

Code of the  
Borough of South  
Greensburg

COUNTY OF WESTMORELAND  
COMMONWEALTH OF PENNSYLVANIA

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# CERTIFICATION

## BOROUGH OF SOUTH GREENSBURG

### Office of the Borough Secretary

I, \_\_\_\_\_, Borough Secretary of the Borough of South Greensburg, hereby certify that the chapters contained in this volume are based upon the original ordinances and resolutions of the Borough Council of the Borough of South Greensburg and that said ordinances and resolutions, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Borough of South Greensburg, County of Westmoreland, Commonwealth of Pennsylvania, as adopted.

Given under my hand and the Seal of the Borough of South Greensburg, County of Westmoreland, Commonwealth of Pennsylvania, this \_\_\_\_\_ day of .April, 2017, at South Greensburg, Pennsylvania.

\_\_\_\_\_

## **PREFACE**

The Borough of South Greensburg 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 (ordinances and certain resolutions) of a general and permanent nature enacted by the Borough Council of the Borough of South Greensburg, 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.

## **Grouping of Legislation and Arrangement of Chapters**

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of Article or Part designations has preserved the identity of the individual items of legislation.

## **Table of Contents**

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles or Parts are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

## **Reserved Chapters**

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

## **Pagination**

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

## **Numbering of Sections**

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§534.1 and 534.2.

## **Scheme**

The Scheme is the list of section titles which 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.

## **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 Code is reserved for such legislation and for any other material that the community may wish to include.

## **Index**

The Index is a guide to information. Since it is likely that this Code 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 to the Code.

## **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.

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# PART I

## ADMINISTRATIVE LEGISLATION

### Chapter 1

#### GENERAL PROVISIONS

##### ARTICLE I

##### Adoption of Code

- § 1-1. Approval, adoption and enactment of Code.**
- § 1-2. Effect of Code on previous provisions.**
- § 1-3. Repeal of ordinances not contained in Code.**
- § 1-4. Ordinances saved from repeal; matters not affected by repeal.**
- § 1-5. Inclusion of new legislation prior to adoption of Code.**
- § 1-6. Changes and revisions in previously adopted ordinances.**
- § 1-7. Interpretation of provisions.**
- § 1-8. Titles and headings; editor's notes.**
- § 1-9. Filing of copies of Code.**

- § 1-10. Amendments to Code.
- § 1-11. Code books to be kept up-to-date.
- § 1-12. Publication of notices.
- § 1-13. Altering or tampering with Code; penalties for violation.
- § 1-14. Severability.
- § 1-15. Effective date.

**ARTICLE II**  
**Legislation Adopted During Codification**

**ARTICLE I**  
**Adoption of Code**

Be it enacted and ordained by the Borough Council of the Borough of South Greensburg, County of Westmoreland, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

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

Pursuant to Section 1008(b) of the Borough Code [53 P.S. S 46008(b)], the codification of a complete body of ordinances and resolutions for the Borough of South Greensburg, County of Westmoreland, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, Articles and sections by General Code Publishers Corp., and consisting of Chapters 1 through 163, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of South Greensburg, which shall be known and is hereby designated as the "Code of the Borough of South Greensburg," 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 South Greensburg, 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 South Greensburg 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 April 9, 1990.
- 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 requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the borough or setting the bond of any officer or employee.
- P. The currently effective Zoning Ordinance of the borough and any amendments thereto.

**§ 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 (1) 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.<sup>1</sup>

## **§ 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 (3) 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 a

dopt 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 liable to the maximum penalty provided by law.

### **§ 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 August 10, 1992.

## **ARTICLE II**

### **Legislation Adopted During Codification**

**[During the process of codification, certain complete new ordinances were approved by the Borough Council for inclusion in the Code of the Borough of South Greensburg. Such new ordinances are noted in the histories of individual chapters as "Adopted \_\_\_\_ during codification; see Ch. 1, General Provisions, Art. II." During the course of normal supplementation, specific dates of adoption will be inserted where pertinent in the various chapters.**

**The enumeration appearing below lists each chapter affected by any such legislation adopted during codification.]**

<b>Chapter/Article</b>	<b>Ord. No.</b>	<b>Adoption Date</b>
Ch. 144, Streets and Sidewalks	92-4	7-13-1992
Ch. 159, Vehicles and Traffic	92-5	7-13-1992

## **Chapter 7**

### **AUDITOR**

**§ 7-1. Independent examination of records.**

**§ 7-2. Annual appointment of independent auditor.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 12-11-1989 as Ord. No. 89-13; amended in its entirety 9-14-1992 by Ord. No. 92-7. Subsequent amendments noted where applicable.]**

**§ 7-1. Independent examination of records.**

An independent examination of the accounting records of the Borough of South Greensburg shall hereafter be made by a certified public accountant registered in Pennsylvania or a firm of certified public accountants so registered.

**§ 7-2. Annual appointment of independent auditor.**

The Council for the Borough of South Greensburg shall annually appoint a competent certified public accountant registered in Pennsylvania or a firm of certified public accountants so registered to conduct said independent examination, and said independent auditor shall perform all the duties and exercise the powers as

conferred by Section 1196 of the Borough Code [53 P.S. § 46005(7)].

## **Chapter 17**

### **FIREMEN'S RELIEF ASSOCIATION**

- § 17-1. Purposes.**
- § 17-2. Designation.**
- § 17-3. Appropriation.**

**HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 10-8-1979 as §§ 1.11 through 1.14 of the Code of Ordinances. Sections 17-1 and 17-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **§ 17-1. Purposes.<sup>1</sup>**

The South Greensburg Volunteer Firemen's Relief Association of the Borough of South Greensburg, Pennsylvania, is hereby officially recognized by the Borough Council of the Borough of South Greensburg as an organization formed for the purpose of maintaining an association for beneficial and protective purposes to its members and their families in case of death, sickness, temporary or permanent disability or accident and other expenses as provided by commonwealth law from the funds collected therein.

#### **§ 17-2. Designation<sup>2</sup>**

The aforesaid South Greensburg Volunteer Firemen's Relief Association of the Borough of South Greensburg is hereby designated by the Borough Council of the Borough of South

Greensburg as the proper association to receive such funds as are due and payable to the Borough Treasury by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

**§ 17-3. Appropriation.**

There is hereby annually appropriated from the Borough Treasury all such sum or sums of money that may hereafter be paid into the aforesaid Borough Treasury by the Treasurer of the State of Pennsylvania on account of the taxes paid on premiums by foreign fire insurance companies in pursuance to an Act of Assembly in such case made and provided.

**Chapter 22**

**INTERMUNICIPAL AGREEMENTS**

**ARTICLE I**

**Police Cooperative Agreement; Drug  
Task Force Agreement**

- § 22-1. Participation in Westmoreland County Task Force.**
- § 22-2. Municipal Police Cooperative Agreement.**
- § 22-3. Duration of agreements.**
- § 22-4. Expenses.**
- § 22-5. Organizational structure.**
- § 22-6. Property.**
- § 22-7. Employees.**
- § 22-8. Contract power.**
- § 22-9. When effective.**



**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg: Art. I, 11-14-1994 as Ord. No. 94-8. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Investment trust — See Ch. 24.**

**Sewage authority — See Ch. 42.**

**ARTICLE I**

**Police Cooperative Agreement; Drug**

**Task Force Agreement**

**[Adopted 11-14-1994 as Ord. No. 94-8]**

**§ 22-1. Participation in Westmoreland County Task Force.**

The Borough of South Greensburg has evidenced its intent to participate in the Westmoreland County Task Force designed to combat the illegal possession and trafficking of narcotics and other illegal or controlled drugs within its municipal boundaries as well as within the boundaries of other near or adjacent communities through cooperation with the Pennsylvania Office of Attorney General and other signatory municipalities.

**§ 22-2. Municipal Police Cooperative Agreement.**

The Borough of South Greensburg hereby adopts the agreement which provides a framework for intergovernmental police cooperation with various signatory municipalities under the terms of which police officers of each such municipality shall be and are granted the authority to officially act as police officers in any other signatory municipality, subject to the terms and conditions of the agreements, copies of which are attached hereto, made a part hereof and marked Exhibits A and B.

**§ 22-3. Duration of agreements.**

The duration of the agreements shall be indefinite, subject to termination as provided in the agreements.

**§ 22-4. Expenses.**

Each municipality shall be responsible for all expenses incurred by reason of action taken by its police officers pursuant to this agreement with the assistance of funds supplied by the Pennsylvania Office of Attorney General.

**§ 22-5. Organizational structure.**

The organizational structure necessary to implement the agreement, to the extent that it is not set forth in the agreements, shall be covered by directives, procedures and guidance from the Pennsylvania Office of Attorney General and other area police departments from municipalities which are signatories to said agreement.

**§ 22-6. Property.**

All property, real or personal, which may be acquired, managed, licensed or disposed of pursuant to this agreement shall be in accordance with both the terms of the agreement as well as the directives, procedures and guidance of the Pennsylvania Office of Attorney General.

**§ 22-7. Employees.**

The municipality shall retain responsibility for the management, direction and control of its employees with assistance, financial or otherwise, from the Pennsylvania Office of Attorney General.

**§ 22-8. Contract power.**

The entity created by this Article shall be empowered to enter into contracts for policies of group life insurance and

employee benefits, including social security, for its employees.

**§ 22-9. When effective.**

This Article shall become effective upon the execution of the agreements.

**Chapter 24**

**INVESTMENT TRUST**

**§ 24-1. Election to participate in investment trust.**

**§ 24-2. Investment activities.**

**§ 24-3. Custody of funds.**

**§ 24-4. Required conditions.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 1-4-1982 as Ord. No. 82-6. Amendments noted where applicable.]**

**§ 4-1. Election to participate in investment trust.**

This municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act<sup>1</sup> by becoming a settlor of the Pennsylvania Local Government Investment Trust (the "trust") and entering into the declaration of trust, which is adopted by reference with the same effect as if it had been set out verbatim in this section, and a copy of which shall be filed with the minutes of the meeting at which this chapter was adopted.

## **§ 24-2. Investment activities.**

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

## **§ 24-3. Custody of funds.**

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

## **§ 24-4. Required conditions.**

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

- A. The conditions of the agreement are set forth in the declaration of trust referred to in § 24-1.
- B. This municipality's participation in the trust shall be terminable at any time by ordinance.
- C. The declaration of trust and purchase of its shares are for the purpose of investing this municipality's funds in obligations which are otherwise legal investments as part of a pooled arrangement with over governmental units, thereby achieving economic and other advantages of pooled investments.
- D. It is not necessary to finance the agreement authorized herein from municipal funds except through the purchase of shares in the trust.
- E. The trust shall be managed by a Board of trustees as set forth in the declaration of trust and the bylaws provided for therein.

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

## **Chapter 33**

### **OFFICERS AND EMPLOYEES**

#### **ARTICLE I**

#### **Secretary and Treasurer**

#### **§ 33-1. Offices to be filled by one person; bond**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg-. Art. I, 2-8-1982 as Ord. No. 82-8. Section 331 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **ARTICLE I**

#### **Secretary and Treasurer**

**[Adopted 2-8-1982 as Ord. No. 82-8]**

#### **§ 33-1. Offices to be filled by one person; bond.<sup>1</sup>**

Under the authority granted by the Borough Code, 53 P.S. § 46104, it is hereby determined that the offices of Secretary and Treasurer of the Borough of South Greensburg may be held by the same person; provided, however, that before entering upon the duties of Secretary and treasurer, said person shall give a bond conditioned for the faithful performance of his duties in an amount as determined by Council for the Borough of South Greensburg, Westmoreland County, Pennsylvania. Compensation for each of said offices shall be in an amount and upon such terms as determined by Council for the Borough of South Greensburg.

## **Chapter 35**

### **PENSIONS**

#### **Part 1**

#### **Non-Uniformed Employees Pension Plan**

### **ARTICLE I**

#### **Terminology**

**§ 35-1**      **Definitions.**

### **ARTICLE II**

#### **Eligibility**

**§ 35-2.**      **Plan eligibility.**

### **ARTICLE III**

#### **Contributions**

**§ 35-3.**      **Member contributions:**

**§ 35-4.**      **Borough contributions.**

**§ 35-5.**      **Rollovers and transfers.**

**§ 35-6.**      **Other contributions.**

**§ 35-7.**      **Accounting and allocations.**

### **ARTICLE IV**

#### **Retirement Benefits**

**§ 35-8.**      **Normal retirement.**

**§ 35-9.**      **Late retirement.**

**§ 35-10.**     **Disability retirement.**

**ARTICLE V**  
**Death Benefits**

- § 35-11. **Death prior to retirement.**
- § 35-12. **Death after retirement.**

**ARTICLE VI**  
**Method of Distribution of Benefits**

- § 35-13. **Settlement options.**
- § 35-14. **Joint and survivor annuity.**
- § 35-15. **Normal form of annuity.**

**ARTICLE VII**  
**Termination of Employment**

- § 35-16. **Distribution.**
- § 35-17. **Reemployment rights.**

**ARTICLE VIII**  
**Management of Fund**

- § 35-18. **Fund management.**

**ARTICLE IX**  
**The Council**

- § 35-19. **Powers and duties of Council.**

**ARTICLE X**

## **The Pension Committee**

- § 35-20. Appointment.**
- § 35-21. Composition.**
- § 35-22. Term; resignation; vacancies.**
- § 35-23. Actions and decisions; adoption of regulations.**
- § 35-24. Keeping of records; monthly reports.**
- § 35-25. Custody of records.**
- § 35-26. Salary and expenses.**
- § 35-27. Liability of members; indemnification.**
- § 35-28. Financial transactions.**

## **ARTICLE XI**

### **Provisions Relating to the Borough**

- § 35-29. Continuation of plan.**
- § 35-30. Operation and administration of fund.**
- § 35-31. Guaranty of employment.**

## **ARTICLE XII**

### **Termination or Amendment of Plan**

- § 35-32. Plan termination or amendment.**

## **ARTICLE XIII**

### **Miscellaneous Provisions**

- § 35-33. Miscellaneous provisions.**
- § 35-34. Establishment of plan.**
- § 35-35. Definitions.**
- § 35-36. Eligibility.**



- § 35-37. Retirement date.
- § 35-38. Member contributions.
- § 35-39. Types of pension.
- § 35-40. Amount of pension.
- § 35-41. Termination of employment.
- § 35-42. Death benefit.
- § 35-43. Deposit fund.
- § 35-44. Pension purchases.
- § 35-45. Deposits.
- § 35-46. Partial termination.
- § 35-47. Data to be furnished to the company.
- § 35-48. General provisions.
- § 35-49. Contract provisions.

Table 1

Table IA

Table II

Table IIA

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg: Part 1, 11-14-1994 as Ord. No. 94-6; Part 2, 1-9-1995 as Ord. No. 94-7. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Officers and employees — See Ch. 33.

Salaries and compensation — See Ch. 39.

**Part 1  
Non-Uniformed Employees Pension Plan  
[Adopted 11-14-1994 as Ord. No. 94-6]**

## **ARTICLE I**

### **Terminology**

#### **§ 35-1. Definitions.**

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

**AGE** — The age attained by the employee at his or her last birthday.

**ANNIVERSARY DATE**— Any January 1 after the effective date.

**BOROUGH** — The Borough of South Greensburg, Westmoreland County, Pennsylvania.

**COMPENSATION**— The base salary paid by the borough to the member during a pay period.

**COUNCIL** — The Borough Council of the Borough of South Greensburg, Westmoreland County, Pennsylvania.

**EFFECTIVE DATE** — January 1, 1994.

**EMPLOYEE** — Any nonuniformed person in the fulltime employ of the borough whose customary employment by the borough is for not less than forty (40) hours per week.

**FUND** — All assets held by the trustee and related insurance and investment contracts relating to this plan.

**LATE RETIREMENT DATE**— The first day of any calendar month following normal retirement date at which a member retires.

**MEMBER** — Any employee who has satisfied the eligibility requirements established in Article II hereof.

**MEMBER ACCOUNT**— Each member's individual account maintained within the fund to include the prorated share of investment earnings or losses.

**NORMAL RETIREMENT DATE** — The first day of the month coincident with or next following the date on which the member attains age fifty-five (55).

**PAY PERIOD** — The period of time at which end an employee is compensated for his services to the borough.

**PLAN** — The Borough of South Greensburg NonUniformed Employees Pension Plan, as herein set forth and as the same may hereafter be amended.

**PLAN YEAR**— A period of twelve (12) consecutive months commencing on any January 1 and ending on the following December 31.

**ROLLOVER ACCOUNT**— The distribution amount transferred to the plan by a member from a qualified pension or profit sharing plan.

**SERVICE** — The aggregate of a member's total periods of employment as a full-time employee of the borough. If a member enters military service, either voluntarily or by conscription, after he has been employed for at least six (6) months, such time spent in the Armed Forces of the United States during a period of national emergency shall be counted as "service" for purposes of this plan, provided that such member returns to service with the borough within six (6) months after his discharge or release from such active duty in the Armed Forces of the United States. The time spent in military service due to voluntary extension of such military service during a period of peacetime shall not be included as "service" for the purpose of this plan. Time spent on Reserve or National Guard training shall be included as "service" for purposes of this plan.

**TOTAL DISABILITY** — Any condition arising from illness or injury which precludes an employee from performing the duties associated with the normal occupation requirements of any position with the borough as certified by a physician designated by the borough.

**TRUSTEE**— The Council of the Borough of South Greensburg or any other agency or person appointed by the borough to serve in that capacity.

**VESTED INTEREST** — The nonforfeitable right to any immediate or deferred benefit in the amount which is equal to the sum of Subsection A and B below:

- A. The value on that date of that portion of the participant's account that is attributable to and derived from a participant's own contributions, if any.
- B. The value on that date of that portion of the participant's account that is attributable to and derived from employer contributions multiplied by his vesting percentage determined on the date applicable.

**VESTING PERCENTAGE** The member's nonforfeitable interest to his account plus earnings. An employee will immediately become one-hundred-percent vested upon becoming a member of the plan.

## **ARTICLE II**

### **Eligibility**

#### **§ 35-2. Plan eligibility.**

- A. All persons who are employees (as defined in this plan) as of the effective date hereof shall be members as of the effective date.
- B. Any person who becomes an employee (as defined in this plan) after the effective date hereof shall become a member on the first day of service as an employee.
- C. A former member shall become a member immediately upon returning to the employ of the borough if such member has a nonforfeitable right to all or a portion of the member account derived from the borough contributions at any time of termination of service. If not, he will be considered a new employee for plan eligibility purposes and must meet the requirements of Subsection B hereof.

## **ARTICLE III**

### **Contributions**

### **§ 35-3. Member contributions:**

No member contributions are required.

### **§ 35-4. Borough contributions.**

For the plan year commencing January 1, 1994, and ending December 31, 1994, the borough shall contribute one thousand five hundred dollars (\$1,500.) per member. For the plan year commencing January 1, 1995, and ending December 31, 1995, the borough shall contribute two thousand dollars (\$2,000.) per member. For all subsequent plan years beginning January 1, 1996, the employer contributions will be equal to the borough's share of the two-percent foreign casualty premium tax allocated each year by the commonwealth. Employer contributions shall be divided among the participants. If the State Aid allocations do not commence until after the 1996 plan year, the borough will contribute two thousand dollars (\$2,000.) per member per year until the plan year in which the State Aid allocation commences.

### **§ 35-5. Rollovers and transfers.**

The trustee may receive on behalf of a member all or part of the entire amount of any distribution from a terminated pension or profit sharing plan or any lump sum distribution theretofore received by such member from a pension or profit sharing plan meeting the requirements of Internal Revenue Code Section 401(a).

### **§ 35-6. Other contributions.**

The fund shall be authorized to receive by gift, grant, devise or bequest any money or property, real, personal or mixed, in trust for the benefit of the fund. The trustee shall be subject to such directions not inconsistent with this plan as the donors of such funds and property may prescribe.

### **§ 35-7. Accounting and allocations.**

- A. The administrator shall establish and maintain an account in the name of each member to which the administrator shall

credit as of each anniversary date all amounts allocated to each such member as hereafter set forth.

- B. The borough shall provide the administrator with all information required by the administrator to make a proper allocation of the borough's contribution for each plan year. Within forty-five (45) days after the date of receipt by the administrator of such information, the administrator shall allocate such contribution to each member's account in accordance with § 35-4.
- C. As of each anniversary date or other valuation date, before allocation of borough contributions, any earnings or losses (net appreciation or net depreciation) of the trust fund shall be allocated in the same proportion that each member's and former member's nonsegregated account bear to the total of all member's and former members nonsegregated account as of such date.
- D. Members' accounts shall be debited for any insurance or annuity premiums paid, if any, and credited with any dividends received on insurance contracts.

## **ARTICLE IV**

### **Retirement Benefits**

#### **§ 35-8. Normal retirement.**

A member who attains his normal retirement age shall be considered fully vested. If a member retires on his normal retirement date, he shall receive a distribution of the vested value of his member account valued as of the valuation date immediately preceding his normal retirement date.

#### **§ 35-9. Late retirement.**

A member may continue in the service of the borough after his normal retirement age, and in such event shall retire on his late retirement date. Such member shall continue as a member under

this plan until such late retirement date. The member shall have a vesting percentage as determined by the definition of "vesting percentage" in § 35-1 hereof and shall receive a distribution of the vested value of his member account valued as of the valuation date immediately preceding his late retirement date.

**§ 35-10. Disability retirement.**

A member who retires from the service of the borough due to a total disability shall have a vesting percentage of one hundred percent (100%) and shall receive a distribution of the entire value of his member account valued as of the valuation date immediately preceding his disability retirement date.

