employee, as the phrase "sexual harassment" is defined in this article, is strictly prohibited.

§ 23-6. Employee rights.

Any employee who believes that another employee is engaging in sexual harassment may file a complaint within a reasonable period of time after the event (normally not more than 180 days).

§ 23-7. Retaliation prohibited.

No person filing a complaint under this policy or who legitimately assists another in the prosecution of any such complaint shall be subjected to retribution or retaliation of any kind for doing so.

§ 23-8. Filing complaints; investigation.

- A. All complaints of sexual harassment shall be filed with either an immediate supervisor or the President of Borough Council.
- B. Complaints filed under this policy shall be promptly and thoroughly investigated by the Council President or an individual designated by him or her.
- C. Upon completion of the investigation, the Council President shall prepare a comprehensive report addressing all allegations in the complaint and objectively documenting all relevant factual findings of the investigation. The investigatory report shall contain neither conclusions concerning the complaint nor recommendations as to disposition.
- D. The investigative report shall be presented to the Borough Council upon completion and within 15 days after receipt of the complaint. This time requirement may be extended by action of the Borough Council, in writing, upon request of the President of Borough Council and good cause shown for such an extension.

§ 23-9. Adjudication; procedure.

- A. All complaints of sexual harassment shall be adjudicated by the Borough Council.
- B. Upon receipt of the completed investigative report, the Borough Council shall conduct an administrative hearing at which the report shall be presented and considered. Hearings shall be conducted before a court reporter empowered to take testimony under oath. The court reporter shall require all witnesses to provide testimony under oath and shall prepare a verbatim transcription/recording of the proceedings which shall serve as the official record of the hearing.
- C. The accused employee shall be notified, in writing, at least 10 days before the hearing of the complaint and the underlying allegations. The accused employee may request one postponement of the hearing upon receipt of the notice in order to obtain legal counsel; however, the delay occasioned by such request shall not exceed 30 days from the date of receipt of the notice by the accused employee.
- D. The accused employee shall be entitled to attend the hearing and testify in his or her own behalf and shall be entitled to confront and cross-examine the employee who filed the complaint. In the event that the complainant elects not to attend the administrative hearing and upon objection from the accused to the complainant's absence, the complaint shall be dismissed and the accused deemed innocent of the allegations.
- E. The accused employee shall be entitled to call witnesses in his or her own behalf and to introduce evidence which bears upon the issues presented by the complaint and investigative report.
- F. At the conclusion of the hearing or within five days thereafter, the Borough Council shall make findings concerning the innocence or guilt of the accused of the offense of sexual harassment.
- G. A finding of guilt must be supported by substantial credible evidence that:

- (1) The facts alleged by the complainant to have occurred are true;
- (2) Those facts constitute sexual harassment within the meaning of this policy; and
- (3) The accused is the person who committed the acts amounting to sexual harassment.

§ 23-10. Responsibility of supervisors and Borough Council.

- A. Supervisors. Each supervisor has a responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment.
- B. It is the responsibility of the Council of the Borough of Pleasantville or its designee to:
 - (1) Provide information to managers and supervisors regarding this policy specifically and sexual harassment generally; the gravity of such behavior; and the procedure to be employed in the event that a complaint of sexual harassment is made or conduct amounting to sexual harassment is observed.
 - (2) Provide necessary training to managers and supervisors in order to reduce the likelihood of sexual harassment in the workplace.

§ 23-11. False accusations.

Due to the serious and private nature of this offense, false accusations of sexual harassment are, and will be treated as, a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

§ 23-12. Sanctions.

Sexual harassment is deemed to be a serious violation of the work rules of the government of the Borough of Pleasantville and, if proven, shall be grounds for the imposition of discipline. Potential sanctions for the offense shall range from a minimum of a five-day suspension without pay to termination of employment, depending upon the following factors:

- A. The individual facts of any given case; and
- B. The employment record of the person committing such harassment.

Chapter 26

PLANNING COMMISSION

§ 26-1. Establishment; membership.

§ 26-3. Vacancies.

§ 26-2. Powers and duties; effect on current members.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville as Part 2, Ch. 3, Art. B, § 2-3021, of the 1978 Code. Amendments noted where applicable.]

§ 26-1. Establishment; membership. [Amended 3-24-1998 by Ord. No. 256]

A Borough Planning Commission, composed of seven members, appointed in the manner provided by law, is hereby created and established in and for the Borough.

§ 26-2. Powers and duties; effect on current members.

The Planning Commission shall perform all of the duties and may exercise any and all of the powers vested by law in planning agencies in boroughs, provided that the persons constituting the Planning Commission now functioning in the Borough shall constitute the Planning Commission hereby created, and nothing in this chapter shall affect the tenure of said present Borough Planning Commission.

§ 26-3. Vacancies.

All vacancies hereafter occurring in the Planning Commission, regardless of the cause, shall be filled in accordance with the provisions of the law governing planning agencies in boroughs at the time of the occurrence of the vacancy.

Chapter 28

PROCUREMENT PROCEDURES

§ 28-1. Compliance with standards required.

§ 28-2. Compliance with Code of Conduct required.

§ 28-3. Evaluation criteria.

§ 28-4. Award procedure and notification.

§ 28-5. Unsuccessful bids.

§ 28-6. Award regulations.

§ 28-7. Policy of economy.

§ 28-8. Affirmative action.

§ 28-9. Selection criteria.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville 2-26-1991 by motion. Amendments noted where applicable]

GENERAL REFERENCES

Finances — See Ch. 9.

§ 28-1. Compliance with standards required.

All procurement transactions, regardless of whether by sealed bids or by negotiations and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition consistent with standards and procedures contained in this selection criteria and all relevant laws and regulations. Procurement procedures shall not restrict or eliminate competition.

§ 28-2. Compliance with Code of Conduct required.

The Borough shall at all times abide by the written Code of Conduct¹ which shall govern the performance of its officers, employees or agents engaged in the award and administration of contracts supported by federal and state funds. No employee, officer or agent of the Borough shall participate in selection or in the award or administration of a contract supported by federal or state funds if a conflict of interest, real or apparent, would be involved.

§ 28-3. Evaluation criteria.

In terms of evaluation, each contractor or bidder shall be judged on his individual merits through written or oral discussion. These criteria will take into consideration such matters as:

- A. Adequacy of the proposal, bid or contract related to the Borough's specifications, terms and conditions set forth in the advertisement or request for proposal.
- B. Acceptance by the consultant, contractor or bidder of the provisions for equal opportunity and labor standards requirements (including wage rate determinations).

1. Editor's Note: See Art. II, Code of Conduct, of Ch. 23, Personnel.

- C. Ability to comply with all relevant laws and regulations.
- D. Commitment and ability to complete work within the designated time schedule.
- E. History of relations with and payments to subcontractors and suppliers.
- F. Maintenance of a permanent place of business.
- G. Adequacy of equipment and resources.
- H. Technical experience.
- I. Financial adequacy of the contractor or bidder.
- J. Cost.

§ 28-4. Award procedure and notification.

Award will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, price and above factors considered. Unsuccessful offerors will be notified promptly.

§ 28-5. Unsuccessful bids.

If the outcome of bid openings or proposals are not satisfactory in terms of price, qualifications or otherwise, the Borough will consider one of two things:

- A. Reissuance of the request for proposal and rebidding the original project specifications;
or
- B. Changing the specifications and rebidding the project.

§ 28-6. Award regulations.

The most competitive proposal, contract or bid will be selected, subject to finalizing an agreement on fair and reasonable compensations for service to be provided. Awarding of the contract shall be made only to a responsible proposer or bidder possessing the ability to perform successfully under the terms and conditions of the Small Communities Planning Assistance Program and the requirements of the Borough of Pleasantville. No individual or firm responding to a request will be discriminated against because of race, religion, color, sex or national origin.

§ 28-7. Policy of economy.

The Borough shall avoid the purchase of unnecessary or duplicative items. Consideration shall be given to consolidation or breaking out to obtain a more economical purchase. Where appropriate, an analysis shall be made of lease versus purchase alternatives and any other appropriate analysis to determine which approach would be the most economical.

§ 28-8. Affirmative action.

It is a national policy to award a fair share of contracts to small and minority business firms. Accordingly, affirmative steps shall be taken to assure that small and minority businesses are utilized when possible as sources of suppliers, equipment, construction and services.

§ 28-9. Selection criteria.

The Borough will select only bids or proposals from those who meet terms and conditions of the following:

- A. OMB Circular A-102, Attachments B, G and O.
- B. Federal Management Circular 74-4.
- C. Section 3 of the Intergovernmental Cooperation Act of 1968.²
- D. Section 109 of the Housing Act of 1974.
- E. Title VI of the Civil Rights Act.
- F. Davis-Bacon Act.
- G. All other federal and state standards, copies of which are available through the procurement standards located in the Venango County Planning Commission Office.

2. Editor's Note: Said Act was repealed 12-19-1996 by P.L. 1158, No. 177. See now 53 Pa.C.S.A. § 2301 et seq.

Chapter 30
RECREATION BOARD

§ 30-1. Establishment.

§ 30-3. Powers and duties.

§ 30-2. Membership; appointment; terms.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville as Part 2, Ch. 3, Art B, § 2-3022, of the 1978 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and other Borough property — See Ch. 103.

§ 30-1. Establishment.

A Recreation Board is established in and for the Borough.

§ 30-2. Membership; appointment; terms.

The Recreation Board shall be composed of five members, appointed by the Borough Council for five-year terms, with the term of one member expiring each year.

§ 30-3. Powers and duties.

The Recreation Board shall perform all duties and may exercise all powers and authority vested by law in borough recreation boards.

Chapter 33

SALARIES AND COMPENSATION

ARTICLE I Mayor and Council

§ 33-1. Compensation of Mayor.

§ 33-2. Compensation of Council members.

§ 33-3. Manner of payment.

§ 33-4. Maximum number of paid meetings.

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

GENERAL REFERENCES

Officers and employees — See Ch. 20.

ARTICLE I Mayor and Council [Adopted 12-13-1983 by Ord. No. 200]

§ 33-1. Compensation of Mayor. [Amended 11-22-1988 by Ord. No. 222¹]

The compensation for the Mayor shall be the sum of \$20 for each regular meeting of the Borough Council which he shall attend.

§ 33-2. Compensation of Council members.²

The compensation for each Councilman shall be the sum of \$15 for each regular meeting of the Borough Council which he shall attend.

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1. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).
 2. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

§ 33-3. Manner of payment. ³

The aforementioned compensation shall be paid to said Mayor and Councilmen on an annual basis, with payment to be made on or before December 30.

§ 33-4. Maximum number of paid meetings.

The maximum number of regular meetings for which compensation shall be paid shall be 24 per year.

3. **Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).**

PART II

**GENERAL
LEGISLATION**

Chapter 45

AMUSEMENTS

§ 45-1. Applicability.

§ 45-4. Revocation of permit.

§ 45-2. Permit required.

§ 45-5. Violations and penalties.

§ 45-3. Permit application; fee; term.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville as Part 6, Ch. 2, Art. A, of the 1978 Code. Amendments noted where applicable.]

§ 45-1. Applicability.

This chapter shall apply to all circuses, carnivals and other transient amusements held in the Borough, whether in a building, in a tent or out of doors, and these activities shall be referred to in this chapter as "transient amusements."

§ 45-2. Permit required.

It shall be unlawful for any person to operate, install or conduct any transient amusement anywhere in the Borough without first having obtained a permit as provided in § 45-3, and unless all the terms and conditions prescribed in this chapter are complied with.

§ 45-3. Permit application; fee; term. [Amended 3-24-1998 by Ord. No. 256]

- A. Every person desiring to operate, install or conduct a transient amusement in the Borough shall make application to the Borough for the permit required by this chapter. Before granting the permit, the Borough shall have authority to have an investigation made of the proposed transient amusement. The Borough may refuse to issue the permit if it deems the refusal to be in the interest of the health, safety, welfare or morals of the Borough and its inhabitants. The Borough shall further have authority to require that the applicant, upon being granted the permit, save the Borough harmless from liability for injury to persons or property as a result of the operation of the transient amusement or any of its facilities, concessions or parts and also furnish evidence that a public liability insurance policy in amounts of not less than \$1,000,000 for any one person and \$2,000,000 for any one accident is in force and effect at the time the transient amusement is to operate in the Borough. The policy is to be subject to the approval of the Solicitor.¹
- B. The Borough shall not issue any permit under this chapter until the permit fee, in the amount as set forth by resolution of the Borough Council, which shall be for the use of the Borough, is paid to it. However, at its discretion, in the case of any transient amusement held for the benefit of any charitable, religious, educational or civic

1. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

organization, the Borough may waive the requirement for a permit fee and issue the permit without payment of the fee.²

- C. The permit shall be valid for the specific period of time stated on the permit. It shall be unlawful for the permit holder to commence the holding of the transient amusement before the first day stated on the permit or to continue to hold the transient amusement after the last day stated on the permit.

§ 45-4. Revocation of permit. [Amended 3-24-1998 by Ord. No. 256]

The Borough shall have authority to revoke any permit issued under this chapter when it shall deem such revocation to be in the interest of the health, safety, welfare or morals of the Borough and its inhabitants. Appeals from action of the Borough in refusing or revoking a permit under this chapter may be made to the Borough Council within 10 days after the action appealed from.

§ 45-5. Violations and penalties. [Added 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

2. **Editor's Note: The current fees are on file in the Borough Secretary/Treasurer's office.**

Chapter 54
(RESERVED)

[Former Chapter 54, Buildings, Numbering of, adopted 5-26-1987 by Ord. No. 215, as amended, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).]

Chapter 59

CONSTRUCTION CODES, UNIFORM

§ 59-1. Election to administer and enforce.

§ 59-2. Adoption of building code standards.

§ 59-3. Methods of administration and enforcement.

§ 59-4. Board of Appeals.

§ 59-5. Effect on other provisions.

§ 59-6. Fees.

§ 59-7. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville 6-8-2004 by Ord. No. 5-2004. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 74.

Subdivision and land development — See Ch. 139.

Zoning — See Ch. 160.

§ 59-1. Election to administer and enforce.

The Borough of Pleasantville, Venango County, hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. § 7210.101 to 7210.1103, as amended from time to time, and its regulations.

§ 59-2. Adoption of building code standards.

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 municipal building code of the Borough of Pleasantville, Venango County, Pennsylvania.

§ 59-3. Methods of administration and enforcement.

Administration and enforcement of the Code within the Borough of Pleasantville, Venango County, shall be undertaken in any of the following ways as determined by the governing body of the Borough from time to time by resolution:

- A. By the designation of an employee of the Borough of Pleasantville, Venango County, to serve as the municipal code official to act on behalf of the Borough.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough.
- 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 Pleasantville, Venango County.
- 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.

§ 59-4. Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of the Borough of Pleasantville, Venango County, 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, said Board of Appeals shall be established by joint action of the participating municipalities.

§ 59-5. Effect on other provisions.

- A. All building code ordinances or portions of ordinances which were adopted by the Borough 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 not governed by the code shall remain in full force and effect.

§ 59-6. Fees.

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

§ 59-7. Violations and penalties.

- A. Any individual, firm or corporation that violates any provision of this chapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs.
- B. Each day that a violation of this Act continues shall be considered a separate violation of this chapter.

Chapter 70
(RESERVED)

[Former Chapter 70, Fair Housing, consisting of Article I, General Provisions, adopted 9-1-1987 by Ord. No. 217, and Article II, Resolution of Intent, adopted 7-11-1989 by Res. No. 89-5 and amended in its entirety 2-26-1991, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).]

Chapter 72

FEES

ARTICLE I Zoning and Building Fees

§ 72-1. Zoning permits.

§ 72-2. Appeals.

§ 72-3. Zoning Hearing Board compensation.

§ 72-4. Building permits.

§ 72-5. Demolition permits.

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

GENERAL REFERENCES

Uniform construction codes — See Ch. 59.

Zoning — See Ch. 160.

ARTICLE I Zoning and Building Fees [Adopted 12-11-2001 by Res. No. 6-2001]

§ 72-1. Zoning permits.

Any person, partnership, corporation, firm or other entity making application for a zoning permit shall pay the Borough, through the person of its Zoning Officer, a fee of \$10 at the time the application for the permit is submitted to the Zoning Officer, which fee shall be nonrefundable.

§ 72-2. Appeals.

Any person, partnership, corporation, firm or other entity appealing a decision of the Zoning Officer denying an application for a zoning permit shall pay to the Zoning Officer, at the time of the submission of the appeal, certain fees as follows:

- A. A base fee of \$150, which fee shall be nonrefundable; and
- B. An additional fee equal to 1/2 of the appearance fee for the stenographer who will prepare the stenographic record of the proceedings. This fee shall be refundable to the applicant only if the appeal shall be withdrawn and there shall be no fee due the stenographer.
- C. The cost of an original transcript of the proceedings shall be paid by the Zoning Hearing Board if the transcript is ordered by the Board or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

§ 72-3. Zoning Hearing Board compensation.

Members of the Zoning Hearing Board shall receive compensation equal to \$10 per member per hearing to be paid once a year on the last business day of the year.

§ 72-4. Building permits.

Any person, partnership, corporation, firm or other entity making application for a building permit shall pay to the Borough, through the person of its Zoning Officer, a fee for new construction or repairs equal to \$10 plus \$1 per \$1,000 of construction cost, which phrase "construction cost" shall be defined as the combined cost of labor and materials. This fee shall be nonrefundable.

§ 72-5. Demolition permits.

Any person, partnership, corporation, firm or other entity making application for a demolition permit shall pay the Borough, through the person of its Zoning Officer, a fee of \$5.

Chapter 74

FIRE PREVENTION

ARTICLE I Restrictions on Burning

§ 74-1. Definitions and word usage.

§ 74-2. Burning within rights-of-way.

§ 74-3. Placement of combustibles in rights-of-way.

§ 74-4. Restricted actions.

§ 74-5. Violations and penalties.

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

GENERAL REFERENCES

Fire Department — See Ch. 12.

Uniform construction codes — See Ch. 59.

ARTICLE I Restrictions on Burning

[Adopted as Part 10, Ch. 1, Art. A, of the 1978 Code]

§ 74-1. Definitions and word usage.

- A. Word usage. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. For the purpose of this article, the following words and their derivatives shall have the meanings given in this section:

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

REFUSE — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

§ 74-2. Burning within rights-of-way.

No person shall burn or cause to be burned any waste, rubbish or other combustible material, including leaves, within the right-of-way of any street or alley or in any other public place in the Borough.

§ 74-3. Placement of combustibles in rights-of-way.

No person shall rake or cause to be raked or placed within the right-of-way of any street or alley or in any other public place any refuse, including leaves.

§ 74-4. Restricted actions.

- A. No person shall burn, cause to be burned or attempt to burn or ignite any refuse, except dry leaves, dry limbs, dry paper and dry cardboard, within the Borough.
- B. The burning of dry leaves, dry limbs, dry paper, dry cardboard and lawn clippings shall be restricted to the hours of 7:00 a.m. through 7:00 p.m., Monday through Saturday; fires shall be extinguished by 7:00 p.m. and no burning shall be left unattended. [Amended 10-23-1990 by Ord. No. 230; 9-23-1997 by Ord. No. 250; 11-14-2000 by Ord. No. 263]

§ 74-5. Violations and penalties. [Added 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

Chapter 78
(RESERVED)

[Former Chapter 78, Games of Chance, adopted 2-28-1989 by Res. No. 89-1, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).]

Chapter 81

GARBAGE, RUBBISH AND REFUSE

§ 81-1. Contracts for service.

§ 81-2. Definitions.

§ 81-3. Applicability.

§ 81-4. Collection, transportation and disposal.

§ 81-5. Appeals.

§ 81-6. (Reserved)

§ 81-7. (Reserved)

§ 81-8. Amendments

§ 81-9. Violations and penalties.

¹ [HISTORY: Adopted by the Borough Council of the Borough of Pleasantville as Part 5, Ch. 5, of the 1978 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Burning of refuse — See Ch. 74, Art. I.
Storage of junk — See Ch. 88.

Property maintenance — See Ch. 117.

§ 81-1. Contracts for service. [Amended 3-24-1998 by Ord. No. 256; 9-10-2002 by Ord. No. 5-2002]

Solid waste disposal and collection shall be performed by a single contractor, selected by Borough Council and under contract to the Borough, and, where conflict between this chapter and said contract exists, such contract shall govern.

§ 81-2. Definitions.

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

REFUSE — All putrescible and nonputrescible solid wastes (except body wastes), including garbage and rubbish, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

§ 81-3. Applicability.

This chapter shall not prohibit the actual producers of refuse or the owners or tenants of premises upon which refuse has accumulated from personally collecting, conveying and disposing of that refuse, provided that those producers, owners or tenants comply with the provisions of this chapter and with any other governing laws or ordinances.

1. Editor's Note: The Municipal Waste Management Plan Ratification Agreement, adopted 3-12-1991, provided as follows: "The governing body of this municipality has resolved that the Venango County Municipal Waste Management Plan, which has been prepared and submitted to the Pennsylvania Department of Environmental Resources, is hereby ratified and accepted as this municipality's Official Plan for orderly development of municipal solid waste management within its jurisdiction."

§ 81-4. Collection, transportation and disposal. [Amended 9-11-1979 by Ord. No. 174; 3-24-1998 by Ord. No. 256]

- A. All refuse accumulated in the Borough shall be collected, transported and disposed of by the owner or tenant of premises upon which refuse has accumulated and by the company under contract under the regulations of the Borough.²
- B. The Borough shall have the authority to adopt such other reasonable regulations concerning individual, commercial and industrial collection and disposal and relating to the hauling of refuse over Borough streets as it shall find necessary, subject to the right of appeal as set forth in § 81-5.
- C. The landfill of the company under contract shall be maintained in accordance with the rules and regulations of the Pennsylvania Department of Health.
- D. Refuse may be removed from properties within the Borough for disposal only by the contractor selected by the Borough Council for such purposes and under contract to the Borough. [Added 9-10-2002 by Ord. No. 5-2002]

§ 81-5. Appeals.

Any person aggrieved by a demand, ruling or regulation promulgated by the Borough or its agents or licensees shall have the right of appeal to the Borough Council, which shall have the authority to confirm, modify or revoke any such demand, ruling or regulation.

§ 81-6. (Reserved)³

§ 81-7. (Reserved)⁴

§ 81-8. Amendments.

The provisions of this chapter are subject to amendment, where necessary to comply with the plan for solid waste management systems as required under Act of July 31, 1968, P.L. 788, No. 241.⁵

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- 2. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).
 - 3. Editor's Note: Former § 81-6, Fees, as amended 9-11-1979 by Ord. No. 174 and 3-24-1998 by Ord. No. 256, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).
 - 4. Editor's Note: Former § 81-7, Refuse Disposal Committee, as amended 3-24-1998 by Ord. No. 256, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).
 - 5. Editor's Note: See now 35 P.S. § 6018.101 et seq.

§ 81-9. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

Chapter 88

JUNK, STORAGE OF

§ 88-1. Prohibited actions.

§ 88-2. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville as Part 6, Ch. 2, Art. B, of the 1978 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 81.
Property maintenance — See Ch. 117.

Zoning — See Ch. 160.

§ 88-1. Prohibited actions. [Amended 10-26-2004 by Ord. No. 8-2004¹]

It shall be unlawful for any person to place or store at any location out of doors in the Borough any junk or other material or articles.

§ 88-2. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days, provided that nothing in this chapter shall authorize any violation of the law, of any provision of the Borough's Zoning Ordinance² or of the restrictions on storage of solid waste contained in § 81-4, nor shall anything in this chapter authorize the creation or maintenance of a nuisance as prohibited by § 106-4 et seq.

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1. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).
 2. Editor's Note: See Ch. 160, Zoning.

Chapter 97

MOVING PERMITS

§ 97-1. Permit required; fees.

§ 97-4. Exceptions.

§ 97-2. Permit applications.

§ 97-5. Violations and penalties.

§ 97-3. Moving of personal property.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville as Part 6, Ch. 2, Art. C, of the 1978 Code. Amendments noted where applicable.]

§ 97-1. Permit required; fees. [Amended 3-24-1998 by Ord. No. 256]

It shall be unlawful for any person to move into or remove from the Borough or to have his personal property or movable living structure moved into or removed from any premises without first having obtained a permit. The permit shall be issued to the applicant by the Borough following the making of written application, as required by § 97-2A or B, as the case may be, and payment of the permit fee as set forth by resolution of the Borough Council, which shall be for the use of the Borough.¹

§ 97-2. Permit applications. [Amended 3-24-1998 by Ord. No. 256]

- A. Every person seeking a permit to occupy any premises in the Borough shall file an application with the Borough, stating his name, the location of the premises, the name and address of the owner of the premises, the nature of the proposed use of the premises and, if for residential purposes, the names and ages of the occupants.
- B. Every person seeking a permit to move from any premises in the Borough shall file an application with the Borough, stating his name and address, the expected date of departure and the names and ages of other members of his household who are moving from the premises at the same time.

§ 97-3. Moving of personal property. [Amended 3-24-1998 by Ord. No. 256]

It shall be unlawful for any person to transport or remove his own personal property or the property of another person who is moving into or removing from a house, dwelling or other building in the Borough unless the person who is moving or removing shall first have obtained a permit as provided in §§ 97-1 and 97-2. It shall be the duty of every person transporting or moving the personal property of himself or another person to or from any premises in the Borough to ascertain that the person whose property is to be transported or moved has obtained the required permit. For the purposes of this section, "personal property" shall include movable living structures.

1. Editor's Note: Current fees are on file in the Borough Secretary/Treasurer's office.

§ 97-4. Exceptions.

Nothing in this chapter shall be construed to require any owner of tangible personal property held for the purpose of manufacturing in the ordinary course of his business or held for the purpose of sale or resale in the ordinary course of his business to obtain any permit to transport or remove that tangible personal property from or to any storehouse, warehouse or usual place of business; and nothing in this chapter shall be construed as to require any hotel, motel, lodging house or rooming house to obtain any permit for the use of transient guests or to require transient guests to obtain a permit.

§ 97-5. Violations and penalties. [Added 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

Chapter 100

NOISE

ARTICLE I Jake Brakes

§ 100-2. Prohibited acts.

§ 100-3. Signs.

§ 100-4. Violations and penalties.

§ 100-1. Definitions.

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

GENERAL REFERENCES

Peace and good order — See Ch. 106.

Vehicles and traffic — See Ch. 149.

ARTICLE I

Jake Brakes

[Adopted 2-27-2001 by Ord. No. 1-2001]

§ 100-1. Definitions.

The following words and phrases when used in this article shall have the following meanings:

JAKE-BRAKING — The use of compression release engine brakes to slow a truck without using the normal brake system.

§ 100-2. Prohibited acts.

No person operating a truck within the Borough of Pleasantville shall employ the process of jake-braking to slow his/her truck on East State Street, West State Street, Merrick Street or Third Street.

§ 100-3. Signs.

The Borough shall erect official traffic control devices on each of the public streets designated in § 100-2 of this article to alert drivers of the prohibition against jake-braking, said signs to be of such type and to be erected at such locations as required by the Pennsylvania Motor Vehicle Code¹ and as are in conformity with the manual and regulations of the Pennsylvania Department of Transportation, as the same may be amended.

1. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.

§ 100-4. Violations and penalties.

Any person violating any provision of this article shall, upon conviction thereof before a District Justice, be guilty of a summary offense and be subject to pay a fine not to exceed \$1,000 and, in default of such payment, be subject to imprisonment for a period not to exceed 90 days.

Chapter 103

PARKS AND OTHER BOROUGH PROPERTY

§ 103-1. Prohibited actions.

§ 103-3. Violations and penalties.

§ 103-2. Park hours.

[**HISTORY:** Adopted by the Borough Council of the Borough of Pleasantville as Part 9, Ch. 2, of the 1978 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Recreation Board — See Ch. 30.

Garbage, rubbish and refuse — See Ch. 81.

Restrictions on burning — See Ch 74, Art. I.

Peace and good order — See Ch. 106.

§ 103-1. Prohibited actions. [Amended 9-8-1987 by Ord. No. 219]

The use and occupancy of Borough property, including parks, shall be subject to the following restrictions, and it shall be unlawful for any person to violate any provision of this section:

- A. The sale, possession, use or consumption of any alcoholic beverage or liquor and/or drugs shall be prohibited within the limits of all Borough property.¹
- B. All motor vehicles, whether licensed or unlicensed, and including all-terrain vehicles, snowmobiles and all other self-propelled vehicles, shall be prohibited on Borough property unless they are there for maintenance purposes of the Borough, unless they are there with special permission of the Borough or unless they are on roads or places otherwise designated by the Borough for use by such vehicles.
- C. The disturbing, annoying, striking, injuring or killing of any wild animal or bird shall be prohibited.
- D. The erection, maintenance or distribution of any sign, advertisement, circular or other printed material by any person shall be prohibited except as authorized by permit.
- E. The depositing of trash, refuse, earth, building material or similar material shall be prohibited.
- F. The igniting of any fire or building or maintaining a fire shall be prohibited except for cooking purposes, when the fire shall be confined to stove or similar receptacle intended for cooking purposes only, shall be attended at all times and shall be extinguished by the person in charge before that person leaves the vicinity of the fire.

1. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

§ 103-2. Park hours. [Amended 3-24-1998 by Ord. No. 256]

It shall be unlawful for any person to be or remain in the Borough parks at any time between 11:00 p.m. and 6:00 a.m. of the following day, those being the hours between which the park shall be closed to the public. However, with permission of the Mayor, special events may be held in the park after 11:00 p.m. of a specified day or before 6:00 a.m. of a specified day, and persons participating in those special events shall be permitted to be or remain in the park during or at the times stated in the Mayor's permission.

§ 103-3. Violations and penalties. [Amended 9-8-1987 by Ord. No. 219; 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

Chapter 106

PEACE AND GOOD ORDER

ARTICLE I

Tampering with and Injury to Property

- § 106-1. Prohibited acts.
- § 106-2. Exceptions.
- § 106-3. Violations and penalties.

ARTICLE II

Nuisances

- § 106-4. Enumeration.

§ 106-5. Unlawful actions.

§ 106-6. Removal or abatement.

§ 106-7. Violations and penalties.

§ 106-8. Construal of provisions.

ARTICLE III

Keeping of Livestock and Other Animals

§ 106-9. Prohibited acts.

§ 106-10. Exclusions.

§ 106-11. Violations and penalties.

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

GENERAL REFERENCES

Uniform construction codes — See Ch. 59.
Garbage, rubbish and refuse — See Ch. 81.
Storage of junk — See Ch. 88.
Parks and other Borough property — See Ch. 103.

Peddling and soliciting — See Ch. 109.
Property maintenance — See Ch. 117.
Street and sidewalks — See Ch. 136.
Weapons — See Ch. 157.

ARTICLE I

Tampering with and Injury to Property

[Adopted as Part 8, Ch. 1, Art. B, of the 1978 Code]

§ 106-1. Prohibited acts.

- A. Unlawful to tamper with public property or property on street, alley or public ground. No person shall destroy or injure in any way whatsoever or tamper with or deface any public property of the Borough or any grass, shrub, walk, lamp, ornamental work, building, streetlight or gas or water stop box or gas meters on or in any street, alley or public ground in the Borough, provided that "defacement" shall include, but shall not be limited to, the making of graffiti or other markings upon any of the property referred to in this section or upon the surface of any street, alley or curb in the Borough.
- B. Unlawful to tamper with stakes, posts or monuments. No person shall in any manner interfere with or meddle with or pull, drive, change, alter or destroy any stake, post, monument or other evidence of any elevation, grade, line, location, corner or angle in the Borough made, placed or set or hereafter made, placed or set or caused to be done by the authorities of the Borough in any survey of or in any street, alley or public ground in the

Borough to evidence the location, elevation, line, grade, corner or angle of any public street, alley, curb, gutter, drain or other public work, matter or thing.

- C. Unlawful to tamper with warning lamps, signs or barricades. No person shall willfully or maliciously destroy, remove, deface, obliterate or cover up any lamp, flare, warning sign or barricade erected by the authorities of the Borough or by any person doing work by permission of the authorities of the Borough on any street or alley in the Borough or on any public ground of the Borough as a warning of danger.¹

§ 106-2. Exceptions.

This article shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys and public grounds and the structures and fixtures located thereon or therein or to incidental results of work done thereon or therein upon permit from or by authority of the Borough.

§ 106-3. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this article shall, upon conviction, be sentenced to pay a fine of not more than \$1,000, plus costs of prosecution, and, in default of payment of fine and costs, to imprisonment for a term not exceeding 30 days.

ARTICLE II

Nuisances

[Adopted as Part 8, Ch. 2, of the 1978 Code]

§ 106-4. Enumeration.

- A. The word "nuisance," as used in this article, shall mean any use of property within the Borough or any condition upon property within the Borough that, other than infrequently, shall cause or result in:
- (1) Annoyance or discomfort to persons beyond the boundaries of such property;
 - (2) Interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property; and/or
 - (3) Disturbance to or interference with the peaceful use of the property of others within the Borough, in any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood.
- B. Specifically, the word "nuisance" shall include but shall not be limited to the following:

1. Editor's Note: Former Subsection D, regarding removal of earth, stone or other material from streets, which immediately followed this subsection, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

- (1) The loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the premises from which the same emanates.
- (2) The operation of gasoline-powered lawn mowers or gasoline-powered chain saws on any weekday before 8:00 a.m. or on any Sunday before 12:00 noon.
- (3) The operating of model airplanes equipped with gasoline engines on any public street or on any public ground, including any playground.
- (4) The keeping or harboring of any dog or other animal or fowl which, by frequent howling or barking or other noise or odor, shall annoy or disturb the neighborhood or a number of persons.
- (5) The maintaining or permitting of the maintenance of any of the following dangerous conditions, structures or premises:
 - (a) Open wells or cisterns.
 - (b) Open excavations.
 - (c) Unfinished buildings, foundations or other structures.
 - (d) Buildings or structures damaged or partially destroyed or in a state of disrepair or danger.
 - (e) The dangerous placement of materials or equipment.
 - (f) Lakes, ponds or swimming pools not properly safeguarded.
 - (g) Stagnant water in pools, in which mosquitoes, flies or insects multiply.
 - (h) The storage or placement of abandoned or junked vehicles on private property so as to create a fire or health hazard or a source of danger to persons likely to be upon that property.
- (6) The carrying on of any building or road construction, excavation or trenching or the operation of heavy equipment or trucks in connection with that work at any time on Sunday or a legal holiday or on any other day of the year at any time between 7:00 p.m. and 7:00 a.m. without a special permit issued by the Borough. That special permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that it can be carried on in a manner or in such a place that the public or residents will not be annoyed or disturbed by such construction work. **[Amended 3-24-1998 by Ord. No. 256]**
- (7) The carrying on of construction work in such a manner that dirt is carried by wind onto adjacent properties or that mud is tracked or drained into streets adjacent to the project.
- (8) The washing, tracking or otherwise depositing of dirt, mud, soil, stone or debris upon or onto the pavement of any street without removing the material before 5:00 p.m. of the day on which the material was deposited on the street.

- (9) The using of any property or operating of any business or other activity so as to permit or cause smoke, soot, cinders, fly ash, dust, mud, dirt, acid, noxious or offensive fumes, gases or odors to be discharged into the air or to be carried off the premises or to cause any water to become polluted by sewage, industrial wastes, acid or other substance or to cause a glare from lights or noise of such character as to cause annoyance to residents or interference with the normal use of adjacent properties.
- (10) The planting or placing of trees, shrubs or other obstructions which would prevent persons driving vehicles on public streets from obtaining a clear view of traffic.
- (11) No parking of cars or trucks that would block the view of the roadway.²

§ 106-5. Unlawful actions.

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough.

§ 106-6. Removal or abatement.

Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough shall, within 10 days after notice from the Borough Council to do so, remove or abate that nuisance. If that person shall fail, neglect or refuse to abate the nuisance within the time limit, the Borough Council shall have authority, in person or by its agents or employees, to remove or abate the nuisance and, in so doing, shall have authority to enter upon the property of the person in default. Thereupon, the Borough Council shall collect the cost and expense of abatement or removal from the person who created, continued, caused or maintained the nuisance or permitted it to exist, that person having failed, neglected or refused to remove or abate the nuisance, with an additional amount of 10%, in the manner provided for the collection of municipal claims or by an action in assumpsit, provided that the cost and expense may be in addition to any penalty imposed under § 106-7.

§ 106-7. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this article shall, upon conviction, be sentenced to pay a fine not exceeding \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

§ 106-8. Construal of provisions.

This article shall not be construed to be the sole means for abatement of nuisances within the Borough, and nothing shall preclude any person from proceeding individually or with other injured persons to effect the abatement of a private nuisance. Furthermore, in the exercise of the powers conferred, the Borough may institute proceedings in equity.

2. Editor's Note: Added at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

ARTICLE III
Keeping of Livestock and Other Animals
[Adopted 11-14-2000 by Ord. No. 264]

§ 106-9. Prohibited acts. ³

No person, partnership, association, firm or corporation shall on real estate owned or leased by them, or in which they are in possession, keep or maintain for any period of time any livestock, chickens, ducks, poultry, fowl, reptiles or rodents. For the purposes of this article, "livestock" shall mean cows, horses, sheep, goats, mules, llamas, etc.

§ 106-10. Exclusions.

- A. For purposes of this article, the word "fowl" shall not be deemed to include parrots, canaries, or other birds sold in pet stores as household pets.
- B. For purposes of this article, the word "rodents" shall not be deemed to include gerbils, hamsters or mice sold in pet stores as household pets.
- C. The prohibitions of this article shall not apply to any of the ducks, poultry, fowl, reptiles or rodents being kept or maintained, for sale to the public, in a pet store located within the Borough.

§ 106-11. Violations and penalties. ⁴

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

3. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Added at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

Chapter 109

PEDDLING AND SOLICITING

§ 109-1. Declaration of nuisance.

§ 109-3. Exceptions.

§ 109-2. Abatement.

§ 109-4. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville as Part 6, Ch. 2, Art. D, of the 1978 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 106, Art. II.

§ 109-1. Declaration of nuisance.

The practice or custom of going to or entering in or upon private residences within the Borough by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, without request or invitation to do so by the owner or occupant of that private residence, for the purpose of selling or soliciting orders for the sale of or peddling or hawking or disposing of goods, wares or merchandise in any way is prohibited and is declared to be a nuisance and a violation of this chapter.

§ 109-2. Abatement.

The Borough is authorized to take any measures necessary to abate, suppress and prevent any nuisance as referred to in § 109-1.

§ 109-3. Exceptions.

- A. Nothing in this chapter shall affect or prohibit any farmer from selling produce raised on his farm.
- B. Local nonprofit organizations (such as the Girl Scouts and Boy Scouts) are permitted to conduct door-to-door sales.¹

§ 109-4. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

1. Editor's Note: Added at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

Chapter 112
(RESERVED)

[Former Chapter 112, Piggeries, adopted as Part 5, Ch. 2, of the 1978 Code, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).]

Chapter 117

PROPERTY MAINTENANCE

ARTICLE I Brush, Grass and Weeds

ARTICLE II Other Standards

§ 117-1. Restrictions on height.

§ 117-4. Adoption of standards.

§ 117-2. Performance of work by
Borough.

§ 117-5. Modifications.

§ 117-3. Violations and penalties.

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

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 81.
Storage of junk — See Ch. 88.

Nuisances — See Ch. 106, Art. II.

ARTICLE I Brush, Grass and Weeds [Adopted as Part 5, Ch. 3, of the 1978 Code]

§ 117-1. Restrictions on height.

It shall be unlawful for the owner or occupant of any lot or land in the Borough to permit grass, weeds or brush to grow to a height exceeding 12 inches in the following areas:

- A. Within 50 feet of a bordering street;
- B. Within 50 feet of an adjoining mowed yard; and
- C. Within 25 feet from a building on an adjoining property.

§ 117-2. Performance of work by Borough. [Added 8-10-1982 by Ord. No. 188; amended 3-24-1998 by Ord. No. 256]

If any person, owner or occupant shall fail to mow the grass, weeds or brush on land in the Borough after 10 days' notice, the Borough Council shall have the authority to mow the grass, weeds or brush or have it mowed by Borough employees or persons under contract with the Borough, and the Borough may then proceed to collect the expense of removal, plus costs, from the person who was notified to cut the same and failed to do so within the time limit, and the Borough shall be authorized to proceed to enter a municipal lien against the premises for said expenses, plus costs, thus securing the collection.

§ 117-3. Violations and penalties. [Amended 8-10-1982 by Ord. No. 188; 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this article shall, upon conviction, be sentenced to pay a fine not exceeding \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

ARTICLE II
Other Standards
[Adopted 4-9-1991 by Ord. No. 232]

§ 117-4. Adoption of standards.

The code designated as the "BOCA National Property Maintenance Code/1990," Third Edition, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Property Maintenance Code of the Borough of Pleasantville, along with each and every regulation adopted incident thereto.

§ 117-5. Modifications.

The National Property Maintenance Code/1990, Third Edition, is amended as follows:

- A. In Section PM-104.8, Rule-making authority, the words "code official" in the first line shall be deleted and shall be replaced with "Borough Council."
- B. Section PM-109.2, Penalty, shall be changed to read as follows:

"Any person, firm or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$25 nor more than \$300 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense."

- C. Section PM-109.3, Prosecution, shall be changed to read as follows:

"In case any violation order is not promptly complied with, the Code Official shall report the violation to the Borough Council, which may authorize its Solicitor to institute an appropriate action or proceeding at law to exact the penalty provided in Section PM 109.2. Also, the Borough Council may ..." (The rest of the section is the same as in Section PM 109.3.)

- D. Section PM-111.1, Petition, shall be changed to read as follows:

"Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code or of any rule or regulation adopted pursuant thereto shall have the right to and shall be granted a hearing on the matter before the Planning Commission of the Borough, provided that such person shall file with the Secretary of the Planning Commission a written petition requesting such hearing containing a statement of the grounds therefor within 20 days after the day the notice was served.

"Any person dissatisfied with the decision of the Planning Commission on such appeal may request and shall be granted a hearing on the matter before the Borough Council, provided that such person shall file with the Secretary/Treasurer of the Borough a written petition requesting such hearing and containing a statement of the grounds therefor within 20 days after the date of receipt of the decision of the Planning Commission."

- E. Section PM 111.2, Appeals board, shall be changed to read as follows:

"In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code the existing Planning Commission of the Borough and the Borough Council are hereby designated as Code Appeals Boards."

- F. Section PM-111.2.1, Membership, shall be changed to read as follows:

"The membership, term of office and all other administrative processes of the Planning Commission when it acts as an appeals board under this code shall be identical and consistent with those matters as they are set forth in the ordinance and/or statute creating and governing the Planning Commission of the Borough."

Chapter 126

SEWERS

- | | |
|---|---|
| § 126-1. Borough to provide sewer service. | § 126-8. Regulations for prohibited wastes. |
| § 126-2. Definitions. | § 126-9. Sewer rents. |
| § 126-3. General regulations. | § 126-10. Allocations for capital improvements. |
| § 126-4. Individual sewage disposal systems. | § 126-11. Sewer extensions. |
| § 126-5. Connection permits and specifications. | § 126-12. Right of entry. |
| § 126-6. Prohibited wastes. | § 126-13. Action upon noncompliance. |
| § 126-7. Industrial wastes. | § 126-14. Violations and penalties. |

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville 5-24-1983 as part of Ord. No. 194 (Part 11, Ch. 2, of the 1978 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Water service and utility accounts — See Ch. 153.

§ 126-1. Borough to provide sewer service.

Sewer service supplied by the Borough shall be provided, subject to these rules and regulations.

§ 126-2. Definitions.

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

BOD (biochemical oxygen demand) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° Celsius, expressed in parts per million by weight.

BOROUGH — The Borough of Pleasantville, Venango County, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

BUILDING DRAIN — Piping carrying liquid wastes from a building to the treatment or holding tank or to the public sewer main.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

CUSTOMER — Any individual, partnership, company, association, society, trust, corporation or other group or entity being served by the sewer system.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania.

ENFORCEMENT OFFICER — A person or agency appointed to perform inspections and issue permits in connection with individual sewage systems and community sewage systems.

GARBAGE — Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDIVIDUAL SEWAGE SYSTEM — A single system of piping, tanks or other facilities serving one or more lots and collecting and disposing of sewage, in whole or in part, into the soil of the property or into any waters of the commonwealth.

INDUSTRIAL WASTE — Any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industry or from any establishment, such as mine drainage, silt, coal mine solids, rock debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations.

LATERAL — That portion of or place in the sewer which is provided for connection of any building sewer.

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 shall not be further subdivided.

NATURAL OUTLET — Any outlet, directly or indirectly, into a watercourse, pond, gutter, ditch, lake or other body of surface or ground water.

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

PERSON — Anyone described as a customer. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" shall include the members of an association and the officers of a corporation.

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

POLLUTION — Contamination of any waters of the commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare or to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters or change in temperature, taste, color or odor thereof or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters. The Sanitary Water Board of the commonwealth shall determine when a discharge constitutes pollution and shall establish standards whereby and wherefrom it

can be ascertained and determined whether any such discharge does or does not constitute "pollution."

PROPERLY SHREDDED GARBAGE — Wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

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

SEWAGE — Any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals and any 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.

SEWAGE SYSTEM — The sewer system and the treatment facility owned, operated or maintained by the Borough and approved by the Department under a permit issued pursuant to the Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, 35 P.S. § 691.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.¹

SEWAGE TREATMENT PLANT — Any Borough-owned and/or -operated arrangement of devices and structures used for treating sewage.

STORM SEWER — A sewer which carries storm- and surface waters and drainage but excludes sewage and industrial wastes.

SUBDIVISION — A division of a single tract or other parcel of land or a part thereof into three or more lots, including changes in street lines or lot lines.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

§ 126-3. General regulations.

- A. All owners of any improved property within 100 feet of any sanitary sewer line within the Borough shall connect such improved property with said sewer, in such manner as the Borough may require, within 45 days after notice to such owner, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and/or restrictions as shall be established by this chapter.
- B. No person shall discharge or permit to be discharged to any natural outlet or permit to be placed or deposited upon public or private property any sanitary sewage or industrial wastes.
- C. No individual sewage system shall be used or maintained at any time upon any improved property which has been connected to a sanitary sewer. Any individual sewage system

1. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

abandoned as cited in the foregoing shall be cleansed and filled at the expense of the owner of such improved property.

- D. No individual sewage system shall be connected with a sewer.
- E. If the owner of any property, after 45 days' notice from the Borough to make connection of such property with the public sewage system, shall fail to make such connection, the Borough may make such connection and shall collect the costs and expenses thereof in the manner provided by law.
- F. From time to time in the future, as public sewage services become available to any additional properties within the Borough by reason of additions to the public sewage system, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines, and any individual sewage system shall be abandoned and shall be cleansed and filled at the expense of the owner, as required by the Borough.

§ 126-4. Individual sewage disposal systems.

- A. This section shall be construed as implementing for the Borough the provisions of the Pennsylvania Sewage Facilities Act, P.L. 1535, No. 537, January 27, 1966, 35 P.S. § 750.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.²
- B. Where public sewage services are not available to a property owner, the building sewer shall be connected to an individual sewage system complying with the provisions as cited above.
- C. The type, capacities, location and layout of an individual sewage system and building sewer shall comply with the recommendation of the Borough's Enforcement Officer, rules and regulations of the Department and applicable statutes of the Commonwealth of Pennsylvania.

§ 126-5. Connection permits and specifications.

- A. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any part of the public sewage system or appurtenance thereto without first obtaining a permit from the Borough.
- B. Before making a connection with the sewer system, each property owner to be served shall make written application therefor, in the manner prescribed by the Borough, and pay the following fees:
 - (1) For service to all buildings not producing prohibited wastes, as shown in the attached rate schedule.³

2. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Said rate schedule is available for inspection in the office of the Borough Secretary/Treasurer.

- (2) For service to establishments producing prohibited wastes, as established by the Borough at the time of application.
 - (3) Every property owner shall pay an inspection fee as shown in the attached rate schedule.
 - (4) The cost and expense of any testing or analysis to establish characteristics of the sewage shall be borne by the applicant.
- C. The Borough will open any street or roadway and excavate under such for the construction or replacement of a building sewer and connection to a main sewer. The Borough's responsibility will extend to the curblineline or edge of the roadway for this purpose. The owner of the property being or to be served shall indemnify and save harmless the Borough from all loss or damage that may be occasioned by, directly or indirectly, as a result of said construction.
- D. A separate and independent building sewer shall be provided for every building. Exceptions to this provision shall be made where one building stands to the rear of another or on an interior lot and no public sewer line is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, in which case the building sewer from the front building may be extended to the rear building only on approval of the Borough. Such connection of the two buildings to the sewer line shall be considered as two separate building sewers.
- E. Old building sewers may be used in connection with a new building only when such connection is approved by the Borough and they meet the requirements of this chapter and/or rules and regulations adopted pursuant hereto.
- F. The building sewer shall be constructed of material approved by the Borough, and all joints shall be tight and waterproof.
- G. The size and slope of the building sewer shall be subject to the approval of the Borough but in no event shall the diameter be less than four inches, the slope of which shall not be less than 1/4 inch per foot.
- H. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost and shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and/or fittings.
- I. In a building in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
- J. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Borough. Pipelaying and backfilling shall be performed in accordance with manufacturers recommendations or American Society for Testing and Materials specifications. No backfill shall be placed until the work has been inspected and approved by the Borough. If covered before inspection, it shall be uncovered for inspection at the cost and expense of the owner.

- K. The connection of the building to the sewage system shall be made at the Y-branch, if such branch is available at a suitable location. If the public sewer line is 12 inches or less in diameter and no properly located Y-branch is available, the Borough will install a Y-branch in the public sewer. Special fittings may be used to accomplish this.
- L. The permit holder shall notify the Borough when the building sewer is ready for inspection and connection with the public sewer, and the connection shall be made under the Borough's supervision.
- M. Every building sewer shall be maintained in a sanitary and safe operating condition by the property owner, at his cost and expense.
- N. All excavations for building sewer installations and connections shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored, at the cost and expense of the property owner, in a manner satisfactory to the Borough.