**ARTICLE V  
Death Benefits**

**§ 35-11. Death prior to retirement.**

If a member dies prior to the commencement of pension benefits, his designated beneficiary shall be entitled to the vested interest of the member's account determined pursuant to the definition of "vesting percentage" in § 35-1 hereof and valued as of the valuation date immediately prior to when death occurred. If no such beneficiary survives, the amount will be paid to the member's estate.

**§ 35-12. Death after retirement.**

If a member dies after distribution of benefits has commenced, the remaining portion of such interest will continue to be distributed in accordance with the method of distribution elected pursuant to Article VI hereof.

**ARTICLE VI  
Method of Distribution of Benefits**

**§ 35-13. Settlement options.**

Distributions may be made in a lump sum, however, if not made in a lump sum, may be made over one (1) of the following periods (or a combination thereof):

- A. The life of the member.
- B. The life of the member and a designated beneficiary.
- C. A period certain not extending beyond the life expectancy of the member.
- D. A period certain not extending beyond the joint and last survivor expectancy of the member and a designated beneficiary.

**§ 35-14. Joint and survivor annuity.**

Unless an optional form of benefit is selected by a member and agreed to by the member's spouse, the member's vested member account balance will be paid in the form of a fifty percent (50%) joint and survivor annuity.

**§ 35-15. Normal form of annuity.**

The normal form of annuity shall be a monthly pension benefit payable for the lifetime of the member.

**ARTICLE VII**  
**Termination of Employment**

**§ 35-16. Distribution.**

As of a member's termination of employment, he shall receive a distribution of his entire vested interest valued as of the valuation date immediately prior to when termination occurred.

**§ 35-17. Reemployment rights.**

- A. If the terminated member is rehired by the borough and re-enrolls in the plan within twelve (12) months of termination, he shall continue to participate in the plan as if such termination had not occurred.



- B. If a terminated member is rehired by the borough and re-enrolls in the plan after a one-year break in service has occurred, years of service prior to the one-year break in service will be credited towards his vesting percentage calculation as per the definition of "vesting percentage" in § 3-1 hereof, provided that the terminated member who under the plan did not have a nonforfeitable right to any interest in the plan resulting from employer contributions and his consecutive one-year breaks in service did not equal or exceed the greater of five (5) or the aggregate number of his pre-break years of service.
- C. If a terminated member receives a distribution pursuant to this section and is subsequently rehired and resumes employment covered under this plan, prior to five (5) consecutive one-year breaks in service, his employer-derived forfeited account balance will be restored only if he repays the full amount distributed to him before the earlier of five (5) years after the first date on which the member is reemployed by the borough or the close of the first period of five (5) consecutive one-year breaks in service commencing after distribution.
- D. If a nonvested member terminates, he will be deemed to have repaid the deemed distribution as of the date of reemployment.

## **ARTICLE VIII**

### **Management of Fund**

#### **§ 35-18. Fund management.**

- A. It is the duty of the trustee to pay the benefits to members and their beneficiaries, as provided in Articles IV, V, VI and VII, in accordance with the instructions received from the council; provided, however, that the duty of the trustee to make such payments is wholly contingent upon the sufficiency of the fund for such purpose.
- B. The borough may employ an actuary, investment advisors, counsel or other professional consultants from time to time in connection with the operation of the fund or of this plan. Such persons or entities shall be compensated by the

borough at such rates as may be agreed upon by the Council. Such compensation may be paid from the fund.

- C. The trustee shall make an annual determination of the fair market value of the fund as of the anniversary date and as of such additional dates as the Council may direct. The fair-market value of the fund shall be reported to the members at least every two (2) years.

## **ARTICLE IX**

### **The Council**

#### **§ 35-19. Powers and duties of Council.**

- A. The plan shall be administered by the Council of the Borough of South Greensburg. The Council shall make and adopt rules and regulations for the efficient administration of the plan.
- B. The Council shall keep all data, records and documents pertaining to the administration of the plan and shall execute all documents necessary to carry out the provisions of the plan, and shall provide all such data, records and documents to the trustee, and any other professional whose services are employed pursuant to § 35-18B of this plan.
- C. The Council shall construe the plan, shall determine any questions of fact arising under the plan and shall make all decisions required of it under the plan and its construction thereof, and decisions and actions taken thereon in good faith shall be final and conclusive. It may correct any defect or supply any omission or reconcile any inconsistency in such manner to such extent as it shall deem expedient to carry the plan into effect, and it shall be the sole judge of such expediency. The Council shall act uniformly with respect to matters coming before it concerning employees in similar circumstances.
- D. The Council shall serve without bond except as may be otherwise required by law and without compensation for its services as such.
- E. The members of the Council and each of them shall be free of all liability for any act or omission except by willful

misconduct or gross negligence, and each of them shall be fully indemnified by the borough against all judgments not involving findings of their respective personal or collective willful misconduct or gross negligence and against all costs, including counsel fees, incurred in defense of actions brought against them.

- F. The Council shall make available to members, retired members and terminated members and to their beneficiaries, for examination during business hours, such records as pertain to the person examining.
- G. To enable the Council to perform its functions, the borough shall supply full and timely information to it on all matters relating to the pay of all members, their retirement, death, termination of employment and such other pertinent facts as the Council may require.
- H. The Council shall enact such rules and regulations for the conduct of its business and for the administration of the plan as it may consider desirable, provided that the same shall not be in conflict with any of the provisions of the plan. All actions of the Council shall be taken at meetings at which at least a quorum of members shall be present or by written resolution, and any resolutions concurred in by not less than a quorum of its members shall be the action of the entire Council. Written minutes shall be kept of the meetings and actions of the Council.
- I. The Secretary, acting on behalf of the Council, shall have the power to execute all documents necessary to carry out the actions of the Council, and any person, partnership, corporation or government agency shall accept such documents over such signature or signatures as if executed by the Council.

## **ARTICLE X**

### **The Pension Committee**

#### **§ 35-20. Appointment.**

The Council may appoint a committee which shall administer the plan established by its ordinance according to the regulations established pursuant to this Article.

#### **§ 35-21. Composition.**

The committee shall consist of the President of the Council, Borough Secretary and a member appointed by the President of the Council.

#### **§ 35-22. Term; resignation; vacancies.**

Members of the committee so designated shall serve until death, resignation, removal or disqualification. Any committee member may resign upon written notice to the Council and the committee. Any vacancies in the committee arising from resignation, death or removal shall be filled by Council (by the procedure set out herein for the committee member whose resignation, death or removal has created the vacancy).

#### **§ 35-23. Actions and decisions; adoption of regulations.**

The committee shall act by such procedure as the committee shall establish. All decisions of the committee shall be by majority vote. The committee may authorize one (1) of its members to execute any document or documents on behalf of the committee. The committee may adopt such bylaws and regulations as it deems necessary for the conduct of its affairs and may appoint such accountants, counsel, actuaries, specialists or such other person as it may deem advisable for the proper administration of the plan. No such regulation, by law or appointment shall be effective until such is approved by the Council and the expenses incurred by the retention of such professionals shall be subject to the prior approval of the Council.

**§ 35-24. Keeping of records; monthly reports.**

The Committee shall keep a record of all proceedings and acts and shall keep all such books of accounts, records and other data as shall be necessary for the proper administration of the plan. All actions of the committee shall be communicated to the Council monthly.

**§ 35-25. Custody of records.**

All books, records, accounts, ledgers, transcripts, bank records, assets and tangible property of value shall be kept and in the custody of the borough or any person designated by the President of Borough Council.

**§ 35-26. Salary and expenses.**

The members of the committee shall serve without salary for their services but shall be reimbursed for all reasonable expenses incurred in the administration of the plan. Such expenses shall be subject to the prior approval of the Council.

**§ 35-27. Liability of members; indemnification.**

No committee member shall incur any liability for any action or failure to act, accepting only liability for his/her own gross negligence or willful misconduct. The borough shall indemnify each committee member against any and all claims, loss, damages, expense and liability arising from any action or failure to act, except for such that is the result of gross negligence or willful misconduct of such committee member.

**§ 35-28. Financial transactions.**

All checks, drafts, orders to pay money, deposits of money and all transactions concerning the receipt or disbursement of any money shall be prepared by the borough or any person designated by the President of the Borough Council.

## **ARTICLE XI**

### **Provisions Relating to the Borough**

#### **§ 35-29. Continuation of plan.**

It is the expectation of the borough that it will continue this pension plan indefinitely and will from time to time contribute to the fund such amounts as may be needed to provide the benefits set forth in the plan; but continuance of the plan is not assumed as an obligation of the borough and the right is reserved by the borough at any time to reduce, suspend or discontinue its contributions hereunder.

#### **§ 35-30. Operation and administration of fund.**

The borough assumes no obligation or responsibility with respect to the operation of the plan and does not guarantee the payment of the benefits provided for members of the plan. The borough shall have no liability with respect to the administration of the fund, and payments made under the provisions of any ordinance establishing, amending or maintaining the plan shall not be a charge on any other fund in the treasury of the borough or under its control, save the Non-Uniformed Employees Pension Fund herein provided for.

#### **§ 35-31. Guaranty of employment.**

Nothing contained in the plan shall be held or construed as a contract or guaranty of employment nor to create any liability upon the borough to retain any person in its service. The borough reserves the full right to discontinue the service of any person without any liability except for salary or wages that may be due and unpaid, whenever, in its judgment, its best interests so require, and such discontinuance shall be without regard to this plan.

**ARTICLE XII**  
**Termination or Amendment of Plan**

**§ 35-32. Plan termination or amendment.**

- A. The borough may amend, curtail or terminate this plan at any time; provided, however, that no amendment affecting the trustee shall be made without its consent (other than an amendment having the effect of termination of the plan); nor shall any amendment be made which will in any manner divert any part of the fund to any purpose other than the exclusive benefit of members or their beneficiaries (except upon termination such diversion may be made after all of the fixed and contingent liabilities to members and their beneficiaries have been met); nor shall any amendment be made at any time which will in any manner divest any benefit then vested in a member.
- B. In the event of termination of this plan, the Council shall allocate the assets then remaining in the fund, to the extent that such assets are sufficient, to members and retired members in an amount equal to their respective member account balances reduced in the cases of retired members by any prior distributions made to them.
- C. After allocation of the funds, the Council shall determine whether to operate the fund as the source of whatever payments the money so allocated will provide.

**ARTICLE XIII**  
**Miscellaneous Provisions**

**§ 35-33. Miscellaneous provisions.**

- A. No benefit under this plan shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge or encumbrance, nor to seizure, attachment or other legal process for the debts of any member or any member's beneficiary. This provision shall not apply to a "qualified domestic relations order" defined in Code Section 414(p),

and those other domestic relations orders permitted to be so treated by the Council under the provisions of the Retirement Equity Act of 1984. The Council shall establish a written procedure to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders. Further, to the extent provided under a "qualified domestic relations order," a former spouse of a participant shall be treated as the spouse or surviving spouse for all purposes under this plan.

- B. Any person dealing with the trustee may rely upon a copy of this plan and any amendments thereto certified to be a true and correct copy by the trustee.
- C. Anything heretofore contained in this plan to the contrary notwithstanding, it is the intention of the borough that any action herein provided to be taken by the trustee shall be taken only in accordance with written instructions of the Council given in such detail as to preclude the exercise by the trustee of discretion in the performance thereof.
- D. Under no circumstances, whether upon amendment or termination of this plan or otherwise, shall any part of the fund be used for or diverted to any purpose other than the exclusive benefit of members or their beneficiaries until all of the actuarial obligations to such members or members' beneficiaries have been met.
- E. If the Council deems any person incapable of receiving benefits to which he is entitled by reasons of minority, illness, infirmity or other incapacity, it may direct the trustee to make payment directly for the benefit of such person, to the guardian or trustee of such person whose receipt shall be a complete acquittance therefore. Such payment shall, to the extent therefore, discharge all liability of the borough, the trustee and the fund.
- F. Should any provision of this plan be determined to be void by any court, the plan will continue to operate and, to the extent necessary, will be deemed not to include the provision determined to be void.
- G. Headings and captions provided herein are for convenience only and shall not be deemed part of the plan.



- H. This plan shall be construed and applied under the laws of the Commonwealth of Pennsylvania where not in conflict with federal laws which shall prevail.
- I. All ordinances or ordinances or portions thereof inconsistent herewith are hereby repealed.

**Part 2**  
**Uniformed Employees Pension Plan**  
**[Adopted 1-9-1995 as Ord. No. 94-7]**

**§ 35-34. Establishment of plan.**

The Council of the Borough of South Greensburg hereby retroactively establishes the Police Pension Plan and Trust for the purpose of providing retirement and other benefits as of January 1, 1953.

**§ 35-35. Definitions.**

As used here, the words and phrases shown below shall have the meanings shown:

**COMPENSATION** — The gross monthly compensation paid to an employee averaged over his actual service before his actual retirement date but not over any period of such service in excess of the last sixty (60) calendar months.

**EMPLOYEE** — A person actively engaged by the contractholder on a regular, full-time permanent basis.

**MEMBER** — An employee eligible to participate in the benefits provided hereunder whose pension has not yet commenced.

**PENSIONER** — A former member (as defined) who has retired under the provisions of this contract and whose pension has commenced.

**PENSION** — The annuity purchased hereunder for a member.

RETIREMENT DATE — The date on which a member's pension commences or is due to commence under the terms of this contract.

CONTRACT YEAR — Any twelve-month period commencing with the effective date.

**§ 35-36. Eligibility.**

- A. Each person who is an employee, as defined herein, on the effective date shall become a member hereunder on that date.
- B. Each person who becomes employed or who is reemployed as an employee, as defined, subsequent to the effective date shall become a member immediately. **[Amended 5-9-1983 by Amdt. No. 2]**

**§ 35-37. Retirement date.**

- A. Normal retirement date. The normal retirement date of a member shall be the first day of the calendar month coincident with or next following attainment of age fifty-five (55). **[Amended 5-9-1983 by Amdt. No. 2]**
- B. Late retirement date. A member may elect, in writing, to defer his retirement date, provided that the contractholder's consent to make such election is first obtained. His late retirement date shall be the first day of any calendar month following his normal retirement date on which he actually retires from active service. To be effective, such election together with the written consent of the contractholder thereto must be filed with the company at its home office before the member's normal retirement date.

**§ 35-38. Member contributions.**

- A. No member contributions are required.
- B. Employer contributions will be equal to the municipality's share of the two-percent foreign casualty premium tax allocated each year by the commonwealth. Employer contributions shall be divided among the participants.

### **§ 35-39. Types of pension.**

- A. The normal form of pension benefit shall be a monthly annuity payable for the lifetime of the pensioner.
- B. **[Amended 3-17-1984 by Amdt. No. 3, effective 1-1-1984]**  
In lieu of the normal form of pension payments provided for in Subsection A, a member may elect in writing at least sixty (60) days prior to his actual retirement date to receive benefits as follows:
  - (1) An actuarially reduced monthly benefit equivalent to the life annuity under one (1) of the following optional forms of payment:
    - (a) A monthly annuity payable for the lifetime of the pensioner or for one hundred twenty (120) months certain, whichever is longer.
    - (b) A monthly annuity payable for the lifetime of the pensioner or for sixty (60) months certain whichever period is longer; or
  - (2) Equal monthly payments for a period certain of five (5) years at a rate of eighteen dollars and twelve cents (\$18.12) per month for each one thousand dollars (\$1,000.) of equivalent present value of the normal form of pension payment provided for in Subsection A.

### **§ 35-40. Amount of pension.**

The monthly amount of pension payable hereunder to a pensioner on his actual retirement date shall be equal to the amount which can be purchased for the member based on funds accumulated in his behalf, actual age at retirement and the type of pension payment elected as provided in § 35-39.

### **§ 35-41. Termination of employment, [Amended 5-9-1983 by Amdt. No. 1]**

- A. If a member's employment is terminated or if he ceases to be an employee, as herein defined, before his normal retirement date, he shall immediately cease to be a member and shall not be entitled to any benefit under this contract

other than a deferred vested benefit commencing at normal retirement for such an amount as his vested interest in the fund will provide.

- B. Vesting. If a member's employment is terminated or if he ceases to be an employee, as herein defined, for any reason other than death, total and permanent disability or retirement, and he has completed at least six (6) months of service, he shall be vested in the full value of funds deposited in his behalf, and such vested interest will be retained in the fund and will be credited with the interest earnings until the employee's retirement date as herein set forth, at which time an annuity will be purchased in his behalf. In the event of a member's death or a member becoming totally or permanently disabled as the result of a service-connected injury, said member shall be vested in the full value of funds deposited in his behalf. Further, in the event of death of a member prior to his actual retirement date, his beneficiary will receive his vested interest in the fund as of the date of death. In the event of total and permanent disability of a member as stated herein, then said member shall have a right to have purchased on his behalf an annuity, payments of which shall commence at the time of said total and permanent disability.
- C. In the event that a third employee is added to this plan, the contract will be amended in order to comply with the provisions of Act 600. At that time money already allocated to participants will be fully vested.

#### **§ 35-42. Death benefit.**

- A. Upon death of a member prior to his actual retirement date, his beneficiary will receive his vested interests in the fund as of date of death. A death benefit of twenty thousand dollars (\$20,000.) will be provided under a separate contract. **[Amended 5-9-1983 by Amdt. No. 2]**
- B. The provisions of the type of pension purchased for a pensioner shall determine the death benefit, if any, payable with respect to the death of the pensioner.

### **§ 35-43. Deposit fund.**

- A. The company will maintain a deposit fund under this contract which will be credited with deposits as they are paid to the company. The liability of the company to provide benefits or other payments hereunder is limited to the amount available in the deposit fund. Funds held under this contract shall be allocated to the individual members.
- B. The deposit fund shall be debited with the annuity considerations necessary to purchase pensions or make payments hereunder prior to partial termination of this contract.
- C. Administration charge. The amount of administration charge shall be a maximum of five percent (5%) of the normal cash flow in the fund, with a minimum charge of three hundred dollars (\$300.) per year. The charge will be deducted proportionately from the deposits made in behalf of the individual members.
- D. Interest. The deposit fund shall be credited at the end of each of the first five (5) contract years with interest at a rate of not less than four and one-half percent (4½%) per annum. The decision of the company as to the method to be used in determining the interest credited shall be final and binding on all parties. Additional interest earnings as declared by the company Board of Directors may be added.

### **§ 35-44. Pension purchases.**

- A. On a member's actual retirement date or on the normal date of retirement for a former member who is eligible for a deferred vested benefit, the total value of funds allocated to such member or former member shall be withdrawn from the deposit fund. Deposits and interest thereon shall be so withdrawn in the order in which they have been credited to the deposit fund (i.e., first-in-first-out method). [**Amended 5-9-1983 by Amdt. No. 2**]
- B. The amount of monthly normal pension purchased hereunder during the first five (5) contract years will be determined in accordance with Table I or IA attached hereto based on the pensioner's age and sex on the date as

of which such pension is purchased. For pensions purchased after the first five (5) years but purchased entirely with monies deposited in the first five (5) years, the purchase rates will be determined in accordance with Table II or IIA attached hereto.

**§ 35-45. Deposits. [Amended 5-9-1983 by Amdt. No. 1]**

- A. The contractholder will make deposits to the deposit fund at such times and in such amounts as the company determines are necessary to fund the benefits provided under the terms of this contract, subject to the minimum and maximum limits stated in the following subsections. All deposits are payable at the home office of the company in Norristown, Pennsylvania, or to an authorized agent of the company.
- B. Minimum deposit. The total deposit in a contract year shall not be less than the amount necessary to prevent the unfavorable application of Ruling No. 57 (PS57) of the Pension Trust Division of the Internal Revenue Service or any extension of, modification of or substitutions of such ruling.
- C. Maximum deposit. The total deposits in a contract year shall not exceed the amount which is allowable under the Internal Revenue Code, as amended from time to time, and any applicable regulations and rulings thereunder, as a deductible contribution to a qualified pension plan, unless the company, in writing, otherwise agrees.
- D. Supplementary deposit. If at any time an amount to be withdrawn from the deposit fund as provided hereunder exceeds the amount then in such fund, there will be immediately due the company from the contractholder, to be credited to such fund, a supplementary deposit in an amount to be determined by the company.
- E. Grace period. A grace period of thirty-one (31) days will be allowed for the payment of any minimum deposit or

supplementary deposit after the date of notification by the company that such deposit is due.

- F. Suspension of payment. Subject to the provision of Subsection B, the contractholder may, upon filing written notice with the company, suspend the payment of a deposit for a period not in excess of one (1) year. The company may agree in writing to extend any such suspension for further periods of not more than one (1) year.

### **§ 35-46. Partial termination.**

- A. Partial termination of this contract shall occur when:

- (1) The contractholder gives written notice of partial termination. In such event such partial termination shall be effective on the date stipulated by the contractholder, or on the date the notice is received by the company, if later.
- (2) The company gives written notice to the contractholder of partial termination as a result of the contractholder having failed to pay a deposit on its due date or within the grace period allowed therefor; in which event, such partial termination shall be effective as of the date of such written notice.
- (3) The contractholder notifies the company, or the company becomes aware, that there are only pensioners remaining under the plan, in which event such partial termination shall be effective on a date determined by the company.
- (4) The contractholder does not assent to a modification of this contract initiated by the company as hereinafter provided, in which event such partial termination shall be effective on the date the company intended such modification to be applicable.

- B. Effect of partial termination. On and after partial termination, no deposits will be payable to or accepted by the company. The amount then in the deposit fund shall be accounted for under either the purchase option or the liquidation option, as the contractholder may elect. If the contractholder fails to elect either option within one (1)

month after termination, the purchase option shall be deemed to have been elected by the contractholder.