§ 126-6. Prohibited wastes.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, springwater, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections and overflow or drainage from cesspools or holding tanks into any sanitary sewer.
- B. No person shall discharge into the storm sewer system of the Borough any industrial waste or other type of sewage which, when flowing or discharged into the waters of the Commonwealth of Pennsylvania, would be inimical or injurious to the public health or to animal or aquatic life or prevent the use of said waters for domestic, industrial or recreational purposes.
- C. This Borough reserves the right to refuse permission to connect to the public sewer system, to compel discontinuance of use of the sewer system or to compel pretreatment of industrial wastes by an industrial establishment in order to prevent discharges deemed harmful or to have a deleterious effect upon any sewer or the sewer system or the sewage treatment plant.
- D. Except as provided in § 126-7 of this chapter, no sewage or industrial wastes or other wastes shall be discharged to the sewer system:
 - (1) Having a temperature higher than 150° Fahrenheit.
 - (2) Containing more than 100 parts per million by weight of fat, oil or grease.
 - (3) Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (4) Containing any unground garbage.
 - (5) Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods or any other solid or viscous substance capable of

causing obstruction or other interference with the proper operation of the sewage treatment plant.

- (6) Having a pH lower than 6.0 or higher than 8.5 or having any other corrosive or scale-forming property capable of causing damage or hazard to structures, equipment or personnel operating the sewage treatment plant.
 - (7) Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant; toxic wastes shall include wastes containing cyanide, copper and/or chromium ions.
 - (8) Containing suspended solids in excess of 300 parts per million and of such character that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 - (9) Containing BOD₅ in excess of 250 parts per million and of such character that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 - (10) Containing noxious or malodorous gas or substance capable of creating a public nuisance.
 - (11) Having a chlorine demand in excess of 10 parts per million.
 - (12) Prohibited by any permit issued by the Commonwealth of Pennsylvania.
- E. Any industrial waste or other waste which is dangerous to the public health and safety or which at any time is prohibited by any ordinance, resolution, rule or regulation of the Borough from entering into the sewage treatment plant shall not be discharged into any sewer.
- F. Nothing contained in this section shall be construed as prohibiting any special agreement or arrangement between this Borough and any person, whereby wastes of unusual strength or character may be admitted into the sewer system by this Borough either before or after preliminary treatment.

§ 126-7. Industrial wastes.

- A. The discharge into the sewer system of industrial wastes having any of the following shall be subject to prior approval by the Borough:
- (1) A five-day BOD greater than 250 parts per million by weight.
 - (2) A suspended solids content greater than 330 parts per million by weight.
 - (3) A chlorine demand in excess of 10 parts per million.
 - (4) An average daily flow greater than 5% of the average daily sewer flow at the sewage treatment plant.

- (5) Any quantity of substances possessing characteristics described in § 126-6.
- (6) Any chemicals exceeding the following concentrations:

Type of Chemical	Concentration (parts per million)
Phenon compounds	1
Cyanides (CH)	1
Cyanates (CN)	10
Iron (Fe)	5
Trivalent Chromium (Cr)	3
Hexavalent Chromium (Cr)	0.5
Nickel (Ni)	3
Copper (Cu)	2
Zinc (Zn)	2

B. Preliminary treatment and handling of industrial wastes.

- (1) Whenever necessary, in the opinion of the Borough, the owner shall provide, at his expense, such facilities for preliminary treatment and handling of industrial wastes as may be necessary in order that such industrial wastes will be acceptable to the Borough to be received and handled at the sewage treatment plant.
- (2) Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of industrial wastes shall be submitted for approval to this Borough, and no construction of any such facility shall be commenced until approval thereof shall first have been obtained, in writing, from the Borough.
- (3) Whenever facilities for preliminary treatment and handling of industrial wastes shall have been provided by the owner, such facilities shall be maintained continuously in satisfactory operating condition at no expense to the Borough; and this Borough shall have access to such facilities at all times for purposes of inspection and testing.

§ 126-8. Regulations for prohibited wastes.

- A. Any person desiring to make a connection to the sewer system through which prohibited wastes shall be discharged into the sewer system shall file a wastes report, which shall supply pertinent data, including estimated quantity of flow and chemical and bacteriological analyses, to this Borough with respect to said wastes proposed to be discharged into the sewer system.
- B. Grease, oil and sand interceptors shall be provided by and at the cost and expense of the property owner when, in the opinion of the Borough, they are necessary for the proper handling of liquid wastes containing grease in excess amounts or containing any

flammable wastes, sand and 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 so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which, when bolted in place, will be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his cost and expense, in continuously efficient operation and will be inspected by the Code enforcer at time set forth by the Council.⁴

- C. When required by the Borough, the owner of any property served by a building sewer carrying prohibited wastes shall install a suitable manhole in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Borough. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- D. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in §§ 126-6 and 126-7 shall be determined in accordance with the standard methods for the examination of water and sewage and shall be determined at the control manhole provided in Subsection C or, if there is no control manhole as provided in Subsection C, the control manhole shall be considered to be the nearest manhole in the sewer line downstream from the point at which the building sewer is connected, and the matter shall be determined upon suitable samples taken from that point.
- E. Any owner of a property who is discharging or permitting to be discharged prohibited wastes into the sewer system and who contemplates a change in the method of operation which will alter the type of prohibited wastes at the time being discharged into the sewer system shall notify the Borough, in writing, at least 20 days prior to consummation of such change.

§ 126-9. Sewer rents. [Amended 6-12-1984 by Ord. No. 202; 1-8-1985 by Ord. No. 203B; 7-23-1985 by Ord. No. 205; 11-18-1988 by Ord. No. 221]

A. Charges.

- (1) The owner of any property served by sewer services provided by the Borough shall be responsible to the Borough for payment of all charges for sewer services furnished to the property by the Borough irrespective of any agreement between the property owner and a third party, and the bill shall, in all cases, be rendered to the owner of the property, unless the Borough is notified, in writing, by said owner, to render the bill to some other person, in which case the owner shall, nevertheless, remain liable for the payment of all sewer bills. This subsection shall be construed to impose the obligation to pay for sewer service to real estate provided by the Borough upon the owner or owners of such real estate in situations

4. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

where the owner or owners are renting space to other persons for the placement of mobile homes, modular homes, or other structures used for single or multiple-family dwellings, along with commercial buildings, to be used and occupied by said other persons. **[Amended 3-9-2004 by Ord. No. 2-2004]**

- (2) Additional charges for toxic or prohibited wastes may be made from time to time as the Borough may determine based upon analysis of the waste.
 - (3) Any sewer rental or charge not paid shall be subject to the same rules and regulations as cited in § 153-7 of the Water Chapter, as amended.
- B. No statement contained in this section shall be construed so as to prevent any special agreement or arrangement between the Borough and any business concern, whereby a prohibited waste of any strength or character may be accepted by the Borough for treatment, subject to payment therefor by the business concern.
- C. Temporary discontinuance of service. **[Added 3-23-2004 by Ord. No. 4-2004]**
- (1) Any person, partnership, corporation, firm or other entity that shall request a discontinuance of sewer service delivered by the Borough to his/its residential or commercial property within or without the Borough, due to a temporary absence from the Borough or from their residence or commercial building outside the Borough, shall pay to the Borough a fee of \$50 prior to the discontinuance of service and a fee of \$50 upon requesting the Borough to resume service or, in the alternative, shall pay the prevailing minimum monthly charge for sewer service during such period of absence.
 - (2) Any person, partnership, corporation, firm or other entity that shall use the public sewer system of the Borough and shall request a discontinuance of such service for a temporary absence from their residence or commercial building, within or without the Borough, shall, prior to the discontinuance of such service, complete a written request for such discontinuance, on a form supplied by the Borough, in which form they shall make their election to either pay the discontinuance and resumption of service fees or the minimum monthly charge for such service during their period of absence, which election shall be irrevocable.⁵
 - (3) For purposes of this subsection, the phrase "temporary absence" shall not be construed to refer to any specific, minimum number of days, months or years of absence from the Borough, or from a residence or commercial building outside the Borough, but shall be construed to encompass any period of time a person, partnership, corporation, firm or other entity shall be absent from the Borough, or from their residence or commercial building outside the Borough, and shall request the Borough discontinue sewer service to the residence or commercial building during such period of such absence.

5. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

§ 126-10. Allocations for capital improvements. [Amended 6-12-1984 by Ord. No. 202; 7-23-1985 by Ord. No. 205]

Any user charges not needed for operation and maintenance of the sewer system shall be deposited to a separate fund hereby established to provide funds for the construction, replacement or rehabilitation of the existing sewage treatment plant and appurtenances. Such funds shall not be utilized for any other purpose.

§ 126-11. Sewer extensions.

A. The construction and laying of sanitary sewers shall be required of developers.

- (1) In areas where public sanitary sewers have not been made available, no person, persons, firms, corporations, property owners or developers shall hereafter develop any lot or tract of land in the Borough of Pleasantville without installing sanitary sewers as a part of said development.
- (2) Hereafter, no person shall excavate for, construct, install, lay or use any sanitary sewer anywhere within the Borough without compliance with this section.
- (3) Before collecting or other sewers are constructed by any property owner or developer, complete sets of plans and specifications and engineering data of the proposed installation shall be delivered to the Borough of Pleasantville for its approval. Such data shall in all ways conform to the present or future requirements of the Department. They shall be prepared, signed and sealed by a registered professional engineer or surveyor legally qualified to practice in Pennsylvania. The Borough will present such plans to the Department for approval, and it will be necessary that the applicant pay all filing fees charged by the Department and which are required to accompany the application. Any corrections or revisions in the plans shall be made as required by the Department, and, after the permit is granted, all construction shall be strictly in accordance with such plans and specifications.
- (4) Plans and engineering data intended to be submitted to the Borough shall be prepared on sheets 24 inches by 36 inches in size. The name of the engineer or surveyor who prepared the plans, his signature and his seal will appear near the title box.
- (5) The plan of the entire subdivision showing the complete sanitary sewer layout shall be accurately presented, together with a carefully prepared profile of the individual sewers showing the ground surface, the proposed street grades and the elevations of the flow line of the manholes. All elevations shall conform to United States Geological Survey datum, and each subdivision shall have a permanent bench mark established in a convenient location.

B. Regulations for the design of sanitary sewers installed by developers.

- (1) No sewers shall be laid on a grade such that the main velocity of flow when full or half full is less than two feet per second.

- (2) In the design of the system, the capacity of the sewers, both collecting and transportation, which are installed by property owners or developers should conform to and adhere to the following:
 - (a) The minimum size collecting sewer to be used shall be eight inches in diameter, using material approved by the Borough, and the minimum grade for this size sewer shall be 0.4 foot per 100 feet of laying length.
 - (b) An eight-inch sewer on this minimum grade shall not have attached to it more than 240 single houses or equivalent population for apartment complexes, commercial establishments, industrial establishments or other types of usage.
- (3) All sewers shall be constructed watertight and shall be tested before connection into the sewers and will not be acceptable if there is a greater leakage than the equivalent of 10,000 gallons of water per day per mile of sewer, including manholes proportioned to the length of the sewer installed. Manholes shall be placed on all sewers at junctions and at each change in grade or alignment and in straight lines at intervals of not more than 300 feet.
- (4) Before the sewer will be accepted and can be attached to deliver sewage to the system, it shall be tested by the engineer of the property owner or developer, who shall certify that it has passed the required tests as set forth above and state the amount of leakage observed during the test. Such statement must be notarized and shall be forwarded to the Borough.

§ 126-12. Right of entry.

The Borough shall have the right of access at reasonable times to any part of any property served by the sewer system as shall be required for purposes of inspection, observation, measurement, sampling and testing and for the performance of other functions relating to service rendered by the Borough through the sewer system.

§ 126-13. Action upon noncompliance.

The Borough Council or its duly authorized agents shall institute any appropriate action or proceeding necessary to abate, correct or restrain any violation of the sections of this chapter.

§ 126-14. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

Chapter 136

STREETS AND SIDEWALKS

ARTICLE I Pedalcycles

- § 136-1. Use restricted.
- § 136-2. Violations and penalties.
- § 136-3. Appendix A.

ARTICLE II Pedestrian Regulations

- § 136-4. Obeying traffic signals required.
- § 136-5. Pedestrian control signals.
- § 136-6. Unlawful crossings.
- § 136-7. Use of crosswalks.
- § 136-8. Violations and penalties.
- § 136-9. Appendix B.
- § 136-10. Appendix C.

ARTICLE III Street Obstructions

- § 136-11. Unlawful activities enumerated.
- § 136-12. Performance of work by Borough.
- § 136-13. Violations and penalties.

ARTICLE IV Sidewalk Construction, Maintenance and Repair

- § 136-14. Duty of property owners.
- § 136-15. Specifications.

§ 136-16. Performance of work on property owner's initiative.

§ 136-17. Corner lots.

§ 136-18. Performance of work by Borough.

ARTICLE V Sidewalk Obstructions

§ 136-19. Use of horses and vehicles restricted.

§ 136-20. Snow removal.

§ 136-21. Violations and penalties.

ARTICLE VI Encroachments

§ 136-22. Building materials and equipment.

§ 136-23. Trees.

§ 136-24. Performance of work by Borough.

§ 136-25. Violations and penalties.

ARTICLE VII Game Playing

§ 136-26. Game playing prohibited.

§ 136-27. Violations and penalties.

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

GENERAL REFERENCES

Property maintenance — See Ch. 117.

ARTICLE I

Pedalcycles

[Adopted as Part 7, Ch. 2, of the 1978 Code]

§ 136-1. Use restricted.

It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk along the portions of streets listed in Appendix A, which is incorporated by reference into and made a part of this section.

§ 136-2. Violations and penalties.

Any person who shall violate any provision of § 136-1 shall, upon conviction, be sentenced to pay a fine of \$10 and costs.

§ 136-3. Appendix A.

Name of Street	Side	Limits
Sidewalks Where Riding and Parking of Pedalcycles Prohibited (Reserved)		

ARTICLE II

Pedestrian Regulations

[Adopted as Part 7, Ch. 3, of the 1978 Code]

§ 136-4. Obeying traffic signals required.

In all locations in the Borough where official traffic control signals are installed, pedestrians, except where directed otherwise by pedestrian control signals installed under § 136-5, shall obey the directions of those traffic control signals, as follows:

- A. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk.
- B. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway.
- C. When facing a steady red signal, a pedestrian shall not enter the roadway.

§ 136-5. Pedestrian control signals.

- A. At the locations listed in Appendix B, which is incorporated by reference into and made a part of this section, pedestrian control signals shall be erected (or are ratified if previously erected).
- B. Every pedestrian facing a steady signal exhibiting "Don't Walk" shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.
- C. Whenever the "Don't Walk" indication is flashing, pedestrians shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or safety zone, and all drivers of vehicles shall yield to the pedestrian.

§ 136-6. Unlawful crossings.

Appendix C, which lists locations where there are pedestrian crossing restrictions not covered in Appendix B, is incorporated by reference into and made a part of this section and of § 136-7. In locations listed in that Appendix as "pedestrian crossing unlawful," it shall be unlawful for any pedestrian, except where authorized by a police officer or other appropriately attired person with authority to direct, control or regulate traffic, to cross the roadway at that location.

§ 136-7. Use of crosswalks.

It shall be unlawful for any pedestrian:

- A. To cross any roadway in a business district within the Borough except in a crosswalk; and
- B. In locations listed as "cross in crosswalk only" in Appendix B, which is incorporated by reference into and made a part of this section, to cross the roadway except in a crosswalk.

§ 136-8. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this article shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

§ 136-9. Appendix B.

**Pedestrian Control Signals
At Intersections of
(Reserved)**

§ 136-10. Appendix C.

Pedestrian Crossing Restrictions		
Name of Street	Location	Type of Restriction
(Reserved)		

**ARTICLE III
Street Obstructions
[Adopted as Part 12, Ch. 1, of the 1978 Code]**

§ 136-11. Unlawful activities enumerated.

- A. It shall be unlawful for any person to place any obstruction or encumbrance of any kind upon any street or alley in the Borough or to store on any street or alley any goods, wares, merchandise or material, except for building material or equipment placed following permission granted under § 136-22.
- B. It shall be unlawful for any person to interfere with, stop, obstruct, divert or fill up any ditch, drain, culvert or watercourse made or used to drain water from any street or alley in the Borough without first having obtained a permit from the Borough Council to do so. If such a permit is granted, the work authorized by the permit shall be done under the supervision of the Borough Council or an individual designated by the Borough Council for the purpose and in strict conformity with the terms and conditions specified by the Borough Council in granting the permit.

§ 136-12. Performance of work by Borough.

If any person shall place, make or maintain any obstruction or encumbrance in violation of any provision of § 136-11, the Borough Council shall have authority to notify that person to remove the obstruction or encumbrance within 24 hours after the notice, and, in default of removal within the time limit, the Borough Council may remove the obstruction or encumbrance or have it removed by Borough employees or persons under contract with the Borough and shall then collect the cost and expense of the removal, with an additional amount of 10%, from the person who was notified to remove the construction or encumbrance and failed to do so within the time limit.

§ 136-13. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this article shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

ARTICLE IV

**Sidewalk Construction, Maintenance and Repair
[Adopted as Part 12, Ch. 2, Art. A, of the 1978 Code]****§ 136-14. Duty of property owners.**

- A. Every owner of property in the Borough shall, on 30 days' notice from the Borough Council, construct or reconstruct a sidewalk and/or curb, which shall conform to all applicable requirements of this article, in front of and/or alongside the property.
- B. Every owner of property in the Borough shall, on 30 days' notice from the Borough Council, repair the sidewalk and/or curb, in conformity with the requirements of the notice, in front of and/or alongside the property.

§ 136-15. Specifications.

- A. All sidewalks and curbs shall be constructed, reconstructed or repaired of concrete or of flagstone, in each case according to specifications adopted by the Borough Council from time to time. Where a walk is to be constructed upon a block and side of a street where walks have previously been constructed, the width of the newly constructed, reconstructed or repaired walk shall conform to that of the previously constructed walk on the same block and side of the street. Otherwise, the paved sidewalk shall be at least four feet wide, except that, with permission of the Borough Council, a narrower walk may be constructed where unusual subsurface conditions or conditions of terrain would render a four-foot walk impracticable.
- B. All sidewalks and curbs hereafter constructed, reconstructed or repaired shall conform to the grade and line established for them by the Borough Council, and the Borough shall furnish the property owner with the correct grade and line, without charge.

§ 136-16. Performance of work on property owner's initiative.

Any property owner may, on his own initiative and without prior notice from the Borough Council, construct, reconstruct or repair a sidewalk and/or curb in front of or alongside his property, provided that he shall first make application to the Borough Council for a permit for the work, which shall be issued without charge, and he shall conform to all the requirements of the law and of the permit and of this article that would have applied had he been required by the Borough Council to construct, reconstruct or repair the sidewalk or curb, provided that, in issuing the permit, the Borough Council shall specify the width, grade and lines of the paved sidewalk and/or curb, so as to conform with those of other sidewalks and curbs along the same block or so as to establish those to which curbs and walks subsequently constructed along that block shall adhere.

§ 136-17. Corner lots.

Whenever a sidewalk or curb shall be constructed or reconstructed along the front or side of a corner lot, either on notice from the Borough Council or at the discretion of the property owner, the property owner shall be required to continue the walk or curb beyond the corner of the lot for a distance of the width of the intersecting walk on the intersecting street so that a continuous walk and/or curb shall be provided.

§ 136-18. Performance of work by Borough.

Whenever any property owner shall fail, neglect or refuse to construct, reconstruct or repair any sidewalk or curb, following notice as referred to in § 136-14 within the time limit prescribed, the Borough shall have authority to cause the work of construction, reconstruction or repair, as the case may be, to be done and shall collect the cost and expenses thereof, with an additional amount of 10% from the property owner in default. Similarly, when a sidewalk or curb shall be constructed, reconstructed or repaired otherwise than in strict conformity to the requirements of this article and/or any notice or permit issued pursuant thereto and the property owner shall fail, neglect or refuse to remedy, complete or rectify the defective or incomplete work, following 10 days' notice from the Borough Council to do so, the Borough shall have authority to cause any work done that shall be necessary for completion, remedy or rectification and shall collect the costs and expenses thereof, with an additional amount of 10%, from the property owner in default.

ARTICLE V

Sidewalk Obstructions

[Adopted 3-22-1983 by Ord. No. 193 (Part 12, Ch. 2, Art. B, of the 1978 Code)]

§ 136-19. Use of horses and vehicles restricted.

No person shall willfully and intentionally place or cause to be placed or lead, ride or drive any horse or drive any moped, snowmobile, motorcycle, car or other motorized vehicle (except snow-removing equipment) upon any sidewalk in the Borough except where necessary to cross the same for ingress and egress between the street and abutting land.

§ 136-20. Snow removal.

Each tenant, owner or person in possession or in charge of any real estate fronting on or abutting any street in the Borough shall clear a pathway of at least three feet in width on the sidewalk in front of or abutting such property at least once each calendar day. Snow cleaned from the pathway pursuant to this article shall not be deposited on any street of said Borough.

§ 136-21. Violations and penalties.

- A. Violators of § 136-20 shall have attached to the door of their residence a notice of violation specifying that violations of said section may be satisfied by paying a waiver

penalty of \$10 within 24 hours of the time the violation notice is attached to the door of the residence.

- B. Any person who shall violate any provision of this article shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days. **[Amended 3-24-1998 by Ord. No. 256]**

ARTICLE VI

Encroachments

[Adopted as Part 12, Ch. 3, Art. A, of the 1978 Code]

§ 136-22. Building materials and equipment. [Amended 3-24-1998 by Ord. No. 256]

With special permission from the Borough Council, which shall be granted only when there is no practicable means for storage of building material or equipment on the lot on which work is to be done under a building permit, a person to whom a building permit is issued may temporarily store building material or equipment upon the street or sidewalk in front of or abutting on that lot. The special permit shall stipulate: the length of time for which the permit shall be valid; the precise portion of street and/or sidewalk that may be used for storage; the materials or equipment that may be stored under the permit; the manner in which the materials or equipment are to be stored; and the safety precautions and measures to be taken by the permit holder. The grant of the permit shall be on condition that the permit holder shall save the Borough harmless from any accident, injury or damage to persons or property by reason of the storage. Failure to adhere to the conditions of the permit shall constitute a violation of this section by the holder of the permit, and, upon conviction for the violation, the permit holder shall be liable to the penalty set forth in § 136-25.

§ 136-23. Trees.

- A. It shall be the duty of every person who owns property located in the Borough, on his own initiative or upon notice from the Borough Council, to:
- (1) Remove or trim all trees growing upon that property or upon or along any street, alley or sidewalk abutting the property in order that:
 - (a) No tree will interfere with or restrict the streetlighting or the street or alley right-of-way.
 - (b) No part of any tree or its branches or foliage will be closer than 15 feet above the surface of the street or alley or closer than nine feet above the surface of the sidewalk.
 - (2) Remove any tree growing upon that property or upon the sidewalk area adjacent to the property, when the roots of the tree cause any part of the sidewalk to heave up or be cracked or otherwise disturbed, and then to repair or reconstruct the sidewalk, as required by the Borough Council, so as to place the sidewalk in proper condition.

- B. In case any property owner shall fail to remove or trim any tree and/or to repair or reconstruct a sidewalk, as required by Subsection A, on his own initiative, the Borough Council may give him 15 days' notice to do the work, as directed in the notice, provided that, where the situation involves a dangerous condition of the sidewalk which can be repaired under the procedure set out in § 1806 of the Borough Code,¹ the Borough Council shall not be precluded from proceeding under § 1806, insofar as that section is applicable.

§ 136-24. Performance of work by Borough.

If any person shall fail, neglect or refuse to remove or trim any tree or to complete any sidewalk repair or reconstruction, which he shall be notified to do under § 136-23B, within the time limit stated in the notice, the Borough shall have authority to have the work done and to collect the cost of the work, with an additional amount of 10%, from the property owner in default, and for the purpose may file a municipal claim or collect the amount due by action in assumpsit, provided that moneys collectible under this section may be in addition to any fine or penalty imposed under § 136-25.

§ 136-25. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this article shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

ARTICLE VII

Game Playing

[Adopted as Part 12, Ch. 3, Art. B, of the 1978 Code]

§ 136-26. Game playing prohibited.

Ball playing, including throwing, kicking or knocking any ball, playing any game, snowballing and throwing any stone or missile of any kind upon or onto any street, alley or sidewalk in the Borough is prohibited.

§ 136-27. Violations and penalties. [Amended 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this article shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

1. Editor's Note: See 53 P.S. § 46806.

Chapter 139

SUBDIVISION AND LAND DEVELOPMENT

[Subdivision and land development in the Borough of Pleasantville is subject to the Subdivision and Land Development Ordinance of Venango County, Pennsylvania, adopted February 19, 1991, and as subsequently amended. Said ordinance is on file in the Borough offices and is available for review during regular office hours. For statutory provisions regarding the applicability of county subdivision regulations in municipalities which have not enacted a local ordinance, see Section 502 of the Pennsylvania Municipalities Planning Code (53 P.S. § 10502).]

Chapter 141

TAXATION

ARTICLE I General Provisions

- § 141-1. Compensation of Tax Collector.
- § 141-2. Discounts and penalties.

ARTICLE II Earned Income and Net Profits Tax

- § 141-3. Imposition of tax.
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- § 141-5. Income Tax Officer designation and bond.

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- § 141-29. Definitions.
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- § 141-35. Use of exempted property.
- § 141-36. Home occupation and rental property.
- § 141-37. Procedure for obtaining exemption.
- § 141-38. Term; expiration.

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

GENERAL REFERENCES

Finances — See Ch. 9.

ARTICLE I

General Provisions

[Adopted as Part 3, Ch. 1, Art. A, of the 1978 Code]

§ 141-1. Compensation of Tax Collector.

The rate of compensation to be paid to the Borough Tax Collector for collecting those Borough taxes of which he is designated collector shall be as follows:

- A. Real property tax and per capita tax: 3% of taxes collected in the discount period and at face; 5% of taxes collected after commencement of penalty period; and
- B. Earned income tax: 5% of taxes collected.

§ 141-2. Discounts and penalties.

- A. All taxpayers subject to payment of taxes levied by the Borough under Section 1302 of the Borough Code and its amendments¹ shall be entitled to a discount of 2% from the amount of the tax upon making payment of the whole amount of the tax within two months after the date of the tax notice.
- B. All taxpayers who shall fail to make payment of any tax referred to in Subsection A of this section and charged against them, for four months after the date of the tax notice, shall be charged a penalty of 10%, which penalty shall be added to the taxes due and shall be collected by the Tax Collector.
- C. Interest at the rate of 10% per annum shall be collectible by the Borough on claims of the Borough for taxes, water rents or rates, lighting rates, and sewer rates from the date of filing of a lien therefor against the land owner or customer responsible for payment of said charges or claims. **[Added 2-9-1982 by Ord. No. 185]**
- D. Where municipal claims are filed by the Borough which have arisen out of a municipal project which required the Borough to issue bonds to finance the project, interest shall be collectible on such claims at the rate of interest of the bond issued or at the rate of 12% per annum, whichever is less. **[Added 2-9-1982 by Ord. No. 185]**
- E. The term "bond," as used herein, shall include notes and other evidence of indebtedness or obligations. **[Added 2-9-1982 by Ord. No. 185]**

1. Editor's Note: See 53 P.S. § 46302.

ARTICLE II
Earned Income and Net Profits Tax
[Adopted as Part 3, Ch. 2, Art. B, of the 1978 Code]

§ 141-3. Imposition of tax.

A tax for general revenue purposes of 1% is hereby imposed on:

- A. Earned income earned on and after April 1, 1956, by residents of the Borough;
- B. Earned income earned on and after April 1, 1956, by nonresidents of the Borough for work done or services performed or rendered in the Borough;
- C. Net profits earned on and after April 1, 1956, by residents of the Borough; and
- D. Net profits earned on and after April 1, 1956, from the operation of businesses, professions or other activities, except corporations, conducted in the Borough by nonresidents of the Borough.

§ 141-4. Incorporation of provisions.

Section 13 of the Local Tax Enabling Act of 1965, P.L. 1257,² is hereby incorporated by reference into and made a part of this article to the same extent as if the full text of that section had been set out verbatim in this article, except that:

- A. In the case of net profits, the Borough elects to operate under the option set forth in Subsection III-A(1)i requiring an annual return, with accompanying payment of the tax due on net profits for the preceding year, rather than the option set forth in Subsection III-A(1)ii requiring an annual declaration of net profits and quarterly payments of the tax on net profits.
- B. In the case of earned income not subject to withholding, the Borough elects to operate under the option set forth in Subsection III-B(1) requiring an annual return and payment of the tax, rather than the option set forth in Subsection III-B(2) requiring quarterly returns, with accompanying payment of the tax.

§ 141-5. Income Tax Officer designation and bond.

The Borough Council may from time to time designate an individual, a public employee or a private agency to serve as Income Tax Officer, and the bond of the Income Tax Officer shall be filed with the Secretary/Treasurer.

2. Editor's Note: See 53 P.S. § 6913. Also, note that several references in Subsections A and B of this section refer to portions of said § 6913.

ARTICLE III
Per Capita Tax
[Adopted as Part 3, Ch. 2, Art. C, of the 1978 Code]

§ 141-6. Definitions.

Unless otherwise expressly stated, the following terms shall have, for the purpose of this article, the meanings indicated in this section:

COLLECTOR — The individual elected or designated by the Borough Council to collect or receive the taxes imposed by this article.

RESIDENT — Any individual domiciled in the Borough.

TAXPAYER — Any individual required under this article to pay a per capita tax.

§ 141-7. Imposition of tax. [Amended 9-1-1987 by Ord. No. 216]

In addition to other taxes provided by resolutions and ordinances of the Borough Council, there is hereby imposed, for general revenue purposes, an annual tax of \$10 upon every resident or inhabitant of the Borough who is 18 through 69 years of age, inclusive, with an aggregate annual income of \$3,500 or more, on or before January 1 of the year for which the tax is imposed.

§ 141-8. Notice.

Every year, on or before August 1, the Collector shall send to every resident of the Borough who has attained the minimum legal age a notice of the per capita tax due by that resident for that year. The notice shall be on a form prescribed by the Borough Council, provided that the failure or omission of the Collector to send or of any taxpayer to receive the notice shall not relieve that person from the payment of the tax and provided, further, that any individual who shall become a resident of the Borough after July 1 in any year shall not be liable for the per capita tax for that year, and any person who ceases to be a resident at any time after July 1 of any year shall be liable for the full amount of the per capita tax for that year.

§ 141-9. Discounts and penalties.

All taxpayers subject to the payment of the tax under this article shall be entitled to a discount of 2% on the amount of the tax upon making payment of the whole amount within two months after the date of the tax notice. All taxpayers who shall fail to make payment of any such taxes imposed against them for four months after the date of the notice shall be charged a penalty of 10%, which penalty shall be added to the taxes by the Collector and collected by him. The Collector shall furnish a receipt to every individual paying the tax.

§ 141-10. Recovery of taxes and penalties.

All taxes levied under this article, together with all penalties, shall be recoverable by the Collector in the manner authorized by law.

§ 141-11. Exonerations. [Added 9-1-1987 by Ord. No. 216]

- A. Any person who shall not have an aggregate annual income of \$3,500 or more or any person who is 70 years of age or older on January 1 of the year in which the per capita tax is levied and assessed shall be exempt from the per capita tax for that year.
- B. Exonerations provided for under this section shall be granted based on the filing of a form of exoneration with the Tax Collector and approved by the Borough Council.

§ 141-12. Violations and penalties. [Added 9-1-1987 by Ord. No. 216]

Any individual who violates any provision of this article, including but not limited to failing to pay the tax levy or penalty by making a false affidavit provided hereby or by attempting to do anything whatsoever to avoid the payment of the whole or any part of the tax imposed under this article, shall, upon summary conviction thereof in a court of competent jurisdiction, be sentenced to pay a fine of not less than \$25 nor more than \$300 for each offense and costs, and, in default of payment of said payment of fine and costs, to be imprisoned for a period not exceeding 30 days.

ARTICLE IV

Realty Transfer Tax

[Adopted 12-23-1986 by Ord. No. 212; amended in its entirety at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II)]

§ 141-13. Title.

This article shall be known as the "Realty Transfer Tax Ordinance of the Borough of Pleasantville."

§ 141-14. Authority.

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Borough of Pleasantville, regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place as authorized by Article XI-D, "Local Real Estate Transfer Tax," 72 P.S. § 8101-D et seq.

§ 141-15. Definitions.

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

ASSOCIATION — A partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent's estate.

CORPORATION — A corporation, joint-stock association, business trust, or banking institution which is organized under the laws of this commonwealth, the United States, or any other state, territory, foreign country or dependency.

DOCUMENT — Any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding 30 years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under § 141-14 of this article.

FAMILY FARM CORPORATION — A corporation of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall include the leasing to members of the same family of property which is directly and principally used for agricultural purposes. The business of agriculture shall not be deemed to include:

- A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;
- B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;
- C. Fur farming;
- D. Stockyard and slaughterhouse operations; or
- E. Manufacturing or processing operations of any kind.

FAMILY FARM PARTNERSHIP — A partnership of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of the interests in the partnership are continuously owned by members of the same family. The business of agriculture shall include the leasing to members of the same family of property which is directly and principally used for agricultural purposes. The business of agriculture shall not be deemed to include:

- A. Recreational activities, such as but not limited to hunting, fishing, camping, skiing, show competition or racing;
- B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;
- C. Fur farming;
- D. Stockyard and slaughterhouse operations; or
- E. Manufacturing or processing operations of any kind.

LIVING TRUST — Any trust, other than a business trust, intended as a will substitute by the settlor which becomes effective during the lifetime of the settlor, but from which trust distributions cannot be made to any beneficiaries other than the settlor prior to the death of the settlor.

MEMBERS OF THE SAME FAMILY — Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

ORDINARY TRUST — Any trust, other than a business trust or a living trust, which takes effect during the lifetime of the settlor and for which the trustees of the trust take title to property primarily for the purpose of protecting, managing or conserving it until distribution to the named beneficiaries of the trust. An ordinary trust does not include a trust that has an objective to carry on business and divide gains, nor does it either expressly or impliedly have any of the following features: the treatment of beneficiaries as associates, the treatment of the interests in the trust as personal property, the free transferability of beneficial interests in the trust, centralized management by the trustee or the beneficiaries, or continuity of life.

PERSON — Every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

REAL ESTATE —

- A. All lands, tenements or hereditaments within the Borough of Pleasantville including without limitation buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees, and other improvements, immovables or interests which by custom, usage or law pass with a conveyance or land, but excluding permanently attached machinery and equipment in an industrial plant.
- B. A condominium unit.
- C. A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY — A corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, 90% or more of the ownership interest in which is held by 35 or fewer persons and which:

- A. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; or
- B. Holds real estate, the value of which comprises 90% or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

TITLE TO REAL ESTATE —

- A. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including without limitation an estate in fee simple, life estate, or perpetual leasehold; or

- B. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION — The making, executing, delivering, accepting, or presenting for recording of a document.

VALUE —

- A. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate; provided that where such documents shall set forth a nominal consideration, the value thereof shall be determined from the price set forth in or actual consideration for the contract of sale;
- B. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations;
- C. In the case of an easement or other interest in real estate the value of which is not determinable under Subsection A or B, the actual monetary worth of such interest; or
- D. The actual consideration for or actual monetary worth of any executor agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

§ 141-16. Imposition of tax; interest.

- A. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for, and in respect to the transaction or any part thereof, a tax at the rate of 1% of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is

presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company.

- B. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the recorder whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.
- C. It is the intent of this article that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. § 6901 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Borough of Pleasantville under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2 of the rate and such 1/2 rate shall become effective without any action on the part of the Borough of Pleasantville, provided, however, that the Borough of Pleasantville and any other political subdivision which imposes such tax on the same person or transfer may agree that, instead of limiting their respective rates to 1/2 of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.
- D. If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due shall be added and collected.

§ 141-17. Exempt parties.

The United States, the commonwealth, or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this article. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

§ 141-18. Excluded transactions.

- A. The tax imposed by section shall not be imposed upon:
 - (1) A transfer to the commonwealth, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation.
 - (2) A document which the Borough of Pleasantville is prohibited from taxing under the Constitution or statutes of the United States.
 - (3) A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim bureau sale.

- (4) A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.
- (5) A transfer of division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- (6) A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.
- (7) A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.
- (8) A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries that are entitled to receive the property or proceeds from the sale of the property under the trust, whether or not such beneficiaries are contingent or specifically named. A trust clause which identifies the contingent beneficiaries by reference to the heirs of the trust settlor as determined by the laws of the intestate succession shall not disqualify a transfer from the exclusion provided by this clause. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.
- (9) A transfer for no or nominal actual consideration to a trustee of a living trust from the settlor of the living trust. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of the living trust instrument.
- (10) A transfer for no or nominal actual consideration from a trustee of an ordinary trust to a specifically named beneficiary that is entitled to receive the property under the recorded trust instrument or to a contingent beneficiary where the transfer of the same property would be exempt if the transfer was made by the grantor of the property into the trust to that beneficiary. However, any transfer of real estate from a living trust during the settlor's lifetime shall be considered for the purposes of this article as if such transfer were made directly from the settlor to the grantee.
- (11) A transfer for no or nominal actual consideration from a trustee of a living trust after the death of the settlor of the trust or from a trustee of a trust created pursuant

to the will of a decedent to a beneficiary to whom the property is devised or bequeathed.

- (12) A transfer for no or nominal actual consideration from the trustee of a living trust to the settlor of the living trust if such property was originally conveyed to the trustee by the settlor.
- (13) A transfer for no or nominal actual consideration from trustee to successor trustee.
- (14) A transfer for no or nominal actual consideration between principal and agent or straw party; or from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this article. Where the document by which title is acquired by a grantee or agreement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.
- (15) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this article.
- (16) A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.
- (17) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt or the grantee or a transfer to a nonprofit industrial development agency or authority.
- (18) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:
 - (a) The grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and
 - (b) The agency or authority has the full ownership interest in the real estate transferred.
- (19) A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

- (20) Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transfer or for commercial purposes.
 - (21) A transfer to a conservancy which possesses a tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, [68A Stat. 3, 26 U.S.C. § 501(c)(3)] and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities; or a transfer from such a conservancy to the United States, the commonwealth or to any of their instrumentalities, agencies or political subdivisions; or any transfer from such a conservancy where the real estate is encumbered by a perpetual agricultural conservation easement as defined by the act of June 30, 1981 (P.L. 128, No. 43), known as the "Agricultural Area Security Law," and such conservancy has owned the real estate for at least two years immediately prior to the transfer.
 - (22) A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least 75% of each class of the stock thereof.
 - (23) A transfer of real estate devoted to the business of agriculture to a family farm partnership by a member of the same family, which family directly owns at least 75% of the interests in the partnership.
 - (24) A transfer between members of the same family of an ownership interest in a real estate company, family farm corporation or family farm partnership which owns real estate.
 - (25) A transaction wherein the tax due is \$1 or less.
 - (26) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.
- B. In order to exercise any exclusion provided in this section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this article.

§ 141-19. Documents relating to associations or corporations.

Except as otherwise provided in § 141-18, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this article, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

§ 141-20. Acquired company.

- A. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90% or more of the total ownership interest in the company within a period of three years.
- B. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this article.
- C. A family farm partnership is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm partnership or when, because of transfer of partnership interests or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm partnership under this article.
- D. Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

§ 141-21. Credits against tax.

- A. Where there is a transfer of a residential property by a licensed real estate broker, which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.
- B. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.
- C. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.
- D. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

- E. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

§ 141-22. Extension of lease.

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

§ 141-23. Proceeds of judicial sale.

The tax herein imposed shall be fully paid, and have priority out of the proceeds or any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made except the state realty transfer tax, and the sheriff, or other officer, conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

§ 141-24. Duties of Recorder of Deeds.

- A. As provided in 16 P.S. § 11011-6, as amended by Act of July 7, 1983 (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Borough of Pleasantville based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the Borough of Pleasantville.
- B. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.
- C. On or before the 10th of each month, the Recorder shall pay over to the Borough of Pleasantville all local realty transfer taxes collected, less 2% for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The two-percent commission shall be paid to the county.
- D. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the Recorder shall rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording or recording fee has been tendered.

§ 141-25. Statement of value.

Every document lodged with or presented to the Recorder of Deeds for recording shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the

transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this article. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this subsection shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this article.

§ 141-26. Civil penalties.

- A. If any part of any underpayment of tax imposed by this article is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.
- B. In the case of failure to record a declaration required under this article on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax 5% of the amount of such tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

§ 141-27. Tax to become lien.

The tax imposed by this article shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being situated, wholly or in part within the boundaries of the Borough of Pleasantville, which lands, tenements, hereditaments, or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this article, said lien to begin at the time when the tax under this article is due and payable, and continue until discharge by payment, or in accordance with the law, and the solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Venango County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. § 7101 et seq., its supplements and amendments.

§ 141-28. Enforcement.

All taxes imposed by this article, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

§ 141-28.1. Regulations.

The Borough Council of the Borough of Pleasantville is charged with enforcement and collection of the tax and is empowered to regulate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. § 8101-C et seq. are incorporated into and made a part of this article.

ARTICLE V
Local Economic Revitalization Tax Assistance
[Adopted 8-10-1993 by Ord. No. 235]

§ 141-29. Definitions.

The following words and phrases, as used in this article, shall have the meanings as follows:

BUSINESS PROPERTY — Includes, but shall not be limited to, property rented for residential or commercial purposes, subject to the limitations set forth in this article when the property is occupied by its owner as a residence.

DETERIORATED PROPERTY — Any industrial, commercial or other business property owned by an individual, association or corporation and located in a deteriorating area, as designated in this article, or any such property which has been the subject of an order by the Borough of Pleasantville requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.

IMPROVEMENT — Repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an "improvement."

LOCAL TAXING AUTHORITY — The Borough of Pleasantville, the County of Venango and the Titusville Area School District.

MUNICIPAL GOVERNING BODY — The Borough of Pleasantville.

§ 141-30. Exemption area; zoning considerations.

- A. The entire Borough of Pleasantville is deemed to be a deteriorated area.
- B. Nothing in this article shall be construed to in any way modify, alter or change the existing Zoning Ordinance³ of the Borough of Pleasantville. There shall be no new construction or improvements authorized by this article other than as permitted under provisions of the prevailing Zoning Ordinance of the Borough.

§ 141-31. Exemption from real property taxation.

All owners of real estate within the area or areas designated in § 141-30, above, of this article shall be eligible for exemption from real property taxation, subject to the limits of exemption, the exemption schedule, compliance with all other provisions of this article and compliance with all provisions of existing zoning ordinances and building codes of the Borough of Pleasantville.

3. Editor's Note: See Ch. 160, Zoning.

§ 141-32. Exemption limits.

- A. The amount of tax eligible for exemption shall be limited to the additional assessment valuation set by a local taxing authority as attributable to the actual costs of new construction or improvements to deteriorated property.
- B. The exemption shall be limited to that improvement for which an exemption has been requested pursuant to this article and for which a separate assessment has been made by the local taxing authority.

§ 141-33. Exemption schedule.

The real estate tax exemption shall be available for a period of 10 years immediately following the year in which the improvements become assessable, in accordance with a schedule as follows:

Year	Percentage of Taxes Exempt
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

§ 141-34. Sales or exchange.

A sale or exchange or transfer of real estate which has been granted an exemption pursuant to this article shall not cause a termination of the exemption.

§ 141-35. Use of exempted property.

In the event that the use of the property, existing or contemplated, at the time an exemption under this article is granted is changed, modified or terminated so that the real estate would not have qualified for an exemption it was granted, the exemption shall terminate upon decision of Borough Council that a continuation of the exemption would not be consistent with the purpose of this article.

§ 141-36. Home occupation and rental property.

In the event that the owner of property seeking an exemption under the provisions of this article shall reside in property used as a home occupation or for commercial or residential

rental purposes, the following standards and limitations shall be in effect regarding the exemption provided under this article:

- A. In order to qualify for an exemption, the new construction or improvement must directly enhance the business purpose of the property.
- B. The home occupation or rental use of the property must be a full-time business; no exemption shall be allowable for property used on a part-time basis for business purposes.
- C. In the event that the improvement or new construction enhances only the business use of the property, the full exemption allowable in this article shall be available.
- D. In the event that the improvement or new construction enhances both the residential and business use of the property, the exemption allowable under this article shall be limited to an amount equal to the percentage of the square footage of the structure used for business purposes as to the entire square footage of the structure.

§ 141-37. Procedure for obtaining exemption.

- A. No exemption will be granted until a building permit shall have been secured, which permit shall not be granted unless the proposed construction or improvement is permitted within the zoning classification of the property and complies with the minimum standards set in any building code of the Borough of Pleasantville.
- B. A taxpayer may make application for an exemption to the Borough Council through submission of a written application provided by the Borough. All applications shall be submitted to the Borough Secretary/Treasurer.
- C. The written application shall set forth, at a minimum, information as follows:
 - (1) The date of issuance of the building permit.
 - (2) A description of the improvement, to include plans if available.
 - (3) The estimated or actual cost of the improvement.
 - (4) The nature of the contemplated use of the premises.
- D. The Borough Council shall cause a copy of the application for exemption to be forwarded to the Venango County Assessment Office.
- E. The applicant shall notify the Borough Council of the completion of the improvement.
- F. Upon receipt of notice of the completion of the improvement, Borough Council shall request the County Assessor make a separate assessment of the complete improvement.
- G. Upon receipt of the new assessment, eligible for exemption, the Borough Council will grant the exemption and notify the taxpayer of the amount eligible for exemption.
- H. A taxpayer may appeal the assessment and amount eligible for exemption as required by law.

§ 141-38. Term; expiration.

This article shall be in effect for a period of three years from the date of its execution and will automatically expire at the end of that period, unless renewed by the Borough Council for an additional term. Renewals of this article may be made through resolution of the Borough Council. Any exemptions granted prior to the expiration of this article shall be valid and endure even after its expiration date as set forth herein.

Chapter 146

(Reserved)

[Former Chapter 146, Utility Accounts, adopted 4-25-1989 by Res. No. 89-2, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II). See now Chapter 153, Water Service and Utility Accounts.]

Chapter 149

VEHICLES AND TRAFFIC

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- § 149-20. Manner of parking.
- § 149-21. No parking any time.
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- § 149-23. Time limit parking.
- § 149-24. Special purpose parking zones.
- § 149-25. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville as Part 7, Ch. 1, of the 1978 Code; amended in its entirety at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II). Subsequent amendments noted where applicable.]

ARTICLE I General Provisions

§ 149-1. Definitions.

Words and phrases, when used in this chapter, shall have the meanings ascribed to them in the Vehicle Code (the Act of 1976, P.L. 162, No. 81, as amended).¹

1. Editor's Note: See 75 Pa.C.S.A. § 101 et seq.

§ 149-2. Permanent regulations.

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

§ 149-3. Temporary and emergency regulations.

- A. The Mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:
- (1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.
 - (2) In the case of emergency public works or public events of limited scope or duration, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
- B. Those temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who drives or parks a vehicle in violation of any such regulation or who moves, removes, destroys, injures or defaces any sign or marking erected, posted or made to give notice of any such regulation shall be guilty of a violation and, upon conviction, shall be liable to the penalty set forth in the law.²

§ 149-4. Experimental regulations.

The Borough Council may, from time to time, designate places upon and along the streets in the Borough where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect and shall designate those locations by proper signs and markings. Those regulations, prohibitions and restrictions shall be effective just as if they had been specified in this chapter. No person shall drive or park a vehicle in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who violates any provision of this section shall, upon conviction, be liable to the penalty set forth in the law.³ The purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

§ 149-5. Street closings; restricted traffic areas.

- A. The Borough Council shall have authority to close any street or any specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the

2. Editor's Note: Violations of this section are punishable under the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq.

3. Editor's Note: Violations of this section are punishable under the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq.

closed portion while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a motor vehicle upon any such closed portion.

- B. The Borough Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when a flagman is displaying a sign directing that vehicle to stop or is signaling that vehicle, by a flag or other device, not to proceed.⁴

§ 149-6. Authority of police.

The police officers of the Borough are given authority to direct traffic on the streets in the Borough and at intersections of those streets, in public parks and in other places where the Vehicle Code or this chapter applies.

**ARTICLE II
Traffic Regulations**

§ 149-7. Speed limits.

- A. Maximum speed limits on certain streets. No person shall drive any vehicle upon any portion of a street in the Borough listed in the schedule below at a greater rate of speed than the maximum prescribed for that part of the street as follows:

Name of Street	Portion	Maximum Speed Limit (miles per hour)	When Applicable
All streets	All	35	All times

- B. Maximum speed limits on bridges and elevated structures. No person shall drive any vehicle upon any bridge or elevated structure in the Borough listed in the schedule below at a greater rate of speed than the maximum prescribed for that bridge or elevated structure as follows:

Bridge or Elevated Structure	Location	Maximum Speed Limit (miles per hour)
	(Reserved)	

- C. Maximum speed limits for certain vehicles on hazardous grades. Those streets and portions of streets in the Borough listed in the schedule below are declared to be

4. **Editor's Note:** Violations of this section are punishable under the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq.

hazardous grades and, in each case, vehicles having a gross weight in excess of that stated for the particular grade shall not be driven at a speed in excess of the maximum, and, if so stated for a particular grade, the driver of every such vehicle shall stop the vehicle before proceeding downhill:

Name of Street	Limits	Direction of Travel	Gross Weight (tons)	Maximum Speed Limit (miles per hour)	Required to Stop Before Proceeding Downhill?
(Reserved)					

D. Maximum speed limits in parks. No person shall drive a vehicle upon any portion of a road in any park maintained and operated by the Borough listed in the schedule below at a greater rate of speed than the maximum prescribed for that part of the road as follows:

Name of Park	Street	Location	Maximum Speed Limit (miles per hour)
(Reserved)			

§ 149-8. Traffic control signals.