C. Purchase option.

- (1) If the purchase option becomes effective, there shall first be withdrawn from the deposit fund any administration charge not yet debited as hereinbefore provided.
- (2) The balance of the deposit fund will then be applied to purchase pensions for members in accordance with the individual allocations of the fund made pursuant to § 35-43A. The type of pensions purchased for members will be determined by the contractholder in a nondiscriminatory manner. Immediately commencing pensions will be purchased for Class I, and deferred pensions with payments thereunder commencing at normal retirement date will be purchased for Class II.
- (3) The classes are as follows:
  - (a) Class I: members eligible to retire who have not yet done so.
  - (b) Class II: all other members.
- (4) The member with respect to whom a pension is purchased under the purchase option shall have vesting in such pension whether the pension is immediate or deferred.
- (5) The annuity considerations for purchase under the purchase option shall be computed on the same actuarial basis as used to compute pensions purchased immediately prior to partial termination, save that the annual interest rate used in such computations shall be reduced by one percent (1%).

D. Liquidation option.

- (1) If the liquidation option is elected by the contractholder, there shall be first withdrawn from the deposit fund any administration charge not yet debited as hereinbefore provided. Within six (6) months after the date of partial termination, the company will pay



not less than ninety percent (90%) [if such date of partial termination occurs during the first five (5) contract years] and ninety-five percent (95%) thereafter of any remaining balance in the fund to such insurance carrier or fiduciary designated by the contractholder as the new agency through which the benefits of the plan are to be disbursed.

- (2) However, the company, in lieu of making payment in a lump sum, may elect to liquidate such amount by making annual payments of at least fifty thousand dollars (\$50,000.) over a period of not more than five (5) years in which event interest at the rate or three percent (3%) per annum, compounded annually, will be credited on the unpaid balance. Such payment or payments shall be in lieu of all rights and benefits under this contract.

**§ 35-47. Data to be furnished to the company.**

- A. The contractholder, members and pensioners shall furnish the company all information reasonably necessary for the company to administer this contract, including, without limiting the generality of the foregoing, proof of age and proof of death of any member, pensioner or payee and proof that a payee is living when payment is contingent upon survival of such payee.
- B. The contractholder shall make available for inspection by the company any records maintained by the contractholder which may pertain to the coverage of a member or pensioner hereunder.
- C. The contractholder's determination of facts regarding the status of any member with respect to employment shall be conclusive for the purpose of this contract.

**§ 35-48. General provisions.**

- A. Misstatements and adjustments. If it shall be found that the age, sex or any other relevant fact with respect to a member, pensioner or contingent annuitant has been

misstated, the amount of annuity considerations or benefits, or both, payable by or to the company shall be equitably adjusted to what would have been payable on the basis of the correct information.

- B. Entire contract. This contract and the contractholder's application (a copy of which is attached hereto) shall constitute the entire contract between the parties. No amendment shall be valid unless signed by the President, a Vice President or the Secretary of the company, and no agent or other person has the authority to waive or amend any provisions hereof. Any statements in any application hereunder shall be deemed representations and not warranties, and no statement shall be used as a defense to a claim unless contained in a written application.
- C. Modification of contract. This contract may be modified in any respect at any time by written agreement between the contractholder and the company. On the fifth anniversary of the effective date or on any anniversary date thereafter the company, upon forty-five (45) days' advance notice in writing to the contractholder, may change, vary or modify any or all terms of this contract, provided that any such change shall not affect the amount or terms of a pension purchased hereunder before its effective date.
- D. Individual certificates. The company will issue to the contractholder an individual certificate for delivery to each pensioner which will in no way void or alter any of the terms of this contract but will describe the pensioner's pension.
- E. Proof of pensioner's survival. If within five (5) years of a pensioner's retirement date the company does not receive at its home office proof satisfactory to it that the pensioner was living on his retirement date, it shall conclusively be presumed that he died on the day before his retirement date.
- F. Facility of payment. If any payee entitled to benefits thereunder is for any reason incapable of giving a valid release for any benefits due, the company, at its option and until claim is made by the duly appointed committee or guardian of such payee, makes payments to such person or party which appears to the company to have assumed the

custody of principal support of such payee. Payment in the above manner shall release the company from all further liability to the extent of all benefits so paid.

- G. Small pensions. If the monthly payments of any pension purchased hereunder are less than ten dollars (\$10.), the company reserves the right to pay the actuarial equivalent of such pension payments in one (1) sum.
- H. Incontestability. The validity of this contract shall not be contested, except for the nonpayment of deposits after it has been in force one (1) year from its date of issue.
- I. Assignability. This contract is not assignable without the consent of the company. Except as provided by law, rights of a payee may not be assigned, altered or transferred or made subject to legal process for payment of the payee's debts.
- J. Sex and number. Unless the context indicates otherwise, the plural shall include the singular and the masculine shall include the feminine, where used in this contract.
- K. Complete termination of contract. This contract shall terminate as of the first day upon which all the obligations of the company hereunder have been fulfilled.

### **§ 35-49. Contract provisions.**

- A. Beneficiary.
  - (1) The member may designate a beneficiary or change his designation of beneficiary from time to time by written request filed with the contractholder or at the home office of the company. No such designation or change of beneficiary shall take effect unless so filed, but if filed it will be effective as of the date the request was signed, whether or not the member is living at the time of such filing, but any payment made by the company prior to receipt of such request at its home office shall fully discharge the company to the extent of such payment.
  - (2) Except as may be otherwise specifically provided by the member:

- (a) If any designated beneficiary predeceases the member, the interest of such beneficiary shall terminate and any amount which would have become payable to such beneficiary, if living, shall be payable equally to the remaining designated beneficiary or beneficiaries, if any, who survive the member; and
  - (b) If there is no designated surviving beneficiary or if no beneficiary has been designated at the death of the member, payment shall be made to the member's widow or widower, if surviving the member; if not surviving the member, in equal shares to the member's children who survive the member; if none survives the member, to the member's parents, equally or to the survivor; if neither survives the member, in equal shares to the member's brothers and sisters who survive the member; or, if none survives the member, to the member's executors or administrators.
- (3) If any beneficiary is a minor or otherwise incapable of giving a valid release for any payment due, the company may, at its option and until claim has been made by a legally appointed guardian or committee of such beneficiary, make payment of the amount payable to such person or institution as has, in the opinion of the company, assumed the custody and principal support of such beneficiary. The company shall be discharged from all liability to the extent of such payments and shall not be responsible for the application of any amount so paid.
- B. Assignment. No payee hereunder may assign any payment due to him from the company. Any payment due a payee from the Company will be exempt from the claims of creditors of the payee. If the provisions of this Subsection B are contrary to the law governing in a particular circumstance, then, as to that circumstance, the payment will be exempt to the maximum extent permitted by law.

**TABLE I**  
**Rates to Purchase Non-Refund Monthly**  
**Retirement Annuities**  
**[For purchase made in first five (5) contract years]**

<b>Age Nearest Birthday on Date of Purchase</b>	<b>Single Premium Rate Per \$1 Per Month</b>	
	<b>Male</b>	<b>Female</b>
50	\$202.85	\$224.68
51	198.75	220.86
52	194.62	216.94
53	190.44	212.91
54	186.21	208.78
55	181.95	204.54
56	177.64	200.20
57	173.28	195.76
58	168.87	191.21
59	164.41	186.58
60	159.89	181.86
61	155.31	177.07
62	150.68	172.22
63	146.01	167.31
64	141.29	162.36
65	136.56	157.35
66	131.83	152.30
67	127.13	147.21
68	122.50	142.05
69	117.93	136.84
70	113.39	131.59
71	108.88	126.32
72	\$104.41	\$121.10

73	100.00	115.98
74	95.68	111.00
75	-91.44	106.17

**TABLE IA**  
**Rates to Purchase Ten-Year Certain and**  
**Life Thereafter Monthly Retirement Annuities**  
**[For purchase made in first five (5) contract years]**

<b>Age Nearest Birthday on Date of Purchase</b>	<b>Single Premium</b>	
	<b>Rate Per \$1 Per Month</b>	
	<b>Male</b>	<b>Female</b>
50	\$206.60	\$226.48
51	202.87	222.76
52	199.12	219.01
53	195.34	215.18
54	191.54	211.28
55	187.73	207.30
56	183.39	203.25
57	180.05	199.15
58	176.20	194.99
59	172.35	190.78
60	168.52	186.54
61	164.70	182.26
62	160.92	177.98
63	157.19	173.69
64	153.51	169.43
65	149.91	165.20
66	146.41	161.02
67	143.01	156.92
68	139.75	152.90
69	136.62	148.99
70	133.63	145.20
71	130.79	141.57

72	\$128.11	\$138.11
73	125.61	134.86
74	123.29	131.82
75	121.16	128.98

Should a member on the retirement date have dependents that would make the contingency for survivor's benefits necessary, this table would be used to determine the purchase price of the annuity. In the event there was no eligible contingent beneficiary at the death of the member, the commuted value of any unpaid installment would be used as a credit for the current deposit to the fund.

**TABLE II**  
**Rates to Purchase Non-Refund Monthly**  
**Retirement Annuities**  
**[For purchases made with monies deposited in first**  
**five (5) contract years]**

<b>Age Nearest Birthday on Date of Purchase</b>	<b>Single Premium Rate Per \$1 Per Month</b>	
	<b>Male</b>	<b>Female</b>
50	\$213.09	\$235.94
51	208.79	231.94
52	204.45	227.84
53	200.07	223.65
54	195.65	219.35
55	191.19	214.95
56	186.69	210.45
57	182.15	205.84
58	177.57	201.44
59	172.94	196.34
60	168.26	191.45
61	163.53	186.48
62	158.75	181.45

63	153.92	176.36
64	149.05	171.22
65	144.14	166.03
66	139.23	160.80
67	134.32	155.54
68	129.45	150.23
69	124.66	144.88
70	119.94	\$139.47
71	115.26	134.02
72	110.60	128.58
73	106.00	123.19
74	101.47	117.91
75	97.03	112.78

## IIA

### Rates to Purchase Ten-year Certain and Life Thereafter Monthly Retirement Annuities

[For purchases made with monies deposited in first five (5)  
contract years]

Age Nearest Birthday on Date of Purchase	Single Premium Rate Per \$1 Per Month	
	Male	Female
50	\$216.54	\$237.57
51	212.61	233.71
52	208.64	229.77
53	204.65	225.76
54	200.63	221.66
55	196.61	217.49



56	192.56	213.25
57	188.50	208.95
58	184.44	204.59
59	180.38	200.18
60	176.33	195.72
61	172.30	191.24
62	168.29	186.73
63	164.33	182.21
64	160.41	177.70
65	156.56	173.22
66	152.80	168.78
67	149.13	164.40
68	145.59	160.11
69	142.19	155.90
70	138.93	151.82
71	135.82	147.86
72	132.87	144.07
73	\$130.08	\$140.48
74	127.48	137.09
75	125.08	133.93

Should a member on the retirement date have dependents that would make the contingency for survivor's benefits necessary, this table would be used to determine the purchase price of the annuity. In the event there was no eligible contingent beneficiary at the death of the member, the commuted value of any unpaid installment would be used as a credit for the current deposit to the fund.

## Chapter 39

### SALARIES AND COMPENSATION

[The salaries and compensation of all officers and employees of the Borough of South Greensburg are as set forth from time to time by the Borough Council. Information concerning current salary and compensation figures is on file in the Borough Secretary's office, where it is available for examination during regular office hours.]

## Chapter 42

### SEWAGE AUTHORITY

- § 42-1. Declaration of intent.
- § 42-2. Authorization to execute Articles of Incorporation.
- § 42-3. Terms of members.
- § 42-4. Publication of notice; filing of Articles.
- § 42-5. Objective.
- § 42-6. Term of existence.

[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 10-7-1957. Sections 42-2E and 42-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

### **§ 42-1. Declaration of intent.**

The Council of the Borough of South Greensburg hereby signifies its intention and desire to organize jointly with the City of Greensburg . and the Borough of Southwest Greensburg an Authority under the provisions of the Municipality Authorities Act of 1945, as amended.

### **§ 42-2. Authorization to execute Articles of Incorporation.**

The Mayor, President and Borough Secretary are hereby authorized and directed to execute on behalf of the Borough of South Greensburg Articles of Incorporation for said Authority providing, among other things:

- A. That the name of the Authority shall be "Greater Greensburg Sewage Authority."
- B. That the Authority is formed under Act of May 2, 1945, P.L. 382, as amended.
- C. That no other Authority has been organized under said Act or under the Act of June 23, 1935, P.L. 463,<sup>3</sup>and is in existence in or for the Borough of South Greensburg.
- D. That the names of the incorporating municipalities are the City of Greensburg, the Borough of South Greensburg and the Borough of Southwest Greensburg, all in Westmoreland County, Pennsylvania; and the authorities of the municipalities, the Mayor, City Clerk and City Councilmen of the City of Greensburg; and the Mayor, Secretary and President of the Borough Council and the Borough Councilmen of the Borough of South Greensburg and of the Borough of Southwest Greensburg, shall be set forth.
- E. That there shall be seven (7) members of the Board of the Authority, three (3) appointed by the City of Greensburg, two (2) appointed by the Borough of South Greensburg and two (2) by the Borough of Southwest Greensburg. The affirmative vote of five (5) of the members of the Board shall be required for the purpose of organizing the

Authority and conducting the business thereof and for all other purposes, and this provision shall be inserted in the application for Articles of Incorporation and bylaws of said Authority. The names, addresses, terms of office and appointing municipalities of the first members of the Board of the Authority are on file in the office of the Borough Secretary.<sup>4</sup>

**§ 42-3. Terms of members.<sup>5</sup>**

The terms for the two (2) members representing the Borough of South Greensburg shall be for two (2) and three (3) years, respectively.

**§ 42-4. Publication of notice; filing of Articles.**

The proper officers of the borough are hereby directed, as required by the Municipality Authorities Act of 1945, as amended,<sup>6</sup> to publish notice of this chapter and, on the day upon which said Articles of Incorporation will be filed with the Secretary of the Commonwealth of Pennsylvania, to file Articles of Incorporation, together with the ordinance authorizing the incorporation of the Authority and the necessary proofs of publication with the Secretary of the Commonwealth; and to do all other things necessary or appropriate to effect the incorporation of the Greater Greensburg Sewage Authority.

**§ 42-5. Objective.**

The project which shall be undertaken by the Authority is to require the sewage collection system of the City of Greensburg, Borough of South Greensburg and Borough of Southwest Greensburg; to construct a sewage treatment plant, interceptors, sewers and extensions and additions to said sewage collections systems; and to maintain and operate or to lease the same for operation as may be determined for the benefit of the inhabitants of said municipalities and of Hempfield Township, not a member of the Authority.

**§ 42-6. Term of existence. [Added 11-13-1989] [Amended 6-12-2006 by Ord. No. 2006-06, effective 6-12-2006]**

The term of existence of the Greater Greensburg Sewage Authority shall be extended through December 31, 2055.

**Chapter 44**

**SHADE TREE COMMISSION**

- § 44-1. Purpose; establishment.**
- § 44-2. Appointment; membership; vacancies.**
- § 44-3. Appointment of successors.**
- § 44-4. Powers.**
- § 44-5. Employees; promulgation of rules and regulations.**
- § 44-6. Annual report.**
- § 44-7. Notice to remove trees; noncompliance; costs to be lien.**
- § 44-8. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 4-13-1992 as Ord. No. 92-2. Amendments noted where applicable.]**

**§ 44-1. Purpose; establishment.**

In order to protect, maintain and preserve the residential character of the Borough of South Greensburg and its environmental quality, there shall be hereby established a Shade Tree Commission for the Borough of South Greensburg in accordance with the Borough Code of the Commonwealth of Pennsylvania, Act of Assembly No. 581, approved February 1, 1966, as amended.

**§ 44-2. Appointment; membership; vacancies.**

A Shade Tree Commission composed of three (3) residents of the Borough of South Greensburg shall be appointed by Borough Council of the Borough of South Greensburg and shall serve without compensation, one (1) for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a term of five (5) years. Vacancies in office shall be filled by Borough Council of the Borough of South Greensburg for the unexpired term.

**§ 44-3. Appointment of successors.**

Upon the expiration of the term of any Shade free Commissioner, a successor shall be appointed by Borough Council of the Borough of South Greensburg to serve for a term of five (5) years.

**§ 44-4. Powers.**

The Commission shall have exclusive custody and control of the shade trees in the Borough of South Greensburg and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the Borough of South Greensburg.

**§ 44-5. Employees; promulgation of rules and regulations.**

The Commission may, with the prior approval of Borough Council of the Borough of South Greensburg, employ and pay such superintendents, engineers, foresters, tree wardens or other assistants as the proper performance of the duties devolving on it shall require and may make, publish and enforce regulations for the care and protection of the shade trees of the Borough of South Greensburg. No such regulation shall be in force until it has been approved by Borough Council of the Borough of South Greensburg and enacted as an ordinance.

#### **§ 44-6. Annual report.**

The Shade Tree Commission shall annually report in full to Borough Council of the Borough of South Greensburg its transactions and expenses for the last fiscal year of the Borough of South Greensburg.

#### **§ 44-7. Notice to remove trees; noncompliance; costs to be lien.**

- A. The Commission may, upon prior written notice of fifteen (15) days and under such regulations as are prescribed by this chapter, require owners of property to cut and remove plants, shrubs and trees or parts thereof on their property or on public property within a road right-of-way which abuts their property if such plants, shrubs and trees are in such condition as may, in the opinion of the Commission, present a hazard to persons or property within the Borough of South Greensburg. Upon failure of any such owner to comply with such notice, the Borough of South Greensburg may cause the work to be done by the Borough of South Greensburg or by others and may levy the costs thereof upon and collect the costs thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the Borough of South Greensburg and shall be filed with the Borough Secretary of the Borough of South Greensburg. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.
- B. Upon filing of certification with Borough Council of the Borough of South Greensburg, the Borough Secretary shall cause written notice of thirty (30) days to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment and shall be accompanied by a copy of the certificate. The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the Borough of South Greensburg, and if not paid within the time designated in the notice a claim may be filed and collected by the Borough Solicitor of the Borough of South Greensburg in the same manner as municipal claims are filed and collected.

#### **§ 44-8. Violations and penalties.**

The Commission may assess penalties for the violation of its regulations and for the violation of this chapter. In any instance, each day during which such violation occurs or persists after notice thereof to the owner may be considered by the Commission to be a separate offense, and the Commission may assess such penalties in an amount not to exceed fifty dollars (\$50.) for each such day of violation. The total amount of such penalties in any instance shall not exceed six hundred dollars (\$600.). Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected. All penalties or assessments shall be paid to the Borough Treasurer of the Borough of South Greensburg to be placed to the credit of the Shade Tree Commission, subject to being drawn upon the Commission for the purposes contained herein.



# PART II

## GENERAL LEGISLATION

### Chapter 51

#### AMUSEMENTS AND AMUSEMENT DEVICES

- § 51-1. Definitions and word usage.
- § 51-2. License required.
- § 51-3. Application for license.
- § 51-4. Issuance of license; fee; effect of license.
- § 51-5. Application for license renewal.
- § 51-6. Periodic inspections of devices.
- § 51-7. Exhibition of license.
- § 51-8. Violations and penalties

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 3-8-1982 as Ord. No. 82-9. Sections 51-1, 51-4 and 51-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## GENERAL REFERENCES

Massage parlors — See Ch. 112.

Obscenities — See Ch. 117.

### § 51-1. Definitions and word usage.

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

**ELECTRONIC AMUSEMENT DEVICE** — Any machine or device, including movies within individual booths or any machine into which you put money or tokens, similar to those defined under "mechanical amusement device," except that they are operated electronically, with or without video screens.

**MECHANICAL AMUSEMENT DEVICE** — Any machine or device which, upon the insertion of a coin, slug, token, plate, disk or any other method, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skillball, mechanical grab machines, electrical amusement devices, coin video games and all games, operations or transactions similar thereto under whatever name they may be indicated.

**PERSON** — Any natural person, association, partnership, firm or corporation.

- B. Usage. In this chapter the singular shall include the plural, and the masculine shall include the feminine and the neuter.

### § 51-2. License required.

No person may at any time have in his possession, at any place within the Borough of South Greensburg, any pinball machine or any other electronic amusement device without first having procured a license therefor from the Mayor.

### **§ 51-3. Application for license.**

Any person desiring to procure a license for a pinball machine or any other electronic amusement device shall apply therefor, in writing, to the Mayor. Such application shall set forth the name of the applicant, the address at which such machine is to be located and the number and character of machines to be installed at such address for use thereon. Such information shall be furnished over the signature of the applicant and shall be made under oath or affirmation. No license shall be granted until a period of five (5) days has elapsed from the date of application, during which time the Mayor may, at his discretion, investigate the facts set forth in the application.

### **§ 51-4. Issuance of license; fee; effect of license.**

Following the waiting period provided in § 51-3, and upon payment by the applicant of the license fee of fifty dollars (\$50.) for each pinball machine and each other electronic amusement device sought to be licensed, a license shall be issued by the Mayor to the applicant. Said license shall be valid for the entire year for which it is issued and shall expire following the last day of such year. Such license shall authorize the installation or location and use upon the premises specified therein of the number of pinball machines or any other electronic amusement devices for which the aforesaid license fee shall have been paid, but nothing herein shall prohibit the change or exchange of such pinball machines or electronic amusement devices so long as the total number of such machines installed or located in and about such premises shall not, at any time, exceed the number set forth in the original application. Whenever the total number of such machines installed or located in or about any premises shall exceed the total number for which the license was granted, application shall be made for a license for such additional number and fee shall be paid therefor.

### **§ 51-5. Application for license renewal.**

Prior to the expiration date of any license issued under this chapter, the holder of such license shall apply to the Mayor for a license for the following year. The same provisions shall govern the issuance of such license as are set forth in the preceding sections of this chapter.

### **§ 51-6. Periodic inspections of devices.**

The Borough Police, under the direction of the Mayor, shall make periodic inspections of pinball machines and any other electronic amusement devices licensed under this chapter.