Official traffic signals shall be erected (or are ratified if previously erected) at those intersections listed in the schedule below, and traffic at those intersections shall be directed by those signals:

Location	Type of Signal
(Reserved)	

§ 149-9. No turn on red signal.

Those intersections listed in the schedule below are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into a one-way street) on a steady red signal:

Intersection	Vehicle Traveling On	Facing
(Reserved)		

§ 149-10. One-way streets.

One-way streets are established as listed in the schedule below. On the days and between the hours applicable to a specific street, it shall be unlawful for any person to drive a vehicle upon a one-way street other than in the direction established for traffic upon that street.

Name of Street	Limits	Lanes	Direction of Travel	Hours; Days
(Reserved)				

§ 149-11. Turning restrictions.

A. Intersections where turns are prohibited or restricted. The schedule below lists intersections where turns are restricted or prohibited. It shall be unlawful for the driver of any vehicle, of the type indicated, traveling upon the first-named street at any intersection named in the schedule below, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when a turn is prohibited by the schedule below.

Vehicles Traveling On	Direction of Travel	Prohibited Turn	Into	When	Type of Vehicle Applicable
(Reserved)					

B. Intersections where right turn only permitted. The schedule below lists intersections where it shall be unlawful for the driver of any vehicle traveling upon the first-named street at any of those intersections, in the direction or directions indicated in each case, to make other than a right turn, both left turns and straight-across traffic being prohibited.

Vehicles Traveling On	Direction of Travel	Hours; Days	Not to Make Left Turn Into or Traveling Straight Across
(Reserved)			

§ 149-12. No-passing zones.

No-passing zones are listed in the schedule below. It shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or drive on the left side of the roadway in any no-passing zone.

Name of Street	Direction of Travel	Limits	Applies to
(Reserved)			

§ 149-13. Through highways.

Through highways are listed in the schedule below, and stop or yield signs shall be erected at every intersection of every through highway (except those intersections where traffic signals are erected and maintained as provided in § 149-8), facing traffic approaching the through highway on intersecting streets. Every driver of a vehicle approaching the through highway on

Stop Street	Direction of Travel	Through Street
School Street	North	Third Street
School Street (4-way)	North and south	Second Street
School Street	South	East State Street
Second Street (3-way)	East and west	Maple Street
Second Street (4-way)	East and west	School Street
Shamburg Street	North	West State Street
State Street	East and west	Main Street
Third Street	West	North Main Street

§ 149-15. Yield intersections.

Those intersections listed in the schedule below (in addition to streets intersecting with the through highways established by § 149-13) are established as yield-right-of-way intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street upon the first-named street at each yield intersection, in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection upon the first-named street, in the direction indicated in each case, shall slow down or stop the vehicle as required by Section 3323(c) of the Vehicle Code and then yield the right-of-way as required by that subsection of the Vehicle Code.⁷

Yield Street	Direction of Travel	Through Street
Main Street	South	Route 27

§ 149-16. Vehicle weight limits.

On those streets and portions of streets listed in the schedule below, vehicle weight limits are established by authority granted by Section 4902(a) of the Vehicle Code,⁸ and it shall be unlawful for any person to operate on any of those streets or portions of streets, as the case may be, any vehicle or combination having a gross weight in excess of the maximum prescribed for that street or portion of street:

Name of Street	Limits	Direction of Travel	Maximum Gross Weight (pounds)
Bank Street	Third Street to end of Bank Street	Both	5,000
Chestnut Street	West State Street to Merrick Street	Both	5,000

7. Editor's Note: See 75 Pa.C.S.A. § 3323(c).

8. Editor's Note: See 75 Pa.C.S.A. § 4902(a).

Name of Street	Limits	Direction of Travel	Maximum Gross Weight (pounds)
Dunham Road	East State Street to Borough limits	Both	20,000, except for local deliveries
Maple Street	Second Street to Third Street	Both	5,000
North Main Street	Merrick Street to end of Bugtown Road	Both	5,000
School Street	Third Street to East State Street	Both	5,000
Second Street	North Main Street to Maple Street	Both	5,000
Shamburg Street	West Street to end of improved part of Shamburg Street	Both	5,000

§ 149-17. Truck traffic restricted.

On those streets and parts of streets listed in the schedule below, it shall be unlawful for any person to drive any vehicle other than a passenger vehicle, except that nothing in this section shall prohibit the operation of a commercial vehicle or truck on any part of any street listed in the schedule below, where that operation is necessary in order to pick up or deliver any goods, wares, merchandise or material from or to any premises located on any such part of a street.

Name of Street	Limits
	(Reserved)

§ 149-18. Snow emergency routes.

A. Snow emergency routes are established on those streets and portions of streets listed in the schedule below. In order to facilitate the movement of traffic and to combat the hazards of snow and ice on those snow emergency routes, the Mayor, at his discretion, may declare a snow and ice emergency. Information on the existence of the emergency may be given through radio, newspaper or other available media, and notification of the termination of the emergency may be given by use of the same media.

Name of Street	Limits
	(Reserved)

B. After any snow and ice emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person to park a motor vehicle or to allow the vehicle to remain parked on any snow and ice emergency route or to operate a motor

vehicle on a snow and ice emergency route unless that vehicle is equipped with snow tires or chains.

- C. If, at any time during a period of snow and ice emergency, a person shall park a motor vehicle anywhere upon a snow and ice emergency route, that person shall be guilty of a violation of this section.
- D. If, at any time during a period of snow and ice emergency, a person shall drive a motor vehicle not equipped with snow tires or chains upon a snow and ice emergency route, that person shall be guilty of a violation of this section.

§ 149-19. Violations and penalties.

Violations of this article are punishable under the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq.

**ARTICLE III
Parking, Standing and Stopping Regulations**

§ 149-20. Manner of parking.

- A. Whenever a space shall be marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this article for any person to park a vehicle otherwise.
- B. Angle parking zones. Only angle parking shall be permitted on those portions of streets listed in the schedule below, which is incorporated by reference into and made a part of this chapter. In those angle parking zones, every vehicle shall be parked with the front of the vehicle nearest the curb.

Name of Street	Side	Limits
		(Reserved)

§ 149-21. No parking any time.

No person shall park a vehicle or allow a vehicle to remain parked at any time in any location along the streets in the Borough listed as a prohibited zone in the schedule below:

Name of Street	Side	Limits
East State Street	Both	Main Street to a point 115 feet east
East State Street	North	School Street to a point 120 feet west of the intersection of the center line of State Street and School Street
North Main Street	East	State Street to Second Street
North Main Street	West	State Street to Merrick Street

Name of Street	Side	Limits
South Main Street	East	A point opposite State Street to a point 40 feet south
South Main Street	West	The south Borough line to south line of post office lot
West State Street	North	Main Street to a point 167 feet west
West State Street	South	Main Street to a point 120 feet west
West State Street	South	New Street and a point 130 feet northwest

§ 149-22. No parking certain hours.

In the locations listed in the schedule below, parking shall be prohibited at all times on the days and between the hours indicated as follows:

Name of Street	Side	Limits	Hours; Days
Bank Street	Both	Entire length	School hours; school days 7:00 a.m. to 5:00 p.m.; Monday through Friday
North Main Street	East	Second Street to a point 320 feet north of the intersection of the center line of Main Street and Second Street	

§ 149-23. Time limit parking.

In the locations listed in the schedule below, no person shall park a vehicle or allow it to remain parked for longer than the time indicated, at any time on the days and between the hours stated for the location:

Name of Street	Side	Limits	Time Limit; Hours; Days
State Street	Both	A point 115 feet east of Main Street to a point 250 feet east of Main Street	2 hours; all; all

§ 149-24. Special purpose parking zones.

Special purpose parking zones are established in the locations listed in the schedule below, and it shall be unlawful for any person to park a vehicle or to allow a vehicle to remain parked in any such zone, except as specifically provided in the schedule below for that zone:

§ 149-25. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs.

Chapter 153

WATER SERVICE AND UTILITY ACCOUNTS

- | | |
|--|---|
| § 153-1. Borough to provide water service. | § 153-12. Control valve. |
| § 153-2. Definitions. | § 153-13. Cross-connections. |
| § 153-3. Service lines and connections. | § 153-14. Right of entry. |
| § 153-4. Meters. | § 153-15. Distribution system. |
| § 153-5. Reading meters; billing. | § 153-16. Hydrants. |
| § 153-6. Water rates. | § 153-17. Discontinuance of service. |
| § 153-7. Terms for bill paying. | § 153-17.1. Activation of service; fee. |
| § 153-8. Private fire service connections. | § 153-18. Extension of mains. |
| § 153-9. (Reserved). | § 153-19. Interruptions in service. |
| § 153-10. Nonliability of Borough. | § 153-20. Service outside Borough limits. |
| § 153-11. Damage to facilities. | § 153-21. Violations and penalties. |

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville 5-24-1983 as part of Ord. No. 194 (Part 11, Ch. 1, of the 1978 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 126.

§ 153-1. Borough to provide water service.

Water service supplied by the Borough of Pleasantville shall be provided, subject to these rules and regulations.

§ 153-2. Definitions.

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

BOROUGH — The Borough of Pleasantville, Venango County, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representative.

CUSTOMER — Any individual, partnership, company, association, society, trust, corporation or other group or entity that purchases water from the Borough.

DWELLING UNIT — A separate dwelling, apartment, room or group of rooms used for separate dwelling purposes and equipped for food preparation. In all cases, the determination of the Borough as to what constitutes a separate dwelling unit shall be final.

MAIN — Any pipe constituting a part of the water system used or usable for water distribution purposes.

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

PERSON — Anyone defined as a customer. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term shall include the members of an association and the officers of a corporation.

SERVICE LINE — That part of the water system extending from a main to the curb box, thence continuing to the building served.

USER — Any person defined as a customer.

WATER SYSTEM — All facilities, as of any particular time, for the production, transmission, storage and distribution of water.

§ 153-3. Service lines and connections.

- A. No person shall uncover, connect with, use, alter or disturb in any manner any main or any part of the water system without obtaining a permit from the Borough.
- B. Application for a permit required under Subsection A of this section shall be made by the owner of the property to be served or by the duly authorized agent of such owner at least 30 days prior to installation.
- C. No person shall make or cause to be made a service connection to a main until such person fulfills the following conditions:
 - (1) Service connections may be furnished to everyone, upon written application on the form provided, subject to the approval of the Borough Council. [**Amended 7-23-1985 by Ord. No. 205¹**]
 - (2) The Borough shall be given at least seven days' notice before such connection needs to be made.
 - (3) In making application, each property owner shall contract and agree to be bound by these rules and regulations.
 - (4) The Borough may refuse to serve an applicant if it does not have adequate facilities to render the service desired; if the service is of such character that it is likely to result in unfavorable service to other customers; if the applicant's

1. Editor's Note: This ordinance also provided for the repeal of former § 11-1003, 3B, which immediately followed this subsection.

installation of piping is regarded as hazardous or of such character that satisfactory service cannot be given; or for other just cause.²

- D. The Borough shall tap, lay and be responsible for the service line in the following manner:
- (1) Within the Borough to a point 12 inches inside the curblin.
 - (2) Outside the Borough to a point no more than five feet from the main, tapped.
- E. Service lines from the curb stop to the dwelling unit being served shall be installed and maintained at the expense of the property owner to be served and shall comply with the following:
- (1) Lines shall not be less than 3/4 inch inside diameter.
 - (2) Lines shall be installed not less than four feet deep.
 - (3) Lines shall not be laid in the same trench with other utilities.
 - (4) Lines shall conform to American Water Works Association (AWWA) standards for installation and type of material.
 - (5) Lines shall be maintained in a safe and sanitary operating condition by the customer, at his cost and expense.
 - (6) Lines shall be inspected by the Borough before backfilling.
- F. If a service line is abandoned, it shall immediately be detached from the curb stop by the owner, at his expense, and he shall be liable for all damages that may arise by reason of any abandoned service line remaining attached to the curb stop.
- G. Grouping of more than one improved property on one service line shall be prohibited, except under special circumstances, but then only with the permission of the Borough Council.
- H. A service line will not be installed when said service line passes over or through premises which, at the time, may be the property of persons other than the owner, unless the owner of the premises to be supplied assumes all liability and furnishes a right-of-way agreement in form satisfactory to the Borough.
- I. No connections or outlets will be permitted on the service line supplying any property between the water main and the meter.
- J. Any service line found to be in disrepair or leaking shall be repaired by the customer, at his expense, within 48 hours of notification of such. If not repaired within the stated time, the Borough reserves the right to discontinue service until such time as the repairs are made.

2. **Editors Note:** Former § 11-1003, 4, which immediately followed this subsection, was repealed 7-23-1985 by Ord. No. 205.

- K. The property owner or customer to be served shall indemnify and hold harmless the Borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a service line or of connection of a service line to a main.

§ 153-4. Meters.

- A. All water sold shall be metered by water meters supplied by the Borough, which shall remain the property of the Borough.
- B. All meters shall be installed where designated by the Borough, subject to the following:
- (1) If it is determined that the meter is to be placed within the building, the customer will provide, at no charge, a readily accessible place near the entrance of the service line, with a valve on both sides of the meter location.
 - (2) If it is determined that the meter is to be placed outside the building, it must be placed in a meter pit, furnished by the Borough, at the expense of the customer.
 - (3) The Borough will furnish meters and connections which shall remain the property of the Borough, and access to the same must be permitted at all reasonable times by the customer.
 - (4) The customer must, at all times, properly protect the meter from injury by frost, hot water or any other cause and will be held responsible for repairs to his meter made necessary due to negligence of said customer.
 - (5) Under no circumstances shall any customer or other person interfere with the water meter or dial thereof.
- C. No sun meters shall be allowed except by special permission of the Borough Council.
- D. If meters larger than 5/8 inch are supplied by the Borough, the customer shall pay the difference between a standard five-eighths-inch meter and the larger meter, but said meter will remain the property of the Borough.
- E. Meters may be tested at any time by the Borough and shall be tested at any time upon written request of the customer, subject to the following:
- (1) The customer has the right to have the test conducted in his presence.
 - (2) A written report showing the results of the test will be delivered to the customer within 10 days of the completion of the test.
 - (3) If a meter does not register, the customer may be billed an estimated amount, based upon the customer's prior use during a similar period or season.
- F. Any excessive meter readings caused by excessive consumption due to leaks or waste on the customer's side of the meter shall be the customer's responsibility, and no allowance will be made for such. If the bill rendered due to this is more than twice the average bill, the customer may be allowed 90 days to pay the same without penalty.

§ 153-5. Reading meters; billing.

- A. Meters shall be read monthly, and customers shall be billed on a monthly basis for water furnished by the Borough. [Amended 7-23-1985 by Ord. No. 205; 3-24-1998 by Ord. No. 256]
- B. If a meter is found stopped during any reading period, the bill for said period shall be estimated on an equitable basis having regard to previous readings for a similar period.
- C. Customers may be billed on an estimated basis, if weather or other causes prohibit the reading of meters.
- D. If water service is rendered for a fractional part of the billing period, the amount charged shall not be less than the minimum. [Amended 7-23-1985 by Ord. No. 205]
- E. Multiple dwelling units within the Borough served by a single water meter shall be billed as if each unit were a separate dwelling. This shall be accomplished by taking the total meter reading and dividing by the number of dwelling units and billing each as though separate. This shall not be construed to prohibit the sending of one total bill to the owner of said multiple dwelling unit.³

§ 153-6. Water rates. [Amended 6-12-1984 by Ord. No. 202; 7-23-1985 by Ord. No. 205]

The rate charged by the Borough for water furnished by it to the customer each month shall be as listed in the rate schedule. (See Appendix A.⁴)

§ 153-7. Terms for bill paying. [Amended 7-23-1985 by Ord. No. 205; 7-24-2001 by Ord. No. 2-2001; 3-9-2004 by Ord. No. 1-2004; 3-23-2004 by Ord. No. 3-2004⁵]

- A. Bills for water furnished by the Borough shall be due and payable in the following manner:
 - (1) Payment shall be due and payable 20 days from the date of billing.
 - (2) Payments not received by the due date shall be subject to a five-percent penalty.
- B. Bills for water furnished by the Borough not paid within 30 days of the billing may result in customers' water being shut off.
 - (1) In no case shall the water supply be shut off until 10 days after written notice of the intention to do so has been mailed to the person liable for payment.
 - (2) On the date of the shutoff, no water will be shut off unless the customer is in residence or a written notice is posted at the main entrance of the residence notifying them that the water will be turned off the following day.

3. Editor's Note: Former Subsection F, regarding accuracy of bills, which immediately followed this subsection, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Said rate schedule is available for inspection in the Borough Secretary/Treasurer's office.

5. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

- C. In addition to the foregoing for the collection of delinquent accounts, it shall be lawful for the Borough to file a lien or judgment for any and all said accounts, with the customer to be liable for filing fees and/or cost of prosecution.
- D. Failure to receive a bill shall not exempt any customer from his obligation to pay. The presentation of a bill to the customer is only a matter of accommodation and not a waiver of this rule.
- E. All payments may be made only to authorized depositories at the locations designated.
- F. The owner of the property served shall be responsible to the Borough for payment of all water furnished to the property irrespective of any agreement between the property owner and a third party, and the bill shall, in all cases, be rendered to the owner of the property, unless the Borough is notified, in writing, by said owner to render the bill to some other person, in which case the owner shall, nevertheless, remain liable for the payment of all water bills. This subsection shall be construed to impose the obligation to pay for water service to real estate provided by the Borough upon the owner or owners of such real estate in situations where the owner or owners are renting space to other persons for the placement of mobile homes, modular homes, or other structures used for single or multiple-family dwellings, along with commercial buildings, to be used and occupied by said other persons.
- G. Temporary discontinuance of service.
- (1) Any person, partnership, corporation, firm or other entity that shall request a discontinuance of water service delivered by the Borough to his/its residential or commercial property within or without the Borough, due to a temporary absence from the Borough or from their residence or commercial building outside the Borough, shall pay to the Borough a fee of \$50 prior to the discontinuance of service and a fee of \$50 upon requesting the Borough to resume service or, in the alternative, shall pay the prevailing minimum monthly charge for water service during such period of absence.
 - (2) Any person, partnership, corporation, firm or other entity that shall have water service delivered by the Borough discontinued for a temporary absence from their residence or commercial building, within or without the Borough, shall, prior to the discontinuance of such service, complete a written request for such discontinuance, on a form supplied by the Borough, in which form they shall make their election to either pay the discontinuance and resumption of service fees or the minimum monthly charge for such service during their period of absence, which election shall be irrevocable.
 - (3) For purposes of this subsection, the phrase "temporary absence" shall not be construed to refer to any specific, minimum number of days, months or years of absence from the Borough, or from a residence or commercial building outside the Borough, but shall be construed to encompass any period of time a person, partnership, corporation, firm or other entity shall be absent from the Borough, or from their residence or commercial building outside the Borough, and shall request the Borough discontinue water service to the residence or commercial building during such period of such absence.

- H. Reminder notices will be sent out to both landlords and tenants on 30-60-90 day past due utility accounts.

§ 153-8. Private fire service connections.

Private fire service connections may be made to the Borough water system with the approval of the Borough Council, subject to the following:

- A. Water will be furnished only where adequate provisions have been made to prevent other than fire-extinguishing use.
- B. The applicant must advance and pay the cost of the connection, which will revert to the Borough for ownership.
- C. The applicant will be billed the minimum as a readiness charge.
- D. If water is utilized in violation of the agreement, service may be discontinued.
- E. Service connection shall be metered with a detector check to be obtained by the Borough at the customer's expense.
- F. The Borough assumes no responsibility for loss or damage due to inadequate quantity or pressure.

§ 153-9. (Reserved).⁶

§ 153-10. Nonliability of Borough.

- A. The Borough shall not be held liable for damage to the customer's property or equipment by water delivered through the customer's facilities that may be opened, when water is turned on or off at the curb stop, or after a temporary shutdown.
- B. The Borough shall not be liable for any damage resulting from leaks, broken pipes or from any other cause occurring to or within any dwelling or building, and it is expressly agreed that no claims shall be made against the Borough for damage caused by bursting or breaking of any main or service pipe or any attachment thereto.

§ 153-11. Damage to facilities.

- A. If any damage should occur to a meter or service connection by any action of the customer or from hot water or steam from the customer's premises, he shall be held liable for said damage and shall be billed for the same.
- B. If any person shall willfully interfere with or, by carelessness or negligence, damage, injure or displace any pipe, fire-plug, stop cock, hydrant, tank, motor, pump, building or

6. Editor's Note: Former § 153-9, Temporary service, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

any other appliance or thing belonging or pertaining to the water system or shall place or cause to be placed a foreign substance in or obstruct the pipe, tank or appliance of the water system or shall occasion any willful waste of water, he shall be held liable for said damage and shall be billed for the same.

§ 153-12. Control valve.

All new customers shall install a shutoff valve as soon as is feasible after entrance into the building. Existing customers shall install said shutoff when repairs are necessary to their system.

§ 153-13. Cross-connections.

- A. No connections shall be made between pipes or containers carrying water supplied by the Borough and pipes and containers carrying water from any other source unless the proposed cross-connection has been approved by the Borough.
- B. An approved double-check valve or other approved backflow protection device will be installed by all customers, at their cost and expense, where the possibility of cross-connections exist.

§ 153-14. Right of entry.

Borough employees, during the performance of their duties, have the right of access to a customer's premises to read meters, to make inspections of Borough property, to check for unsafe or hazardous conditions or for any other purpose properly connected with the service of water to the customer.

§ 153-15. Distribution system.

- A. All water mains installed within the water system shall be a minimum of six inches, where intersecting mains do not exceed 600 feet. Any length over 600 feet shall be a minimum of eight inches.
- B. Valves shall be installed so that shutoff lengths do not exceed 500 feet. All valves in the system are to be inspected annually. During inspections, valves should be operated and necessary repairs made.

§ 153-16. Hydrants.

- A. All fire hydrants within the Borough limits shall be furnished, installed and maintained by the Borough.
- B. All fire hydrants without the Borough limits shall be furnished, installed and maintained by the Borough, at the cost and expense of the requesting party.

- C. All fire hydrants shall have a six-inch foot, five-foot trench minimum, one four-and-one-half-inch outlet and two two-and-one-half-inch outlets with National Standard Thread and be valved.
- D. No person, other than an employee of the Borough or a member of a recognized fire department in active performance of duty shall use, open or otherwise interfere with any fire hydrant connected to the Borough water system.
- E. The Borough may, under extraordinary circumstances, allow temporary use of water from a fire hydrant. Any such use must conform in all respects with the rules and regulations for such use, as established.
- F. No fire hydrant shall be used for other than fire-fighting purposes during freezing weather.
- G. No person shall obstruct the access to any fire hydrant by placing or permitting any post, tree, shrub, rocks, debris or other obstruction to remain within four feet of the hydrant. Property owners shall, within 24 hours after receiving notice to do so, remove any obstacle in violation of this section.
- H. Where damage to a fire hydrant or appurtenances thereto is done by any person, he shall be subject to pay for all damages, costs and expenses incurred by reason thereof and shall, in addition, be subject to the penalties hereinafter provided for violation of this chapter.

§ 153-17. Discontinuance of service.

- A. Service may be discontinued for any of the following:
 - (1) Unsafe apparatus.
 - (2) Service detrimental to others.
 - (3) Noncompliance with regulations.
 - (4) Fraud and/or abuse.
 - (5) Failure to maintain in good order connections, service lines or fixtures beyond the curb stop.
 - (6) Molesting any service pipe, meter, curb stop or seal or any appurtenance of the water system.
 - (7) Refusal of access to property for purposes of inspecting, reading, caring for or removing meters.
- B. If a customer's service is discontinued, for a cause other than discontinuance due to nonpayment of water bills, a charge shall be required for restoring service. **[Amended 7-23-1985 by Ord. No. 205; 3-24-1998 by Ord. No. 256]**

- C. A public utility, such as the Borough in supplying water to residential and commercial customers, shall not discontinue service during the following periods:⁷
- (1) On Friday, Saturday and Sunday.
 - (2) On a bank holiday or on the day preceding a bank holiday.
 - (3) On a holiday observed by the public utility or on the day preceding such holiday. A holiday observed by a public utility shall mean any day on which the business office of the public utility is closed to observe a legal holiday, to attend public utility meetings or functions or for any other reason.
 - (4) On a holiday observed by the commission or on the day preceding such holiday.
- D. Except when required to prevent or alleviate an emergency as defined by the commission or except in the case of danger to life or property, no public utility shall discontinue, and the commission shall not authorize a public utility to discontinue, except upon request of a customer, for nonpayment of charges or for any other reason, the rendering of service without personally contacting the customer at least three days prior to such discontinuance, in addition to any written notice of discontinuance of service.⁸

§ 153-17.1. Activation of service; fee. [Added 12-10-2002 by Ord. No. 6-2002]

- A. Any person, persons, firm, partnership, corporation or organization that shall request that water be turned on to any Borough service property, whether residential or commercial, regardless of how long the service has been discontinued, shall pay to the Borough, prior to the activation of the water service, a nonrefundable fee of \$25.
- B. The fee set forth in Subsection A, above, shall be payable at the time there is a request that water service be provided to any Borough service property, whether it be the initial request for service, a request following a discontinuance of service, of which has been requested by the customer, or a request following a discontinuance of service as a result of a delinquent water service account, except as otherwise provided hereinafter.
- C. Any provision or provisions of an existing ordinance which shall conflict with a provision of this ordinance shall be deemed to have been repealed.
- D. In the event there is a delinquent account for water service to a property when a request is made for water service to be provided to the property, the applicant shall pay, in addition to the payment of the activation fee provided for herein, and shall satisfy the delinquency before service will be resumed.
- E. The activation fee for water service provided for herein shall not apply in situations where the water service has been discontinued for repairs or maintenance of the service line, but the service shall not be resumed unless and until any existing delinquent accounts for water service are paid in full.