### **§ 51-7. Exhibition of license.**

Any license issued under this chapter shall be exhibited at any time on request of the Mayor or any police officer of the borough. The Mayor may revoke any license hereunder granted when he deems such revocation to be necessary for the benefit or protection of the public health, safety or morals.

### **§ 51-8. Violations and penalties.<sup>4</sup>**

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.) and costs of prosecution for each offense and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

## **Chapter 53**

### **ANIMALS**

#### **ARTICLE I**

##### **Defecation**

- § 53-1. Animal defecation on public and private property restricted.**
- § 53-2. Disposal of animal feces.**
- § 53-3. Exemptions.**
- § 53-4. Miscellaneous Provisions.**
- § 53-5. Miscellaneous Provisions.**
- § 53-6. Miscellaneous Provisions.**
- § 53-7. Miscellaneous Provisions.**
- § 53-8. Miscellaneous Provisions.**
- § 53-9. Miscellaneous Provisions.**
- § 53-10. Miscellaneous Provisions.**
- § 53-11. Miscellaneous Provisions.**
- § 53-12. Violations and penalties.**
- § 53-13. Violations and penalties.**
- § 53-14. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg". Art. I, 7-8-1991 as Ord. No. 91-5. Amended 3-15-2011by Ord. No. 2011-04, effective 3-14-2011].]**

**ARTICLE I**  
**Defecation**  
**[Adopted 7-8-1991 as Ord. No. 91-**  
**5]**

**Nuisance (Defecation and Urination)**

**§ 53-1. Animal defecation on public and private property restricted.**

No person having possession, custody or control of any animal shall knowingly or negligently permit any dog, cat or other animal to commit any nuisance, that is, defecation or urination, upon: (1) any street, driveway, alley, curb or sidewalk in the Borough of South Greensburg; (2) the floors or stairways of any building or place frequented by public or used in common by tenants, invitees or visitors; (3) the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting a public street or park; (4) the grounds of any public park or public area; or (5) any private property other than the property of the owner of such animal, without explicit consent of the private property owner.

**§ 53-2. Disposal of animal feces.**

Any person having possession, custody or control of any dog cat or other animal which commits a nuisance, that is, defecation or urination, in any area other than the private property of the owner of such dog or other animal, or as prohibited in § 53-1, shall be required to immediately remove any feces from such surface and either carry the same away for disposal in a toilet or place the same in a nonleaking container for deposit in an appropriate trash or litter receptacle. Such removal shall be considered abatement of the nuisance.

### **§ 53-3. Exemptions.**

The provisions of §§ 53-1 and 53-2 hereof shall not apply to a guide dog accompanying any blind persons or to a dog used to assist any other physically handicapped person.

## **Miscellaneous Provisions**

### **§ 53-4.**

It shall be unlawful for the owner of any dog, cat or other animal to allow such animal to be at large, meaning to be off the premises or property of the owner, unless under restraint, such as a leash or similar device, or safely and humanely maintained within a vehicle. All such animals are to be maintained under restraint by the owner outside the property or premises of the owner. Owners are to maintain a controlled environment for all animals inside and outside the limits of the owner's property. This section shall apply with equal force to any person other than the animal owner having temporary possession, custody or control of any such animal.

### **§ 53-5.**

The Borough of South Greensburg, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being, therefore, a public health and welfare hazard, hereby declares it to necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough. Any dog, cat or other animal, which by frequent and habitual barking, howling, screeching, yelping or baying, disturbs or endangers the quiet, solitude, comfort, repose or health of any person or persons, is hereby declared to be committing a nuisance. "Frequent and habitual" shall be defined herein as any noise made continuously and/or incessantly for a period of ten (10) minutes or intermittently for one-half ( $1/2$ ) hour or more to the disturbance of any person any

time of the day or night; provided that, at the time such noise is made, no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated nor is there any other legitimate cause which justifiably provoked the animal. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

#### **§ 53-6.**

No person shall keep or harbor any dog, cat or other animal so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.

#### **§ 53-7.**

The Borough of South Greensburg, including any designee thereof, may seize any dog, cat or other animal found at large within the Borough.

#### **§ 53-8.**

It shall be unlawful for the owner of any dog, cat or other animal to fail to comply with any and all laws, regulations and/or ordinances of the Commonwealth of Pennsylvania or the County of Westmoreland relating to licensing and rabies vaccinations.

#### **§ 53-9.**

Cats permitted by their owner to be outside must wear an ID collar containing the owner's name, address and phone number. Nothing herein, however, shall relieve said owner of the obligations set forth in § 53-4 of this Chapter.



**§ 53-10.**

Any female cat "in heat" (defined as the times during the year when the female is able to breed and have a litter) must be kept inside.

**§ 53-11.**

Any dog, cat or other animal that, in the opinion of the Police or any other authorized agent of South Greensburg Borough, constitutes a threat to public health, safety and welfare, may be killed by the Police.

**Violations and penalties**

**§ 53-12.**

It shall be hereafter unlawful for any person, firm, corporation or any other entity to act or fail to act in violation of any provision of this Chapter.

**§ 53-13.**

Any person, firm, corporation or other entity who violates any term or provision of this Chapter shall be guilty of a summary offense, and, upon conviction thereof before a Court of competent jurisdiction, be subject to a fine of not less than Twenty-Five Dollars (\$25.00) or more than One Thousand Dollars (\$1,000.00), plus all costs and reasonable attorneys' fees, and, upon default in the payment of same, be subject to the maximum period of incarceration permitted for summary offenses.

**§ 53-14.**

If any dog, cat or other animal is seized as provided above, the owner of such animal shall pay the actual, reasonable cost of seizure and detainment prior to the time the animal is released to the owner. Said cost shall include the reasonable hourly compensation of any Borough representative involved in the seizure and detainment.

## **Chapter 57**

### **BRUSH, GRASS AND WEEDS**

- § 57-1. Short Title.**
- § 57-2. Findings and Declaration of Policy.**
- § 57-3. Purpose.**
- § 57-4. Prohibited growths of vegetation.**
- § 57-5. Composting.**
- § 57-6. Enforcement, Violations, and Penalties.**
- § 57-7. Severability.**
- § 57-8. Responsibilities of Owners and Occupants.**
- § 57-9. Owners Severally Responsible.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 10-8-1979 as §§ 5.21 through 5.25 of Chapter 5 of the Code of Ordinances. Section 57-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amended 3-14-2011 by Ord. No. 6, effective 3-15-2011.]**

#### **GENERAL REFERENCES**

**Outdoor burning — See Ch. 64.  
Garbage, rubbish and refuse — See Ch. 90.  
Property maintenance — See Ch. 125.**

**§ 57-1. Short title.**

This Chapter shall be known and cited as the "Borough of South Greensburg Ordinance on Brush, Grass, Weeds, Composting and Related Maintenance."

**§ 57-2. Findings and Declaration of Policy.**

It is hereby found and declared that, in the Borough of South Greensburg, there is or may be in the future objectionable growth of brush, weeds and grass and undesirable use of compost piles. Also, lack of maintenance of brush, weeds, grass, and unchecked composting, as well as related growths and conditions, can and will create a public nuisance that is detrimental to the health, safety and general welfare of the residents of the Borough.

**§ 57-3. Purpose.**

The purpose of this Chapter is to protect the public health, safety and welfare and to ensure the maintenance of property values by establishing standards governing the growth of brush, grass, weeds and related vegetation and other similar conditions, and regulating composting.

**§ 57-4. Prohibited growths of vegetation.**

No person, firm, corporation or other entity owning or occupying any property within the Borough of South Greensburg shall permit any grass, weeds or any vegetation to grow or remain upon such property so as to exceed a height of six (6) inches, to throw off any unpleasant or noxious odor or to produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any provision of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

In addition, all premises shall be kept free of shrubs, brush or other vegetation planted for some useful (for example, edible) or ornamental purpose of more than six (6) feet in height.

Bushes, trees and other "living fences" along property lines or public ways shall be kept pruned and trimmed so they do not encroach on streets, sidewalks, alleys or neighboring property, obstruct vision or interfere with pedestrian or vehicle traffic. In no event shall such "living fences" exceed six (6) feet in height.

Dead and dying trees, bushes, weeds and grass are to be properly trimmed and maintained along curbs, houses, fences, sidewalks, right-of-ways and around all buildings on any premises.

Piles of grass, weeds or vegetation are not permitted. All trimmed or cut grass, weeds, leaves or vegetation are to be disposed of in a proper manner, and shall not be deposited in the public streets of the Borough or in any way detrimental or injurious to any public streets, passageways, lines or utilities.

## **§57-5. Composting.**

- A. Findings and Declaration of Policy. The Borough of South Greensburg hereby declares that unregulated composting poses a danger to the public health, safety and welfare of the citizens of the Borough, and erodes property values. Accordingly, the regulations in this section are intended to fulfill the legitimate policy of protecting the above.
- B. Definition. As used herein, the term composting shall mean a controlled biological reduction of organic waste to humus.

- C. Maintenance. All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
1. All compost piles shall be enclosed in a freestanding compost bin. No open piles of grass and/or vegetation shall be maintained. Each compost bin shall be no larger in volume than one hundred fifty (150) cubic feet for properties ten thousand (10,000) square feet and less in lot size, with an additional one hundred fifty (150) cubic feet permitted for each additional ten thousand (10,000) square feet of lot size. Compost bins shall be no taller than five (5) feet.
  2. All compost piles shall be maintained so as to prevent the harborage of rodents and pests.
  3. All compost piles shall be maintained so as to prevent unpleasant, rotten egg-like, putrefactive, sweet, sour or pungent odors.
  4. Unless written permission has been granted by the adjoining property owner(s), no compost pile shall be located less than three (3) feet from the rear or side property line or within twenty (20) feet of any home, patio, pool or similar structure on the adjacent property. All compost piles shall be at least three (3) feet behind the front building setback line.
  5. No compost pile shall be located where it will impede the natural free flow of storm water drainage.
  6. Any vegetables, fruit and their remains, egg shells, fruit peels and rinds and hair must be composted in such a way that these materials are buried in the center of the pile at all times and so

that none of these materials are exposed or visible.

#### D. Ingredients.

1. No compost pile shall contain any of the following:
  - a. Animal carcasses, fish, fowl, meat or other animal products.
  - b. Manure;
  - c. Used litter box remains;
  - d. Milk, cheese, sour cream or other dairy products;
  - e. Lard, oils, or oil-based foods;
  - f. Mayonnaise;
  - g. Salad dressing;
  - h. Whole grains (rice, wheat, barley, etc.)
  - i. Peanut butter;
  - j. Items not normally composted;
  - k. Items not biodegradable.
2. Permitted ingredients shall include:
  - a. Yard waste, including leaves, sod, and grass clippings;
  - b. Untreated wood, wood chips, and sawdust;
  - c. Paper;
  - d. Straw;
  - e. Vegetables, fruits and their remains, including peels and rinds;

- f. Empty egg shells;
- g. Aquatic weeds;
- h. Coffee grounds and tea leaves;
- i. Evergreen needles;
- j. Hair;
- k. Dryer lint;
- l. Vacuum cleaner dust;
- m. Organic garden waste;
- n. Commercial compost additives.

E. *Private use only.* Compost piles established in accordance with this section are for private use only. There shall not be commercial provision of material to be composted or commercial use of the product of such composting.

### **§ 57-8. Enforcement, Violations and Penalties.**

The Borough of South Greensburg or any designated officer or employee of the Borough is hereby authorized to give notice, by personal service or by certified United States mail, return receipt requested, to the owner and/or occupant, as the case may be, of any premises of any violation of the provisions of this Chapter, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or vegetation, or conform their compost pile(s), so as to adhere to the requirements of this Chapter within seven (7) days after receipt of such notice. The notice shall specify the nature of the violation and the possible penalties for non-compliance. Where personal service or service by certified United States mail cannot be accomplished after reasonable and good faith effort on the part of the Borough, or if the owner or occupant fails to accept or retrieve the notice

through certified United States mail, the Borough shall post said notice on said premises and in the Borough of South Greensburg Municipal Building for a period of seven (7) consecutive days. The seven (7) day conformance period shall begin on the first day following the seventh (7<sup>th</sup>) posted day.

Upon failure of the owner or owners, tenants, lessees, occupants or persons otherwise responsible for the violation(s) described in this Chapter, to correct the same within the time specified in the notification by the Borough, the Borough may correct the violation(s) through use of its own Public Works personnel or a private contractor, as appropriate and reasonable.

The Borough of South Greensburg or any designated officer or employee of the Borough shall certify the cost of such correction(s) as reasonable in advance of the work to be performed. Said certification shall be provided by personal service, certified mail or posting no less than three (3) days prior to correction by the Borough.

A written invoice shall be presented to the owner or owners, tenants, lessees, occupants or other responsible individuals for the full amount of the correction(s) after the work is performed. The written invoice shall be delivered or posted in the same manner prescribed for giving notice in this Section. The responsible party or parties shall then have thirty (30) days to pay the invoice in full.

Any person, firm, corporation or other entity who violates or permits the violation of any provision of this Chapter shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge, be guilty of a summary offense, and be required to pay, if applicable, the amount of the invoice or the amount as molded by the District Justice, subject to the payment of a fine of not less than \$25.00 and not more than \$1,000.00, plus the costs of prosecution, including reasonable attorneys' fees. Each section of this Chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Chapter is



found to exist shall be punishable by a separate fine to be imposed by the District Justice. A conviction shall not ban further prosecutions for noncompliance with this Chapter subsequent to such conviction. To the extent the fine imposed by the District Justice is not paid within thirty (30) days of the decision by the District Justice, the Borough of South Greensburg shall impose a municipal charge on the property for the full amount due. When filed, the lien evidencing said charge shall be a valid lien on the real estate.

### **§ 57-7. Severability.**

The provisions of this Chapter are severable. If any sentence, clause or section of this Chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Chapter. It is hereby declared to be the intent of the Borough of South Greensburg that this Chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

### **§ 57-8. Responsibilities of Owners and Occupants.**

- A. Any occupant of a premises shall be responsible for compliance with the provisions of this Chapter with respect to the maintenance of that part of the premises which he/she occupies and/or controls in a safe, sound and/or sanitary condition.
- B. Owners and occupants of property shall be jointly and severally liable for compliance with the provisions of this Chapter, and no owners shall be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant also is responsible therefore and in violation thereof, nor

shall the occupant be relieved from any such duties and responsibilities nor be entitled to defendant against any charge of violation thereof by reason of the fact that the owner is also responsible therefore and in violation thereof. The Borough of South Greensburg may, in its discretion, elect to prosecute either the owner, the occupant, or both.

- C. The respective obligations and responsibilities of the owner and the occupant shall not be altered or affected by any agreement or contract by and between them.

### **§ 57-9. Owners Severally Responsible.**

If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for any violation of this Chapter.

## **Chapter 61**

### **BUILDING CONSTRUCTION**

- § 61-1. Definitions.**
- § 61-2. Permit required; fees.**
- § 61-3. Inspection.**
- § 61-4. Time limit.**
- § 61-5. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 10-8-1979 as §§ 10.21 through 10.26 of Ch. 10 of the Code of Ordinances. Sections 61-2, 61-3, 61-4 and 61-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.**

**Amended 4-12-2004 by Ord. No. 2004-02, effective 4-12-2004.  
Amended 4-9-2012 by Ord. No. 2012-04, effective 4-9-2012]**

#### GENERAL REFERENCES

Fire prevention — See Ch. 79.  
Fire suppression systems — See Ch. 82.  
Flood damage prevention — See Ch. 86.  
Mobile homes — See Ch. 114.  
Property maintenance — See Ch. 125.  
Smoke and heat detectors — See Ch. 138.  
Zoning — See Ch. 163.

#### **§ 61-1. Definitions.**

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

PERSON — Any natural person or persons, an association, partnership, firm or corporation.

#### **§ 61-2. Permit required; fees. [Amended 6-14-1982 by Ord. No. 82-10. Amended by Ord. No. 2002-04 on 7-8-2002, effective 7-8-2002]**

No person shall cause or permit any building or part of a building to be erected or razed or any addition or enlargement to be made to any building upon any property owned by such person or upon any ground rented by him, in the case of a ground rental arrangement, without first having obtained a permit therefor. Such permit shall be issued by the South Greensburg Zoning Officer, upon the filing of an application with him, together with a description of the work to be done in the case of razing, erection, addition or enlargement to any building and the furnishing of evidence of intended compliance with the requirement of the law and of all other ordinances of the borough affecting building construction or razing and the use therein, such evidence to be given by specific information as may be prescribed by the application form. Notwithstanding the

foregoing, prior to any building permit being issued by the South Greensburg Zoning Officer, the person requesting the issuance of the building permit must have secured a sewage tap from the Greater Greensburg Sewage Authority or other applicable sewage authority as a condition to the issuance of the building permit. The fee for the issuance of such permit shall be based upon the following schedule:

A. Building permit.

(1) Residential:

- (a) New dwelling, dwelling addition, including accessory building and structures with footers and pre-fab accessory buildings: \$14.00 per 1,000 cubic feet, the calculation of cubic feet being based in part upon the ceiling height, which shall not exceed nine feet for purposes of calculation of the building permit fee. Ceilings may be higher than nine feet, but any height over nine feet will not be used for the calculation of the cubic feet for purposes of calculation of the building permit fee.

(2) Nonresidential:

- (a) New buildings and additions: \$11.00 per 1,000 cubic feet, the calculation of cubic feet being based in part upon the ceiling height, which shall not exceed nine feet for purposes of calculation of the building permit fee. Ceilings may be higher than nine feet, but any height over nine feet will not be used for the calculation of the cubic feet for purposes of calculation of the building permit fee.

(3) Moving a building: the same as new construction.

B. Demolition permit.

- (1) Accessory building: thirteen dollars (\$13.).
- (2) Residential building: sixty-five dollars (\$65.).

- (3) Other (commercial or industrial): one hundred thirty dollars (\$130.).
- C. Grading permit: a flat fee of fifteen dollars (\$15.).
- D. Use and occupancy permit.
  - (1) Residential: none required.
  - (2) Commercial and others: twenty-five dollars (\$25.).
- E. Swimming pool.
  - (1) Permit: a flat fee of twenty-five dollars (\$25.).
  - (2) Use and occupancy fee (in-ground only): twenty-five dollars (\$25.).

**§ 61-2.1. Uniform Construction Code.**

- A. The Borough of South Greensburg hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101-7210.1103, as amended from time to time, and its regulations.
- B. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of the Borough of South Greensburg.
- C. Administration and enforcement of the Code within the Borough of South Greensburg shall be undertaken in any of the following ways as determined by the governing body of the Borough of South Greensburg from time to time by resolution:
  - 1. By the designation of an employee of the Borough of South Greensburg to serve as the municipal code official to act on behalf of the Borough of South Greensburg.

2. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of South Greensburg.
  3. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.
  4. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the Borough of South Greensburg.
  5. 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.
- D. A Board of Appeals shall be established by resolution of the governing body of the Borough of South Greensburg 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.
- E. 1. All building code ordinances or portions of ordinances which were adopted by the Borough of South Greensburg 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.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Ordinance and whose requirements are less than the minimum requirements of the Code are hereby

amended to conform with the comparable provisions of the Code.

3. All relevant ordinances, regulations and policies of the Borough of South Greensburg not governed by the Code shall remain in full force and effect.
- F. ENFORCEMENT FEES. Any person, firm or corporation that violates any of the provisions of the Ordinance, the Code, Act and/or Regulations commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars in costs incurred by the Borough in enforcement of said violation. Each day that a violation exists and continues shall be a separate violation.

**§ 61-3. Inspection. [Amended 8-10-1992 by Ord. No. 92-6]**

Upon completion of the work of the erection, razing or addition or enlargement of any building under a permit granted as aforesaid, the holder of such permit shall report such completion or, at any time during the course of the work for which the permit shall have granted, cause an inspection of such building to be made. If there is evidence that any requirement of the law or of any applicable ordinance has not been complied with, the Zoning Officer shall report such fact to the Mayor, who shall commence prosecution under such law or ordinance or take the necessary steps to secure compliance otherwise. The fact of completion of such work shall be noted upon the original application for the permit, which shall be kept on file.

**§ 61-4. Time limit. [Amended 8-10-1992 by Ord. No. 92-6; 12-12-1994 by Ord. No. 94-91]**

- A. If any work authorized by any permit issued under this chapter shall not have been commenced and completed within six (6) months after the issuance of such permit, the Zoning Officer shall require the permit holder to relinquish such unused permit, which shall thereupon become invalid; provided, however, that the Zoning Officer shall have authority to grant extensions as follows:
  - (1) On residential property: an extension of thirty (30) days upon finding by the Zoning Officer that unusual circumstances prevail which warrant the granting of an extension of time of thirty (30) days.
  - (2) On commercial property: an extension for such time as the Zoning Officer deems reasonable upon finding that unusual circumstances prevail which warrant the granting of an extension of time for a reasonable period of time.
- B. The Zoning Officer shall make the determination as to existence of said unusual circumstances.
- C. Upon the expiration of the six-month period or the expiration of the extension period as granted by the Zoning Officer as herein provided, neither the permit fee nor any part thereof shall be returned to such permit holder, and if at any future time such permit holder shall make application for another permit for the same work, he shall follow the same procedure and pay the same fee as if no previous permit had been issued.

**§ 61-5. Violations and penalties. [Amended 8-10-1992 by Ord. No. 92-6]**

Any person, firm or corporation who or which shall violate or fail to comply with any of the provisions of this chapter shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.) and costs of prosecution and, in default of payment of such fine and costs, shall be imprisoned for a period not exceeding thirty (30) days.