7. Editor's Note: Added at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

8. Editor's Note: Added at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

§ 153-18. Extension of mains.

- A. The Borough may extend or have extended existing distribution mains within the Borough as needed, subject to the rules and regulations established. There shall be no further extension of distribution mains without the Borough.
- B. Developers shall pay the entire cost or expense of installing main line extensions within the Borough. Within a period not to exceed seven years, the developer will be reimbursed 1/2 the cost received for each tap provided on the line installed by him, with the reimbursement not to exceed 1/3 the total initial cost.

§ 153-19. Interruptions in service.

- A. The Borough shall not be liable for a deficiency or failure in the supply when occasioned by shutting off water to make repairs or connections or from any failure throughout the water system.
- B. The Borough reserves the right to restrict the supply of water as circumstances may require regardless of use for which intended, in case of scarcity or whenever the public welfare may require it, and to provide for the distribution of the available supply in such manner as may be determined to be in the public welfare.
- C. The Borough shall not be liable for any claim or damage arising from a shortage of water, the breaking of machinery or facilities or a cause beyond its control.
- D. It shall be expressly understood and agreed by and between the Borough and its customers receiving water service for private fire control or sprinkler systems that the Borough does not assume any liability as insurers of property or person and that the agreement does not contemplate any special service, pressure, capacity or facility, other than the ordinary or the changing conditions of the Borough as the same exists from day to day, and that the Borough hereby declares and it is agreed by the customer that the Borough shall be free and exempt from any and all claims or injuries to persons or property or any other person or property by reason of fire, water, failure to supply water, pressure or capacity.
- E. Whenever the Borough has a controlled shutoff of water supply, attempt will be made to contact all affected customers prior to shutoff.

§ 153-20. Service outside Borough limits.

The Borough is now temporarily serving some properties situated beyond the limits of the Borough. Nothing herein contained shall be construed to require the Borough to continue such service. The Borough may, subject to the laws of the Commonwealth of Pennsylvania, discontinue such service at any time.

§ 153-21. Violations and penalties.

With the exceptions of those sections of this chapter regarding nonpayment of moneys due the Borough for various services as set forth in this chapter, where collection procedures have

been outlined, and, in addition to the turning off of water as provided in this chapter, any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days. Each day that a violation continues shall constitute a separate offense. The foregoing is in addition to any charge made as previously stated.

Chapter 157

WEAPONS

§ 157-1. Discharge restricted.

§ 157-2. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville as Part 8, Ch. 1, Art. A, of the 1978 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 106.

§ 157-1. Discharge restricted.

- A. No person shall willfully discharge any gun or other firearm within the limits of the Borough, except in lawful defense of person or property or except with special permission from the Borough Council on approved firing ranges.
- B. No person shall discharge or use any air gun, spring gun, BB gun or any other weapon, instrument or device that discharges pellets anywhere in the Borough.

§ 157-2. Violations and penalties. [Added 3-24-1998 by Ord. No. 256]

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine not exceeding \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a term not exceeding 30 days.

Chapter 160

ZONING

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[HISTORY: Adopted by the Borough Council of the Borough of Pleasantville 4-11-1995 by Ord. No. 242.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 26.
Uniform construction codes — See Ch. 59.

Storage of junk — See Ch. 88.
Subdivision and land development — Ch. 139.

ARTICLE I
General Provisions

§ 160-1. Title.

The official title of this chapter is the "Borough of Pleasantville Zoning Ordinance."

§ 160-2. Effective date; repealer.

This chapter shall take effect as of April 4, 1994, and the previous Zoning Ordinance No. 137 adopted on September 16, 1969, and all amendments thereto are hereby repealed on the effective date of this chapter.

1. Editor's Note: Resolution No. 3-2001, adopted 9-18-2001, provided as follows:
 "WHEREAS, on April 11, 1995, Borough Council, at a stated meeting following proper public notice, adopted Ordinance No. 242, the Zoning Ordinance of the Borough of PLEASANTVILLE; and
 "WHEREAS, the Borough Council is currently unable to find a signed original copy of said Ordinance No. 242, and surmises that it inadvertently failed to sign or that the original copy was lost and/or misplaced; and
 "WHEREAS, in order to assure the Borough has a valid, legally binding zoning ordinance, Borough Council wishes to authorize its president and the mayor of the Borough to execute a copy of said ordinance, retroactive to April 11, 1995.
 "NOW, THEREFORE, be it resolved by authority of the Council of the Borough of PLEASANTVILLE, VENANGO County, Pennsylvania, in Council assembled, at a stated meeting as follows:
 "1. That the President of Borough Council and the Mayor of the Borough are hereby authorized and directed to sign an original copy of Ordinance No. 242, the Zoning Ordinance of the Borough of PLEASANTVILLE, under the date of April 11, 1995, the date the ordinance was originally adopted by the Borough as established through the minutes of its meeting.
 "2. That said Ordinance shall be deemed to be valid from April 11, 1995."

§ 160-3. Purpose and authority.

This chapter is adopted by virtue of the authority vested in the Borough as set forth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988,² for the purpose of protecting and promoting public health, safety, morals and general welfare by providing for coordinated development; proper density of populations, the provision for adequate light and air, police and fire protection, transportation, sewage, water, schools and other public facilities required as well as preventing the overcrowding of land and blight, as well as loss of health, life or property from fire, flood, panic or other dangers; to guide uses of land and structures, type and location of streets, public grounds, and other facilities; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; and to permit the Borough to minimize such problems as may presently exist or which may be foreseen.

§ 160-4. Compliance.

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this chapter and after the lawful issuance of all permits and certificates required by this chapter.

§ 160-5. Community development objectives.³

In order for specific recommendations of the current Pleasantville Comprehensive Plan to guide Borough officials in its implementation, the land use tools, particularly the Borough's Zoning Ordinance, should reflect the desired future direction for Pleasantville to take. The Comprehensive Plan and this chapter are built upon a set of guiding principles that represent the goals of the Borough for future development. The following community development objectives around which the Comprehensive Plan and this chapter have been constructed include:

- A. To preserve and improve Pleasantville's small-town character and quality of life.
- B. To protect and enhance Pleasantville's community identity and sense of place.
- C. To encourage a sense of community cohesiveness.
- D. To conserve and protect the Borough's natural, scenic, historical, and environmental resources.
- E. To preserve and enhance property values in the Borough.
- F. To promote the conservation and efficient use of energy.
- G. To coordinate Pleasantville's plans with those of neighboring communities, the county, the region, and school district.

2. Editor's Note: See 53 P.S. § 10101 et seq.

3. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

- H. To provide for a coordinated and harmonious relationship among the Borough's various land uses.
- I. To encourage preservation and restoration of historically and architecturally significant structures.
- J. To guide residential and nonresidential land uses in a way that optimizes their compatibility with each other.
- K. To assure uses of land that are consistent with the land's physical characteristics to support such uses.
- L. To prevent overcrowding or overconcentration of land uses.
- M. To protect environmentally sensitive areas from overdevelopment or overintensive use.
- N. To maintain the neighborhood character of the Borough's residential areas and upgrade existing housing resources.
- O. To encourage a variety of housing to meet the diverse socio-economic needs of present and future residents.
- P. To assure fair housing choice to all residents regardless of their race, color, sex, religion, national origin, familial status, or handicap.
- Q. To preserve Pleasantville's small, convenience-oriented business area.
- R. To preserve and upgrade the Borough's business district's attractiveness and convenience.
- S. To encourage landscaping and convenience facilities to enhance the business area's attraction to residents, tourist, and other traveling through the Borough.
- T. To guide industrial uses to strategic areas where conflict with residential or other incompatible uses will be minimized.
- U. To preserve the Borough's existing industry and provide land for expansion or addition of light industrial development.
- V. To promote county and regional economic development and tourism.

ARTICLE II Definitions

§ 160-6. Definitions and word usage.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." Definitions in Article II followed by "(MPC)" indicate that the definition is

established by the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.⁴

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

ADULT ARCADE — Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-producing devices are maintained to show images to give to five or fewer persons per machine at any one time or where the image is so displayed or distinguished or characterized by depicting or describing specified sexual activities or specified anatomical areas. **[Added 10-26-2004 by Ord. No. 6-2004]**

ADULT CABARETS, ADULT DANCE HALLS, ADULT CLUBS, ADULT TAVERNS, NIGHTCLUBS, RESTAURANTS OR SIMILAR COMMERCIAL ESTABLISHMENTS — Any establishment offering adult entertainment and a cabaret, dance hall, club, tavern, nightclubs, restaurants or similar commercial establishments offering entertainment used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas for observation by patrons therein. Such presentation or material may be live or through films, motion picture, videocassettes, slides or other photographic reproduction depicting or describing specified sexual activities or specified anatomical areas. **[Added 10-26-2004 by Ord. No. 6-2004]**

ADULT ENTERTAINMENT — Live or nonlive entertainment containing specified sexual activities or displaying or presenting specified anatomical areas. The definition is a broad overall definition which includes the activities adult cabaret, dance hall, club, bar, tavern, adult material sales, adult mini motion-picture theater, motion-picture theater and peep shows as part of its definition for adult entertainment. **[Added 10-26-2004 by Ord. No. 6-2004]**

ADULT MATERIAL SALES — **[Added 10-26-2004 by Ord. No. 6-2004]**

- A. Book, video, magazines sales, other printed matter, photographs, films, motion-picture video or production slides or other visual representation and/or rentals where either the materials, advertising or the displays or the signs in or out of the locations offer written material showing, displaying or used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specific sexual activities or specified anatomical areas for observation by patrons therein. This does not apply to the availability for sale of any material displayed in such a way that only the name of the book or magazine appears.
- B. Instruments, devices or paraphernalia which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.
- C. Such a commercial establishment as listed in Subsections A and B may have other principal business purposes that do not involve the offering for sale or rental of material depicted or describing specified sexual activities or specified anatomical areas and still be characterized as adult material sales. Such other business purposes will not serve to exempt such commercial establishments from being categorized as adult material sales so

4. Editor's Note: See 53 P.S. § 10101 et seq.

long as one of its principal business purposes is the offering for sale or rental for consideration in specified materials used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

ADULT MINI MOTION-PICTURE THEATER — Any enclosed, semi-enclosed or unenclosed building which houses a commercial establishment with the capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, for observation by patrons therein. **[Added 10-26-2004 by Ord. No. 6-2004]**

ADULT MOTEL — A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons of closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproduction which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas. **[Added 10-26-2004 by Ord. No. 6-2004]**

ADULT MOTION-PICTURE THEATER — Any enclosed, partially enclosed or unenclosed building which houses a commercial establishment with the capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas. **[Added 10-26-2004 by Ord. No. 6-2004]**

AGRICULTURE — Any agriculture use, including farming, dairying, pasture, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry.

ALLEY — A narrow serviceway providing a secondary public means of access to abutting properties.

APPLICANT (MPC) — A landowner or developer, as hereinafter defined, who has filed an application for development, including heirs, successors and assigns.

BASEMENT — A story having more than 50% of its clear height below the average level of the surrounding ground.

BED-AND-BREAKFAST — An owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

BOARD (MPC) — The Zoning Hearing Board of the Borough of Pleasantville, Venango County, Pennsylvania, or any body granted jurisdiction under this chapter or another land use ordinance as provided by the Municipalities Planning Code to render final adjudications.

BOARDING, ROOMING, TOURIST, OR LODGING HOUSE — A building where lodging is provided, for compensation, for five or more persons.

BOROUGH — Pleasantville Borough, Venango County, Pennsylvania.

BOROUGH COUNCIL — The Council of Pleasantville Borough, Venango County, Pennsylvania.

BUILDING — A roofed structure enclosed by walls for the shelter, housing or enclosure of persons, goods, materials or animals.

BUILDING OR SETBACK LINE — An imaginary line parallel to, or concentric with, the nearest road right-of-way line, representing the minimum distance any portion of a building foundation or wall must be from the lot line as specified by the required front yard depth.

BUSINESS SERVICE — Any business activity which renders service to other commercial or industrial enterprises.

CARTWAY — That portion of a road which is paved, graded or improved for travel by vehicles.

CHURCH — A place of religious instruction or public worship.

CLINIC — Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

CLUB — An establishment operated by an organization for social, recreational, educational and fraternal purposes, but open only to members and their guests and not the general public.

COMMISSION (or PLANNING COMMISSION) — The Planning Commission of Pleasantville Borough, Venango County, Pennsylvania.

CONDITIONAL USE (MPC) — A use permitted or denied by Borough Council pursuant to public notice, public hearing and recommendations of the Borough Planning Commission pursuant to Article VI of the Pennsylvania Municipalities Planning Code and in accordance with standards and criteria prescribed in this chapter.

COUNCIL — The Pleasantville Borough Council.

COVERAGE — That percentage of the lot area (exclusive of any portions of the right-of-way of any public road) covered by principal and accessory use structures.

DAY-CARE SERVICES (DAY CARE) —

- A. Provides out-of-home care for part of a twenty-four-hour day to persons, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This chapter identifies three levels of day-care services:
 - (1) **FAMILY DAY-CARE HOMES** — Facilities in which day care is provided at any one time to four, five, or six persons who are not relatives of the caregiver.
 - (2) **GROUP DAY-CARE HOMES** — Facilities in which care is provided for more than six but less than 12 persons at any one time, where the care areas are being used as a family residence. (Care of six to 12 persons where the care areas are not used as a family residence will be considered a day-care center.)
 - (3) **DAY-CARE CENTERS:** Facilities in which care is provided for seven or more persons, at any one time, where the care areas are not used as a family residence.
- B. Care for less than four persons will not be considered as Day Care Services.

DECISION (MPC) — Final adjudication of any board or other body granted jurisdiction under this chapter, any land use ordinance, or the Pennsylvania Municipalities Planning Code to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determination. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district having jurisdiction in Pleasantville Borough.

DENSITY — The number of families housed on a lot or group of lots divided by the area in acres of the lots or group of lots computed exclusive of any portion of the right-of-way of any street.

DWELLING — Any building designed or used as permanent or temporary living quarters for one or more families.

DWELLING, MULTIPLE SENIOR CITIZEN — A building arranged or used as a residence for two or more families living independently of each other and each having its own cooking facilities therein, including apartment houses, apartment hotels, flats and group houses.

DWELLING, SINGLE-FAMILY — A detached building arranged or used for occupancy by one family situated on a permanent foundation.

DWELLING UNIT — One or more rooms for living purposes, together with separate cooking and sanitary facilities, used, or intended to be used, by one or more persons living together and maintaining a common household, and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

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 transmission or distribution systems, collection, communications, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonable necessary for the furnishing of adequate services by such public health and safety or general welfare, but not including buildings.

FAMILY —

- A. One or more persons related by blood, marriage, or adoption, plus domestic attendants, occupying a dwelling unit, including not more than three boarders, roomers or lodgers.
- B. Less than four unrelated persons occupying a dwelling unit, living together and maintaining a common household.

GARAGE, REPAIR — Premises where motor vehicles are serviced and repaired, including engine overhaul and body work. (See also "service station.")

HAZARDOUS WASTE — A solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

HEIGHT — The vertical distance from the average elevation at grade level to the highest point of a structure.

HOME OCCUPATION — Any use carried on entirely within a dwelling by its occupants, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and which does not change its residential character.

JUNK — Discarded material, including but not limited to scrap metal, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, or wood, tires and cans. **[Added 10-26-2004 by Ord. No. 7-2004]**

JUNKYARD — Land or structures used for the collecting, storage, processing and sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, wastepaper, glass, rags, containers and other discarded materials. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

LANDOWNER (MPC) — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LAND USE ORDINANCE (MPC) — Any ordinance or map adopted pursuant to the Pennsylvania Municipalities Planning Code to enact an official map, zoning or subdivision and land development regulations.

LIGHT MANUFACTURING — The processing or fabrication of materials and products which does not produce noise, vibration, air pollution, fire hazard or other disturbances or danger to neighboring properties.

LOADING SPACE — A portion of a lot usable for the standing, loading or unloading of motor vehicles, and having a minimum dimension of 12 feet by 60 feet with a vertical clearance of 16 feet.

LOT (MPC) — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT, AREA OF — The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare. The area of a lot is calculated from the horizontal projections of the lot.⁵

LOT, DEPTH OF — The mean horizontal distance between the front and rear lot lines.

LOT OF RECORD — Any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Venango County as of the date of enactment of this chapter.

LOT WIDTH — The average dimension of the lot (minimum horizontal distance plus maximum horizontal distance divided by two) measured horizontal to the street right-of-way.

5. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

MEDIATION (MPC) — A voluntary negotiating process pursuant to Section 908.1 of the Pennsylvania Municipalities Planning Code in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MOBILE HOME (MPC) — 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 as assembly operation, and which is constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT (MPC) — 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.

MOBILE HOME PARK (MPC) — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

NONCONFORMING LOT (MPC) — A lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE (MPC) — A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this chapter or amendment hereafter enacted, where such structure lawfully existed prior to the enactment of the chapter or amendment or prior to the application of such chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE (MPC) — A use, whether of land or of structure, which does not comply with the applicable use provisions in this chapter or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or amendment, or prior to the application for this chapter or amendment to its location by reason of annexation.

PERMITTED USE — Any use of land and/or building(s) in a zone district which is in conformity with the provisions of this chapter.

PERSONAL SERVICES — Any enterprise conducted for humans which primarily offers services to the general public, such as shoe repair, valet services, watch repairing, barbershops, beauty salons, tailoring and related activities.

PLANNING CODE OR MUNICIPALITIES PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988 and as it may be amended from time to time.⁶

PROFESSIONAL OFFICES — Offices and related spaces for such professional services as are provided by realtors, lawyers, architects, engineers, accountants and similar professions.

6. Editor's Note: See 53 P.S. § 10101 et seq.

PUBLIC GROUNDS (MPC) — Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING (MPC) — A formal meeting held pursuant to public notice by the Borough Council or Borough Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter and the Municipalities Planning Code.

PUBLIC MEETING (MPC) — A forum held pursuant to notice under the Pennsylvania "Sunshine Act" (P.L. 729, No. 93, of October 15, 1998), as from time to time may be amended.⁷

PUBLIC NOTICE (MPC) — A notice published once a week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing.

RESORTS (MPC) — Any letter, review memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer or agency rendering a determination or decision and shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

SCREENING — Screening relative to this chapter shall mean a fence, evergreen hedge or wall at least six feet high provided in such a way that it will block the sight of the area being screened. Screening may consist of one or several rows of bushes or trees or of a constructed fence or wall.

SERVICE STATION — A retail place of business engaged primarily in the sale of motor fuels, but which may also supply goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performing of minor automotive maintenance and repair; and the supplying of other incidental customer services and products.

SIGN — Any structure or device intended to attract attention by word or graphic display.

SPECIAL EXCEPTION (MPC) — A use permitted in a particular zoning district by the Zoning Hearing Board pursuant to the terms, procedures, standards and criteria prescribed in

7. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

Article VI of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

STORY — The portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling above it. A basement shall be considered as a "story" if more than 50% of its clear height is above finished grade or if it is used for business or dwelling purposes.

STREET — A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STRUCTURE — Any constructed or erected object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including but not limited to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives and uncovered patios.

TRAVEL TRAILER — A mobile vehicle, with wheels, designed for overnight occupancy or camping purposes, capable of being towed by a passenger automobile.

TRUCK STOP — A facility designed to provide for service and repair of trucks and associated motorized equipment and which may incidentally provide for eating and lodging facilities.

TRUCK TERMINAL — A facility to accommodate the service and repair of trucks and associated motorized equipment and which may incidentally provide for warehousing activities and facilities.

VARIANCE (MPC) — Relief granted by the Zoning Hearing Board from the strict letter of this chapter where, due to physical circumstances or conditions unique to the particular property, a hardship is imposed on an applicant by the provisions of the chapter and in accordance with Articles VI and IX of the Pennsylvania Municipalities Planning Code.

YARD — Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted by this chapter. The depth or width of a yard shall consist of the horizontal distance between the lot line or road right-of-way line and the nearest point of the structure.

YARD, FRONT — An open space extending the full width of the lot between the building and the street right-of-way.

YARD, REAR — An open space extending the full width of the lot between the building and rear lot line.

YARD, SIDE — An open space extending from the front yard to the rear yard between a structure and nearest side lot line.

ZONE DISTRICT MAP — The map containing the zone districts of Pleasantville Borough, Venango County, Pennsylvania, reflecting all supplements and amendments subsequently adopted.

ZONING CERTIFICATE — The written authorization issued by the Zoning Officer for the use of land, or buildings, or other structures.

ZONING OFFICER — The Zoning Officer or the Zoning Officer's authorized representative appointed by the Pleasantville Borough Council, Venango County, Pennsylvania.

ARTICLE III District Regulations

§ 160-7. Zone District Map.

A map entitled "Pleasantville Borough Zone District Map" is hereby adopted as part of this chapter. The official Zone District Map shall be kept on file available for examination at the Pleasantville Borough Municipal Building.

§ 160-8. Zoning districts established.

The Borough is divided into the following districts stated in this chapter as shown by the district boundaries on the Zone District Map:

- A. R-1 Residential: To preserve the integrity and security of existing and planned single-family neighborhoods.
- B. R-2 Residential: Higher-density residential development and may include mobile home parks.
- C. B Business: Designated for a variety of retail stores and related commercial uses.
- D. I Industrial: Designated for research laboratories, warehousing, office buildings and other light industrial uses.

§ 160-9. District boundaries.

The boundaries between the zone districts are center lines of streets, alleys, streams, or such lines extended, or lines parallel thereto or concentric therewith, or property lines when proximate thereto, or may be lines otherwise indicated on the Zone District Map. Any person aggrieved by the interpretation of the Zone District Map by the Zoning Officer concerning the location of the district boundary may appeal to the Zoning Hearing Board, and the Zoning Hearing Board shall determine the location of the district boundary.

§ 160-10. District regulations.⁸

Lot and yard dimensions, permitted uses, special exceptions, conditional uses, maximum height of structures and maximum lot coverage are specified for each district in the Table of Permitted Uses, Conditional Uses and Special Exceptions, and the Table of Lot, Yard and

8. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

Height Requirements.⁹ Any use not expressly listed for a district is prohibited in that district. Conditional uses require approval of Borough Council after recommendation by the Planning Commission, whereas permitted uses require only normal application procedure. Special exceptions require the approval of the Zoning Hearing Board after recommendations by the Planning Commission. Uses which are normally accessory to the declared permitted uses are also permitted.

§ 160-11. Special criteria for conditional uses and special exceptions.

Conditional uses must be granted or denied by Borough Council after a review and recommendations by the Borough Planning Commission. In addition to determining compliance of the proposed ordinance, Borough Council may also set forth reasonable conditions for approval which it feels are necessary to preserve and protect the neighborhood and community. Special exceptions may be granted by the Zoning Hearing Board after review and recommendations by the Borough Planning Commission in accordance with these express standards and criteria. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and to protect the neighborhood. The preservation and integrity of existing development in neighborhoods must be carefully weighed and given priority in each decision. Conditional uses and special exceptions must satisfy all other requirements for the zone district in which they are to be located. In addition to those special criteria listed in § 160-42 to be followed in granting either a conditional use or a special exception, the following must be observed for such uses listed in Table of Permitted Uses, Conditional Uses and Special Exceptions:

- A. Home occupations. Home occupations are potential intrusions upon residential areas and as such are to be reviewed closely and permitted only upon strict adherence to these special criteria. A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. Home occupations will be allowed as a special exception in residential districts (R-1 and R-2) provided they adhere to the following requirements:
- (1) Parking. In addition to providing the required parking spaces for residents of the dwelling units, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this chapter. Off-street parking shall not be located in the front yard. Parking areas shall be adequately screened from adjoining residences regardless of the number of parking spaces provided.
 - (2) Restrictions. No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. No offensive odor and no vibration, smoke, dust, heat, noise or glare shall be produced.
 - (3) Home occupations may include, but are not limited to, art and music studios (limited to one student at a time), professional services, dressmakers, barbershops and beauty shops.

9. Editor's Note: Table of Permitted Uses, Conditional Uses and Special Exceptions, and the Table of Lot, Yard and Height Requirements, are included at the end of this chapter.