**Chapter 64**



## **BURNING, OUTDOOR**

- § 64-1. Definitions.**
- § 64-2. Prohibition against outdoor burning.**
- § 64-3. Exceptions.**
- § 64-4. Exemption for recreational fires.**
- § 64-5. Authority.**
- § 64-6. Enforcement.**
- § 64-7. Penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Repealed and replaced 8-20-2007 by Ord. No. 2007-05, effective 8-30-2007]**

### **GENERAL REFERENCES**

- Fire prevention — See Ch. 79.
- Fire suppression systems — See Ch. 82.
- Garbage, rubbish and refuse — See Ch. 90.

### **§ 64-1. Definitions.**

- A. “Borough”: The Borough of South Greensburg, Westmoreland County, Pennsylvania.
- B. “Open Burning”: The burning of any material or combination of materials where the products of combustion are emitted directly into the ambient air without first passing through a stack or chimney from an enclosed chamber inside of any building. For purposes of this definition, a chamber is considered “enclosed” when, during the time of combustion is taking place, the only apertures, ducts, stacks, flues or chimneys open to the outside air are those necessary to admit combustion air or those necessary to permit the escape of exhaust gases from

- the fire to the outside of any building, and they into the ambient air.
- C. “Recreational Fire”: An outdoor charcoal grill fire utilized to cook food for human consumption.
  - D. “Person”: Any individual, partnership, association, corporation, department, bureau, agency or other similar legal entity.
  - E. “Outdoor Barbecue Structure”: Any commercially constructed grill or commercially or non-commercially constructed masonry grill, or charcoal patio pits, used for the purpose of heating, cooking and preparing for the purpose of consumption, provided they are screened and enclosed, and placed on a secure, concrete or patio stone base.

### **§ 64-2. Prohibition against Outdoor Burning.**

- A. Within the municipal limits of the Borough, no person shall cause, allow, permit, kindle, ignite or maintain any open burning outside of any building for any purpose, including by way of example and not by way of limitation, any junk fire, refuse fire, open fire, salvage operation fire, or any other open fire.

### **§ 64-3. Exceptions.**

- A. The prohibition against open burning as set forth in Section III (§ 64-6 above shall not apply to:
  - (1) Any fire ignited to prevent or abate a fire hazard;
  - (2) Any fire ignited for the purpose of instruction firefighting personnel or to demolish a fire hazard (including a structure or structures);
  - (3) Any fire ignited for the prevention and control of disease or pests;

- (4) Any fire ignited in conjunction with the production of agricultural commodities in their un-manufactured state on the premises of a farm operation; and
  - (5) Any fire ignited solely for ceremonial purposes, such as a bonfire.
- B. The exceptions listed in Section IV.A. (§ 64-7(A)), above, shall be permitted, if any, only if any open burning done pursuant to these exceptions are:
- (1) Authorized by the South Greensburg Borough Council;
  - (2) Done under the supervision of a Member of the Sough Greensburg Fire Department; and
  - (3) To the extent required, authorized by a permit duly issued by the Commonwealth of Pennsylvania Department of Environmental Protection (“DEP”).

**§ 64-4. Exemption for Recreational Fires.**

- A. It shall be lawful at any time for any person to start kindle and maintain a recreational fire for the purpose of outdoor barbecues, provided that such fire is confined to an outdoor barbecue structure as defined herein, and is used solely for the heating, cooking and preparation of food products for the purpose of consumption.

**§ 64-5. Authority to extinguish outdoor fires.**

- A. Authority is hereby granted to the South Greensburg Fire Department to extinguish any fire of any nature within the Borough when the Fire Chief, or, in his absence, the highest acting officer of the Fire Department deems that conditions warrant such action.

## **§ 64-6. Enforcement**

This Chapter shall be enforced by the police and/or Fire Chief.

## **§ 64-7. Penalties**

- A. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) plus costs of prosecution, and, in default of payment of the fine and costs, by imprisonment of not more than thirty (30) days.

## **Chapter 69**

### **PUBLIC ENTERTAINMENT**

**§ 69-1. Permit required.**

**§ 69-2. Application procedures.**

**§ 69-3. Hours of operation; rules of conduct.**

**§ 69-4. Suspension or revocation of license; appeals.**

**§ 69-5. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable. Repealed and replaced by Ord. No. 2013-04 on 5-13-2013, effective 5-13-2013]**

#### **GENERAL REFERENCES**

**Amusements and amusement devices — See Ch. 51.**

### **§ 69-1. Permit required.**

It shall be unlawful for any person, firm, corporation or other entity to conduct or promote "public entertainment," defined as to include, but not limited to, a carnival, circus, festival, fair, dramatic performance or other exhibition or special event in the Borough of South Greensburg without first having made application for and received a permit from the Mayor acting on behalf of the Borough Council in accordance with the conditions and limitations as set forth in this Chapter. The term "public entertainment" shall not include any musical or other performance given for entertainment of persons present at any public eating or drinking establishment.

### **§ 69-2. Application procedures.**

- A. The applicant for such permit shall file an application, in writing, with the Mayor, which application shall be accompanied by the following information and assurances in a detailed plan:
- (1) The type of public entertainment.
  - (2) The anticipated number of attendees, including the number of admission tickets to be sold, if any, and the approximate capacity of any and all buildings to be used.
  - (3) The amount of space and plan of the area where exhibition would take place.
  - (4) The number of entrances to be opened for admittance to any building, and if applicable, the number of entrances to be used solely for admission to the seating area or areas.
  - (5) The number of staff, including security and sanitation personnel.
  - (6) The parking facilities available.

- (7) The number of sanitary facilities to be provided, specifying by number whether the facilities are permanent or temporary.
  - (8) The number of trash and litter receptacles available and the frequency with which trash and litter will be removed from the location of the public entertainment.
  - (9) The days and hours of operation, subject to the restrictions set forth in § 69-3 of this Chapter.
  - (10) Such other relevant information as the Mayor may reasonably require.
- B. The applicant shall furnish evidence that a public liability insurance policy shall be in force and effect at the time the public entertainment takes place, including time for preparation, wind down and clean up. No permit shall be issued until the Mayor is satisfied that the owner, operator and/or sponsor of such public entertainment event has purchased suitable insurance to provide protection against foreseeable risks with respect to the operation of such exhibition or special event.
- C. The applicant shall furnish evidence regarding the safety of equipment to be used at the public entertainment, if any. No permit shall be issued until the Mayor is satisfied that the evidence of safety is sufficient with respect to the operation of equipment at the public entertainment. Where applicable, proof of license or certification by the applicable agency of the Commonwealth of Pennsylvania shall be supplied to the Mayor.
- D. The applicant shall furnish to the Mayor a good and sufficient bond in the sum of one thousand dollars (\$1,000.) which shall be in force for thirty (30) days and made to the Borough of South Greensburg, conditioned that the sidewalks, streets and alleys of the Borough will be restored to the same condition as prior to the public

entertainment. All litter and rubbish from the grounds used and the sidewalks, streets or alleys adjacent thereto shall be cleared immediately after each day or night session and at the conclusion of the public entertainment. Said bond shall cover all customary responsibilities of the applicant, including, but not limited to, litter and rubbish clean up, removal of temporary sanitary facilities and sidewalks, streets and alleys repair and maintenance.

- E. The application and plans as required shall be submitted to the Mayor at least ten (10) days prior to the date of the public entertainment.
- F. The Mayor first shall notify the Police Department and Fire Department of the receipt of plans as required under Subsections A through E hereof and shall forward copies of these plans to the Police Department and Fire Department for review and comment prior to granting the application..
- G. The Mayor shall have the authority to order additional staffing or any additional authority as needed to ensure the health safety of the public.
- H. Nothing in this section shall be construed in any fashion whatsoever as limiting the liability of those responsible for the management and operations of the public entertainment.
- I. If the Mayor finds that all of the limitations and requirements of the permit and this Chapter have been complied with or will be complied with by the applicant, the Mayor shall issue the permit conditional upon such reasonable limitations and requirements as the Mayor may deem necessary for the health and safety of persons and property.
- J. The permit shall only be in effect for those days specified on the application.
- K. The fee for each permit to be issued pursuant to the requirements for this Chapter shall be set by the Council for the Borough of South Greensburg.

- L. The Mayor may appoint a designee to carry out any duties granted to the Mayor hereunder.

**§ 69-3. Hours of operation; rules of conduct.**

- A. All public entertainment shall operate between the following hours only:

- (1) Monday through Saturday: 9:00 a.m. to 11:00 p.m.

- (2) Sunday: 11:00 a.m. to 11:00 p.m.

- B. The owner, operator and/or sponsor of such public entertainment shall not permit unnecessarily loud noises to issue from the premises on which such public entertainment is located, and shall not permit unnecessarily loud noises to issue from the premises on which such public entertainment is located, and shall not otherwise permit any activity or conduct which may constitute a threat to the health and safety of the public.

**§ 69-4. Suspension or revocation of license; appeals.**

Any permit granted under this Chapter may be suspended or revoked by the Mayor of the Borough of South Greensburg in any instance where the Mayor finds that the holding of any such entertainment or the place where the same is held or proposed to be held shall constitute a threat to the health or safety of the public. Any applicant or holder of a permit aggrieved by any decision under this Chapter, may, within ten (10) days following said decision, file a written appeal therefrom with the South Greensburg Borough Council, whereupon the Borough Council shall promptly conduct a hearing and affirm, modify or reverse the decision appealed from. The decision of the Borough Council shall be final.



## **§ 69-5. Violations and penalties.**

Any person violating any of the provisions of this Chapter shall be guilty of a summary offense. Upon conviction thereof in a summary proceeding, the violator shall be sentenced to pay the costs of prosecution and a fine of not more than six hundred dollars (\$600.). Each violation of this Chapter and/or each day of any violation of this Chapter shall be considered a separate violation.

## **Chapter 71**

### **CURFEW FOR MINORS**

- § 71-1. Definitions and interpretations.**
- § 71-2. Curfew established for children under eighteen years of age.**
- § 71-3. Unlawful for parent to allow child to violate curfew provisions.**
- § 71-4. Unlawful for operator of private establishment to permit child to remain therein in violation of curfew provisions.**
- § 71-5. Enforcement and penalties.**
- § 71-6. Procedure in case of repeated violations or of other factors preventing effective curfew.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg by Ord. No. 2009-03 on 2-9-2009, effective 2-9-2009.]**

## **§71-1. Definitions and interpretations.**

For the purposes of this Article, the following words shall have the meanings hereby respectively ascribed thereto:

- (1) "**Child**" shall mean any person under the age of eighteen (18) years.
- (2) "**Establishment**" shall mean any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.
- (3) "**Operator**" shall mean any individual, firm, association, partnership or corporation operating, managing or conducting any establishment and any employee or agent of the foregoing. Whenever used in any section prescribing a penalty, the term "operator" as applied to associations or partnerships shall include the members or partners thereof, and as applied to corporations shall include the officers thereof, and in all cases shall apply to employees or agents.
- (4) "**Parent**" shall mean any natural parent of a child as herein defined, or a guardian or any adult person responsible for the care and custody of a minor. When used in this Article, the term "parent" shall mean parent or parents.
- (5) "**Public place**" shall mean any public street, alley, sidewalk, park, playground, public building or vacant lot.
- (6) "**Remain**" shall mean to loiter, idle, wander, stroll or play in or upon.

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

**§ 71-2. Curfew established for children under eighteen years of age.**

It shall be unlawful for any child under eighteen (18) years of age to be or remain in or upon any of the streets, alleys, parks or public places in the Borough of South Greensburg at night after the hour of 10:00 p.m. unless said child is accompanied by a parent or guardian.

**§ 71-3. Unlawful for parent to allow child to violate curfew provisions.**

It shall be unlawful for any parent to allow a child to remain in or upon any public place or private establishment in violation of this Article.

**§71-4. Unlawful for operator of private establishment to permit child to remain therein in violation of curfew provisions.**

It shall be unlawful for the operator of any private establishment to permit a child to remain in or upon the premises of such private establishment in violation of this Article.

**§ 71-5. Enforcement and penalties.**

- (a) Any child found in or upon any public place or private establishment in violation of this Article shall be taken into custody by the borough police and delivered to his parent immediately. If such parent cannot be located, the police shall retain custody of such child until the parent is located and shall then immediately deliver such child to such parent, provided that the borough police officers shall use their discretion in determining age and in doubtful cases,

may require proof, and until such proof is furnished, the officer's judgment shall prevail.

- (b) Any parent who violates Section 71-3 of this Article shall, for the first such violation, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) and costs of prosecution. In the event of a subsequent conviction thereof, for every such violation that constitutes the same offense, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and costs of prosecution and to imprisonment for not more than ten (10) days. Each violation of any such provision shall constitute a separate violation.
- (c) Any operator who violates Section 71-4 of this Article shall, for each and every such violation upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and costs of prosecution, and in the event of a subsequent conviction thereof, for every such violation that constitutes the same offense, be sentenced to pay a fine of not more than one hundred dollars (\$100.00) and costs of prosecution and to imprisonment for more than thirty (30) days.

#### **§ 71-6. Procedure in case of repeated violations or of other factors preventing effective curfew.**

Any child who violates this Article more than three (3) times may, at the discretion of the proper borough officials, be reported to a society or organization whose purpose it is to take charge of incorrigibles or delinquents, and proceedings shall then be taken in the Court of Common Pleas or Juvenile Court for the permanent welfare of such child, and a like procedure may be taken in cases where the arrest of the parent is not effective or where for any other

reason the provisions of Section 71-2 of this Article cannot be made effective by the imposition of fines and penalties.

## **EROSION AND SEDIMENT CONTROL**

### **Chapter 72**

## **EROSION AND SEDIMENT CONTROL**

- § 72-1. Purposes.**
- § 72-2. Scope.**
- § 72-3. Definitions.**
- § 72-4. General Requirements.**
- § 72-5. Activities Requiring Grading Permit.**
- § 72-6. Activities Requiring No Grading Permit.**
- § 72-7. Application for Permit.**
- § 72-8. Data Required on Plan.**
- § 72-9. Special Requirements.**
- § 72-10. Approval.**
- § 72-11. Standars for Issuance of Grading Permit.**
- § 72-12. Inspection Procedures.**
- § 72-13. Costs of Inspection.**
- § 72-14. Fee.**
- § 72-15. Penalties.**
- § 72-16. Remedy of Violation.**
- § 72-17. Serverability.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg by Ord. No. 2009-05 on 6-8-2009, effective 6-8-2009.]**

**§ 72-1. Purpose.**

The purpose of this ordinance are to regulate the modification of the natural terrain, the alteration of drainage, and to provide for certain erosion and sediment control measures with the Borough of South Greensburg to assure and safeguard health, safety, ecology and the general welfare in the Borough of South Greensburg.

**§ 72-2. Scope.**

From and after the effective date of this ordinance, any subdivision and/or land development approved under the subdivision and land development or zoning ordinances, or activity qualified under §§ 72-4 and 72-5 herein shall be in conformity with this ordinance. In the event of a conflict between this ordinance and flood plain regulations, the flood plain regulations shall take precedence.

**§ 72-3. Definitions.**

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

ALLUVIAL SIOLS – an agonal great group of soils, developed from transported and relatively recently deposited material (alluvium), characterized by a weak modification (or none) of the original material by soil-forming process.

CUT AND/OR FILL – process of earthmoving by excavating part of an area and/or using excavated material for embankments or fill areas.

EROSION -

1. the wearing away of the land surface by running water, wind, ice, chemical or other geological agents;
2. the finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared for the support of construction like paving or laying a conduit;
3. to finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation

**RUNOFF (HUDRAULICS)** – that portion of the precipitation on a drainage area or watershed that is discharged from the area in a stream channels; types include surface runoff, groundwater runoff, or seepage.

**SEDIMENT** – solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

**SLOPE** – degree of deviation of a surface from the horizontal usually expressed in percent or degrees.

**SOIL DRAINAGE** – a condition of the soil, referring to the frequency and duration of periods when the soil is free of saturation.

**WATERCOURSE** -- a natural drainage route or channel for the flow of water.

#### **§ 72-4. General Requirements.**

Whenever the landscape is to be permanently disturbed as to either contours, soil or slope characteristics, or vegetation or any ground cover is to be permanently removed, a plan is required showing how resulting erosion and sediment shall be controlled. This plan shall include the following:

1. the amount of site alteration proposed;
2. development of schedule;

3. erosion and sediment control practices (both temporary and permanent and the operation and maintenance arrangements.

### **§ 72-5. Activities Requiring Grading Permit.**

The following activities require a grading permit:

1. Modifying, disturbing, blocking, diverting or otherwise adversely affecting the natural overland or subsurface flow of stormwater;
2. Construction, erection, or installation of any drainage dam, ditch, culver, drain pipe, bridge or any other structure or obstruction affecting the drainage of any premises;
3. Paving, filling, stripping, excavating, grading or regarding of any land;
4. Disturbing the landscape, vegetation or any ground cover by any proposal involving an area in excess of five thousand (5,000) square feet.

### **§ 72-6. Activities Requiring No Grading Permit.**

1. Improvements, such as erection of retaining walls, driveway paving, minor regarding or activities on a property which do not adversely affect the natural overland or subsurface flow storm water, drainage of any premises, or adversely disturb the landscape.
2. Farming, gardening, or lawn restoration, but not including sod farming.

### **§ 72-7. Application for Permit.**

1. Any person, firm or corporation proposing to engage in an activity requiring a grading permit hereunder shall apply by the submission of a plan.
2. A separate plan shall be required for each grading permit.



3. Five (5) copies of the proposed plan, including specifications and development schedules shall be submitted to the Borough Secretary for a grading permit. The Borough Secretary shall forward one copy of the plan to the Planning Commission, one copy of the South Greensburg Engineer and one copy to the Zoning Officer.
4. The plan for a grading permit shall be accompanied by a fee established in the Borough of South Greensburg's schedule of fees and collection procedure for all applications and other matters pertaining to the subdivision and land development ordinance and this ordinance.

#### **§ 72-8. Data Required on Plan.**

1. A valid boundary line survey of the site on which the work is to be performed;
2. A description of the features, existing and proposed, surrounding the site which are of importance to the proposed development;
3. A plan of the general topography (including drainage) and soil conditions on the site (latter available through the County Conservation District);
4. The location and a description of existing and future man-made features of importance to the proposed development (i.e., cuts and/or fills, buildings, roads, and driveways);
5. Plans and specifications of soil erosion and sediment control measures in accordance with standards and specifications of the Westmoreland County Conservation District;
6. A development schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

## **§ 72-9. Special Requirements.**

In addition to the requirements of § 72-8, and where deemed necessary by the Borough of South Greensburg Engineer and the Planning Commission, or the Borough of South Greensburg Council, the applicant shall submit with the plan a detailed drainage study prepared by a registered professional engineer qualified in hydrology in the Commonwealth. This study shall include:

1. A plan of the property showing the location of all present and proposed ditches, streams, pipes and other drainage structures, and proposed cuts and/or fills. In addition to showing present elevations and dimensions, and location and extent of all proposed grading and/or drainage, the plan shall clearly indicate all woodlands, buildings, parking areas and driveways. Further, the plan shall indicate the present and proposed sources, storage and disposition of water being channeled through or across the premises, together with elevations, gradients, and maximum flow rates. The plan shall describe the work to be performed and disposition of cut and/or fill, the materials to be used and the manner or method of performance including provisions for protecting and maintaining existing drainage facilities whether on public or private property. The applicant shall also supply the supporting data for the plan as developed by the engineer.
2. Calculations to determine runoff, which shall be based on the Soil-Cover Complex Method, a description of which is available from the U.S.D.A. Soil-Cover Complex Method, a description of which is available from the U.S.D.A. Soil Conservation Service and outlined in the "Erosion and Sediment Control Handbook, Westmoreland County, Pennsylvania."
  - A. The design criteria for storm sewer piping on inlet systems within a subdivision being developed shall be designed for a 25-year frequency storm; culverts across roadways shall be designed for a 50-year frequency storm; open watercourses or swales shall be designed

for a 100-year frequency storm as prescribed in accordance with the following:

- (1) The coefficient of runoff used for all areas upstream of any drainage structure shall be computed on the basis of existing land use and the projected land use described and shown on the Borough of South Greensburg Comprehensive Plan, and adjacent municipalities' comprehensive plans, where applicable.
- B. The following provisions apply to the carrying and disposal of storm water runoff:
- (1) All drainage facilities shall be designed to carry surface water in such a manner as to prevent erosion or overflow.
  - (2) The applicant shall agree to the granting and recording of easements covering the installation and maintenance of drainage facilities.
  - (3) The rate of runoff shall be no greater during and after a 100-year frequency storm when the development is completed than that which existed before the development began and appropriate measurements of calculations shall be provided to verify such provisions.
3. A soils investigation report, if load-bearing fill is proposed, which shall consist of test borings, laboratory testings and engineering analysis to correlate surface and subsurface conditions with the proposed grading plan. The results of the investigation shall be presented in a report by a registered professional soils engineer and shall include: data regarding the nature, distribution and supporting ability of existing soils and rocks on the site, conclusions and recommendations to insure stable soil conditions and ground water control as applicable. The Borough of South Greensburg may require such supplemental reports and data as is deemed necessary. Recommendations included in such reports and approved by the Borough of South

Greensburg shall be incorporated into the plan or specifications. In addition:

- A. Fills toeing out on natural slopes steeper than four (4) horizontal to one (1) vertical shall not be made unless a report is received which is deemed acceptable to the Borough of South Greensburg Engineer and approved by the Borough Council. The report shall be made by a registered professional soils engineer certifying that he has investigated the property, made soils tests and that in his opinion such steeper slopes will safely support the proposed fill.
- B. Natural and/or existing slopes exceeding five (5) horizontal to one (1) vertical shall be benched or continuously stepped into competent materials prior to placing all classes of fill.

#### **§ 72-10. Approval.**

Upon the approval of the plan by the Borough of South Greensburg Engineer, the Borough Secretary shall issue the necessary grading permit, provided however that the Westmoreland Conservation District has reviewed and granted prior approval to any erosion and sedimentation control plans.

#### **§ 72-11. Standards for Issuance of Grading Permit.**

- 1. Notwithstanding any provision of this ordinance or any condition of the grading permit, the permittee is responsible for the prevention of damage to other property, or personal injury, which may be effected by the activity requiring a grading permit.
- 2. No person, firm or corporation shall modify, fill, excavate, pave, grade, or regrade land in any manner so close to a property line as to endanger or damage any adjoining street, alley, or any other public or private property without supporting and protecting such property from settling,

cracking, erosion, sediment, flooding, or any other physical damage or personal injury which might result.

3. No person, firm or corporation shall deposit or place any debris or any other material whatsoever, or cause such to be thrown or placed, in any drainage ditch or drainage structure in such a manner as to obstruct free flow.
4. No person, firm, or corporation shall fail to adequately maintain, in good operating order, any drainage facility on his premises. All drainage ditches, culverts, drain pipes, and drainage structures shall be kept open and free-flowing at all times.
5. The owner of any property on which any work has been done pursuant to a grading permit granted under this ordinance shall continuously maintain and repair all graded surfaces and anti-erosion devices, retaining walls, drainage structures or means and other protective devices planting and ground cover, installed or completed. The Borough of South Greensburg is responsible for maintenance and repair within the right-of-way of municipal roads.
6. All graded surfaces shall be permanently seeded, sodded and/or planted or otherwise protected from erosion within thirty (30) days, weather permitting, and shall be tended and/or maintained until growth is well established. The disturbed area and duration of exposure shall be kept to a minimum using temporary erosion and sediment control measures immediately, as outlined in the "Erosion and Sediment Control Handbook, Westmoreland County, Pennsylvania."
7. All trees in an area of extreme grade change shall be protected with suitable tree wells, unless the necessity for removal is established. Precautions shall be taken to prevent the unnecessary removal of trees.
8. When required, adequate provisions shall be made for dust control measures as are deemed acceptable by the Borough of South Greensburg Engineer.

9. All plans and specifications submitted for a grading permit shall include provisions for both interim (temporary) and ultimate (permanent) erosion and sediment control.

The design, installation and maintenance of erosion and sediment control measures shall be accomplished in accordance with standards and specifications established by the County Soil Conservation District as adopted from standards and specifications of the United States Soil Conservation Service, and as outlined in the "Erosion and Sediment Control Handbook, Westmoreland County, Pennsylvania."

- A. Technical standards for the design and installation of erosion and sediment control measures are on file with the Borough of South Greensburg, the office of the County Conservation District and other governmental agency offices.
- B. Standards and specifications adopted for the purposes of this ordinance and by the County Conservation District include, but are not limited to, the following basic conservation measures:
  - (1) temporary cover on critical areas;
  - (2) permanent grass and legume cover for critical areas on prepared seedbed;
  - (3) permanent grass and legume cover for critical areas on un-prepared seedbed;
  - (4) sodding;
  - (5) mulching;
  - (6) temporary diversion;
  - (7) permanent diversion;
  - (8) grassed waterway or outlet;
  - (9) grade stabilization structure;
  - (10) debris basin;
  - (11) drain; and

(12) drainage - mains or laterals.

10. A quality control program is critical for fills; therefore, wherever fill material is to be used, the person, firm, or corporation shall be responsible for testing to determine its dry density as per ASTM D1556. The density of each layer shall be not less than ninety-five percent (95%) of maximum density as determined by ASTM D1557.

A. Inspection procedure shall follow the general procedure as stated in § 72-12.

### **§ 72-12. Inspection Procedures.**

1. All inspections shall be the responsibility of the Borough of South Greensburg and/or the Westmoreland Conservation District.
2. Inspections will be carried out on a random basis, except as stated below. However, a set of "as built" plans shall be on file at the site and prepared by a registered professional engineer.
3. Any and all "as built" plans shall be available on the site at all times and be subject to inspection and inquiry.
4. Engineering check notes shall accompany all "as built" plans which involve structural or mechanical measures and shall serve as supporting evidence that structures meet design standards and specifications specified herein.
5. A final inspection shall be conducted by the Borough of South Greensburg to certify compliance with this ordinance. Satisfactory compliance with this ordinance shall be necessary before issuance of an occupancy or use permit.

### **§ 72-13. Costs of Inspection.**

Permittees shall bear all costs of inspections required or permitted hereunder and shall deposit with the Borough of South

Greensburg such sum as the Borough of South Greensburg Council Shall determine, to guarantee payment of the costs of such inspections. The costs of inspections shall be in accordance with the established schedule of fees and collection procedure for matters pertaining to this ordinance.

**§ 72-14. Fee.**

The fee for a grading permit shall be fixed by the Borough of South Greensburg Council pursuant to Resolution.

**§ 72-15. Penalties.**

Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not exceeding thirty (30) days. Each day that a violation of this ordinance continues, shall constitute a separate offense.

**§ 73-16. Remedy of Violation.**

In addition to the penalties as set forth in § 72-15, any movement of the landscape, vegetation, or any ground cover, performed in violation of this ordinance shall be restored to its previous condition, including replacement of excavated earth, removal of illegally placed fill, and restoration of grades and planting. In order to enforce this section the Borough of South Greensburg may seek injunctive relief in accordance with the rules of civil procedure.

**§ 73-17. Severability.**

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional,, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts



of this ordinance. It is hereby declared as the intent of the Borough of South Greensburg Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

## **FIREARMS AND WEAPONS**

### **Chapter 76**

## **FIREARMS AND WEAPONS**

- § 76-1. Discharge of firearms restricted.**
- § 76-2. Use of other weapons restricted.**
- § 76-3. Exceptions.**
- § 76-4. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 9-10-1984 as Ord. No. 84-12. Section 76-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### **§ 76-1. Discharge of firearms restricted.**

Except in necessary defense of person and property and except as provided in § 76-3, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough of South Greensburg.

### **§ 76-2. Use of other weapons restricted.**

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, BB gun, bow and arrow or similar

device or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm at any place within the Borough of South Greensburg except as provided in § 76-3 and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

### **§ 76-3. Exceptions.**

This chapter shall not apply to:

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

### **§ 76-4. Violations and penalties.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.) and costs of prosecution or, upon default in payment of the fine and costs, to imprisonment for not more than thirty (30) days.

**Chapter 79**  
**FIRE PREVENTION**

**§ 79-1. Adoption/Amendments.**

**§ 79-2. Enforcement by the Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.).**

**§ 79-3. Appeals.**

**§ 79-4. New materials, processes or occupancies.**

**§ 79-5. Occupancy limits in places of public assembly.**

**§ 79-6. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Outdoor burning — See Ch. 64.

Fire suppression systems — See Ch. 82.

Gasoline stations See Ch. 93.

**§ 79-1. Adoption/Amendments. [Amended by Ord. No. 2014-02- on 3-10-2014, effective3-10-2014.]**

The 2009 Edition of the International Fire Code is hereby adopted in its entirety, with the following amendments:

- A. In § 101.1, entitled, "Title," insert: "Borough of South Greensburg."
- B. Replace Section 108 in its entirety with this Insert as Section 108.1: "Any person shall have the right to appeal to

the Council of the Borough of South Greensburg from the decision of the fire code official on a claim that the true intent of this code or the rules legally adopted have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better method of fire prevention is used. The fire code official if a member of the Borough Council, shall not vote on any appeal. In cases of an appeal, the Council shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official."

- C. Section 109.3, Violation penalties, is deleted and replaced with this Insert:

"Penalties for violations. Any person(s) who shall violate any of the provisions of this Fire Prevention Code or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who shall fail to comply with an order affirmed or modified by Borough Council or by a court of competent jurisdiction, within the time frame fixed therein, shall individually and/or severally for each and every violation and noncompliance, respectively, be guilty of violation, and for every such offense upon conviction thereof, shall be sentenced to pay a fine of not less than \$100 or more than \$500 and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not less than 10 days or more than 30 days.

Provided: The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each five days that prohibited conditions are maintained shall constitute a separate

offense. The application of any of the above penalties shall not prevent the enforced removal of prohibited conditions.

- D. Section 806.1.1, Restricted occupancies, is amended by deleting Exceptions 1 and 2 of said section.

**§ 79-2. Enforcement by the Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.) [Amended by Ord. No. 2005-06 on 4-11-2005, effective 4-11-2005. Amended by Ord. No. 2014-05 on 6-9-2014, effective 2-9-2014.]**

- A. The applicable Fire Code Standard of the Uniform Construction Code adopted by the Council of the Borough of South Greensburg shall be enforced by the Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.)
- B. A Fire Marshal is to be appointed by the Council of the Borough of South Greensburg after the passage of this section and from year to year thereafter at the reorganizational meeting of the Council of the Borough of South Greensburg to be held pursuant to law.
- C. The Fire Marshall shall have the power of appointing two (2) Fire Prevention Bureau Inspectors to assist the Fire Marshal in all aspects of the Fire Marshal's various duties, but only with the concurrence of the Council of the Borough of South Greensburg. The Fire Marshal and the two (2) Fire Prevention Bureau Inspectors shall be entitled to compensation and shall be reimbursed for actual expenses incurred. The Fire Prevention Bureau Inspectors, when acting under the express direction of the Fire Marshal or the Council of the Borough of South Greensburg, shall have all power and the authority of the Fire Marshal. Nothing herein shall require the Borough of South Greensburg to consent to the appointment of Fire

Prevention Bureau Inspectors, or, if appointed with consent, to compensate them.

**§ 79-3. Appeals.** [Amended by Ord. No. 2005-06 on 4-11-2005, effective 4-11-2005.]

Whenever the Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.) shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Regional Code Administrator for the Central Westmoreland Council of Government (C.W.C.O.G.) to the Council of the Borough of South Greensburg within thirty (30) day from the date of the decision appealed.

**§ 79-4. New materials, processes or occupancies.** [Amended by Ord. No. 2005-06 on 4-11-2005, effective 4-11-2005.]

- A. The Council of the Borough of South Greensburg and the Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.) shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard and after approval by the Council of the Borough of South Greensburg, any new materials, processes or occupancies which shall require permits, in addition to those enumerated in said applicable Fire Code Standards of the Uniform Construction Code. The Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.) shall post such list in a conspicuous place in the Municipal Building of the Borough of South Greensburg and distribute copies thereof to interested persons.

- B. All other parts of the applicable Fire Code Standards of the Uniform Construction Code will remain in full force and effect.

**§ 79-5. Occupancy limits in places of public assembly.**  
[Amended by Ord. No. 2005-06 on 4-11-2005, effective 4-11-2005.]

- A. Definitions. As used herein, the following terms shall have the meanings indicated:

FLOOR AREA IN SQUARE FEET PER OCCUPANCY, NET — The word "net" used in the table herein shall mean that in determining the number of persons for whom occupancy is to be provided, the net floor area shall be the actual occupied area, not including accessory unoccupied areas such as hallways, stairs, closets, thickness of walls and other such features.

FLOOR AREA IN SQUARE FEET PER OCCUPANT, GROSS — The word "gross" used in the table herein shall mean the floor area within the perimeter of the outside walls of the building, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

PLACE OF PUBLIC ASSEMBLY — A room or space accommodating fifty (50) or more individuals for religious, recreational, educational, political, social or amusement purposes or for the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance.

- B. Permit required. All places of public assembly, as defined herein, either existing on the date of the enactment hereof, or to be constructed, converted and maintained as such places in the future, situate within the territorial limits of the Borough of South Greensburg, shall not be maintained, operated or used as such without a certificate having first been issued by the Regional Code Administrator for the

Central Westmoreland Council of Governments (C.W.C.O.G.) setting forth the maximum permitted number of occupants therein as determined hereunder, which said certificate shall be kept on the premises and be available for inspection at all times.

- C. Application for permit. Application for the Certificate as required by Subsection (B) herein shall be made at the time application is made for occupancy certificate. Said Application for certificate shall be directed to the Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.) or the South Greensburg Zoning Officer on forms supplied by the Borough of South Greensburg and shall be accompanied by a fee in an amount to be established from time to time by the Council of the Borough of South Greensburg. Existing places of public assembly shall comply with the provisions hereof by submitting the required application and fee and having issued a certificate within ninety (90) days of the date of enactment hereof.
- D. Occupancy limits for enclosed areas. At a gathering in a place of public assembly, there shall not be permitted, suffered or allowed more than one (1) occupant per unit of square feet, as follows:

<b>Use</b>	<b>Floor Area in Square Feet per Occupant</b>
Assembly areas without fixed seats	
Concentrated (chairs only, not fixed)	7 net
Unconcentrated (tables and chairs)	15 net
Assembly areas with fixed seats	*
Business areas	100 gross



Courtrooms	40 net
Educational areas	
Classroom areas	20 net
Shops and other vocational room areas	50 net
Institutional areas	
Sleeping areas	80 gross
Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Library	
Reading rooms	50 net
Residential	200 gross
Storage areas, mechanical equipment room	300 gross
	<b>Floor Area in</b>
	<b>Square Feet per</b>
<b>Use</b>	<b>Occupant</b>

Bowling alleys: allow 5 persons for each alley, 7 net including 15 feet of runway, and for additional areas

\* NOTE: The occupant load for an assembly area having fixed seats shall be determined by the number of fixed seats installed.

- E. Occupancy limits for unenclosed area. At a gathering in an unenclosed outside open-air area, there shall not be permitted, allowed or suffered more than one (1) person per fifteen (15) square feet.
- F. Special or unlisted occupancies. Where data regarding the square feet per person per occupancy is not listed in Subsection D hereof, the occupant load shall be established by the architect or engineer, subject to the approval of the Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.).
- G. Signs required. In each place of public assembly and in each room or area thereof, there shall be conspicuously displayed, in full view of the entrance, a sign with red lettering on a white background and boldfaced letters one (1) inch high and three eighths ( $\frac{3}{8}$ ) inch wide stating the lawful occupancy of the room or area.
- H. Access to exits. All owners, lessees, sponsors or persons in charge shall be responsible to provide and maintain clear unimpeded access to all exits and to ensure that all exits are operable at all times and not locked, so as to prevent egress from said room or area, or chained shut.
- I. Overcrowding prohibited. No owner, lessee, sponsor or person in charge of a place of assembly shall permit overcrowding or admittance of any person beyond the approved number of occupants; nor shall any owner, lessee, sponsor or person in charge of a place of assembly allow any person or persons to block, impede access to or prevent access to exits, whether they are emergency exits or another type of

exit, or allow any exit to become inoperable in any way or locked, so as to prevent egress from said room or area, or chained shut; nor shall any owner, lessee, sponsor or person in charge permit the use of a facility as a place of public assembly, as defined herein, until there is first issued a certificate as required herein or it is posted as required by Subsection G.

J. Enforcement.

- (1) This section may be enforced by the South Greensburg Borough Zoning Officer or the Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.) either summarily, when a violation occurs in his presence or by complaint based upon his own knowledge or upon information received.
- (2) If a violation of this section occurs in the presence of the South Greensburg Borough Zoning Officer or the Regional Code Administrator for the Central Westmoreland Council of Governments (C.W.C.O.G.), such official shall, upon finding overcrowded conditions or obstructions in aisles, passageways or other means of egress or upon finding any condition which constitutes a serious menace to life and safety, cause the performance, presentation, spectacle or entertainment to be stopped until such condition or obstruction is corrected.

## **§ 79-6. Violations and penalties.**

- A. Any person who shall violate the provisions of this chapter or any section of the code adopted hereby or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Council of the Borough of South Greensburg or by a court of competent jurisdiction within the time fixed therein shall, severally for each and every such violation and noncompliance respectively, be punishable by a fine of not more than one thousand dollars (\$1,000.), together with costs of prosecution, or in default of payment thereof, by imprisonment for not more than thirty (30) days. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.
- B. Notwithstanding the foregoing, South Greensburg Borough may, if it deems it appropriate, proceed in an action in equity to cause an injunction to issue, either preliminarily or otherwise, or to have a court of competent jurisdiction issue a restraining order against any person, firm, partnership, corporation, joint venture or any other type of legal entity from a violation or violations of the within chapter.

**Chapter 82**  
**FIRE SUPPRESSION SYSTEMS**

- § 82-1. Applicability.**
- § 82-2. Where required.**
- § 82-3. Existing unprotected operations.**
- § 82-4. Nonconforming existing systems.**
- § 82-5. Ventilating hoods.**
- § 82-6. Detailed requirements.**
- § 82-7. Plans and specifications.**
- § 82-8. Matters covered.**
- § 82-9. Approval of installations.**
- § 82-10. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 5-8-1989 as Ord. No. 89-8.]**

**GENERAL REFERENCES**

Fire prevention —See Ch. 79.

**§ 82-1. Applicability.**

The provisions of this chapter shall govern the installation, repair, operation and maintenance of fire suppression systems for range hoods and food preparation

centers in all buildings and structures except private dwelling units.

**§ 82-2. Where required. [Amended by Ord. No. 2005-07 on 4-11-2005, effective 4-11-2005.]**

An approved automatic fire suppression system shall be required and installed in all hoods and connecting hoods and duct systems when used in conjunction with fry and cooking operations in food preparation centers within any occupancy except individual dwelling units. Such fire suppression systems shall provide surface protection for all cooking appliances and equipment that may be a source of ignition in or under the hood. Portions of the fire suppression system may be excluded from duct systems that are equipped with an approved grease consuming appliance or fume incinerator if approved by the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.B.).

**§ 82-3. Existing unprotected operations. [Amended by Ord. No. 2000-06 on 5-8-2000, effective 5-8-2000.]**

All existing food preparation centers in all occupancies, except individual dwelling units, which are not protected by an automatic fire suppression system and constituting a fire hazard shall be provided with an approved fire suppression system.

**§ 82-4. Nonconforming existing systems. [Amended by Ord. No. 2005-07 on 4-11-2005, effective 4-11-2005.]**

Automatic safe shutoff valves, remote manual pull stations, surface protection or extended surface protection shall be required by the Regional Code Administrator for Central

Westmoreland Council of Governments (C.W.C.O.G.) on any existing automatic or nonautomatic fire suppression system when said system does not conform to the provisions of this chapter and when additional protection is deemed necessary by the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.) for the safety and protection of the operation, the occupants or the operator.

**§ 82-5. Ventilating hoods. [Amended by Ord. No. 2005-07 on 4-11-2005, effective 4-11-2005.]**

The Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.) may require the installation of a ventilating hood and duct over cooking appliances when said appliances create or add to a potential fire hazard. Ventilating hoods and ducts shall be installed and maintained in conformance with the requirements set forth in the applicable provisions under the Uniform Construction Code.

**§ 82-6. Detailed requirements. [Amended by Ord. No. 2005-07 on 4-11-2005, effective 4-11-2005.]**

All fire suppression systems shall be of an approved type and shall be designed, installed and maintained in accordance with the applicable provisions of the Uniform Construction Code.

**§ 82-7. Plans and specifications. [Amended by Ord. No. 2005-07 on 4-11-2005, effective 4-11-2005.]**

Plans and specifications for the installation, extension, modification, alteration or removal from service of any

automatic fire suppression system shall be submitted to the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.) and approval shall be secured prior to the commencement of any work.

**§ 82-8. Matters covered. [Amended by Ord. No. 2005-07 on 4-11-2005, effective 4-11-2005.]**

The plans and specifications shall show in sufficient detail all pertinent features and clearances of appliances, including size, location and type of cooking appliances, the type of fuel used, the capacity of the extinguishing system, the construction, location and sizes of hoods, ducts and stacks or flues, the location of exhaust fumes, manual pull stations, cylinders, safety shutoff valves and portable fire extinguishers and piping, fusible link and nozzle layout. A copy of the manufacturer's specification literature and a copy of any testing laboratory report covering the proposed system shall accompany all applications. When field conditions necessitate any substantial change from the approved plan, the corrected as-installed plans shall be submitted to the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.).

**§ 82-9. Approval of installation. [Amended by Ord. No. 2005-07 on 4-11-2005, effective 4-11-2005.]**

The completed system, including automatic fuel shutoff valves and switches, shall be tested by qualified personnel as required by the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.). These tests shall be adequate to determine that the system has been properly installed and will function as intended. A cooking appliance shall not be placed into service or reactivated until a final inspection is made and acceptance



approval is given by the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.).

**§ 82-10. Violations and penalties.<sup>1</sup>**

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

**Chapter 83**

**FIRE PREVENTION - RAPID ENTRY KEY BOX SYSTEMS**

- § 83-1. Purpose**
- § 83-2. Definitions.**
- § 83-3. Implementation.**
- § 83-4. Box type and responsibility for cost and expense.**
- § 83-5. Access Keys.**
- § 83-6. Violations.**
- § 83-7. Penalties.**
- § 83-8. Voluntary opt out/Indemnification and hold harmless.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 8-8-2011 as Ord. No. 2011-08.]**

**§ 83-1. Purpose.**

The Council of the Borough of South Greensburg hereby finds that the lack of a high speed, common key secured entry system in those structures herein defined: (i) impedes access by firefighters and other emergency service personnel; (ii) unreasonably extends response times; (iii) results in the increased risk of damage to property and harm to the residents of the Borough of South Greensburg; and (iv) poses a threat to the public health, safety and welfare. The purpose of this Chapter is to require owners of commercial properties, churches and certain multi-family dwellings to provide rapid entry key box systems to enable firemen and other emergency personnel to have immediate access to commercial properties, churches and/or residential dwellings which do not have immediate access by way of an outside entry.