- (4) The nature of the home occupation shall not change the outward characteristics of the home as a residential unit. There shall be no exterior storage of material and no exterior indication of the home occupation or variation from the residential character of the principal structure.
 - (5) No more than 30% (in aggregate) of the home and accessory buildings may be used for a home occupation(s).
 - (6) One sign no larger than two square feet may be used to announce the name or purpose of the home occupation. The sign may be lit by indirect means only.
 - (7) The occupation is carried on wholly within the principal structure or accessory structure.
 - (8) There shall be no exterior alterations which are not customary in residential buildings.
- B. Hospitals and medical clinics. Hospitals and medical clinics will be allowed as a conditional use in the R-1 Residential District and as a special exception in the R-2 Residential District and the B Business District, provided that:
- (1) Access shall be from a street with a pavement width of at least 20 feet.
 - (2) All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street.
 - (3) All lighting shall be so arranged to prevent glare to adjoining properties.
 - (4) Any parking area next to a residential use shall be screened.
- C. Bed-and-breakfasts, rooming houses and boardinghouses. Bed-and-breakfasts shall be a special exception in the R-1 Residential District. Rooming houses and boardinghouses will be allowed in the R-2 Residential District and the B Business District as special exceptions, provided that:
- (1) They are certified and meet all Borough Code requirements.
 - (2) They do not adversely affect the character of the surrounding neighborhood.
 - (3) Off-street parking for all tenants or transient guests is provided. Parking areas may not utilize the required front yard and must be screened from adjacent residential uses.
 - (4) There shall be no more than five guest rooms in the structure.
- D. Multifamily dwellings. Multifamily dwellings will be allowed as a conditional use in the R-1 Residential District, provided that:
- (1) All multifamily dwellings, except elderly housing, shall provide for the off-street parking facilities as required by § 160-18 of this chapter. Off-street parking for elderly housing shall provide not less than 60% (1.5 parking spaces per dwelling

- unit) of the requirements for conventional multifamily dwellings. In no event shall the required front yard be used for vehicular parking.
- (2) A public sewage system and public water are available to the site.
 - (3) All multifamily units designed for the elderly must supply adequate proof that they will permanently be devoted exclusively for elderly housing, as defined by federal regulations.
- E. Mobile home parks. Mobile home parks will be allowed as a conditional use in the R-2 Residential District, provided the following requirements are met:
- (1) No mobile home park shall have an area of less than three contiguous acres.
 - (2) Each mobile home site within the park shall have an area of at least 5,000 square feet.
 - (3) No mobile home shall be closer than 50 feet to an adjacent property.
 - (4) No less than 20% of the gross area of the park must be improved for recreational activity of the residents of the park.
 - (5) The park shall be appropriately landscaped and screened from adjacent properties. (See definition of "screening.")
 - (6) There shall be at least 30 feet between mobile homes on all sides.
 - (7) The site of a mobile home park shall be serviced by public water or state-approved private water system and public sanitary sewers or state-approved private sanitary sewage disposal system.
 - (8) Around the perimeter of the mobile home park site there shall be minimum front, rear and side yards of 50 feet each. No portion of an individual mobile home lot may extend into the required perimeter yards. Landscaping, parking and recreational facilities may project into the required perimeter yards.
 - (9) All mobile homes within the park must meet the following standards for tiedowns/anchoring. Three types of foundations will be acceptable:
 - (a) A full basement-type foundation similar to that of traditional homes (footers below the frost line).
 - (b) Concrete block leveled and installed per the mobile home manufacturer's instructions.
 - (c) Cylinder jack piers bolted to the mobile home's I-beams and set into reinforced concrete pads.
 - (10) If either Subsection E(9)(b) or (c) are employed as foundations, the unit shall have skirting continuously in that area between ground level and the mobile home. This skirting shall be of a type and material suitable for such a purpose, and shall be maintained in a workmanlike manner.

- (11) Tiedowns shall be installed to prevent wind damage. At a minimum, there shall be at least four tiedowns per side for units over 50 feet in length and three feet per side for units under 50 feet in length. Tiedowns shall consist of steel, weather-resistant straps fixed to the mobile homes, and fixed to the anchors with tensioning heads. Each anchor must be able to withstand a pull of 4,725 pounds.
 - (12) Mobile homes must be placed on foundations and skirted within 30 days of arrival to the park.
- F. Funeral homes. Funeral homes will be permitted as a special exception in the R-2 Residential and B Business Districts, provided that:
- (1) There shall be no receiving vault, preparation room or display of merchandise or advertising visible from outside the principal building.
 - (2) There shall be a minimum of 5,000 square feet of off-street parking, but in no event less than required by § 160-18.
 - (3) Parking areas must be effectively screened from neighboring residential properties.
- G. Service stations. Service stations will be allowed in the B Business District as a special exception, provided that:
- (1) They have a lot size of at least 20,000 square feet with a lot depth of at least 100 feet and a width of at least 150 feet.
 - (2) Gasoline pumps or other devices for dispensing motor fuel shall be at least 40 feet from the nearest adjoining lot line.
 - (3) No vehicular storage shall be permitted on public rights-of-way.
 - (4) All hoists, pits and lubricating, greasing, automobile washing and repair equipment shall be entirely within an enclosed building.
 - (5) Facilities for the proper storage of trash and tires will be required.
 - (6) All yards which abut residential uses shall be effectively screened.
 - (7) Lighting shall not produce a glare to adjoining properties.
- H. Auto sales, service and repair. Auto services and repair uses will be allowed in the B Business District as a special exception, provided that:
- (1) All service garages shall be so constructed so that all activities and all storage shall be inside the building.
 - (2) No vehicular storage shall be permitted in public rights-of-way.
 - (3) If including auto repair services, all requirements of Subsection G for service stations shall be met.
- I. Supply yards. Supply yards will be allowed as a conditional use in the B Business District and special exception in the I Industrial District, provided that supply yards in

view of any surrounding properties are effectively screened. Such screening shall be via fencing or screen plantings.

- J. Mineral excavations. Excavation of sand, gravel, coal, (strip and shaft mining), oil, gas or other material from the ground shall be considered a temporary use, and may be permitted in the I Industrial District as a conditional use. All mineral excavations shall comply with the following minimum requirements and any other measures that Borough Council might specify to protect the public interest. A zoning certificate shall be required for each property.
- (1) Unless otherwise regulated by state law, all operations must be conducted no closer than 200 feet to an adjacent property, unless under common lease or ownership, and no closer than 100 feet to any road right-of-way line.
 - (2) Unless otherwise regulated by state law, all operations must be conducted no closer than 300 feet to an existing dwelling, school, hospital or similar residential use.
 - (3) The operator shall file with Borough Council a plan showing location of adjacent properties, roads and natural features.
 - (4) Except for oil and gas extraction, the operator shall submit to Borough Council for approval a plan for the restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by the contour lines of no greater interval than five feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses, vegetation, or other improvements contemplated.
 - (5) Excepting gas and oil wells, and unless otherwise regulated by state law, hours of operation shall not exceed 12 hours per day. Operators shall not commence before 6:00 a.m. and must terminate no later than 7:00 p.m. prevailing time unless the operation will be completed in no more than six working days, in which event the Zoning Officer may disregard hours of operation.
- K. Sewage treatment plants will be allowed as conditional uses in all zone districts provided the lot requirements of the Table of Lot, Yard and Height Requirements and the following requirements shall be adhered to:
- (1) Shall be landscaped to preserve the character of the neighborhood.
 - (2) Shall be enclosed by a security fence, the height of which shall be adequate to provide proper security for the installation. In the interest of public safety, height limitations otherwise specified herein shall not apply.
 - (3) No outdoor storage shall be permitted.
- L. Nursing homes and personal care homes. Nursing homes and personal care homes are allowed as a conditional use in the R-1 Residential District and R-2 Residential District and as a special exception in the B Business District, provided they:

- (1) Have a lot size of at least one acre.
 - (2) Provide front, rear and side yards of at least 50 feet.
 - (3) Shall provide all parking and loading/unloading requirements as required by § 160-18 of this chapter.
 - (4) Shall be so located as to be readily accessible from streets that are adequate to handle anticipated traffic.
 - (5) The design and landscaping shall be compatible with, and preserve the character of, adjoining residential uses.
 - (6) All parking areas which abut residential uses shall be adequately screened.
 - (7) Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- M. Nursery schools, day-care centers and family day-care homes. Nursery schools and day-care centers shall be allowed as special exceptions in both residential districts (R-1 and R-2) providing they meet the following conditions. Due to the configuration of many lots, family day-care homes will be a conditional use in the R-1 District.
- (1) Any outdoor play area shall be effectively screened from abutting properties. Such screening shall also limit access of children to public streets.
 - (2) For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children. These will be for the safety of the children and the protection of the neighborhood.
 - (3) Except for family day-care homes, one parking space for each employee shall be required.
 - (4) Operator shall show applicable license from the State Department of Public Welfare. Continuation of any applicable license shall remain a condition of this use.
- N. Public utility buildings. Public utility buildings shall be permitted as a conditional use in all zone districts, provided the following special criteria are met:
- (1) Shall be landscaped to present a minimum intrusion upon the neighborhood.
 - (2) Shall be enclosed by a security fence. Notwithstanding any other section of this chapter, the height of this fence shall be adequate to provide proper security for the installation.
 - (3) No outdoor storage shall be permitted.
- O. Residence as a secondary use. This special exception is specifically designed to allow the use of second-story spaces, existing or future, in the B Business District as residences. In addition to meeting other applicable regulations set forth in this chapter, such uses shall:

- (1) Provide for two separate means of ingress and egress for each dwelling unit.
 - (2) Provide at least 500 square feet of usable space per dwelling unit.
 - (3) Provide for off-street parking for occupants, on lot or within 400 feet of the proposed dwelling. The provision of adequate off-street parking shall be mandatory to maintain a secondary residence use.
 - (4) Present proof that each secondary dwelling can be adequately accommodated with sanitary sewerage services.
- P. Light warehousing. Light warehousing will only be permitted in the B Business District as a conditional use subject to the following restrictions:
- (1) It is the intention that such facilities be used for light storage and not function as warehouse or wholesale facilities where frequent movement of goods and vehicles are encountered.
 - (2) No warehouse will front on a major street but will use rear buildings or the rear portion of buildings. Access will be via alleys or secondary streets.
 - (3) To the extent possible, display windows or portions of any structure used for light warehousing which face a main street shall be maintained in a clean and businesslike manner.
- Q. Cemeteries. The location of cemeteries may be placed as a special exception in the R-2 Residential District, provided the following requirements are met:
- (1) A minimum site of five acres shall be required.
 - (2) A drainage plan shall be submitted with the application for special exception to show existing and proposed runoff characteristics.
 - (3) Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads. Plans for ingress/egress shall be referred to the Borough Planning Commission for review of public safety features.
 - (4) All property lines adjoining residential uses or the residential zoning districts shall be screened by a buffer yard which is at least 25 feet in depth measured from the property line.
 - (5) Parking for principal structures such as chapels or mausoleums shall be paved.
- R. Industrial park. An industrial park shall be permitted in the I Industrial District as a conditional use, provided the following requirements are met:
- (1) Provide an overall plan of the proposed industrial park.
 - (2) Have a total net acreage (exclusive of roads and easements) of not less than 10 acres.
 - (3) Provide a traffic circulation plan to demonstrate how the facility will impact upon the Borough and state road systems.

- (4) Provide a twenty-five-foot buffer yard along all property lines which adjoin existing residential uses or the R Residential District.
 - (5) Show plans for utilities and drainage which plans shall be referred to and be required to be approved by the Borough Engineer.
 - (6) If the park is to be constructed in phases, an overall schematic plan must be submitted reflecting such staging of development.
- S. Country clubs and lodges. Such uses may be an intrusion on a residential neighborhood as a special exception in the R-1 Residential District. Such uses shall:
- (1) Provide side yards of at least 25 feet.
 - (2) Provide a rear yard of at least 50 feet, if the rear yard abuts a residential district or use.
 - (3) Provide screening, as defined by this chapter, along all rear and side yards which abut residential uses or districts.
 - (4) Follow all parking regulations and provide a dust-free year-round parking surface.
 - (5) No exterior loudspeakers shall be allowed.
- T. Convenience stores (without gasoline sales). These small commercial uses shall be permitted as a special exception in the R-2 Residential District if the following provisions are met:
- (1) Provide all parking as required by this chapter on lot.
 - (2) Provide screening along lot lines which abut residential uses.
 - (3) All compressors shall be so enclosed as to baffle their sound from surrounding uses.
 - (4) All dumpsters and/or garbage/trash storage areas shall be enclosed.
 - (5) Total building size shall not exceed 3,000 square feet.
- U. Drive-in eating establishments shall be allowed in the B Business District if the following conditions are met:
- (1) All parking areas shall be designed for easy ingress and egress. In no event shall automobiles be required to back onto a public right-of-way.
 - (2) Drive-up windows shall be set back from the street with stacking room for at least five vehicles.
- V. Churches. Churches will be allowed in the B Business District as a special exception if they comply with the following requirements (in addition to those required in the district it may be located):

- (1) Shall provide all parking and loading/unloading requirements as required by this chapter.
 - (2) Shall be located on a paved public street with a minimum cartway width of 20 feet.
 - (3) The design and landscaping shall be compatible with, and preserve the character of, adjoining residential uses.
 - (4) All parking and recreation/play areas which abut residential uses shall provide screening.
 - (5) Any outdoor lighting shall be designed to prevent glare to adjoining properties.
 - (6) Any permits (Labor and Industry) and other local, county, and/or state approvals required shall be a condition prior to issuing a certificate of occupancy.
- W. Animal clinics will be permitted to locate in the B Business District as a special exception, provided that the veterinary office and/or dog kennels:
- (1) Must be at least 50 feet from any neighboring property line.
 - (2) Outdoor runs and facilities for animal keeping and care shall be constructed for easy cleaning and shall be adequately screened from neighboring properties.
- X. Fire stations. Fire stations shall be permitted in all zone districts as a conditional use, provided the following restrictions are observed:
- (1) The station shall front on a public street.
 - (2) The station egress/ingress area shall have a minimum line of sight of 200 feet in each direction at the point where this area intersects a public street.
 - (3) Public events (rentals, small games of chance, etc.) shall be confined to no more than three such uses per week.
- Y. Water recreation and storage. Water recreation and storage is permitted in the R-2 Residential District as a conditional use, provided that the following standards are adhered to:¹⁰
- (1) All compressors and maintenance units shall be at least 25 feet from neighboring lot lines.
- Z. Indoor recreation. Indoor recreation uses are permitted in the B Business District as a special exception if the following restrictions are satisfied:
- (1) There shall be no outdoor speakers.
 - (2) There shall be no possession or sale of alcoholic beverages.
 - (3) All other applicable Borough codes shall be met.

10. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

AA. Motels and hotels. These uses shall be permitted in the B Business District as a conditional use if the following standards are met:

- (1) Rooms shall not be rented for a period of less than 12 hours.
- (2) All parking requirements of this chapter shall be met.
- (3) All yard spaces which abut residential uses shall be effectively screened.

BB. Trailer sales and display. Uses involving the sales and display of mobile home trailers shall be allowed as a special exception in the B Business District, provided the following restrictions are applied and satisfied:

- (1) No storage shall intrude into public rights-of-way.
- (2) In addition to yard spaces required elsewhere, a twenty-five-foot buffer area will be required in side and rear yards.
- (3) Screening will be required where yards abut other uses.

CC. Light manufacturing. These uses shall be permitted as a conditional use in the B Business District as long as they meet all of the performance standards of § 160-17 of this chapter.

DD. Manufacturing: These uses shall be permitted as a conditional use in the I Industrial District provided they meet performance standards of § 160-17.

EE. Truck terminals/truck stops. These uses shall be permitted as a special exception in the I Industrial Zone District, provided the following restrictions are applied and satisfied:

- (1) They shall be screened from other uses.
- (2) All parking areas shall be continuously lit by low-glare exterior lighting.
- (3) All requirements for service stations, under this chapter, shall be met.

FF. Bulk fuel, storage. These uses shall be permitted in the I Industrial District if such use(s) meet the performance standards of § 160-17 of this chapter and other restrictions noted below:

- (1) A security fence shall enclose the development.
- (2) Except for fuel tanks, or delivery vehicles, no exterior storage shall be permitted.
- (3) The developer shall show evidence of receiving or pending approval by all applicable state agencies for this use, particularly needed DEP permits.

ARTICLE IV
Supplementary Regulations

§ 160-12. Nonconforming uses and structures.

The following provisions shall apply to all nonconforming uses and structures. It is the intention of the Borough of Pleasantville that all legal nonconforming uses and structures, except signs, shall be able to continue; however, all changes in such uses shall only be as allowed in this article.

- A. Any nonconforming use may be continued, or may be changed to a use of the same or a more restrictive classification, but may not be extended or expanded unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the provisions of this chapter.
- B. Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is performed within 12 months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located, and it must meet the off-street parking and loading requirements of this chapter. Nonconforming signs shall not be replaced.
- C. In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reasons, for a period of one year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this chapter. Time extensions may be considered after the first year by the Zoning Hearing Board, but in no event may the time extension exceed one year.
- D. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this chapter. A nonconforming building or structure may, with the approval of the Zoning Hearing Board, be extended, enlarged or replaced. However such extension, enlargement, or reconstruction must be confined to the existing property of the nonconforming use and must first meet the minimum yard regulations and height restrictions of the district in which the structure is located, and must meet all off-street parking and loading requirements of this chapter.
- E. If no exterior structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.
- F. Any structure or portion thereof declared unsafe by a proper authority shall be restored to a safe condition.
- G. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of the chapter and where construction is complete within one year from the date of issuance of the permit.

- H. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- I. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this article shall also apply to any uses which hereby become nonconforming.

§ 160-13. Existing lot of record.

- A. Any lot of record existing at the effective date of this chapter, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this chapter; however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two or more adjacent lots of record with less than the required area and width are held by one owner, on or before the date of enactment of this chapter, the request for a permit shall be referred to the Zoning Hearing Board which may require replatting to fewer lots, which would comply with the minimum requirements of this chapter.
- B. No provision of this chapter relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Officer may grant a reduction in the requirement for side yard and rear yards for lots of record which lack required lot width. However, in no event may such yards be reduced by more than 1/2 that required by this chapter without the approval of the Zoning Hearing Board.

§ 160-14. Application of yard regulations.

- A. Lots which abut on more than one street shall provide the required front yard along each street.
- B. Where a structure exists on an adjacent lot and is within 100 feet of a proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.
- C. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards.
- D. A wall or fence under six feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls and fences required for screening under this chapter are not subject to the six-foot-high limitation.

Fences may be permitted in front yard areas provided they are no higher than three feet and do not impinge on the required free sight triangle at intersections.¹¹

- E. In districts permitting single-family residence, not more than one such single-family residence may occupy any one lot unless authorized by the Zoning Hearing Board. Under no circumstances may the Board authorize more than one dwelling if the overall density permitted in that particular district is exceeded. Dwellings which are placed alongside one another shall be spaced so that the distance between structures shall be double the required side yard in that particular district. In no event shall one structure be located behind the other. All structures must have immediate access to a street right-of-way.

§ 160-15. Temporary structures.

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period. Residing in the basement of foundation structures before completing of the total structure shall be permitted for a period as approved by the Zoning Hearing Board.

§ 160-16. Height limitations.

- A. When the following conditions are met, height limits may be increased:
- (1) Structure height, in excess of the height permitted above the average ground level allowed in any district, may be increased, provided all minimum front, side and rear yard depths are increased by one foot for each additional floor of height; however, such increase shall be limited to no more than 10 additional feet.
 - (2) The following structures are exempt from height regulations provided they do not constitute a hazard to an established airport: communication towers, church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, silos, standpipes, elevated water tanks, derricks, and similar structures.
- B. However, for the above structures, all yard and setback requirements must be met; in addition, any structure with a height in excess of 50 feet will be first referred to the Pleasantville Volunteer Fire Department for a review relative to public safety considerations.

§ 160-17. Performance standards.

- A. No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the Borough. Furthermore, every use of land or structure in any district must observe the following performance requirements:

11. Editor's Note: Original § 403.5, regarding swimming pools, which immediately followed this subsection, was deleted at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II). See Ch. 59, Construction Codes, Uniform.

- (1) Fire protection. Fire protection and fire-fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
 - (2) Electric disturbance. No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.
 - (3) Noise. Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.
 - (4) Odors. In any district, except the Industrial District, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. This shall not apply to any form of fertilizer in districts where agriculture is a permitted use.
 - (5) Air pollution. No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.
 - (6) Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
 - (7) Erosion. No erosion by wind or water shall be permitted which carry objectionable substances onto neighboring properties.
 - (8) Water pollution. The discharge of all wastewater shall be in accordance with the standards of the Pennsylvania Department of Environmental Protection (Sewage Facilities Act¹²) and/or the Borough of Pleasantville. Surface water discharge shall be acceptable under the provisions of the Pennsylvania Storm Water Management Act,¹³ and other state and Borough regulations as the same may be amended from time to time.
- B. In cases involving performance standards, the Board may require a plan of the proposed construction or development, a description of machinery proposed, and specifications for the mechanisms and techniques to be used; and the Board may obtain qualified expert consultants to testify as to whether a proposed use will conform to the "performance" requirements.

§ 160-18. Off-street loading and parking.

Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

12. Editor's Note: See 35 P.S. § 750.1 et seq.

13. Editor's Note: See 32 P.S. § 680.1 et seq.

A. Off-street loading.

- (1) Every use which requires the receipt or distribution, by vehicles, of material or merchandise shall provide off-street loading berths in accordance with its size per the following table:

Off-Street Loading Space Requirements		
Use	First Berth	Second Berth
Industrial:		
Manufacturing	5,000	40,000
Warehouse	5,000	40,000
Storage	10,000	25,000
Business:		
Wholesale	10,000	40,000
Retail	10,000	40,000
Service establishment	10,000	40,000
Restaurants	10,000	25,000
Office Building	10,000	100,000
Hotel	10,000	100,000
Residential:		
Apartment	25,000	100,000
Institutional:		
Schools	10,000	100,000
Hospitals	10,000	100,000
Nursing homes	10,000	100,000
Public buildings:		
Auditoriums	10,000	100,000
Arenas	10,000	100,000
Funeral homes	10,000	100,000

NOTE: All figures are given in gross feet of floor area for each listed use.

- (2) Size and access. Each off-street loading space shall be not less than 12 feet in uniform width and 60 feet in length and 16 feet in height. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.

B. Off-street parking.

- (1) Size and access. Each off-street parking space shall have an area of not less than 180 square feet, being at least 20 feet long with a uniform width of 10 feet, exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwelling, no parking area shall contain less than three spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not be less than 10 feet wide. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street. Specifically, single-lane driveways shall be at least 10 feet wide but shall not exceed 12 feet; double drives (for ingress and egress) may be up to 24 feet wide. There shall be at least 25 feet between a fire hydrant, catch basin or street intersection radius.
- (2) Number of parking spaces required. The number of off-street parking spaces required is set forth in the following table. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one space for each two proposed patrons and/or occupants of the structure. Where more than one use exists on a lot, parking regulations for each use must be met.

Off-Street Parking Requirements

Use Spaces	Required Parking
Auto sales and service	1 for each 200 sq. ft. GFA
Service stations	1 for each 200 sq. ft. GFA
Single-family dwelling and duplex	2 per dwelling unit
Multifamily dwelling	2.5 per dwelling unit ¹
Mobile home parks	2.0 per each space
Hotels and motels	1 per guest room ²
Funeral home and mortuaries	25 for first parlor; 10 per each additional parlor
Hospitals	1 per each bed ²
Nursing homes	1 per each 3 beds
Churches	1 per each teacher and staff
Schools	1 for each 4 classrooms plus 1 for each 4 high school students
Sports arenas, stadiums, theaters, auditoriums, assembly halls	1 per each 3 seats
Community buildings, social halls, dance halls, clubs, and lodges	1 space for each 50 sq. ft. of public floor area
Roller rinks	1 space for each 200 sq. ft. GFA
Bowling alleys	5 per alley

Off-Street Parking Requirements

Use Spaces	Required Parking
Banks and offices	1 for each 250 sq. ft. GFA
Medical office and clinics	8 spaces per doctor
Dental offices	5 spaces per doctor
Retail stores	1 per each 200 sq. ft. GFA
Fast-food/drive-in restaurants	1 per each 50 GFA ²
Furniture stores	1 per each 400 sq. ft. GFA
Food supermarkets	1 per each 200 sq. ft. GFA
Trailer and monument sales	1 per each 200 sq. ft. of lot area
Restaurants and nightclubs	1 for each 2.5 patron seats
Swimming pool (public)	1 for each 3 lockers
Industrial and manufacturing establishments, warehouses, wholesale and truck terminals	1 space per employee, on the largest shift

NOTES:

"GFA" means gross floor area.

¹Multifamily units devoted to the elderly shall only be required to provide 1.5 parking spaces per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to nonelderly use.

² Plus one space per employee and staff on major shift.