**§ 83-2. Definitions.**

- A. **Common Key Rapid Entry Key Box** A fireproof and secure box or other structure affixed to the outside of a required structure, approved for use by the Council of the Borough of South Greensburg, containing keys for entry of all units within the required structure and having a single entry key in common with all other entry boxes in the Borough of South Greensburg.
- B. **Required Structure** - Any structure required to have a common key rapid entry key box pursuant to the terms of this Ordinance. A "required structure" for

purposes of this Ordinance shall be deemed to include, but be limited to, all commercial buildings housing a commercial enterprise within the Borough of South Greensburg regardless of the zoning classification in which it is located, all churches, a residential dwelling unit which does not have an independent exterior entry through a ground level door and any multi-family dwelling having a unit or units accessed through a common hallway or entryway. Nothing in this Ordinance shall be deemed or construed to prohibit the owners of other property within the Borough voluntarily to install a common key rapid entry key box pursuant to the terms of this Ordinance.

### **§ 83-3. Implementation.**

The owner of any required structure shall install and maintain a common key rapid entry key box on the exterior of the structure at or near a common entry door, in a location approved in writing by the South Greensburg Borough Volunteer Fire Department, to provide access to interior units by the South Greensburg Borough Fire Department and/or other emergency service personnel. Such key box shall be installed on the required structure upon any change in occupants of any commercial structure or the change in occupants of any dwelling unit within a required residential structure. The foregoing notwithstanding, all required structures shall cause such key boxes to be installed no later than February 1, 2012.

**§ 83-4. Box Type and Responsibility for Cost and Expense.**

The type of common key rapid entry key box installed shall be approved by the South Greensburg Borough Volunteer Fire Department and have a common entry key in common with all other common key rapid entry key boxes within the Borough. The cost, as reasonably determined by the Borough of South Greensburg, of acquisition and installation of the common key rapid entry key box shall be paid by the owner of the required property.

**§ 83-5. Access Keys.**

The owner of any required structure shall provide, place and keep copies of keys to the required structure and all units within the required structure in the common key rapid entry key box and shall clearly label each key with the door and number of each unit such key opens and/or serves. The South Greensburg Borough Volunteer Fire Department shall obtain the common key for the box from the manufacturer of same.

**§ 83-6. Violations.**

The failure of the owner of any required property to install a common key rapid entry key box when required to do so under this section, or to maintain keys for individual units within the required structure as set forth herein, shall be a violation of this Section and subject the violator to those penalties set forth hereafter.

**§ 83-7. Penalties.**

Any person who violates the provisions of this Ordinance shall, upon being found liable therefore in a judicial proceeding commenced by the Borough, be subject to a civil judgment of THREE HUNDRED and 00/100 (\$300.00) DOLLARS. All court costs, cost of prosecution, including the Borough's attorneys' fees and expenses, incurred in prosecution, shall be assessable in addition to any judgment entered. Each day that the condition giving rise to the entry of judgment continues to exist five (5) days after the date the initial judgment is entered, shall constitute a separate offense and be subject to those judgments, penalties, costs and expenses referenced herein.

In addition to the penalties contained herein, the Borough may, at its discretion, initiate any other action at law or in equity to compel the owner of a required structure to install the common key rapid entry key box contemplated by this Ordinance. In the event such other proceedings are initiated, all court costs, cost of prosecution, including the Borough's attorneys' fees and expenses, incurred in prosecution, shall be assessable in addition to any judgment, award or verdict entered. Such fees, costs and expenses may thereafter be collected by the Borough through any action at law or in equity, including, but not limited to the filing and prosecution of a municipal claim against the property.

**§ 83-8. Voluntary opt out/Indemnification and hold harmless.**

Should the owner(s) of any required structure elect not to comply with this Ordinance, such noncompliance shall not be considered a violation of this Ordinance, and no penalties or costs shall be incurred, but only if all of the following

requirements are met within thirty (30) days' written notice provided by the Borough of South Greensburg:

- A. Such opt-out is transmitted in writing to the Borough of South Greensburg by the owner(s) or any duly authorized representative thereof; and
- B. The owner(s) of the required structure executes an indemnification and hold harmless agreement in favor of the Borough of South Greensburg, such agreement covering any and all injury to property and persons and in a form and substance satisfactory to the Borough of South Greensburg; and
- C. The owner(s) of the required structure provided proof in writing to the Borough of South Greensburg that the owner(s) has notified its fire insurance carrier of such opt-out.

## **Chapter 86**

### **FLOOD DAMAGE PREVENTION**

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## **ARTICLE IX Definitions**

**§ 86-36. General.**

**§ 86-37. Specific Definitions.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 1-10-2011 as Ord. No. 2011-03.]**

### **GENERAL REFERENCES**

**Building construction — See Ch. 61.**

**Property maintenance — See Ch. 125.**

**Trailers and trailer parks — See Ch. 153.**

**Zoning — See Ch. 163.**

## **ARTICLE I Statutory Authorization**

**§ 86-1.**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the Borough of South Greensburg does hereby order as follows.

## **ARTICLE II**

### **Definitions**

#### **§ 86-2. Intent.**

The intent of this Ordinance is to:

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

#### **§ 86-3. Applicability.**

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of South Greensburg unless a Permit has been obtained from the Floodplain Administrator.
- B. A Permit shall not be required for minor repairs to existing buildings or structures.

#### **§ 86-4. Abrogation and greater restrictions.**

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

#### **§ 86-5. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

#### **§ 86-6. Warning and Disclaimer of Liability.**

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Borough of South Greensburg or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

### **ARTICLE III**

#### **Administration**

#### **§ 86-7. Designation of the Floodplain Administrator.**

As applicable, the Zoning Officer of the Borough of South Greensburg is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

#### **§ 86-8. Permits required.**

A Permit shall be required before any construction or development is undertaken within any are of the Borough of South Greensburg.

#### **§ 86-9. Duties and responsibilities of the Floodplain Administrator.**

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
  
- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and tire

U.S. Clean Water Act, Section 404, 33<sub>5</sub> U.S.C. 1344.  
No permit shall be issued until this determination has been made.

- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Borough Council for whatever action it considers necessary.

- G. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
- H. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2006 IBC and the 2006 IRC or latest revisions thereof.

**§ 86-10. Application procedures and requirements.**

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of South Greensburg. Such application shall contain the following:
  - 1. Name and address of applicant.
  - 2. Name and address of owner of land on which proposed construction is to occur.
  - 3. Name and address of contractor.
  - 4. Site location including address.
  - 5. Listing of other permits required.
  - 6. Brief description of proposed work and estimated cost, including a breakout of flood-related costs and the market value of the building before the flood damage occurred where appropriate.
  - 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and

clarity to enable the Floodplain Administrator to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
  2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
  3. Adequate drainage is provided so as to reduce exposure to flood hazards.
  4. Structures will be anchored to prevent floatation, collapse, or lateral movement.
  5. Building materials are flood-resistant.
  6. Appropriate practices that minimize flood damage have been used.
  7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
  2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - a. North arrow, scale, and date.
    - b. Topographic contour lines, if available.

- c. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development.
  - d. The location of all existing streets, drives, and other access ways.
  - e. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
  - b. The elevation of the base flood.
  - c. Supplemental information as may be necessary under 34 PA Code, the 2006 IBC or the 2006 IRC.
4. The following data and documentation:
- a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
  - b. Detailed information concerning any proposed floodproofing measures and corresponding elevations.
  - c. Documentation, certified by a registered professional engineer or architect, to show



that the cumulative effect of any proposed development within a Special Floodplain Area (see § 86-18 B) when combined with all other existing and documented, planned development will not increase the base flood elevation more than one (1) foot at any point.

- d. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.
- e. Detailed information needed to determine compliance with § 86-23 F., Storage, § 86-24, Development Which May Endanger Human Life, including:
  - i. The amount, location and purpose of any materials or substances referred to in §§ 86-23 F and 86-24 which are intended to be used, produced, stored or otherwise maintained on site.
  - ii. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 86-24 during a base flood.
- f. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- g. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to

implement and maintain erosion and sedimentation control.

5. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

### **§ 86-11. Review of application by others.**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

### **§ 86-12. Changes.**

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

### **§ 86-13. Placards.**

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

#### **§ 86-14. Start of construction.**

Work on the proposed construction and/or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

#### **§ 86-15. Inspection and revocation.**

##### **A. Notices.**

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

1. Be in writing.
2. Include a statement of the reasons for its issuance.
3. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires.

4. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties.

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a misdemeanor and upon conviction shall pay a fine to the Borough of South Greensburg, of not less than Twenty-five Dollars (\$25.00) and not more than Six Hundred Dollars (\$600.00) plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance

may be declared by the Borough Council to be a public nuisance and abatable as such.

**§ 86-16. Appeals.**

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Borough Council. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator, and must be received by the Borough Council within the thirty (30) day period.
- B. Upon receipt of such appeal, the Borough Council shall set a time and place, within not less than ten (10) or not more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

**ARTICLE IV**  
**Identification of Floodplain Areas**

**§ 86-17. Identification.**

The identified floodplain area shall be any areas of the Borough of South Greensburg, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 17, 2011, and issued by the Federal Emergency

Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Borough of South Greensburg and declared to be a part of this ordinance.

**§ 86-18. Description and special requirements of identified floodplain areas.**

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

**A. Floodway Area**

1. Description - the area identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.

2. Special Requirements:
  - a. Any encroachment that would cause any increase in flood heights shall be prohibited.
  - b. No new construction or development shall be allowed, unless a permit is obtained from the

Department of Environmental Protection  
Regional Office.

**B. Special Floodplain Area**

1. Description - the areas identified as Zones AE and A1-30 in the FIS which are subject to inundation by the 1-percent-annual chance flood event determined by detailed methods and have base flood elevations (BFEs) shown.
2. Special Requirements:
  - a. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
  - b. In Special Floodplain Areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and documented, planned development will not increase the BFE by more than one (1) foot.

**C. Approximate Floodplain Area**

1. Description - the areas identified as Zone A in the FIS which are subject to inundation by the 1-percent-annual-chance flood event determined using approximated methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.
2. Special Requirements:

- a. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- b. When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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

#### **D. Shallow Flooding Area**

1. Description - the areas identified as Zones AO and AH in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow



flooding where average depths are between one and three feet.

2. Special Requirements - Establish drainage paths to guide floodwaters around and away from structures on slopes.

### **§ 86-19. Changes in Identification of Area.**

The identified floodplain area may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data

### **§ 86-20. Boundary Disputes.**

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

## **ARTICLE V Technical Provisions**

### **§ 86-21. General.**

- A. Alteration or Relocation of Watercourse.

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
  2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
  3. In addition, the FEMA and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
- B. Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

## **§ 86-22. Elevation and Floodproofing Requirements.**

### **A. Residential Structures**

- (1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall

have the lowest floor (including basement) elevated up to, or above, the regulator flood elevation.

- (2) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulator flood elevation in accordance with Subsection 4.02.C.2b of this ordinance.
- (3) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- (4) The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

#### B. Non-residential Structures

- (1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
  - a. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water

- b. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (2) In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation in accordance with Subsection 4.02.C.2b of this ordinance.
  - (3) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
  - (4) Any non-residential structure or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
  - (5) The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and the 2006 International Residential Code (IRC) or the most recent

revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

C. Space below the lowest floor

- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. The bottom of all openings shall be no higher than one (1) foot above grade.
  - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Accessory structures

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

- (1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- (2) Floor area shall not exceed 100 square feet.
- (3) The structure will have a low damage potential.
- (4) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- (5) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
- (6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- (7) Sanitary facilities are prohibited.
- (8) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. The bottom of all openings shall be no higher than one (1) foot above grade.

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

### **§ 86-23. Design and Construction Standards.**

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

#### **A. Fill**

If fill is used, it shall:

- (1) Extend laterally at least fifteen (15) feet beyond the building line from all points.
- (2) Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted.
- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
- (4) Be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator.
- (5) Be used to the extent to which it does not adversely affect adjacent properties.

#### **B. Drainage Facilities**

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner, and shall be in full compliance with the Borough Storm Water Management Ordinance. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The

system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

#### C. Water and Sanitary Sewer Facilities and Systems

- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- (4) The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

#### D. Other Utilities

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

#### E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.



#### F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 86-24, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation.

#### G. Placement of Buildings and Structures

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

#### H. Anchoring

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

#### I. Floors, Walls and Ceilings

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

- (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

#### J. Paints and Adhesives

- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety,
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

#### K. Electrical Components

- (1) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

#### L. Equipment

- (1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

#### M. Fuel Supply Systems

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

#### N. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2006 or the latest edition thereof:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2006 or the latest edition thereof:

Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

**§ 86-24. Development Which May Endanger Human Life.**

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- (1) Will be used for the production or storage of any of the following dangerous materials or substances; or,
- (2) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- (3) Will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium Carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid

- Magnesium
  - Nitric acid and oxides of nitrogen
  - Petroleum products (gasoline, fuel oil, etc.)
  - Phosphorus
  - Potassium
  - Sodium
  - Sulphur and sulphur products
  - Pesticides (including insecticides, fungicides, and rodenticides)
  - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any Floodway Area, any structure of the kind described in Subsection A, above, shall be prohibited.
- C. Within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (5) feet landward from the top-of-bank of any watercourse.
- D. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
- (1) Elevated or designed and constructed to remain completely dry up to at least one and one half (1  $\frac{1}{2}$ ) feet above tire base flood elevation,
  - (2) Designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June

1972 as amended March 1992), or with some other equivalent watertight standard.

**§ 86-25. Special Requirements for Subdivisions.**

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

**§ 86-26. Special Requirements for Manufactured Homes.**

- A. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- B. Within Approximate Floodplain or Special Floodplain Areas, manufactured homes shall be prohibited within the area measured fifty (5) feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
  - (1) Placed on a permanent foundation.
  - (2) Elevated so that the lowest floor of the manufactured home is at least one and one half (1 1/2) feet above the base flood elevation.

(3) Anchored to resist flotation, collapse, or lateral movement.

D. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.

E. Consideration shall be given to the installation requirements of the 2006 IBC, and the 2006 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

### **§ 86-27. Special Requirements for Recreational Vehicles.**

Recreational vehicles in Zones A, A1-30, AH and AE must either:

- A. Be on the site for fewer than 180 consecutive days and
- B. Be fully licensed and ready for highway use, or
- C. Meet the permit requirements for manufactured homes in § 5.06.

**ARTICLE VI**  
**Activities Requiring Special Permits**

**§ 86-28. General.**

In accordance with the administrative regulations promulgated by the Department of Community Affairs and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Borough of South Greensburg:

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

**§ 86-29. Applications for Special Permits.**

Applicants for Special Permits shall provide five (5) copies of the following items:

- A. A written request including a completed Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.



- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
- (1) North arrow, scale and date.
  - (2) Topography based upon the North American Vertical Datum (NAVD) of 2988,, showing existing and proposed contours at intervals of two (2) feet.
  - (3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet.
  - (4) The location of all existing streets, drives, other access ways and parking areas, with information concerning widths, pavement types and construction, and elevations.
  - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
  - (6) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation elevations, and information concerning the flow of water, including direction and velocities.
  - (7) The location of all proposed buildings, structures, utilities and any other improvements.
  - (8) Any other information which the municipality considers necessary for adequate review of the application.

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

- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate.
- (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
- (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.
- (4) Detailed information concerning any proposed floodproofing measures.
- (5) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths.
- (6) Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades.
- (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
- (2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately

designed to protect against damage from the base flood.

- (3) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life.
- (4) A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flow.
- (5) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base-flood elevation and the effects such materials and debris may have on base-flood elevation and flow.
- (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.

- (8) Any other applicable permits, such as but not limited to a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166.
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

**§ 86-30. Application review procedures.**

Upon receipt of an application for a Special Permit by the Borough of South Greensburg, the following procedures shall apply, in addition to those of Article III:

- A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough of South Greensburg Planning commission and Borough of South Greensburg engineer for review and comment.
- B. If an application is received that is incomplete, the Borough of South Greensburg shall notify the applicant, in writing, stating in what respect the application is deficient.\_\_\_\_\_
- C. If the Borough of South Greensburg decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Borough of South Greensburg approves an application, it shall file written notification, together with the application and all pertinent information,

with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

- E. Before issuing the Special Permit, the Borough of South Greensburg shall allow the Department of Community and Economic Development thirty (30) days after receipt of the notification by the Department to review the application and decision made by the Borough of South Greensburg.
- F. If the Borough of South Greensburg does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough of South Greensburg and the applicant, in writing, of the reasons for the disapproval, and the Borough of South Greensburg shall not issue the Special Permit.

**§ 86-31. Special technical requirements.**

- A. In addition to the requirements of Article V of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article V of this Ordinance or in any other code, ordinance or regulation, the more restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the structure or

activity will be located, constructed and maintained in a manner which will:

- (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
  - (a) The structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the BFE.
  - (b) The lowest floor elevation will be at least one and one-half ( $1\frac{1}{2}$ ) feet above the base flood elevation.
  - (c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
- (2) Prevent any significant possibility of pollution, increased flood levels or flows or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to the Borough of South Greensburg and the Department of Community and Economic Development.

## **ARTICLE VII**

### **Existing Structures in Identified Floodplain Areas**

#### **§ 86-32. Existing Structures.**

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to an existing structure, the provisions of § 86-33 shall apply.

#### **§ 86.-33. Improvements.**

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

- A. No expansion or enlargement of an existing structure shall be allowed within any identified floodway area that would cause any increase in the BFE.
- B. No expansion or enlargement of any existing structure shall be allowed within any Special Floodplain Area that would, together with all other existing and documented, planned development, increase the BFE more than one (1) foot at any point..
- C. Any modification, alteration, reconstruction or improvement, of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- D. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2006 IBC and the 2006 IRC.

- E. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty (5) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- F. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

## **ARTICLE VIII**

### **Variances**

#### **§ 86-34. General.**

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

#### **§ 86-35. Variance procedure and conditions.**

Requests for variances shall be considered by the Borough of South Greensburg in accordance with the procedures contained in § 3.11 and the following:

- A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any Special Floodplain Area that would, together with all existing



and documents, planned development, increase the BFE more than one (1) foot at any point.

- C. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the requirements pertaining specifically to development regulated by Special Permit (Article VI) or to Development Which May Endanger Human Life (§ 86-24).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.
- E. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the Borough of South Greensburg shall notify the applicant, in writing, that:
  - (1) The granting of the -variance may result in increased premium rates for flood insurance.
  - (2) Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Borough of South Greensburg shall consider, but not be limited to, the following:
  - (1) That there is good and sufficient cause.
  - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) That the granting of the variance will
    - (a) Neither result in an unacceptable or prohibited increase in flood heights,

additional threats to public safety, or extraordinary public expense.

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

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

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

## **ARTICLE XIII**

### **Definitions**

#### **§86-36. General**

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

- 1 Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- 2 Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").
- 3 Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation

resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

- 4 Basement - any area of the building having its floor below ground level on all sides.
- 5 Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- 6 Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- 7 Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- 8 Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on

which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- 9 Flood - a temporary inundation of normally dry land areas.
10. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
11. Flood Insurance Study (FIS) - the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
12. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
13. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
14. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without

cumulatively increasing the water surface elevation more than one foot.

15. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
16. Historic structures - any structure that is:
  - (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (c) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
  - (d) Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
    - i. By an approved state program as determined by the Secretary of the Interior or
    - ii. Directly by the Secretary of the Interior in states without approved programs.

17. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
18. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
19. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
20. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical

or other work affecting public health or general safety.

21. New construction - structures for which the start of construction commenced on or after July 3, 1986, and includes any subsequent improvements thereto.
22. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
23. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
24. Recreational vehicle - a vehicle which is:
  - a. Built on a single chassis.
  - b. Not more than 400 square feet, measured at the largest horizontal projections.
  - c. Designed to be self-propelled or permanently towable by a light-duty truck.
  - d. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

25. Regulatory flood elevation - the base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1 1/2) feet.
26. Repetitive loss - flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
27. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
28. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
29. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation.



Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

30. Structure - a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
31. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
32. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the

market value of the structure before the damage occurred.

33. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however include either:
34. Uniform Construction Code (UCC) - The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
35. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to

be in violation until such time as that documentation is provided.

**Chapter 89**  
**GARAGE AND YARD SALE REGULATIONS,**  
**PERMITTING AND PENALTIES**

- § 89-1. Definitions.**
- § 89-2. Permit Required; Removal of Signs.**
- § 89-3. Frequency and Duration Limitations.**
- § 89-4. Fee for Permit.**
- § 89-5. Violation/Penalty.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 5-14-2012as Ord. No. 2012-05.]**

**§ 89-1. Definitions.**

The following terms shall have the meanings indicated:

GARAGE/YARD SALE - any public sale of goods on residential property including, but not limited to, residential properties, garage, home, lawn or yard.

The sale of an individual item, such as a vehicle, is not covered by this Ordinance.

HOUSEHOLD - the individual who applies for a permit and anyone who resides in that individual's residence.

PERMIT - the form that must be obtained, completed and submitted along with the respective fee to the Secretary of the Borough of South Greensburg prior to conducting a yard sale.

## **§ 89-2. Permit required; Removal of Signs.**

1. It shall be unlawful for any individual, group, corporation or other entity to conduct within the Borough of South Greensburg a garage/yard sale or permit a garage/yard sale to be held within the Borough on residential property under the individual's, group's, corporation's or other entity's control without first obtaining a garage/yard sale permit from the Borough.
2. Any individual, group, corporation or other entity conducting a garage/yard sale within the Borough of South Greensburg or outside the Borough limits or any individual, group, or corporation posting advertisements within the Borough limits for a garage/yard sale to be held inside or outside the Borough limits shall remove from within the Borough rights-of-way all signs, flyers, posters and bulletins no later than the date after the garage/yard sale. Should the garage/yard sale for any reason not be held, all signs, flyers, posters and bulletins advertising the garage/yard sale, must be removed no later than the scheduled last day for the garage/yard sale.