- (3) Location and parking. Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than 400 feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.
- (4) Screening and landscaping. Off-street parking areas for more than five vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of "screening") or use. A planting strip between the front lot line and the parking lot shall be suitably landscaped and maintained.
- (5) Minimum distance and setbacks. No off-street loading or parking area for more than five vehicles shall be closer than 20 feet to any adjoining property containing a dwelling, residential district, school, hospital, or similar institution.
- (6) Surfacing. With the exception of single-family and duplex dwellings, all parking and loading areas and access drives shall have a paved surface, graded with positive drainage to dispose of surface water. Parking areas larger than 10,000

square feet shall submit a plan, including drainage provisions, to the Borough Planning Commission for approval. Lots shall be designed to provide for orderly and safe loading and parking.

- (7) Lighting. Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from streets and highways.
- (8) Parking major items of recreational equipment in areas outside of travel parks. The outdoor storage of major recreational equipment owned by the occupant of the premises, including but not limited to travel trailers, motor homes, tent trailers, pickup campers (designed to be mounted on automotive vehicles), boats and boat trailers shall be permitted in all zoning districts; however, in the residential districts, storage locations shall comply with the following minimum yard requirements (storage shall not take place in these yard areas):
 - (a) Front yard, from street right-of-way: 40 feet.
 - (b) Side yards: 10 feet.
 - (c) Street corner side yard (corner lot): 40 feet.
 - (d) Rear yard: six feet.
- (9) Parking of vehicles used in vocational/avocational pursuits. Nothing in this chapter shall be considered to prohibit the occupant of the residential property from parking a truck or bus, owned and/or used by the occupant in his vocational or avocational pursuits, on the occupant's property at times when said truck or bus is not used in said vocational or avocational pursuits; providing, however, that truck tractor and/or semi-trailers shall not be parked in the open air any closer than 100 feet from the nearest residence on a neighboring property.
- (10) Outdoor storage of inoperative, unlicensed, uninspected vehicles. In the residential district, there shall be no outdoor storage of motor vehicles which are inoperative, unlicensed, or lack current Pennsylvania inspection. Such vehicles may be stored in garages, barns or other enclosed structures.

§ 160-19. Signs.

A. The following sign regulations shall be observed in all districts:

- (1) The following signs shall be permitted in all districts:
 - (a) Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such sign shall not exceed 32 square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.
 - (b) Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six square feet and not more than one such sign shall be placed on the property unless

such property fronts on more than one street, in which case one sign may be erected on each street frontage.

- (c) Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed 32 square feet, and provided that such sign shall be removed upon completion of work.
 - (d) Trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed four square feet.
- (2) No signs shall be permitted within street rights-of-way except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.
 - (3) Directional and information signs, not exceeding two square feet in area per use, premises or establishment, and used for the direction and protection of the public, shall be permitted in the B Business and I Industrial Districts but prohibited in residential districts.
 - (4) No sign shall project more than 12 inches from the building facade to which it is attached, except that signs may project at ninety-degree angles in the B Business District.
 - (5) No sign that is a part of, or is supported by, a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. The height of freestanding signs from curb level to the top of the sign shall not exceed 14 feet.
 - (6) Signs may be lighted with nonglaring lights, or may be illuminated by shielded floodlights. No red, green or amber lights shall be permitted, and lighting shall be screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted.
 - (7) No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles or trees. No portion of any freestanding sign shall be located within 10 feet of any lot line.
 - (8) All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.
 - (9) Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- B. In residential districts, the following signs shall be permitted:**
- (1) Home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one such sign shall be erected for each permitted use, and

provided that the area of each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within 15 feet of the street line.

- (2) Sign, bulletin board, announcement board or identification sign for schools, churches, hospitals, multifamily dwellings or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be erected on any one street frontage.

C. In the B Business District, the following signs shall be permitted:

- (1) Signs directing patrons, members or audience to temporary exhibits, shows or events and signs erected in conjunction with a political election, provided that such sign shall not exceed six square feet; shall be removed within two weeks after the date of the exhibit, show, event or election; shall not be posted earlier than two weeks before the date of the exhibit, show or event; and that political signs shall not be posted earlier than one month prior to an election.
- (2) Permanent business signs, provided that the total of such signs shall be limited to 1.5 square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of 50 square feet.
- (3) Special temporary promotional devices, signs or displays, such as banners or pennant. Where such signs are outside of a building, they shall remain on display for a period not to exceed 30 consecutive days.
- (4) Signs attached to a wall which project in such a manner that the faces of the sign form an angle of 90° with the wall shall be permitted in Business District, subject to the following regulations:
 - (a) Such signs shall not project more than six feet from the wall.
 - (b) Only one such sign shall be permitted per premises, and only in lieu of other signs.
 - (c) Such signs shall be nonglaring and nonmoving.
 - (d) There shall be a minimum height from the curb level to the bottom of the sign of 10 feet.
 - (e) Signs shall have a maximum area of 16 square feet on each face.

D. In the I Industrial District, advertising signs and business signs are permitted provided that such signs shall not exceed an aggregate area of 60 square feet.

§ 160-20. Steep slope areas.

Any development of slopes of more than 15% must be submitted on a plan prepared by a registered engineer or registered architect showing how the development will treat the slope

problem. The Zoning Officer shall refer the plan to the Borough Engineer for review and advice before issuing any permit.

§ 160-21. Individual mobile homes.

Individual mobile homes on individual lots shall be a permitted use where single-family dwellings are permitted by right. However, to protect the health and safety of the community, all individual mobile homes shall:

- A. Comply with § 160-11E(9), (10) and (11) of this chapter.
- B. Such tiedown standards and foundation measures shall be complete within 30 days of the arrival of the unit to its individual lot.

§ 160-22. Prohibited businesses, uses and activities. [Added 10-26-2004 by Ord. No. 6-2004]

There shall be prohibited in every zoning district within the Borough of Pleasantville adult arcades, adult cabarets, adult dance halls, adult clubs, adult taverns, nightclubs, restaurants or similar commercial establishments, adult entertainment, adult material sales, adult mini motion-picture theaters, adult motels, and adult motion-picture theaters.

ARTICLE V

Administration, Enforcement and Appeals

§ 160-23. Appointment of Zoning Officer.

The Council of Pleasantville Borough shall appoint a Zoning Officer who shall administer and enforce the provisions of this chapter in accordance with the requirements of the chapter and of the Pennsylvania Municipalities Planning Code.¹⁴ The Zoning Officer shall not hold any elective office in the Borough.

§ 160-24. Duties of Zoning Officer.

The Zoning Officer shall administer this chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform specifically to this chapter. The Zoning Officer shall be considered qualified to perform the duties of this office by meeting the qualifications established by the Borough. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

- A. Review applications for building permits and zoning certificates. The Zoning Officer shall receive applications for building permits and zoning certificates. A building permit or zoning certificate application shall be filed prior to the start of construction/development by the applicant which describes the proposed activity in sufficient detail for the Zoning Officer to determine whether or not it meets the

14. Editor's Note: See 53 P.S. § 10101 et seq.

requirements of this and other applicable Borough ordinances. Applications conforming to such ordinances shall be approved; those not conforming to such ordinances shall be denied.

- B. Inspections. The Zoning Officer or a duly appointed representative may examine, or cause to be examined, all structures and/or land for which an application for a building permit or a zoning certificate has been requested. Such inspections may be made from time to time during construction and shall be made from time to time during construction and shall be made upon the termination of construction and prior to the issuance of a certificate of occupancy.
- C. Nonconforming uses. The Zoning Officer shall maintain an up-to-date register of all nonconforming uses. It shall be the responsibility of the property owner to record with the Zoning Officer those nonconforming lots and structures within six months of adoption of this chapter. The Zoning Officer shall review these nonconforming certificates and identify the reasons that the uses, lots or structures are nonconforming.
- D. Permits, applications, appeal and certificates. The Zoning Officer shall issue or deny such permits or certificates as required by this chapter where no other body is involved, shall receive all applications for variances, conditional uses, and special exceptions and forward them to the appropriate body. In addition, the Zoning Officer shall receive all applications for appeals prior to forwarding them to the Zoning Hearing Board.
- E. Enforcement. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this chapter.

§ 160-25. Permits and certificates.

- A. Building permits/zoning certificates. Applications for building permits or zoning certificates shall be required in order for the Zoning Officer to determine compliance with this chapter and other appropriate Borough ordinances. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans, as well as the numbers of copies, time limits for such applications and form of the applications and certificates, shall be prescribed by the Borough. Fees for such applications shall be established by resolution of Borough Council.
- B. Certificate of occupancy. A certificate of occupancy shall be required prior to occupancy or use of any vacant land and prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the certificate of occupancy shall also be required for a change of use of a structure or land to a different use or for changes to a nonconforming use or structure.
- C. Sign permit. A sign permit shall be required prior to the erection or alteration of any sign, except any signs specifically exempted from this requirement in § 160-19 of this chapter.

- (1) Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for the Zoning Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements in this chapter.
- (2) No sign permit shall be issued except in conformity with the regulations of this chapter, 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) Precise dimensions of the lot or building upon which the sign is proposed to be erected.
 - (b) The exact size, dimensions and location of the sign on the lot or building.
 - (c) Any other lawful information which may be required by the Zoning Officer.

§ 160-26. Appeals, variances, special exceptions and conditional uses.

The Zoning Officer shall receive all appeals, applications for variances, and requests for special exceptions and conditional uses. The applications shall be on forms as approved by Borough Council or the Zoning Hearing Board, as appropriate, and shall be accompanied by a fee as set forth by the Borough Council by resolution. It is the intent of this chapter that all appeal processes follow the Pennsylvania Municipalities Planning Code or other appropriate state law. The filing of appeals and applications for variances and special exceptions shall be within such time limits as are set by the Zoning Hearing Board. Time limits for processing requests for conditional uses will be established by Borough Council.

§ 160-27. Violations and penalties.

- A. Enforcement notice. When it appears that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:
- (1) The name of the owner of record and any other person against whom the Borough intends to take action.
 - (2) The location of the property in apparent violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the chapter.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- B. Causes of action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Borough, the Zoning Officer of the Borough, or any aggrieved owner or tenant of real property who shows that his or her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.
- C. Jurisdiction. District Justices shall have initial jurisdiction over proceedings brought under this section.
- D. Enforcement remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not 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 payable until the date of the determination of the violation by the District Justice. 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 District Justice 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 District Justice 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 this chapter shall be paid over to the Borough. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

ARTICLE VI
Zoning Hearing Board

§ 160-28. Creation and membership.

The Zoning Hearing Board, herein referred to as the "Board," shall consist of three residents of the Borough appointed by the Borough Council pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended.¹⁵ The Board shall perform all the duties, and exercise all powers, prescribed by the Pennsylvania Municipalities Planning Code and as further provided for this chapter.

§ 160-29. Terms of office; vacancies; qualifications; alternate members.

The terms of office of the Board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough, nor be a member of the Planning Commission. Borough Council shall also appoint one alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

§ 160-30. Removal of members.

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of Borough Council, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 160-31. Organization; rules and regulations; reports.

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where two members are disqualified to act in a particular matter, the alternate member shall be seated. 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 Section 908 of the Pennsylvania Municipalities Planning Code. The Board may make, alter and rescind rules and forms for its administrative procedure, consistent with Borough ordinances and laws of the commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Council once a year or as requested by Council.

§ 160-32. Expenditures for services.

Within the limits of funds appropriated by Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

¹⁵ Editor's Note: See 53 P.S. § 10901 et seq.

Members and alternate members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Council.

§ 160-33. Legal counsel.

Where legal counsel is desired, an attorney, other than the Borough Solicitor, shall be employed.

§ 160-34. Hearings.¹⁶

The Board shall conduct hearings and make decisions in accordance with the provisions of Section 908 of the Pennsylvania Municipalities Planning Code.

§ 160-35. Board's functions.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Council pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code relating to landowner curative amendments.
- B. Challenges to the validity of the chapter or other land use ordinances 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 this chapter.
- C. Appeals from the determination of the Zoning 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 Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within this chapter or such provisions within a land use ordinance.
- E. Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within land use ordinance pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code and Subsection H of this section.
- F. Appeals from the Zoning Officer's preliminary opinion determination under Section 916.2 of the Planning Code.
- G. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article VII (Planned Residential

16. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

Development) of the Municipalities Planning Code which are under the jurisdiction of Borough Council.¹⁷

H. Variances. The Board shall hear requests for variances where it is alleged that the provisions of the chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer.

(1) Granting of variances.

(a) The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

[1] 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 the chapter in the neighborhood or zone 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 and that the authorization of a variance 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 variance, if authorized, will not alter the essential character of the neighborhood or zone 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; and

[5] That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

(b) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may consider necessary to implement the purpose of the chapter and the Pennsylvania Municipalities Planning Code.

(2) Special exceptions. The Board shall hear and decide requests for special exceptions in accordance with the standards and criteria of this chapter (Article VI). In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may consider necessary to implement the purpose of this chapter.

(3) Nonconforming uses. The Board shall have the power to authorize changes of lawful nonconforming uses as provided for in § 160-12. The Board may impose

17. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

such conditions as it determines necessary for the protection of adjacent property, the public interest, and the purpose of this chapter.

§ 160-36. Parties appellant before Board.

Appeals under § 160-35 and proceedings to challenge the chapter under § 160-35 may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for variances under § 160-35 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

§ 160-37. Time limitations; persons aggrieved.

No person shall file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he or she has no notice, knowledge, or reason to believe that such approval had been given. Any such person who has succeeded to his or her predecessor in interest. Proceedings shall be consistent with Section 914.1, Time limitations, of the Pennsylvania Municipalities Planning Code.

§ 160-38. Stay of proceedings.

Upon filing of any proceeding referred to in § 160-35 and during its pendency before the 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 certified to the Board facts indicating that such stay would cause imminent peril to life or property, in which 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. Proceedings shall be in accordance with Section 915.1, Stay of proceedings, of the Pennsylvania Municipalities Planning Code.

**ARTICLE VII
Conditional Uses**

§ 160-39. General standards.

Conditional uses may be allowed or denied by Borough Council after recommendations by the Planning Commission in accordance with the special criteria contained in Article III of this chapter and the following provisions. In allowing a conditional use, Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may consider necessary to implement the purposes of this chapter.

§ 160-40. Application.

Application for conditional uses will be filed with the Zoning Officer and shall be accompanied by:

- A. Fee. An application fee in an amount equal to that set by resolution of Borough Council.
- B. Plans. Two copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed size, bulk, use and location of buildings; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities, the provisions for parking, moving or loading of vehicles and the timing of construction proposed.

§ 160-41. Review.

The Zoning Officer shall forward copies of the application to Borough Council, and to the Planning Commission for review and comment, within 10 days of the date of the application.

- A. Review and comment. The Planning Commission shall forward its recommendation to Borough Council within 40 days unless the applicant agrees in writing to a time extension. Failure to act within the allotted time shall be considered to be a favorable recommendation.
- B. Public meeting. Borough Council shall conduct a public meeting to consider the conditional use application within 60 days of the date that the application is filed unless the applicant has agreed in writing to an extension of time. Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before Borough Council.¹⁸
- C. Public notices. Notification shall be given by Borough Council once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the meeting and the particular nature of the conditional use application to be considered. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the public meeting. Written notice shall be given to the applicant, the Zoning Officer, the Planning Commission and to any person who has made timely request for this notice. In addition to the above notices, written notice of the public meeting shall be conspicuously posted on the affected property at least one week prior to the meeting.
- D. Record of public meeting. Borough Council shall keep a record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and Borough Council. The cost of the original transcript shall be paid by Borough Council if the transcript is ordered by Borough Council or shall be paid by the person appealing from the decision of Borough Council if such appeal is made. In either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

18. Editor's Note: Amended at time of enactment of the 2004 republication (see Ch. 1, General Provisions, Art. II).

- E. Fees. Borough Council may prescribe reasonable fees with respect to these meetings. Fees may include compensation for the stenographer, public notices and advertising costs and necessary administrative overhead connected with the meeting. The fees, however, shall not include the cost for legal services of Borough Council, expenses for engineering, architectural or other technical consultants or expert witness costs.
- F. Conditions. Borough Council may attach such conditions as it deems necessary to consider the approval of any conditional use. The approved site plan and all attached conditions shall be filed by the applicant with the Borough within 30 days of final approval. All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved and recorded. Any development contrary to the approved plan shall constitute a violation of this chapter.
- G. Final decision. Where Borough Council fails to render the decision within the period required by this chapter or fails to hold the required public meeting within 60 days from the date of the conditional use application, the decision shall be considered 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 Borough Council to meet or render a decision as hereinabove provided, it shall give public notice of the decision within 10 days in the same manner as provided in Subsection C of this section. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

§ 160-42. Criteria for approval.

A conditional use shall be approved if, and only if, it is found to meet the following provisions and expressed standards and criteria contained in Article III of this chapter:

- A. Use. The proposed use conforms to the district and conditional use provisions and all general regulations of this chapter.
- B. Special standards. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in Article III.
- C. Performance standards. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or person, and shall comply with the performance standards of § 160-17.
- D. Relationship. The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
- E. Environment. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
- F. Screening. A nonresidential use proposed in any residential district shall be adequately screened as defined in Article II of this chapter from adjacent residential areas.
- G. Parking. Adequate off-street parking shall be provided in accordance with Article IV of this chapter.

- H. Access. The proposed use shall carefully consider vehicular access and parking to minimize traffic congestion in the neighborhood. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street.
- I. Objectives. The proposed use shall preserve the objectives of this chapter.

ARTICLE VIII Amendments

§ 160-43. General authority.

Borough Council may introduce and/or consider amendments to this chapter and to the Zoning Map, as proposed by a member of the Borough Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the Borough.

§ 160-44. Petitions.

Petitions for amendments shall be filed with the Planning Commission; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by Borough Council.

§ 160-45. Referral to planning agencies.

Any proposed amendment presented to Borough Council without written findings and recommendations from the Pleasantville Borough Planning Commission and the Venango County Planning Commission shall be referred to those agencies for their review and recommendations prior to the public hearing by the Borough Council. The Council shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of 30 days from the date that such proposed amendments were submitted to the Borough Planning Commission and County Planning Commission.

§ 160-46. Action on amendments; public hearing.

Before action upon a proposed amendment, the Council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies may be examined. Notice shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one week prior to the date of the hearing.

§ 160-47. Curative amendments.

- A. A landowner who desires to challenge on substantive grounds the validity of this chapter or Zoning Map or any provision thereof, which prohibits or restricts the use or

- development of land in which the landowner has an interest, may submit a curative amendment to Borough Council with a written request that the challenge and proposed amendment be heard and decided as provided in Section 916.1, Landowners' curative amendment, of the Pennsylvania Municipalities Planning Code. Borough Council shall commence a hearing thereon within 60 days. As with other proposed amendments, the curative amendment shall be referred to the Pleasantville Borough Planning Commission and the Venango County Planning Commission at least 30 days before the hearing is conducted by Borough Council. Public notice shall be given in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code.
- B. The hearings shall be conducted in accordance with the appropriate provisions of the Pennsylvania Municipalities Planning Code. The findings, actions and considerations of Borough Council shall be in accordance with Section 609.1 of the Planning Code.
 - C. The Borough may institute a municipal curative amendment in accordance with Section 609.2, Municipal curative amendments, of the Pennsylvania Municipalities Planning Code.

ZONING

160 Attachment 1

Table of Permitted Uses, Conditional Uses and Special Exceptions Borough of Pleasantville

R-1 Residential District

Permitted Uses	Special Exception	Conditional Uses
1. Single-family detached dwellings	1. Nursery schools and day-care centers (§ 160-11M)	1. Multifamily dwellings (§ 160-11D)
2. Public/parochial schools and colleges	2. Country clubs and lodges (§ 160-11S)	2. Nursing homes/personal care homes (§ 160-11L)
3. Churches	3. Home occupations (§ 160-11A)	3. Hospitals/medical clinics (§ 160-11B)
4. Libraries	4. Bed-and-breakfast (§ 160-11C)	4. Fire stations (§ 160-11X)
5. Public grounds		5. Public utility buildings (§ 160-11N)
6. Municipal buildings		6. Sewage treatment plants (§ 160-11K)
7. Signs (in accordance with § 160-19)		7. Family day-care homes (§ 160-11M)
8. Essential services		
9. Accessory uses		

ZONING

160 Attachment 2

Table of Permitted Uses, Conditional Uses and Special Exceptions
Borough of Pleasantville

R-2 Residential District		
Permitted Uses	Special Exception	Conditional Uses
1. Single-family detached dwellings	1. Home occupations (§ 160-11A)	1. Mobile home parks (§ 160-11E)
2. Multiple-family dwellings	2. Bed-and-breakfast (§ 160-11C)	2. Nursing home/personal care homes (§ 160-11L)
3. Individual mobile homes	3. Rooming/boarding homes (§ 160-11C)	3. Fire stations (§ 160-11X)
4. Public/parochial schools and colleges	4. Hospitals/medical clinics (§ 160-11B)	4. Water recreation and storage (§ 160-11Y)
5. Libraries	5. Funeral homes (§ 160-11F)	5. Public utility buildings (§ 160-11N)
6. Public grounds	6. Nursery schools/day-care centers (§ 160-11M)	6. Sewage treatment plants (§ 160-11K)
7. Signs (in accordance with § 160-19)	7. Convenience stores - without gasoline sales (§ 160-11T)	
8. Family day-care homes	8. Cemeteries (§ 160-11Q)	
9. Group day-care homes		
10. Essential services		

ZONING

160 Attachment 3

Table of Permitted Uses, Conditional Uses and Special Exceptions Borough of Pleasantville

B Business District

Permitted Uses	Special Exception	Conditional Uses
1. Retail business	1. Auto sales, service and repair (§ 160-11H)	1. Light manufacturing, meeting the performance standards of § 160-17 (§ 160-11CC)
2. Eating establishments (but not including drive-in type)	2. Drive-in type eating establishments (§ 160-11U)	2. Light warehousing (§ 160-11P)
3. Offices	3. Residence as secondary use (above first floor) (§ 160-11O)	3. Building supply yards/sales, storage, and contractor yards (§ 160-11I)
4. Personal and professional services	4. Service stations (§ 160-11G)	4. Motels and hotels (§ 160-11AA)
5. Commercial schools	5. Funeral homes (§ 160-11F)	5. Fire stations (305.24)
6. Commercial indoor amusements	6. Bed-and-breakfast (§ 160-11C)	6. Nursing homes/personal care homes (§ 160-11L)
7. Clubs	7. Rooming and boarding houses (§ 160-11C)	7. Public utility buildings (§ 160-11N)
8. Municipal buildings	8. Churches (§ 160-11V)	8. Sewage treatment plants (§ 160-11K)
9. Public utility buildings	9. Animal clinics (§ 160-11W)	
10. Signs (in accordance with § 160-19)	10. Trailer sales and display (§ 160-11BB)	
11. Water recreation and storage	11. Hospitals/medical clinics (§ 160-11B)	
12. Convenience stores - without gasoline sales	12. Indoor recreation (§ 160-11Z)	
13. Financial institutions		
14. Nurseries and greenhouses		
15. Commercial/public parking facility		
16. Essential services		
17. Accessory services		

ZONING

I 60 Attachment 4

Table of Permitted Uses, Conditional Uses and Special Exceptions Borough of Pleasantville

I Industrial District

Permitted Uses	Special Exception (See § 160-11)	Conditional Uses
1. Research and testing laboratories	1. Building supply yards (§ 160-11I)	1. Manufacturing, meeting performance standards of § 160-17 (§ 160-11DD)
2. Industrial office buildings	2. Truck terminals/truck stops (§ 160-11EE)	2. Bulk fuel storage, meeting performance standards of § 160-17 (§ 160-11FF)
3. Rental service and equipment		3. Mineral excavations (§ 160-11J)
4. Warehousing		4. Industrial parks (§ 160-11R)
5. Wholesale establishments		5. Fire stations (§ 160-11X)
6. Water storage tanks		6. Public utility buildings (§ 160-11N)
7. Signs (in accordance with § 160-19)		7. Sewage treatment plant (§ 160-11K)
8. Light manufacturing (as defined by Article II) including production of the following goods: home appliances, electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats)		
9. Agriculture		
10. Essential services		
11. Accessory uses		

ZONING

160 Attachment 5

**Table of Lot, Yard and Height Requirements
Borough of Pleasantville**

Zoning District	Minimum Area (square feet)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Structure Height (feet)	Maximum Lot Coverage (percent)
R - Residential							
All uses NOT served by public sewers	R-1 15,000 R-2 12,000	125 100	50 35	25 15	40 20	25 35	20 30
All uses (except multifamily dwellings) served by public sewers	R-1 10,000 R-2 7,500	100 75	35 25	20 10	25 15	25 35	35 40
Multifamily dwellings (must be served by public sewer)	R-2 15,000 (only) add 5,000 per family	150	50	40	50	45	50
B - Business							
All uses	6,000	40	20	15	20	30	65
I - Industrial							
All uses	25,000	200	50	2.5	50	45	50

APPENDIX

Chapter A170
CABLE TELEVISION FRANCHISES

[Legislation and/or agreements regarding cable television franchises granted by the Borough of Pleasantville are on file in the Borough offices and available for review during regular office hours.]

**DISPOSITION
LIST**

Chapter DL
DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Borough of Pleasantville adopted since the 2004 republication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the 2004 republication of the Code was Ord. No. 8-2004, adopted 10-26-2004.

§ DL-1. Disposition of legislation.

Ord. No.	Adoption Date	Subject	Disposition
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