**§ 89-3. Frequency and duration limitations.**

1. Two garage/yard sales are permissible per household or residence in any 12-month period.
2. The maximum duration of any garage/yard sale shall be 2 consecutive calendar days.
3. The approved garage/yard sale must be held within 15 days of the issuance of the permit for that yard sale.

**§ 89-4. Fee for permit.**

1. The fee for the first permit issued to a household within any 12-month period shall be Five (\$5.00) Dollars.
2. The fee for the second permit issued to a household within the same rolling 12-month period as the first permit shall be Five (\$5.00) Dollars.
3. All permit fees shall be paid prior to issuance of the permit.
4. Duly qualified non-profit service organizations and charitable organizations may obtain up to two yard sale permits in any 12-month period without payment of any fee.
5. Neighborhood groups of five families or more may conduct one garage/yard sale per year without payment of any fee; however, such neighborhood group must obtain a permit in accordance with this Part.

**Exceptions: Permit fees and permits are not required for those events sponsored by the Borough of South Greensburg or its departments.**

## **§89- 5. Violation/Penalty.**

Any person, firm, corporation or other entity who or which shall violate any provision of this Ordinance, upon conviction thereof, shall be sentenced to a fine of not more than Fifty (\$50.00) Dollars, plus costs incurred by the Borough to enforce said violation. Each day that a violation continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

## **Chapter 90**

### **GARBAGE, RUBBISH AND REFUSE**

- § 90-1. Definitions.**
- § 90-2. Forbidden locations.**
- § 90-2.1 Prohibited activities.**
- § 90-3. Public nuisances.**
- § 90-4. Method of removal; garbage from outside borough.**
- § 90.5. Contracts for collection.**
- § 90-6. Length of contract.**
- § 90-7 Collection charges.**
- § 90-8. Vehicle specifications.**
- § 90.9. Disposal site.**
- § 90.10. Garbage containers.**
- § 90.11. Condition of containers.**

- § 90.12, Container size.
- § 90.13. Collection schedule.
- § 90.14. Collection points.
- § 90.15. Violations and penalties.
- § 90.16. Exemptions.

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 8-10-1979 as §§ 5.1 through 5.19 of Ch. 5 of the Code of Ordinances; amended in its entirety 11-14-1994 by Ord. No. 94-5. Subsequent amendments noted where applicable. Section 90.2.1 was amended 10-13-2008 by Ord. No. 2008-04. Amended Section 90.7(A)(3) on 12-18-2000 by Ord. no. 2000-08. Amended Sections 90-7(A)(1) and 90-7(A)(2) on 12-8-2015 by Ord. No. 2015-02.]**

**GENERAL REFERENCES**

- Brush, grass and weeds — See Ch. 57.
- Junkyards — See Ch. 103.
- Littering — See Ch. 108.
- Solid waste — See Ch. 142.
- Abandoned and junked vehicles — See Ch. 156.

**§ 90-1. Definitions.**

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

**GARBAGE** — Any solid waste derived from animal, grain, food or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

**PERSON** — Any individual or individuals, company, partnership, association, firm or corporation.

RUBBISH — Consist of ashes, cans, waste, broken or worn-out materials, papers, books, litter and refuse in general. The term "rubbish" shall not include solid waste resulting from the construction or demolition of buildings and other structures, including but not limited to wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. Further, the term shall not refer to tires, batteries or any other solid waste or combination of solid waste as defined in Act 97 of the Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

### **§ 90-2. Forbidden locations.**

It shall be unlawful to keep, burn or suffer to remain on any person's premises any garbage, rubbish or other offensive or unwholesome matter or to cast the same upon any vacant lot or upon any lot or piece of ground belonging to this borough or highway, street or alley or upon the shores or margins or without or upon any of the streams within this borough or so near the limits hereof as to annoy or be offensive.

### **§ 90-2.1 Prohibited activities.**

It shall be unlawful for any person to scavenge any materials delivered and deposited for disposal within the Borough of South Greensburg.

### **§ 90-3. Public nuisances.**

Any violation of this chapter is hereby declared to be a public nuisance, and the person violating the same, in addition to paying the fine and costs imposed, shall pay the costs of removing the same by the borough.



**§ 90-4. Method of removal; garbage from outside borough.**

All garbage and rubbish accumulated within the Borough of South Greensburg by borough residents or businesses located within the borough shall be collected and removed by the borough under the direction of the Street Commission and shall be disposed of by said Street Commission under the authority of the Borough Council. It shall be unlawful for any person or business to deposit garbage, rubbish or other refuse for collection within the borough, which garbage, rubbish or other refuse has been brought into the Borough of South Greensburg from outside borough limits.

**§ 90-5. Contracts for collection.**

A contract under this chapter shall from time to time be let to the lowest responsible bidder, after due advertisement according to law, which contract may contain, in addition to the requirements of this chapter, such other provisions not in conflict herewith as may be deemed advisable to incorporate herein, and such contract shall be executed by the President and Secretary of Council on behalf of the borough.

**§ 90-6. Length of contract.**

The first contract to be under this chapter shall be for a period of one (1) year and thereafter for such period as Council may deem proper.

**§ 90-7. Collection charges.**

- A. In the event that the borough provides for the collection of garbage and refuse by using its own equipment and employees to accomplish the same, garbage and refuse service charges shall be levied at the following rates:

- (1) Residential customers: One hundred forty Dollars (\$140.00) per annum.
- (2) Commercial customer:
  - (a) These charges shall be made on the basis of the number of pickups per week and the volume of garbage and/or refuse collected by the Borough. The following chart shall indicate the annual charge based upon said factors of the number of pickups per week and the volume collected as determined by the capacity dumpsters utilized:

# of days	no dumpster	2 yards	4 yards	6 yards	8 yards	10 yards	12 yards	14 yards	16 yards
1	\$244	\$976	\$1,464	\$1,952	\$2,440	\$2,928	\$3,416	\$3,904	\$4,392
2	\$488	\$1,952	\$2,440	\$2,928	\$3,416	\$3,904	\$4,392	\$4,880	\$5,368
3	\$732	\$2,928	\$3,416	\$3,904	\$4,392	\$4,880	\$5,368	\$5,856	\$6,344
4	\$976	\$3,904	\$4,392	\$4,880	\$5,368	\$5,856	\$6,344	\$6,832	\$7,320
5	\$1,220	\$4,880	\$5,368	\$5,856	\$6,344	\$6,832	\$7,320	\$7,808	\$8,296

- 2 Yard Dumpster:           \$352  
 4 Yard Dumpster:           \$704  
 6 Yard Dumpster:           \$1,056

All rates are expressed in annual terms. Basic charges are based upon four (4) bags per customer not utilizing a dumpster or sixteen (16) bags per customer using a dumpster.

- (b) The annual charge shall be that amount indicated in the particular box above which corresponds to the number of pickups per week as indicated in the left and the vertical column and the capacity of dumpsters utilized as indicated on the top of the chart and the horizontal column. By way of illustration, assuming there were two (2) days of pickup

per week utilizing a four (4) yard dumpster, the charge would be two thousand four hundred forty dollars (\$2,440.00) per year. In another illustration, assuming that there were five (5) pickups per week and a two (2) yard dumpster utilized, the fee would be four thousand eight hundred eighty dollars (\$4,880.00) per year. The Borough of South Greensburg shall solely make the determination as to the number of days of pickup per week and the capacity of dumpsters to be utilized by each particular customer. Said determination shall be based upon factors of health, safety and public welfare.

- (c) In the event that any commercial customers use dumpsters for the collection of garbage, they must use dumpsters provided by the Borough of South Greensburg and pay the established rental rate as established by the Borough of South Greensburg.
  - (d) Dumpster rental rates are three hundred fifty-two dollars (\$352.00) per year for a two-yard dumpster, seven hundred four dollars (\$704.00) per year for a four-yard dumpster and one thousand fifty-six dollars (\$1,056.00) per year for a six-yard dumpster..
- (3) Home Occupations: By obtaining a one-time occupation permit for major or minor home occupation business, if a property owner has indicated that the property use is commercial, then the property owner shall pay the commercial rate provided in Section A(2). Notwithstanding the foregoing, if a business operates out of a residential structure, but is not operated by the residents, then the residents will pay the residential rate provided in Section A(1) and the

business shall pay the commercial rate provided in Section A(2).

- B. There is hereby imposed upon the property owners or the users of the garbage and refuse collection service provided by the borough in or on all property situate within the corporate limits of the borough's garbage and refuse collection system a service charge for said collection of garbage and refuse according to the above stated rates, payable as hereinafter provided. The service charges shall begin to accrue from and after October 1, 1978, and said owners and users shall be jointly and severally liable for the payment of the service charges and the penalty herein described for delinquent payment thereof.
- C. All bills for collection service charges shall be issued quarterly. The first quarterly bill each year shall state the annual collection service charge, and a five-percent discount shall be allowed on annual collection service charge bills paid within thirty (30) days from the date of the bill.
- D. Quarterly bills for collection service charges shall be due when rendered and shall be subject to a penalty of ten percent (10%) if not paid by the end of the first month of the applicable quarter in which the quarterly bill was rendered.
- E. In addition, should said quarterly bills remain unpaid at the end of the calendar year in which said quarterly bills were rendered, then, in that event, interest at the rate of ten percent (10%) per annum shall be due on the face amount of said billings, said interest charges commencing the first day of the first calendar year following the calendar year in which said quarterly bills have been rendered.
- F. Such collection service charges shall be collectible by the borough in any manner as provided by law in such cases, including by action of assumpsit or by a lien to

be filed and collected in the same manner as municipal claims.

**§ 90-8. Vehicle specifications.**

The contractor shall be required to collect and remove garbage, rubbish and other refuse from the borough in a motor-driven vehicle or vehicles, which shall be equipped with watertight beds constructed of an impervious material and while in transit shall be covered with a tarpaulin or other covering similar thereto and to so conduct the collection, removal and transportation of the garbage, rubbish and other refuse under such contract so as to assure general sanitation through the entire process and operation thereof and shall not be overfilled so as to endanger fouling the highways. The vehicle so used shall be cleaned at sufficiently frequent intervals to prevent any nuisance from odors.

**§ 90-9. Disposal site.**

The contractor shall empty all containers in a clean manner so as not to foul the premises or highways. The contractor shall also be required at his own cost and expense to furnish, maintain and operate without the borough limits a dump or incinerator or other means of disposing of the garbage, rubbish and other refuse of sufficient size to dispose of the maximum quantity of garbage, rubbish or other refuse collected by him and to furnish at his own cost all vehicles, machinery and equipment necessary for the proper performance of such contract, except that he shall not be required to furnish the container or receptacle contemplated to be provided by the person using or occupying the premises from which garbage shall be collected.

### **§ 90-10. Garbage containers.**

Every person from whose premises garbage is gathered shall place the same in a portable container, made of metal or other nonabsorbent material, watertight with a handle or handles on the outside, and with a tightly fitting cover to hold said garbage and to weigh not more than sixty (60) pounds when filled.

### **§ 90-11. Condition of containers.**

All garbage cans or containers shall be kept in a sanitary condition by the person from whose premises said garbage is to be collected. All garbage shall be carefully wrapped in dry paper before being placed in the garbage container, and no more water shall be allowed or permitted in the garbage than naturally accumulates from table refuse.

### **§ 90-12. Container size.**

All containers for rubbish and other refuse shall be of sturdy and durable material and shall not weigh more than sixty (60) pounds when filled.

### **§ 90-13. Collection schedule.**

The collection schedule shall be set and approved by the Sanitation Commission.

### **§ 90-14. Collection points.**

On the days when collection of garbage, rubbish and other refuse is to be made, the person from whose premises it is accumulated shall place the container at a point on the alley or street or on the premises where it is readily accessible to collectors and where no alley exists, just inside the pavement line of street.

### **§ 90-15. Violations and penalties.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof before any District Justice, be subject to a fine not exceeding six hundred dollars (\$600.) and costs or, in default of payment of the fine and costs, to imprisonment in the county jail for not more than thirty (30) days.

### **§ 90-16 . Exemptions.**

This chapter specifically exempts all persons who live alone and have income, both earned and unearned a including Social Security and pension payments, of less than four thousand dollars (\$4,000.) per year. Also exempted are households with two (2) or more persons who have joint income, both earned and unearned and including Social Security and pension payments, of less than eight thousand dollars (\$8,000.) per year. However, any persons claiming the exemptions as herein provided are hereby required to make application to the Council of the Borough of South Greensburg or its designated agent by January 31 of any calendar year for those persons who are residents or property owners of the Borough of South Greensburg on the first day of January of each calendar year; and for those persons who become residents or property owners in the Borough of South Greensburg after January 1 of any calendar year, they shall make application within thirty (30) days after receipt of the first billing for collection services.

## **Chapter 93**

### **GASOLINE STATIONS**

**§ 93-1. Definitions.**

**§ 93-2. Signs to be posted.**

**§ 93-3. Self-service filling station regulations.**

**§ 93-4. Violations and penalties.**

**§ 93-5. Applicability.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 7-14-1986 as Ord. No. 86-9. Sections 93-3B and C and 93-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire prevention — See Ch. 79.

Fire suppression systems — See Ch. 82.

#### **§ 93-1. Definitions.**

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

**RETAIL FILLING STATION** — Any place in the Borough of South Greensburg where pumps or other dispensing devices are available for the dispensing of gasoline or other flammable liquids or for the dispensing of such materials to more than five (5) persons, users or vehicles per day, and such dispensing is done only by the station attendant.

**SELF-SERVICE STATION** — Any place in the Borough of South Greensburg where pumps or other such dispensing is done by the customer only when all requirements are met for the safety of such dispensing.



### **§ 93-2. Signs to be posted.**

Every retail filling station located in the Borough of South Greensburg shall at all times have posted at each pump on the premises a sign of minimum size twelve by fifteen (12 x 15) inches with lettering no less than a uniform size of one-half ( $\frac{1}{2}$ ) inch, containing the following statement:

"IT IS UNLAWFUL UNDER CHAPTER 93  
OF THE CODE OF THE BOROUGH OF  
SOUTH GREENSBURG FOR CUSTOMERS  
TO HANDLE PUMPS OR HOSES FOR THE  
DISPENSING OF FLAMMABLE LIQUIDS  
AT THIS STATION."

### **§ 93-3. Self-service filling station regulations.**

Every self-service filling station located in the Borough of South Greensburg shall follow the following regulations:

- A. Obtain all proper permits and meet all state requirements.
- B. Meet all requirements of the National Fire Protection Association (NFPA) Code.<sup>1</sup>
- C. Install on each service island a total suppression system designated by a suppression system engineer and approved by the Borough Fire Marshal with an automatic capability and also manual firing capability from the service island and from the control point in the station.
- D. Install for each self-service station a master fire alarm box, self-energized, located on the outside of the structure and meeting all borough requirements for proper installation. This box will trip automatically if there should be a firing of the suppression system,

either automatically or manually. There shall also be a manual pull located at the control desk in the station. The box shall be a Gamewell Fire Alarm Box and final installation approved and assignment numbers shall be obtained from the Borough Electrician.

**§ 93-4. Violations and penalties.<sup>3</sup>**

Any person, firm, partnership or corporation who or which shall violate the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.) and costs of prosecution or, upon default in payment of the fine and costs, to imprisonment for not more than thirty (30) days.

**§ 93-5. Applicability.**

This chapter shall apply to all new stations and existing stations in the Borough of South Greensburg.

**Chapter 97  
HEATING EQUIPMENT**

- § 97-1. Restrictions on gas heaters.**
- § 97-2. Monthly reports of sales.**
- § 97-3. Inspection of records.**
- § 97-4. Installation requirements.**
- § 97-5. Approval required.**
- § 97-6. Enforcement.**
- § 97-7. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 10-8-1979 as §§ 6.71 through 6.78 of Ch. 6 of the Code of Ordinances. Sections 97-2, 97-3, 97-6 and 97-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable. Repealed 5-8-2000 by Ord. No. 2000-07.]**

#### **GENERAL REFERENCES**

**Fire prevention — See Ch. 79.**

**§ 97-1 through 97-7 Repealed.**

### **Chapter 103 JUNKYARDS**

- § 103.1. Definitions.**
- § 103.2. Compliance required.**
- § 103.3. Fencing required.**
- § 103.4. License procedure.**
- § 103.5. Bond.**
- § 103.6. Cleaning on discontinuance; action by borough.**
- § 103.7. Compliance by existing junkyards.**
- § 103.8. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 90.

Property maintenance — See Ch. 125.

Zoning — See Ch. 163.

### **§ 103-1. Definitions.**

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

**ADMINISTRATIVE OFFICER** — The person designated by the Borough Council to administer this chapter. In the absence of any specific designation, the Zoning Officer of the Borough of South Greensburg shall act as "administrative officer."

**BOROUGH** — The Borough of South Greensburg.

**JUNKYARD** — Any building, structure, yard or place which is used to keep, store, sort, bale or pile, for private or commercial purposes, any old, used or secondhand materials such as rags, paper, glass, lumber, metal, tires and similar or related items commonly known as "junk."

**PERSON** — Any natural person, partnership, association, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

**SCRAP YARD** — Any building, structure, yard or place which is used to keep, store, bale or pile, for private or commercial purposes, any old, used or secondhand motor

vehicles or parts thereof and similar or related items commonly known as "scrap." For the purposes of this chapter, the term "junkyard" shall include "scrap yard."

### **§ 103-2. Compliance required.**

From and after the passage of this chapter, it shall be unlawful for any person to own, maintain or in any manner operate on property owned, leased or occupied by him any junkyard other than provided by the regulations set forth in this chapter.

### **§ 103-3. Fencing required.**

- A. All junkyards in the Borough of South Greensburg shall be completely surrounded by a fence or a wall not less than eight (8) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure.
- B. The fence or wall required by Subsection A above shall be located outside the right-of-way of any adjacent road or street and at least ten (10) feet back from the face of any curb or point where a curb would be located under applicable borough regulations. The fence or wall shall have a smooth and finished exterior surface and shall be properly maintained at all times.

**§ 103-4. License procedure.**

- A. Application. A written application for a junkyard license signed by the owner of the property and the operator or proposed operator of the junkyard shall be submitted to the administrative officer and shall include the following:
  - (1) A description or plan sufficient to identify the property and the size of the property on which the junkyard is to be conducted.
  - (2) A general description of the operation proposed to be conducted.
  - (3) An agreement that the owner of the property and the operator or proposed operator of the junkyard will provide the security required by § 103-5 of this chapter.
  - (4) A check or cash for the amount of the license fee for one (1) year as provided in Subsection F of this section.
- B. Issuance. If the administrative officer finds that the application is in order and that the proposed junkyard will comply with all the provisions of this chapter and of all other governmental laws, ordinances, rules and regulations, he shall so notify the applicants. Upon the posting by the applicants of the security required by § 103-5 of this chapter, the administrative officer shall issue a license.
- C. Term. A junkyard license shall be valid for one (1) year from the date of its issuance.
- D. Renewal.
  - (1) An application for renewal of a license for an additional year shall be submitted, in writing, to

the administrative officer, along with a check for the license fee, not later than thirty (30) days before the expiration date of the license. It shall include all the information required by Subsection A of this section, but for this information it may refer back to the original application.

- (2) In passing upon an application for renewal, the administrative officer shall take into account whether the previous operation of the junkyard has complied with this chapter and with all other governmental laws, ordinances, rules and regulations. The provisions of Subsection B of this section shall apply to the renewal of licenses.

E. Revocation. If at any time the administrative officer finds that a licensee is violating any of the terms of this chapter, he shall give the owner of the land and the operator of the junkyard written notice to comply with the chapter within five (5) days. If the violation continues after the expiration of the five (5) days, the administrative officer may forthwith revoke the license.

F. Fee. The annual fee for a junkyard license shall be set by resolution of the Borough Council.

### **§ 103-5. Bond.**

Applicants for junkyard licenses shall execute and deposit with the Borough of South Greensburg a bond in the amount of twenty-five thousand dollars (\$25,000.), such bond to be conditioned to insure that the operation of the junkyard shall be in strict compliance with the terms of this chapter and with all other governmental laws, ordinances, rules and regulations.

**§ 103-6. Cleaning on discontinuance; action by borough.**

Whenever the operation or maintenance of a junkyard is discontinued or abandoned, the operator and the owner of the land shall both be responsible for the removal of all junk and the cleaning up on the site. If they fail in this task, the borough may perform it or have it performed by others and may collect the cost thereof from the licensee and/or from the security which it holds.

**§ 103-7. Compliance by existing junkyards.**

Any junkyard in existence at the time of the effective date of this chapter must comply with its provisions within three (3) months of its effective date.

**§ 103-8. Violations and penalties.**

- A. Any person or persons violating any of the provisions of this chapter shall, for each and every violation, upon conviction thereof before any District Justice, be subject to a fine of not more than six hundred dollars (\$600.) for each and every offense, and the proceedings for the recovery of such fine or penalty may be commenced either by warrant or summons at the discretion of the District Justice before whom the proceedings are commenced. All and every such fine or penalty so recorded shall be paid to the treasurer of the borough for the use of the borough, and, upon judgment being rendered against any person in default of the payment of the fine and penalty imposed and



the costs, the person or persons so in default shall be sentenced and committed to the county jail for a period of not exceeding thirty (30) days. The imposition of one (1) fine or penalty for any violation of this chapter shall not excuse the violation or permit it to continue, and all offending person or persons shall be required to remedy such violation after notice to do so. Each day that the violation continues shall constitute a separate offense.

- B. In addition, upon conviction of a violation as is cited above, the junkyard permit shall be revoked until such time as the violation of this chapter is remedied. Upon a finding that said violation has been remedied and all fines and penalties imposed have been paid, a new permit shall be provided to the violator, provided that the security in the proper amount is posted as is required for a new application.